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BEFORE THE HEARINGS OFFICER

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KLAMATH COUNTY, OREGON

1  
2  
3  
4 In the Matter of Request for )  
5 Variance No. 79-24, for )  
6 Theodore J. Paddock, Applicant )  
7 )

Klamath County Planning  
FINDINGS OF FACT AND ORDER

8  
9 A Hearing was held in this matter at Klamath Falls,  
10 Oregon, on July 11, 1979, pursuant to notice given in conformity  
11 with Ordinance No. 35, Klamath County, before the Klamath County  
12 Hearings Officer, Jim Spindor. The applicant was present. The  
13 Klamath County Planning Department was represented by Carl Shuck.  
14 The Hearings Reporter was Barbara Thomson.

15 Evidence was presented on behalf of the Department and  
16 on behalf of the applicant. There were no adjacent property own-  
17 ers present who stated they had objections to the proposed  
18 Variance requested by the applicant.

19 The following exhibits were offered, received, and made  
20 a part of the record:

21 Klamath County Exhibit A, the Staff Report  
22 Klamath County Exhibit B, photos of subject property  
23 Klamath County Exhibit C, Klamath County Assessor's  
24 map of the subject property  
25 Applicant's Exhibit No. 1, Plot Plan  
26 Applicant's Exhibit No. 2, copy of Klamath County  
27 Assessor's Map

28 The hearing was then closed, and based upon the evidence  
submitted at the hearing, the Hearings Officer made the following

1 Findings of Fact:

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2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circumstan-  
4 ces which apply to the property involved which do not generally  
5 apply to other property in the vicinity, in that the only portion  
6 of the applicant's property on which an addition of a car wash  
7 can be placed requires the granting of this Variance.

8 2. The granting of this Variance is necessary for the  
9 preservation and enjoyment of the applicant's right to make full  
10 use of his property, a right which is possessed by other property  
11 owners in the vicinity; if this Variance is not granted, undue  
12 hardship will be caused to the owner.

13 3. No one testified in opposition to the Variance, and  
14 there was no evidence that there would be any detrimental effect  
15 to the public health, safety, or welfare, or any detrimental  
16 effect to abutting property owners.

17 4. The requested Variance is the minimum Variance which  
18 will alleviate the hardship, due to the size of the applicant's  
19 property and the placement of the present gas station thereon.

20 5. The granting of this Variance will not allow use of  
21 the property for a purpose which is not authorized within the zone  
22 within which the property is located.

23 6. The granting of this Variance is consistent with  
24 the goals of the L.C.D.C.

25 The Hearings Officer, based on the foregoing Findings  
26 of Fact, accordingly orders as follows:

27 That real property described as the

28 "parcel of land generally located on the southwest

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corner of Altamont Drive and Boardman Avenue,  
in the South Suburban Area, and more particularly  
described as Lot 1, Tax Lot 100, First Addition  
of Altamont Acres, Township 39, Range 9, Section  
3, Klamath County, Oregon."

is hereby granted a Variance in accordance with the terms of the  
Klamath County Zoning Ordinance No. 35, and, henceforth, will be  
allowed a side yard variance from 70 feet to 10 feet in the C-2  
(Commercial Community) zone.

Entered at Klamath Falls, Oregon, this 4th day of  
September, 1979.

KLAMATH COUNTY HEARINGS DIVISION

BY: [Signature]  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 5th day of September A. D. 1979 at 2:12 o'clock P. M., or.

uly recorded in Vol. M79, of Deeds on Page 21210

Wm D. MILNE, County Clr

By [Signature]

No Fee