

735.11

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance No. 79-23, Robert P.) Klamath County Planning  
Reynolds, Applicant ) FINDINGS OF FACT AND ORDER

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

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Variance requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, Klamath County Assessor's Map of the subject property
- Klamath County Exhibit D, Letter from Bureau of Reclamation
- Applicant's Exhibit No. 1, Plot Plan

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

1 Findings of Fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circum-  
4 stances which apply to the property involved which do not general-  
5 ly apply to other property in the vicinity, in that the only  
6 portion of the applicant's property on which an addition of the  
7 nature contemplated can be placed, requires the granting of this  
8 Variance.

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

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

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

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

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

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

28 That real property described as the

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"parcel of land generally located west of  
Bisbee Street and approximately 206 feet  
north of Laverne Avenue, being in the South  
Suburban area, and more particularly described  
as Lot 13, Tax Lot 2000 of Altamont Acres,  
Section 10, Township 39, Range 9, 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 10' to 4'6" in the RA  
(Residential Agriculture) zone.

Entered at Klamath Falls, Oregon, this 4<sup>th</sup> 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. and

duly recorded in Vol. M79, of Deeds on Page 21213

Wm D. MILNE, County Clerk

By [Signature]

No Fee \$