

KLAMATH COUNTY PLANNING COMMISSION

78346

KLAMATH COUNTY, OREGON

Vol. 79

Page 29094

IN THE MATTER OF THE REQUEST)  
FOR VARIANCE FOR SIDE YARD )  
SETBACKS FOR ROBERT PUCKETT )  
NO. 79-29 )

O R D E R

THIS MATTER having come on for hearing upon the application of Robert Puckett for Keno Fire Station No. 79-29 by the Klamath County Planning Commission on real property described as Township 39, Range 8, Section 31, Tax Lots 500 and 503, Klamath County, Oregon. Public hearings having been heard by the Klamath County Planning Commission on September 25, 1979, wherefrom the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department Staff, and other persons in attendance, the Planning Commission approved Variance No. 79-29 for side yard setbacks, being (1) on front (west) 50 feet to 40 feet; (2) rear (east) from 100 feet to 70 feet; and, (3) side (north) from 100 feet to 86 feet.

The Planning Commission makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance.

FINDINGS OF FACT:

1. The Planning Commission found per testimony from the applicant that the exceptional circumstances to the property is the high elevation at the north end, making it necessary to locate building at end of property to allow for proper drainage and water runoff.

2. The Planning Commission found per testimony that

1 the site for the fire station was different in topography, and,  
2 therefore was the reason for the request of the said variance.

3 3. The Planning Commission found per testimony that  
4 the variance would allow the fire station to be built as shown by  
5 plot plan, Applicant's Exhibit No. 1, and, therefore allowing  
6 applicant to have the enjoyment of a substantial property right.

7 4. The Planning Commission found the variance would  
8 have no effect on surrounding property and that in fact the fire  
9 station would provide a community service to help protect the  
10 public health, safety, and welfare.

11 5. The Planning Commission found per testimony that  
12 the variance would alleviate the hardship as it would enable the  
13 fire station to be built as indicated by Applicant's Exhibit No. 1  
14 the plot plan.

15 CONCLUSIONS OF LAW:

16 1. There are exceptional and extraordinary circumstances  
17 or conditions applicable to the property involved which do not  
18 generally apply to other property in the same vicinity and zone.

19 2. A variance is necessary for the preservation and  
20 enjoyment of a substantial property right of the applicant which  
21 right is possessed by other property owners under like conditions  
22 in the same vicinity and zone.

23 3. The granting of the requested variance will not be  
24 materially detrimental to the public health, safety, convenience  
25 and welfare or injurious to the property improvements in the same  
26 vicinity and zone in which the property affected is located and  
27 will not be contrary to the intent of this Ordinance.

28 4. The variance requested is the minimum variance from

1 the provisions and standards of this regulation which will allevi-  
 2 ate the hardship.

3 NOW, THEREFORE, it is hereby ordered that the applica-  
 4 tion for Variance No. 79-29 for yard setbacks as mentioned above  
 5 on a parcel of land zoned SP-15 (Public Facility) for Robert  
 6 Puckett on subject property is hereby approved.

7 DONE AND DATED THIS 18th DAY OF December, 1979.

8  
 9 Chairman

10  
 11 Vice Chairman

12  
 13 Member

14  
 15 Member

16  
 17 Member

18  
 19 Member

20  
 21 Member

22  
 23 Member

24 State of Oregon, } ss.  
 25 County of Klamath }

26 I hereby certify that the within instrument was  
 27 received and filed for record on the 19th  
 28 day of December, 19 79, at 8:52  
 o'clock A.M. and recorded on Page 29094  
 in Book M79 Records of Deeds  
 of said County.

WM. D. MILNE, County Clerk

By Gertrude H. Hetch Deputy

Fee None

26 APPROVED AS TO FORM:  
 27 Boivin, Boivin, & Aspell

28 BY Robert Puckett

VAR. 79-29  
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