

78177

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 79

Page

29312

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In the Matter of Request for)

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Variance No. 79-31, for Charles)

Klamath County Planning

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Maddox, Applicant)

FINDINGS OF FACT AND ORDER

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A hearing was held in this matter at Klamath Falls,
Oregon, on October 10, 1979, pursuant to notice given in conform-

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ity with Ordinance No. 35, Klamath County, before Klamath County

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Hearings Officer, Jim Spindor. The applicant was present. The

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Klamath County Planning Department was represented by Jonathan

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Chudnoff. The Hearings Reporter was Barbara Thomson.

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Evidence was presented on behalf of the Department and
on behalf of the applicant. There were no adjacent property

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owners present who stated they had objections to the proposed

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variance requested by the applicant.

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

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Klamath County Exhibit A, the Staff Report

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Klamath County Exhibit B, photos of subject property

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Klamath County Exhibit C, Klamath County Assessor's

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Map of the subject property

22

Applicant's Exhibit No. 1, the Plot Plan

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

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Findings of Fact:

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FINDINGS OF FACT:

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1. There are exceptional and extraordinary circum-
stances which apply to the property involved which do not general-

1 ly apply to other property in the vicinity, in that the only
2 portion of the applicant's property on which an addition of the
3 nature contemplated can be placed requires the granting of this
4 variance.

5 2. The granting of this variance is necessary for the
6 preservation and enjoyment of the applicant's right to make full
7 use of his property, a right which is possessed by other property
8 owners in the vicinity.

9 3. If this variance is not granted, undue hardship will
10 be caused to the owner.

11 4. No one testified in opposition to the variance, and
12 there was no evidence that there would be any detrimental effect
13 to the public health, safety, or welfare, or any detrimental
14 effect to abutting property owners.

15 5. The requested variance is the minimum variance which
16 will alleviate the hardship due to the size of the applicant's
17 property and the placement of the present residence thereon.

18 6. The granting of this variance will not allow use
19 of the property for a purpose which is not authorized within the
20 zone within which the property is located.

21 7. The granting of this variance is consistent with
22 the goals of the L.C.D.C.

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

25 That real property described as the

26 "parcel of land approximately 19,200 square
27 feet in size and generally located approximately
28 286 feet east of Wiard Street and north of Miller
Avenue, and more particularly described as Lot
107 of Pleasant Home Tracts No. 2, Township 39,

29314

Range 9, Section 2, being Tax Lot 2200,
Klamath County, Oregon"

is hereby granted a variance in accordance with the terms of the
Klamath County Zoning Ordinance No. 35, and, henceforth, the side
yard setback from 10 feet to 3 feet is hereby granted in the RA
(Residential Agricultural) zone.

Entered at Klamath Falls, Oregon, this 18th day of

December, 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 21st day of December A. D. 1979 at 1:50 o'clock P. M., and

truly recorded in Vol. 879, of Deeds on Page 29312

W. D. MILNE, County Clerk

By [Signature]

No Fee \$