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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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In the Matter of Request for)
Variance No. 79-34 for Ronald)
W. Stevenson, Applicant)

Klamath County Planning
FINDINGS OF FACT AND ORDER

A Hearing was held in this matter at Klamath Falls, Oregon, on October 10, 1979, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present and represented by Tim Bailey, Attorney at Law. The Klamath County Planning Department was represented by Jonathan Chudnoff. 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 subject property
- Klamath County Exhibit C, Klamath County Assessor's map of subject property
- Klamath County Exhibit D, memo to file regarding a telephone call from Charles Ross, Fire Marshall, of South Suburban Fire District
- 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 applicant's
6 property is an odd shape due to the abutting property owners and
7 to the abutting public street.

8 2. The granting of this variance is necessary for the
9 preservation and the enjoyment of the applicant's right to make
10 full use of his property, a right which is possessed by other
11 property owners in the vicinity; if this variance is not granted,
12 undue 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 ef-
16 fect to abutting property owners.

17 4. The requested variance is the minimum variance which
18 will alleviate the hardship due to the size and shape of the appli-
19 cant's property.

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 in 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 7. The granting of this variance is subject to the
26 following conditions:

27 CONDITIONS:

28 1. Any building or buildings constructed at the point

1 of said variance shall not contain windows, and shall not be
2 over one (1) story in height. 29317

3 2. Applicant shall provide a driveway with an entrance
4 and an exit through his property of not less than 20 feet in width.

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

7 That real property described as the
8 " parcel of land approximately 43,560 square
9 feet in size, generally located north of South
10 Sixth Street and approximately 132 feet east of
11 Madison Avenue, and more particularly described
as Township 39, Range 9, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1,
Tax Lots 3800 and 4200, Klamath County, Oregon".

12 is hereby granted a Variance in accordance with the terms of the
13 Klamath County Zoning Ordinance No. 35, and henceforth the side
14 yard setback from 70 feet to 5 feet will be allowed in the C-5
15 (Commercial Highway) zone.

16 Entered at Klamath Falls, Oregon, this 18th day of
17 December, 1979.

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19
20 KLAMATH COUNTY HEARINGS DIVISION

21 By: DoDman
22 Hearings Officer

23
24 STATE OF OREGON; COUNTY OF KLAMATH; ss.

25 Filed for record at request of Klamath County

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

27 duly recorded in Vol. M79, of Deeds on Page 29315

28 W. D. MILNE, County Clerk

VAR. 79-34
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No Fee

By: DoDman