

78479

1 In the Matter of Request for )  
2 Variance No. 79-28, for James )  
3 Doig, Applicant )  
4

Klamath County Planning  
FINDINGS OF FACT AND ORDER

5 A hearing was held in this matter at Klamath Falls,  
6 Oregon, on October 10, 1979, pursuant to notice given in conform-  
7 ity with Ordinance No. 35, Klamath County, before Klamath County  
8 Hearings Officer, Jim Spindor. The applicant was present. The  
9 Klamath County Planning Department was represented by Jonathan  
10 Chudnoff. The Hearings Reporter was Barbara Thomson.

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

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

17 Klamath County Exhibit A, the Staff Report  
18 Klamath County Exhibit B, photos of subject property  
19 Klamath County Exhibit C, Klamath County Assessor's Map  
20 of the subject property

21 Applicant's Exhibit No. 1, the Plot Plan  
22 The hearing was then closed, and based upon the evidence  
23 submitted at the hearing, the Hearings Officer made the following

24 Findings of Fact:

25 FINDINGS OF FACT:

26 1. There are exceptional and extraordinary circumstances  
27 which apply to the property involved which do not generally apply  
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1 to other property in the vicinity, in that the only portion of  
2 the applicant's property on which an addition of the nature  
3 contemplated can be placed requires the granting of this variance.

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

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

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

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

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

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

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

24           That real property described as the

25           "parcel of land approximately  $\frac{1}{2}$  acre in size  
26 generally located approximately 170 feet west  
27 of Jennie Drive and north of Leach Drive, in  
28 the community of Midland, and more particularly  
described as Lot 8 of Midland Hills Estates,  
Township 40, Range 8, Section 1, being Tax  
Lot 2900, Klamath County, Oregon"

29320

1 is hereby granted a variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 35, and, henceforth, the  
3 side yard setback from 10 feet to 6 feet is hereby granted in the  
4 RA (Residential Agricultural) zone.

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Entered at Klamath Falls, Oregon, this 18<sup>th</sup> day of  
December, 1979.

KLAMATH COUNTY HEARINGS DIVISION

BY: DoDgman  
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 5:50 o'clock P. M., and

duly recorded in Vol. M7,908 Deeds on Page 29313

**W. D. MILNE**, County Clerk

No Fee