

78481

KLAMATH COUNTY, OREGON

1
2 In the Matter of Request for) Klamath County Planning
3 Variance No. 79-27, for Bobby) FINDINGS OF FACT AND ORDER
4 L. Austin, Applicant)
5

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

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

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

18 Klamath County Exhibit A, the Staff Report
19 Klamath County Exhibit B, photos of subject property
20 Klamath County Exhibit C, Klamath County Assessor's
21 map of the subject property
22 Applicant's Exhibit No. 1, Plot Plan
23 Applicant's Exhibit No. 2, Letter from Marvin Cunningham
24 Applicant's Exhibit No. 3, Letter from Walter Crowther

25 The hearing was then closed, and based upon the evidence
26 submitted at the hearing, the Hearings Officer made the following
27 Findings of Fact:

28 FINDINGS OF FACT:

1 1. There are exceptional and extraordinary circum-
2 stances which apply to the property involved which do not
3 generally apply to other property in the vicinity, in that the
4 only portion of the applicant's property on which a garage can
5 be placed requires the granting of this variance.

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

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

12 4. No one testified in opposition to the variance.

13 5. There is no evidence that there would be any detri-
14 mental effect to the public health, safety, or welfare, or any
15 detrimental effect to abutting property owners.

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

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

22 8. The granting of this variance is consistent with
23 the goals of the L.C.D.C.

24 9. The granting of this variance is subject to the
25 following condition.

26 CONDITION:

27 1. The height of the garage will not exceed the height
28 of the existing building.

The Hearings Officer, based upon the foregoing Findings of Fact, accordingly orders as follows:

That real property described as the

"parcel of land approximately 63,742 square feet in size and generally located approximately 314 feet south of Fawn Lane and west of Mustang Road, generally being in the Keno-Worden area, and more particularly described as Lots 1, 2, and 3 of Klamth River Sportmans Estates, in Township 40, Range 8, Section 17, being Tax Lot 2700, Klamath County, Oregon"

is hereby granted a variance in accordance with the terms of the Klamath County Zoning Ordinance No. 35, and, henceforth the sideyard setback from 20 feet to 10 feet will be allowed in the SP-1 (Rural Residential) 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 clock P. M., and

fully recorded in Vol. 1179, of Deeds on Page 29324

W. D. MILNE, County Clerk

By: [Signature]

No Fee \$