

78494

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 72

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1  
2 In the Matter of Request for )  
3 Variance No. 79-32, for Faith )  
4 Christian Church, Applicant )  
5

Klamth County Planning  
FINDINGS OF FACT AND ORDER

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 repre-  
10 sented by Earl Kessler. The Klamath County Planning Department  
11 was represented by Jonathan Chudnoff. The Hearings Reporter was  
12 Barbara Thomson.

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

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

19 Klamath County Exhibit A, the Staff Report  
20 Klamath County Exhibit B, photos of the subject property  
21 Klamath County Exhibit C, Klamath County Assessor's Map  
22 of the subject property  
23 Applicant's Exhibit No. 1, Plot Plan

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

27 FINDINGS OF FACT:

28 1. There are exceptional and extraordinary circumstances

1 which apply to the property involved which do not generally apply  
2 to other property in the vicinity, in that the only portion of  
3 the applicant's property on which an addition of the nature  
4 contemplated can be placed, requires the granting of this  
5 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, and  
13 there was no evidence that there would be any detrimental effect  
14 to the public health, safety, or welfare, or any detrimental  
15 effect to abutting property owners.

16 5. 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 6. The granting of this variance will not allow use of  
20 the property for a purpose which is not authorized within the zone  
21 within which the property is located.

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

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

26 CONDITION:

27 1. Applicant obtains releases from the Utility Compan-  
28 ies allowing applicant to use this property, and file copies of

1 releases with the Planning Department.

29332

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

4 That real property described as the

5 "parcel of land approximately 41,550 square  
6 feet in size and generally located on the  
7 southeast corner of Homedale and Sturdivant  
8 Streets in the South Suburban Area, and more  
particularly described as being Tax Lots 3700,  
3800, and 3900, of Township 39, Range 9, Section  
11, Klamath County, Oregon"

9 is hereby granted a variance in accordance with the terms of the  
10 Klamath County Zoning Ordinance No. 35, and, henceforth, the  
11 utility easement is hereby reduced from 15 feet to one (1) foot  
12 in the RD 10,000 (Single Family Residential) zone.

13  
14 Entered at Klamath Falls, Oregon, this 18<sup>th</sup> day of  
15 December, 1979.

16  
17 KLAMATH COUNTY HEARINGS DIVISION

18 BY: W. D. Milne  
19 Hearings Officer

20  
21  
22 STATE OF OREGON; COUNTY OF KLAMATH; ss.

23 Filed for record at request of Klamath County

24 this 21st day of December, A. D. 1979, at 3:08 o'clock P. M., and

25 duly recorded in Vol. 1179, of Deeds on Page 29330

26 W. D. MILNE, County Clerk

27 No Fee