

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for) KLAMATH COUNTY PLANNING
Variance No. 79-33 for Lou)
Pondella, Applicant) 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 the Klamath County Hearings Officer, Jim Spindor. The applicant was present. 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 was one adjacent property owner present who stated he had no objection to the variance requested by 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, photo of the subject property
Klamath County Exhibit C, Klamath County Assessor's Map of the 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

1 The hearing was then closed, and based upon the evidence
2 submitted at the hearing, the Hearings Officer made the following
3 Findings of Fact:

4 FINDINGS OF FACT:

5 1. There are exceptional and extraordinary circumstances
6 which apply to the property involved which do not generally apply
7 to other property in the vicinity, in that the only portion of the
8 applicant's property on which an addition of the nature contempla-
9 ted can be placed, requires the granting of this variance.

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

14 3. If this variance is not granted undue hardship will
15 be caused to the owner.

16 4. No one testified in opposition to the variance, and
17 there was no evidence that there would be any detrimental effect
18 to the public health, safety, or welfare, or any detrimental
19 effect to abutting property owners as long as the conditions
20 stated hereinbelow are followed.

21 5. The requested variance is the minimum variance which
22 will alleviate the hardship, due to the size of the applicant's
23 property and the placement of the present structure thereon.

24 6. The granting of the variance will not allow use of
25 the property for a purpose which is not authorized within the zone
26 within which the property is located.

27 7. The granting of this variance is consistent with
28 the goals of the L. C. D. C.

1 8. The granting of this variance is subject to the
2 following condition.

3 CONDITION:

4 1. Applicant obtain approval from the Klamath County
5 Building Department and the Fire Marshall as far as the structure
6 for a fire proof wall.

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

9 That real property described as the
10 "parcel of land approximately 15,750 square
11 feet in size generally located south of Harlan
12 Drive and approximately 85 feet west of Valinda
13 Way and 170 feet east of La Marada Way, and
14 being in the South Suburban area, and more parti-
cularly described as Lot 22 of the Sixth Addition
of Sunset Village, Township 39, Range 9, Section
12, Tax Lot 8500, Klamath County, Oregon"

15 is hereby granted a Variance in accordance with the terms of the
16 Klamath County Zoning Ordinance No. 35, and, henceforth, will be
17 allowed a side yard variance from 5 feet to 2½ feet in the
18 RD 8,000 (Single Family Residential) zone.

19 Entered at Klamath Falls, Oregon, this 21st day of
20 December, 1979.

22 KLAMATH COUNTY HEARINGS DIVISION

23 BY [Signature]
24 Hearings Officer

25 STATE OF OREGON; COUNTY OF KLAMATH; ss.
26 Filed for record at request of Klamath County
27 this 21st day of December A. D. 1979 at 3:08 o'clock P. M., and
28 duly recorded in Vol. 1170, of Deeds on Page 29338

VAR. 79-33
Page -3-

Wm D. MILNE, County Clerk

By [Signature]

No Fee