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BEFORE THE HEARINGS OFFICER

Vol. 79 Page 236-12

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance No. 79-36 for William) Klamath County Planning
J. Lawrie, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on November 14, 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 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 the subject property
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 Findings of Fact:

FINDINGS OF FACT:

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 con-
4 templated can be placed, requires the granting of this variance.

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

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

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

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

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

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

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

25 That real property described as the

26 "parcel of land approximately 8,000 square feet
27 in size, and generally located north of Ezell
28 Avenue and approximately 240 feet west of Summers
Lane, being in the South Suburban area, and more
particularly described as Tax Lot 401 of the NE4

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NE¼ of Section 10, Township 39, Range 9,
Klamath County, Oregon"

is hereby granted a variance in accordance with the terms of the
Klamath County Zoning Ordinance No. 35, and, henceforth will be
allowed a rear yard variance from 25 feet to 17 feet in the
RD 8,000 (Single Family Residential) zone.

Entered at Klamath Falls, Oregon, this 26th day of
December, 1979.

KLAMATH COUNTY HEARINGS OFFICER

BY *W. D. Milne*
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 27th day of December A. D. 1979 at 11:54 o'clock A. M., an.

fully recorded in Vol. 1179, of Deeds on Page 29642

Wm D. MILNE, County Clerk

By *Bernard J. Ketchum*

No Fee