

KLAMATH COUNTY, OREGON

In the Matter of Request for)
 Variance 80-5 for James C.)
 Pinniger, Applicant)

Klamath County Planning
 FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on March 12, 1980, 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 the subject property
 Klamath County Exhibit C, Klamath County Assessor's map of the subject property
 Applicant's Exhibit No. 1, the 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 applicant's property on which an addition of the nature contem-
4 plated 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 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
20 zone 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 10,560 square feet
27 in size, and generally located at the northwest
28 corner of Hilldale and Selma Streets, being in
the south suburban area, and more particularly
described as being Lot 15 of Summer Heights

Subdivision, being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
14, Township 39, Range 9, Tax Lot 6100, 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 front yard setback from 25 feet to 12 feet on that
real property described above zoned RD 10,000 (Single Family
Residential).

Entered at Klamath Falls, Oregon, this 19th day of
MARCH, 1980.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]

Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 20th day of March A. D. 1980 at 11:41 o'clock A.M., a--

fully recorded in Vol. 1830, of Deeds on Page 5283

Wm D. MILNE, County Clerk

By [Signature]

No Fee\$