

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning
Variance No. 79-38 for)
Robert Preszler, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on February 13, 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 C, Klamath County Assessor's map of the subject property
Applicant's Exhibit No. 1, the Plot Plan
Applicant's Exhibit No. 2, the building plan
Applicant's Exhibit No. 3, photos of the subject property

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the

1 following Findings of Fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circumstances
4 which apply to the property involved which do not generally apply
5 to other property in the vicinity, in that applicant's property
6 is sloping, and due to the fact that the nature of the residence
7 which must be built because of snow in the area requires the
8 granting of this variance.

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

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

15 4. No one testified in opposition to the variance, and
16 there was no evidence that there would be any detrimental effect
17 to the public health, safety, or welfare, or any detrimental
18 effect to abutting property owners.

19 5. The requested variance is a minimum variance which
20 will alleviate the hardship, due to the slope of the applicant's
21 property, and the type of roof which he must put on his residence.

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

25 7. The granting of this variance is consistent with the
26 goals of the L. C. D. C.

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

VAR. 79-38

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1 That real property described as the

2 "parcel of land approximately 58,000 square
3 feet in size, and generally located northeast
4 of the intersection of Blue Spruce Court and
5 Diamond Peak Circle about 1/4 mile from State
6 Highway No. 58, and more particularly described
7 as Lot 25, Block 1 of Leisure Wood Subdivision
8 being Tax Lot 1000 of the NE 1/4 of Section 7,
9 Township 24, Range 7, Klamath County, Oregon"

10 is hereby granted a Variance in accordance with the terms of
11 the Klamath County Zoning Ordinance No. 35, and, henceforth,
12 will be allowed a height variance from 35 feet to 38 feet on
13 that parcel of land described above and zoned SP-1 (Rural
14 Residential).

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

17 KLAMATH COUNTY HEARINGS OFFICER

D. J. [Signature]

Hearings Officer

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THIS OF OREGON; COUNTY OF KLAMATH; ss.
for record at request of Klamath County
this 19th day of March A. D. 1980 at 11:41 o'clock A.M., on
duly recorded in Vol. 100, of Deeds on Page 5206

Wm D. MILNE, County Clerk

By *[Signature]*

Attest

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance No. 80-2 for Luther F.)
Morgan, Applicant)

Klamath County Planning
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on February 13, 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
2 apply to other property in the vicinity, in that the placement of
3 the existing mobile home makes it such that the only portion of
4 the applicant's property on which an addition of the nature
5 contemplated can be placed, and said exceptional and extra-
6 ordinary circumstances require the granting of this Variance.

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

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

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

17 5. The requested variance is a minimum variance which
18 will alleviate the hardship due to the placement of the existing
19 mobile home on applicant's property.

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

23 7. The granting of this Variance is consistent with the
24 goals of the L. C. D. C.

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

27 That real property described as the

28 "parcel of land approximately 34,400 square feet

1 in size, and generally located on the east side
2 of Kane Street approximately ¼ mile north of
3 Shasta Way, and more particularly described as
4 the north portion of Lot 49, Fair Acres No. 1,
NW¼ SE¼ of Section 35, Township 38, Range 9,
Tax Lot 7400, Klamath County, Oregon"

5 is hereby granted a Variance for side yard setback from 10 feet
6 to 5 feet and distance between buildings from 6 feet to 4 feet
7 on that real property described above in the RA (Residential
8 Agricultural) zone.

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

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13 KLAMATH COUNTY HEARINGS DIVISION

14 Jo D. Gindler

15 Hearings Officer

16
17 STATE OF OREGON; COUNTY OF KLAMATH; ss.

18 Filed for record at request of Klamath County

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

20 duly recorded in Vol. 1130, of Deeds on Page 5239

21 Wm D. MILHE, County Clerk

22 By Suzetta H. Felsch

23 No Fee