

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for) Findings of Fact
Variance No. 80-6 for)
Floyd E. Frasier, Applicant)
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 applicant and on behalf of the Department. There were no adjacent property owners present who stated that 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 1. There are exceptional and extraordinary circumstances
2 which apply to the property involved which do not generally apply
3 to other property in the vicinity in that the only portion of the
4 applicant's property on which an accessory building of the nature
5 contemplated can be placed, requires the granting of this 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
11 will 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 and patio
19 thereon.

20 6. The granting of this variance will not allow use of
21 the property for a purpose which is not authorized within the zone
22 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 9,900 square feet

in size, and generally located at the northwest corner of Sycamore Drive and Sturdivant Avenue, and more particularly described as Lot 12, Block 6, First Addition Cypress Villa Subdivision, being in Section 12, Township 39, Range 9, being Tax Lot 1500, 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 setback from 5 feet to 0 feet in the RD 10,000 (Single Family Residential) zone.

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.

Subscribed for record at request of Klamath County

this 20th day of March A. D. 1980 at 11:41 o'clock A., and duly recorded in Vol. 580, of Deeds on Page 5292

Wm D. MILNE, County Clerk

By *[Signature]*

No Fee