

KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning  
 Variance No. 80-9 for )  
 Melvin L. Reeves, Applicant ) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on April 9, 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, Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, Klamath County Assessor's Map of 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 the  
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 any abutting property owners.

15 5. The requested variance is a 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 is consistent with  
19 the goals of the L. C. D. C.

20 7. 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 8. The Variance is approved subject to the following  
24 conditions.

25 CONDITIONS:

26 1. Applicant shall follow the plot plan which was  
27 introduced as Applicant's Exhibit No. 1.

28 2. Addition shall not be higher than the existing

1 residence.

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

4 That real property described as the

5 "parcel of land approximately 9,900 square  
6 feet in size, generally located east of Etina  
7 Street and approximately 80 feet south of its  
8 intersection with Shasta Way, and more particu-  
9 larly described as Section 2, Township 39,  
Range 9, being Tax Lot 6800, 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 will  
12 be allowed a rear yard setback from 25 feet to 16 feet in the  
13 RD 10,000 (Single Family Residential) zone.

14 Entered at Klamath Falls, Oregon, this 5<sup>th</sup> day of  
15 MAY, 1980.

16  
17  
18 KLAMATH COUNTY HEARINGS DIVISION  
19 BY Do D. Milne  
20 Hearings Officer

21  
22  
23 STATE OF OREGON; COUNTY OF KLAMATH; ss.

24 Filed for record at request of Klamath County

25 this 5th day of May A. D. 1980, at 1:18 clock P.M., and  
26 duly recorded in Vol. MS0, of Deeds on Page 8225

27 Wm D. MILNE, County Clerk

28 By

No Fee