

## KLAMATH COUNTY, OREGON

In the Matter of Request for)  
 Variance No. 80-10 for )  
 John Banta, Applicant )

Klamath County Planning  
 FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 14, 1980, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Assistant Hearings Officer, James Uerlings. 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

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1 and conditions applicable to the property involved which do not  
2 apply generally to other property in the same vicinity and zone.

3         2. The granting of this Variance is necessary for the  
4 preservation and enjoyment of a substantial property right of the  
5 applicant which right is possessed by other property owners under  
6 like conditions in the same vicinity and zone. There are other  
7 houses in that area that are built very close to one another.

8         3. The granting of the Variance will not be materially  
9 detrimental to the public health, safety, convenience and welfare  
10 or injurious to the property improvements in the same vicinity  
11 and zone in which the property affected is located and will not  
12 be contrary to the intent of this Ordinance.

13         4. The Variance requested is the minimum variance from  
14 the provisions and standards of this regulation which will  
15 alleviate the hardship.

16         5. The granting of the Variance will not allow use of  
17 the property for a purpose which is not authorized within the  
18 property zone in which it is located.

19         6. The granting of this Variance is consistent with  
20 the L. C. D. C. Goals and Guidelines as it does not change any  
21 existing uses.

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

24         That real property described as the

25         "parcel of land approximately 11,400 square  
26 feet in size, generally located on the west  
27 side of Kimberly Drive approximately 236 feet  
28 south of Shasta Way, and more particularly  
described as Section 1, Township 39, Range 9,  
being Tax Lot 1400, Klamath County, Oregon"

10730  
1 is hereby granted a Variance in accordance with the terms of  
2 the Klamath County Zoning Ordinance No. 35, and henceforth will  
3 be allowed a variance for side yard setback from ten feet to  
4 two feet, and a variance for lot width on the proposed northern  
5 portion of property from 85 feet to 58 feet and lot width on the  
6 proposed southern portion of property from 85 feet to 55 feet.  
7 Entered at Klamath Falls, Oregon, this 11 day of  
8 June, 1980.  
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KLAMATH COUNTY HEARINGS DIVISION  
BY James R. McKinley  
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
Filed for record at request of Klamath County  
this 11th day of June A. D. 1980 at 2:26 o'clock P. M., and  
duly recorded in Vol. M80, of Deeds on Page 10730

No Fee

Wm D. MILNE, County Clerk  
By Bernetha A. Hetsch

Commissioners Journal