

85463

In the Matter of Request for) Klamath County Planning  
Variance No. 80-11 for )  
John D. Csafitis, Applicant )  
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, 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.

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

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

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

18 6. The granting of this Variance is consistent with  
19 the L. C. D. C. Goals and Guidelines...

20 7. The granting of this Variance is approved subject to  
21 the following conditions.

22 CONDITIONS:

23 1. Placement of the woodshed conform with any applicable  
24 County Building or Fire Safety Ordinances as far as the minimum  
25 space from the property line.

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

28 That real property described as the  
VAR. 80-11  
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10731  
"parcel of land approximately 7.1 acres in size, generally located on the northeast side of Clover Creek Road approximately 550 feet northeast of Klamath Falls-Ashland Highway, being Highway No. 66, and more particularly described as being in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 39, Range 8, being Tax Lot 300, 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 variance for a side yard setback from twenty feet to two feet .

Entered at Klamath Falls, Oregon, this 11 day of JUNE, 1980.

KLAMATH COUNTY HEARINGS DIVISION

BY James D. Milne  
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.,  
 duly recorded in Vol. M80, of Deeds on Page 10736

Wm D. MILNE, County Clk

By Barbara J. Hetch

No Fee \$

Commissioners Journal