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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1  
2  
3 In the Matter of Request for)  
4 Variance No. 80-20 for )  
5 Doug Cope, Applicant )  
6 )

Klamath County Planning  
FINDINGS OF FACT AND ORDER

7  
8 A hearing was held in this matter at Klamath Falls,  
9 Oregon, on August 13, 1980, pursuant to notice given in conformity  
10 with Ordinance No. 35, Klamath County, before the Klamath County  
11 Assistant Hearings Officer, James R. Uerlings. The applicant was  
12 present. The Klamath County Planning Department was represented  
13 by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

14 Evidence was presented on behalf of the Department and  
15 on behalf of the applicant. There were two (2) adjacent property  
16 owners present who stated that they had objections to the proposed  
17 Variance requested by the applicant.

18 The following exhibits were offered, received, and made  
19 a part of the record:

20 Klamath County Exhibit A, the Staff Report  
21 Klamath County Exhibit B, photos of subject property  
22 Klamath County Exhibit C, Klamath County Assessor's Map  
23 of subject property  
24 Klamath County Exhibit D, diagram of SP-1 (Rural Resi-  
25 dential) zone  
26 Applicant's Exhibit No. 1, the Plot Plan

27 The hearing was then closed, and based upon the evidence  
28 submitted at the hearing the Hearings Officer made the following  
Findings of Fact:

80 AUG 15 AM 9 37

FINDINGS OF FACT;

1. There are exceptional and extraordinary circumstances or conditions applicable to this property which do not apply generally to other property in the same vicinity and zone.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone.

3. The granting of the requested variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of this ordinance.

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

5. The granting of the variance will not allow use of the property for a purpose which is not authorized within the zone which the property is currently in.

6. The granting of this variance is consistent with the L. C. D. C. Goals and Guidelines as set forth in the Staff Report, Klamath County Exhibit A, which I incorporate in my findings.

7. The setting of the house in any different manner will prevent the applicant from getting the proper septic tank system in that the Department of Environmental Quality requires.

8. This is the best arrangement for the house in consideration of the property rights of all the adjacent property owners.

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

That real property described as the

"parcel of land approximately 10,000 square feet in size, generally located northwest of the intersection of Maidu Way and Shoshoni Circle, and more particularly described as being in the SW $\frac{1}{4}$  of Section 7, Township 35, Range 7, Tax Lot 3300, 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 to reduce front yard setback from 50' to 41.5'; side yards from 20' to 8'; and back yard from 25' to 10' in the SP-1 (Rural Residential) zone.

Entered at Klamath Falls, Oregon, this 14 day of August, 1980.

KLAMATH COUNTY HEARINGS DIVISION

BY James R. Vining  
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 15th day of August, A. D. 1980 at 9:37 o'clock A. M., and

duly recorded in Vol. M80, of Deeds on Page 15384

Commissioners Journal

No Fee \$

Wm D. MILNE, County Clerk  
By Bernetha H. Hetch