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Vol. 1780
BEFORE THE HEARINGS OFFICER

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KLAMATH COUNTY, OREGON

1 In the Matter of Request for)
2 Variance No. 80-18 for)
3 C. K. Hull, Applicant)
4)
5)
6)

Klamath County Planning
FINDINGS OF FACT AND ORDER

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

13 Evidence was presented on behalf of the Department and
14 on behalf of the applicant. There were no adjacent property
15 owners present who stated they had objections to the proposed
16 Variance requested by the applicant.

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

19 Klamath County Exhibit A, the Staff Report
20 Klamath County Exhibit B, photos of the subject property
21 Klamath County Exhibit C, Klamath County Assessor's Map
22 of the subject property
23 Applicant's Exhibit No. 1, the Plot Plan

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

27 FINDINGS OF FACT:

28 1. There are exceptional and extraordinary circumstances

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

4 2. A Variance is necessary for the preservation and
5 enjoyment of a substantial property right of the applicant which
6 right is possessed by other property owners under like conditions
7 in the same vicinity and zone.

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

19 6. The construction will not be visible to adjacent
20 property due to the fact of the heavily timber nature of the
21 area.

22 7. The lot is long and narrow, and basically of a
23 different shape than the adjacent lots thereto.

24 8. The granting of this Variance is consistent with
25 the goals of the L. C. D. C.

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

28 That real property described as the

VAR. 80-18

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"parcel of land approximately 26,125 square feet in size, generally located east of Crescent Lake Road and south of Crescent Creek, and more particularly described as being in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 1, Township 24, Range 6, being Tax Lot 800, 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 the side yard setback from 20 feet to 9 feet on the subject parcel in the SP-1 (Rural Residential) zone.

Entered at Klamath Falls, Oregon, this 18 day of

September, 1980.

KLAMATH COUNTY HEARINGS DIVISION

BY

James R. Worling
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County Planning

this 19th day of September A. D. 1980 at 9:46 o'clock A. M., and

is recorded in Vol. M80, of Deeds on Page 17795

Wm. D. Milne, County Clerk

Barbara A. Hetch

No Fee