

KLAMATH COUNTY, OREGON

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In the Matter of Request for)
 Variance No. 80-17 for)
 Gary Swanson, Applicant)

Klamath County Planning
 FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on August 13, 1980, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County

Assistant Hearings Officer, James R. 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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6 AM 51 576 08

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 zone
18 which the property is currently in.

19 6. The granting of this Variance is consistent with
20 the goals of L. C. D. C.

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

23 That real property described as the

24 "parcel of land approximately 21,000 square
25 feet in size and generally located west of
26 Altamont Drive about 100 feet south of Cannon
27 Avenue, being in the South Suburban area, and
more particularly described as being in Section
3, Township 39, Range 9, being Tax Lot 4100,
Klamath County, Oregon"

28 is hereby granted a Variance in accordance with the terms of the
VAR. 80-17
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17800

1 Klamath County Zoning Ordinance No. 35, and, henceforth, will be
2 allowed to reduce the side yard setback from 70 feet to 16.5
3 feet on the subject parcel in the C-2 (Commercial Community)
4 zone.

5 Entered at Klamath Falls, Oregon, this 18 day of

6 September, 1980.

9 KLAMATH COUNTY HEARINGS DIVISION

10 BY James R. Henning
11 Assistant Hearings Officer

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15 STATE OF OREGON; COUNTY OF KLAMATH; ss.

16 Filed for record at request of Klamath County Planning

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

18 duly recorded in Vol. MS0, of Deeds on Page 17798

19 Wm D. MILNE, County Clerk

20 By Servetha A. Helvick

No Fee

21 Commissioners