

## KLAMATH COUNTY, OREGON

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3 In the Matter of Request for)  
4 Variance No. 80-32 for )  
5 Cecil Elliott, Applicant )  
6 \_\_\_\_\_ )

7  
8 A hearing was held in this matter at Klamath Falls,  
9 Oregon, on September 10, 1980, pursuant to notice given in con-  
10 formity with Ordinance No. 35, Klamath County, before the Klamath  
11 County Hearings Officer, Jim Spindor. The applicant was present.  
12 The Klamath County Planning Department was represented by Jonathan  
13 Chudnoff. The Hearings Reporter was Barbara Thomson.

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

22 Klamath County Exhibit C, Klamath County Assessor's Map  
23 of the subject property

24 Applicant's Exhibit No. 1, the Plot Plan

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

28 FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances

1 which apply to the property involved which do not generally apply  
2 to other property in the vicinity in that the only portion of the  
3 applicant's property on which an addition of the nature contem-  
4 plated can be placed requires the granting of this variance.

5         2. The granting of this variance is necessary for the  
6 preservation and enjoyment of the applicant's right to make full  
7 use of his property, a right which is possessed by other property  
8 owners in the vicinity.

9         3. If this variance is not granted, undue hardship will  
10 be caused to the owner.

11         4. No one testified in opposition to the variance and  
12 there was no evidence that there would be any detrimental effect  
13 to the public health, safety, or welfare, or any detrimental  
14 effect to abutting property owners.

15         5. The requested variance is the minimum variance which  
16 will alleviate the hardship, due to the size of the applicant's  
17 property and the placement of the present residence thereon.

18         6. The granting of this variance will not allow use of  
19 the property for a purpose which is not authorized within the  
20 zone within which the property is located.

21         7. The granting of this variance is consistent with the  
22 goals of the L. C. D. C.

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

25         That real property described as the

26         "parcel of land approximately 5,500 square feet  
27         in size, generally located at the northwest corner  
28         of Sprague River Highway and Main Avenue, in the  
       town of Sprague River, and more particularly  
       described as being in Section 14, Township 36,

Range 10, being Tax Lots 8300, and 8400;  
Klamath County, Oregon"

21723

is hereby granted a variance in accordance with the terms of the  
Klamath County Zoning Ordinance No. 35, and, henceforth, will  
be granted a variance to reduce the required front yard setback  
from twenty (20) feet to zero (0) feet in the RD 5,000 (Single  
Family Residential) zone.

Entered at Klamath Falls, Oregon, this 5th day of  
November, 1980.

KLAMATH COUNTY HEARINGS DIVISION

BY D. Spindler  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~at request of~~

this 10th day of November A. D. 1980 at 10:00 o'clock A. M., and  
fully recorded in Vol. M80, of Deeds on Page 21721

Wm D. MILNE, County Clerk

No Fee

By Bernetha J. Hetsch