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BEFORE THE HEARINGS OFFICER

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KLAMATH COUNTY, OREGON

In the Matter of Request for)	
Variance No. 81-2 for Robert)	Klamath County Planning
Ellison, Applicant)	Findings of Fact and Order

A hearing was held in this matter at Klamath Falls, Oregon, on January 14, 1981, 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 subject property
- Klamath County Exhibit C, Klamath County Assessor's Map of 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:

81 MAR 3 PM 1 01

1 1. There are exceptional and extraordinary circumstances
2 which apply to the property involved which do not generally apply
3 to other property in the same vicinity and zone particularly due
4 to survey error the applicant is not able to enjoy a substantial
5 property right which other property owners in the area are able
6 to enjoy.

7 2. This Variance is necessary for the preservation and
8 enjoyment of the applicant's right to make full use of his
9 property, a right which is possessed by other property owners in
10 the vicinity.

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

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

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

22 6. The granting of this Variance is consistent with the
23 goals of L. C. D. C.

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

26 The real property described as the

27 "parcel of land generally located at the southeast
28 corner of Ogden Street and Climax Avenue, and
more particularly described as being in the SW $\frac{1}{4}$

3644

of the NW $\frac{1}{4}$ of Section 1, Township 39, Range 9,
being a portion of Tax Lot 2600, Klamath County,
Oregon"

is hereby granted a Variance in accordance with the terms of
the Klamath County Zoning Ordinance No. 35, and, henceforth,
the required lot size in the RD 10,000 (Single Family Residential)
zone will be reduced from 10,000 square feet to 9,470 square
feet.

Entered at Klamath Falls, Oregon, this 2 day of
March, 1981.

KLAMATH COUNTY HEARINGS DIVISION
BY James R. Denberg
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
this 3rd day of March A. D. 19 81 at 1:01 o'clock P. M., and
duly recorded in Vol. M81, of Deeds on Page 3642.

EVLYN BIEHN, County Clerk
By Bernetha Whitlock

No Fee

Commissioners Journal