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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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In the Matter of Request for]
Variance No. 80-26 for)
Darrell Hankins, Applicant)

Klamath County Planning
Findings of Fact and Order

A hearing was held in this matter at Klamath Falls, Oregon, on December 10, 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, 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 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
4 that the two levels on which the lotsexists requires extensive
5 excavation if the setback rules were to be complied with.

6 2. The granting of this Variance is necessary for the
7 preservation and enjoyment of a substantial property right of the
8 applicant which right is possessed by other property owners under
9 like conditions in the same vicinity and zone.

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

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

18 5. The granting of this Variance will not allow use
19 of the property for a purpose which is not authorized within the
20 zone the property is currently in.

21 6. The granting of this Variance is consistent with
22 the L. C. D. C. Goals and Guidelines.

23 7. This Variance is approved subject to the following
24 Condition.

25 CONDITION:

26 1. Applicant shall follow plot plan, Applicant's
27 Exhibit No. 1,

28 The Hearings Officer, based on the foregoing Findings

1 of Fact, accordingly orders as follows:

2 That real property described as the

3 "parcel of land approximately .21 acres
4 in size, generally located east of Kane
5 Street about 140 feet north of Shasta
6 Way, and more particularly described as
being in the SE $\frac{1}{4}$, of Section 35, Township
38, Range 9, being Tax Lot 5700, Klamath
County, Oregon"

7 is hereby granted a Variance in accordance with the terms of
8 the Klamath County Zoning Ordinance No. 35, and, henceforth,
9 the required rear yard setback will be reduced from twenty-five
10 feet to five feet in the RD 8,000 (Single Family Residential)
11 zone.

12 Entered at Klamath Falls, Oregon, this 26 day of
13 February, 1981.

14
15 KLAMATH COUNTY HEARINGS DIVISION

16 BY James D. Worley
17 Assistant Hearings Officer

18
19 STATE OF OREGON; COUNTY OF KLAMATH; ss.

20 Filed for record at request of Klamath County
21 this 3rd day of March, A.D. 19 81 at 1:01 o'clock P.M., and
22 duly recorded in Vol. M81, of Deeds on Page 3648.

23
24 By Evelyn Bienn, County Clerk
25

26 No Fee

27 Commissioners Journal

28 VAR. 80-26
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