

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

96552

In the Matter of Request for)  
Variance No. 80-28 for )  
Larry Peacore, 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 applicant and on behalf of the Department. 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 the subject property
- Klamath County Exhibit D, letter from Oregon State Highway Division
- 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

1981 MAR 3 PM 1 01

1 Findings of Fact;

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circumstances  
4 which apply to the property involved which do not generally apply  
5 to other property in the same vicinity and zone particularly  
6 because of the size of the lot, it would be impossible for the  
7 applicant to comply with the seventy-foot setback because it is  
8 only a sixty-foot lot.

9 2. The variance is necessary for the preservation and  
10 enjoyment of a substantial property right of the applicant which  
11 right is possessed by other property owners under like conditions  
12 in the same vicinity and zone.

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

18 4. The Variance requested is the minimum variance from  
19 the provisions and standards of this regulation which will  
20 alleviate the hardship, and according to the testimony, at present,  
21 the applicant considers that the present existing building on the  
22 property would be financially impracticable to bring it up to  
23 code,

24 5. The granting of this Variance will not allow use  
25 of the property for a purpose which is not authorized within the  
26 zone the property is currently in.

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

1 7. This Variance is approved subject to the following  
2 Conditions.

3 CONDITIONS:

4 1. Applicant shall follow plot plan, Applicant's  
5 Exhibit No. 1.

6 2. Applicant shall take all necessary measures to  
7 prevent any obstruction or hindrance to Mr. Hartley using his  
8 private driveway as it exists on the east side of the property.

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

11 That real property described as the

12 "parcel of land approximately 6,840 square  
13 feet in size, generally located north of  
14 South Sixth Street about 350 feet west of  
15 Wiard Street, and more particularly described  
as being in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township  
39, Range 9, Being Tax Lot 3800, Klamath County,  
Oregon"

16 is hereby granted a Variance in accordance with the terms of  
17 the Klamath County Zoning Ordinance No. 35, and, henceforth,  
18 the required yard setbacks on the north and east sides of the  
19 property will be reduced from seventy feet to twenty-five feet  
20 in the C-5 (Commercial Highway) zone.

21 Entered at Klamath Falls, Oregon, this 26 day of  
22 February, 1981.

23  
24  
25 KLAMATH COUNTY HEARINGS DIVISION

26 BY James R. Hurley  
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the  
3rd day of March A.D., 1981 at 1:01 o'clock P M., and duly recorded in  
Vol M81 of Deeds on page 3651.

Fee \$ none

EVELYN BIEHN

COUNTY CLERK

By Barbara J. Delich Deputy