

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

96553

In the Matter of Request for
Variance No. 80-27 for
Robert Ellison, 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 represented by Dan Ellison. 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:

281 MAR 3 PM 1 01

1 1. There are exceptional and extraordinary circum-
2 stances which apply to the property involved which do not gener-
3 ally apply to other property in the same vicinity and zone.

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

8 3. After reviewing Applicant's Exhibit No. 1, there
9 is no way in which the property lines could be drawn differently
10 in order to comply with the regulations and the setbacks.

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

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

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

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

24 8. This Variance is approved subject to the
25 following Conditions;

26 CONDITIONS:

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

2, Applicant shall obtain approval of Minor Partition No. 80-105,

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

That real property described as the "parcel of land approximately 10,275 square feet in size, generally located at the south-east corner of Climax Avenue and Ogden Street, and more particularly described as being in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 1, Township 39, Range 9, being 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 rear yard setback from twenty-five feet will be reduced to twelve feet in the RD 10,000 (Single Family Residential) zone.

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

KLAMATH COUNTY HEARINGS DIVISION
BY James R. McKinney
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. 1981 at 1:01 o'clock P. M., and
duly recorded in Vol. M81, of Deeds on Page 3654

EVLYN BIEHN, County Clerk
By Bernetha H. Lebeck

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No Fee

Commissioners Journal