

KLAMATH COUNTY PLANNING COMMISSION

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE REQUEST FOR)
VARIANCE NO. 80-30 FOR LOT DEPTH) O R D E R
FOR DONALD WHITAKER, APPLICANT)

THIS MATTER having come on for hearing upon the application of Donald Whitaker for a Variance No. 80-30 for lot depth by the Klamath County Planning Commission on real property described as Township 39, Range 9, Section 11, Tax Lot 7000, Klamath County, Oregon. Public hearing having been heard by the Klamath County Planning Commission on January 27, 1981, wherefrom the testimony, reports, and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission approved Variance No. 80-30 for lot depth from 100 feet to 94.8 feet.

The Planning Commission makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT:

1. The Planning Commission found that there are exceptional and extraordinary circumstances in granting this variance in that the lot size was already a 94.8 lot in depth. Ordinance requires 100 feet under the RD 7000 zone.

2. The Planning Commission found that the proposed parcel will have a proposed house and proposed garage which would meet the setbacks of the RD 7000 zone.

3. The Planning Commission found that the request will not change the existing circumstances and is not injurious or in any

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1 way effecting the health and welfare of the area.

2 4. The Planning Commission found that the testimony is
3 also that this is the minimum variance requested available under
4 the ordinance with Conclusions of Law as follows.

5 5. The Planning Commission found notification was sent to
6 surrounding property owners, concerned agencies, and the Herald
7 and News, and the City of Klamath Falls.

8 6. The Planning Commission found the use is consistent with
9 the Urban Density Comprehensive Land Use Plan designation.

10 7. The Planning Commission found that small economic bene-
11 fits to the owner of the land are possible.

12 8. The Planning Commission found site has a full range of
13 public utilities and services.

14 9. The Planning Commission found that both residences on
15 the site front on paved county roads and have good access to the
16 rest of the Klamath Falls area.

17 10. The Planning Commission found the site lies within the
18 Klamath Falls Urban area.

19 CONCLUSIONS OF LAW:

20 1. There are exceptional or extraordinary circumstances or
21 conditions applicable to the property involved which do not apply
22 generally to other property in the same vicinity and zone.

23 2. A variance is necessary for the preservation and enjoy-
24 ment of a substantial property right of the applicant which right
25 is possessed by other property owners under like conditions in the
26 same vicinity and zone.

27 3. The granting of the requested variance will not be
28 materially detrimental to the public health, safety, convenience
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1 and welfare or injurious to the property improvements in the same
 2 vicinity and zone in which the property affected is located and
 3 will not be contrary to the intent of this ordinance.

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

7 NOW, THEREFORE, it is hereby ordered that the application
 8 for Variance No. 80-30 for lot depth from 100 feet to 94.8 feet on
 9 a parcel of land zoned RD 7000 (Single-Family Residential) for
 10 Donald Whitaker on the subject property is hereby approved.

11 DONE AND DATED THIS 2th DAY OF April, 1981.

12 Chairman

13 [Signature]
 14 Vice-Chairman

15 [Signature]
 16 Member

17 [Signature]
 18 Member

19 [Signature]
 20 Member

21 [Signature]
 22 Member

23 [Signature]
 24 Member

25 [Signature]
 26 Member

27 [Signature]
 28 Member

APPROVED AS TO FORM:
 Boivin & Boivin

BY [Signature]

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Return
 Commissioners Journal

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the

14th day of April A.D., 1981 at 1:32 o'clock P M., and duly recorded in

Vol M81, of Deeds on page 5 6681

Fee \$ No Fee

EVELYN DIEHN

COUNTY CLERK

By [Signature] deputy