

## BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)  
 Variance No. 81-6 for Gerald)  
 Cannor Applicant)

KLAMATH COUNTY PLANNING  
 FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on April 8, 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 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. There are exceptional and extraordinary circumstances

Ref: Commissioners Journal

00 2 11 3 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

1 or conditions applicable to the property involved which do not  
2 apply generally to other property in the same vicinity and zone.

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

7 3. The granting of the requested variance will not be  
8 materially detrimental to public health, safety, convenience  
9 and welfare or injurious to the property improvements in the  
10 same vicinity and zone in which the property affected is located  
11 and will not be contrary to this Ordinance.

12 4. The Variance requested will not allow use of the  
13 property for a purpose which is not authorized within the zone  
14 in which it is currently in.

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

18 6. The granting of this Variance is consistent with  
19 the applicable L. C. D. C. Goals and Guidelines.

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

22 That real property described as the  
23 "parcel of land zoned RA (Residential Agricultural)  
24 and generally located southeast of the corner  
25 of Selma Street and Summers Lane, being in the  
26 South Suburban area, and more particularly des-  
27 cribed as being Lot 27, Elmwood Park, located in  
28 the NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , of Section 14, Township 39, Range  
9, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of  
the Klamath County Zoning Ordinance No. 35, and, henceforth,  
VAR. 81-6  
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1 the request to reduce the side yard setback from fifteen (15)  
2 feet to twelve and one-half (12½) feet, is hereby granted.

3 Entered at Klamath Falls, Oregon, this 5 Day  
4 of June, 1981.

6 KLAMATH COUNTY HEARINGS DIVISION

7 BY James R. Henning  
8 Assistant Hearings Officer

9 STATE OF OREGON, )

County of Klamath )

Filed for record at request of

10 Klamath County  
11 on this 9th day of June A.D. 19 81  
12 at 2:00 o'clock P M, and duly  
13 recorded in Vol. M81 of Deeds  
14 Page 10330

EVELYN BIEHN, County Clerk

By Debra Ganga Deputy

15 Fee None