

BEFORE THE HEARINGS OFFICER

586

KLAMATH COUNTY, OREGON

10333

KLAMATH COUNTY PLANNING
FINDINGS OF FACT AND ORDER

In the Matter of Request for)
Variance No. 81-4 for)
Helen Howard, Applicant)

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, Partition Map and 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:

Ret: Commissioners Journal

20 JUN 9 PM 2 00

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

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

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

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

17 5. The requested Variance will not allow use of the
18 property for a purpose which is not authorized within the zone
19 in which it is currently in.

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

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

24 CONDITION:

25 1. Approval of Variance is subject to the approval of
26 Minor Partition No. 81-21.

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

VAR. 81-4

10335

That real property described as the

"parcel of land approximately one-acre in size, and generally located northwest of Needle Dam Road in Keno, and more particularly described as being Tax Lot 3100, located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 36, Township 39, Range 7, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 35, and, henceforth, the request to reduce minimum lot width from one-hundred (100) feet to eighty-five (85) feet and reduce side yards from ten (10) feet to five and one-half (5 $\frac{1}{2}$) feet and four and one-half (4 $\frac{1}{2}$) feet, is hereby granted.

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

KLAMATH COUNTY HEARINGS DIVISION

BY James Klenburg
Assistant Hearings Officer

STATE OF OREGON, COUNTY OF KLAMATH, ss.

Filed for record of request of Klamath Countythis 9th day of June A.D. 19 81 at 2:00 o'clock P.M.duly recorded in Vol. M81 of Deeds on Page 10333

EVELYN BIEHN, County Clerk

By Alma Klenburg

No Fee