

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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In the Matter of Request for)
Variance No. 81-16 for)
Dewey Dryer, Applicant)

KLAMATH COUNTY PLANNING
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 13, 1981, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. 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
- Applicant's Exhibit No. 2, letter of explanation

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 1. There are exceptional and extraordinary circumstances
2 which apply to the property involved which do not generally apply
3 to other property in the vicinity, in that the only portion of
4 applicant's property on which an addition of the nature contem-
5 plated can be placed requires the granting of this Variance.

6 2. The granting of this Variance is necessary for the
7 preservation and enjoyment of the applicant's right to make full
8 use of his property, a right which is possessed by other property
9 owners in the vicinity. If this variance is not granted, undue
10 hardship will be caused the owner.

11 3. No one testified in opposition to the Variance and
12 there was no evidence suggesting there would be any detrimental
13 effects to the public health, safety or welfare, or any detri-
14 mental effects to abutting property owners.

15 4. The requested variance is the minimum variance which
16 will alleviate the hardship due to the particularities of the
17 applicant's property.

18 5. The Variance will not allow use of the property for
19 a purpose which is not authorized within the zone in which the
20 property is located.

21 6. The granting of this Variance is consistent with the
22 goals of the L. C. D. C.

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

25 That real property described as the
26 "parcel of land approximately six acres in size,
27 generally located north of Highway No. 66 about
28 five miles west of its intersection with Highway
No. 140, and more particularly described as being
in the NW $\frac{1}{4}$ of Section 33, Township 39, Range 8,

12637

1 being Tax Lot 700; Klamath County, Oregon"
 2 is hereby granted a Variance in accordance with the terms of the
 3 Klamath County Zoning Ordinance No. 35, and, henceforth, will be
 4 allowed to reduce the required front yard setback from seventy-
 5 five (75) feet to forty-seven (47) feet on a parcel of land
 6 zoned A (Agricultural).

7 Entered at Klamath Falls, Oregon, this 13th Day of
 8 July, 1981.

9 KLAMATH COUNTY HEARINGS DIVISION
 10 [Signature]
 11 Hearings Officer

12 STATE OF OREGON; COUNTY OF KLAMATH; ss.
 13 Filed for record at request of Klamath County

14 this 14th day of July A.D. 19 81 at 2:58 o'clock P.M., and
 15 duly recorded in Vol. M81, of Deeds on Page 12635

16 By [Signature] EVELYN BIEHN, County Clerk
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18 No Fee

19 COMMISSIONERS JOURNAL
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