

2045

KLAMATH COUNTY, OREGON

In the Matter of Request for)
 Variance No. 81-13 for)
 Helen Beckius, 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 applicant and on behalf of the Department. 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

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

78 JUL 19 PM 2 58

1 which apply to the property involved which do not generally apply
2 to other property in the vicinity, in that the applicant's property
3 is nearly twice as large as most of the lots in the vicinity.

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

9 3. No one testified in opposition to the variance and
10 there was no evidence suggesting there would be any detrimental
11 effects to the public health, safety or welfare or any detrimental
12 effect to abutting property owners.

13 4. The requested variance is the minimum variance which
14 will alleviate the hardship due to the width of the applicant's
15 property.

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

19 6. The granting of this variance is consistent with the
20 goals of the L. C. D. C.

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

23 That real property described as the
24 "parcel of land generally located west of Etna
25 Street approximately 550 feet north of Shasta
26 Way, and more particularly described as being
27 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township
38, Range 9, being a portion of Tax Lot 9100,
Klamath County, Oregon"

28 is hereby granted a Variance in accordance with the terms of
VAR. 81-13
Page -2-

1 the Klamath County Zoning Ordinance No. 35, and, henceforth,
2 will be allowed to reduce lot depth from one-hundred (100) feet
3 to seventy-five (75) feet, and rear yard setback from twenty (20)
4 feet to five (5) feet on a parcel of land zoned RD 5,000 (Single
5 Family Residential).

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

8
9
10 KLAMATH COUNTY HEARINGS DIVISION

11 *D. B. Smith*
12 Hearings Officer
13

14
15 STATE OF OREGON; COUNTY OF KLAMATH; ss.

16 Filed for record at request of Klamath County

17 this 14th day of July, A. D. 19 81 at 2:58 o'clock P. M., and

18 duly recorded in Vol. M81, of Deeds on Page 12638.

19 By *Evelyn Biehn* EVELYN BIEHN, County Clerk
20

21 No Fee

22 COMMISSIONERS JOURNAL
23
24
25
26
27
28