

## KLAMATH COUNTY, OREGON

1 In the Matter of Request for)  
2 Variance No. 81-17 for )  
3 Donald Ferreira, Applicant )  
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6

KLAMATH COUNTY PLANNING  
FINDINGS OF FACT AND ORDER

7 A hearing was held in this matter at Klamath Falls,  
8 Oregon, on May 13, 1981, pursuant to notice given in conformity  
9 with Ordinance No. 35, Klamath County, before the Klamath County  
10 Hearings Officer, Jim Spindor. The applicant was present. The  
11 Klamath County Planning Department was represented by Jonathan  
12 Chudnoff. The Hearings Reporter was Barbara Thomson.

13 Evidence was presented on behalf of the Department and  
14 on behalf of the applicant. There were no adjacent property  
15 owners present who stated they had objections to the proposed  
16 Variance requested by the Applicant.

17 The following exhibits were offered, received, and made  
18 a part of the record:

19 Klamath County Exhibit A, the Staff Report  
20 Klamath County Exhibit B, photos of the subject property  
21 Klamath County Exhibit C, Klamath County Assessor's Map  
22 of the subject property  
23 Applicant's Exhibit No. 1, plot plan

24 The hearing was then closed, and based upon the evidence  
25 submitted at the hearing, the Hearings Officer made the following  
26 Findings of Fact:

27 FINDINGS OF FACT:

28 1. There are exceptional and extraordinary circumstances

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1 which apply to the property which do not generally apply to the  
2 other property in the vicinity, in that the only portion of  
3 applicant's property on which a garage of the nature contemplated  
4 can be placed requires the granting of this variance.

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

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

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

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

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

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

24       That real property described as the  
25 "parcel of land approximately 14,100 square feet  
26 in size, generally located on the northwest corner  
27 of Alva Avenue and Homedale Road, and more particu-  
28 larly described as being in the NW¼ NE¼ of Section  
2, Township 39, Range 9, being Tax Lot 8600,  
Klamath County, Oregon"

1 is hereby granted a Variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 35, and, henceforth, will be  
3 allowed to reduce the required front yard setback from twenty-five  
4 (25) feet to twenty (20) feet in the RD 10,000 (Single Family  
5 Residential) zone.

6 Entered at Klamath Falls, Oregon, this 13<sup>th</sup> Day of  
7 July, 1981.  
8  
9

10 KLAMATH COUNTY HEARINGS DIVISION

11 *Do Spindel*

12 Hearings Officer

13  
14 STATE OF OREGON; COUNTY OF KLAMATH; ss.

15 Filed for record at request of Klamath County

16 this 14th day of July A.D. 1981 at 2:58 o'clock P.M., and

17 duly recorded in Vol. 181, of Deeds on Page 12652.

18 EVELYN BIEHN, County Clerk

19 By *Bernard J. Ketch*

20 No Fee

21 COMMISSIONERS JOURNAL  
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