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In the Matter of Request for)  
Variance No. 81-10 for )  
Ed Howell, 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 subject property
- Klamath County Exhibit D, letter from State Highway Division
- 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 which apply to the property involved which do not generally apply to other property in the vicinity, in that the applicant's property is nearly twice as large as most of the lots in the vicinity.

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

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

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

5. The variance will not allow use of the property for a purpose which is not authorized within the zone within which the property is located.

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

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

That real property described as the

"parcel of land generally located at the northwest corner of Highway No. 66 and Cortez Street, and more particularly described as being in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 7, Township 39, Range 9, Tax Lots 5,000 and

