

KLAMATH COUNTY, OREGON

1 In the Matter of Request for)
 2 Variance No. 81-14 for)
 3 John Miller, Applicant)
 4)
 5)
 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 represented by
 11 Al Stone, Realtor. The Klamath County Planning Department was
 12 represented by Jonathan Chudnoff. The Hearings Reporter was
 13 Barbara Thomson.

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

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

20 Klamath County Exhibit A, the Staff Report
 21 Klamath County Exhibit B, photos of the subject property
 22 Klamath County Exhibit C, Klamath County Assessor's Map
 23 of subject property
 24 Applicant's Exhibit No. 1, partition map
 25 Applicant's Exhibit No. 2, survey map
 26 Applicant's Exhibit No. 3, deed

27 The hearing was then closed, and based upon the evidence
 28 submitted at the hearing, the Hearings Officer made the following

201 JUL 20 PM 1 42

1 Findings of Fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circumstances
4 which apply to the property involved which do not generally apply
5 to other property in the vicinity, in that the applicant's
6 property is nearly twice as large as most of the lots in the
7 vicinity.

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

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

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

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

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

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

27 That real property described as the

28 ////

"parcel of land approximately two acres in size, generally located west of Wocus Road approximately $\frac{1}{2}$ mile north of its intersection with Highway 97, and more particularly described as being in the SW $\frac{1}{4}$ of Section 7, Township 38, Range 9, being Tax Lot 3700, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 35, and, henceforth, will be allowed to reduce the required lot width from 100 feet to 90 feet in the RA (Residential Agricultural) zone.

Entered at Klamath Falls, Oregon, this 19th Day of

July, 1981.

KLAMATH COUNTY HEARINGS DIVISION

D. D. S. S.
Hearings Officer

STATE OF OREGON, COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
this 20th day of July A. D. 19 81 at 1:42 o'clock P.M., and
duly recorded in Vol. M81, of Deeds on Page 12929

By Evelyn Biern, County Clerk

No Fee

Commissioners - Journal