BEFORE THE HEARINGS OFFICER POSS 12929

KLAMATH COUNTY, OREGON

In the Matter of Request for)

Variance No. 81-14 for)

John Miller, 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 represented by Al Stone, Realtor. 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
Off Subject property

Applicant's Exhibit No. 1, partition map
Applicant's Exhibit No. 2, survey map
Applicant's Exhibit No. 3, deed

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

Findings of Fact:

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FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances 4 which apply to the property involved which do not generally apply 3 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. 7

- 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. 12 |
 - 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.
 - The requested variance is the minimum variance which 18 will alleviate the hardship due to the width of the applicant's property.
 - 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

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VAR. 81-14

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13 ∥	Hearings Officer
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17	Filed for lection A. D. 19 81 at 1.42
18	his 20th day of Deeds of Deeds County Clark
	His 20th day of July A.D. 19 81 at 1.42 on Page 12929 duly recorded in Vol. M81 of Deeds EVELYN BIENN, County Clark By Second County Clark
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