

2397

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for)
4 Variance No. 81-18 for Joseph) KLAMATH COUNTY PLANNING
5 Yance, Applicant) FINDINGS OF FACT AND ORDER
6

7 A hearing was held in this matter at Klamath Falls,
8 Oregon, on June 10, 1981, pursuant to notice given in conformity
9 with Ordinance No. 35, Klamath County, before the Klamath County
10 Assistant Hearings Officer, James R. Uerlings. The applicant
11 was present. The Klamath County Planning Department was repre-
12 sented by Jonathan Chudnoff. The Hearings Reporter was Barbara
13 Thomson.

14 Evidence was presented on behalf of the applicant and
15 on behalf of the Department. 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
23 Map of subject property
24 Applicant's Exhibit No. 1, plot plan

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

28 FINDINGS OF FACT:

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1. There are exceptional and extraordinary ~~circumstances~~ circumstances or conditions applicable to the property involved which do not apply generally to the other property in the same vicinity and zone.

2. This variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone.

3. The granting of the variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property is located and will not be contrary to the intent of this Ordinance.

4. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship.

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

6. The granting of this variance is consistent with L. C. D. C. Goals and Guidelines.

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 southwest of the corner of Bisbee Street and Cannon Street, and more particularly described as being Tax Lot 2000, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 39, Range 9, Klamath County, Oregon"

13201

is hereby granted a variance in accordance with the terms of
 Klamath County Zoning Ordinance No. 35, and, henceforth, will
 be allowed to reduce the required yard depth from 100 feet to
 97 feet and reduce side yard setback from five feet to 4.5
 feet on a parcel of land zoned RD 5,000 (Single Family Resi-
 dential).

Entered at Klamath Falls, Oregon, this 22 day of

July, 1981.

KLAMATH COUNTY HEARINGS DIVISION

James D. Henning
 Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 23rd day of July A. D. 19 81 at 2:51 o'clock P.M., and

duly recorded in Vol. M81, of Deeds on Page 12199.

By Bertha A. Dietrich EVELYN BIEHN, County Clerk

No Fee

Commissioners Journal