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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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In the Matter of Request for }
 Variance No. 81-19 for Ruth }
 Swiger, Applicant }

KLAMATH COUNTY PLANNING
 FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on June 10, 1981, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Assistant Hearings Officer, James R. Uerlings. 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 applicant and on behalf of the Department. 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 subject property
 Klamath County Exhibit C, Klamath County Assessor's Map of subject property

Applicant's Exhibit No. 1, plot plan

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 circumstan-

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1 ces or conditions applicable to the property involved which do
2 not apply generally to other property in the same vicinity and
3 zone.

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

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

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

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

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

21 7. This variance is granted subject to the following
22 Condition.

23 CONDITION:

24 1. Applicant shall follow plot plan, Applicant's
25 Exhibit No. 1.

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

28 That real property described as the

13204

"parcel of land generally located on Ruth Court
approximately 50 feet northwest of Alt Way, and
more particularly described as being Tax Lot
4,000 located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13,
Township 39, Range 9, Klamath County, Oregon"

is hereby granted a variance in accordance with the terms of
Klamath County Zoning Ordinance No. 35, and, henceforth, will be
allowed to reduce side yard setback from five feet to six inches
on the west side and from five feet to four and one-half feet on
east side of property.

Entered at Klamath Falls, Oregon, this 22 Day of
July, 1981.

KLAMATH COUNTY HEARINGS DIVISION
James J. Henning
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
this 23 day of July A.D. 1981 at 2:51 o'clock P.M. and
duly recorded in Vol. M81 of Deeds on Page 13202

By Evelyn Biehn County Clerk

No Fee

Commissioners Journal

VAR. 81-19