

1 In the Matter of Request for)
2) KLAMATH COUNTY PLANNING
3 Variance No. 81-20 for Richard)
4 Morrison, Applicant) FINDINGS OF FACT AND ORDER
5)
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 was
11 present. The Klamath County Planning Department was represented
12 by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

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

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

19 Klamath County Exhibit A, the Staff Report
20 Klamath County Exhibit B, photos of the subject property
21 Klamath County Exhibit C, Klamath County Assessor's
22 Map of subject property
23 Applicant's Exhibit No. 1, plot plan

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

27 FINDINGS OF FACT:

28 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 the other property in the same vicinity
3 and 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 variance will not be materially
9 detrimental to the public health, safety, convenience and welfare
10 or injurious to the property improvements in the same vicinity
11 and zone in which the property affected is located and will not
12 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 the variance will not allow the use
17 of the property for a purpose which is not authorized within the
18 zone within which the property is currently in.

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

21 7. This Variance is approved subject to the following
22 Condition.

23 CONDITION:

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

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

28 That real property described as the

"parcel of land located north of Frieda Street and approximately 120 feet west of Wiard Street, and more particularly described as being Tax Lot 23,500 in the SW $\frac{1}{4}$ of Section 35, Township 38, 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 required rear yard from twenty (20) feet to five (5) feet on a parcel of land in the RD 5,000 (Single Family Residential) zone.

Entered at Klamath Falls, Oregon, this 20 Day of July, 1981.

KLAMATH COUNTY HEARINGS DIVISION

James D. Kelly
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. 881, of Deeds on Page 13208

By Evelyn Biehn County Clerk
Bernice A. Detoch

No Fee

Commissioners Journal