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BEFORE THE HEARINGS OFFICER

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KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning  
Variance for Minor Partition) Findings of Fact and Order  
No. 31-82 for Robert Trotman)

A hearing was held on this matter on April 15, 1982, pursuant to notice given in conformity with Ordinance No. 45, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Becky Achten. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant.

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

- Klamath County Exhibit A, Staff Report
- Klamath County Exhibit B, Tentative Map of Partition
- Klamath County Exhibit C, Klamath County Assessor's Map
- Klamath County Exhibit D, Code Requirements
- Klamath County Exhibit E, Letter from Oregon State Highway Division
- Klamath County Exhibit F, Comments from Klamath County Public Works Department
- Klamath County Exhibit G, Department of Environmental Quality Site Evaluation dated 2-19-81
- Klamath County Exhibit H, Oregon State Highway Permit dated 6-2-81

1       The hearing was then closed, and based upon the evidence  
2 submitted at the hearing, the Hearings Officer made the follow-  
3 ing Findings of Fact:

4       FINDINGS OF FACT:

5       1. There are exceptional and extraordinary circumstances  
6 which apply to the property involved which do not generally  
7 apply to other property in the vicinity, in that a partitioning  
8 of this property has made the granting of this variance necessary  
9 due to the location of the present residence on said property.

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

15       3. There was no testimony presented in opposition to the  
16 granting of this variance, and there was no evidence presented  
17 that there would be any detrimental effect to the public health,  
18 safety, or welfare, or any detrimental effect to any abutting  
19 property owners.

20       4. The requested variance is the minimum variance which  
21 will alleviate the hardship, due to the location of the residence  
22 on the applicant's property.

23       5. The granting of this variance will not allow use of  
24 the property for a purpose which is not authorized within the  
25 zone within which the property is located.

26       6. The granting of this variance is consistent with the  
27 goals of the L. C. D. C.

28       /////

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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 on the east side of Highway 140 and north of Lost River, approximately three miles northwest of Merrill, Oregon, and more particularly described as being a portion of Section 34, Township 40, Range 10, Klamath County, Oregon" is hereby granted a variance for lot depth to width ratio on Parcel No. 1 of Minor Partition No. 31-82.

Entered at Klamath Falls, Oregon, this 24<sup>th</sup> Day of MAY, 1982.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 24 day of May A.D. 1982 at 11:31 o'clock A M  
duly recorded in Vol. M 82, of Deeds on 6491

No Fee

EVELYN BIEHN Ccl.

By [Signature]

Record at  
Clerk's  
Office  
Rel to Planning -