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2 In the Matter of Request for)  
3 Variance No. 49-82 for ) Klamath County Planning  
4 Theodore N. Emard, Applicant) Findings of Fact and Order  
5 \_\_\_\_\_)

6 A hearing was held on this matter on July 1, 1982,  
7 pursuant to notice given in conformity with Ordinance No. 45,  
8 Klamath County, before the Klamath County Hearings Officer,  
9 Jim Spindor. The applicant was present. The Klamath County  
10 Planning Department was represented by Jonathan Chudnoff. The  
11 Hearings Reporter was Barbara Thomson.

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

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

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Tentative Report

20 Klamath County Exhibit C, Assessor's Map

21 Klamath County Exhibit D, Information from previous file

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

25 FINDINGS OF FACT:

26 1. There are exceptional and extraordinary circumstances  
27 which apply to the property involved which do not generally apply  
28 to other properties in the vicinity, in that this is the only

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1 parcel in the vicinity of this shape which lies along Larkin  
2 Creek.

3  
4 2. The granting of this variance is necessary for the  
5 preservation and enjoyment of the applicant's right to make  
6 full use of his property, a right which is possessed by other  
7 property owners in the vicinity. If this variance is not  
8 granted, undue hardship will be caused to the owner.

9 3. The granting of this variance will not cause any  
10 detrimental effect to the public health, safety, or welfare, or  
11 any detrimental effect to abutting property owners.

12 4. The requested variance is the minimum variance  
13 which will alleviate the hardship, due to the size and shape of  
14 the applicant's property and its location with regard to  
15 Larkin Creek.

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 goals of the L.C.D.C.

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

23 That real property described as the

24 "parcel of land generally located approximately  
25 5 miles north of Chiloquin, or along the west side  
26 of Larson Creek, and more particularly described  
27 as being the NW $\frac{1}{4}$  of Section 11, T.34S, R. 7E, @. M.

28 is hereby granted a Variance in accordance with the terms of  
the Klamath County Zoning Ordinance No. 45, and, henceforth,  
will be allowed to partition approximately 11.4 acres into two,  
VAR 49-82  
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5.7 acre parcels.

Entered at Klamath Falls, Oregon, this 29<sup>th</sup> Day of  
July, 19 82.

KLAMATH COUNTY HEARINGS DIVISION

*D. D. Sp... ..*

Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . .

this 29 day of July A.D. 19 82 at 3:57 o'clock P.M.

duly recorded in Vol. M 82, of Deeds on Page 9750

No Fee

EVELYN BIEHN, County

By *Joyce Mc... ..*

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