

BEFORE THE HEARINGS OFFICER

38053

KLAMATH COUNTY, OREGON

page

17213

1 In the Matter of Request for) Klamath County Planning
2 Variance No. 22-82 for) Findings of Fact and Order
3 Richard F. Putnam, Applicant)
4

5 A hearing was held on this matter on November 18, 1982,
6 pursuant to notice given in conformity with Ordinance No. 45,
7 Klamath County, before the Klamath County Hearings Officer,
8 Jim Spindor. The applicant was present. The Klamath County
9 Planning Department was represented by Jonathan Chudnoff. The
10 Hearings Reporter was Karen Alberto.

11 Evidence was presented on behalf of the Department and
12 on behalf of the applicant. There were no adjacent property
13 owners present.

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

16 Klamath County Exhibit A, Staff Report
17 Klamath County Exhibit B, Plot Plan
18 Klamath County Exhibit C, Assessor's Map
19 Klamath County Exhibit D, Photos

20 The hearing was then closed, and based upon the evidence
21 submitted at the hearing, the Hearings Officer made the following
22 findings:

23 1. There are exceptional and extraordinary circumstances
24 which apply to the property involved which do not generally
25 apply to other property in the vicinity, in that the only portion
26 of applicant's property on which an addition of the nature
27 contemplated can be placed, requires the granting of this
28 variance.

82 DEC 8 PM 1 02

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

6 3. The granting of this variance will not cause any
7 detrimental affect to the public health, safety, or welfare, or
8 any detrimental affect to any abutting property owners.

9 4. The required variance is the minimum variance needed
10 to alleviate the hardship due to the size of the applicant's
11 property and the placement of the present residence thereon.

12 5. The granting of this variance will not allow use of
13 the property for a purpose which is not authorized within the
14 zone within which the property is located.

15 6. The granting of this variance is consistent with the
16 goals of the LCDC.

17 7. The granting of this variance is based on the follow-
18 ing Findings of Fact:

19 FINDINGS OF FACT:

20 a. The requested use is for a variance to reduce the rear
21 setback from 25' to 20' in order to build a garage and storage
22 building. A garage and storage building is a permitted use with-
23 in the RS (Suburban Residential) zone.

24 b. The property involved was recently split off from an
25 acre which had two mobile homes on it. The applicant is propos-
26 ing to build a 30' x 50' garage/storage building to be shared by
27 the two families. The location of a building of this size on
28 this property is limited by the location of the two mobile homes

1 and a storage shed, as well as by the need for keeping clear
2 access to the rear mobile home.

3 c. There are exceptional and extraordinary circumstances
4 which apply to the property involved which do not generally apply
5 to other property in the vicinity because the possible locations
6 for the proposed building are limited by the two existing
7 dwellings and a partly paved driveway.

8 d. The owner would be caused undue hardship if this
9 variance is not granted because he would be required to move
10 the building five feet to the west which would require redesign
11 of the building or relocation of the existing paved driveway.
12 It would also reduce some sunlight to the residence.

13 e. There was no testimony in opposition to the granting
14 of this variance, and there is no evidence that the granting of
15 this variance would have an adverse affect on abutting property
16 owners.

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

19 That real property described as
20 East side of Kane Street, north of Shasta Way,
21 and more particularly described as Lot 45,
Fair Acres No. 1,
22 is hereby granted a variance in accordance with the terms of the
23 Klamath County Zoning Ordinance No. 45, and, henceforth, will be
24 allowed to construct a garage/storage building to be shared by
25 two families.

26
27 Entered at Klamath Falls, Oregon, this 6th day of
28 Dec., 1982.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . . 1:02
this 6 day of Dec A.D. 1982 at o'clock P.M. and
duly recorded in Vol. M82, of Deeds on Page 17213

No Fee

By *[Signature]* EVELYN BIEHN, County Clerk

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