

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request)
for Variance No. 11-84 for) Klamath County Planning
John P. Ervine, Applicant.) Findings of Fact and Order

A hearing was held on this matter on October 18, 1984, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

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

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Assessor's Map
Klamath County Exhibit C, Plot Plan
Klamath County Exhibit D, Note from Earl Jones

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Conclusions of Law:

CONCLUSIONS OF LAW:

1. A literal enforcement of the Klamath County Land Development Code would result in unnecessary hardship for the applicant in that the property in question slopes and also has

1 many trees on it, and to require the applicant to place his
2 garage farther back on the property would make construction more
3 difficult and require the removal of a substantial number of
4 trees.

5 2. The condition causing the above-mentioned hardship
6 was not created by the applicant.

7 3. The granting of this variance would not be detrimental
8 to the public health, safety and welfare, or to the use and
9 enjoyment of the adjacent properties, and will not be contrary
10 to the intent of this code.

11 4. The granting of this variance is consistent with the
12 goals of the L.C.D.C.

13 FINDINGS OF FACT:

14 The requested variance has been granted based on the
15 following findings of fact:

16 1. This variance is being sought in order to allow a
17 garage to be built with no front setback. The property is on
18 Dugout Lane, a dirt public road serving a small number of homes.
19 The garage would not impede travel or affect the visibility
20 along the street. The variance is being requested because
21 the owner wishes to preserve the trees on the lot and because
22 the slope would make construction more difficult the farther
23 back the garage is placed.

24 2. The property is located in the R-1 zone, is rectangular
25 in shape, being approximately 100' x 120'.

26 3. The granting of this variance would affect neither
27 agricultural land nor forest land.

28 4. There are no Goal 5 resources on or around the property

1 which would be affected by this variance.

2 5. No one testified in opposition to this variance, and
3 there was no evidence presented that there would be any
4 detrimental effect to the public health, safety or welfare, or
5 any detrimental effect to abutting property owners.

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

8 That real property described as:

9 "Being located south of Westside Road and between
10 Dugout Lane and Westside Road in the Harriman Park
11 Subdivision, in the Rocky Point area, and more
particularly described as being located in Lots
4 and 5 of Harriman Park,"

12 is hereby granted a variance in accordance with the terms of
13 the Klamath County Zoning Ordinance No. 45.2, to vary the
14 front setback from 25 feet to 0 feet in order to build a garage.

15 Entered at Klamath Falls, Oregon, this 2nd day of
16 November, 1984.

17 KLAMATH COUNTY HEARINGS DIVISION

18 Jim Spindor
19 Jim Spindor, Hearings Officer

20 Return: Commissioners Journal

21 STATE OF OREGON,)
22 County of Klamath)
23 Filed for record at request of

24 on this 6th day of November, D. 19 84
25 at 3:07 o'clock P M, and duly
26 recorded in Vol. M84 of Deeds
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27 EVELYN BIEHN, County Clerk

28 By Ann Smith Deputy

Fee None