

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

50580

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1 In the Matter of Request for)
2 Variance No. 11-85 for) Klamath County Planning
3 Robert D. Nelson, Applicant) Findings of Fact and Order

4 A hearing was held on this matter on June 6, 1985, pursuant
5 to notice given in conformity with Ordinance No. 45.2, Klamath
6 County, before the Klamath County Hearings Officer, Jim Spindor.
7 The applicant was present. The Klamath County Planning Department
8 was represented by Jonathan Chudnoff. The Hearings Reporter was
9 Karen Burg.

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

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

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

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

23 CONCLUSIONS OF LAW:

24 1. A literal enforcement of the Klamath County Land
25 Development Code would result in an unnecessary hardship for the
26 applicant in that the shape of the property in question is such
27 that a garage cannot be constructed without the granting of this
28 Variance.

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

3 3. The granting of this Variance would not be detrimental
4 to the public health, safety and welfare, or to the use and enjoy-
5 ment of adjacent properties, and will not be contrary to the intent
6 of this Code.

7 4. The granting of this Variance is consistent with the goals
8 of the LCDC.

9 5. This Variance is granted subject to the following
10 condition:

11 CONDITION:

12 a. The height of the garage shall not exceed the height of
13 the nearby houses.

14 FINDINGS OF FACT:

15 The requested use has been granted with a condition based
16 on the following Findings of Fact:

17 1. This request is to reduce the front yard setback from
18 25 feet to 10 feet and the rear yard setback from 25 feet to 5
19 feet in order to build a garage.

20 2. The applicant owns the house at 5515 Schiesel Avenue,
21 Klamath Falls, Oregon. He is in the process of buying 50 feet
22 of an adjacent lot in order to build a garage. Because of the
23 small size of this additional parcel and its unusual configuration
24 with respect to the street and rest of the applicant's property,
25 the Variance is needed.

26 3. The property in question is in the Suburban Residential
27 (RS) zone; it is 50 feet by 64 feet consisting of level lawn.

28 4. There is no apparent hazard or detriment to the adjacent

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1 properties from the construction of this garage. The nearest homes
 2 are over 50 feet away from where the garage would be, and access
 3 to the garage is directly from the street.

4 5. The property is within the Klamath Falls urbanized area.
 5 No agricultural or forestry land would be affected by the granting
 6 of this Variance.

7 6. The reduced setback would not affect access or visibility
 8 along Schiesel Avenue. A County traffic barrier at the end of
 9 the street will have to be removed.

10 7. No one testified in opposition to the granting of this
 11 Variance, and no evidence was presented that there would be any
 12 detrimental affect to the public health, safety or welfare, or any
 13 detrimental affect to abutting property owners.

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

16 That real property described as
 17 "being generally located on the west side of 5515
 18 Schiesel Avenue, behind 2647 Homedale, and more
 19 particularly described as being the east 50 feet
 20 of Lot 18, Cloverdale, Klamath County, Oregon,"

21 is hereby granted a Variance with a condition in accordance with
 22 the terms of the Klamath County Zoning Ordinance No. 45.2, and,
 23 henceforth, will be allowed a reduction in the required front and
 24 rear yard setbacks of the Suburban Residential zone.

25 Entered at Klamath Falls, Oregon, this 1st Day of July,
 26 1985.

27 KLAMATH COUNTY HEARINGS DIVISION

28 *[Signature]*

Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH:ss
 I hereby certify that the within instrument was received and filed for
 record on the 2nd day of July A.D., 1985 at 1:37 o'clock P M,
 and duly recorded in Vol M85, of Deeds on page 10192.

Fee: \$ None

Ret: Commissioners Journal

EVELYN BIEHN, COUNTY CLERK

by: *[Signature]*, Deputy