

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

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1 In the Matter of Request for  
2 Variance 14-85 for John Zingg,  
3 Applicant )  
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Klamath County Planning  
Findings of Fact and Order

A hearing was held on this matter on August 15, 1985, 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 Claudia Stine. The Hearings Reporter was Karen Burg.

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, Plot Plan

Klamath County Exhibit C, Sketch of Signs

Klamath County Exhibit D, Assessor's Map

Klamath County Exhibit E, Letter From State Highway Division

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 distance of the applicant's store from the streets in front of said store is such that as large of a sign as possible is desirable.

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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 en-  
5 joyment of adjacent properties, and will not be contrary to the  
6 intent of this Code.

7           4. The granting of this Variance is consistent with the  
8 goals of the L.C.D.C.

9           FINDINGS OF FACT

10          The requested Variance has been granted based on the fol-  
11 lowing findings of fact:

12          1. The applicant is the owner of the Klamath Falls Army  
13 Store which recently moved from 320 South Sixth Street to this  
14 location on Washburn Way. This application is a request for a  
15 Variance to allow an increase in sign size from 100 feet to  
16 520 feet. The applicant is painting the Army Store logo directly  
17 on the building.

18          2. The applicant feels that the distance the building is  
19 from Washburn Way and the speed of the traffic dictates use of as  
20 large a sign as possible. The building is located 70 feet from  
21 the property line off Washburn Way and 70 feet from Hilyard  
22 Avenue.

23          3. This building is located in an industrial and commercial  
24 area; the zone is Light Industrial. The sign painted on the  
25 building would enhance the look of the store, while at the same  
26 time not being a detriment to traffic flow.

27          4. The Hearings Officer visited the site in question and so  
28 informed all parties.

5. Notice of this public hearing was sent to surrounding property owners and to concerned public agencies, and published in the Herald & News, the Klamath Falls newspaper.

6. This new store more than doubles the space which the old store located on South Sixth Street had. The proposed sign would enhance the look of the building to help draw more business.

7. The sign would not block view or access of traffic on Hilyard Avenue or Washburn Way since it is painted directly on the building.

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

The Hearings Officer, based on the foregoing Findins of Fact, accordingly orders as follows:

That real property described as

"Being generally located on the southwest corner of Hilyard Avenue and Washburn Way, and more particularly described as Lot 5, Block 1, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, Township 39, Range 9, Klamath County, Oregon,"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 45.2, and, henceforth, will be allowed to increase allowed sign area from 100 square feet to 520 square feet.

Entered at Klamath Falls, Oregon, this 5<sup>th</sup> Day of September, 1985.

KLAMATH COUNTY HEARINGS DIVISION

*Jim Spindor*

Jim Spindor, Hearings Officer

Variance No. 14-85  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of September A.D. 19 85 at 11:49 o'clock A M., and duly recorded in Vol. M85 of Dees Deeds on Page 14308

FEE NONE

Evelyn Biehn, County Clerk  
By *Pat Smith*

Ret: Commissioner's Journal