

54720

KLAMATH COUNTY, OREGON

Vol. 1485 Page 17295

1 In the Matter of Request for
2 Variance 20-85 for John and
3 Beverly Krunglevich

) Klamath County Planning
)
) Findings of Fact and Order

4 A hearing was held on this matter on October 17, 1985, pur-
5 suant to notice given in conformity with Ordinance No. 45.2,
6 Klamath County, before the Klamath County Hearings Officer, Jim
7 Spindor. The applicant was present. The Klamath County Planning
8 Department was represented by Claudia Stine and Carl Shuck. The
9 Hearings Reporter was Janet Libercajt.

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, Plot Plan

17 Klamath County Exhibit C, Assessor's Map

18 Klamath County Exhibit D, Comment from adjacent property
19 owner

20 Klamath County Exhibit E, Pictures

21 Klamath County Exhibit F, Building Plans presented from
22 applicant

23 Klamath County Exhibit G, Building Plans presented from
24 applicant

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

28 CONCLUSIONS OF LAW:

1. A literal enforcement of the Klamath County Land
Development Code would result in an unnecessary hardship for the

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1 applicant in that the width of the lot in question is not suffi-
2 cient to have a building 30 feet wide without the necessity of a
3 setback, and it is necessary that the applicant construct a
4 building at least 30 feet wide due to the nature of his business.

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

7 3. The granting of this variance will not be detrimental
8 to the public health, safety and welfare, or to the use and
9 enjoyment of adjacent properties, and will not be contrary to
10 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 This requested variance has been granted based on the
15 following findings of fact:

16 1. This application is a request for a variance to allow
17 a reduction in the side yard setback from 25 feet down to 14 feet.
18 Normally there is no side yard setback required in a neighborhood
19 commercial zone in which this property is located; however, since
20 the lot is adjacent to residential land use and zoning, there is
21 a required 25 foot setback.

22 2. The applicant testified that it is necessary for him to
23 have a building at least 30 feet wide due to the nature of his
24 business. He testified that it is necessary to drive a truck
25 into this building with the equipment which he will be repairing
26 and this is the reason the building must be 30 feet in width.
27 The building in question will be ^{used for} repairing and storage of amuse-
28 ment machines such as video games.

1 3. It is not possible to place a building 30 feet in width
2 on this 70 foot lot and leave the required 25 foot setback.
3 Therefore, this variance is necessary in order to place the pro-
4 posed building on this parcel.

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

8 5. The reduced setback would not affect access, as there is
9 access off Shasta Way. No increased traffic is expected due to
10 the fact that this is a repair and storage shop for amusement
11 machines and not a retail sales business.

12 6. This property is within the Klamath Falls urban area.
13 All needed facilities and services are available.

14 7. No one testified in opposition to this variance and
15 there was no evidence presented that there would be any adverse
16 affects on the appropriate development and use of abutting owners
17 and the surrounding area by the granting of this variance.

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

20 That real property described as

21 "Being generally located on the north side of Shasta
22 Way between Hope Street and Ivory Street, and more
23 particularly described as Lot 33, Lewis Tracts,
located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 35, Township 38,
Range 9, Klamath County, Oregon,"

24 is hereby granted a Conditional Use Permit in accordance with the
25 terms of the Klamath County Zoning Ordinance No. 45.2, and,

26 //

27 //

28 //

1 henceforth, will be allowed a Variance for reduction of side
2 yard setback in the CN zone.

3 Entered at Klamath Falls, Oregon, this 22nd Day of
4 October, 1985.

5 KLAMATH COUNTY HEARINGS OFFICER

6 *Jim Spindor*
7 Jim Spindor, Hearings Officer
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 24th day
of October A.D., 19 85 at 9:55 o'clock A M., and duly recorded in Vol. M85
of _____ Deeds _____ on Page 17295.

FEE NONE

Evelyn Biehn
By _____

County Clerk

Pam Smith

Return: Commissioners Journal