

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)	
Variance 21-85 for)	Klamath County Planning
John & Colleen Kunze)	Findings of Fact and Order

A hearing was held on this matter on November 7, 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 Carl Shuck. The Hearings Reporter was Janet Libercajt.

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, Site Plan
 Klamath County Exhibit C, Assessor's Map
 Klamath County Exhibit D, Pictures

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 an unnecessary hardship for the applicant in that the shape of the lot and the placement of

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1 other structures thereon prevents the construction of a carport
2 unless this request is granted.

3 2. The condition causing the above mentioned hardship was
4 not created by the applicant.

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

9 4. The granting of this Variance is consistent with the
10 goals of the L.C.D.C.

11 FINDINGS OF FACT:

12 This requested Variance has been granted based on the
13 following Findings of Fact:

14 1. This application is a request for a Variance to allow
15 a front yard setback from 25 feet to 17 feet in order to build
16 a carport. The property in question is approximately 120 feet
17 by 132 feet, is rectangular in shape; this property is in the
18 Suburban Residential zone.

19 2. Due to the irrigation canal which is the back boundary
20 of the property, it is of shorter depth than that of most of the
21 other lots in the surrounding area. Considering the depth of
22 the property, and the placement of the house and a shop on the
23 property, construction of a carport is not possible without the
24 granting of this Variance.

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

28 4. No one testified in opposition to the granting of this

Variance, and there was no evidence presented that there would be any adverse affects on the appropriate development and use of abutting property owners and the surrounding area.

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

That real property described as

"Being generally located 150 feet south of Shasta Way and on the east side of Hope Street, and more particularly described as the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 39, Range 9, Tax Lot 7400, 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 a front yard setback in order to build a carport in the RS zone.

Entered at Klamath Falls, Oregon, this 18th Day of November, 1985.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor

Jim Spindor, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 19th day
of _____ November _____ A.D., 19 85 at 3:21 o'clock P M., and duly recorded in Vol. 18800
of _____ Deeds _____ on Page _____

FEE NONE

Evelyn Biehn
By _____

County Clerk

Pat Smith

Return: Commissioner's Journal