

1 BEFORE THE HEARINGS OFFICER

2 KLAMATH COUNTY, OREGON

3 In the Matter of Request for)
4 Variance 24-85 for Golden) Klamath County Planning
5 West Signs.) Findings of Fact and Order
6)

7 A hearing was held on this matter on January 16, 1986, pur-
8 suant to notice given in conformity with Ordinance No. 45.2,
9 Klamath County, before the Klamath County Hearings Officer, Jim
10 Spindor. The applicant was represented by Damon Pollard. The
11 Klamath County Planning Department was represented by Kim Lundahl.
12 The Hearings Reporter was Janet Libercajt.

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

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

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Plot Plan

20 Klamath County Exhibit C, Sign Plan & Dimensions

21 Klamath County Exhibit D, Assessor's Map

22 Klamath County Exhibit E, Letter from Highway Division

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

26 CONCLUSIONS OF LAW:

27 1. A literal enforcement of the Klamath County Land Develop-
28 ment Code would result in an unnecessary hardship for the appli-

1 cant in that a sign already exists on the premises to which the
2 applicant needs to add their name.

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

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

9 4. The granting of this Variance is consistent with the
10 goals of the LCDC.

11 FINDINGS OF FACT:

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

14 1. This is a request for Basin Tire Company to add to the
15 sign existing on the premises by adding their name to said sign.
16 This will not be possible unless this Variance is granted because
17 Code Section 66.007 permits a maximum of 100 square feet and the
18 sign as requested will be 142 square feet.

19 2. The property is in the Heavy Industrial zone and is
20 approximately 1.17 acres in size.

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

24 4. No one testified in opposition to the granting of this
25 Variance, and no evidence was presented that there would be any
26 adverse affect to abutting property owners or to the surrounding
27 area by the granting of the Variance.

28 The Hearings Officer, based on the foregoing Findings of

1 Fact, accordingly orders as follows:

12674

2 That real property described as

3 "being generally located east of Washburn Way, 400 feet
4 north of Onyx Avenue Basin Tire Service at 3313 Washburn
5 Way, and more particularly described as a portion of the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 39, Range 9, Klamath
County, Oregon,"

6 is hereby granted a Variance in accordance with the terms of the
7 Klamath County Zoning Ordinance No. 45.2, and, henceforth, will
8 be allowed a sign of 142 square feet in size in the Heavy Indus-
9 trial zone.

10 Entered at Klamath Falls, Oregon, this 15th Day of July,
11 1986.

12
13 KLAMATH COUNTY HEARINGS DIVISION

14
15 83758-1
16 Hearings Officer
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July A.D., 19 86 at 8:45 o'clock A M., and duly recorded in Vol. M86
of _____ Deeds on Page 12672

FEE NONE
Return: Commissioner's Journal

Evelyn Biehn, County Clerk
By Tom Smith

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