

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
 for a VARIANCE THOMAS DARLING)

) VARIANCE
) NO. 11-90
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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 7 September 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. KIM LUNDAHL the recording secretary was Ms. KAREN BURG. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MR. GARY POWLESS appeared representing the applicant, MR TOM DARLING, for the above referenced permit, was present and testified. Mr. DARLING'S information was received and found to be in favor of the permit.

Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following finding of facts.

FINDINGS OF FACT.

Staff and the Applicant were in agreement that the use proposed is appropriate since it does not change the present use.

The condition precipitating this request was not caused by the applicant but rather by the widening of Summers Lane which reduced the present setback.

There was no testimony from any other party interested in opposition to this application even though adjoining property owners were given adequate notice for this hearing.

ORDER

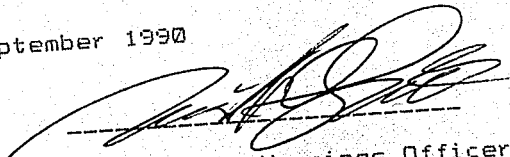
NOW THEREFORE, the request of the petitioner is granted, there being no justification in any other action.

The applicant waives TO THE EXTENT OF THIS VARIANCE ONLY any condemnation rights in the event the public right-of-way is extended.

'90 SEP 19 AM 9 15

18687

DATED this 12th day of September 1990


Neil D. Smith, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

" An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day
of Sept. A.D., 19 90 at 9:15 o'clock AM., and duly recorded in Vol. M90,
of Deeds on Page 18686.
Evelyn Biehn - County Clerk
By Debra M. Mulendare

FEE none

Return: Commissioners Journal