

77159

## ADMINISTRATIVE REVIEW

Vol 94 Page 7000

ATC 41348

In the matter of an )  
 ADMINISTRATIVE REVIEW )  
 File No. 3-MV-94 )

## DECISION AND FINDINGS

Andrew A. Patterson )  
 P. O. Box 5091 )  
 Klamath Falls, OR 97601 )

In accordance with the provisions of Sections 10.805 and 12.770 - 12.800 of the Community Development Ordinance (CDO), the Planning Department has reviewed this request for a Major Variance.

Notice was mailed to 14 adjacent property owners on February 8, 1994, advising them of their right to request a public hearing before the Planning Commission within five (5) days from the date of the notice. As no requests for a public hearing have been received, the Director has reviewed this request and the Decision and Findings are set forth below.

## DECISION

Based on the findings listed below, this request for a Major Variance is approved with the following conditions.

## NATURE OF PROPOSAL

Applicant requests a variance for the construction of a 864 square foot garage (24' X 36'), as an accessory use on a lot without a principle use. The applicant owns a lot and home to the northwest of this lot, through the alley. The garage will be used for storage. The lot is located 250 feet north of Hanks Street, on the west side of Bly Street. The legal description is lot 4, block 1, First Addition to Buena Vista; tax account number 3809-19CC-3400. The subject property is zoned Single Family residential (SF).

## CONDITIONS

1. The applicant shall obtain all necessary permits from the City and County prior to construction and shall comply with all applicable codes and regulations.
2. The variance for lot 4, block 1, runs with and is appurtenant to lots 5 & 6, block 2, First Addition to Buena Vista, and the home that sits thereon, presently owned by Andrew A. Patterson. Any change in common ownership of the two properties shall void this variance.
3. The applicant shall record this decision.
4. The residential character of the lot and the use (garage) shall be continuously maintained by the applicant.
5. Neither the garage or the lot may be used for a commercial nature of any kind, including, but not limited to, a home occupation, storage of materials for a contractor or auto repair.

6. Prior to obtaining a building permit, submit a landscaping plan for review and approval. All areas of the lot, excluding the garage and driveway, but including yards and adjacent rights-of-way, shall be maintained by the owner of the lot in trees, shrubs, decorative rock, (not more than 30%) grass or similar vegetative ground cover. (Section 14.415) The Community Development Department recommends that drip irrigation be installed to water trees, shrubs and other vegetation. All landscaping as shown on the approved landscaping plan must be installed within six months of obtaining a permit and must be maintained continuously in a healthy, living condition.
7. This approval shall become void one year from the date of approval if substantial progress, such as the obtaining of a building permit, has not been made. (Up to a one year extension for this condition may be granted by a written request to the Planning Director.)

#### FINDINGS

The proposed Major Variance has met the conditions and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In so doing, the Major Variance does address the appropriate policies encompassed in the Comprehensive Plan.

#### APPEAL

APPLICANTS AND OTHER AFFECTED PARTIES ARE ADVISED THIS DECISION IS FINAL, UNLESS WRITTEN APPEAL IS FILED WITH THE PLANNING DEPARTMENT WITHIN TEN (10) DAYS OF THE DATE OF MAILING OF THIS DECISION.

Dated this 4th day of March, 1994.

William H. Nebeker  
William H. Nebeker  
Senior Planner

STATE OF OREGON }  
                          } ss.  
COUNTY OF KLAMATH }

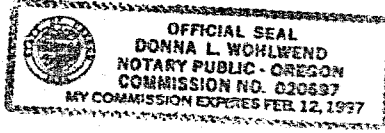
March 4, 1994, personally appeared the above named William H. Nebeker and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME:

Donna L. Wohlwend  
NOTARY PUBLIC FOR OREGON

After Recording Return to:  
Andrew A. Patterson  
P.O. Box 5091  
Klamath Falls, Or. 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.



Filed for record at request of Aspen Title Co  
of March A.D., 19 94 at 11:24 o'clock AM., and duly recorded in Vol. M94 day  
of Deeds on Page 7000

FEE \$15.00

Evelyn Biehn County Clerk

By Donna L. Wohlwend