

In the matter of an
ADMINISTRATIVE REVIEW
File No. 8-MV-94

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DECISION AND FINDINGS

Jesse Withers
P.O. Box 138 AAA, Rte. 2
Tulelake, CA 96134

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In accordance with the provisions of Sections 10.805, 12.755 - 12.765 and 12.790 of the Community Development Ordinance (CDO), the Planning Department has reviewed this request for a Minor Variance.

In accordance with Section 12.755, no mailed notice to adjacent property owners was given. 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 Minor Variance is approved with the following conditions.

NATURE OF PROPOSAL

Applicant requests a variance to reduce the minimum lot size from 7000 square feet to 5871 square feet. The subject property is located 100 feet northwest from the corner of Front Street and Hawkins Streets. The legal description is a portion of lot 16, block 9, Buena Vista Addition; tax account number 3809-30BB-1002. The property is zoned Single Family residential (SF).

CONDITIONS

1. Construction shall comply with all applicable codes and ordinances at the time of construction.
2. This variance runs with the land.
3. The applicant shall record a copy of this decision.

FINDINGS

1. Lot 16 was reduced in size to 5871 square feet as a result of a property line adjustment recorded in July 1992. The adjustment was necessary due to the encroachment of a house and garage roof overhang built on lot 15, as shown on County Survey 4355.
2. The Buena Vista Subdivision, including this lot, was platted in 1906 before a zoning ordinance mandating a minimum lot size was adopted in Klamath Falls. The current zoning, adopted in 1981, requires a minimum 7000 square foot lot. Prior zoning allowed 6000 square foot lots.
3. This lot was originally 6983 square feet, before the property line adjustment.
4. The variance is necessary for the applicant to preserve and enjoy a substantial property right (to construct a single family home) equal to that right possessed by other property owners under like conditions in the same vicinity

and zone. Denial of the variance would render this lot unbuildable.

5. The existing lot exceeds the minimum size for Medium Density and Apartment zoned lots in the City.
6. The exceptional or extraordinary circumstances or conditions applicable to the property are the encroachment from the adjacent lot.
7. The variance will not be materially detrimental to the public health, safety, convenience and welfare because new construction (required through condition #1) will meet minimum setbacks and lot coverage requirements in effect at the time of construction.

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 28th day of April, 1994.

Bill Nebeker
 Bill Nebeker
 Senior Planner

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co the 1st day
 of June A.D. 19 94 at 11:25 o'clock A.M., and duly recorded in Vol. M94,
 of Deeds on Page 17232.

FEE \$15.00

Evelyn Biehn - County Clerk

By Evelyn Biehn

Return: Aspen Title Co