1	BEFORE THE LAND USE	BOARD OF APPEALS
2	OF THE STATE	OF OREGON
4 5	AARON LAFKY,)
6 7	Petitioner,	LUBA No. 97-187
8 9	vs.) FINAL OPINION) AND ORDER
10 11	CITY OF BEND,) (MEMORANDUM OPINION) ORS 197.835(16))
12 13	Respondent,) Appeal from City of Bend. Kevin T. Lafky, Salem, filed the petition for review and argued on behalf of the petitioner. With him on the brief was Lafky & Lafky.	
14 15 16		
17 18 19 20		
21 22	Ronald L. Marceau, Bend City Attorney, Bend, filed the response brief and argued on behalf of the respondent.	
23 24 25 26 27	GUSTAFSON, Chief Administrative Law Judge; HANI Administrative Law Judge; LIVINGSTON, Administrative I Judge, participated in the decision.	
28 29	AFFIRMED	01/12/98
30 31	You are entitled to judi Judicial review is governed by the	cial review of this Order. ne provisions of ORS 197.850.

Page 1

32

1 Opinion by Gustafson.

2 NATURE OF THE DECISION

- 3 Petitioner appeals the city's denial of an application
- 4 for three variances.

5 **DISCUSSION**

- 6 Petitioner owns two lots in the city's RM (Urban Medium
- 7 Density Residential) zone, each developed with one single-
- 8 family dwelling. Petitioner proposes to create four lots and
- 9 to construct two additional single-family dwellings. To do
- 10 so, petitioner requested variances from the city's zoning
- 11 ordinance to reduce the minimum lot size for each lot from
- 12 4,500 to 2,100 square feet, to reduce the minimum street
- 13 frontage for one lot from 50 to 0 feet, and to reduce the
- 14 minimum lot width from 50 to 38 feet. The city hearings
- 15 officer denied petitioner's requests. The city council
- 16 declined to hear petitioner's local appeal, and adopted the
- 17 hearings officer's decision.
- 18 Petitioner contends that the city denied him equal
- 19 protection of the law on the basis that in the past the city
- 20 has granted similar variances; that the hearings officer
- 21 failed to follow precedent in denying his requests; and that
- 22 the city denied him due process of law by the city council's
- 23 refusal to permit him to present evidence during the hearing
- 24 at which it declined to hear his appeal.
- 25 Petitioner has established no legal basis upon which to
- 26 remand or reverse the city's decision.

1 The city's decision is affirmed.