

IN THE MATTER OF VARIANCE CASE 2-96  
 FOR ERNST BROS. AS RELATED TO TRACT 1318

**NARRATIVE:**

This application came before the Planning Commission on FEBRUARY 27, 1996 and was considered per the review criteria set out in Article 43 of the Land Development Code. The applicant requested the Planning Commission grant a variance to minimum roadway development standards as required by Sections 71.040 E & F, 71.060A, 71.070, 71.080, 71.090 B, 71.100, 71.130 of the Land Development Code. Preliminary Tract 1318 depicts existing roadways which are developed so as to not meet the standards now required.

**FINDINGS:**

Upon consideration of the applicants testimony received, exhibits submitted and evidence entered by the Staff, the Planning Commission finds for approval based on the following as applied to the review criteria in Section 43.030:

1. The literal enforcement of this code would create unnecessary hardships to the owners of the owner of existing development in this proposed tract. Parcelization would be impossible if strict compliance to the Code is required. The existing situation has been in place since 1937. The roadway improvements already exist below the minimum required by the current Code.
2. The condition was not created by the current owners, but by their predecessors prior to the Code in 1937.
3. The granting of this variance will only entitle owners/successors the same property rights as others in Klamath County in title to properties under the same zoning classification.

**ORDER:**

Therefore, Variance Case 2-96 to the roadway standards requested is approved for the existing roadways as shown on Preliminary Tract 1318 as approved by the Planning Commission on FEBRUARY 27, 1996.

Dated this 28 day of FEB, 1996

*Carl Shuck*

Secretary to the Planning Commission

**APPEAL RIGHTS**

You are notified this decision may be appealed to the Board of County Commissioners within seven days of the date of mailing. To insure your right to appeal contact the Planning Department immediately.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 1st day  
 of March A.D., 19 96 at 9:35 o'clock AM., and duly recorded in Vol. M96  
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By Bernetha G. Letsch, County Clerk

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