

MEMORANDUM

DATE: October 15, 2009

TO: County Development Review Committee

FROM: John M. Salazar, Development Review Team Leader

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # V 09-5360 Carol Esquibel Variance

ISSUE:

Carol Esquibel, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a third dwelling unit on 5.5 acres.

The property is located at 14 Eh Ski Vel Lane, within Sections 5, 6 and 8, Township 20 North, Range 9 East, (Commission District 1).

SUMMARY:

On August 20, 2009, the Land Use Administrator granted the Applicant a three month temporary placement of her granddaughter's mobile home on the property while the Applicant goes through the variance process. This was done with the caveat that no utilities be hooked up to the home. After the public hearing process is complete, should the Board of County Commissioners deny the request for the variance, the Applicant has ten days to remove the mobile home from the property.

There are currently two homes on the property which comply with current zoning regulations. Each residence is served by its own septic system and share a well. The Applicant proposes to connect the third mobile home to a community water system, though staff has not received a

ready, willing and able letter to connect the third dwelling unit to this particular community water system.

The subject property is located within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 10 acres per dwelling unit. Lot size may be reduced to 2.5-acres with water restrictions of 0.25-acre feet per year. Lot size can further be reduced by way of a small lot family transfer to 1.25-acres.

Article II Section 3 (Variances) of the County Code states that “where in the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This section goes on to state, “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”

REQUIRED ACTION:

The CDRC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

RECOMMENDATION:

Staff recommends that the request for a variance be denied. Article III, Section 10 of the Land development Code states the minimum lot size in this area is 10 acres per dwelling unit.

ATTACHMENTS:

- Exhibit “A” - Letter of request for Variance
- Exhibit “B” -Article III, Section 10 (lot size requirements) of the Code
- Exhibit “C” -Article II, Section 2 (Variances) of the Code
- Exhibit “D” -Vicinity Map
- Exhibit “E” – Site Plan