

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 # V09-5160 Hume Variance

ISSUE:

Jane Hume, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 5.00 acres into two lots.

The property is located at 48 Apache Plume Road, within Section 29, Township 16 North, Range 10 East, (Commission District 4).

SUMMARY:

On September 17th, 2009 the CDRC met and heard this case. A motion was made by Committee Member Gonzales to approve the variance. The vote ended in a tie with Members Gonzales and Romero voting in favor of the motion and Members Martin and De Anda voting against. Members Charlie Gonzales, Jim Salazar and Donald Dayton were not present therefore this case is being heard for deliberation and vote only.

Jane Hume, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 5.00 acres into two lots. Article III, Section 10 states the minimum lot size in the area 20 acres per dwelling unit; lot

size may be reduced to 5.00 acres with community water. The Applicant requests this variance so that she may leave property to her son.

There are currently two homes and a studio on the property. The Applicant occupies one residence with a studio, and her son occupies the second residence. The property is served by an onsite well and two conventional septic systems. The Applicant is proposing to hook up to the Sunlit Hills Water System. Enclosed is a service agreement although it has not been executed. (Exhibit "G")

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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."

RECOMMENDATION:

Staff recommends that the request for a variance be denied. Article III, Section 10 states that the minimum lot size in the area of the subject property is 20 acres per dwelling unit; lot size may be reduced to 5.00 acres with community water.

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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
- Exhibit "F" - Proposed Survey Plat
- Exhibit "G" - Sunlit Hills Water System Agreement
- Exhibit "H" - September 17, 2009 CDRC Minutes