

MEMORANDUM

DATE: January 12, 2010

TO: Board of County Commissioners

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 09-5020 Karen Esquibel Variance

ISSUE:

Karen Esquibel, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code, to allow a Land Division of 1.00 acre into two lots.

The property is located off 9-A Rincon Escondido in La Puebla within Section 8, Township 20 North, Range 9 East, (Commission District 1).

SUMMARY:

On December 3, 2009 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the requested variance by a vote of 4-2.

The Applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a land division of 1.00 acre into two lots. Currently, the property has three legal non-conforming dwellings, (placed pre-1981) and the property is served by two conventional septic systems and a well. The property is located within the Traditional Community of La Puebla. Article III, Section 10, of the Land Development Code states the minimum lot size in this area is 0.75 acres per dwelling unit.

The Applicant states that she recently purchased the property from her mother due to her mother's health becoming an issue and her mother's current job offers no retirement so she could

not afford a mortgage. The Applicant further states that she and her brother take care of their mother. The Applicant's mother originally purchased the property so her children could live next to her.

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 BCC 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:

The decision of the CDRC was to recommend approval of the Applicant's request, with the following staff conditions:

1. No additional dwellings shall be permitted on the property.
2. Water use shall be restricted to 0.25-acre foot per dwelling. A water meter shall be installed on all homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year.

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 3 (Variances) of the Code
Exhibit "D"- Vicinity Map
Exhibit "E"- Site Plan
Exhibit "F" – Letter of Opposition
Exhibit "G" – December 3, 2009 CDRC Minutes