

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 # V09-5420 William Gooch Variance

ISSUE:

William Gooch, Applicant, requests a variance of Article II, Section 2.3.3a (Site Planning Standards for Residential Uses) of the Land Development Code to allow disturbance of 30% slopes on three separate areas exceeding one thousand square feet.

The property is located at 30 Monte La Cueva Road, within Section 26, Township 16 North, Range 11 East, (Commission District 4).

SUMMARY:

On November 19, 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 4-1.

The applicant requests a variance of Article II, Section 2.3.3a (Site Planning Standards for Residential Uses) of the Land Development Code to allow disturbance of 30% slopes on three separate areas exceeding one thousand square feet. The applicant submitted an application to construct a driveway on September 1, 2009 but was denied during the Terrain Management review. The three instances of 30% slope vary in size as follows:

1. 2,858 square feet
2. 1,558 square feet
3. 1,198 square feet

Land Use and the Fire Department have both conducted site visits and concluded that the proposed layout of the driveway is the best alignment due to the rocky terrain of the subject property. The applicant is proposing turn-outs and a y-turn at the end of the driveway for the Fire Department.

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:

After conducting a site inspection on the property, staff has determined that the proposed location of the driveway causes the least amount of 30% disturbance to the terrain of the property. The CDRC concurs with staff’s recommendation of approval for the requested variance.

ATTACHMENTS:

- Exhibit “A” - Letter of request for Variance
- Exhibit “B” – Aerial Photo
- Exhibit “C” - Article II, Section 3 (Variances) of the Code
- Exhibit “D” -Vicinity Map
- Exhibit “E” – Engineered Drawings
- Exhibit “F” – November 19, 2009 CDRC Minutes
- Exhibit “G” – Letter of Opposition to CDRC