

MEMORANDUM

DATE: August 10, 2010

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor

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

FILE REF.: CDRC CASE # V 10-3032 Gerald Medina Variance

ISSUE:

Gerald Medina, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 4.9587 acres into two lots.

The property is located at 312 C Rabbit Road, within Section 10, Township 16 North, Range 9 East, (Commission District 4).

SUMMARY:

On July 22, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance to allow a Land Division of 4.9587 acres into two lots subject to conditions. (Refer to Meeting Minutes Attached as Exhibit "G").

The Applicant, requests a variance to allow a Land Division of 4.9587 acres into two 2.475 acre lots. Article III, Section 10 of the Land Development Code states the minimum lot size in the area is 2.5 acres with water restrictions.

There is currently a well and an accessory structure on the property. The property is located in the Basin Hydrologic Zone where lots can be administratively subdivided to a minimum of 2.5 acres with water restrictions, as previously noted. The proposed lot size of 4.9587 acres is just below the Code required 5.0 acres needed to subdivide this lot administratively. In order to process this request administratively an additional 1,799 square feet of property would be required.

Article II Section 3 (Variances) states: “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:

On July 22, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance to allow a Land Division of 4.9587 acres into two lots subject to conditions.

The Application does not meet the minimum lot size requirements established within the Land Development Code. However staff feels this could be considered a minimal easing of the Code due to the parcel being within 99.1% of the required size. Therefore staff recommends the request for a variance be granted subject to the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for both lots this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. No further division of either tract shall be permitted. This shall be noted on each Plat.
4. Prior to issuance of a Plat, the Applicant must record a standard easement agreement with the County.

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”- Letter from County Fire Marshal
- Exhibit “E” -Vicinity Map
- Exhibit “F”- Proposed Plat/Site Plan
- Exhibit “G”- CDRC Minutes

