

MEMORANDUM

DATE: October 21, 2010

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager

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 10-5240 Ronald Crawford Variance.

ISSUE:

Ronald Crawford, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a lot line adjustment to reduce lot A-2 to 2.507 acres and increase lot A-1 by 4.01 acres for a total of 10.90 acres.

The property is located at 17 Roy Crawford Lane, within Section 17, Township 16 North, Range 10 East, (Commission District 4).

SUMMARY:

On August 19, 2010, the CDRC met and acted on this case. The recommendation of the CDRC was to table the case so that the Applicant could meet with staff and discuss alternative options to resolve the Applicants request.

The Applicant requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a 6.526 acre (Tract A-2) parcel to be reduced to 2.5 acres. The Applicant is proposing a lot line adjustment between Tract A-1 (6.88 acres) and Tract A-2 (6.52 acres). The lot line adjustment would increase the acreage on Tract A-1 to 10.90 acres and decrease the acreage on Tract A-2 to 2.5 acres.

The Applicant states he must sell his mother's home located on Tract A-2 but wishes to retain as much of the family property as possible. The lot line adjustment would also allow for his driveway, which is within Tract A-2, to be platted entirely on his property (Tract A-1).

The property is located within the Metro Mountain Hydrologic Zone where the maximum allowable lot size is 20 acres with .25 acre feet water restrictions and can be reduced to 5 acres with community water. Both Tract A-1 and Tract A-2 are below the maximum allowable lot size depicted by the Land Development Code.

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 has reviewed this application and has found the facts presented **not** to support this application: staff’s analysis of the Applicants interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends **denial** of the Applicants request.

ATTACHMENTS:

Exhibit “A” - Revised Letter of request and Documents 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” - Site Plan
Exhibit “E” - Vicinity Map
Exhibit “F” – Aerial Photo of Property Aerial
Exhibit “G” – CDRC Minutes
Exhibit “H” – Parcel Map of Adjoining Property
Exhibit “I” – Article II, Section 2.3 and Article III, Section 2.4.2a