

MEMORANDUM

DATE: July 22, 2010
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 # V10-3032 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 4.95 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:

The 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 2.475 acre lots. Article III, Section 10 states the minimum lot size in the area is 2.5 acres with water restrictions.

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The property currently has an accessory structure and no dwelling units. The property is located in the Basin Hydrologic Zone where lots can be administratively divided 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, this is approximately 99.1% of the required area.

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.”

RECOMMENDATION:

The Application does not meet the minimum lot size requirements established within the Land Development Code, and has not demonstrated a hardship exists. However staff feels this could be considered an easing of the Code due to the parcel being within 99.1% of the required size, which achieves the purpose of the Code. Therefore staff recommends the request for a variance be granted based upon 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 this property shall be permitted. This shall be noted on the Plat.

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