

MEMORANDUM

DATE: February 17, 2011

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 # V11-5010 Bernie Romero Variance

ISSUE:

Bernie Romero, Applicant, requests a variance of Article V, Section 8.1.3 of the Land Development Code to allow an access easement of less than twenty feet (20') in width.

The property is located within the Traditional Community of Canada de Los Alamos on #11 Caminito Santerra, within Section 27, Township 16 North, Range 10 East, (Commission District 4).

SUMMARY:

The Applicant requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow an access easement of less than twenty feet. The Applicant would like to apply for a Family Transfer Land Division however his fifteen foot access easement does not meet current Code criteria for an access easement as stated in Article V, Section 8.1.3:

“Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.”

The Applicant has stated that he is willing to plat a twenty foot wide access easement on his property but he is unable to get his neighbor to dedicate five more feet of easement from her property. The Applicant meets the density for the Family Transfer as his property contains 5.84 acres and is located within the Traditional Community of Canada de Los Alamos.

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, and approve with conditions or table for further analysis of this request.

RECOMMENDATION:

The code does not contemplate the type of hardship described by the Applicant as a reason for variance consideration. Therefore, Staff recommends that the request for a variance be denied.

Article V, Section 8.1.3 states parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11% and drainage control as necessary to insure adequate access for emergency vehicles.

ATTACHMENTS:

- Exhibit “A” - Letter of Request for Variance
- Exhibit “B” –Vicinity Map
- Exhibit “C” – Aerial Photo of Property
- Exhibit “D” – Article III, Section 10
- Exhibit “E” – Article V, Section 8.1.3