

Variance Request (Type II) for Oversize Lot Narrative

Project Location: The proposed project is located on Aspen Avenue. North boundary is West 15th Street, which is a private street. East boundary is Aspen Avenue.

Project: To subdivide the existing lot to create an additional lot (two total lots). The proposed lot would be 7500 square feet and would be accessed from Aspen Avenue using the existing driveway which will be shared between the two lots. The existing lot residence, shop/garage and sheds / out buildings will remain.

Existing conditions: The existing lot (258895000) is developed land, which is 38333 square ft, of which 30955 square feet is usable land and 7378 square ft is Aspen Avenue right of way. After splitting the 7500 square ft lot, the residual lot size will be 23455 square ft. This residual lot will also contain the easements for accessing both lots. The proposed easement area is 1959 square ft, leaving a balance of 21496 square ft of usable land, which will exceed the max lot size of 11,000 square ft for LDR 7.5 zoning and therefore requires a Type II Variance.

Variance Request: To approve residual of existing lot to exceed the max Lot size of 11.000 square ft for LDR 7.5 zoning . Since the layout of buildings prevents additional breakdown of the lot without creating the situation where buildings would overlay property lines or have to be demolished. Therefore this variance is necessary for the preservation of the existing residence and the outbuildings on the lot.

Approval Criteria:

(1) Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement:

The existing lot (258895000) is developed land, which is 38333 square ft, of which 30955 square feet is usable land and 7378 square feet is Aspen Avenue right of way. After splitting the 7500 square foot lot, the residual lot size will be 23455 square feet. This residual lot will also contain the easements for accessing both lots. The proposed easement area is 1959 square feet, leaving a balance of 21496 square feet of usable land for the existing lot residual which contains the layout of the building structures.

This developed land contains a Single family residence, a Shop / Garage as well as other out building dating back to 1938. The building layout is dispersed across the lot. The residence and other building structures need to be preserved. The layout of buildings prevents additional breakdown of the lot without creating the situation where buildings would overlay property lines or have to be demolished. Therefore this variance for a lot larger than 11,000 square ft is necessary for the preservation of the existing residence and the outbuildings.

(2) The unusual circumstance cannot be a result of actions taken by the applicant:

The need for the variance is not the result of actions taken by the applicant for the following reasons. The existing lot size has always exceeded LDR 7.5 max lot size of 11,000 square ft. The lot is developed land. The layout contains a Single family residence, a Shop / Garage as well as other out buildings which will remain on the property. The original residence was constructed in 1938 therefore existing for 85 years. Other outbuildings also existed when the property was purchased in 1978. The layout of the residence and other buildings is dispersed across the lot. The layout of buildings prevents additional breakdown of the lot without creating the situation where buildings would overlay property lines or have to be demolished. This

variance for a lot larger than 11,000 square ft is necessary for the preservation of the existing residence and the outbuildings.

(3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;

The developed land contains a Single family residence, a Shop / Garage as well as other out buildings which will remain on the property. The building layout is dispersed across the lot. The residence and other building structures need to be preserved. The layout of buildings prevents additional breakdown of the lot without creating the situation where buildings would overlay property lines or have to be demolished. Therefore this variance is necessary for the preservation of the existing residence and the outbuildings.

4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection (1) of this section:

This variance for a lot larger than 11,000 square ft is the least necessary for the preservation of the existing residence and the outbuildings.

5) Any impacts resulting from the variance are mitigated to the extent practical;

This variance will not result in any adverse impacts. It will simply allow the residual of the existing lot to exceed 11,000 square ft so the current single family residence and current outbuildings can be preserved and remain on the developed lot.

(6) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

Granting the variance will not affect the livability of the residential area or have any negative impacts. The developed lot is currently greater than 11,000 square ft. Granting the variance will not change that, but it will bring it closer in compliance with LDR 7.5 lot size requirements.

Variances may not be used to change the required residential density or to allow uses that would not otherwise be permitted in a zone.

The proposed project only intends to split one lot from the original lot with the intent to construct a single family residence which is the within the permitted use of LDR 7.5 zoning.

The oversized lot variance does not change any density or use of said property which is currently and will continue to remain a single family residence, with the same residence and out buildings remaining on the residual of the original lot.

Summary : Without the approval of this request, the functional ability of this lot will be decreased. As described above, the granting of this variance is not a result of actions taken by the applicant since the land was developed and the building layout existed when the applicants purchased the property in 1978. In addition, granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the property is situated. It is the minimum necessary for the preservation of property rights.