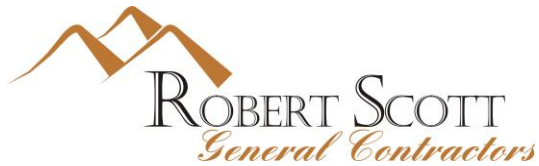


AR NV 15-00413-AP  
Application for a Non-Use Variance  
to allow a  
2.3 foot side-yard setback

## Items to be Discussed:

- Uniqueness of Parkside Neighborhood
- Specific Situation
- Parkside Covenants
- Attempts for Compromise
- Conclusion and Recommendation



# Uniqueness of Parkside Neighborhood:

Designed and Developed in early 1980's

- Design Criteria would never be allowed today

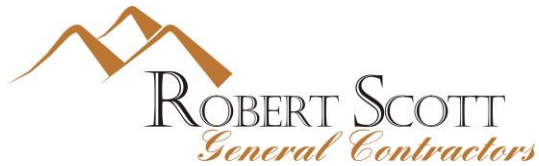
Multiple issues of:

- Setback encroachments
- Prior Houses crossing property lines

Waldo Canyon Fire (141 of 178 Houses Destroyed)

Rebuilding – Modern Criteria vs. Old Standards

- Utilities
- HOA Covenants
- 30 year old Development Plan



## Specific Situation:

### Appellant's Driveway on Subject Property

- We had no Desire to Remove or Alter
- Simple "Push-Back" of House, stay within setbacks
- New Irrigation and Utility Lines at Rear of Property
- Foundation was Inadvertently Angled to Not Interfere with Utilities

Contact with City Planning Staff

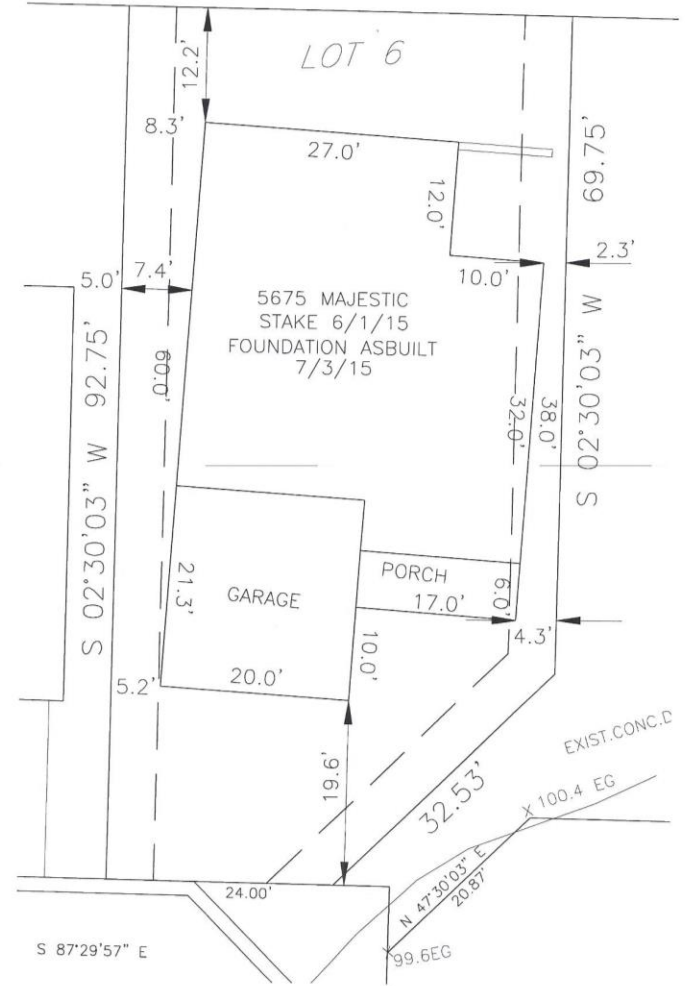
Met with Appellant and HOA Representatives

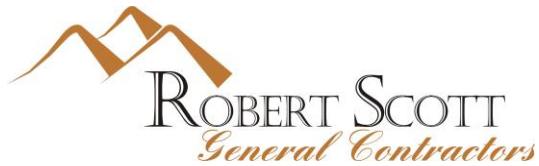












# Parkside Covenants

Addresses Uniqueness of Parkside Neighborhood

CCR's, Article 2, Subsection 5(e):

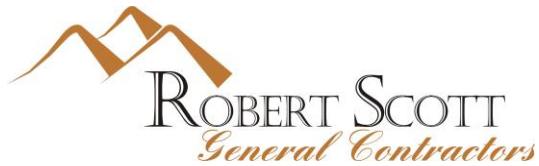
*“In the event that a House or Structure related thereto is partially or totally destroyed, and then rebuilt, the Owners agree that minor encroachments upon the Common Area and/or Lot(s) of parts of the house due to such construction shall be permitted and that a valid easement for said encroachments and the maintenance thereof shall exist.”*



## Parkside Covenants (cont.)

CCR's, Article 2, Subsection 5(f):

*“Owners of adjoining Lots shall have mutual easements of horizontal and vertical support for the foundations on which adjacent walls of their improvements rest...”*



## Attempts for Compromise

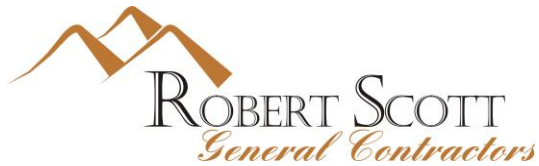
Explained Uniqueness of Parkside

Exchange of Easements

Exchange of Liability Releases

Property Boundary Adjustment

Appellant's Attorney Letter of August 12, 2015



## Conclusions and Recommendation

Problem is a Direct Result of Appellant's Driveway  
Variance has been Submitted in Accordance with City Criteria  
Easements and Foundation are in Accord with HOA CCR's  
Efforts at Compromise have Failed

Question of Fairness:

City Allowed Driveway on our Property  
City Should Allow our Setback Variance