

5675 Majestic Dr.

AR NV 15-00413(AP)

City Council Public Hearing

October 13, 2015

Ryan Tefertiller

Background

- Single Family lot in Parkside at Mountain Shadows
- Previous home destroyed by the Waldo Canyon fire in 2012
- 4,095 Square Foot lot
- Zoned PUD/HS
- New one-story single family home approved and under construction

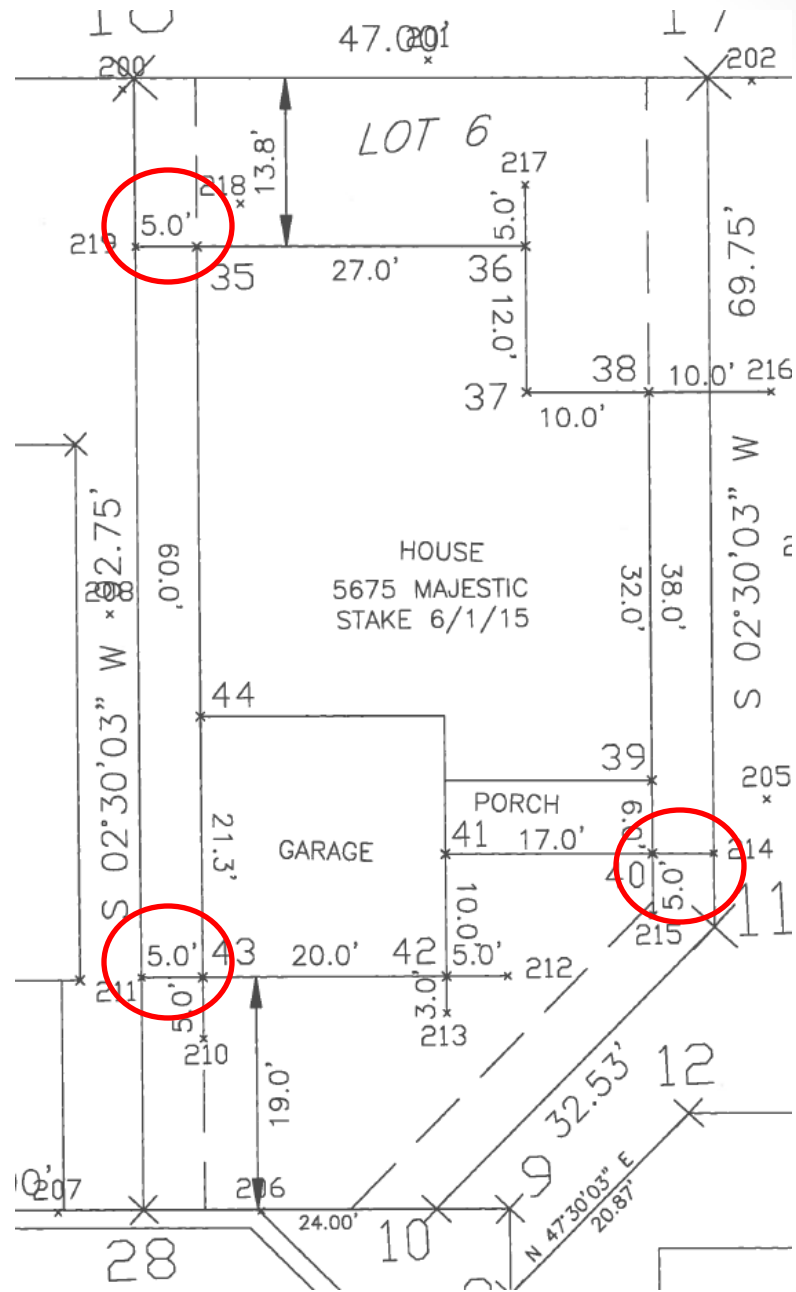
Subject Property



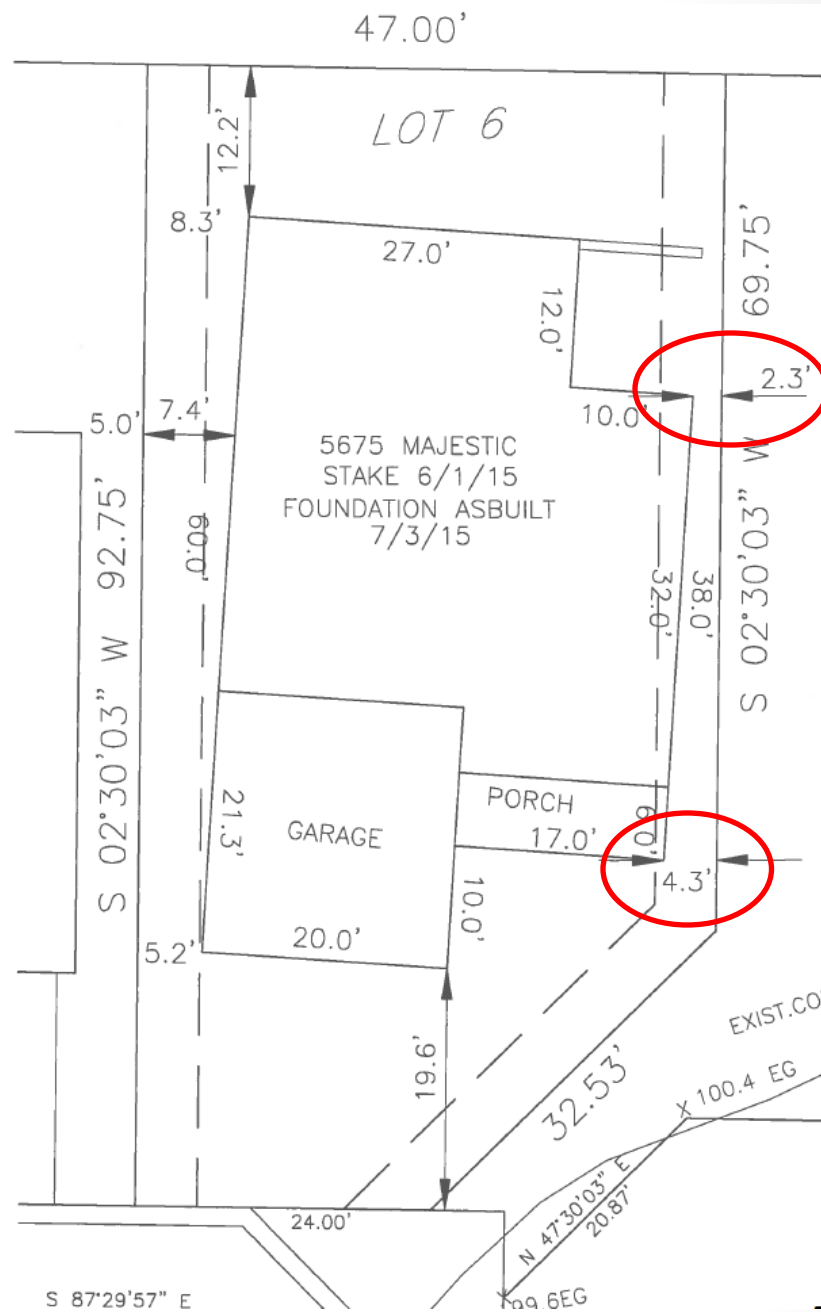
Planning History

- 140 or 171 Parkside home destroyed by the Waldo Canyon Fire
- City adopted policies to promote rebuilding of the neighborhood
- April 2015 site plan approved and building permits issued for 5675 Majestic
 - Home to span to 5' side setback on both sides
 - Field adjustments resulted in the foundation encroaching to as little as 2.3' from east property line

Original Site Plan



Variance Site Plan



Non-Use Variance

- When encroachment realized the builder initiated discussion with City Staff, the neighboring owner, and the HOA
- Staff spoke with neighboring owner and HOA to inform of application and analysis
- Variance approved July 14, 2015
- Appeal of Staff's decision filed on July 24, 2015

Non-Use Variance Criteria

- 3 Non-Use Variance Criteria
 - Exceptional/Extraordinary Conditions
 - No Reasonable Use of Property
 - No Adverse Impact
- Facts considered:
 - Lot size/width
 - Foundation status
 - Neighbor's driveway
 - Neighbor's home location/angle
- Staff issued ROD finding criteria were met

Appeal to CPC

- A success appeal must:
 - Identify the ordinance provisions in dispute
 - Show decision was incorrect
 - Against express language of zoning ordinance
 - Against express intent of zoning ordinance
 - Unreasonable
 - Erroneous
 - Contrary to Law
 - Benefits / impacts – burdens on appellant outweigh benefits to community

Appeal Statement / Rebuttal

- Appellant's appeal statement includes significant description of impacts and concludes that the administrative approval should be overturned
- Applicant submitted significant rebuttal document in response to the appeal statement

Stakeholder Input

- Parkside at Mountain Shadows
Architectural Control Committee supports the variance
 - Covered patio removed from the original submittal
- Donald Meaney document to City Council

Planning Commission

- August 20, 2015 public hearing
- Planning Commission vote tied
 - 3 supported variance, 3 opposed variance
 - Lack of a majority resulted in the denial of the appeal, upholding Staff's approval

Recommendation

- Deny the appeal and reaffirm the administrative approval of the non-use variance based on the findings that the application complies with City Code 7.5.802.B.

Questions?