

APPELLANT FOR TOLERANCE TRAIL SUBDIVISION

FILE NUMBER AR PFP 17-00246

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Kathryn Abrams

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8/10/2017

Chris's signature

From: cbartont6 <cbartont6@gmail.com>

To: kitqli <kitqli@aol.com>

Subject: Chris's signature

Date: Wed, Aug 9, 2017 6:44 pm

Attachments: CB_Signature.jpg (199K)

Please use this for the appeal submission only. Thanks for all your help.

Best regards,

Chris

Chris Barton
M:(719)338-1667

1 Attached Images

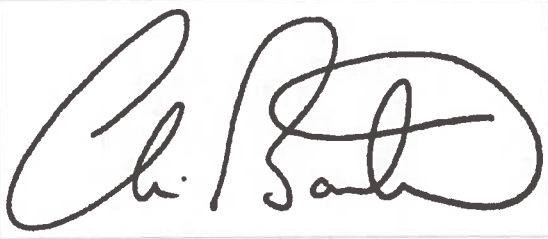
A handwritten signature in black ink, appearing to read "Ch. Barton", enclosed in a thin black rectangular border. The signature is written in a cursive style with a large, looped initial "Ch" and a stylized "Barton".

FIGURE 2

APPEAL OF ADMINISTRATIVE DECISION

TOLERANCE TRAIL SUBDIVISION

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GROUND:

2. The administrative decision is incorrect because:

a.) Violates express language of Zoning Ordinance: The lot is zoned R-6 and is a small residential lot originally platted in 1950 and of similar size to its neighboring lots. The replat of this single lot into two different uses, residential and park, violates the zoning code by creating a mixed use lot without appropriate rezoning, Zoning Ordinances § 7.3.702-704(A);

b) Violates express intent of Zoning Ordinances: (1) creates mixed use lot without rezoning (see a) above); (2) creates a tract that is in the nature of a flag lot without compliance with flag lot standards including 5' utility easements adjacent to the flag lot, Zoning Ordinance § 7.7.605; (3) eliminates side lot and rear lot set backs on the northern and western boundaries of Tract A, which is inconsistent with typical platted set backs including the set back and easement requirements for Lot 1. Including an additional condition for Tract A of side and rear setbacks and utility easements will create a buffer and will facilitate access to the side and rear lots of adjoining lots for maintenance, repair and replacement of existing fences and weed control at lot lines, for example.

c.) The decision is unreasonable without additional conditions to mitigate the negative impacts of the replat and without requiring rezoning for the mixed use proposed.

3. The following are adverse impacts and burdens created by the decision:

a.) The replat creating a new tract for an improved public trail relocates an existing unimproved pedestrian trail to the boundary of the adjoining lots without imposing setbacks to buffer the impact on the adjoining lots, which separation existed prior to the replat;

b.) Relocation of the trail without additional mitigating conditions results in an undue burden upon and loss of quiet enjoyment for the adjoining lot owners;

c.) The replat, improved trail and public ownership is likely to increase foot traffic through the neighborhood by non-residents of the neighborhood;

d.) The replat, improved trail and public ownership is likely to increase vehicle traffic, parking and congestion in the neighborhood by non-residents;

e.) The replat, improved trail and public ownership is likely to result in increased noise, loitering, littering and presence of unleashed dogs.

3. The following are benefits created by the decision:

a.) Improved park access for neighborhood residents

b.) Designated route for students walking to neighborhood middle school

SOLUTIONS AND REMEDIES:

1. Require rezoning into mixed use lot.

2. Require reasonable setbacks for all trail improvements on northern and western boundaries of Tract A.

3. Reconfigure trail intersection with Friendship Lane.
4. Install “No parking, stopping, standing or loitering” signs on both sides of Friendship Lane to the Crescent Lane intersection.
5. No signage for trail that is likely to increase use of trail by non-residents of neighborhood.
6. Install digital speed sign on city property at the intersection of Friendship and Crescent Lanes.
7. Evaluate trail for ADA compliance to facilitate access opportunities to neighborhood park for neighborhood residents.