

**BOARD OF COUNTY COMMISSIONERS  
JULY 23, 2019  
PLANNING CASE # PLN19-049  
GENERAL SUBDIVISION EXEMPTION - CLASS 6  
CONSENT AGENDA**

**PROJECT INFORMATION:**

Location: Wilderdest Subdivision Filing #1, Block 8, Lot 17 & Lot 19  
Project/Request: General Subdivision Exemption to adjust the lot line between Lot 17 and Lot 19, Block 8, Wilderdest Filing #1. The resulting size of Lot 17 will be .26 acres and Lot 19 will be .34 acres; both parcels are zoned R-6.

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Upper Blue Planning Commission does not review General Subdivision Exemptions

**RESOLUTION STATUS**

Draft Resolution Attached

**STAFF RECOMMENDATION:**

Staff is recommending approval with 5 findings and 1 condition

**ATTACHMENTS:**

- 1 Vicinity Map
- 2 Proposed Plat
- 3 Draft Resolution



PLANNING DEPARTMENT

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**STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Cody Horn; Planner I  
**FOR:** Meeting of July 23, 2019  
**SUBJECT:** PLN19-049: General Subdivision Exemption Lot Line Adjustment  
**OWNER:** T.W. and K.S. Donze Family Trust  
**APPLICANT:** Terry Donze

**REQUEST:** General Subdivision Exemption to adjust the lot line between Lot 17 and Lot 19, Block 8, Wildernest Filing #1. The resulting size of Lot 17 will be .26 acres and Lot 19 will be .33 acres; both parcels are zoned R-6.

**PROJECT DESCRIPTION:**

**Location:** 231 Poplar Circle (CR 1268)  
**Legal Description:** Lot 17 & Lot 19, Wildernest Subdivision Filing #1  
**Existing Zoning:** R-6  
**Total site area:** Lot 17 (.29 acres), Lot 19 (.30 acres) (Before Lot Line Vacation)  
 Lot 17 (.26 acres), Lot 19 (.33 acres) (After Lot Line Vacation)  
**Adjacent land uses:**  
**East:** Lot 18A & 18B, Wildernest Sub #1, R-6  
**West:** Lot 30A, Wildernest Sub #2, R-25  
**North:** Lot 20B, Wildernest Sub #1, R-6  
**South:** Lot 15A & 15B, Wildernest Sub #1, R-6

**DEVELOPMENT REQUIREMENTS**

**Setbacks**

<u>Lot 17</u>	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
<b>Front:</b>	33 feet	33 feet	25 feet
<b>Rear:</b>	60.3 feet	60.3 feet	25 feet
<b>N Side:</b>	33 feet	23 feet	7.5 feet
<b>S Side:</b>	20 feet	20 feet	7.5 feet
<u>Lot 19</u>			
<b>Front:</b>	31 feet	31 feet	25 feet
<b>Rear:</b>	47 feet	47 feet	25 feet
<b>N Side:</b>	7 feet	7 feet	7.5 feet
<b>S Side:</b>	7 feet	17 feet	7.5 feet

**BACKGROUND:**

The Wilderest Subdivision Filing #1 plat was signed by the BOCC on November 3, 1969 and recorded under Reception number 114273 on November 11, 1969, creating the current configuration of Lot 17 and Lot 19. The applicant owns both Lot 17 and 19. A single-family home was constructed on Lot 19 in 1977 under ownership of Terry Donze prior to the quitclaim of the property to the TW and KS Family Trust in 1998. A single-family home was built on Lot 17 in 1977 prior to being deeded to the applicant's Timbur Summit LLC in 2000. The applicant is proposing an adjustment to the southeastern property line of Lot 19, to be moved fifteen feet to the southeast into Lot 17 for the purposes of creating more space from the required setback and allowing room for the future construction of a garage on that portion of Lot 19.

**CRITERIA FOR DECISION**

A General Subdivision Exemption shall meet the criteria in Section 8402.01.F in the Summit County Land Use and Development Code ("Code"), copied below.

**8401.02.F: Criteria for Approval**

The following criteria must be met for the BOCC to approve a Lot Line Adjustment.

1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3-4).
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.

**Criterion 1: Will Not Circumvent County Subdivision Regulations**

This application will not circumvent the intent of the County's subdivision regulations. No additional building sites will be created through this plat and no new uses are being proposed. The purpose of this request is to create more space on Lot 19 to make space for anticipated construction of a garage.

**Criterion 2: Compliance with County Zoning Regulations**

The proposed subdivision exemption is in compliance with the Zoning Regulations in the R-6 Zoning District with one exception that is addressed with proposed condition. The current driveway on Lot 19 exceeds the minimum separation and maximum width for access from Poplar Circle. Condition 1 states that any future improvements to Lot 19 will require the driveway access to be improved to meet current County Chapter 5 Road and Bridge standards, including driveway width and separation. All structures will be setback compliant with the proposed Lot Line Adjustment except for the existing encroachment of 0.5 feet into the side setback on the north end of Lot 19. An existing setback encroachment on the south end of Lot 19 will become compliant with setbacks through the process of this Lot Line Adjustment. No non-conformities are being created. No changes will be made to the permitted uses, or density for these parcels. Any development for either parcel will require a full site plan review of the proposed development thereby ensuring compliance with the zoning regulations.

**Criterion 3: Compliance with Provision of Utilities**

There was no objection to the application from the utility providers, and this proposal is to the satisfaction of the utility companies as it does not affect easements necessary for the provision of utilities.

**Criterion 4: Plat Standards Suitable for Recordation of a Lot Line Adjustment**

A proposed plat has been provided with the application materials that meets County standards and will be recorded upon approval.

**Criterion 5: Ad Valorem Taxes**

The Treasurer's Office has confirmed that all ad valorem taxes for the subject properties have been paid in full for 2018.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners approve PLN19-049; a General Subdivision Exemption to adjust the lot line on Block 8 between Lot 17 and Lot 19. Wilderest Subdivision Filing #1; zoned R-6, with the following findings and conditions:

**Findings:**

1. This proposed Lot Line Adjustment will not circumvent the intent of the Subdivision Regulations.
2. This application is in compliance with the Zoning Regulations found in the Land Use and Development Code and the R-6 Zoning District with the exception addressed with the proposed condition.
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. A plat illustrating the lot line adjustment has been drawn in accordance with the applicable materials and is suitable for recordation.
5. All ad valorem taxes for the subject properties have been paid in full for 2018.

**Condition:**

1. Per the Road and Bridge Department, any future development to be completed on Lot 19 will require modification of the driveway to meet standards.