

ITEM: PLAT-0509-2024 – Request to consider the First Replat of the Amended Plat of Parkwood Filing No. 2 and Easement Vacation to adjust the location of the lot line between 187 and 171 Harper Street.

PLANNER: Amelia Brackett, Senior Planner

APPLICANT/OWNER: Joel Hayes, Susan Johnson, Debora Langer, Thomas Langer

EXISTING ZONING: Residential Medium Density (R-M)

LOCATION: 187 and 171 Harper Street

TOTAL SITE AREA: +/- .32 acres, 13,949 sf

REQUEST: Approval of Resolution 7, Series 2024 recommending approval of a Minor Subdivision, the First Replat of the Amended Plat of Parkwood Filing No. 2, and Easement Vacation to adjust the lot line between 187 and 171 Harper Street.

VICINITY MAP:



SUMMARY:

The applicants, Joel Hayes, Susan Johnson, Debora Langer, and Thomas Langer, request approval of a Minor Subdivision and Easement Vacation to adjust the lot line and associated easements between 187 and 171 Harper Street.

BACKGROUND:

The subject properties are part of the Amended Plat of Parkwood Filing No. 2, platted in 1976. They are zoned Residential Medium Density (R-M). The current lot line between lots currently platted as lots 8 and 9 configuration was created to accommodate a water line easement that existed prior to the existing plat. The water line easement was vacated in 2010 by Ordinance No. 1581 after the water line was abandoned and filled, but the lot line configuration remains.

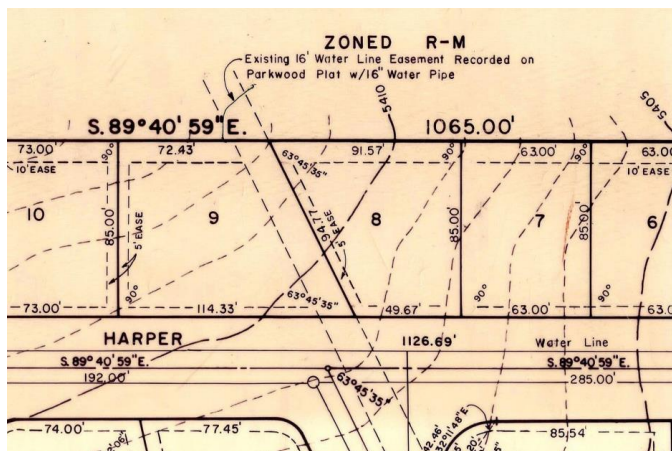


Figure 1. Amended Plat of Parkwood Filing No. 2, which is the existing plat, showing the current lot configuration and a now-vacated water line easement.

PROPOSAL:

The proposed replat and easement vacation straightens the lot line and alters the associated easements to create a line running north/south. No new lots would be created through this change. The plat would dedicate new 5' easements on either side of the proposed property line for utilities and drainage.

The application also requires approval of the following subdivision modification. Note that the nonconformity described in the modification below already exists with the current lot configurations.

1. Allow a lot size of 6,006 square feet on the eastern lot (Lot 2 of the replat) here 7,000 square feet is required in the Residential Medium Density (R-M) Zone District.

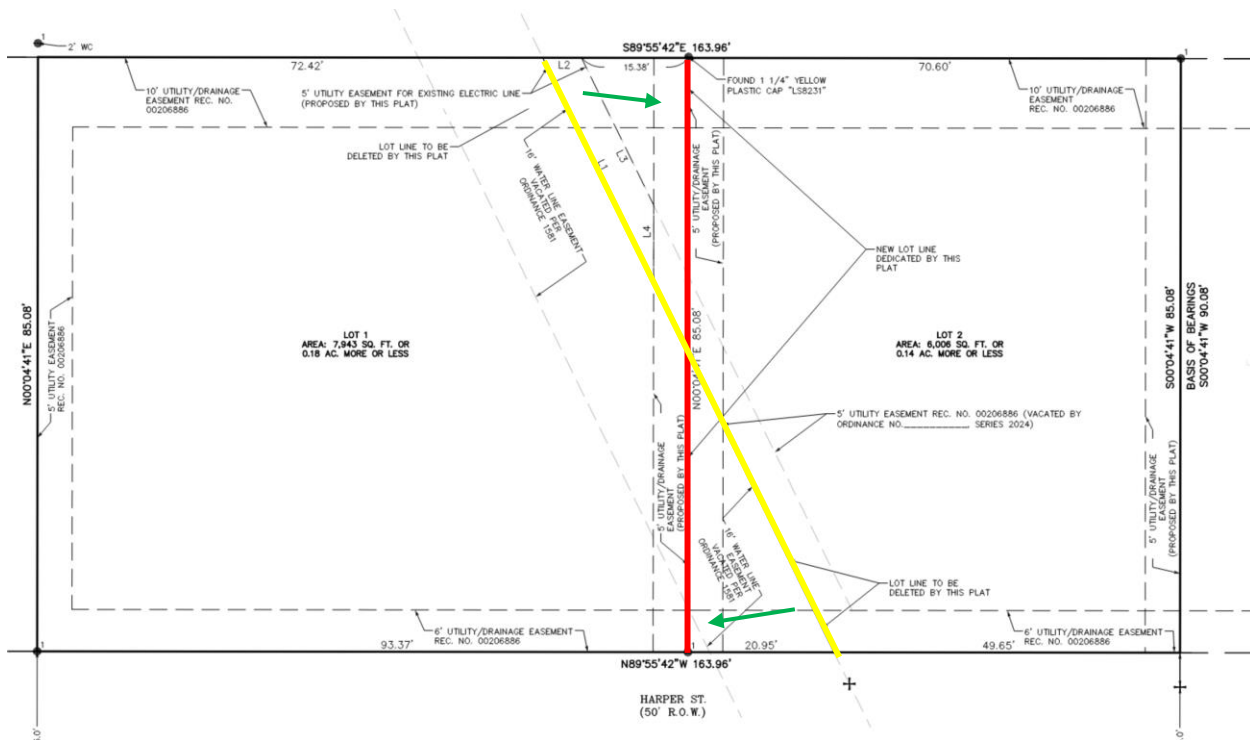


Figure 2. Proposed lot line adjustment moving current lot line (yellow) to north/south orientation (red).

ANALYSIS:

The proposed re-plat falls under the Minor Subdivision procedure in Louisville Municipal Code (LMC) Sec. 16.12.110, which eliminates the need for review of a preliminary plat prior to review of the final plat. Thus, the Commission is reviewing the final plat for recommendation to the City Council.

Staff reviewed the plat against the final plat criteria and subdivision design standards in LMC Sec. 16.12.090 and LMC Chapter 16.16, and applicable city codes and standards for access, drainage and utilities.

Final Plat Criteria:

Section 16.12.075 of the LMC establishes the following rationale for consideration of final plats by Planning Commission and City Council:

1. *Whether the plat conforms to all of the requirements of this title;*
 - Outside of the modification described above, staff finds that the application would conform to all other requirements of Title 16.
2. *Whether approval of the plat will be consistent with the city's comprehensive plan, applicable zoning requirements, and other applicable federal, state and city laws;*
 - Staff finds that the request does not have an impact on the Comprehensive Plan. Staff finds that both lots would support single-family dwelling units that meet the zoning standards and would therefore be buildable lots.

- Staff finds that the application is consistent with all applicable zoning requirements except where modifications have been requested as described in this report.
3. *Whether the proposed subdivision will promote the purposes set forth in section 16.04.020 of this Code and comply with the standards set forth in chapter 16.16 of this Code and this title.*
- Staff finds that the application will promote the purposes in 16.04.020, including the assurance that public services are available, the safe and efficient circulation of traffic, pedestrians and bikeways, and provides appropriate regulation of the use of land in the city.
 - Staff finds that the application is consistent with the standards set forth in Chapter 16.16 in all respects except in the requested modification.
 - In addition, this proposal would bring the lots into conformance with 16.16.050.F, *Side lot lines shall be substantially at right angles or radial to street lines.*

Modification Criteria:

Section 16.24.030 of the LMC establishes the following criteria for consideration of modifications to final plats; applications must also comply with Section 16.04.020 (discussed above) and Section 16.24.010.

1. Section 16.04.010-Modifications: *The city council, upon advice of the planning commission, may authorize modifications where a subdivider proposes a plat that does not fully comply with the regulations in this title or title 17. No modification shall be granted if it would be detrimental to the public good or impair the basic intent and purposes of this title or title 17. Any modification granted shall be in keeping with the intent of the comprehensive development plan of the city. Any modification granted shall be in keeping with the intent of the comprehensive plan of the city.*
 - Staff finds that the proposed modification does not affect the Comprehensive Plan or other City policies, and would not be detrimental to the public good given that it continues the existing non-conformity and does not result in a greater non-conformity than what already exists.
2. Section 16.24.030-Modification review criteria:
 1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the property, or exceptional topographical conditions, or other physical conditions peculiar to the affected property;*
 - Staff finds that there are unique physical circumstances regarding lot size given that the current lot configurations do not conform to the lot size requirements in Title 17.
 2. *That because of such physical circumstances or conditions, the property cannot be reasonably developed in conformity with the provisions of title 16 and title 17 resulting in a hardship;*
 - The property line cannot be adjusted without the lot size modification since the total square footage of the combined lots is less than 14,000

square feet and the minimum lot size for this zone district is 7,000 square feet.

3. *That such hardship has not been created by the applicant;*
 - The applicants did not create the current, non-conforming lot configurations.
4. *That the modification, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;*
 - The modification will not alter the existing character or impair any adjacent uses given that the lot size non-conformity currently exists on the properties.
5. *That there are no reasonable alternatives that would remove the need for the requested modification or would reduce the amount of the modification.*
 - There are no options to adjust the lot line that would avoid the modification request.
6. *That no additional dwelling units shall result from approval of the modification beyond what the underlying zoning would otherwise allow.*
 - Staff finds that no additional dwelling units would result from the modification.

Staff finds that the modification criteria are met and therefore recommends approval of the modification requests for the Minor Subdivision.

Easement Vacation

The easement vacation moves the existing utility easement to run along the new property line and adds drainage easements. Public Works staff has reviewed the changes and have no concerns. No other changes are proposed. Staff recommends approval of the easement vacation.

PUBLIC COMMENTS:

No public comments were received by staff at the time of publication of this report.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 7, Series 2024 recommending approval of the First Replat of the Amended Plat of Parkwood Filing No. 2 and Easement Vacation with one condition:

1. That the applicant provide an updated plat reflecting staff's final requested changes prior to noticing for City Council, which are reflected in the redmarked plat (Attachment 2).

ATTACHMENTS:

1. Resolution No. 7, Series 2024
2. First Replat of the Amended Plat of Parkwood Filing No. 2 – Redmarked
3. Easement Vacation Exhibit
4. Application Materials

**RESOLUTION NO. 7
SERIES 2024**

**A RESOLUTION RECOMMENDING APPROVAL OF THE FIRST REPLAT OF THE
AMENDED PLAT OF PARKWOOD FILING NO. 2 AND EASEMENT VACATION.**

WHEREAS, there has been submitted to the Louisville Planning Commission an application for a Minor Subdivision and Easement Vacation to adjust the location of the lot line and associated easements between 171 and 187 Harper Street; and

WHEREAS, City staff has reviewed the information submitted and found that the application complies with the Louisville subdivision and other applicable sections of the Louisville Municipal Code; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on July 11, 2024 where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission staff report dated July 11, 2024.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of the final plat request for the First Replat of the Amended Plat of Parkwood Filing No. 2.

PASSED AND ADOPTED this 11th day of July, 2024.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Debra Baskett, Secretary
Planning Commission

LOT LINE ADJUSTMENT OF AMENDED PLAT OF PARKWOOD FILING NO. 2

A REPLAT OF LOTS 8 & 9, BLOCK 6, AMENDED PLAT OF PARKWOOD FILING NO. 2, LOCATED IN THE
NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 13,949 SQ. FT., OR 0.32 ACRES, MORE OR LESS

First Replat of the Amended Plat of Parkwood Filing No. 2

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER OF A TRACT OF LAND DESCRIBED IN DEEDS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 2947265 ON 07/31/2008 AND RECEPTION NO. 2927682 ON 04/28/2008, LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOUISVILLE, BOULDER COUNTY, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 8, AND LOT 9, BLOCK 6, AMENDED PLAT OF PARKWOOD FILING NO. 2, COUNTY OF BOULDER, STATE OF COLORADO.

CONTAINING 13,949 SQ.FT., OR 0.32 ACRES, MORE OR LESS.

HAS LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF LOT LINE ADJUSTMENT OF AMENDED PLAT OF PARKWOOD FILING NO. 2:

OWNERSHIP SIGNATURE BLOCK

HAVE LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS UNDER THE NAME OF LOT LINE ADJUSTMENT OF AMENDED PLAT OF PARKWOOD FILING NO. 2

WITNESS MY/OUR HAND(S) AND SEAL(S) THIS _____ DAY OF _____ 20____

JOEL R. HAYES JR. SIGNATURE

NOTARY NAME (PRINT)

NOTARY SIGNATURE (NOTARY SEAL)

SUSANL. JOHNSON SIGNATURE

NOTARY NAME (PRINT)

NOTARY SIGNATURE (NOTARY SEAL)

OWNERSHIP SIGNATURE BLOCK

HAVE LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS UNDER THE NAME OF LOT LINE ADJUSTMENT OF AMENDED PLAT OF PARKWOOD FILING NO. 2

WITNESS MY/OUR HAND(S) AND SEAL(S) THIS _____ DAY OF _____ 20____

THOMAS J. LANGER SIGNATURE

NOTARY NAME (PRINT)

NOTARY SIGNATURE (NOTARY SEAL)

DEBORA A. LANGER SIGNATURE

NOTARY NAME (PRINT)

NOTARY SIGNATURE (NOTARY SEAL)

Boundary Closure Report

COURSE: S89°55'42"E LENGTH: 163.96'
COURSE: S00°04'41"W LENGTH: 85.08'
COURSE: N89°55'42"W LENGTH: 163.96'
COURSE: N00°04'41"E LENGTH: 85.08'

ERROR CLOSURE: 0.00 COURSE: N00°00'00"E
ERROR NORTH: 0.000 EAST: 0.000

PRECISION 1: 498080000

Notes

- POSTED ADDRESS: 187 HARPER STREET. LAND TITLE GUARANTEE COMPANY COMMITMENT NUMBER W80025973-3, DATED JULY 14, 2008 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON INCLUDES ALL OF THE PROPERTY DESCRIBED IN SAID TITLE BINDER.
- POSTED ADDRESS: 171 HARPER STREET. UNITED TITLE COMPANY POLICY NUMBER U0038257-2-E, DATED MAY 5, 2008 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON INCLUDES ALL OF THE PROPERTY DESCRIBED IN SAID TITLE BINDER.

- ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

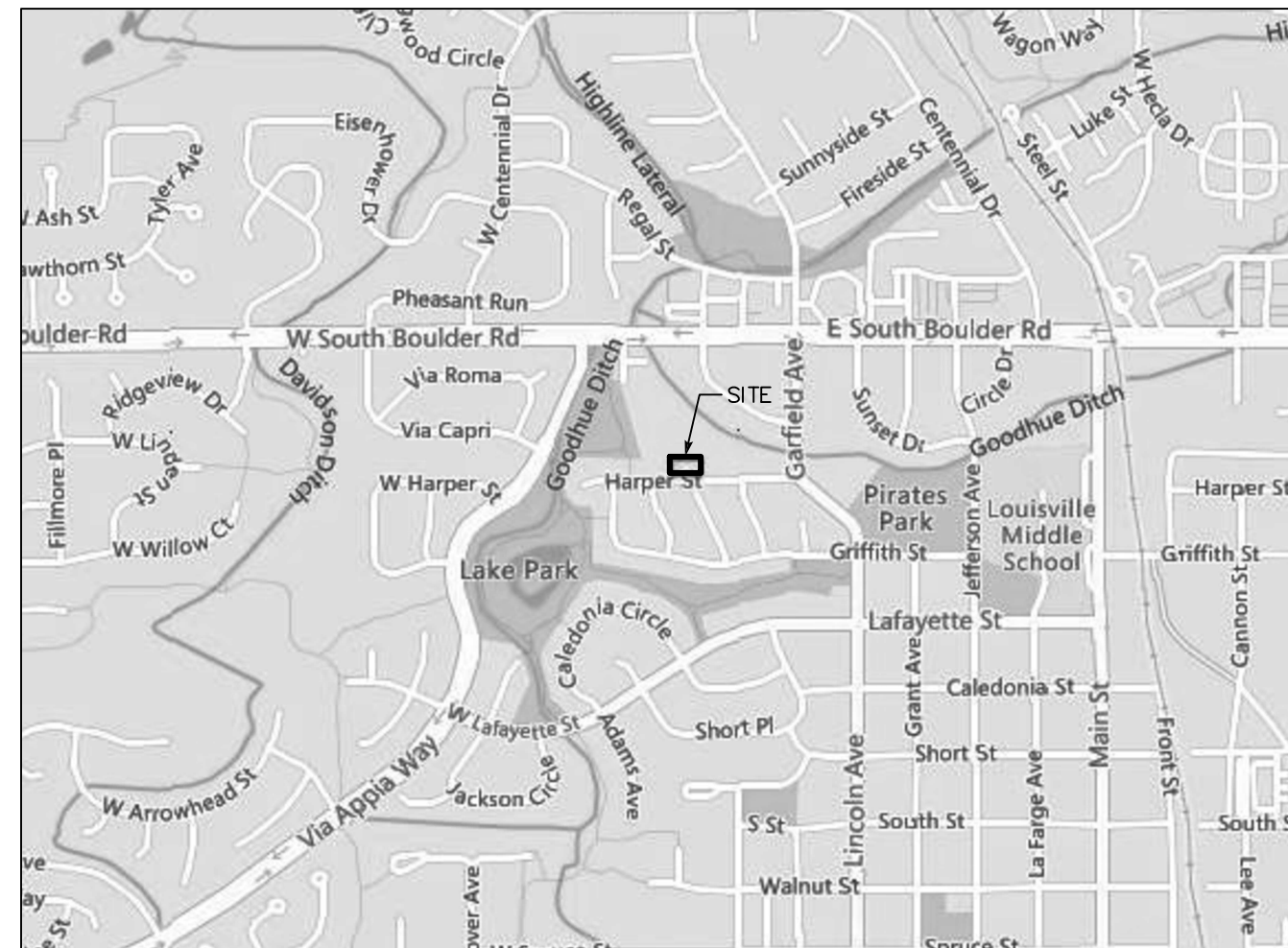
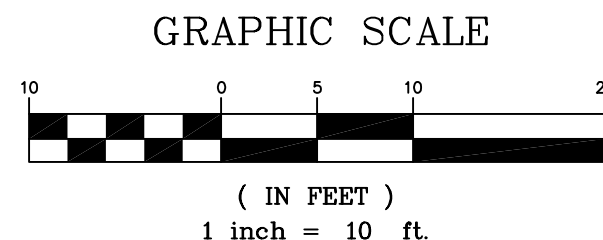
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF S00°04'41"W ALONG THE EAST LINE OF LOT 8, BLOCK 6, AMENDED PLAT OF PARKWOOD FILING NO. 2 EXTENDED SOUTH TO THE 5.0' OFFSET CHISELED CROSS, BETWEEN A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP MARKED "FLATIRONS SURV 29038" AT THE NORTHEAST CORNER OF LOT 8 AND A FOUND CHISELED CROSS AT THE 5.0' OFFSET TO THE SOUTHEAST CORNER OF LOT 8 AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
- ALL GENERAL NOTES, DEDICATIONS AND PLAT RESTRICTIONS, AS SHOWN ON THE PLAT OF AMENDED PLAT OF PARKWOOD FILING NO. 2 RECORDED AT REC. NO. 00206886 AS RECORDED IN THE RECORDS OF BOULDER COUNTY APPLY TO THE PROPERTY SHOWN AND DESCRIBED HEREON..
- DATES OF FIELDWORK: NOVEMBER 16, 2021 (CREW CHIEF S. KLINGMAN).

Legend

- FOUND CHISELED CROSS 5' OFFSET UNLESS OTHERWISE DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- FOUND 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 29038"
- WITNESS CORNER

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N26°08'36"W	36.10
L2	S89°55'42"E	5.57
L3	S26°08'36"E	23.49
L4	S00°04'41"W	11.32



Vicinity Map
NOT TO SCALE

CITY COUNCIL CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20____ BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO. RESOLUTION NO. ____ SERIES _____

(CITY SEAL)

MAYOR SIGNATURE

CITY CLERK SIGNATURE

Recommended approval

PLANNING COMMISSION CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20____ BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO. RESOLUTION NO. ____ SERIES _____

CLERK AND RECORDER CERTIFICATE (COUNTY OF BOULDER, STATE OF COLORADO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK _____ M. THIS _____ DAY OF _____, 20____, AND IS RECORDED IN PLAN FILE _____ FEE _____ PAID. _____ FILM NO. _____ RECEPTION.

CLERK AND RECORDER

DEPUTY

Surveyor's Statement

I, JAMES Z. GOWAN, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 16, 2021; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (12) "LAND SURVEY PLAT".

JAMES Z. GOWAN
COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRONS, INC.

FSI JOB NO. 21-77,532

Lot Line Adjustment
SHEET 1 OF 1

DRAWN BY: D. SPRINGETT	3825 IRIS AVE, STE 100 BOULDER, CO 80501 PH: (303) 443-7001 FAX: (303) 443-9830	655 FOURTH AVENUE LONGMONT, CO 80501 PH: (303) 776-1733 FAX: (303) 776-4355	WRB 4-1-24
DATE: NOVEMBER 7, 2022	www.FlatironsInc.com	COPYRIGHT 2022 FLATIRONS, INC.	INT: DATE: REVISIONS: CHECKED BY: EP/JJK/JZG

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

VACATION OF A FIVE FOOT (5') WIDE EASEMENT FOR DRAINAGE AND UTILITY PURPOSES UPON, OVER AND ACROSS LOT 8, BLOCK 6, AS SHOWN ON THE PLAT OF "AMENDED PLAT OF PARKWOOD FILING NO. 2" AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 00206886, DATED JANUARY 12, 1977 BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF SAID LOT 8 TO BEAR S89°40'59"E, 91.57 FEET BETWEEN THE NORTHWEST CORNER OF SAID LOT 8 AND THE NORTHEAST CORNER OF SAID LOT 8, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT SAID NORTHWEST CORNER OF LOT 8; THENCE S89°40'59"E ALONG SAID NORTH LINE, 5.57 FEET; THENCE S25°55'24"E, FIVE (5') FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 8, 94.77 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE N89°40'59"W ALONG SAID SOUTH LINE, 5.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE N25°55'24"W ALONG SAID WEST LINE OF LOT 8, 94.77 FEET TO SAID NORTHWEST CORNER OF LOT 8 AND THE POINT OF BEGINNING.

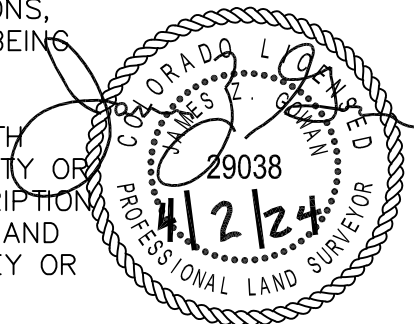
SAID PARCEL CONTAINING 474 SQUARE FEET, MORE OR LESS.

I, JAMES Z. GOWAN, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JAMES Z. GOWAN
COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRONS, INC.

JOB NUMBER: 24-77532
DRAWN BY: W. BECKETT
DATE: APRIL 1, 2024

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



Flatirons, Inc.
Land Surveying Services



3825 IRIS AVE,
SUITE 395
BOULDER, CO 80301
(303) 443-7001

www.FlatironsInc.com

[illegible]

33'

A circular professional seal for a Colorado Land Surveyor. The outer ring contains the text "COLORADO LAND SURVEYOR" and "PROFESSIONAL LAND SURVEYOR". The inner circle contains the text "JAMES Z. [Signature]" and the license number "29038". The date "4/12/24" is stamped across the bottom of the seal.

ELECTRONIC LAND USE HEARING REQUEST

CASE NO. _____

APPLICANT INFORMATION

Firm: Applicant 1: Joel Hayes & Susan Johnson
Contact: Applicant 2: Debora & Thomas Langer
Address: 187 Harper St / 171 Harper St
Louisville CO 80027
Mailing Address: 187 Harper St (Joel)
1767 Poppy Court, Lafayette, 80026 (Tom)
Telephone: 303.246.1255 / 303.718.4604
Fax: _____
Email: hayesjoel@gmail.com / tomlanger79@gmail.com

OWNER INFORMATION

Firm: Owner 1: Joel Hayes & Susan Johnson
Contact: Owner 2: Debora & Thomas Langer Revocable Trust
Address: 187 Harper St / 171 Harper St
Louisville CO 80027
Mailing Address: 187 Harper St (Joel)
1767 Poppy Court, Lafayette, 80026 (Tom)
Telephone: 303.246.1255 / 303.718.4604
Fax: _____
Email: hayesjoel@gmail.com / tomlanger79@gmail.com

REPRESENTATIVE INFORMATION

Firm: Self Represented
Contact: _____
Address: _____
Mailing Address: _____
Telephone: _____
Fax: _____
Email: _____

PROPERTY INFORMATION

Common Address: 187 Harper St, Louisville / 171 Harper St, Louisville
Legal Description: Lot 8 & 9 Blk 6
Subdivision Parkwood, Filing No 2
Area: _____ Sq. Ft.

TYPE (S) OF APPLICATION

- ☐ Annexation
- ☐ Zoning
- ☐ Preliminary Subdivision Plat
- ☐ Final Subdivision Plat
- ☐ Minor Subdivision Plat
- ☐ Preliminary Planned Unit Development (PUD)
- ☐ Final PUD
- ☐ Amended PUD
- ☐ Administrative PUD Amendment
- ☐ Special Review Use (SRU)
- ☐ SRU Amendment
- ☐ SRU Administrative Review
- ☐ Temporary Use Permit: _____
- ☐ CMRS Facility: _____
- ☒ Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

I hereby request the public hearing(s) on this application be scheduled to be conducted by Electronic Participation in accordance with the attached Resolution No. 30, Series 2020, as adopted by the City Council on April 7, 2020, and in accordance with Resolution No. 38, Series 2020, as adopted by City Council on June 2, 2020 if such hearing(s) can be scheduled during a time period when in-person meetings are not being held due to a health epidemic or pandemic. I acknowledge that holding a quasi-judicial hearing by Electronic Participation may present certain legal risks and involves an area of legal uncertainty, and that having this application heard at a meeting held by Electronic Participation is optional and undertaken at my own risk. I also understand that in-person meetings are preferred for quasi-judicial hearings, and that even if electronic hearing(s) are scheduled, this application will be heard at an in-person meeting if in person meetings have resumed by the scheduled hearing date(s). I further agree to defend and indemnify the City of Louisville in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.

SIGNATURES & DATE

Applicant: Joel Hayes & Susan Johnson
Print: Joel Hayes & Susan Johnson
Owner: 2: Debora & Thomas Langer
Print: Thomas Langer, Debora Langer
Representative: _____
Print: _____

CITY STAFF USE ONLY

- ☐ Electronic Hearing Approved: _____
- ☐ Date(s) of Hearing(s): _____

February 20, 2023

TO: Planning Department, City of Louisville CO

RE: Subdivision Modification Request

FROM: Joel Hayes and Susan Johnson, owners and residents of 187 Harper St.,
Louisville CO. (hayesjoel@gmail.com, 303 246 1255)

Dear Planning Department:

We are requesting a variance for the above address for a smaller than normally allowed lot space. We purchased this home in its current state in 2008. The reason that this variance is needed is that our existing lot size does not meet the minimum 7,000 square-foot lot size requirement in the underlying Residential Medium-Density (R-M) zoning. A subdivision modification is therefore required.

Below are the responses to the six criteria required to be considered:

- 1) Unique physical circumstance with irregularity or narrowness: As per our joint letter with our neighbors, this issue came about because of a since-abandoned water line that ran diagonally between our lots, causing the property line to be made along the water line. The original property owners dealt with the oddity of a diagonal fence line by trading land to make it run north-side as with all other lots in the area.
- 2) Because of existing conditions, the property cannot conform to the lot size requirements: Our home is bordered by homes on each side, a street in front and Louisville Cottonwood Park in the rear. The lot size is not adjustable.
- 3) Applicant did not cause the hardship: This situation existed at the time of purchasing the home and we, as the buyers, did not have any reason to question whether the home met the lot size requirement. Nor did we realize that the lot line modification by the original owners had not been formalized with the city.
- 4) Variance will not alter the character of the neighborhood: There are many lots in our neighborhood that are less than 7000 square feet, some appear to be smaller than ours. The houses are generally small too, so ours is consistent with the neighborhood. Further, it will not change the character of the neighborhood because it is actually part of the character as it has existed for fifty years.
- 5) No reasonable alternatives: This is the only remedy to the lot size issue, since the lot size cannot be expanded.
- 6) No additional dwelling units shall result from this change. (This simply keeps the status quo.)

We appreciate your review of this application and would be happy to answer any questions. We are hoping to fix the problems caused by the original owners' decision to informally resolve the diagonal fence line, as well as the smaller lot size apparently created by the water line that existed at the time the homes were built. We thank you for your review of this application and for your service to the City of Louisville.

Sincerely,

Joel Hayes and Susan Johnson