

**SUBJECT: THE VACATION OF EXISTING DRAINAGE EASEMENT
LOCATED ON LOTS 8 AND 9 OF THE AMENDED PLAT OF
PARKWOOD FILING NO. 2**

- i. **ORDINANCE NO. 1881, SERIES 2024 – AN ORDINANCE
APPROVING THE VACATION OF EXISTING DRAINAGE
EASEMENT LOCATED ON LOTS 8 AND 9 OF THE
AMENDED PLAT OF PARKWOOD FILING NO. 2**
- ii. **RESOLUTION NO. 37, SERIES 2024 – A RESOLUTION
APPROVING THE FIRST REPLAT OF THE AMENDED
PLAT OF PARKWOOD FILING NO. 2 AND EASEMENT
VACATION**

DATE: AUGUST 20, 2024

PRESENTED BY: JEFF HIRT, PLANNING MANAGER

VICINITY MAP:



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

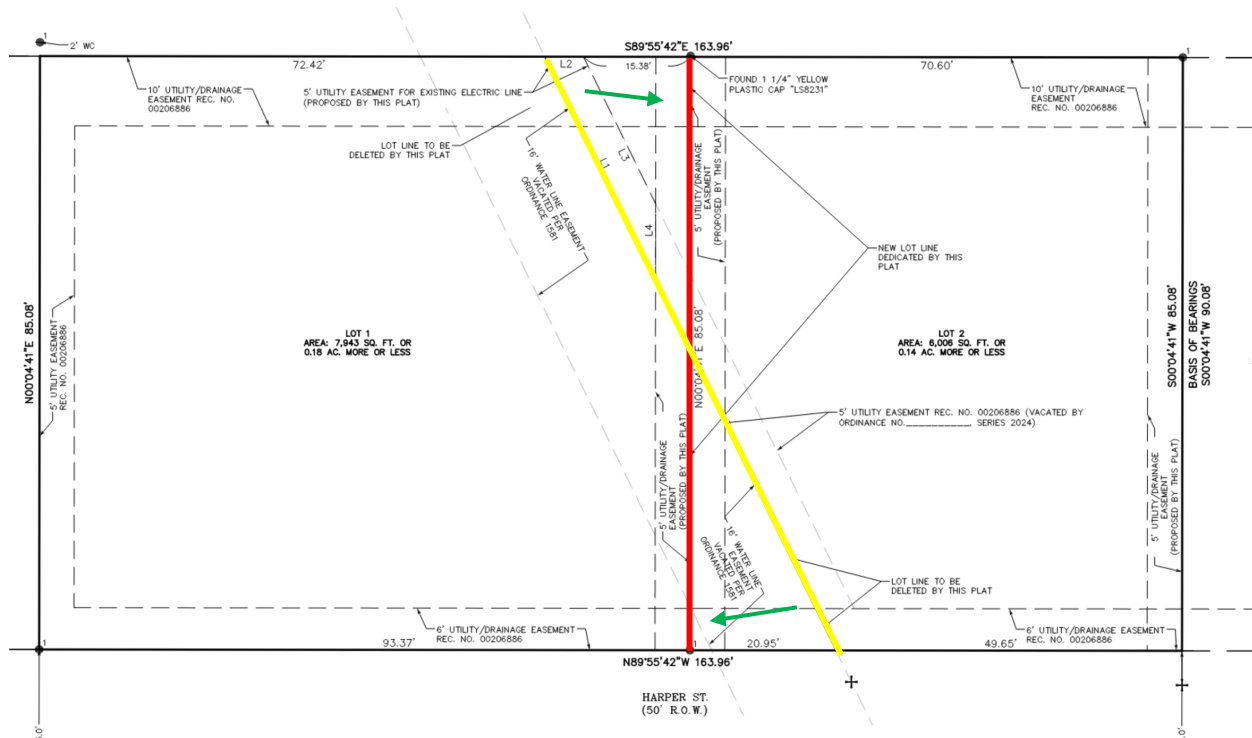


Figure 2. Proposed lot line adjustment moving current lot line (yellow) to north/south orientation (red).

ANALYSIS:

The proposed replat 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. 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 would 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.*
 - 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.

PLANNING COMMISSION ACTION:

Planning Commission recommended approval of this application on July 11, 2024, with a condition that a minor correction be made on the plat. The applicant has addressed this correction that is reflected in Attachment 3 (plat).

SUBJECT: RESOLUTION 37 AND ORDINANCE 1881, SERIES 2024

DATE: AUGUST 20, 2024

PAGE 6 OF 6

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 37, Series 2024, and Ordinance 1881, Series 2024 for the First Replat of the Amended Plat of Parkwood Filing No. 2 and Easement Vacation no conditions.

ATTACHMENTS:

1. Resolution 37, Series 2024 (subdivision)
2. Ordinance 1881, Series 2024 (easement vacation and related exhibit)
3. Proposed Plat
4. Application Materials

**RESOLUTION NO. 37
SERIES 2024**

**A RESOLUTION APPROVING 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, after 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, the Planning Commission recommended approval of a Minor Subdivision and Easement Vacation; and

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

WHEREAS, the City Council has considered the application at a duly noticed public hearing on August 20, 2024, where evidence and testimony were entered into the record, including the findings in the Louisville City Council staff report dated August 20, 2024.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Louisville, Colorado does hereby approve the First Replat of the Amended Plat of Parkwood Filing No. 2 and Easement Vacation.

PASSED AND ADOPTED this 20th day of August 2024.

By: _____
Christopher M. Leh, Mayor

Attest: _____
Genny Kline, Interim City Clerk

**ORDINANCE NO. 1881
SERIES 2024**

**AN ORDINANCE APPROVING THE VACATION OF AN EXISTING DRAINAGE
EASEMENT LOCATED ON LOTS 8 AND 9 OF THE AMENDED PLAT OF PARKWOOD
FILING NO. 2**

WHEREAS, by the Amended Plat of Parkwood Filing No. 2, recorded in the Office of the Boulder County Clerk and Recorder on January 12, 1976 at Reception No. 00206886, there was a utility easement across Lots 8 and 9 (“the easement”); and

WHEREAS, a replat application has been approved by the City dedicating new easements under the name the First Replat of the Amended Plat of Parkwood Filing No. 2; and

WHEREAS, the City Council finds and determines that the easement for which vacation is requested is not and will not be needed for any public, governmental, or utility purposes; and

WHEREAS, the City Council desires to approve the application and vacate the City’s interests in the easement for which vacation is requested.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The City hereby approves the vacation of the easement across Lots 8 and 9 which easement herein vacated is in the location further described in Exhibit A attached hereto and incorporated herein by this reference (“the easement”).

Section 2. All other ordinances or portions thereof inconsistent or in conflict with this ordinance or any portion hereof are repealed to the extent of such inconsistency or conflict.

Section 3. The Mayor and City Manager, or either of them, is authorized to execute such additional documents as may be necessary to evidence the vacation of the easement herein vacated, including but not limited to execution of quit claim deeds.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 6th day of August, 2024.**

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING, this 20th day
of August, 2024.**

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

EXHIBIT "A"

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

SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF LOT 8, BLOCK 6, AMENDED PLAT OF PARKWOOD FILING NO. 2 RECORDED AT REC. NO. 00206886 TO BEAR SOUTH 00°04'41" WEST, A DISTANCE OF 90.08 FEET BETWEEN A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 29038" AT THE NORTHEAST CORNER OF SAID LOT 8 AND A FOUND CHISELED CROSS AT 5 FEET OFFSET TO THE SOUTHEAST CORNER OF SAID LOT 8 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 8, THENCE ALONG THE NORTH LINE OF SAID LOT 8, NORTH 89°55'42" WEST, A DISTANCE OF 85.98 FEET; TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH LINE, SOUTH 26°08'36" EAST, A DISTANCE OF 94.83 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE ALONG THE SOUTH, WEST AND NORTH LINES OF SAID LOT 8 THE FOLLOWING (3) COURSES:

1. NORTH 89°55'42" WEST, A DISTANCE OF 5.57 FEET, TO THE SOUTHWEST CORNER OF LOT 8;
2. THENCE NORTH 26°08'36" WEST, A DISTANCE OF 94.83 FEET, TO THE NORTHWEST CORNER OF SAID LOT 8;
3. THENCE SOUTH 89°55'42" EAST, A DISTANCE OF 5.57 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 474 SQ. FT. 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: 21-77,532
DRAWN BY: D. SPRINGETT
DATE: 08-12-2022

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



655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355

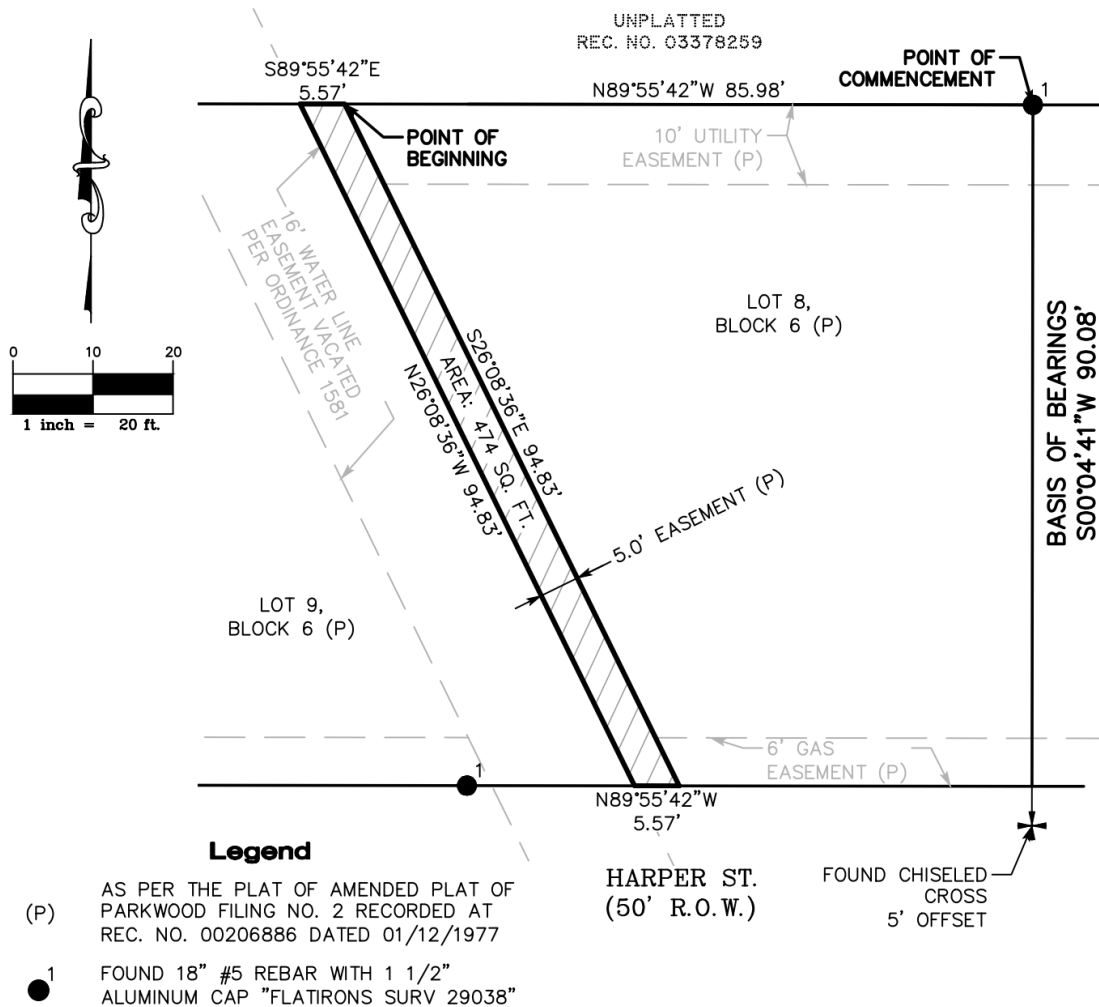
www.FlatironsInc.com

BY:DVILLACRESIS FILE:77532-ESMT.DWG DATE:8/12/2022 4:10 PM

EXHIBIT "A"

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

SHEET 2 OF 2



JOB NUMBER: 21-77,532
DRAWN BY: D. SPRINGETT
DATE: 08-12-2022

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655 FOURTH AVE
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FAX: (303) 776-4355
www.FlatironsInc.com

BY:DVILLACRESIS FILE:77532-ESMT.DWG DATE:8/12/2022 4:11 PM

FIRST REPLAT OF THE 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

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)

SUSAN L. 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: S89°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: 49808000

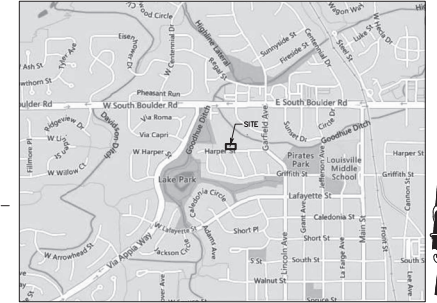
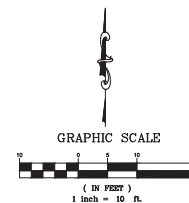
Notes

- 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.
- 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 "FLATIRON 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

PLANNING COMMISSION CERTIFICATE

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

Surveyor's Statement

I, JAMES Z. GOWAN, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRON, 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

JAMES Z. GOWAN
COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRON, INC.
FSI JOB NO. 21-77,532

Lot Line Adjustment

SHEET 1 OF 1

DRAWN BY: D. SPRINGETT	3825 IRS AVE, STE 100 BOULDER, CO 80501 PH: (303) 443-7000 FAX: (303) 443-0830	650 FOURTH AVENUE LONGMONT, CO 80501 PH: (303) 776-1731 FAX: (303) 776-1556	MRB: 4-1-24 EP: 8-7-24 INT: DATE: REV: DATE: CHECKED BY: BY JAK/CE
DATE: NOVEMBER 7, 2022	FSI JOB NO. 21-77,532	COPYRIGHT 2022 FLATIRON, INC.	

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