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PLANNING COMMISSION MEMORANDUM

TO: Board of County Commissioners

FROM: Planning Commission, John Yerkes, Chairman

Date: April 13, 2008

Re: Appeal of Denial of Housing Permit for Nathaniel Cunningham  
(AP-2007-04)

The Planning Commission met at the regularly scheduled meeting on April 10, 2008 on the above referenced item and after public comment, review and discussion voted 6 to 1 in favor of the applicant's appeal, overturning the decision by the Growth Management Department to deny a housing permit on the applicant's property, based on the following findings and condition\*:

- a. The intent of the property owner at the time that the first parcel was subdivided was to subdivide the parcel into three separate lots of less than one acre each,
  - b. The predominant lot size and character of the area consists of lots as small as one-half acre in size,
  - c. The lot division should be considered a grandfathered condition as pre-existing (pre-Comprehensive Plan) non-conforming lots of record which is unique to this property,
  - d. The 1.5 acre parcel, being divided by a one-half acre a legal lot of record, is a "logical extension" of the predominant parcel pattern in the area,
  - e. The configuration of the parcel as two physically separate and functionally separate parcels (.90 acres and .60 acres respectively) would have been considered "legal lots under the conditions prevailing at the time" of the initial division of the parent parcel.
- 1.\* The applicant shall file a deed for the separate portions of the parcel and record the deed(s) in the Public Records prior to being issued a housing permit.

In addition the Planning Commission voted unanimously to not require the applicant to pay the appeal application fee. (However, an application should be completed by the applicant and submitted to the Growth Management Department.)