

RESOLUTION 2023-078

A resolution conditionally approving Boulder County Community Planning & Permitting Docket SE-23-0005: Jones Lot Recognition

Recitals

A. Virginia Jones (the “Applicant”) applied to Boulder County for a Subdivision Exemption under Article 9 of the Boulder County Land Use Code (the “Code”) to recognize an approximately 0.33 acre parcel as a legal Building Lot.

B. The subject parcel is located at 7475 Nelson Road (Parcel No. 131712000008), west of its intersection with N 75th Street, in Section 12, Township 1 North, Range 70, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Property is approximately 3.5 acres and located in the Agricultural zoning district where the minimum legal Building Lot size is 35 acres. There is an existing 2,136-square-foot residence and 440-square-foot detached garage on the Property, which was constructed circa 1990.

D. Originally, the Property was part of a larger parcel containing approximately 257 acres reflected in the deed recorded June 23, 1970, at Reception Number 90946718. An approximately 3.5-acre parcel was split off of this larger parcel via a deed recorded on December 11, 1970, at Reception number 90962172, creating the existing Property from the remaining property that had not been transferred at the time. Therefore, this approximately 3.5-acre parcel was smaller than the five acres required for the creation of new parcels in the Agricultural zoning district in 1970.

E. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SE-23-0005 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated August 24, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the proposal could not meet the criteria for approval, and therefore, recommended that the Board deny the Docket.

F. At a public hearing on the Docket held on August 24, 2023, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department planning staff. The Board also heard testimony from the Applicant and her attorney, Ed Byrne. No members of the public spoke at the public hearing.

H. Based on the public hearing, the Board finds that with the recommended conditions of approval, the Docket meets the criteria for subdivision exemption to recognize the Property as a legal Building Lot under Article 9-400 of the Code.

I. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves:

Docket SE-23-0005 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall comply with all applicable post-approval requirements for a Subdivision Exemption as listed in Article 3-206.C of the Code, within one year after the date of approval, unless an extension(s) of time is granted as allowed in Article 9-700 of the Code.

2. To ensure that development on the Property is in harmony with the character of the area, and that any such development is of appropriate size given the smaller acreage of the Property, the maximum total residential floor area on the Property must not exceed 3,500 square feet.

3. Within one year of approval of the proposed lot recognition, the Applicant must remove or get a building permit for the unpermitted carport area.

4. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for SE-23-0005: Jones Lot Recognition.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Claire Levy, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this _____ day of October 2023.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board