

Variance Request and Staff Evaluation

VARIANCE REQUEST

Section 23-406 b.13 Sidewalks

Requirement: Boulevard style sidewalks are to be installed on both sides of the street.

Request: Sidewalks not be installed in this subdivision.

- a. **The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;**

The subdivider is requesting to not provide sidewalks along the proposed street, an extension of Canyonwoods Drive. The proposed street will be approximately 1,000 feet in length and will serve five homes. The subdivision consists of five lots, ranging from 10.60 acres to 75.89 acres. Given the large lot areas and the few lots served, sidewalks are not a necessity for this subdivision. With only a few lots on a private/gated dead end street, pedestrians will be able to walk on the street without a detriment to health or safety.

- b. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;**

This subdivision proposed to extend the existing street, Canyonwoods Drive from Ironwood Subdivision. Canyonwoods Drive currently has no sidewalks within the Ironwood Subdivision. Adding sidewalks to the future extension of the street would be a hardship as the sidewalks would have no connection to other sidewalks.

- c. **The variance will not result in an increase in taxpayer burden;**

There would be no increase in taxpayer burden to allow the street to be built with no sidewalks. Future subdivisions within the property are not contemplated, and therefore additional population is not expected.

- d. **The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and**

The variance request regarding sidewalks will not impact zoning compliance.

- e. **The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.**

The subdivision will have a 56-foot wide private access easement for the construction of a paved private street. The street will be designed and built to a 34-foot City standard. This is adequate width to provide to pedestrian traffic and vehicular traffic for this 5 lot minor subdivision.

VARIANCE REQUEST

Section 23-406 a.6 Deadend Streets

Requirement: The maximum allowable length of a dead-end road is six hundred (600) feet.

Request: Canyonwoods Drive is an existing dead end street that is approximately 600 feet in length. The proposed subdivision will extend the street from its termination at the western property line an additional 532 feet, for a total length of 1,132 feet.

- a. **The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;**
Canyonwoods Drive is currently a dead end street, ending at the western property line of the proposed subdivision. It currently has no approved turnaround. The subdivider is proposing to extend the street an additional 532 feet, and install a cul de sac at the termination of the street. While the street length will be greater than 600, the addition of an approved turnaround will offset any detrimental impacts.
- b. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;**
Canyonwoods Drive was designed within the adjacent subdivision (Ironwood) to connect to future development within the subject property. It is the natural entrance to the property. Providing a secondary access to limit the dead end to a maximum of 600 feet is not practical, due to topography and the design of the existing street system in the surrounding neighborhoods. There is not an additional street that could connect to make the proposed extension of Canyonwoods Drive less than 600 feet.
- c. **The variance will not result in an increase in taxpayer burden;**
The dead end street length of 1,132 feet will not increase the taxpayer burden. The street within the proposed subdivision will be a private street with no costs for maintenance to the City.
- d. **The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and**
The granting of the variance for the length of the dead end street will not create a nonconformance regarding zoning regulations.
- e. **The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.**
Due to the topography of the area, access to the proposed subdivision is limited to the proposed access from Canyonwoods Drive. Alternates are not available and the connection to future subdivisions is unlikely. The extension of Canyonwoods Drive to exceed the 600 feet maximum length provides the subdivision with required access and will not be detrimental to emergency services.

City Staff Evaluation:

The applicant has requested a variance from Section 23-406(B)(13) which requires boulevard sidewalks in the subdivision and Section 23-406(A)(6) BMCC limiting dead end roads to a maximum length of 600 feet.

Currently there are no sidewalks along Canyonwoods Drive. The majority of the developed portions of Ironwood subdivision do not have sidewalks. Requiring this subdivision to install sidewalks for the proposed 5 lots would seem out of place with its surroundings. Also the size of the proposed lots would seem to indicate that there would be very little foot traffic on a sidewalk. The second requested variance is to allow a longer dead end street than regulations allow.

The second variance request is to have a dead end road greater than 600 feet in length. Currently Canyonwoods Drive is a dead end street that ends on the eastern edge of Ironwood Estates Subdivision. The proposed addition to Canyonwoods Drive will be a private road with limited access because it is being gated. At this time there are 5 lots being created which will limit the amount of traffic on the road. This property has limited access possibilities; Canyonwoods Drive is the only way to currently access the proposed subdivision. With the construction of the cul-de-sac end and access to all emergency and city public works agencies staff does not feel that the longer dead end poses any threat to the health and safety of the public.

In reviewing the criteria for granting subdivision variances, granting these variances will not be detrimental to public health and safety or injurious to adjoining properties. The variance will not result in an increase in taxpayer burden, as it is a private road there will not be any requirement for the city to maintain the street. Also the absence of sidewalks would be in keeping with the surrounding neighborhood and there would not be any city required maintenance. Lastly, granting the variances will not place the subdivision in violation of any adopted zoning regulations or the 2008 Growth Policy.

Therefore, City staff recommends that City Council approve the requested variances from Section 23-406(B)(13) and Section 23-406(A)(6) of the City Subdivision Regulations to allow the subdivider to not install boulevard sidewalks and to have a dead end street that is longer than 600 feet.