

RECORD OF PROCEEDINGS

**Regular Meeting of the Estes Valley Board of Adjustment
June 3, 2008, 9:00 a.m.
Board Room, Estes Park Town Hall**

Board: Chair John Lynch, Members Cliff Dill, Chuck Levine, Wayne Newsom, and Al Sager; Alternate Member Bruce Grant

Attending: Chair Lynch; Members Newsom and Sager, Alternate Member Grant

Also Attending: Director Joseph, Planner Shirk, and Recording Secretary Roederer

Absent: Members Dill and Levine

Chair Lynch called the meeting to order at 9:00 a.m.

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

a. Approval of the minutes of the May 6, 2008 meeting.

It was moved and seconded (Newsom/Sager) to approve the minutes as presented, and the motion passed unanimously with two absent and one alternate member in attendance.

3. LOT 2, BLOCK 6, WINDCLIFF ESTATES 5th FILING, 3469 EAGLECLIFF CIRCLE DRIVE, Owner: Gary & Judy Peet, Applicant: Don Darling — Request for variance from Estes Valley Development Code Section 4.3, Table 4-2, to allow front-yard setbacks of 15.26 feet from the northeastern property line and 12.39 feet from the southwestern property line, as set forth in the proposed plan, in lieu of the 25-foot setbacks required in the E-1–*Estate* zoning district

Planner Shirk summarized the staff report. This is a request for reduction of the required 25-foot setback in the E-1–*Estate* zoning district. The lot is bordered on two sides by roads and by platted open-space lots on three sides. There is an existing residence on the lot that was built partially within the required setbacks. The applicant would like to build a small addition to their front sitting room (an 11-foot-by-2-foot addition to the northeast side of the residence) and an addition, including a new deck and stone patio with a retaining wall, on the southwest corner of the residence. The existing deck on the southwest side of the house would be removed. The proposed additions, new deck, and stone patio would encroach into the required setbacks.

In considering whether special circumstances or conditions exist, the 0.37-acre lot is undersized for the E-1–*Estate* zoning district (which has a one-acre minimum lot size), has open space on three sides as noted above, and is steeply sloped. The essential character of the neighborhood would not change. Several other similar lots in the Windcliff subdivision have received similar variance approvals.

The variance request was routed to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. A telephone inquiry was made by a neighboring property owner; no concerns were expressed. A letter in support of the requested variance was received from the Windcliff Property Owners Association Architectural Control Committee on May 30, 2008.

Planning staff recommends approval of the requested variance with two conditions of approval.

Public Comment:

Don Darling/Applicant stated the owners wish to make improvements to their home. Approval of the requested variances will result in an improvement to the exterior appearance of the home. The new deck and addition will be less intrusive than the existing deck, which will be removed.

It was moved and seconded (Sager/Newsom) to approve the variance request for Lot 2, Block 6, Windcliff Estates 5th Filing, 3469 Eaglecliff Circle Drive, to allow front-yard setbacks of 15.26 feet from the northeastern property line and 12.39 feet from the southwestern property line, as set forth in the proposed plan, in lieu of the required 25-foot setbacks, with the findings and conditions recommended by staff, and the motion passed unanimously with two absent and one alternate member in attendance.

CONDITIONS:

1. Prior to pouring foundation and footings, submittal of a setback certificate verifying layout of building and deck improvements as per the approved plan shall be prepared by a certified engineer, surveyor, or architect.
2. Submittal of a building permit application demonstrating compliance with the submitted site plan.

4. REPORTS

Director Joseph stated he has been communicating with Larimer County regarding the current opening on the Board. Mr. Bob McCreery has indicated an interest in filling the position and is in attendance. Director Joseph expects the position to be filled within the next month.

Member Sager requested information on the Elkhorn Lodge Redevelopment proposal currently under review by the Estes Valley Planning Commission and Estes Park Town Board. He asked whether there would be variance requests associated with the development and expressed a desire that the project be planned to minimize the necessity for variances, citing the numerous variance requests processed over thirty or forty years for the Windcliff Subdivision. Director Joseph stated the proposal will be reviewed via separate development plans for different portions of the property. At this point there are no specific variance requests identified for the project, although there is not sufficient information at this time to determine whether variance requests for the property will come before the Board of Adjustment. There will be platted building envelopes on the single-family residential lots, which will govern; it is understood by the developer and by planning staff that these building envelopes will be "hard and fast" and will not be strayed from.

There being no further business, Chair Lynch adjourned the meeting at 9:18 a.m.

John Lynch, Chair

Julie Roederer, Recording Secretary