

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Board of Adjustment

January 6, 2009, 9:00 a.m.

Board Room, Estes Park Town Hall

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

Attending: Chair Levine; Members Lynch, McCreery, and Newsom

Also Attending: Planner Shirk, Planner Chilcott, and Recording Secretary Thompson

Absent: Al Sager, Director Joseph

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

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

a. Approval of the minutes of the December 2, 2008 meeting.

It was moved and seconded (Newsom/Levine) to approve the minutes as presented, and the motion passed unanimously with one absent.

3. METES AND BOUNDS PROPERTY LOCATED AT 1575 FALL RIVER ROAD, Owner/Applicant: John Moynihan–Request for variance from Estes Valley Development Code Section 4.4, Table 4–5 to allow construction of a roof over a proposed deck approximately 5 feet away from the southern property line, in lieu of the required 25-foot setback in the A–*Accommodations* zoning district

Planner Chilcott stated the applicant has asked to withdraw the application at this time. The applicant is looking at other construction options and may be able to build without a variance.

It was moved and seconded (Lynch/McCreery) to **WITHDRAW** the request for variance from EVDC Section 4.4, Table 4–5 to allow construction of a roof over a proposed deck approximately 5 feet away from the southern property line, in lieu of the required 25-foot setback in the A–*Accommodations* zoning district and the motion passed unanimously with one absent.

4. Lot 3, Block 2, Windcliff Estates 5th Subdivision and Replat of Lot 4 ½, Webster Big Horn Subdivision, 3325 Eagle Cliff Road, Owner: Robert C. and Erin F. Parkinson, Applicant: Van Horn Engineering and Surveying, Inc. – Request for variance from Estes Valley Development Code Section 4.3, Table 4-2, to allow construction of a proposed second-level deck within 16 feet of the west property line in lieu of the required 25-foot setback in the E-1 – *Estate* zoning district.

Planner Shirk stated this is a request to allow a variance to the 25-foot front-yard setback to allow a deck within 16 feet of the west property line. The proposed residence complies with all setback requirements on the lot, which is less than ½ acre (zoned for one acre). This lot is significantly sub-sized for the zone district, as well as triangular-shaped, and the variance request would not have any detrimental impact on the neighborhood. The total area proposed in the setback is approximately 200 square feet. Most dwellings in this part of Windcliff have received variances. Windcliff Property Owners Association Architectural

Control Committee has provided a letter of support for this request. Staff received one request from a neighboring property owner for a copy of the building and site plans.

Member Newsom asked for assurance that the setback certificate is received by the building department prior to construction. Planner Shirk indicated the certificates are given to the appropriate departments in a timely manner.

Planner Shirk recommends approval of the variance request with the following conditions:

- a. Compliance with the approved site and building plans
- b. Compliance with the applicable building code
- c. Prior to pouring foundation, submittal of a setback certificate prepared by a registered land surveyor.

Public Comment:

Bob Iwanicki/Westover Construction – Mr. Iwanicki is the builder of the home and tried to design the home to fit within the building envelope, having success with everything except the deck.

It was moved and seconded (Newsom/McCreery) to APPROVE the request for variance from Estes Valley Development Code Section 4.3, Table 4-2, to allow construction of a proposed second-level deck on a proposed residence within 16 feet of the west property line in lieu of the required 25-foot setback in the E-1 – Estate zoning district with the following conditions, and the motion passed unanimously with one absent.

Conditions:

- a. Compliance with the approved site and building plans
- b. Compliance with the applicable building code
- c. Prior to pouring foundation, submittal of a setback certificate prepared by a registered land surveyor.

5. REPORTS

Planner Chilcott indicated there is no meeting scheduled for February unless the Moynihan variance request is reactivated. Staff will know by January 14, 2009 of their decision, and will notify the Board and post a legal notice.

6. ADJOURNMENT

There being no further business, Chair Levine adjourned the meeting at 9:15 a.m.

Chuck Levine, Chair

Karen Thompson, Recording Secretary