

2180 Blue Spruce  
Estes Park, CO 80517  
July 21, 2009

Estes Valley Board of Adjustment  
Estes Park Town Hall,  
Estes Park, CO 80517

Re: Variance request to reduce side yard building setback

Dear Board of Adjustment:

As the present owners of the residence at 2180 Blue Spruce Court, we are requesting a side yard building variance to build an attached 10 ft. by 22 ft. walk-out all concrete, fire resistant storage room addition to the west side of our garage. The flat roof would also be utilized as a deck. Approval of this request would alleviate the hardship of our particular situation.

**Background History:**

The house was built in 1977. We purchased this property on May 29, 1991 prior to current zoning regulations. The lot is now located in an E-1 zoning district and is substantially substandard in size (0.46 acres). The local terrain is steep and heavily wooded. Adequate public streets and utilities are available in this subdivision and should not be hindered by this small addition. A natural drainage exists just east of the house as indicated on figure 1.

**Other options we have considered:**

1. Tear down the existing back porch and deck and build an attached above grade storage room on the south side of the existing house. Pros: Meets setback requirements. Cons: Loss of existing porch and deck, blocks egress doors from existing kitchen and sunroom and blocks bathroom and bedroom windows. Conclusion: Very expensive construction and not practical with existing floor plan.
2. Build an attached, walk out storage room on the east side of the existing house. Pros: Meets the setback requirements. Cons: Blocks the window in the utility/laundry room, requires relocating gas meter, electric meter, and electrical disconnect panel, blocks fireplace clean out door and encroaches on the natural drainage swale possibly causing erosion problems. Conclusion: Less expensive

that #1 above but blocks natural light and ventilation to the basement, requires relocating utility meters and may create erosion and drainage issues.

3. Build an attached storage room on the north (front) side of the existing house. Pros: Meets the setback requirements. Blocks the main entry door, garage door and lower family room windows. Conclusions: Not practical and would destroy the character of the front house façade.
4. Build a detached, all concrete fire resistant structure. Prod: Meets the setback conditions. Cons: If placed north of the existing house, extensive and valuable existing landscaping would need to be cleared making the structure highly visible from the street. If placed east of the existing house, it would have to be placed on a hill slope away from the natural drainage swale, making the structure inconvenient to use. Also a detached structure is more expensive to build because it requires a fourth footing, foundation and wall where an attached structure shares these existing components. Conclusion: A detached structure will likely destroy existing landscaping, require the removal of large mature trees, is inconvenient to use and more expensive to construct than an attached structure.

Preferred option:

The proposed location for the attached walks-out fire resistant storage room and as shown on the site and is the most affordable, reasonable and practical option that we have found to meet our needs. The west foundation wall of the garage has no openings that would be blocked thus making it a perfect common wall between it and the proposed storage room, which also serves as a two hour firewall between the two occupancies. No existing utilities will need to be relocated and the existing deck or porch can remain.

The location of the proposed addition is very convenient for easy walking to the exterior entry door located in the north wall of the storage room. The room would be mostly be below finished grade with the exception of the north wall which is only 7ft. 9 in. tall. The entry door will be screened by an existing large pine at the northwest corner of the garage as well as numerous other trees. The exposed concrete foundation walls will be covered with siding matching the existing house and painted to match the house. The flat roof of the structure will be use as a deck and will have a 36 in. high redwood railing matching the railings on the existing deck.

The existing topography and current drainage situation will not be altered thus it will not affect other property owners in this regard. Because the neighborhood is heavily wooded as shown in figure 1, will be hardly visible from other properties or from the street and will not affect the essential character of the neighborhood. At least a 10 ft. minimum wide side utility easement will be maintained from the closest corner of the new structure from the west property line which will be verified with a registered land surveyor's setback certificate.

We appreciate your review of this application and request your favorable action toward granting a variance for a side yard building setback,

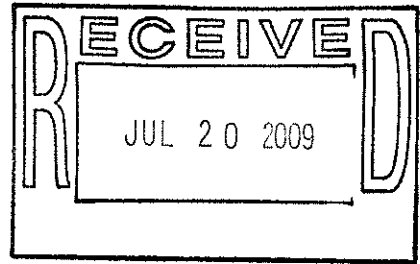
Sincerely,

*Kenneth Czarnowski*

Kenneth Czarnowski

*Patricia Taylor Czarnowski*

Patricia Taylor Czarnowski



July 18, 2009

Memorandum

To: Estes Valley Board of Adjustment

From: Fall River Estates Homeowners Association Architectural Control Committee

Subject: Request for Variance at 2180 Blue Spruce Court

We have reviewed the site plan and request for a variance prepared by the owners of the house located at 2180 Blue Spruce Court. The plans as submitted would not conflict with any of the covenants of the Association. We believe that if authorized, the proposed addition would not substantially alter the essential character of the neighborhood and adjoining properties would not suffer a substantial detriment as a result of the variance. In fact, the closest residence to the proposed structure is well over one hundred feet away.

The option selected is the most practical given the difficulties associated with the other listed options. A detached structure would not conform to the Association's covenants and would be opposed by this Committee.

We recommend that the requested variance be granted.

Sincerely,

*John E. Bueger*  
*Jerry Smith*  
*Rald S. Kohon*  
*Thomas R. Eving, chairman*

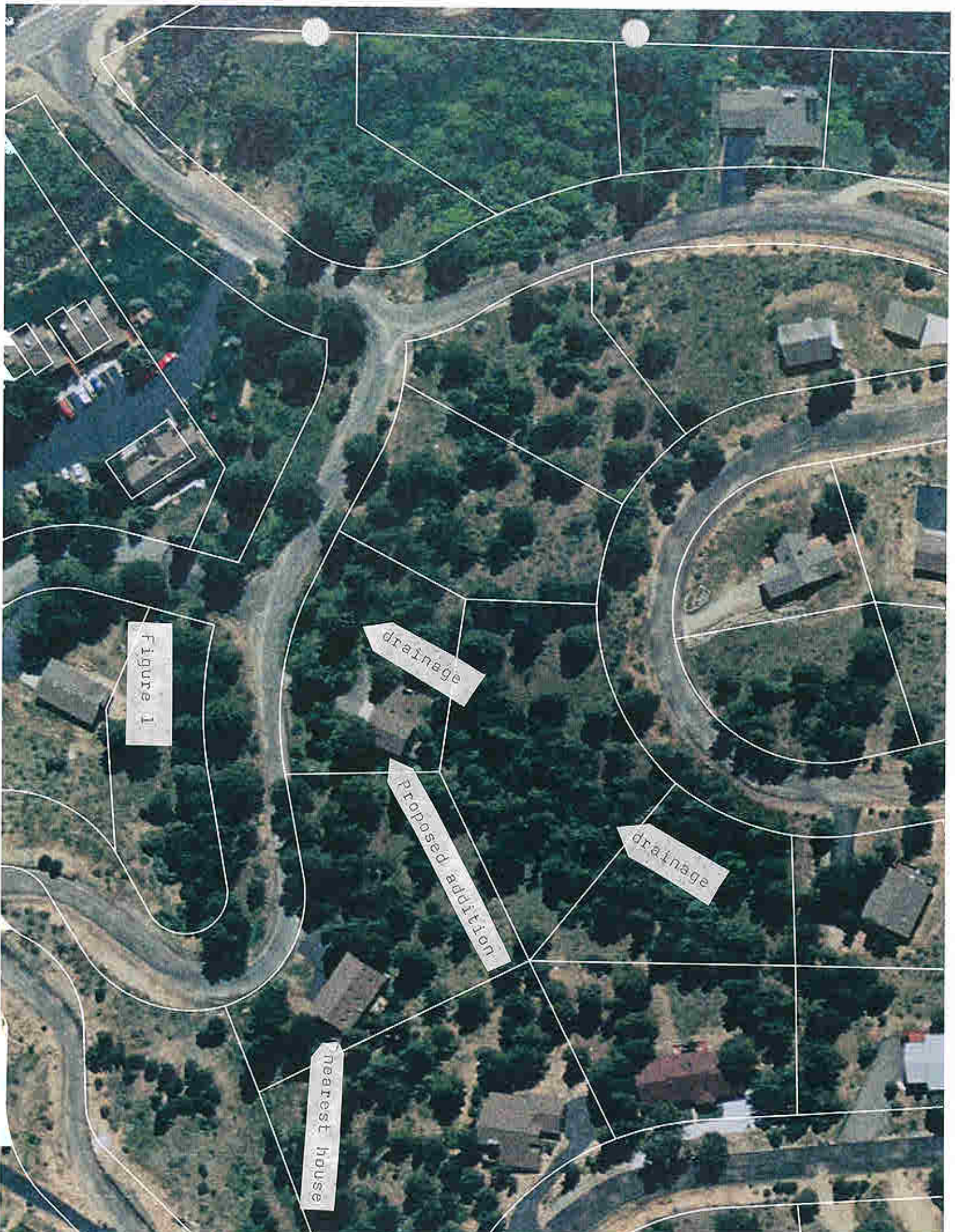


Figure 1

drainage

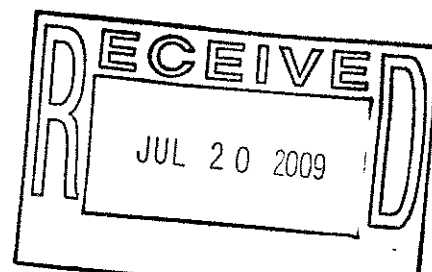
Proposed addition

drainage

nearest house



**ESTES VALLEY  
BOARD OF ADJUSTMENT  
APPLICATION**



Submittal Date:

**General Information**

Record Owner(s): KENNETH JAMES AND PATRICIA TAYLOR CZARNOWSKI  
 Street Address of Lot: 2180 BLUE SPRUCE CT.  
 Legal Description Lot: 4 Block: X2 Tract: \_\_\_\_\_  
 Subdivision: FALL RIVER ESTATES  
 Parcel ID # 35222-06-004 Section 22 Township 5N Range 73W

**Site Information**

Lot Size .460 ACRE Zoning E-1  
 Existing Land Use RESIDENTIAL  
 Proposed Land Use RESIDENTIAL  
 Existing Water Service  Town  Well  Other (Specify) \_\_\_\_\_  
 Proposed Water Service  Town  Well  Other (Specify) \_\_\_\_\_  
 Existing Sanitary Sewer Service  EPSD  UTSD  Septic  
 Proposed Sanitary Sewer Service  EPSD  UTSD  Septic  
 Existing Gas Service  Xcel  Other  None  
 Site Access (if not on public street) \_\_\_\_\_  
 Are there wetlands on the site?  Yes  No

**Variance**

Specific variance desired (state development code section #): SIDE YARD SETBACK  
variance to  
EVIDC Table 4-2 25foot side yard setback in E-1 zoning district  
etc.

**Primary Contact Information**

Name of Primary Contact Person KENNETH CZARNOWSKI  
 Mailing Address 2180 BLUE SPRUCE, ESTES PARK, CO

**Attachments**

- Application fee (see attached fee schedule)
- Statement of intent (must comply with standards set forth in Section 3.6.C of the Estes Valley Development Code)
- 1 copy (folded) of site plan (drawn at a scale of 1" = 20') \*\*
- 1 reduced copy of the site plan (11" X 17")
- Names & mailing addresses of neighboring property owners (see attached handout)

\*\* The site plan shall include information in Estes Valley Development Code Appendix B.VII.5 (attached).  
 The applicant will be required to provide additional copies of the site plan after staff review  
 (see the attached Board of Adjustment variance application schedule). **Copies must be folded.**

**Contact Information**

Primary Contact Person is  Owner  Applicant  Consultant/Engineer

Record Owner(s) KENNETH JAMES and Patricia Taylor CZARNOWSK

Mailing Address 2180 BLUE SPRUCE CT, ESTES PARK

Phone 970 586-0131

Cell Phone 970 412-3383

Fax \_\_\_\_\_

Email ken CZarnowski @ hot mail .com

**Applicant** same as above

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_

Cell Phone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

**Consultant/Engineer** PAUL BROWN, ARCHITECT

Mailing Address 254 SOLOMON DR. ESTES PARK

Phone 970 586 8257

Cell Phone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

**APPLICATION FEES**

**For variance applications within the Estes Valley Planning Area, both inside and outside Town limits**

See the fee schedule included in your application packet or view the fee schedule online  
at [www.estesnet.com/ComDev/Schedules&Fees/PlanningApplicationFeeSchedule.pdf](http://www.estesnet.com/ComDev/Schedules&Fees/PlanningApplicationFeeSchedule.pdf).

All requests for refunds must be made in writing. **All fees are due at the time of submittal.**

## APPLICANT CERTIFICATION

- ▶ I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that in filing the application I am acting with the knowledge and consent of the owners of the property.
- ▶ In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Estes Valley Development Code (EVDC).
- ▶ I acknowledge that I have obtained or have access to the EVDC, and that, prior to filing this application, I have had the opportunity to consult the relevant provisions governing the processing of and decision on the application. (The Estes Valley Development Code is available online at [www.estesnet.com/ComDev/DevCode](http://www.estesnet.com/ComDev/DevCode).)
- ▶ I understand that acceptance of this application by the Town of Estes Park for filing and receipt of the application fee by the Town does not necessarily mean that the application is complete under the applicable requirements of the EVDC.
- ▶ I understand that this variance request may be delayed in processing by a month or more if the information provided is incomplete, inaccurate, or submitted after the deadline date.
- ▶ I understand that a resubmittal fee will be charged if my application is incomplete.
- ▶ The Community Development Department will notify the applicant in writing of the date on which the application is determined to be complete.
- ▶ I grant permission for Town of Estes Park Employees and Members of the Board of Adjustment with proper identification access to my property during the review of this application.
- ▶ I acknowledge that I have received the Estes Valley Board of Adjustment Variance Application Schedule and that failure to meet the deadlines shown on said schedule shall result in my application or the approval of my application becoming NULL and VOID. I understand that full fees will be charged for the resubmittal of an application that has become null and void.
- ▶ I understand that I am required to obtain a "Variance Notice" sign from the Community Development Department and that this sign must be posted on my property where it is clearly visible from the road. I understand that the corners of my property and the proposed building/structure corners must be field staked. I understand that the sign must be posted and the staking completed no later than ten (10) business days prior to the Estes Valley Board of Adjustment hearing.
- ▶ I understand that if the Board of Adjustment approves my request, **"Failure of an applicant to apply for a building permit and commence construction or action with regard to the variance approval within one (1) year of receiving approval of the variance shall automatically render the decision of the BOA null and void."** (Estes Valley Development Code Section 3.6.D)

### Names:

Record Owner PLEASE PRINT: KENNETH and PATRICIA CZARNOWSKI

Applicant PLEASE PRINT: KENNETH and PATRICIA CZARNOWSKI

### Signatures:

Record Owner Kenneth Czarnowski  
Patricia Taylor Czarnowski

Date 7/20/09

Applicant Kenneth Czarnowski  
Patricia Taylor Czarnowski

Date 7/20/09

**Table 4-2**  
**Base Density and Dimensional Standards Residential Zoning Districts**

Zoning District	Max. Net Density (units/acre)	Minimum Lot Standards [1] [5] (Ord. 25-07 §1)		Minimum Building/Structure Property Line Setbacks [2] [4] [9] (Ord. 25-07 §1)			Max. Building Height (ft.) [10]	Min. Building Width (ft.)
		Area (sq ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)		
RE-1	1/10 Ac.	10 Ac.	200	50	50	50	30	20
RE	1/2.5 Ac.	2.5 Ac.	200	50	50	50	30	20
E-1	1	1 Ac. [3]	100	25	25	25	30	20
E	2	½ Ac. [3]	75	25-arterials; 15-other streets	10	15	30	20
R	4	¼ Ac.	60	25-arterials; 15-other streets	10	15	30	20
R-1	8	5,000	50	15	10	15	30	20
R-2	4	Single-family = 18,000; Duplex = 27,000	60	25-arterials; 15-other streets	10	10	30	20
RM (Ord. 18-01 #14)	Residential Uses: Max = 8 and Min = 3 Senior Institutional Living Uses: Max = 24	40,000, 5,400 sq. ft./unit [4] [8] (Ord. 25-07 §1) Senior Institutional Living Uses: ½ Ac.	60; Lots Greater than 100,000 sq. ft.: 200	25-arterials; 15-other streets	10 [6]	10	30	20 [7]



**Notes to Table 4-2:**

- [1] (a) See Chapter 4, §4.3.D, which allows a reduction in minimum lot size (area) for single-family residential subdivisions that are required to set aside private open areas per Chapter 4, §4.3.D.1.
- (b) See Chapter 11, §11.3, which allows a reduction in minimum lot size (area) for clustered lots in open space developments.
- (c) See Chapter 11, §11.4, which allows a reduction in minimum lot size (area) for attainable housing.
- (d) See Chapter 7, §7.1, which requires an increase in minimum lot size (area) for development on steep slopes. (Ord. 2-02 §1)
- [2] See Chapter 7, §7.6, for required setbacks from stream/river corridors and wetlands. (Ord. 2-02 #5; Ord. 11-02 §1)
- [3] If private wells or septic systems are used, the minimum lot area shall be 2 acres. See also the regulations set forth in §7.12, "Adequate Public Facilities."
- [4] Townhome developments shall be developed on parcels no smaller than 40,000 square feet; however, each individual townhome unit may be constructed on a minimum 2,000 square foot lot at a maximum density of 8 dwelling units per acre.
- [5] All development, except development of one single-family dwelling on a single lot, shall also be subject to a maximum floor area ratio (FAR) of .30 and a maximum lot coverage of 50%. (Ord. 25-07 §1)
- [6] Zero side yard setbacks (known as "zero lot line development") are allowed for townhome developments.
- [7] Minimum building width requirements shall not apply to mobile homes located in a mobile home park.
- [8] Single-family and duplex developments shall have minimum lot areas of 18,000 s.f. and 27,000 s.f., respectively. (Ord 18-01 #14)
- [9] All structures shall be set back from public or private roads that serve more than four adjacent or off-site dwellings or lots. The setback shall be measured from the edge of public or private roads, the edge of the dedicated right-of-way or recorded easement or the property line, whichever produces a greater setback. The setback shall be the same as the applicable minimum building/structure setback. (Ord. 11-02 §1; Ord. 25-07 §1)
- [10] See Chapter 1, §1.9.E, which allows an increase in the maximum height of buildings on slopes. (Ord. 18-02 #3)