



EVDC Chapter 1, section 9, D.

2. Development Setbacks from River and Stream Corridors and Wetlands.

a. Stream and River Corridors. Development setbacks shall be measured as the distance between the delineated stream or river corridor, as set forth in §7.6.D.2, and the furthestmost projection of a building or structure along a line at right angles to the setback line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in §7.6.D of this Code. See Figure 1-2.

While the typical setback requirements allow for the eaves to project into the setback, the river corridor does not provide an exception for eaves. It is the architect's recommendation that the roof needs eaves for structural continuity and water disbursement. The current design utilizes the existing building imprint and carries it to the second level. The roof structure will mirror the existing building imprint and eaves. The current building was constructed in 1978, and has eaves in the river setback. The new building will be the same intrusion as currently exists, except it will be 10' higher.

The granting of a variance to the unobstructed setback of 10' for this project would acknowledge:

- 1 That the current building already has eaves in the setback,
- 2 The new second floor must be built on the existing building footprint,
- 3 The architects' recommendation regarding the necessity of the eaves,
- 4 The eaves extend into the setback for a 10' length, starting at the SW corner,
- 5 The eaves will be 20' above the ground
- 6 This variance will not create a precedent as we are seeking remediation of an existing intrusion into the setback vertical plane

We have changed the look of this corner significantly since purchasing the property in September, 2004. This project will continue that level of improvement, and allow us to open our third business in Estes Park. We anticipate that our new venture will significantly increase our sales revenue and sales tax collected in all three businesses. As always, we will remain committed to building a future landmark of Estes Park, on a corner that just five years ago was a single family dwelling. Thank you for your time and consideration in this matter.

Sincerely,

Paul C. Whyard
577-9883

July 16, 2009



ESTES VALLEY BOARD OF ADJUSTMENT APPLICATION

Submittal Date:

General Information

Record Owner(s): MINGLEWOOD, LLC
Street Address of Lot: 189/191 E RIVERSIDE
Legal Description: Lot: Block: Tract:
Subdivision: 3063 RIVERSIDE
Parcel ID # 35251-21-071 Section 25 Township SN Range 8 73W

Site Information

Lot Size: Zoning: COMMERCIAL DWTN
Existing Land Use: MIXED USE
Proposed Land Use: MIXED USE
Existing Water Service: Town Well Other (Specify)
Proposed Water Service: Town Well Other (Specify) not needed
Existing Sanitary Sewer Service: EPSP UTSD Septic
Proposed Sanitary Sewer Service: EPSP 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 #): 7.6 E. 1A 3
SET BACK - STREAM CORRIDOR

Primary Contact Information

Name of Primary Contact Person: PAUL WHYARD
Mailing Address: PO BOX 1872 ESTES PARK CO 80517

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) MINGLEWOOD LLC

Mailing Address PO BOX 1872

Phone 970-577-9883

Cell Phone

Fax

Email

minglewood @ q.com

Applicant

PAUL WHYARN

Mailing Address PO BOX 1872 EP CO 80517

Phone

577-9883

Cell Phone

Fax

Email

minglewood @ q.com

Consultant/Engineer

Mailing Address

Phone

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.

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.)

- ▶ 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: PAUL C WAYARD

Applicant PLEASE PRINT: PAUL C WAYARD

Signatures:

Record Owner Paul C Wayard Date _____

Applicant Paul C Wayard Date _____

angles to the setback line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this Section. See Figure 1-2.

b. Features Allowed Within Building Setbacks:

- (1) Cornices, canopies, eaves or other similar architectural features, provided they extend no more than three (3) feet into a required setback or yard;
- (2) Driveways and sidewalks, provided that the edge of a driveway shall be set back at least three (3) feet from an adjacent property line unless owners of abutting properties agree in writing that the edge may be closer to or abut their common property line;
- (3) Fences or walls subject to height and other restrictions set forth in this Code;
- (4) Patios and decks, uncovered and at-grade, provided they do not extend more than thirty percent (30%) of the required setback distance to any required setback. See Figure 1-2;
- (5) Steps to the principal entrance and necessary landings, together with railings, that comply with the Uniform Building Code, provided they do not extend more than six (6) feet into the required setback;
- (6) Landscaping;
- (7) Trees, vegetation or other features of natural growth; and
- (8) Utility lines, wires and associated structures within a utility easement.
- (9) Signs that comply with applicable sign regulations. (Ord. 8-05 #1)
- (10) Postal boxes. (Ord. 8-05 #1)
- (11) Parking lots that comply with landscaping standards set forth in §7.5.G, "Parking Lot Landscaping." (Ord. 8-05 #1)

c. Front Setbacks on Corner Lots and Double-Frontage Lots: For corner lots and double-frontage lots, all sides of the lot with street frontage shall be required to establish the applicable front yard setback. See Figure 1-2. (Ord. 8-05 #1)

d. Intersection and driveway sight visibility: Intersection and driveway sight visibility shall comply with the requirements of Appendix D, Section IV.C (Intersection and Driveway Visibility). (Ord. 18-01 #1)

2. *Development Setbacks from River and Stream Corridors and Wetlands.*

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b. Wetlands. Development setbacks shall be measured as the distance between the delineated wetland edge, as set forth in §7.6.D.3, and the furthestmost projection of a building or structure along a line at right angles to the setback line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in §7.6.D of this Code. See Figure 1-2.