

Statement of Intent - Variance

Rippling River Development - 2025 Moraine Avenue

Variance Request: This variance request is for the renewal of a variance approved in 2007 (compliant with section 3.6 of the Estes Valley Development Code)

Requested variances:

Section 7.5.F.2.b.(3) Arterial Landscape Buffer

-Existing: 25' property line

-Requesting: 11.5' from County Required property line

The property located in a portion of the Southeast $\frac{1}{4}$ of Section 35, Township 5 North, Range 73 West is currently a vacant parcel of land with street frontage on U.S. Highway 66 (Spur 66) also known as Moraine Avenue. The Road has been transferred from the State to the County and the County Codes are to be used for the future development of this property. The land is zoned A – Accommodations under the current Estes Valley Development Code.

1. Special Circumstances or Conditions Exist

Narrowness – The lot lies between Moraine Avenue (Spur 66) and the Big Thompson River the maximum width of the lot is 190' and the average width of the lot is approximately 135'. Trying to place an effective development with the code required setbacks would limit the area for a two lane road, a driveway, and dwelling units to 45'-110' with a majority of the lot having less than 60' to accommodate these required items. With a two lane road being a minimum of 22' wide, a driveway a minimum depth of 20' (to accommodate parking) and a dwelling of about 40' it would require at minimum an 82' wide buildable portion of the lot. With a majority of the lot 20' narrower than this, special consideration should be taken to provide for a buildable situation. Also the site drops off from the road at a rapid rate and has abundant vegetation near the road which would allow the drive to be tucked close to the property line so the view from the road would be less impacted.

Common to other areas - This is not common to most parcels in the area however it is common to the neighboring lot to the north. The neighboring lot to the north was recently developed and was granted 0' lot line setback to the State Highway (code specifies 25' setback, section 4 table 4-5, to an arterial street, see arterial street definition 13.3.228) and also was determined to have 30' setbacks to the river by section 7.6.E.2(b).

Nullify the intent of the Code - By granting the variance to allow small portions of the driveway to be placed within the Landscape Buffer the overall site will be less disturbed.

2. "Practical Difficulty"

- a. Whether there can be beneficial use of the property without the variance?

The property is zoned A-Accommodations and has the potential for many units. Without the proposed variance, the property would not be functional to meet the driveway and parking standards of the E.V.D.C. due to the narrowness of the property.

b. Whether the variance is substantial?

The variance is not substantial, relative to other approved variances in the area. The neighboring property was granted a 0' Landscape Buffer on a portion of their lot for a driveway in 2004. This request is to be 11.5' away from County required property line (which would be 21.5' away from the original property line) in comparison the proposed driveways on this lot will be 21.5' further away from the road than a portion of the neighbors to the north.

c. Whether the essential character of the neighborhood would be substantially altered or neighbors would suffer a substantial detriment as a result of the variance?

There would not be a substantially altering or a major impact on the surrounding properties. The surrounding properties are zoned A-Accommodation as well the neighboring property to the north, which is a more dense development with a greater impact on its site. The proposed development will be in character with recent developments in the area.

d. Whether the variance would affect the delivery of public services?

There will be no adverse affect to the delivery of public services such as water and sewer. There currently exists a sewer main that runs along the eastern portion of the property. The proposed development will be extending the water main from the north onto their property and installing fire hydrants which will have a positive impact on the surrounding properties.

e. Whether the Applicant purchased the property with knowledge of the requirement?

The original applicant was not aware of the County requirement for the road dedication (when the development process started) as the road was originally owned by the State of Colorado. The current owner/applicant did purchase the property knowing this variance was in place. The neighboring property to the north was granted a variance to build on a lot that is similar in character.

f. Whether the Applicant's predicament can be mitigated through some other method?

There is no other easy alternative to this lot shape predicament. Even if this parcel went through the county process to appeal the right-of-way dedication there would still need to be a variance for the development of this parcel.

3. The variance requested is not general or recurrent in nature, the situation is site specific. Given the special circumstances associated with the request and the topography and vegetation on the site this is a unique request.
4. The granting of this variance will not cause an increase in density or create the ability to create new lots.

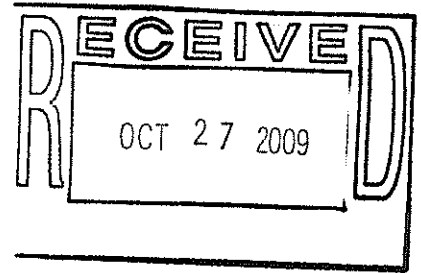
5. The proposed variance will be the least deviation from the regulations that will afford relief and allow the applicant to use the property as the development code intends.
6. The proposed variance request will not allow a use not permitted, or a use expressly or by implication prohibited under the terms of the E.V.D.C. for its zoning district. The applicant would like to develop the property with condominiums which is allowed in the A- accommodations zoning district.
7. In granting such variances, the applicant realizes the BOA may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.

Additional information:

1. Additional trees and shrubs will be planted to shield the driveway (variance feature) from sight.
2. The variance is to allow small portions of the driveways within the landscape buffer. The buffer extends further into the property due to the County required road dedication.
3. The property was originally shown on the FEMA maps to be almost entirely out of the flood plain, however in the process of trying to develop this property it was found that there was an error in the FEMA mapping. This error was corrected through the FEMA LOMR process. The result of this is that a significant portion of the lot is now within the flood plain. An application has been approved by FEMA to place fill on a portion of the lot to bring it out of the flood plain and provide for a buildable area on the lot. The amount of fill proposed is to accommodate the site layout and is considerably less than could be placed based on the FEMA mapping. Fill has been imported and erosion control measures are in place to protect sedimentation transport.



**ESTES VALLEY
BOARD OF ADJUSTMENT
APPLICATION**



Submittal Date: 10/ 27/2009

General Information

Record Owner(s): Stonewood Properties LLC.

Street Address of Lot: 2025 Moraine Avenue

Legal Description Lot: _____ Block: _____ Tract: _____

 Subdivision: _____

Parcel ID # 3534400024 Section 35 Township 5N Range 73W

Site Information

Lot Size 2.55 Acres Zoning A

Existing Land Use Vacant

Proposed Land Use Accomodations/ Residential

Existing Water Service Town Well Other (Specify) N/A

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 #): 7.5.F.2.b.(3)

Primary Contact Information

Name of Primary Contact Person Joe Coop- Van Horn Engineering and Surveying

Mailing Address 1043 Fish Creek Road 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) Stonewood Properties LLC

Mailing Address 2220 Governors Lane Estes Park, CO 80517

Phone (561)-676-9310

Cell Phone _____

Fax _____

Email _____

Applicant Don Chasen

Mailing Address 2220 Governors Lane Estes Park, CO 80517

Phone (561)-676-9310

Cell Phone _____

Fax _____

Email _____

Consultant/Engineer Van Horn Engineering and Surveying Inc.

Mailing Address 1043 Fish Creek Road Estes Park, CO 80517

Phone (970)-586-9388

Cell Phone _____

Fax (970)-586-8101

Email vhe@airbits.com

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: STONEWOOD PROPERTIES, LLC

Applicant PLEASE PRINT: By: Whchasen, Managing Member

Signatures:

Record Owner STONEWOOD PROPERTIES, LLC Date 10/27/09

Applicant By: Whchasen, Managing Member Date 10/27/09

4. Table 4-5: Density and Dimensional Standards for the Nonresidential Zoning Districts.

**Table 4-5
Density and Dimensional Standards
Nonresidential Zoning Districts**

Zoning District	Minimum Land Area per Accommodation or Residential Unit (sq. ft. per unit)	Minimum Lot Size [7]		Minimum Building/ Structure Setbacks [4] [8]			Max. Bldg Height (ft.) [9]	Max. FAR	Max. Lot Coverage (%)
		Area (sq ft)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)			
A	Accommodation Unit = 1,800 [1]; Residential Units: SF = 9,000; 2-Family = 6,750; MF = 5,400	40,000 [2]	100 [3]	Arterial = 25 [5]; All other streets = 15	15 [6]	10 [6]	30	N/A	50
A-1	10,890	15,000 [2]	50 [3]	Arterial = 25 [5]; All other streets = 15	15	10	30	.20	30
CD	Accommodation Units Only = 1,800; SF & 2-Family (stand-alone) = 9,000; Dwelling Units (1st Floor) 1 unit per 2,250 square feet of gross land area Dwelling Units (2nd Floor) No minimum gross land area per unit (Ord. 15-03 #3)	Accommodation uses = 20,000 All other uses = n/a	SF & 2-Family (stand-alone) = 25; MF (stand-alone) = 100; All other uses = n/a	Minimum = 8 Maximum = 16	If lot abuts a residential property = 10; All other cases = 0	If lot abuts a residential property = 10; All other cases = 0	30	2.0	n/a
CO	n/a	Lots fronting arterials = 40,000 [2]; Outdoor Commercial Recreation/ Entertainment = 40,000 [2] All other lots = 15,000 [2]	Fronting arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	15 [6]	15 [6]	30	.25	65

Zoning District	Minimum Land Area per Accommodation or Residential Unit (sq. ft. per unit)	Minimum Lot Size [7]		Minimum Building/Structure Setbacks [4] [8]			Max. Building Height (ft.) [9]	Max. FAR	Max. Lot Coverage (%)
		Area (sq ft)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)			
O	Residential Units (2 nd Floor) 1 unit 2,250 sq. ft. GFA of principal use.	15,000 [2]	Fronting Arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	15 [6]	15 [6]	30	.25	50
CH	n/a	6,000 [2]	50	15	0 [6]	0 [6]	30	.50	80
I-1	n/a	15,000 [2]	Fronting Arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	10 [6]	10 [6]	30	.30	80

(Ord. 2-02 #6; Ord. 11-02 §1; Ord. 15-03 #3)

NOTES TO TABLE 4-5:

- [1] For guest units in a resort lodge/cabin use that have full kitchen facilities, the minimum land area requirement per guest unit shall be 5,400 square feet. See also §5.1.P below.
- [2] 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."
- [3] For lots greater than 2 acres, minimum lot width shall be 200 feet.
- [4] See Chapter 7, §7.6 for required setbacks from stream/river corridors and wetlands. (Ord. 2-02 #5; Ord. 11-02 §1)
- [5] All front building setbacks from a public street or highway shall be landscaped according to the standards set forth in §7.5 of this Code.
- [6] Setback shall be increased to 25 feet if the lot line abuts a residential zoning district boundary.
- [7] See Chapter 7, §7.1, which requires an increase in minimum lot size (area) for development on steep slopes. (Ord. 2-02 #6)
- [8] All structures shall be set back from public or private roads that serve more than four dwellings or lots. The setback shall be measured from the edge of public or private roads, or the edge of the dedicated right-of-way or recorded easement, whichever produces a greater setback. The setback shall be the same as the applicable minimum building/structure setback. This setback is applicable only in the "A-1" district. (Ord. 11-02 §1)
- [9] See Chapter 1, §1.9.E, which allows an increase in the maximum height of buildings on slopes. (Ord. 18-02 #3)

5. Number of Principal Uses Permitted Per Lot or Development Parcel.

- a. Maximum Number of Principal Uses Permitted. One (1) or more principal uses shall be permitted per lot or development parcel, except that in the A zoning district, only one (1) principal residential use shall be permitted per lot or development parcel.
- b. Permitted Mix of Uses. Where more than one (1) principal use is permitted per lot or development parcel, mixed-use development is encouraged, subject to the following standards:
 - (1) More than one (1) principal commercial/retail or industrial use permitted by right or by special review in the zoning district may be developed or established together on a single lot or site, or within a single structure, provided that all applicable requirements set forth in this Section and Code and all other applicable ordinances are met.