

## RECORD OF PROCEEDINGS

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**Regular Meeting of the Estes Valley Board of Adjustment  
May 6, 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 Levine, Newsom, and Sager
- Also Attending:** Director Joseph, Planner Shirk, and Recording Secretary Roederer
- Absent:** Member Dill, Alternate Member Grant

**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 February 5, 2008 meeting.**

**It was moved and seconded (Levine/Newsom) to approve the minutes. There being no changes or corrections, the minutes were approved as submitted.**

**3. METES AND BOUNDS PROPERTY LOCATED AT 460 VALLEY ROAD, Owner/Applicant: Stanton B. Peterson — Request for variance from Estes Valley Development Code Section 4.3, Table 4-2, to allow replacement and expansion of decks on an existing residence 23.2 feet from the eastern property line and 6.4 feet from the southern property line in lieu of the 25-foot setbacks required in the E-1—Estate zoning district**

Director Joseph summarized the staff report. This is a request for reduction of the required 25-foot setback to allow for a deck to wrap around the south corner of an existing residence, which is located 20 feet from the property line. The southeast corner of the deck would be located 6.4 feet from the south property line; the northeast corner of the deck would be located 23.2 feet from the east property line.

Staff finds that special circumstances exist in that the lot is only half-acre in size but is within a one-acre zoning district (E-1). Also, the home was constructed in its current location in 1913 and the corner of the home is situated within the setback. The variance request was prompted by the applicant's renovation of the residence. The home could be occupied without approval of the requested variance; however, the degree of additional encroachment into the setback is minimal considering the location of the residence. The requested variance would not negatively impact the character of the neighborhood. The adjoining property owner on the south, Christopher Wood, has submitted a letter in support of the request. Delivery of services would not be adversely affected by approval of the requested variance. No reasonable alternative exists.

The variance request was routed to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. Upper Thompson Sanitation District expressed no objection to the variance request. A letter of support was received from Christopher Wood, as noted above.

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

**Public Comment:**

Lonnie Sheldon/Van Horn Engineering was present to represent the applicant. He expressed the applicant's agreement with the recommended conditions of approval.

Member Newsom noted the main door to the residence is on the south side and a second door exists on the east side. The deck accommodates both doors; it is needed for access and for safety reasons. He expressed support for the variance request, as did Member Levine.

**It was moved and seconded (Newsom/Levine) to approve the variance request for the Metes and Bounds property located at 460 Valley Road to allow replacement and expansion of decks on an existing residence 23.2 feet from the eastern property line and 6.4 feet from the southern property line in lieu of the required 25-foot setbacks, with the findings and conditions recommended by staff, and the motion passed unanimously with one absent.**

**CONDITIONS:**

1. Full compliance with the Building Code.
2. Submittal of a setback certificate prepared by a qualified surveyor.

**4. METES AND BOUNDS PROPERTY LOCATED AT 845 W. WONDERVIEW AVENUE, Owners: Reese A., Flint H., and Regan W. Cheney and Corrine Cheney-Burke, Applicant: Van Horn Engineering — Request for variance from Estes Valley Development Code Section 4.3, Table 4-2, to allow an addition to an existing residence to be built 20 feet from the southern property line in lieu of the required 50-foot setback required in the RE–*Rural Estate* zoning district**

Planner Shirk summarized the staff report. This is a request to allow a 20-foot setback from the southern property line in lieu of the 50-foot setback required in the RE–*Rural Estate* zoning district. The purpose of the request is to allow the expansion/remodel of an existing cabin that was built circa 1915, very close to the property line, and prior to the adoption of setback requirements. The remodel would include removal and replacement of the existing kitchen and a bathroom addition.

Rock outcroppings at the northeast corner of the residence and an existing driveway with a retaining wall on the west and south sides of the residence limit the available area for an addition. The lot contains a mapped rockfall hazard area, which is located east of the building site. The applicant retained a professional geologist who has experience in the Estes Valley and in the applicant's neighborhood. The geologist conducted an on-site evaluation and concluded there is "minor rockfall hazard potential."

The most pertinent special circumstance associated with this variance request is the location of the existing house in relation to the setback. There can be beneficial use of the property without a variance; however, the cabin is small and currently has no bathing facilities. The requested variance is not substantial and would not negatively impact the neighborhood; the cabin is not visible from neighboring properties. The cabin has been owned by the family since the time it was constructed.

The variance request was routed to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. Comments were received from Upper Thompson Sanitation District, Larimer County Engineering Department, and Rocky Mountain National Park. All expressed no objection or no major concerns or issues with the requested variance. Neighboring property owner Shane M. Ring also submitted a letter expressing no objections to the proposed addition.

Planning staff recommends approval of the requested variance with one condition of approval.

**Public Comment:**

Lonnie Sheldon/Van Horn Engineering was present to represent the property owners. He expressed agreement with the recommended conditions of approval.

Bob Cheney/Owner stated his father had homesteaded the property in 1912 and built the house between 1912 and 1915. The property has been in his family since the time it was homesteaded; he was born in the house. He stated it meant a lot to him to fix up the cabin and expressed a desire to make it livable.

**It was moved and seconded (Levine/Sager) to approve the variance request for the Metes and Bounds property located at 845 W. Wonderview Avenue to allow an addition to an existing residence to be built 20 feet from the southern property line in lieu of the 50-foot setback required in the RE–*Rural Estate* zoning district, with the findings and conditions recommended by staff, and the motion passed unanimously with one absent.**

**CONDITIONS:**

1. Prior to pouring foundation, submittal of a setback certificate prepared by a registered land surveyor.

**5. REPORTS**

Director Joseph indicated Member Dill has decided not to seek renewal of his appointment when it expires at the end of June. He expressed appreciation for Member Dill's years of service. Chair Lynch wished him "Good fishing."

**There being no further business, Chair Lynch adjourned the meeting at 9:22 a.m.**

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John Lynch, Chair

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Julie Roederer, Recording Secretary