

RECORD OF PROCEEDINGS

**Regular Meeting of the Estes Valley Board of Adjustment
August 4, 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: Director Joseph, Planner Alison Chilcott, Planner Dave Shirk, and Recording Secretary Thompson

Absent: Member Al Sager

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

1. PUBLIC COMMENT

None

2. CONSENT AGENDA

Approval of minutes dated July 7, 2009

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

3. METES & BOUNDS PARCEL LOCATED AT 1209 MANFORD AVENUE – Request for a variance from §1.9.E to allow construction of a new grandstand above the 30-foot height limit.

Chair Levine stated that this is a joint project between the Town and Estes Park Urban Renewal Authority (EPURA), since Member Newsom is on the EPURA Board and Chair Levine is on the Town Board they been advised by the Town Attorney to recuse themselves from discussing and voting on this item. Chair Levine noted there is a quorum present and the Board can consider this item.

Planner Chilcott reviewed the staff report. The Town of Estes Park and EPURA are working together to replace the grandstands at Stanley Park Fairgrounds. The applicant, Thorp Associates, has also submitted a special review and location/extent review application, which will be reviewed by Planning Commission and Town Board for the replacement of the grandstands.

Planner Chilcott stated the application being reviewed today is for a variance from Estes Valley Development Code (EVDC) Section 1.9.E *Height*, which establishes a maximum height limit of thirty (30) feet from existing grade. The request is to allow the ventilating cupolas on the grandstands to exceed the maximum allowable height limit by four feet and four inches. The main roof of the grandstand is proposed to be 30 feet and seven inches in height, which is within the allowable height based on the slope of the land. This property is zoned CO–Commercial Outlying and the proposed use is permitted by special review in this zoning district.

Planner Chilcott stated that staff reviewed the variance request for compliance with Estes Valley Development Code Section 3.6.C, which includes evaluating whether or not special circumstances and practical difficulty exist in complying with the code standards from which a variance is requested. Staff finds that special circumstances exist and practical difficulty may result from strict compliance with Code standards.

Planner Chilcott stated the special circumstances are related to the unique use of the building as a grandstand and the goal noted in the statement of intent to “maintain good visibility of the area...for the spectators,” while increasing the grandstand seating capacity. Seating capacity will be increased from approximately 2,200 seats to 2,700 seats.

In determining practical difficulty, Planner Chilcott noted the variance is not substantial, and the main roof of the grandstand complies with the height limits. Staff finds the essential character of the neighborhood could potentially be improved as Stanley Park redevelops, and the new grandstand will be an improvement in design over the old grandstand. The new grandstand will be subject to design criteria adopted by the Town. The cupolas may have some impact of views from properties south of Stanley Park. In general, the properties immediately south of the proposed grandstands are mostly commercial.

Staff recommends approval of the variance request with one condition for a height certificate prior to pouring the foundation.

Public Comment:

Roger Thorp, Applicant stated the current grandstands are approximately 24.5 feet high at the peak. The main opening of the proposed grandstand is about two feet higher than the existing structure. This proposal is subject to architectural design criteria, which establishes minimum roof pitches. In order to maintain a 3/12 pitch and keep the opening high enough that people in the top row can see the arena, the height of the opening had to be raised. This will allow a good view of the arena from all seats, and partial views of the lake. Mr. Thorp stated the cupolas serve a functional need for ventilation as well as visually breaking up the long roof line.

It was moved and seconded (McCreery/Lynch) to APPROVE the request for a variance from EVDC §1.9.E Height to allow construction of a new grandstand above the 30-foot height limit with the following condition:

CONDITION:

1. A registered land surveyor shall set the survey stakes for the foundation forms. After the footings are set, and prior to pouring the foundation, the surveyor shall verify compliance with the variance and provide a height certificate.

The motion passed, with Newsom and Levine abstaining.

4. REPORTS

None.

There being no further business, Chair Levine adjourned the meeting at 9:16 a.m.

Chuck Levine, Chair

Karen Thompson, Recording Secretary