

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – February 26, 2024

*City of Woodland Park, 220 W. South Avenue, Woodland Park, CO and by Zoom.
This meeting was a hybrid in-person and virtual electronic meeting. A Zoom link was posted on the front-page of the City website. Public input in the form of written comment submitted in advance of the meeting was encouraged and public comment in real time at the meeting was made.*

1. **ORDER AND ROLL CALL:** The meeting was called to order at 6:30 p.m. The Pledge of Allegiance was recited. Attendance was called as follows:

Present	Regular Member Valerie Lundy
Present	Regular Member Louis Ramon
Present	Vice Chair Jim Rumsey
Present	Chair Nick Abercrombie
Staff Present	Planning Director Karen Schminke via Zoom
	Senior Planner CJ Gates
	City Attorney Betsy Stewart

The Pledge of Allegiance was recited.

2. **APPROVE MINUTES: January 22, 2024 Meeting Minutes**

MOTION: Member Ramon motioned and Vice Chair Rumsey seconded to approve the minutes as editorially amended for the January 22, 2024 meeting. Motion passed unanimously.

3. **REQUESTS / PUBLIC HEARINGS:**

- A. **VAR2023-10: Nash front yard accessory building:** A request by Hayes Nash (applicant and land owner) to locate a 24' x 42' accessory building in a front yard (MC §18.06.020) on Lot 3 Aspen Acres (115 Trull Road, Woodland Park, CO) in the Suburban Residential (SR) zone district.

To begin the public hearing, Chair Abercrombie noted that four affirmative votes are required to approve a variance; the applicant may decide to withdraw or postpone the application at any time; any appeals must be filed with the Teller County Courts within 30 days of the BOA decision; and public comment is limited to five minutes per speaker. Chair Abercrombie confirmed that none of the Board members has had any communications or has a conflict of interest on this item, and handed out the BOA variance criteria checklist.

Senior Planner Gates presented the staff review, including the location, zoning, surrounding zones, code definitions of “accessory use” and “front yard.” Accessory buildings are not allowed to be constructed in the front yard per 18.60.020. The applicant has applied for this variance to construct a detached garage which encroaches into the defined front yard due to the topography of the lot. The site plan shows the detached garage location, half of it would encroach onto the front yard. Photos show that vegetation would block the view of the structure from the street. The property has an existing significant slope down to Trull Road. The rear portion of the property which the Code would allow an accessory structure on is quite steep. He showed a rendering of the proposed structure, and noted the applicant would have to adhere to City of Woodland

Park Design Guidelines. Staff findings include that the applicant **complies** with all four conditions in Section 18.06.020:

1. That there exists special conditions and circumstances of the type specified in Section 18.60.010, which are peculiar to the land structure, or building involved and which are not applicable to other lands or structures in the same district;
2. The said special conditions and circumstances do not result from the actions of the applicant;
3. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations,
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Board to other lands or structures in the same district.

The application was referred to all the required internal and external review departments and agencies. The NETCFPD responded that they approve of the proposed location.

Staff recommends granting a variance to locate a 24' x 42' accessory building in a front yard (MC 18.06.020) on Lot 3 Aspen Acres (115 Trull Road, Woodland Park, CO) in the Suburban Residential (SR) zone district subject to the following condition:

1. The proposed structure will adhere to the City of Woodland Park architectural design guidelines outlined within Section 18.33.180.H.

The Board had some questions about the topography on the rest of the site. The applicant will address this, but Mr. Gates showed the photos of the topography showing a steep slope from a high point along the north property line sloping downhill to Trull Road. Grading was done by a previous owner on the bench which is where the home is located.

The applicant, Hayes Nash, agreed with the staff report. He noted that the slope is the same on both sides of the house; it's important to him to build a structure that matches the existing homes and structures in the area; it will not be visible from the road or obtrusive; it's easily accessible from the driveway; and the structure will be masked by the existing vegetation.

The Board clarified with the applicant that the current temporary structures will be removed. The Board discussed that the topography is significant enough to be considered for a variance approval, the proposal seems to be harmonious and not injurious to surrounding properties.

Chair Abercrombie opened the public comment.

Frank Gray, 159 Trull Road, shares a property line with the applicant. He supports this application, as this is the best place for the garage. He is probably the only neighbor who will be able to see it. He added that everyone has a right to come before the BOA for an exception; that slope is the steepest slope in Aspen Acres; and this is the best place for an accessory building.

Bill Ames raised his hand on Zoom, but due to technical difficulties was not able to comment.

Chair Abercrombie closed the public comment period.

The Chair opened the Board's deliberations. The Board clarified with Senior Planner Gates the four standards, which staff and the City Attorney believe are met. Senior Planner Gates showed some additional photos of the slope and existing grading, explained how the front yard is determined, and how this front yard limits the buildable area. The city attorney's office finds the request reasonable, justifiable, and in compliance with the variance criteria. The Board then further discussed that considering the topography, position of the house, and definition of a front yard, this is the best place for an accessory structure. They noted this variance request stands on its own merits because of the special circumstance and steep slope in Aspen Acres.

MOTION:

Vice Chair Rumsey motioned and Member Lundy seconded to accept **VAR2023-10: Nash front yard accessory building:** A request by Hayes Nash (applicant and land owner) to locate a 24' x 42' accessory building in a front yard (MC §18.06.020) on Lot 3 Aspen Acres (115 Trull Road, Woodland Park, CO) in the Suburban Residential (SR) zone district. The motion was amended to include the following condition:

1. The proposed structure will adhere to the City of Woodland Park architectural design guidelines outlines within Section 18.33.180.H.

because the representations in the application are valid, the variance is justified and will make reasonable use of the land and structure, is in harmony with the general purpose and intent of the comprehensive plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

YES: Lundy, Ramon, Rumsey, Abercrombie.

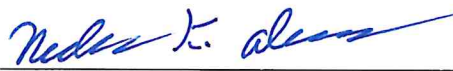
NO: None.

The motion passed 4-0.

Chair Abercrombie added that the findings will be published in ten days.

REPORTS: Planning Director Schminke, via Zoom, thanked the Board for their time and attention, and added that hopefully City Council will reappoint Mr. O'Neill's to the Board soon.

ADJOURN: Chair Abercrombie adjourned the meeting at 7:30 p.m.

Approved by: 
Nick Abercrombie, Chair

4/15/2024
Date