

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – May 20, 2019

City of Woodland Park Council Chambers, 220 W. South Avenue, Woodland Park, CO

1. ORDER AND ROLL CALL. Order was called at 6:30 p.m. with attendance as follows:

Present	Chairperson Louis Ramon
Present	Vice-chairperson Lois DeVaux
Present	Regular Member Kerri Kilgore
Present	Regular Member Randy Carlson
Present	Regular Member Larry Larsen
Present	Alternate Member Jerry Smith
Staff Present	City Planner Lor Pellegrino, City Attorney Jason Meyers
Guest	Carroll Trader, Candidate for Board of Adjustment

2. PLEDGE OF ALLEGIANCE. All recited the Pledge of Allegiance.

3. APPROVAL OF MINUTES. The February 25, 2019 minutes were approved as written.

4. PUBLIC HEARINGS. All Board members stated no conflicts of interest or biases with respect to the scheduled cases.

A. VAR#19-003: A request by Cheryl Six and Andrew Greci (property owner) to vary (i) the front setback (§18.13.040.A) from 25' to 10'; (ii) the height (§18.13.030) from 20' to 25'; and (iii) to allow an accessory building in the front yard (§18.06.0020) all for an accessory dwelling unit (ADU) / detached garage on L12, B7, Green's Addition (220 N. Highland St.) in the Urban Residential (UR) zone.

The City Planner presented the staff report complete with a recommendation of conditional approval of the front yard, Highland Street front setback, and height variances based on the 50-foot wide shallow corner lot; the site topography and its effect on the height calculation; the requirement that an ADU be the second level where the permitted maximum height of the structure is 20 feet; the low traffic/impact within the Highland Street cul-de-sac; and, the ability to retain existing healthy on-site mature trees where possible.

The Applicant (Skip Howes, Scott Homes Ltd., 300 Sunny Glen Court) explained that the existing house, built in 1955, is on a sewage disposal system and is currently located only 10 feet from the Highland Street property line. The property owner wishes to build a modest 528 SF detached one-car garage (22' x 24') with an ADU above. The detached accessory building is designed, sized and located to match the existing house and save as many on-site healthy trees as possible. To preserve the street character, the Applicant proposes to locate the detached accessory building 13 feet north of the existing house with the front façade aligned with the front of the existing house (10 feet from the property line) but requests that the Board allow for a projection of the overhang into the setback. The lot is accessed from Highland Street to the east which is not a through street. He also explained how the lot slopes make measuring height a challenge. Further, he demonstrated that an accessory building with an ADU above cannot not be constructed within the 20 foot height maximum. He believes that a 15-foot front setback variance (from 25 feet to 10), allowing the accessory building in the front yard, and a 5-foot height variance (from 20 feet to 25) would not impact the character of the neighborhood.

In response to questions from the Board, Mr. Howes stated that there are instances of surrounding homes and accessory buildings that are more than one-story in height; that the ground level of the house to the north is below the finished grade of Lot 12; that existing mature trees obstruct surrounding views to Pikes Peak; and, that the accessory building is not designed to be attached to the house because the property owner wanted a separation between the main building and the garage. Ms. Pellegrino stated that no concerns have been received from the property owner to the north of the site; that no plans exist to extend Highland Street

any farther; that a standard side setback is 8 feet for main buildings and 4 feet for accessory buildings; that a 2-story garage is proposed because regulations require that ADUs in detached accessory buildings must be above and not on the ground level; that the alley to the north is an unimproved but platted 20 foot wide right-of-way; that this is the first application received by the City for an ADU in a detached accessory building; and, that variances must be approved by a consenting vote of at least four members of the Board and an appeal of a BOA decision is made to District Court.

The Chairperson opened the public comment portion of the meeting.

Mr. Scott Mosher (225 Highland Street), the neighbor immediately to the east, spoke opposed to the variances proposed, citing concerns about inconsistency with the surrounding neighborhood and visual impact, loss of street trees that will result from the installation of the sewer line, nuisances that emanate from the short-term rental next door, and loss of views resulting from a 2-story accessory building. He stated that he represents the neighborhood and supports a one-story building.

The Chairperson closed the public comment portion of the meeting.

The Applicant stated that various options for the sewer line were reviewed and the connection along Highland Street is the only feasible option given utility requirements and main line locations; and, that a setback variance from 25 feet is required for an addition or for a detached accessory building.

MOVED BY Larsen, and SECONDED BY DeVaux, THAT:

The Board of Adjustment grant a variance of the front setback (§18.13.040.A) from 25' to 10' and allow an accessory building in the front yard (§18.06.0020) for a detached 528 SF accessory building on Lot 12, Block 7, Green's Addition (220 N. Highland Street) based on the findings contained in the staff report and testimony presented at the public hearing subject to the following conditions:

1. This variance applies only to the accessory building as shown on VAR#19-003.
2. Prior to construction, a string line shall be installed demarking the Highland Street 10-foot front setback line.
3. The overhang/soffit/gutter may pierce the front setback no more than two (2) feet.

All voted in favor. Motion passed.

MOVED BY Kilgore, and SECONDED BY Ramon, THAT:

The height variance be tabled so that the Applicant can provide more information and analysis on the height/sight line impact of the five foot height variance requested.

Yes: Kilgore, Ramon, DeVaux / No: Carlson, Larsen. Motion passed.

The Board suggested that a sight line or other visual impact analysis be requested for all height variances from now on and that the City review the 20-foot height limit for ADUs in accessory buildings.

5. **REPORTS.** Staff distributed the February, March and April 2019 Building and Planning Department Reports and reminded the Board that the next regular meeting is ~~June 17, 2019~~.

6. **ADJOURNMENT.** The meeting was adjourned at 8:35 pm.

Minutes by: _____


City Planner Lor Pellegrino, AICP

Approved by: _____


Mr. Louis Ramon, Chairperson

17 June 2019
Date