

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – June 17, 2019

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

1. **ORDER AND ROLL CALL.** Order was called at 5:30 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
Absent	Alternate Member Carroll Trader
Staff Present	City Planner Lor Pellegrino, City Attorney Jason Meyers
2. **PLEDGE OF ALLEGIANCE.** All recited the Pledge of Allegiance.
3. **APPROVAL OF MINUTES.** The May 20, 2019 minutes were approved as written.
4. **SITE VISIT to 220 N. Highland Street (VAR#19-003) (5:45 p.m.)** – The City Planner distributed a map with directions to the site. The Chairman recessed the meeting and all departed for the site. At the site, the Applicant had flagged the four proposed building corners and the midpoint of the north and south sides of the building. Two balloons were set up, one at 20 feet high and the other at 25 feet high. Board members walked through and around the site, along Highland Street, and in the alley.
5. **RECONVENE at Woodland Park Council Chambers (220 W. South Avenue) (6:30 p.m.)** – The Chairman reconvened the meeting at 6:30 p.m. and mentioned that the BOA had just returned from a site visit to 220 N. Highland Street (VAR#19-003).
6. **PUBLIC HEARINGS.** All Board members stated no conflicts of interest or biases with respect to all of tonight's scheduled cases.
 - A. **VAR#19-003: A request by Cheryl Six and Andrew Greci (property owner) to vary the height (§18.13.030) from 20' to 25' for a detached garage with an accessory dwelling unit (ADU) above on Lot 12, Block 7, Green's Addition (220 N. Highland St.) in the Urban Residential (UR) zone. (tabled from May 20, 2019).**

The City Planner presented the staff report supplement complete with a recommendation of conditional approval of the 5-foot height variance (from 20 to 25 feet) request based on the 50-foot wide shallow corner lot; the site topography and how the finished grade affects 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 the new submittals which included wall sections showing a 4:12 roof pitch 24'-8 7/8" total height, 3:12 roof pitch showing a 23'-9 7/8" and low slope roof pitch showing 22'-6 7/8" total height and a sightline analysis showing the proposed building height relative to the floor of surrounding buildings showing 3 feet higher than the house to the north and 5 feet higher than the house to the south. He stated that an accessory building with an ADU above cannot not be constructed within the 20 foot height maximum and requests a 5-foot height variance (from 20 feet to 25) would not impact the character of the neighborhood.

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 height variance proposed, citing concerns about inconsistency with the aesthetics of the surrounding neighborhood and visual impact. He presented a slide showing what he believed to be the visual impact of a 25-foot building.

Seeing no others wishing to speak, the Chairperson closed the public comment portion of the meeting.

The Applicant clarified that the purpose of the accessory building is a garage with an ADU above and that the property owners stay at the house for a number of weeks through any given year.

The Board deliberated, commenting that the 5-foot variance does not appear to produce a significant impact, that the 20-foot height restriction on accessory buildings may not make sense for ADUs, that the site's slope does restrict the total height of buildings, that while preserving view is not a criterion for variance applications, it does not appear that the requested 5-foot variance does not impact the view significantly more than a 20-foot tall structure would, and that each variance case is adjudicated based on its own merits and circumstances.

MOVED BY Kilgore, and SECONDED BY Ramon, THAT: the Board of Adjustment grant a variance from Municipal Code §18.13.030 for the proposed accessory building on Lot 12, Block 7, Green's Addition (220 N. Highland Street) based on the findings contained in the May 20 and June 17, 2019 staff reports and testimony presented at the May 20 and June 17, 2019 public hearings subject to the following condition:

1. This variance applies only to the accessory building as shown on application VAR #19-003.
2. That the accessory building does not exceed 24 feet high.

Yes - Kilgore, Ramon, DeVaux ; No - Carlson, Larsen. Motion fails.

MOVED BY Larsen, and SECONDED BY Carlson, THAT: the Board of Adjustment grant a variance from Municipal Code §18.13.030 to increase the maximum height from 20 to 25 feet for the proposed accessory building on Lot 12, Block 7, Green's Addition (220 N. Highland Street) based on the findings contained in the May 20 and June 17, 2019 staff reports and testimony presented at the May 20 and June 17, 2019 public hearings subject to the following condition:

1. This variance applies only to the accessory building as shown on VAR #19-003.

All voted in favor. Motion passes.

B. VAR#19-004: A request by Carol Barbeau (owner) to vary the required front setback (§18.13.040.A) from 25' to 17' for a kitchen remodel on an existing dwelling on Lots 11 and 12, Block 12, Lake Addition (410 N. Pine St.) in the Urban Residential (UR) zone.

The City Planner presented the staff report complete with a recommendation of conditional approval of the Pine Street front setback, based on the shallow corner lot with two 25-foot front setbacks and the location of the existing house and kitchen.

The Applicant (Carol Barbeau, 410 N. Pine Street) explained that she wishes to add a modest 10-foot wide addition to expand her 7-foot wide kitchen so that she can comfortably move around. Further, she stated that the washer and dryer when open, obstruct the exit and is a safety hazard.

In response to questions from the Board, Staff stated that a sidewalk, although it can fit on the west side of Pine Street, is neither required nor warranted given the sidewalk on the east side of Pine Street and City priorities; that the addition will not obstruct Kansas alley or the existing driveway.

The Chairperson opened the public comment portion of the meeting.

Mr. Greg Marshall (411 Pine Street), the neighbor to the east, spoke in support of the variance citing no problem with the proposal.

Seeing no others wishing to speak, the Chairperson closed the public comment portion of the meeting.

MOVED BY Carlson, and SECONDED BY DeVaux, THAT:

The Board of Adjustment grant a 8-foot variance from the Pine Street front setback from 25 feet to 17 feet for a kitchen expansion of an existing single family residence on Lot 11-12, Block 12, Lake Addition (410 N. Pine Street) subject to the following conditions:

1. Prior to pouring the foundation, the builder must string a line clearly demarking the 17 foot setback line from the east property line and the 25-foot setback from north property line.
2. No part of the building (overhang, gutters, etc.) may project into the Pine Street front setback. This 17-foot setback must remain clear and unobstructed from the ground up except for landscaping or hardscaping.
3. Prior to issue of a Building Permit, the applicant shall vacate the interior common property line between Lots 11 and 12.

All voted in favor. Motion passes.

C. VAR#19-005: A request by Michael Crouse (owner) to vary the required front setback (§18.13.040.A) from 25' to 14' for a dwelling and detached garage on Lot 7, Block 13, Foster's Addition (315 S. Fairview St.) in the Urban Residential (UR) zone.

The City Planner presented the staff report complete with a recommendation of conditional approval of the 11-foot variance of the Fairview Street front setback based on the lot's current narrow configuration and the greater setbacks applied to a corner lot. A 60-foot wide shallow lot is narrow and with the imposition of setbacks, the buildable area is further narrowed (roughly 27 feet wide). She stated that all other setbacks can be satisfied and that the edge of the house would be at least 30 feet from the edge of the Fairway Street asphalt.

The Applicant (Mrs. Karen Crouse, 315 S. Fairview Street) explained that the site is currently a vacant lot and that they would like to build a 1,134 SF house (32 feet wide) single family dwelling with a detached garage that would fit on this narrow lot with consideration given to the property (and existing house) they own next door (to the east). She stated the house and garage footprints are conceptual at this point - designed, sized and located with some built-in flexibility while still matching other houses in the neighborhood with access from the north alley. She stated that her lot to the east will need to be modified so that the garage door is moved from the west to the north side.

The Chairperson opened the public comment portion of the meeting.

George Christian (Cottage Creek Living, LLC) stated he is a builder and not a developer. He is coordinating with the property owner to construct the house and garage but that a contract has yet to be signed, that the curb cut along Pine Street already exists and will provide access to both of the Crouse lots, that the higher part of the house is proposed on the east side of the lot. He commented that his construction projects increase the value of neighborhoods.

Ms. Melanie Canary (305 S. Fairview Street), the neighbor and property owner immediately to the north, objects to the variance for several reasons: she believes too many variances in the neighborhood are producing homes that are too close to each other; the house design is not in character with Woodland Park or the neighborhood and looks more like the row houses you would see in downtown Detroit or Chicago; development has resulted in the loss of trees within the neighborhood; many buildings and sheds have been built within the alley right-of-way in the middle of this block; and views will be blocked. She does not understand why the City has codes if variances are always granted and stated that people are moving out as a result of all the variances that are granted and the neighborhood changes that has resulted.

The Chairperson closed the public comment portion of the meeting.

After The Chairperson announced the public comments portion of the meeting was closed, Eldrich Carlson (210 Chester Avenue) stated that he did speak with Staff on this variance and is concerned about opening up the alley.

Seeing no others wishing to speak, the Chairperson closed the public comment portion of the meeting.

The Board deliberated on the case, appreciating comments submitted by neighbors and, noticing that Ms. Canary's house is roughly 32 feet from the edge of Fairview Street while the new house is proposed at roughly 33 feet from the edge of Fairview Street; that on average homes are roughly 38 feet from the edge of nearby streets; that if granted the variance would be a maximum of 11 feet regardless of where the house is actually sited; that infill on corner lots is challenging; that variances are judicially reviewed and some are granted and others are not; that this is the first time that the Board has heard from neighbors in this area; that growth issues should be brought before City Council.

MOVED BY Kilgore, and SECONDED BY Larsen, THAT:

The Board of Adjustment grant a maximum 11-foot variance for the single family dwelling and detached garage (from the 25 feet to 14) from the Fairview Street front setback of Lot 7, Block 13, Foster's Addition (315 S. Fairview Avenue) subject to the following conditions:

1. Prior to pouring the foundation, the builder must string a line clearly demarking the approved setback lines from all property lines.

All voted in favor. Motion passes.

7. **REPORTS.** Staff invited the Board and the public to the June 27 Planning Commission worksession to discuss proposed revisions to the Municipal Code related to setback encroachments and variance procedures. Staff distributed the May 2019 Building and Planning Department Report.

8. **ADJOURNMENT.** The meeting was adjourned at 9:00 p.m.

Minutes by: _____


City Planner Lor Pellegrino, AICP

Approved by: _____


Mr. Louis Ramon, Chairperson

8/19/2019

Date