

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES - JANUARY 28, 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	Regular Member Kerri Kilgore
Present	Vice-chairman Randy Carlson
Present	Regular Member Louis Ramon
Present	Regular Member Larry Larsen
Present	Regular Member Lois DeVaux
Present	Alternate Member Jerry Smith
Staff Present	City Planner Lor Pellegrino, AICP

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

3. ELECTION OF OFFICERS. Mr. Louis Ramon was elected Chairperson and Mrs. Lois DeVaux was elected Vice-Chairperson.

4. APPROVAL OF MINUTES. The November 19, 2018 minutes were approved as presented.

5. PUBLIC HEARINGS. The Chairperson asked if any conflicts exist related to the public hearing to which all Board members responded none.

A. VAR19-001 Suess Front Setback Variance – A request by Allegiance Construction (applicant) and Chris & Cindy Suess (owner) to vary the 25 foot required front setback (§18.13.040.A) for a single family residence on Lot 23, Wilderness Subdivision Filing 1 (1210 Cottontail Trail) in the Urban Residential (UR) zone.

Pellegrino presented a PowerPoint with a recommendation of approval based on the approval of the inaccurate site plan drawn by Latigo Homes (Architect) and the 4 angle changes along the edge of the right-of-way that make front property line difficult to definitively pinpoint.

The Applicant (Dave Pollock, Allegiance Construction, 1253 Rampart Range Road) stated that this was an honest mistake and that he is very careful to construct buildings that comply with the requirements. He stated that he measured no less than three times in the field based on the existing corner pins and the location of the edge of the sidewalk. However, the angle changes between the corner pins were not marked and the edge of the sidewalk is misaligned.

Chuck Murphy (Wildemest Developer/HOA President, 2245 Broadway, Colorado Springs) stated that it is a nice house inside and out and since no negative effect has resulted from the improper location of the house, the HOA has approved the encroachment into the 20-foot HOA front setback and further supports the variance of the City 25-foot front setback.

Board members asked about the circumstances surrounding this construction of the house, the measurement of the setback, who is responsible for the encroachment, who drew the site plan, the Contractor's experience and reputation, the ability to fine the Contractor and how this type of mistake can be avoided in the future.

Staff reported that the Contractor has an unblemished reputation with no building or other violations on his license; that the City did review the site plan and missed the inaccuracies between the plat and the site plan; that the Board cannot impose fines but can deny the variance; and that the City is implementing procedures that will include certification by a Professional Land Surveyor (PLS) when any proposed construction is within 5 feet of a setback boundary.

The Chairperson opened the public comment portion of the meeting and seeing no one wishing to speak, closed the public comment portion.

Mr. Pollock rebutted by stating that Latigo Homes is no longer in Colorado; that he has been building in Colorado and other states for 25+ years and this is the first time this sort of thing has happened; that for all future projects he will ensure that all center pins are also set; that requiring PLS certification within 5 feet of the setback is a reasonable approach which should reduce the likelihood of future mistakes.

The Board expressed concurrence with the reasonableness of the request, especially given the proposed procedural changes suggested by staff.

MOVED BY DeVaux, and SECONDED BY Carlson, THAT:

The Board of Adjustment grant a front setback variance from 25 feet to 19.7 feet from the Cottontail Trail property line for an existing Single Family Residence (SFR) in the Urban Residential (UR) zone district on Lot 23, Wilderest Subdivision Filing No. 1 (1210 Cottontail Trail). All voted in favor. Motion passes unanimously.

A general discussion ensued regarding the proposed procedural changes – specifically, increasing the threshold from five to ten feet or some other appropriate distance; considering what to do with additions, decks, or similar renovations; and the need to catch these mistakes before the foundation is poured or substantial work is done. Ultimately, the Board agreed with the policy as proposed by Staff and supported the additional checks and balances it provides within the building process. The Board commended the City for taking action to minimize future mistakes and advised that although implementing this change may add cost and time to the building process which may increase complaints from contractors or builders, it is necessary to assure errors are caught before potentially expensive changes to construction occur.

6. **REPORTS.** Staff distributed the December 2018 Planning Department Report and two draft ordinances - one for revisions to Municipal Code Sections 18.51 and 18.60 and the other for revisions to Section 18.06.432. The draft ordinances will be submitted to the new City Attorney for review when he starts on March 1st. A case has been submitted for the next regular meeting scheduled for February 25, 2019.

7. **ADJOURNMENT.** The meeting was adjourned at approximately 7:54 pm.

Recorded by:


City Planner Lor Fellegrino, AICP

Approved by:



Mr. Louis Ramon, Chairperson

2/25/2019

Date