



BOARD OF ADJUSTMENTS

Tuesday, November 07, 2023 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

LIVE STREAM available on Town website

AGENDA

This agenda is subject to revision 24 hours prior to commencement of the meeting.

Call to Order

Roll Call

Approval of Minutes

- [1.](#) Minutes from August 1, 2023

Public Hearing - *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Board members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a decision, and/or continue the hearing to a particular date.*

- [2.](#) Application for a Variance of Side Yard Setback, 17 South Valley

Other Business

3. Memo Relating to Non Compliance to Zoning Code (Krob Law)

Adjourn

Americans with Disabilities Act

Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

Notice

Notice is hereby given that more than two members of the Board of Trustees may be present; however, there will be no action taken by the Board of Trustees at this meeting.



BOARD OF ADJUSTMENTS

Tuesday, August 01, 2023 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

MINUTES

Call to Order. Vice Chair Miner called the meeting to order at 5:02 PM.

Roll Call. Present: Bob Miner, Charlie Ihlenfeld, Eddie Kinney, Kevin Dreher, Bob Radosevich.

Approval of Minutes

1. Minutes of March 7, 2023 Meeting. MOTION (Charlie, Eddie) to approve the minutes. Motion passed 5-0.

Public Hearing

Vice Chair Miner took item 3 first while waiting for applicants to arrive for item 2.

3. Application for Variance of Lot Size, Setbacks at Corner Lot of Primrose/Columbine (Claar). Mr. Curtis Claar provided a background summary to zoning requirements and property rights for development. He explained the property being a non-conforming lot to the required size, which is a hardship. Mr. Claar continued to review the examples he considered and his final request to modify setbacks on a corner lot for a 700-800 sq ft footprint which will not hinder the immediate neighbor nor cause any health or safety concerns. Board member Radosevich inquired about the number of stories. A discussion of setbacks and allowable access took place. Ms. Kathy Allen supported the applicant and stated it's a good plan for a small lot. Vice Chair Miner closed the hearing.

Board member Ihlenfeld read a letter from Board member Ehrhardt, sharing his concerns of identifying a hardship and multiple stories not complying with the community master plan. Board member Kinney inquired if he knew he would need a variance when considering the property. Vice Chair Miner inquired about where the front is located. Discussion took place about the variance not considering front and being a corner lot, front could be either or both with mixed use. Mr. Claar requested the variances be considered to develop the lot. MOTION (Dreher, Kinney) to deny the request to keep the integrity of 25 ft setbacks. Motion passed 5-0. Ms. Kathy Allen asked members what would be acceptable to develop on the lot.

2. Application for a Variance of Front and Rear Setback, 418 Buena Vista Ave (Rudey). Landowner Mr. Jay Rudey and his architect Mr. Stephen Suranowitz explained the request for a variance to allow a 1000 sq ft addition to an existing non-conforming structure. Mr. Suranowitz explained the dimensions of the lot and the limited buildable space and the current structure approved to build well within the setbacks. He requested the rear setback at 15 ft and front setback at 10 ft although the existing

structure is further encroaching into the setbacks. The proposed addition is planned to be at the same existing roof line. Discussion took place about the existing structure and setbacks.

Ms. Ann Perry Wright resides on the other side of Buena Vista, and she spoke about a shed on the property that blocks their view. She stated that she is opposed to the addition and expressed concern of it becoming a short term rental and being nearly 15 ft to the back door. She reiterated that she is opposed to the structure parking, height, and transients if it is used as a rental. Mr. Rudey stated he did not intend to rent it and his family will enjoy it as a vacation home. Ms. Catherine Solski explained the size of family and intended use. Discussion about the existing height and addition height took place. Ms. Kala Walton, neighbor to the property, clarified that the addition height will be the same as the existing structure and setbacks of 10 and 5 ft, which was confirmed. Mr. Steve Wright stated he was under the impression that the addition was within the same footprint, which it is not. He stated there is a shed on the property that obstructs their view and he is opposed to the request. Discussion about the dimensions on the drawings submitted with the application took place. Board member Dreher inquired about the hardship for the variance. Collins suggested that the fact the existing structure is non-conforming is a hardship. Mr. Suranowitz requested a modification of the front setback to 5 ft for the proposed deck. Mr. Rudey addressed the concerns of the neighbors and explained the improvement he will make. MOTION (Kinney, Radosevich) to approve the setbacks to the existing setbacks of the current structure. Motion passed 3-2 (no – Dreher, Miner). An affirmative vote requires four votes to pass. Discussion took place about an Improvement Location Certificate (ILC) to prove the existing setbacks. Board member Dreher asked the neighbors for their input. Discussion continued about the addition, the requested setbacks, and the existing non-conforming structure. Mr. Rudey addressed his neighbors. Mr. Claar approached the board. MOTION (Kinney, Ihlenfeld) was restated for another vote to approve the variance within the setbacks of the current structure - clarified the front setback of 5 ft and rear setback of 15 ft. Motion passed 4-1 (no – Miner).

Other Business

4. Discuss Non-conforming Structures. Collins reviewed the code relating to non-conforming structures.

Adjourn. MOTION (Dreher, Radosevich) to adjourn at 7:16 pm. Motion passed.

Minutes by: Dawn A. Collins, Town Clerk

NOTICE OF PUBLIC HEARING**TOWN OF PALMER LAKE**

Notice is hereby given that Palmer Lake Board of Adjustments will hold a public hearing on Tuesday, November 7, 2023, at 5:00 PM at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for a side yard setback to 5 ft to replace an existing deck, located at 17 South Valley Road, Palmer Lake (parcel 7105405011). A copy of the complete application is on file at the Town office, 42 Valley Crescent, Palmer Lake, at 719-481-2953.

/s/ Dawn A. Collins, Town Clerk



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

received
9-19-23

Item 2.

Office Use Only

Case Number: _____

Date: 9-19-23

Fees: \$200 (non-refundable)

Check #: 3162

Rec'd By: _____

Application Complete: _____

Note: Allow up to 10 days for review and requires a minimum of 15 days for publication and property posting.

Variance Application Form

PAID

Name of Applicant/Property Owner: Gregory and Remi Woodrow

Address: 17 South Valley Road Palmer Lake, CO 80133 Phone#: 719-649-0970

Email: RGWOODROW@MSN.COM

Name of Proposal: Request for Side Variance (East) 17 South Valley Road Palmer Lake, CO 80133

Legal Description or Address: 7105405011
Tax Schedule #

This is a Variance – A deviation from Subdivision or Zoning Regulations. This consists of a written request which, if it affects the design of a subdivision, must be so noted on the appropriate Plat.

Please fill out the appropriate submission checklist to complete the application.

Current Zoning and Uses of Surrounding Property:	N: <u>Town Road</u>	<u>17 South Valley Road</u>
	E: <u>R3</u>	<u>Single Family Residential</u>
	S: <u>Not Noted</u>	<u>Single Family Residential</u>
	W: <u>R3</u>	<u>Single Family Residential</u>

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.

We are requesting a variance for the above address to seek relief of the required side (east) yard setback of 7 1/2 ft., to allow us to replace our current deck with a new deck having the same footprint as the old deck (5 ft. setback).

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

Variance Application
Rev 03/25/2021



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Item 2.

Please state the regulation/code that directly relates to the variance request.

17.28.030 (ORD. 15-1973, III: 8c, 1973)

Explain how the variance would benefit to the health, safety, appearance, and general welfare of the community, if granted.

Granting the variance will not be materially detrimental to the health, safety, appearance, and general welfare of the community, if granted.

Explain how adjacent properties will be affected if the variance is granted.

Granting the variance will not be materially detrimental to the adjacent properties.

State how strict application of the zoning would place an unusual and unnecessary hardship on you and/or other parties involved.

Strict application of the zoning would not allow us to replace our 40+ year old deck with the same foot print. This will cause hardship by eliminating use of an existing exit door on the affected side (east).

Do you own any adjoining lots? If so, how many and what are the square footage of these adjoining lots?

Yes. 1 lot to the west (25 South Valley Road). 18,944 Sq Ft

Variance Application
Rev 03/25/2021



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Item 2.

As owner/applicant, I affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature: *Ken Woodrow* Date: *19 Sept 2023*
Bregan Woodrow

If the applicant is not the owner:

As owner of the above property, I agree to this application.

Owner – Print: _____

Owner – Signature: _____ Date: _____

Variance Application
Rev 03/25/2021

Greg Woodrow
17 South Valley Road
Palmer Lake, Colorado

