



**MEETING OF THE BOARD OF ADJUSTMENT
BOULDER COUNTY, COLORADO
AGENDA**

Wednesday, February 5, 2025, 4:00 p.m.

Third Floor Hearing Room

County Court House

1325 Pearl Street, Boulder

Boulder County Board of Adjustment meetings are convened in a hybrid format where attendees can join through Zoom or participate in-person at the Downtown Boulder County Courthouse, 3rd Floor, 1325 Pearl St., Boulder. To sign up in advance for either in-person or virtual public comment, please visit www.boco.org/BOA to register for the hearing. There is also a kiosk in the 3rd floor lobby to sign up for in-person public comment. To join the meeting by phone, dial 1-833-568-8864 (toll free) and enter the Webinar ID: 160 014 1596.

This agenda is subject to change. Please call the Community Planning & Permitting Department (303-441-3930) or check the Board of Adjustment webpage to confirm any items of interest. For special assistance, contact our ADA Coordinator (303-441-3525) at least 72 hours in advance.

There will be opportunity to provide public comment on the subject items during the respective virtual Public Hearing portion for each item. If you have comments regarding any of these items, you may mail written comments to the Community Planning & Permitting Department (PO Box 471, Boulder, CO 80306) or email planner@bouldercounty.org. Please reference the docket number of the subject item.

1. CALL TO ORDER

2. ROLL CALL

3. ITEMS

3.1 Docket VAR-24-0007: Gaur Setback Variance

Public testimony will be taken.

Request: Variance request to reduce the required 90-foot supplemental front setback to approximately 43 feet 8 inches for the construction of a carport.

Location: 983 Cherryvale Road, 0.39-acre parcel located approximately 400 feet north of the intersection of Cherryvale Road and Baseline Road, in Section 34, Township 1N, Range 70W.

Zoning: Rural Residential (RR) Zoning District

Property Owners/Applicants: Manish Gaur and Cheryl Juntunen

Website: www.boco.org/VAR-24-0007

Staff Planner: Pete L'Orange

Action Requested: Decision

4. ADJOURNMENT



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

BOULDER COUNTY BOARD OF ADJUSTMENT PUBLIC HEARING

February 5, 2025 at 4:00 p.m.

Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person

STAFF RECOMMENDATION

STAFF PLANNER: Pete L'Orange, Senior Planner

DATE ISSUED: December 31, 2024

Docket VAR-24-0007: Gaur Setback Reductions

Request: Variance request to reduce the required 90-foot supplemental front setback to approximately 43 feet 8 inches for the construction of a carport at 983 Cherryvale Road.

Location: 983 Cherryvale Road, 0.39-acre parcel located approximately 400 feet north of the intersection of Cherryvale Road and Baseline Road, in Section 34, Township 1N, Range 70W.

Zoning: Rural Residential (RR) Zoning District

Applicant/Owner: Manish Gaur and Cheryl Juntunen

PACKET CONTENTS:

Item	Pages
Staff Recommendation	1 – 6
Application Materials (Attachment A)	A1 – A14
Referral Agency Responses (Attachment B)	B1 – B6

SUMMARY

The applicant requests a reduction in the required supplemental setback along Cherryvale Road from 90 feet to approximately 43 feet 8 inches to allow construction of a carport on the eastern side of the property. The residence is a nonconforming structure (Article 4-1002 of the Code), having been constructed in 1940, prior to the adoption of the supplemental setback requirements along Cherryvale Road. Therefore, the applicant cannot construct any new structures in the supplemental setback without obtaining a variance.

Staff recommends that this variance request be denied because the applicable review criteria in Article 4-1202.B.2 of the Boulder Country Land Use Code (the Code) cannot be met.

DISCUSSION

The subject property is located approximately 400 feet north of the intersection of Baseline Road and Cherryvale Road, immediately adjacent to the eastern boundary of the City of Boulder. The property is approximately 0.39-acre in size, is located in the Rural Residential zoning district, and is a legal building lot. Access to the parcel is via an existing driveway onto Cherryvale Road.

This area of Cherryvale Road is classified as a Collector and therefore the subject property is subject to the 90-foot supplemental setback associated with such roadways. The general character of the neighborhood, specifically those residences along Cherryvale Road, includes many nonconforming structures, as much of the area was developed prior to the adoption of the supplementary setbacks along major roads.



Figure 1: Aerial photograph of subject property, outlined in red, with approximate location of 90-foot supplementary setback shown in light gray.

Staff evaluation of the property identifies no particular physical circumstance that creates undue hardship. The lot is generally rectangular and flat, similar to other properties in the vicinity. Staff find there is sufficient space to allow for development outside of the setback at issue. Staff does not find existing nonconformity alone to be sufficient demonstration of hardship.

For these reasons, staff find that the proposal cannot meet the Variance criteria described in the Code, and therefore recommend that the application be denied.

REFERRALS

The variance request was sent to property owners within 1,500 feet of the subject property, as well as all applicable referral agencies. Responses received by staff are attached to this staff recommendation (Attachments B) and summarized below.

Boulder County Building Safety & Inspection Team: This team provided standard comments related to building permitting requirements; they did not comment on the requested variance.

Boulder County Development Review Team – Access & Engineering (DRT A&E): This team noted that the property has demonstrated legal access via Cherryvale Road, an asphalt Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Collector. They also noted that County Engineer and Access & Engineering staff find no conflicts with this proposal. The added structure must remain uninhabitable permanently for the County Engineer and Access and Engineering staff to support this request.

Xcel Energy: The Public Service Company of Colorado (PSCo) responded, noting that PSCo owns and operates existing overhead electric distribution facilities along the east and north property lines. Additionally, per OSHA standards, a minimum ten-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures.

Agencies indicating no conflicts: Boulder County Park and Open Space Natural Resource Planner; Boulder County Historic Preservation team; Boulder County Public Health; and Mountain View Fire Rescue.

Agencies that did not respond: Boulder County Long Range Planning; Boulder County Assessor; Boulder County Attorney's Office; Boulder County Sheriff; Boulder County Treasurer; Boulder County Surveyor; Boulder County Stormwater team; Northern Colorado Water Conservancy; and City of Boulder Planning and Development Services.

Adjacent Property Owners – 124 referrals were sent to nearby property owners; to date, staff have not received any public comments.

CRITERIA ANALYSIS

Per Article 3-100.A.18 of the Code, the Board of Adjustment (BOA) may approve a variance from the terms of the Code as set forth in Article 4-1200. To grant a variance, the BOA must find that all of the following criteria from **Article 4-1202.B.2** of the Code are satisfied:

- (a) *There exist exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;*

Staff does not find that the subject parcel is encumbered by exceptional or extraordinary physical circumstances. While the parcel is relatively small in size, staff find that the parcel is flat, with sufficient alternative locations for development that meet the supplemental setback. Specifically, the parcel is located in the Rural Residential zoning district, which requires a seven-foot side yard setback and a 15-foot rear yard setback, in addition to the 90-foot supplemental front yard setback. When applied to the subject parcel, staff find there is adequate space for development which can comply with the required setbacks (see Figure 2 below).

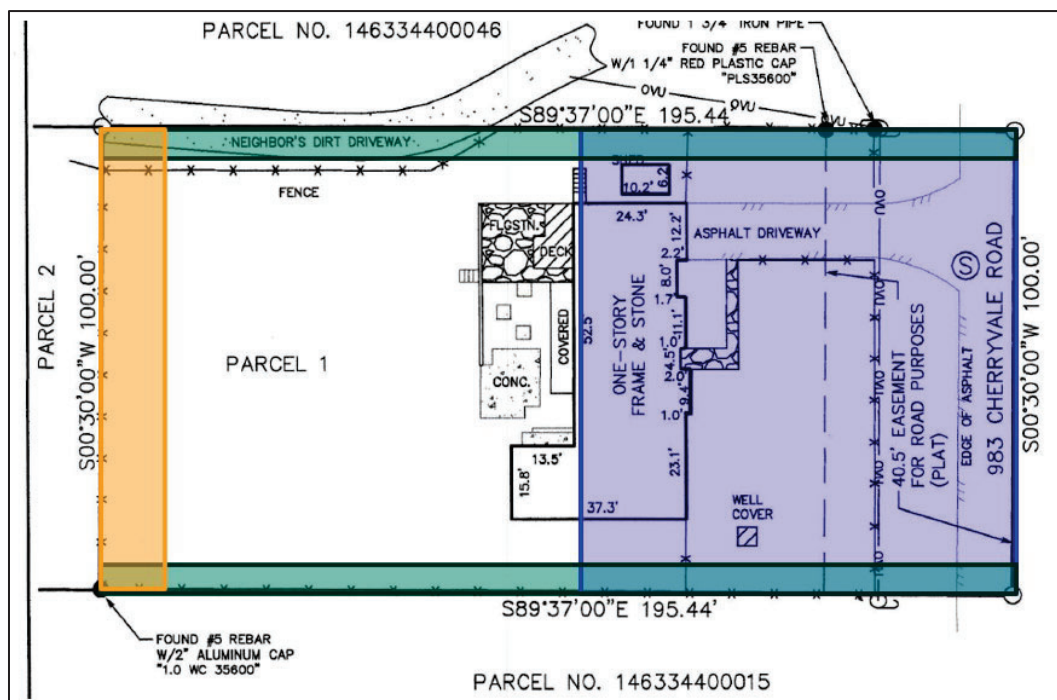


Figure 2: Survey of subject parcel, with the 90-foot supplemental setback indicated in blue, the seven-foot side yard setbacks indicated in green, and the 15-foot rear yard setback indicated in orange.

Therefore, staff find this criterion is not met.

- (b) *Because of these physical circumstances, the strict application of the Code creates an exceptional or undue hardship upon the property owner;*

Because staff does not find that there are exceptional or extraordinary physical circumstances on the parcel, the strict application of the Code does not create an exceptional or undue hardship on the property owner. The existing residence is located within the setback but there are other suitable development locations that comply with current setback requirements.

Therefore, staff find this criterion is not met.

(c) *The hardship is not self-imposed;*

Staff have not identified a hardship on the property owner. While staff does understand the applicants' reasons for seeking a carport, as stated above, there are other areas in which to do improvements that comply with the current setback requirements.

Therefore, staff find this criterion is not met.

(d) *The variance, if granted, will not adversely affect the uses of adjacent property as permitted under this code;*

Staff does not anticipate that the proposed variance, if granted, will adversely affect the uses of adjacent properties as permitted under the Code, nor has any referral agency responded with such a concern. The proposed additions to the structure are not anticipated to negatively impact the uses of adjacent property.

Therefore, staff find this criterion is met.

(e) *The variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of the Code and the Boulder County Comprehensive Plan;*

Staff does not have concerns that the variance will change the character of the zoning district in which the property is located if granted. Aerial photographs of the area around the subject parcel indicate that many nearby properties also have development that encroaches on the required supplemental setbacks.

Therefore, staff find that this criterion is met.

(f) *The variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.*

Staff does not have concerns that the variance will adversely affect the health, safety, and welfare of the citizens, nor will the proposed reduction in setback conflict with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

Therefore, staff find this criterion is met.

RECOMMENDATION

As discussed above, staff find that three of the criteria for a variance cannot be met. Therefore, Community Planning & Permitting staff recommend that the Board of Adjustment **Deny** docket **VAR-24-0007: Gaur Setback Reduction.**



Boulder County Land Use Department

Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
Phone: 303-441-3930
Email: planner@bouldercounty.org
Web: www.bouldercounty.org/lu
Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only
Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name	
<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent	<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) <u>983 Cherryvale Road</u>			
Subdivision Name <u>Bryum - Kent Subdivision</u>			
Lot(s) <u>Parcel 2</u>	Block(s)	Section(s)	Township(s)
Area in Acres <u>.39</u>	Existing Zoning <u>RR</u>	Existing Use of Property <u>Single Family Home</u>	Range(s)
Proposed Water Supply	Proposed Sewage Disposal Method		

Applicants:

Applicant/Property Owner			Email	
<u>Manish Gaur/Cheryl Juntunen</u>			<u>manishbgaur@gmail.com</u>	
Mailing Address				
<u>983 Cherryvale Road, Boulder CO 80303</u>				
City	State	Zip Code	Phone	
<u>Boulder</u>	<u>CO</u>	<u>80303</u>	<u>720-713-9183</u>	
Applicant/Property Owner/Agent/Consultant			Email	
<u>N/A</u>				
Mailing Address				
City	State	Zip Code	Phone	
Agent/Consultant			Email	
Mailing Address				
City	State	Zip Code	Phone	

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval. I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner	Printed Name	Date
<u>Manish Gaur</u>	<u>Manish Gaur</u>	<u>9-18-2024</u>
Signature of Property Owner	Printed Name	Date
<u>Cheryl Juntunen</u>	<u>Cheryl Juntunen</u>	<u>9-18-2024</u>

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

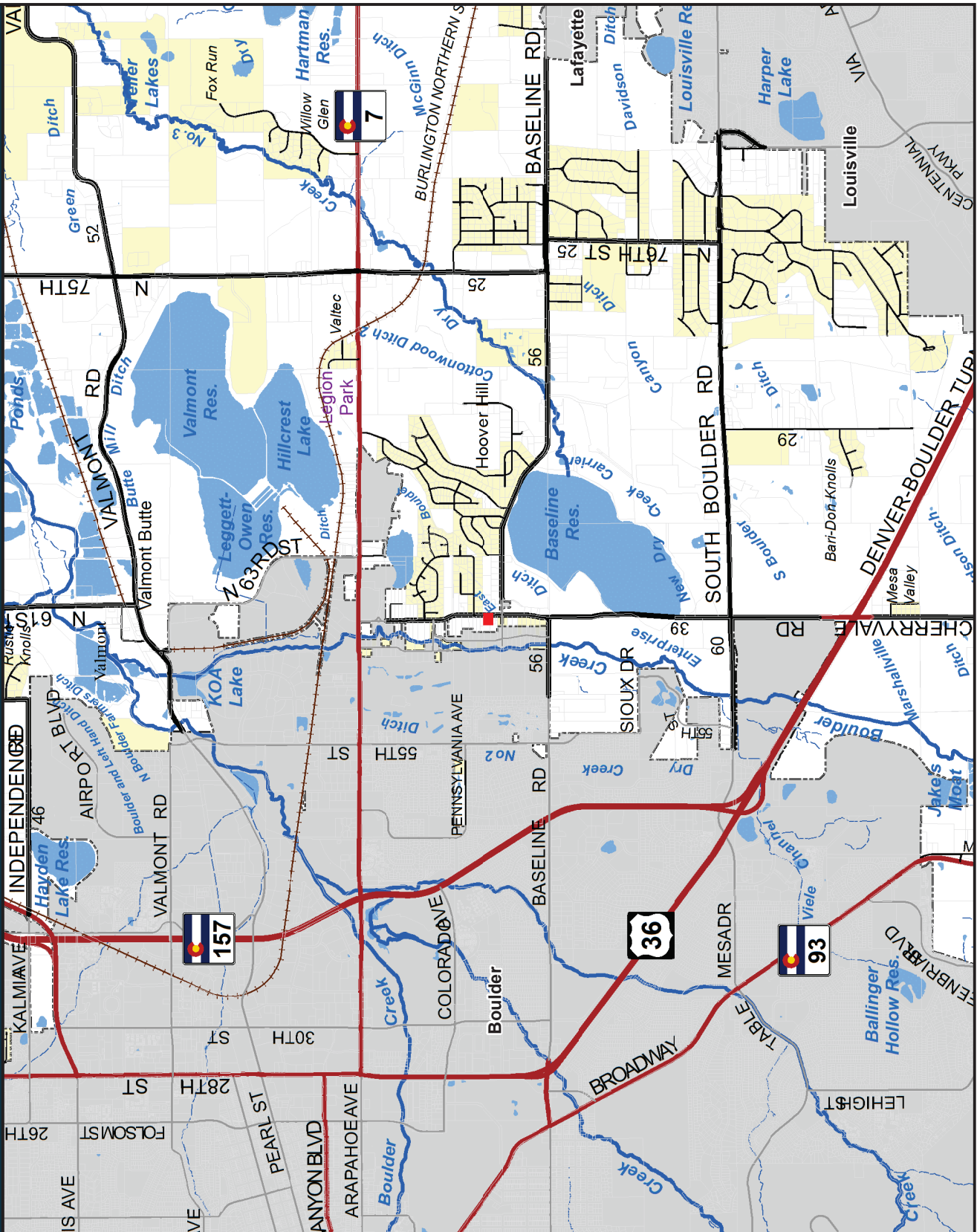


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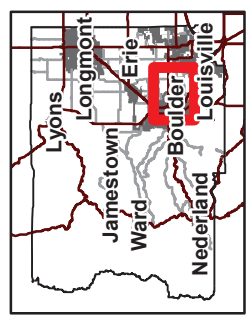
983 CHERRYVALE RD



- Subject Parcel
- Municipalities
- Subdivisions



Area of Detail Date: 9/5/2024



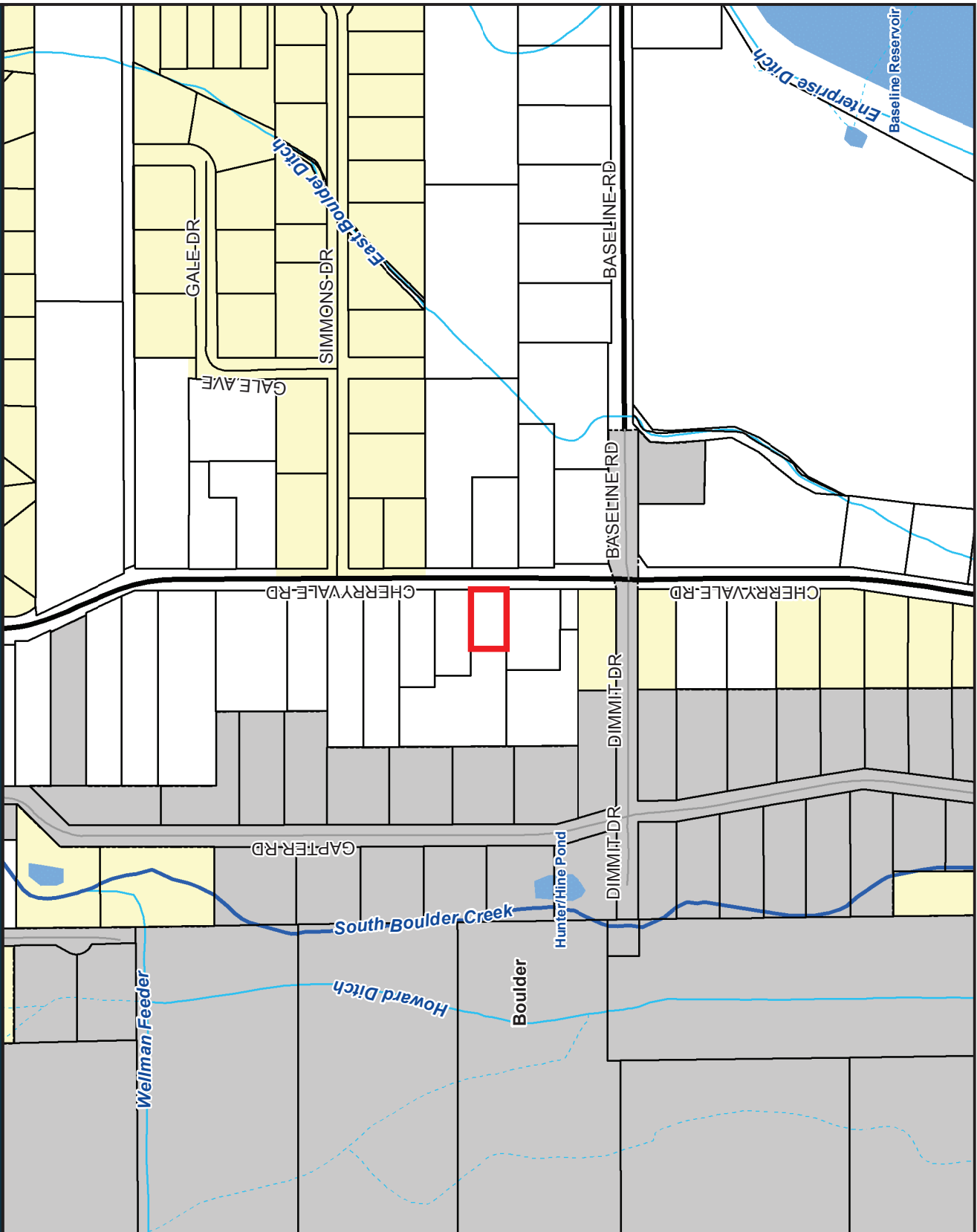
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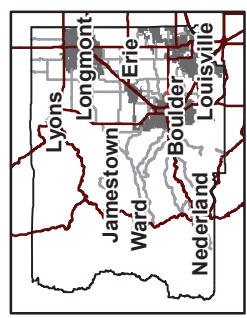
Location
983 CHERRYVALE RD



- Subject Parcel
- Subdivisions
- Subdivisions



Area of Detail Date: 9/5/2024



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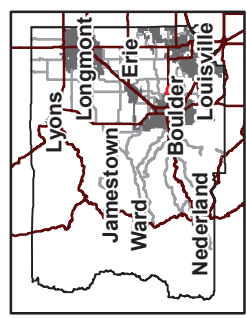
Aerial
983 CHERRYVALE RD



 Subject Parcel



Area of Detail Date: 9/5/2024



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Aerial
983 CHERRYVALE RD

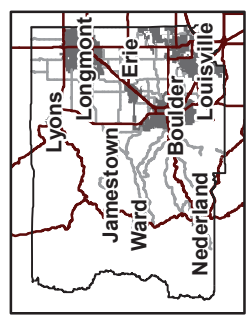


 Subject Parcel



0 0.0025 0.005 Miles

Area of Detail Date: 9/5/2024



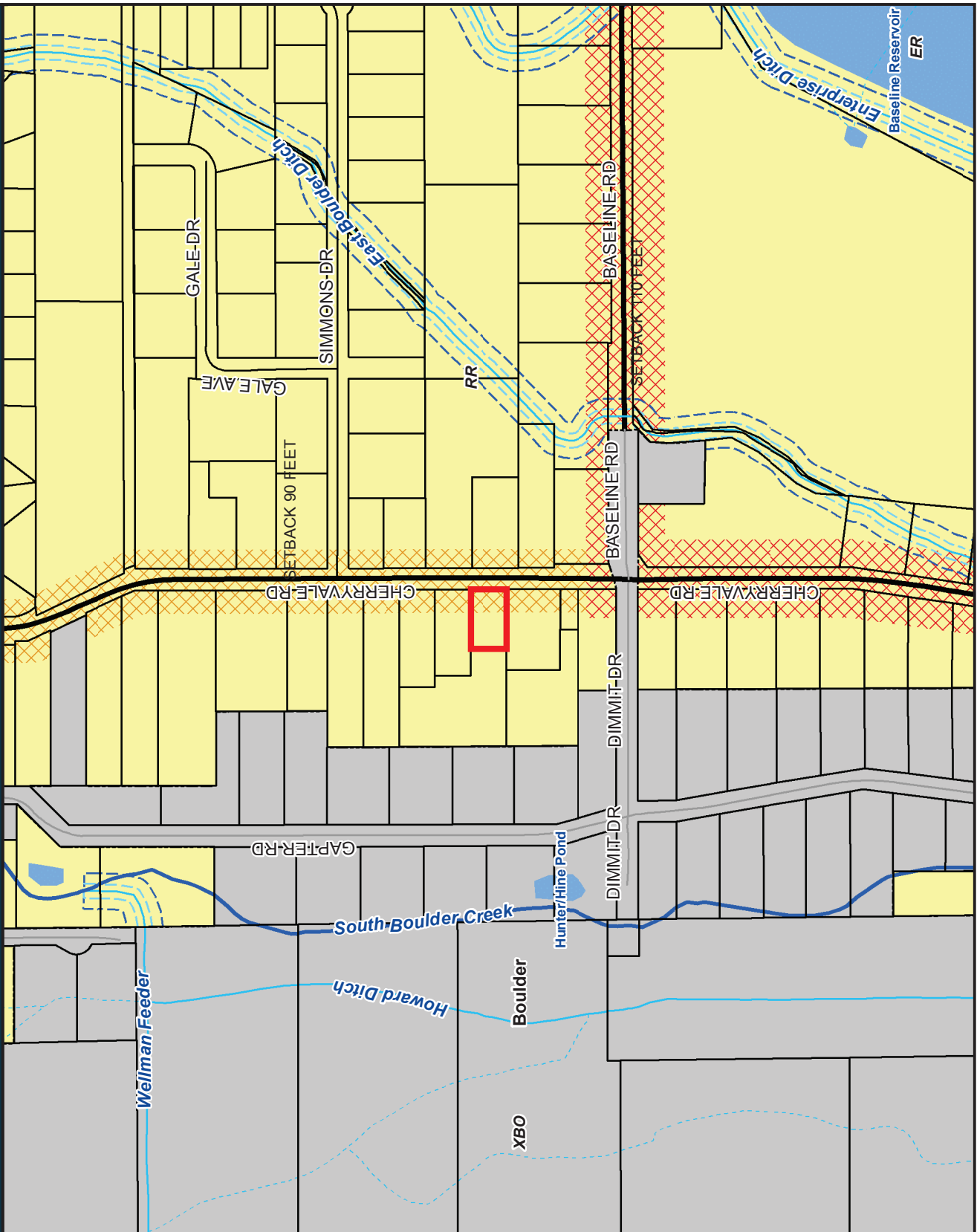
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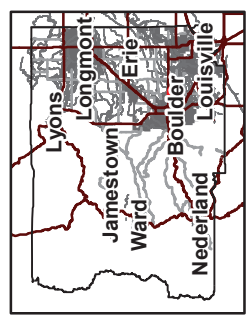
Zoning
983 CHERRYVALE RD



- Subject Parcel
- Zoning Districts**
 - Estate Residential
 - Rural Residential
- Ditch Setbacks**
 - 20 feet
 - 50 feet
- Major Road Setbacks**
 - 90 feet
 - 110 feet



Area of Detail Date: 9/5/2024



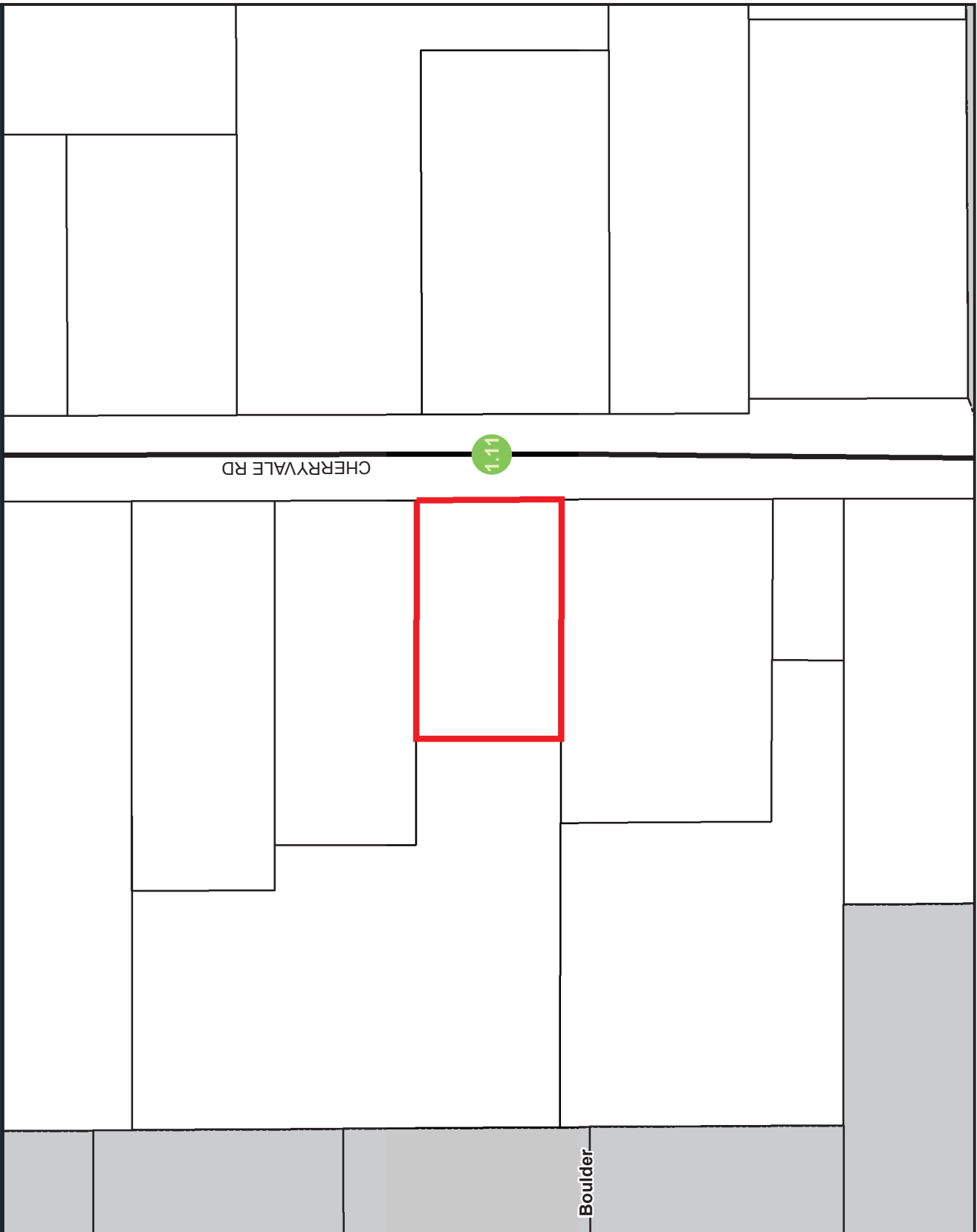
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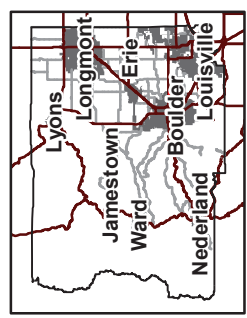
Comprehensive Plan
983 CHERRYVALE RD



- Subject Parcel
- Rare Plant Areas



Area of Detail Date: 9/5/2024



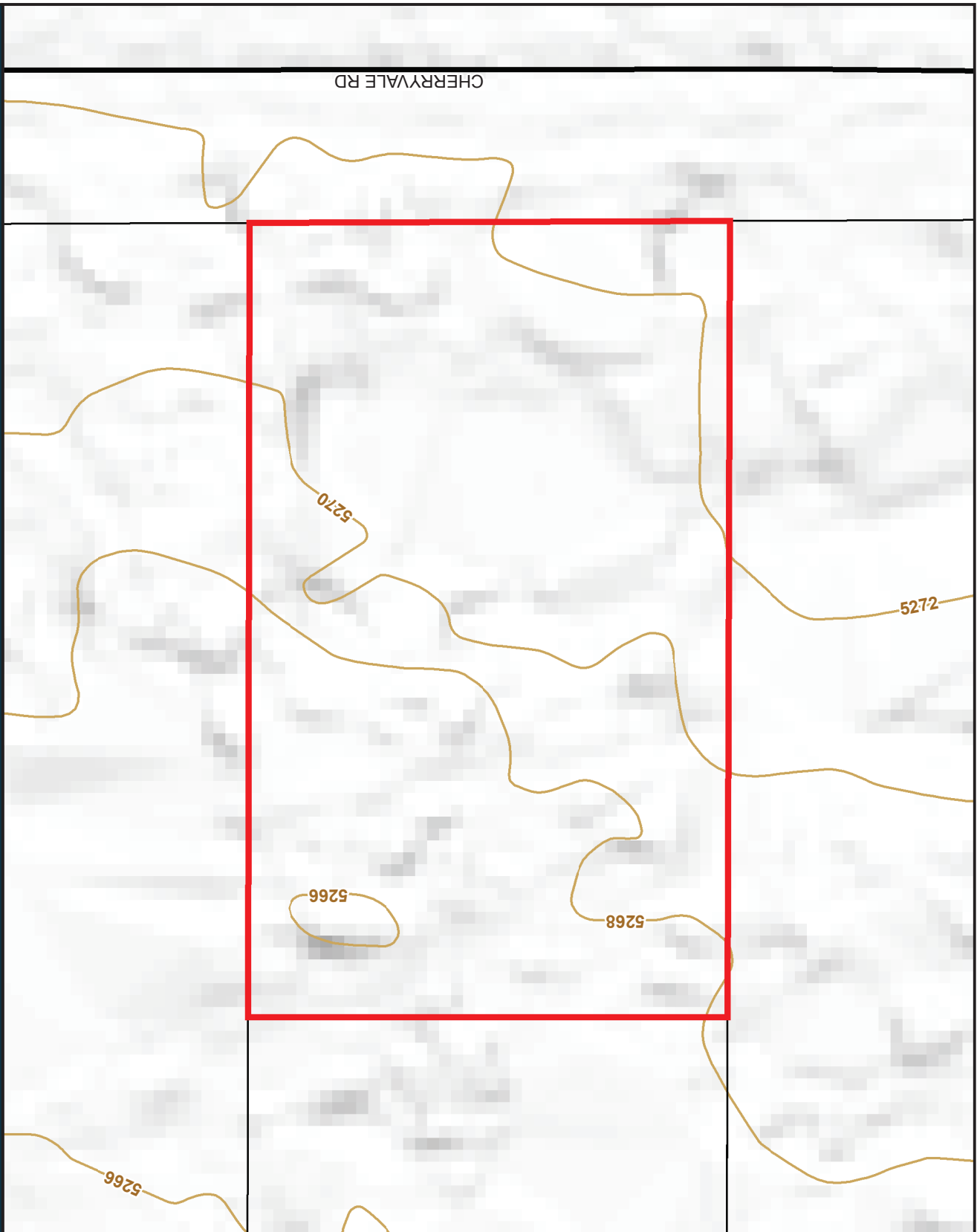
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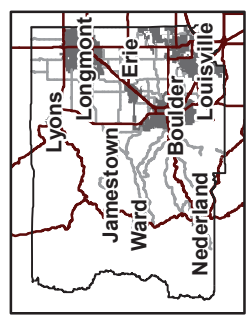
Elevation Contours
983 CHERRYVALE RD



 Subject Parcel
 Contours 2'



Area of Detail Date: 9/5/2024



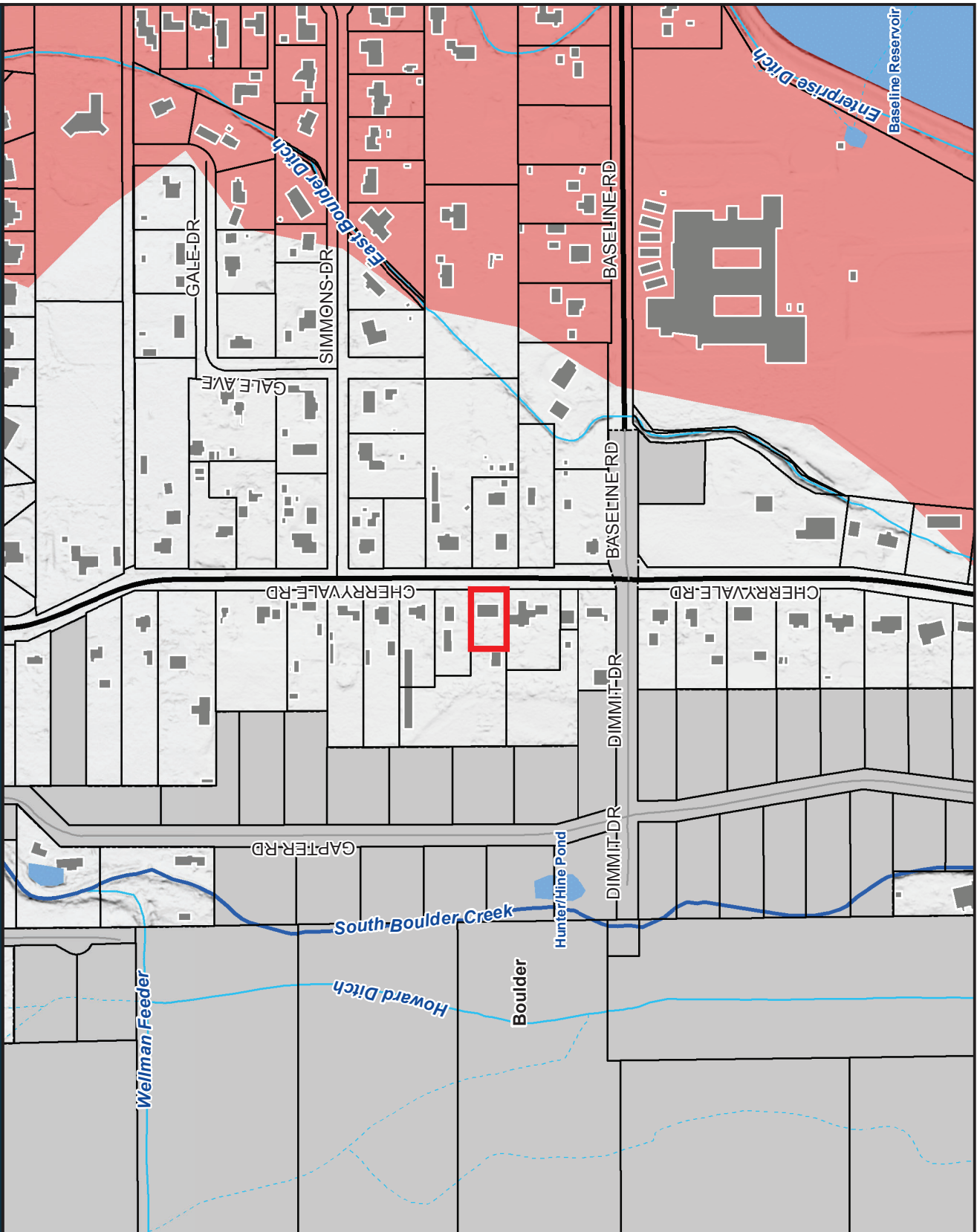
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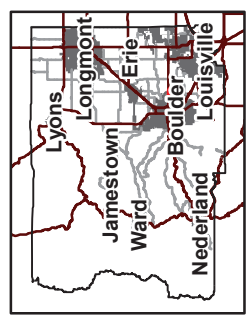
Geologic Hazards
983 CHERRYVALE RD



- Subject Parcel
- Very High Swelling Soil Potential
- Moderate Swelling Soil Potential



Area of Detail Date: 9/5/2024



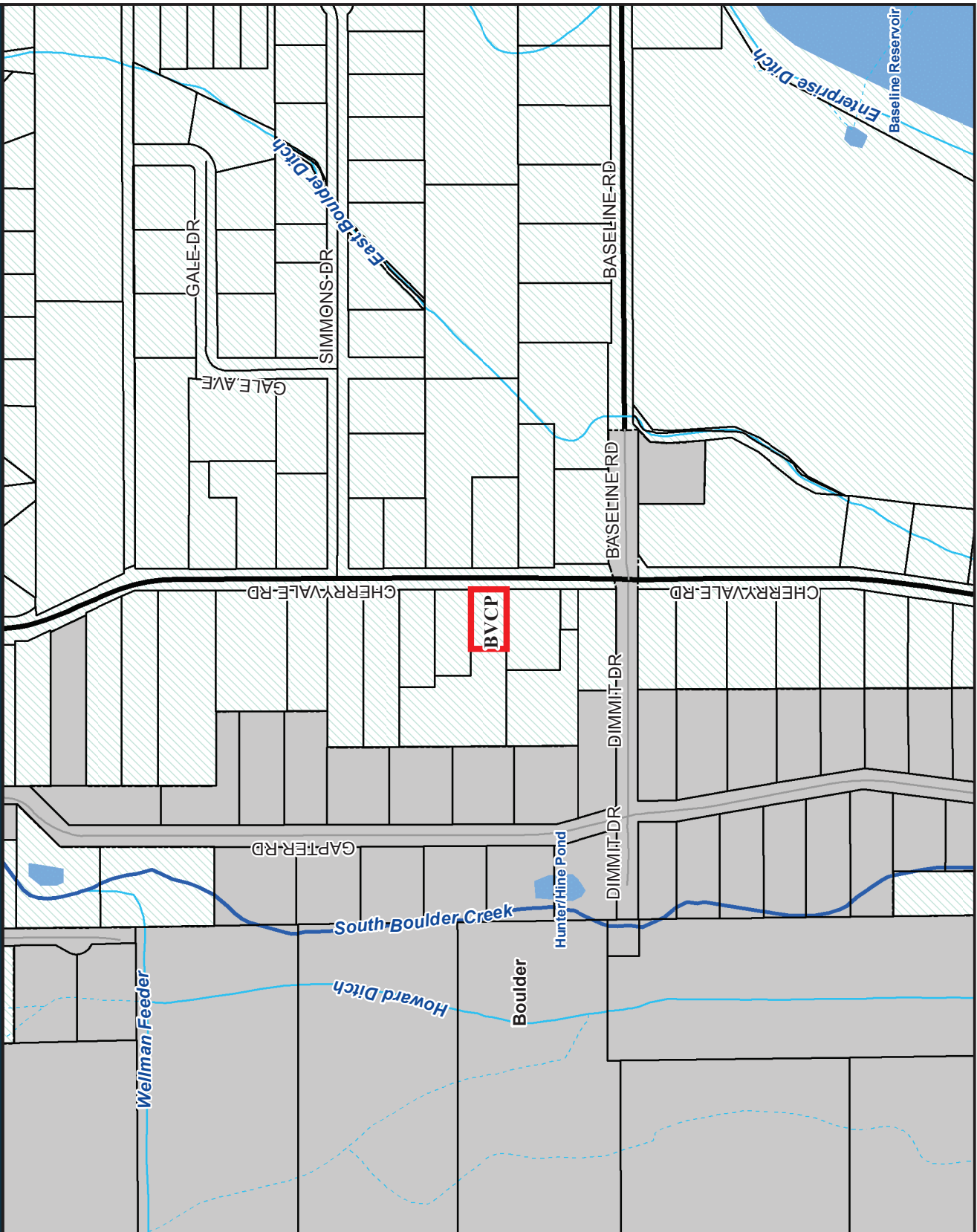
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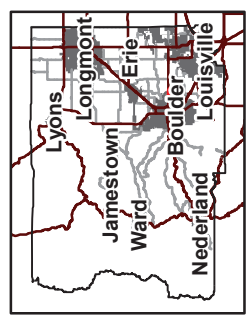
Planning Areas
983 CHERRYVALE RD



- Subject Parcel
- Active IGA Boundary
- Active IGA Designation**
- BVCP



Area of Detail Date: 9/5/2024



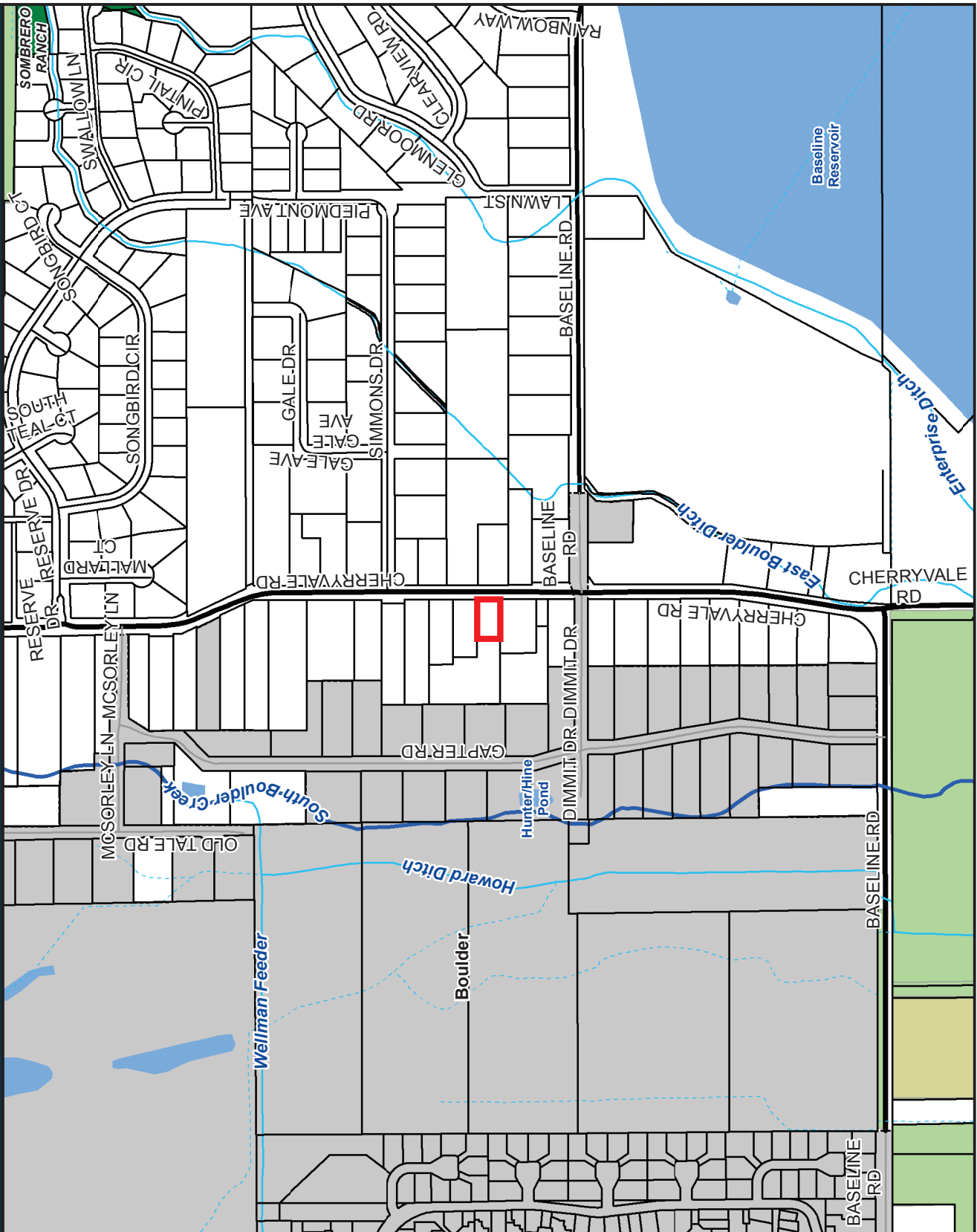
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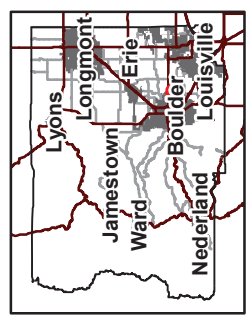
Public Lands & CEs
983 CHERRYVALE RD



- Subject Parcel
- Boulder County Open Space**
- County Open Space
- City Parks and Open Space
- OSMP Properties



Area of Detail Date: 9/5/2024



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Boulder County Land Use Department
 Courthouse Annex Building • 2045 13th Street • PO Box 471
 Boulder, Colorado 80302
 Phone: 303-441-3930 • Fax: 303-441-4856
 Email: planner@bouldercounty.org
<http://www.bouldercounty.org/lu/>
 Office Hours: Monday — Friday 8:00 AM to 4:30 PM

Intake Stamp:

Docket #:

Board of Adjustment (BOA) Hardship Statement

Explain how the following hardship criteria for granting a variance have been satisfied. Please feel free to attach your statements using a separate piece of paper.

- A. There exists exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope.

Shallowness. Carport needs to be on the driveway to allow a roof to protect the cars and easy access for ease of use.

- B. Because of these physical circumstances, the strict application of this Code would create an exceptional or undue hardship up the property owner.

Yes. Due to a recent cancer diagnosis, Cheryl Juntunen, requests exception for an open carport to allow for protection against snow and other weather making it easier for accessibility.

- C. The hardship is not self-imposed.

The hardship is cancer.

vehicles, for treatment therapies, and other medical appointments

- D. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this Code.

Will not affect the use of adjacent property.

- E. That the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan; and,

The character of the house was taken into consideration when the plans for the garage were created.

- F. That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County.

This will not affect the health, safety or welfare of the citizens of Boulder County.

Applicant or Agent Signature:

Cheryl Juntunen
Cheryl Juntunen

Date: 9-18-2024

9-18-24

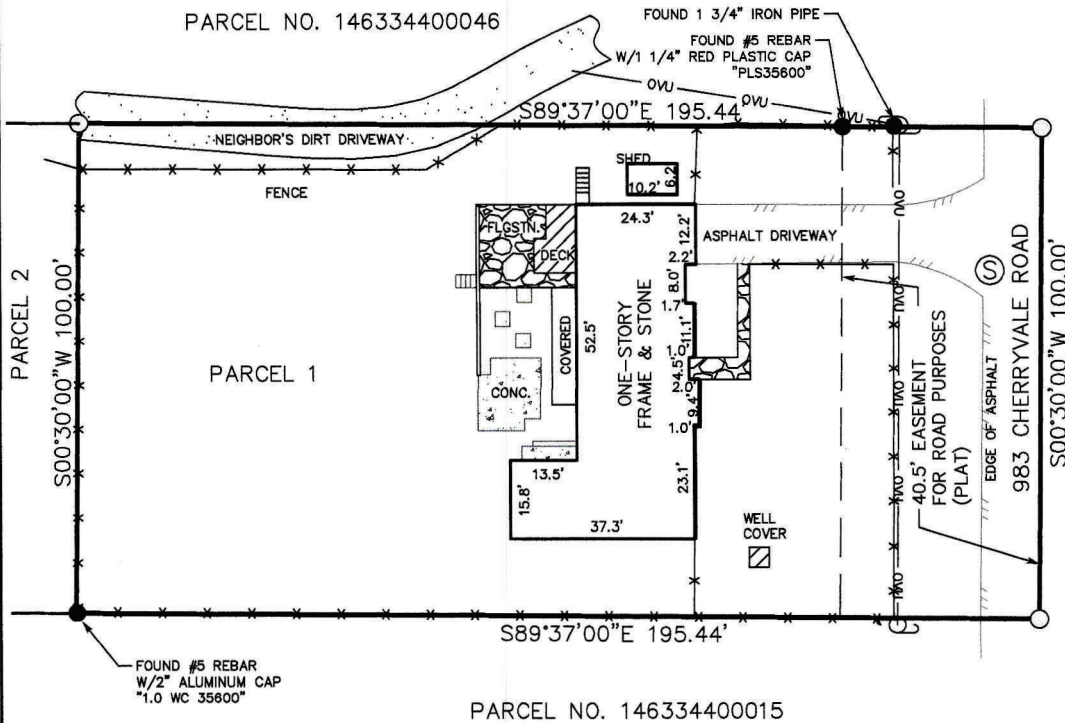
LEGAL DESCRIPTION
(PROVIDED BY THE CLIENT)
DEED RECORDED ON 09/07/2021 AT
REC. NO. 03912090

PARCEL 1 OF BYNUM-KENT SUBDIVISION
EXEMPTION PLAT,
COUNTY OF BOULDER,
STATE OF COLORADO.



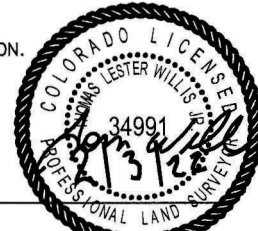
Flatirons, Inc.
Land Surveying Services
3825 IRIS AVE, Ste 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

SCALE 1"=30'



Notes:

- 1-THE CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2-AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.
- 3-THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.
- 4-THE NEIGHBOR'S DIRT DRIVEWAY EXTENDS INTO THE SUBJECT PARCEL AS SHOWN HEREON.



Tom Willis, Colorado L.S. #34991

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for CHERYL JUNTUNEN, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. This certificate is valid only for use by CHERYL JUNTUNEN and describes the parcel's appearance on FEBRUARY 1, 2022. I further certify that the improvements on the above described parcel on this date, FEBRUARY 1, 2022, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. The use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S. 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S. 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and TOM WILLIS will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.

Flatirons No. 22-78022
Drawn By: W. BECKETT
Title Co. No.

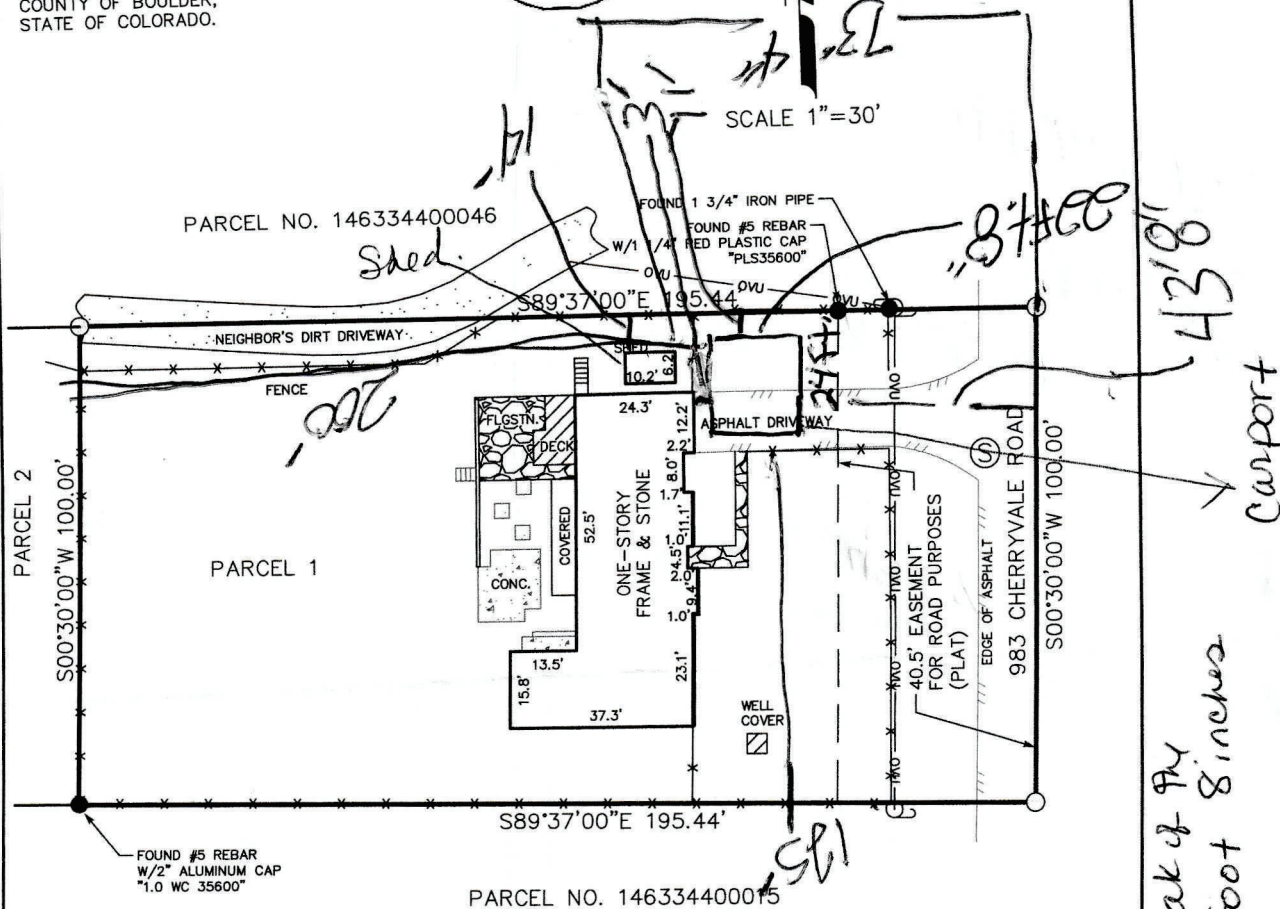
Borrower:

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LEGAL DESCRIPTION
(PROVIDED BY THE CLIENT)
DEED RECORDED ON 09/07/2021 AT
REC. NO. 03912090

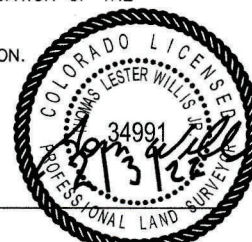
PARCEL 1 OF BYNUM-KENT SUBDIVISION
EXEMPTION PLAT,
COUNTY OF BOULDER,
STATE OF COLORADO.

Flatirons, Inc.
Land Surveying Services
3825 IRIS AVE, Ste 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com



Notes:

- 1-THESE CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2-AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.
- 3-THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.
- 4-THE NEIGHBOR'S DIRT DRIVEWAY EXTENDS INTO THE SUBJECT PARCEL AS SHOWN HEREON.



Tom Willis, Colorado L.S. #34991

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for CHERYL JUNTUNEN, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. This certificate is valid only for use by CHERYL JUNTUNEN and describes the parcel's appearance on FEBRUARY 1, 2022. I further certify that the improvements on the above described parcel on this date, FEBRUARY 1, 2022, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. the use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S. 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S. 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and TOM WILLIS will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.

Flatirons No. 22-78022
Drawn By: W. BECKETT

Title Co. No.

Borrower:

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(303) 443-7001

FLATIRONS, INC.

Boulder, Colorado



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

Building Safety & Inspection Services Team

MEMO

TO: Pete L'Orange, Senior Planner
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: November 12, 2024

RE: Referral Response, VAR-24-0007: Guar Setback Variance. Variance request to reduce the required 90-foot supplemental front setback to approximately 43 feet 8 inches for the construction of a carport.

Location: 983 Cherryvale Road

Thank you for the referral. We have the following comments for the applicants:

1. **Building Permits.** A building permit, plan review and inspections approvals are required for the proposed carport.

Carports are measured to the drip line of the roof above when the structure is supported with columns only. If the carport has a wall the structure is measured to the outside of the walls for that side only.

2. **Design Wind and Snow Loads.** The design wind and snow loads for the property are 155 mph (Vult) and 40 psf, respectively.
3. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
4. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or

- iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.

- 5. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our Residential Plan Check List and other Building Safety publications can be found at: [Building Publications, Applications and Forms - Boulder County](#)

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call us at (720) 564-2640.



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

303-441-3930 • www.BoulderCounty.gov

November 21, 2024

TO: Pete L'Orange, Senior Planner; Community Planning & Permitting, Development Review Team - Zoning

FROM: Tim Oliver, Planner II; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # VAR-24-0007: Guar Setback Variance at 983 Cherryvale Road

The Development Review Team – Access & Engineering staff have reviewed the above referenced docket and have the following comments:

1. The subject property is accessed via Cherryvale Road, an asphalt Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Collector. Legal access has been demonstrated via adjacency to this public ROW.
2. The County Engineer and Access & Engineering staff find no conflicts with this proposal. The proposed addition in the supplemental setback is for an uninhabitable carport. The added structure must remain uninhabitable permanently for the County Engineer and Access and Engineering staff to support this request.

This concludes our comments at this time.



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

TO: Pete L'Orange, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: November 18, 2024
SUBJECT: Docket VAR-24-0007, Guar, 983 Cherryvale Road

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposed variance, per se. If approved, the subsequent structure would be visible from the View Protection Corridor associated with Cherryvale Road.



MOUNTAIN VIEW FIRE RESCUE

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Boulder County Planning and Permitting

Referral Packet for VAR-23-0007: Guar Setback Variance at 983 Cherryvale Road

November 19, 2024

Mountain View Fire has reviewed the referral for 983 Cherryvale Rd and a variance. We have no concerns.

Regards,

Michelle Kelly

Deputy Fire Marshal



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

November 8, 2024

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Pete L'Orange

Re: Guar Setback Variance, Case # VAR-24-0007

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the setback variance for **Guar**. Please be aware PSCo owns and operates existing overhead electric distribution facilities along the east and north property lines. Bear in mind that per OSHA standards, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com