



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.org

BOULDER COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

Wednesday July 6, 2022 4:00 P.M.

PUBLIC HEARING

STAFF PLANNER: Sam Walker, Planner II

RECOMMENDATION: Staff recommends approval of the proposal.

Docket VAR-22-0001: Gerwing Variance

Request: Variance request to reduce the required supplemental setback along Cherryvale Road from the required 90 feet to 53 feet to allow the construction of several additions to the existing residence on a .92-acre parcel

Location: 1065 Cherryvale Road, approximately .2 miles north of the intersection of Cherryvale Road and Baseline Road, in Section 34, Township 1N, Range 70W.

Zoning: Rural Residential (RR) Zoning District

Agent: Mark Gerwing

Property Owners: Stacy F. Tellinghuisen & Kevin J. Walsh

PACKET CONTENTS:

Item	Pages
○ Staff Recommendation	1 – 6
○ Application Materials (Attachment A)	A1 – A17
○ Referral Agency Responses (Attachment B)	B1 – B9
○ Adjacent Property Owner Comments (Attachment C)	C1

SUMMARY

The applicants request a 37-foot reduction in the supplemental setback from the centerline of Cherryvale Road to facilitate the construction of several additions to the existing residence and detached garage. Staff recommends that this variance request be approved with conditions because the applicable review criteria in Article 4-1202(B)(2) of the Boulder Country Land Use Code (the Code) can be met.

DISCUSSION

The subject property is located on the west side of Cherryvale Road, approximately .2 miles north of the intersection of Cherryvale Road and Baseline Road. The property is approximately .9 acres in size, is located in the Rural Residential zoning district, and was recognized as a legal building lot pursuant to the approval of docket SE-98-0020. Access to the parcel is via an existing driveway onto Cherryvale Road.

Cherryvale Road is identified in the Boulder County Road Map with a functional classification of Collector, and has an accompanying supplemental setback requirement of 90 feet measured from the existing roadway centerline per Article 7-1403.B.3.c of the Code. As illustrated on the site plan submitted with the application materials (see Figure 1, below, or Attachment A, page A14), the existing residence and detached garage are currently located entirely within the required 90-foot supplemental setback.

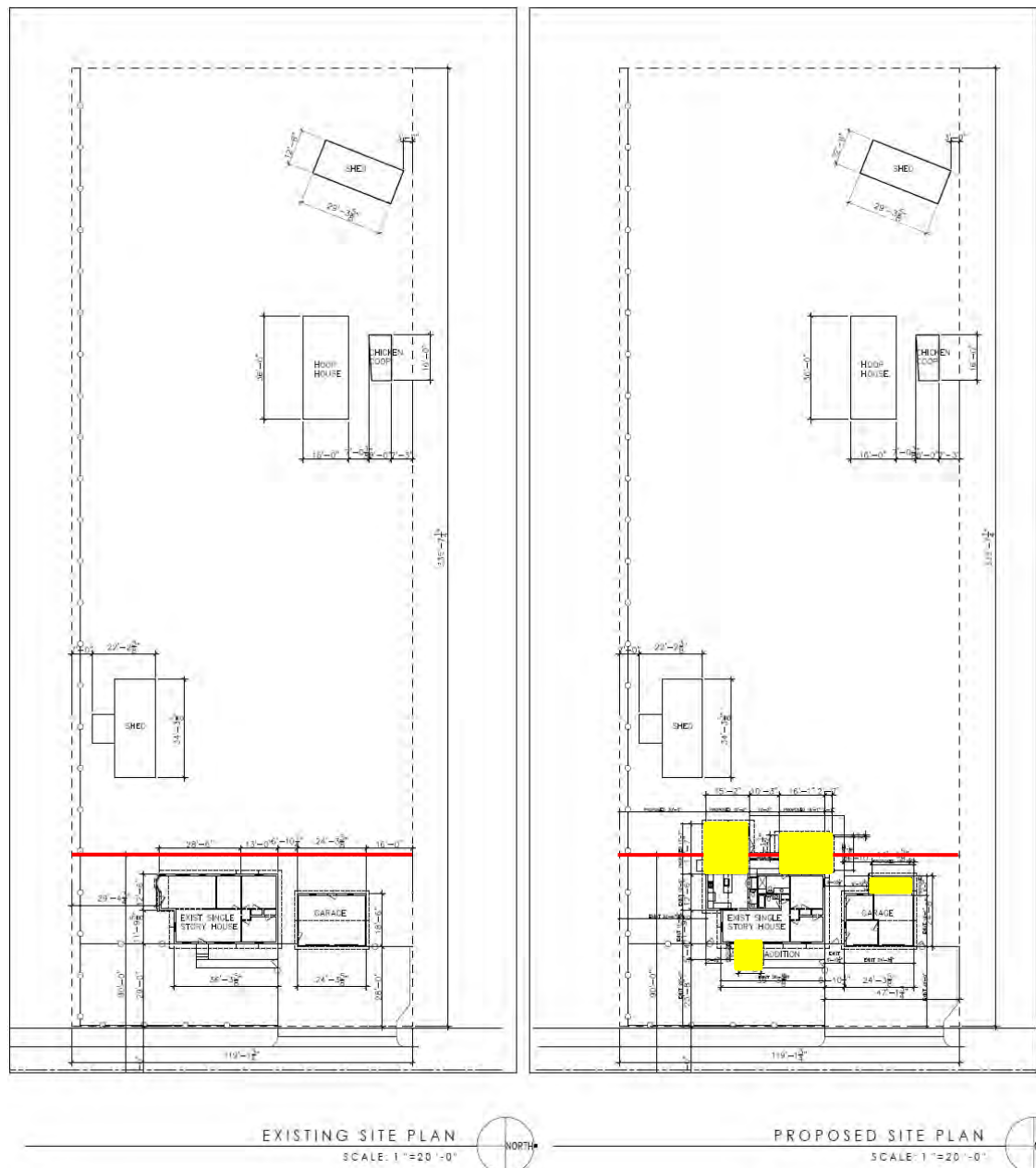


Figure 1: Site Plans showing existing and proposed improvements, supplemental setback boundary indicated by red line. Proposed additions are indicated by yellow boxes

The applicants propose to reduce this required setback to facilitate the construction of three additions to the residence and one addition to the detached garage (to be reviewed as SPRW-22-0028 pending approval of this variance request). Of the three additions proposed for the residence, one will be a small entryway addition to the front (east façade), which will be located entirely within (and increase the encroachment into) the required setback. The other two main structure additions are larger and proposed to be constructed on the rear (western façade). Approximately 7 linear feet of each of these two larger additions will be located within the required setback as they extend from the western wall of the existing residence, with the remainder of each addition being located outside of the setback. An addition is also proposed for the western façade of the detached garage, and will be located entirely within the required setback.

The Board of Adjustment previously granted an approval for a Variance request on the property in 2003. VAR-03-0005 conditionally approved a +/- 4-foot reduction in the required setback to facilitate the construction of an addition to the rear of the residence. The staff recommendation for VAR-03-0005 notes that the residence was originally constructed in 1900 and was moved to the subject property in the 1940's, indicating that the construction of the residence predates the County's adoption of supplemental setbacks for major roadways. The history of the detached garage is less clear, but analysis of historic aerial photography indicates that it has existed in its current location since at least 1963 and therefore also predates the supplemental setback. However, it appears that the applicants for the previous variance request never acted on its approval; the associated building permit for the addition expired in April of 2008, and historic aerial photography does not show the construction of any additions after the year 2000.

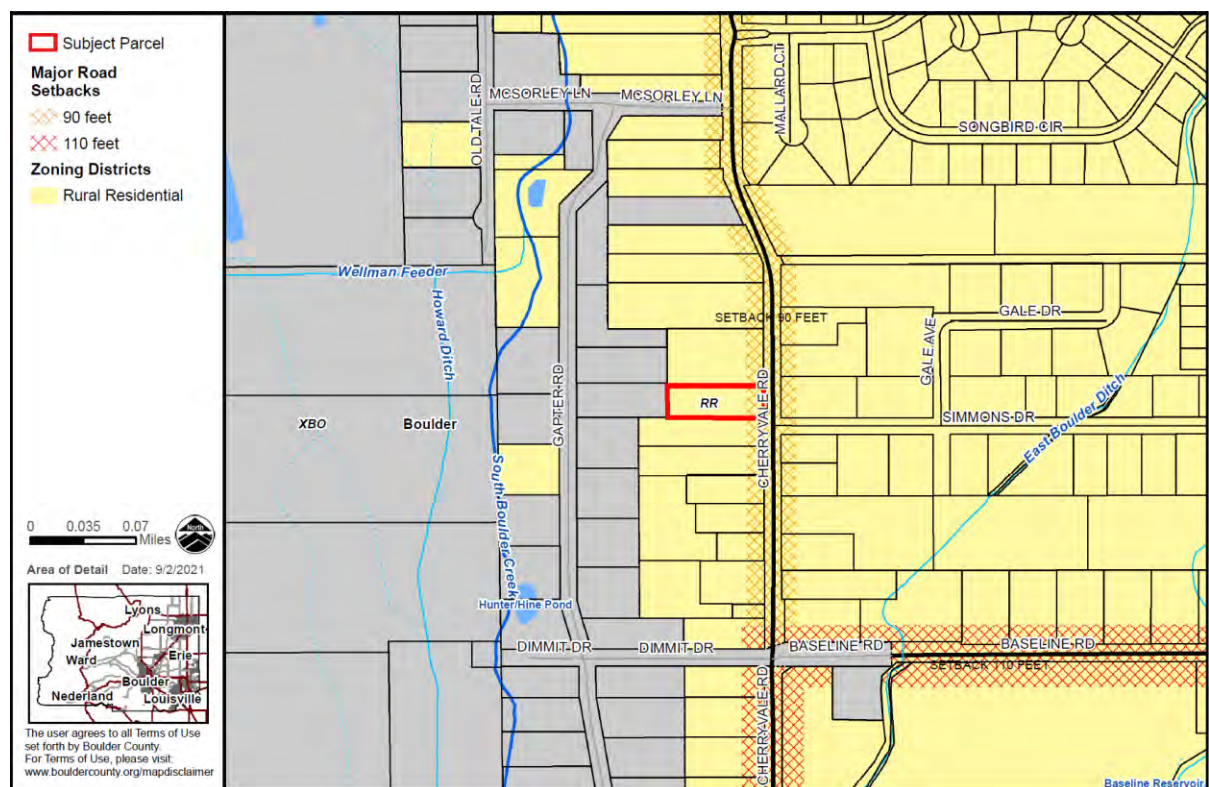


Figure 2: Zoning map indicating required supplemental setback.

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 C) and summarized below.

Boulder County Building Safety & Inspection Services Team – This division expressed no concerns with the variance request, and noted requirements for the additions if approved, including building permits, wind and snow loads, Buildsmart, and Plan Review.

Boulder County Engineering Review – This division confirmed the property is legally accessed via Cherryvale Road, noted that there are no current plans for Cherryvale Road to be widened, indicated that an Access Permit will be issued at the time of building permit review for the proposed additions, and noted no conflicts with the proposed variance.

Agencies indicating no conflicts: Boulder County Parks & Open Space, Boulder County Floodplain Program, Mile High Flood District, Mountain View Fire Protection District, Boulder County Historic Preservation, and Xcel Energy.

Agencies that did not respond: Boulder County Long Range Planning, Boulder County Assessor, Boulder County Attorney's Office, Boulder County Environmental Health / Water Quality, Boulder County Surveyor, Northern Colorado Water Conservancy District, City of Boulder Planning and Development Services, Louisville Planning Department, Urban Drainage and Flood Control District, and US Fish and Wildlife Service.

Adjacent Property Owners – 165 referrals were sent to nearby property owners, and staff received one comment in support of the applicant's proposal.

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 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;

The subject parcel is flat with a slight western downward slope that runs toward South Boulder Creek. This topography is typical of many parcels along this stretch of Cherryvale Road, and is not particularly exceptional or extraordinary.

However, the entirety of the existing residence and detached garage lies within the required 90-foot supplemental setback, such that no additions could be made to the either structure without encroaching on that setback. While many other structures along the eastern side of this stretch of Cherryvale Road also encroach on the supplemental setback, most are not located entirely within it and therefore could conceivably construct additions without increasing their encroachment.

Because the residence and garage both predate the County's adoption of supplemental setbacks from major roadways and both are located entirely within the setback, staff find that the physical circumstances are exceptional.

Therefore, staff finds this criterion is met.

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

The entirety of the existing residence and detached garage are located within the required supplemental setback, such that the strict application of the Code would create an undue hardship by disallowing the addition of any new floor area to either structure. Rather, a strict application of

the code would incentivize any new floor area to be detached, increasing overall site disturbance and lot coverage rather than emphasizing clustered development.

Therefore, staff finds this criterion is met.

(c) The hardship is not self-imposed;

Residential development on the property predates the County's adoption of the supplemental setback, which the applicants seek to reduce. There is no conceivable way to construct additions to the residence or detached garage on the property without encroaching on a setback that was not established by the property owners.

Therefore, staff finds this criterion is met.

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

Staff do not anticipate that the proposed variance will adversely affect the uses of adjacent properties as permitted under the Code, nor has any referral agency or nearby property owner responded with such a concern.

Therefore, staff finds 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 do not have concerns that the variance will change the character of the zoning district in which the property is located if granted. As previously stated, development on other parcels along Cherryvale Road often encroaches into the required setback because much of the area was developed prior to the setback's adoption.

Furthermore, approval of the variance would facilitate the construction of several additions that would bring the property closer to the median of total residential floor area within its defined neighborhood and, by extending the residence outside of the required setback, bring it more into character with other residences along Cherryvale Road.

However, the applicants propose to reduce the required setback to 53 feet in order to allow for the construction of an entryway addition on the side of the residence that faces Cherryvale Road. While staff find the request to reduce the required setback justified so that additions can be made to the residence and garage, the specific request for a new entryway would increase (rather than acknowledge) the non-conformity of the residence. This conflicts with the intent of the Land Use Code, which requires that a nonconforming structure (in this case, one that does not meet a required setback) "may not be altered, repaired, or enlarged in any way which would increase the degree of nonconformity with respect to setback or height restrictions of this code (Art. 4-1002.C).

Therefore, staff recommend a condition of approval limiting the setback reduction to 15 feet (or 75 feet measured from the centerline of Cherryvale Road) such that the proposed additions to the western facades of the residence and garage are allowed, but the entryway addition is not.

Therefore, as conditioned, staff finds 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.*

There is no indication that the proposed variance would adversely affect the health, safety, or welfare of Boulder County citizens, and no referral agency or nearby property owners responded with such concerns.

Policy HO 3.09 of the Boulder County Comprehensive Plan's Housing Element, which notes that "the county supports efficient utilization of existing housing stock that may accommodate as many people as the structure was intended to house, in accordance with health and safety considerations and water and wastewater capacities." Indicates that the proposal to reduce the required setback is in accordance with the Plan. The variance, if granted, would efficiently utilize existing housing stock by allowing it to be added to and increasing its viability for housing of a large family.

Therefore, staff finds this criterion is met.

RECOMMENDATION

As discussed above, staff find that the criteria for a variance can be met. Therefore, Community Planning & Permitting staff recommend that the Board of Adjustment **APPROVE Docket VAR-22-0001: Gerwing Variance** subject to the following conditions:

1. The supplemental setback is reduced from 90 feet to 75 feet measured from the centerline of Cherryvale Road, such that the additions to the western facades of the residence and garage can be constructed, but the proposed entryway addition on the eastern façade is disallowed.
2. The reduced 75-foot setback is only approved for the additions proposed in the application materials for this variance and SPRW-22-0028.
3. The proposed additions and any future expansions are otherwise subject to the provisions of the Boulder County Land Use Code and shall be reviewed for approval in the appropriate process as required by the provisions of the Boulder County Land Use Code (as amended) including Site Plan Review Waiver, Site Plan Review, or other applicable process.
4. All future development is subject to applicable permitting and setback requirements.
5. Building permits are required for all proposed improvements.



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
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 Only
Intake Stamp

Application Form

Project Number		Project Name	
<input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Exemption Plat <input type="checkbox"/> 1041 State Interest Review <input type="checkbox"/> Other:		Application Deadline: First Wednesday of the Month <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Appeal	
		Application Deadline: Second Wednesday of the Month <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Special Use/SSDP	
		<input type="checkbox"/> Rezoning <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Location and Extent <input type="checkbox"/> Road Name Change	
Location(s)/Street Address(es) 1065 CHERTVALE			
Subdivision Name TR SOUTH CENTRAL NBR 145 820			
Lot(s) -	Block(s) -	Section(s) 34	Township(s) 1N
Area in Acres 0.89	Existing Zoning RR	Existing Use of Property SINGLE-FAMILY RESIDENTIAL	Range(s) 70
Proposed Water Supply		Number of Proposed Lots 1	
		Proposed Sewage Disposal Method	

Applicants:

Applicant/Property Owner		Email Address	
Mailing Address			
City	State	Zip Code	Phone
			Fax
Applicant/Property Owner/Agent/Consultant MARK GERWING		Email Address mark@ngerwingarch.com	
Mailing Address 2806 WILDERNESS PL. SUITE 500			
City BOULDER	State CO	Zip Code 80301	Phone 303-886-9872
			Fax -
Agent/Consultant		Email Address	
Mailing Address			
City	State	Zip Code	Phone
			Fax

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 <i>Stacy Tellinghuisen</i>	Printed Name Stacy F. Tellinghuisen	Date 5/16/2022
Signature of Property Owner <i>Kevin J. Walsh</i>	Printed Name Kevin J. Walsh	Date 5/16/2022

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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Vicinity

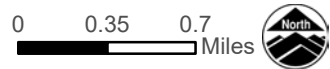
1065 CHERRYVALE RD

Subject Parcel

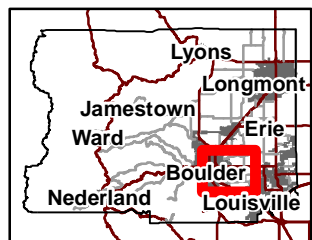
Municipalities

Subdivisions

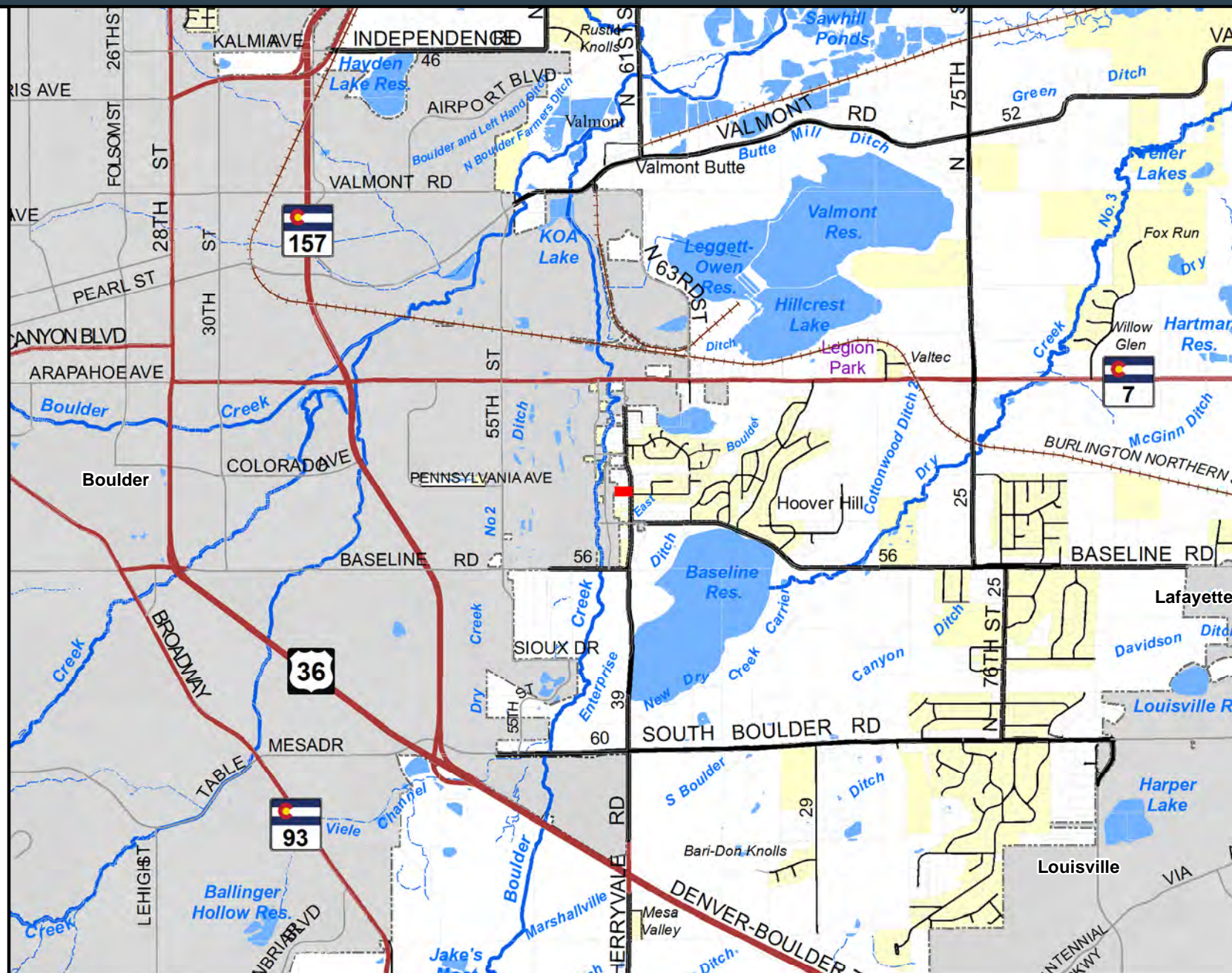
Subdivisions



Area of Detail Date: 9/2/2021



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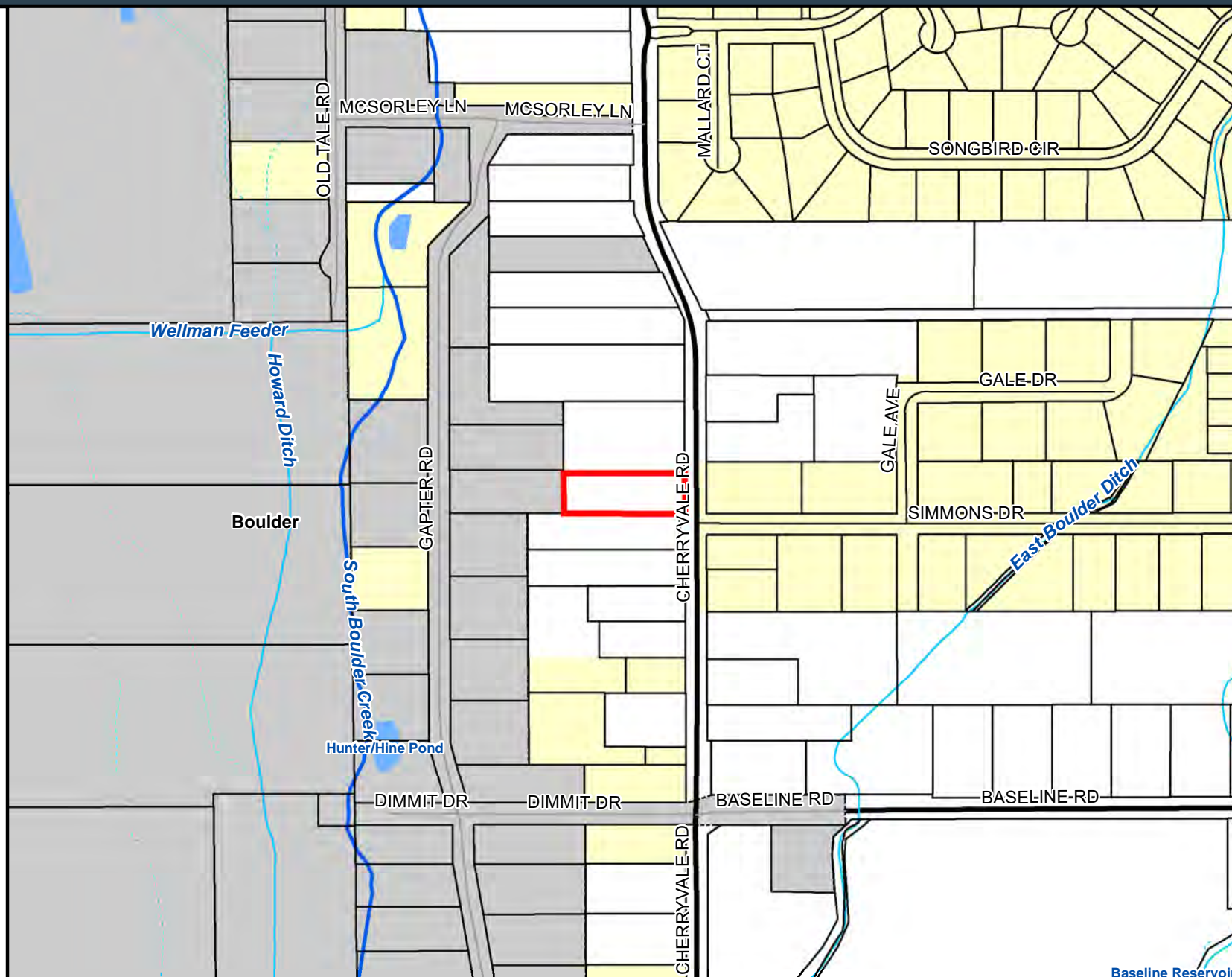
Location

1065 CHERRYVALE RD

Subject Parcel

Subdivisions

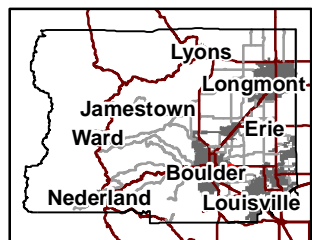
Subdivisions



0 0.035 0.07 Miles



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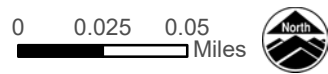
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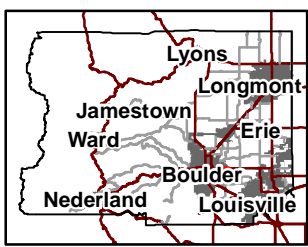
Aerial

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 Subject Parcel



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Aerial

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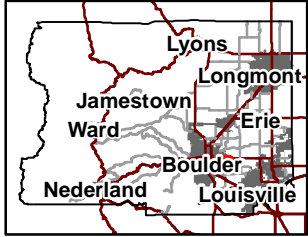
 Subject Parcel



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Comprehensive Plan

1065 CHERRYVALE RD

Subject Parcel

NLNA Buffer

Archeologically Sensitive Travel Routes

Archeologically Sensitive Travel Routes

Critical Wildlife Habitats

Riparian Areas

Wetlands

Significant Natural Communities

Riparian Habitat Connectors

High Biodiversity Areas

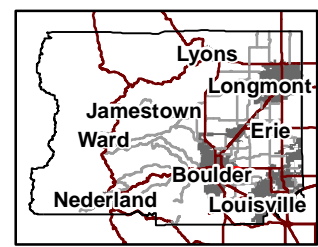
B2: Very High Biodiversity Significance

Natural Landmarks Natural Areas

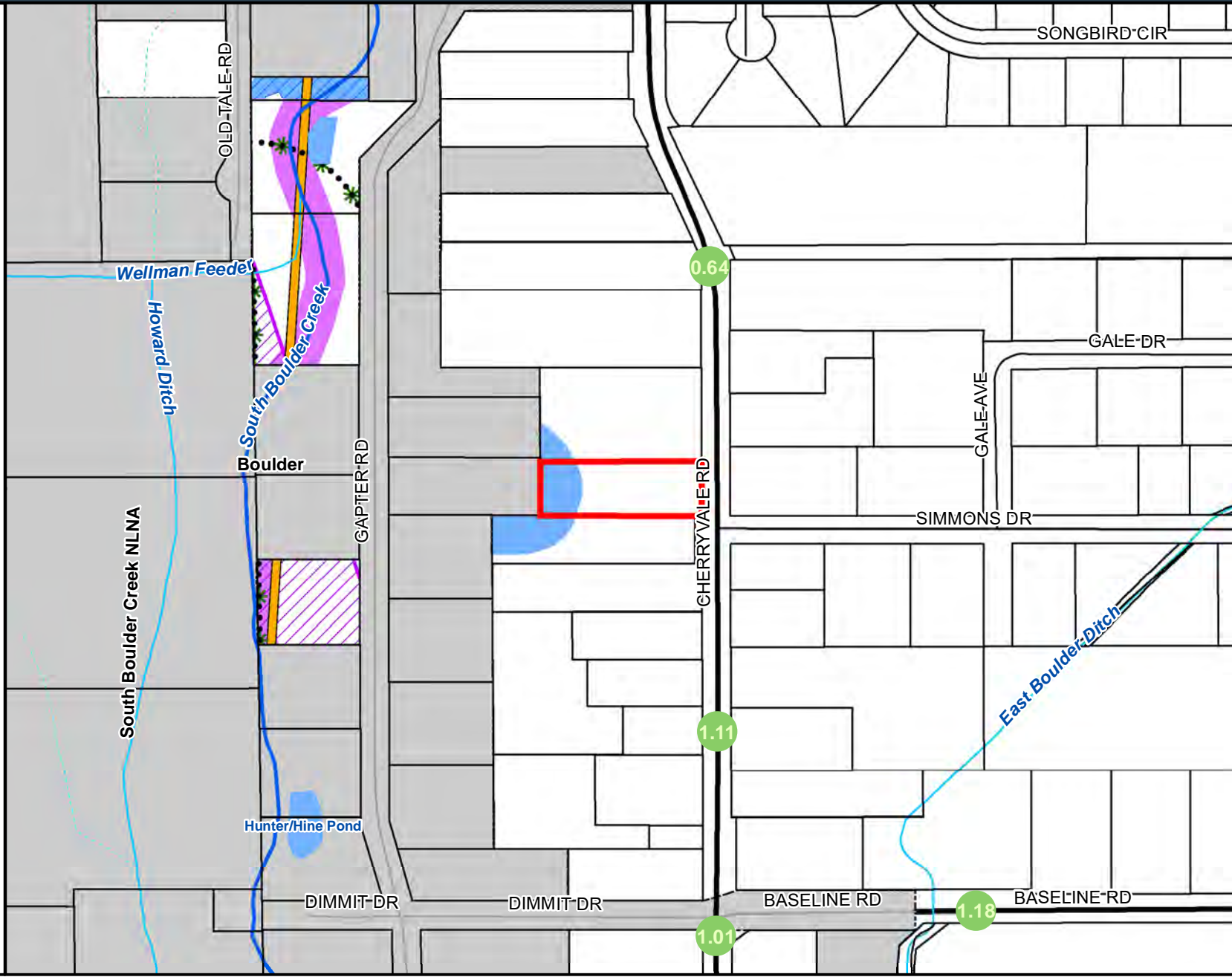
Rare Plant Areas



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Public Lands & CEs

1065 CHERRYVALE RD

Subject Parcel

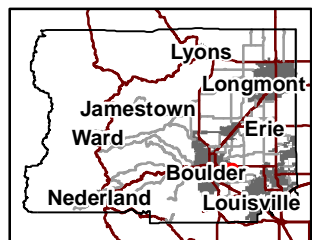
Boulder County Open Space

- County Open Space
- City Parks and Open Space
- OSMP Properties

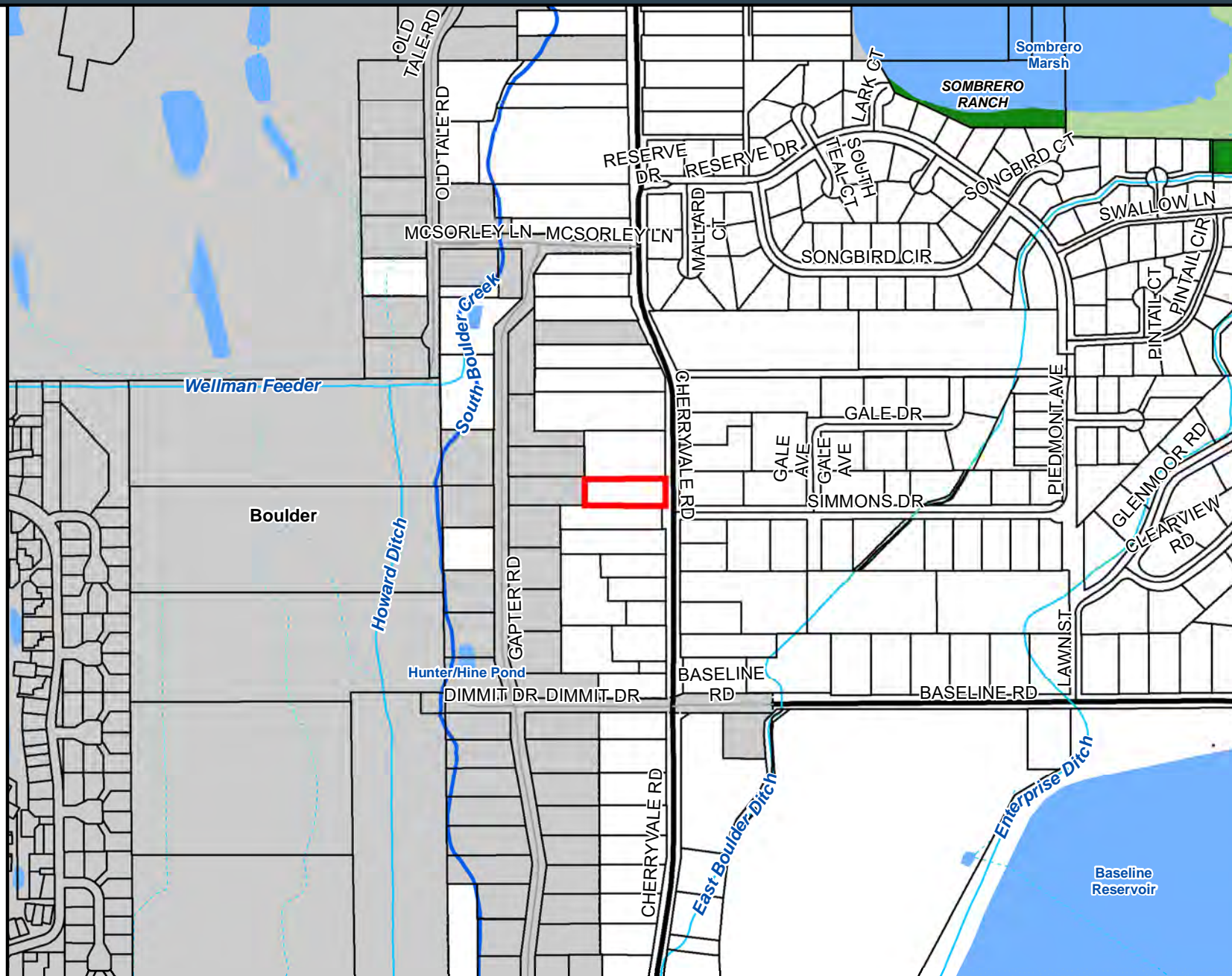
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Zoning

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Subject Parcel

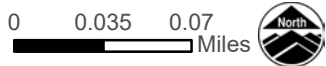
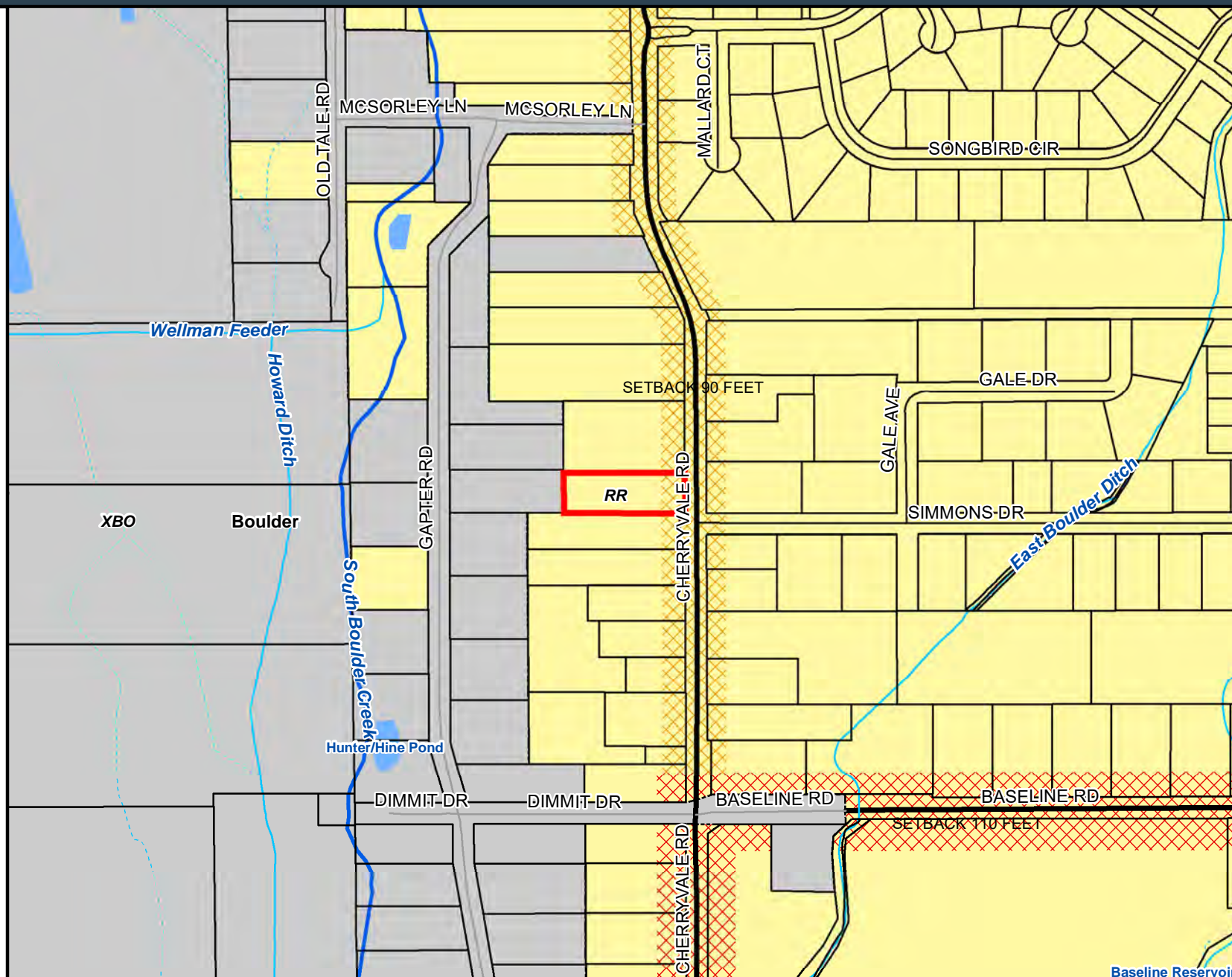
Major Road Setbacks

90 feet

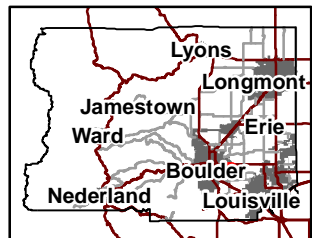
110 feet

Zoning Districts

Rural Residential



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Floodplain

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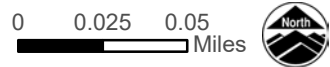
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Floodplain

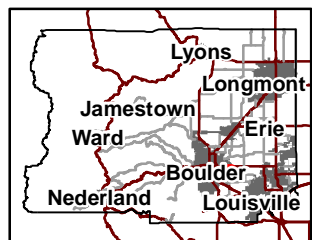
100-Year Floodplain
- Zones AE, A, AO
and AH

Floodway

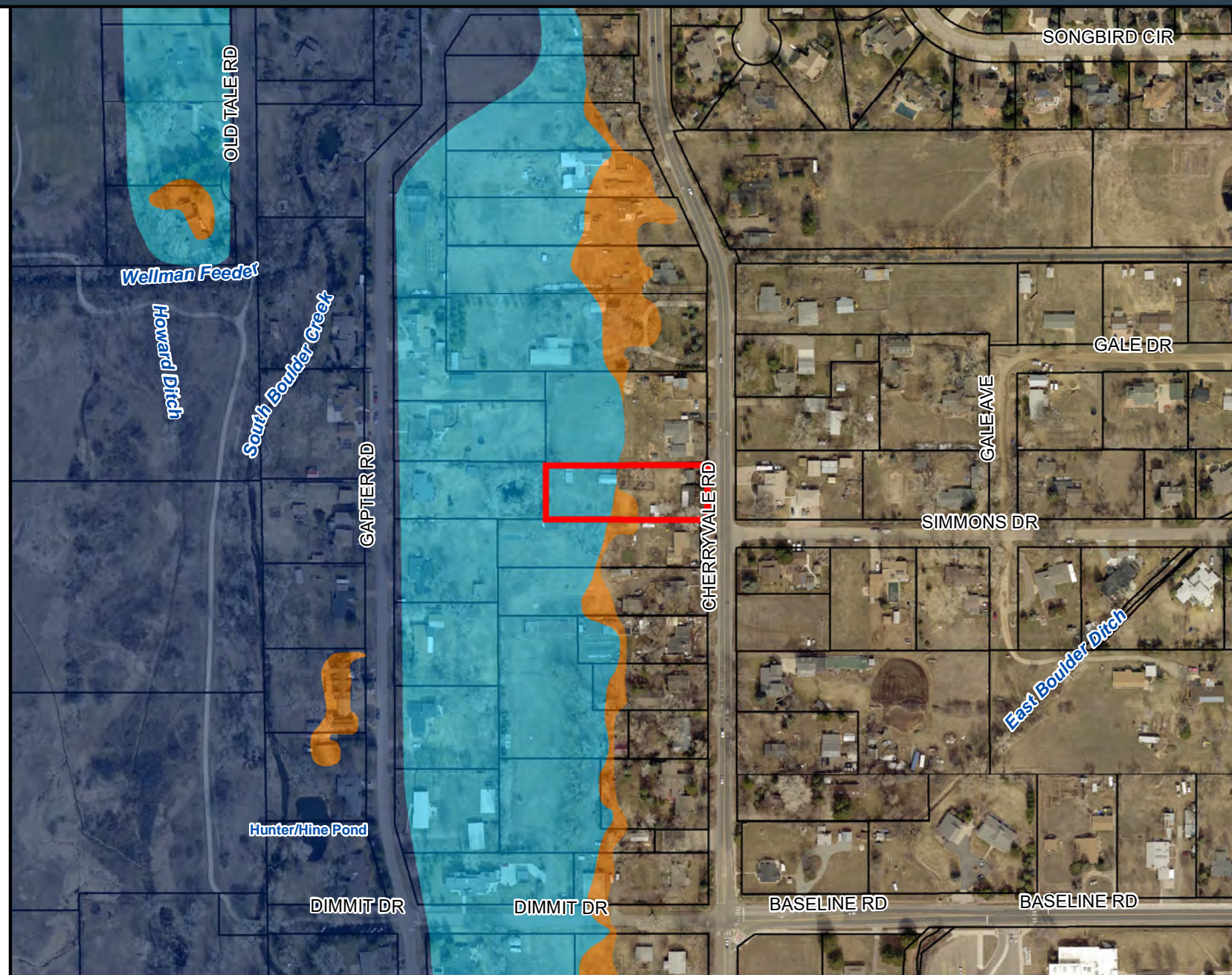
500-Year Floodplain
- Zone X500



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Prebles

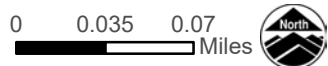
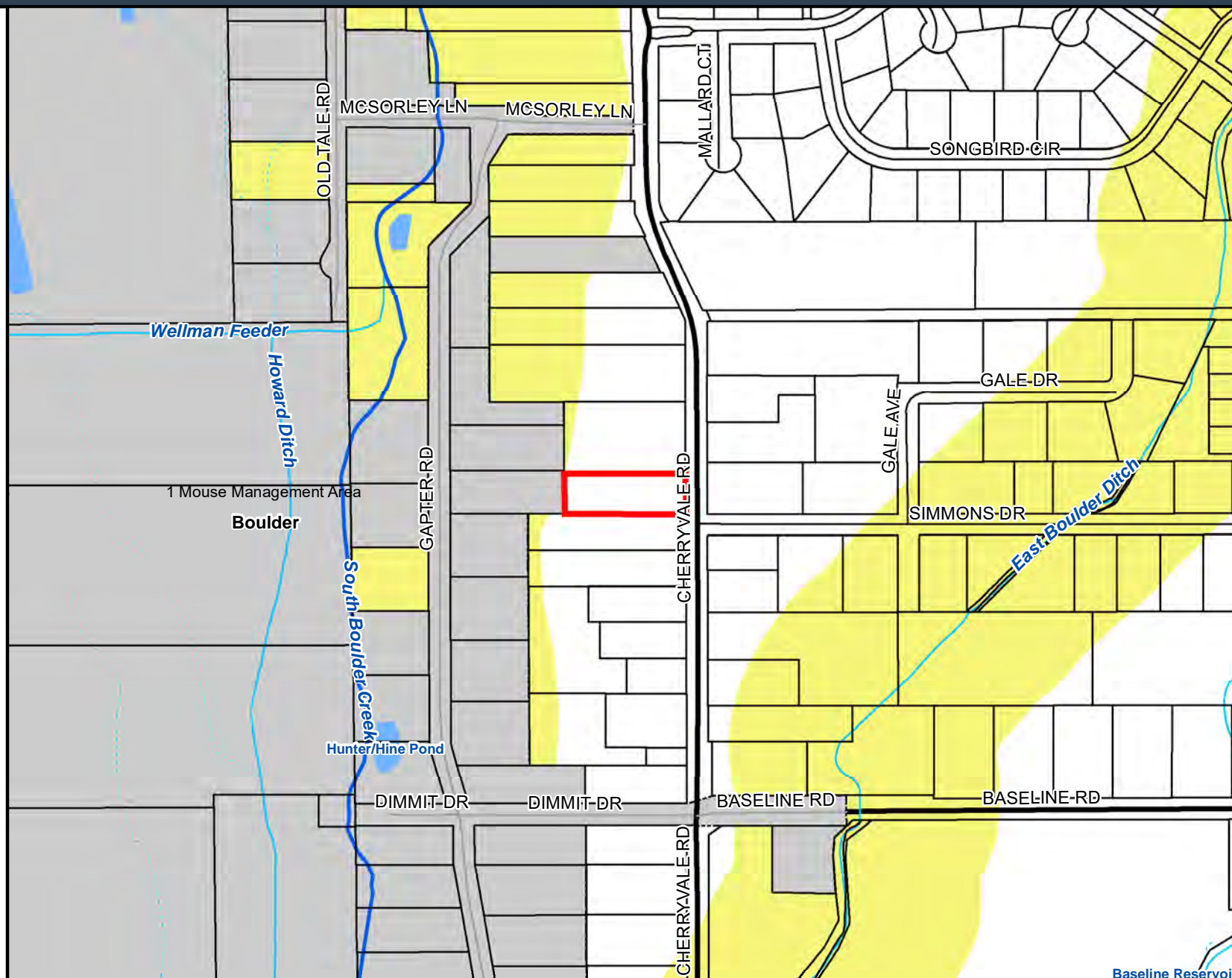
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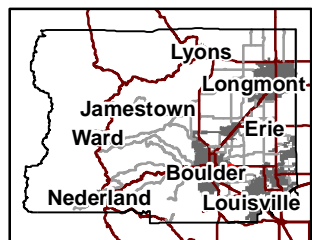
Note: This map's legend shows all Preble's Priority Zones as mapped by Boulder County. The subject property may not contain all zones. Refer to the USFWS Memo dated 9/17/03 to determine when projects require review by USFWS for Preble's.

Prebles

Zone 1 Mouse Management Area



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Planning Areas

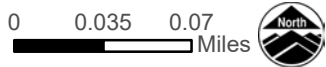
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Subject Parcel

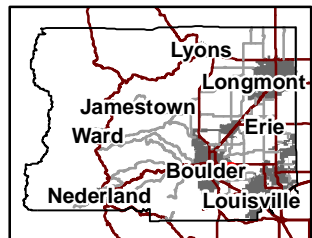
Active IGA
Boundary

**Active IGA
Designation**

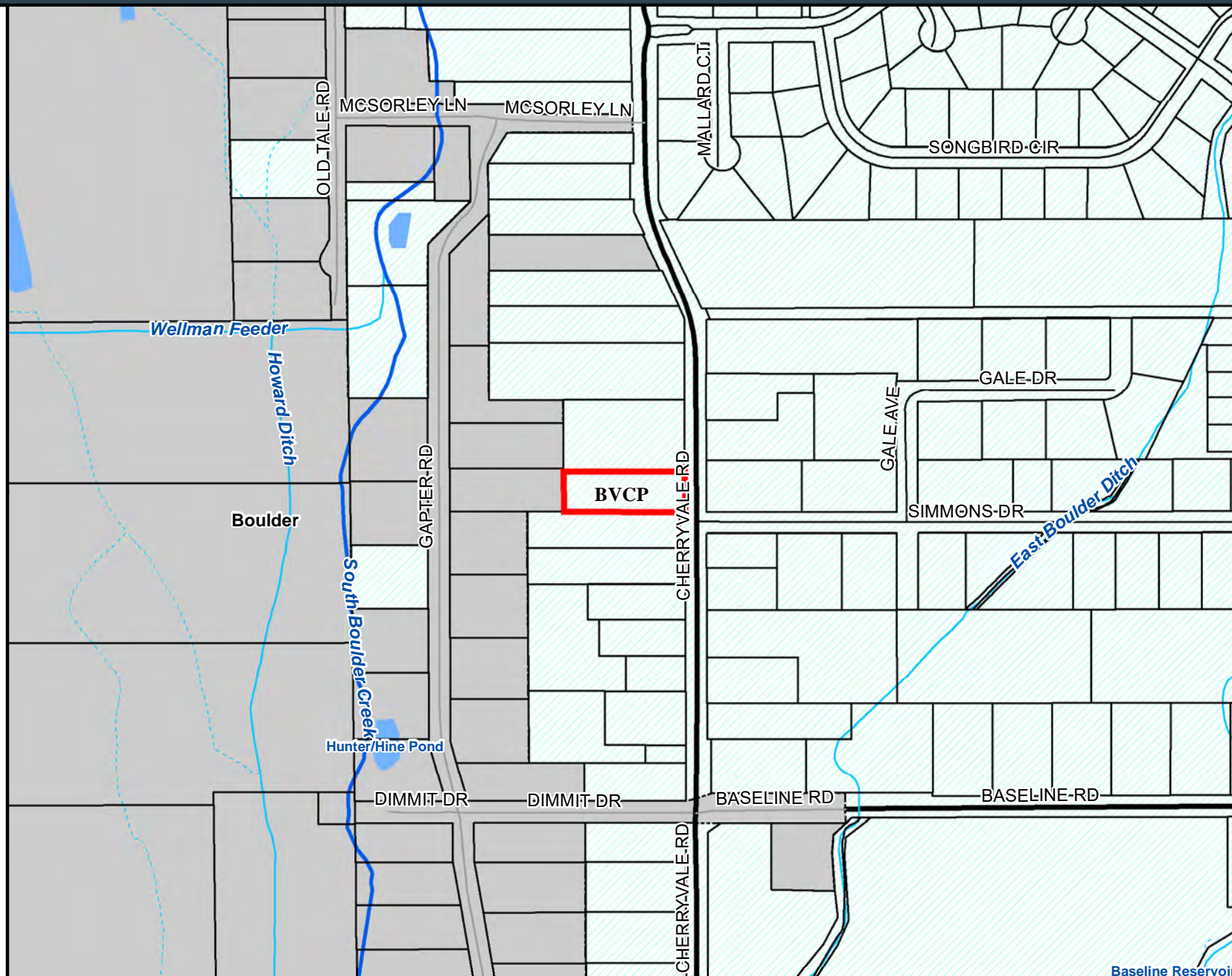
BVCP



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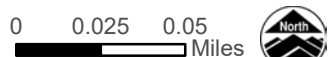
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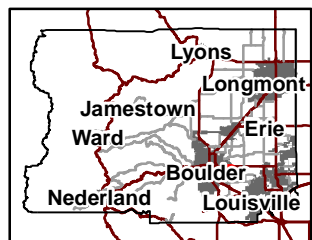
Elevation Contours

1065 CHERRYVALE RD

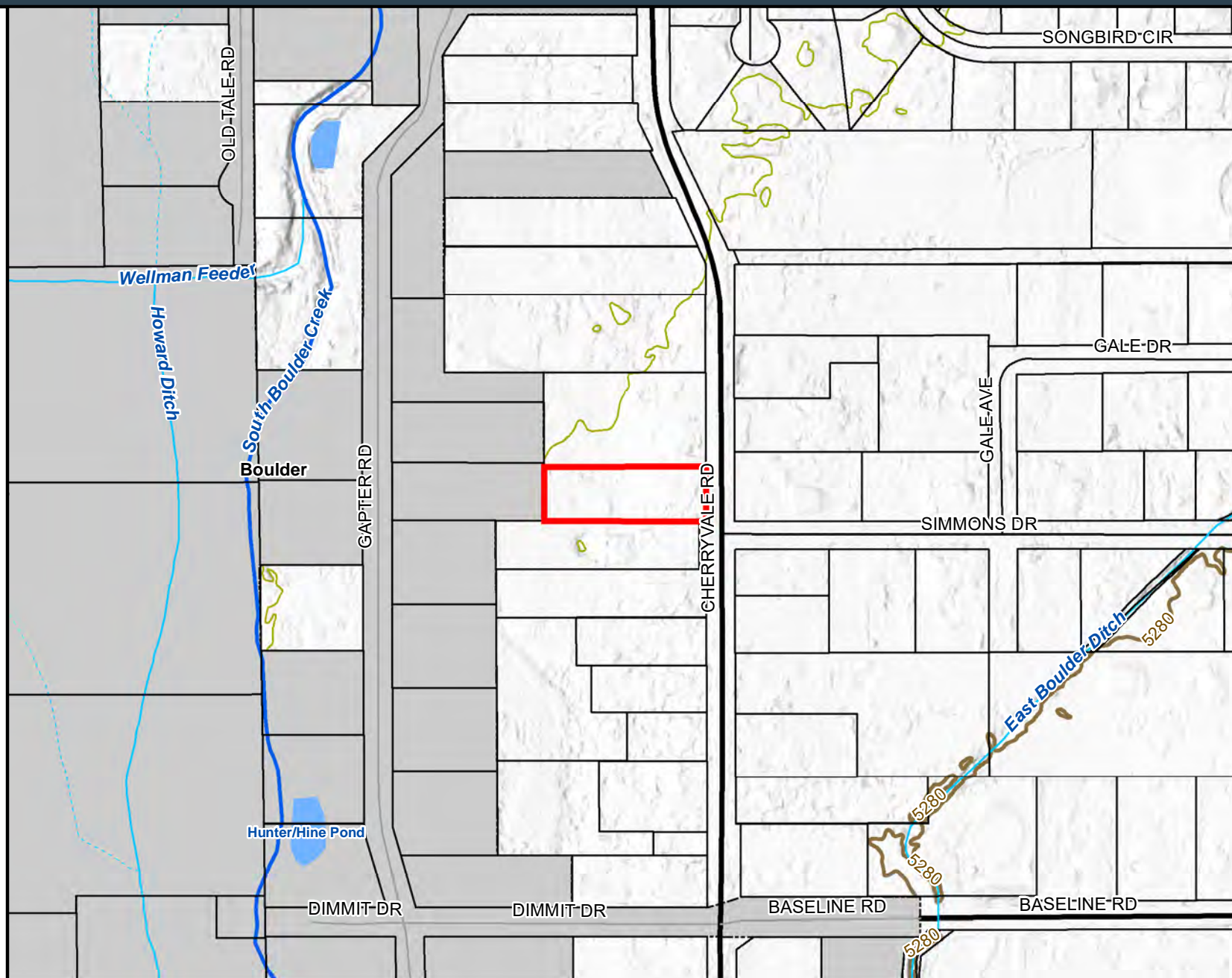
- Subject Parcel
- Contours 40'
- Contours 20'



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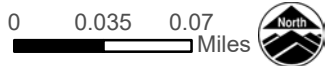
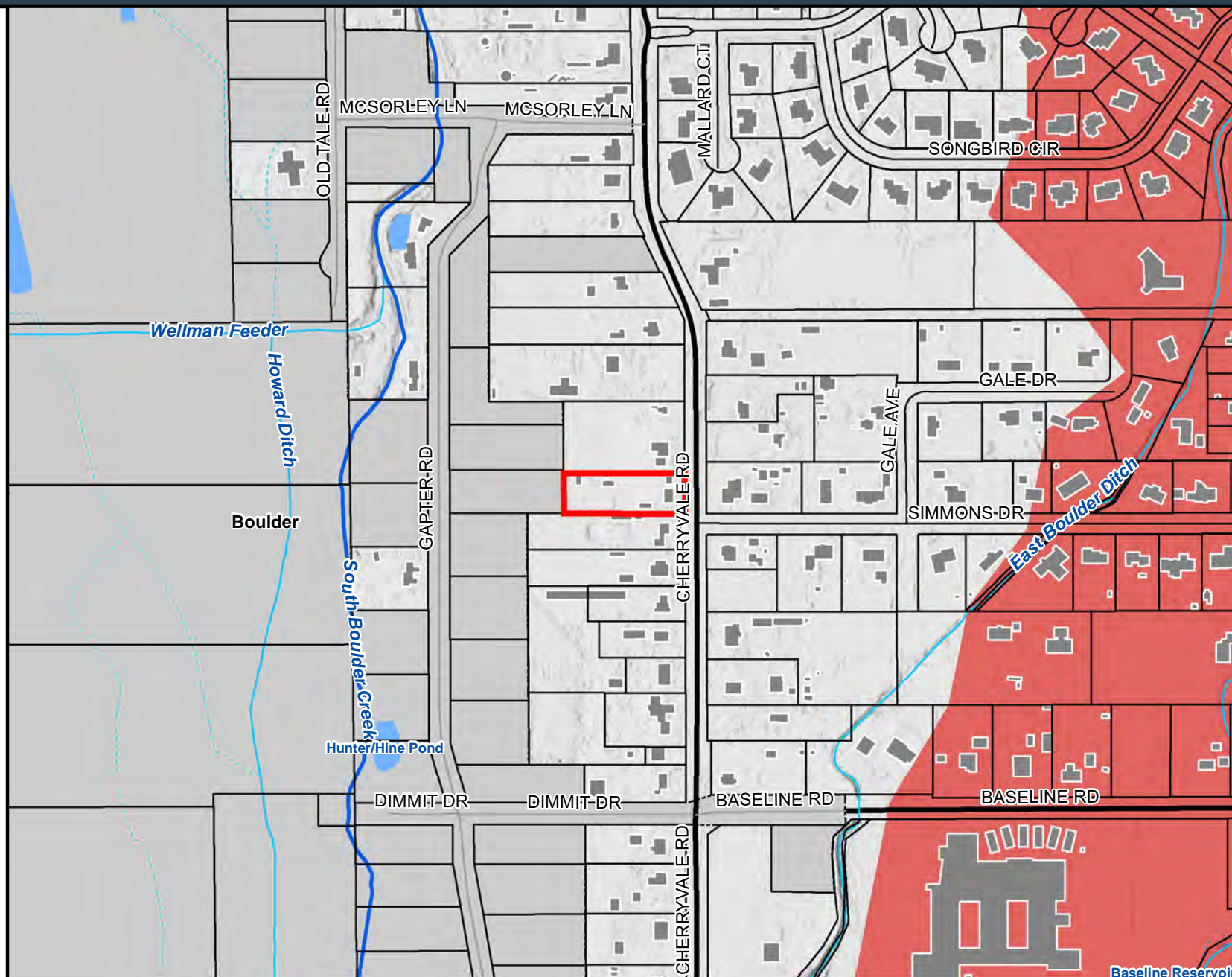
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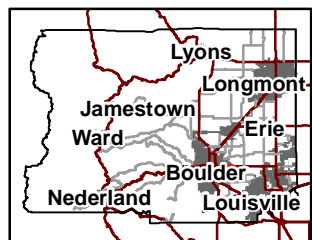
Geologic Hazards

1065 CHERRYVALE RD

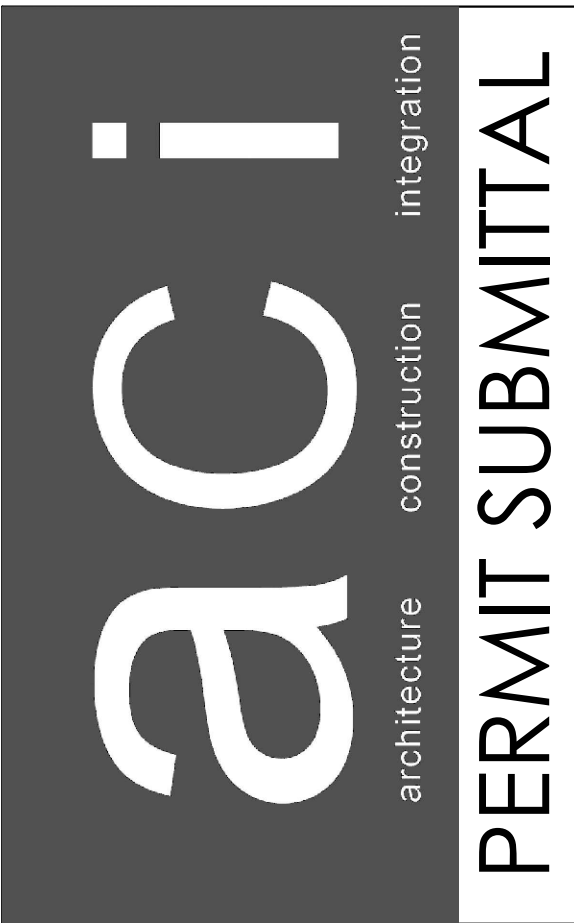
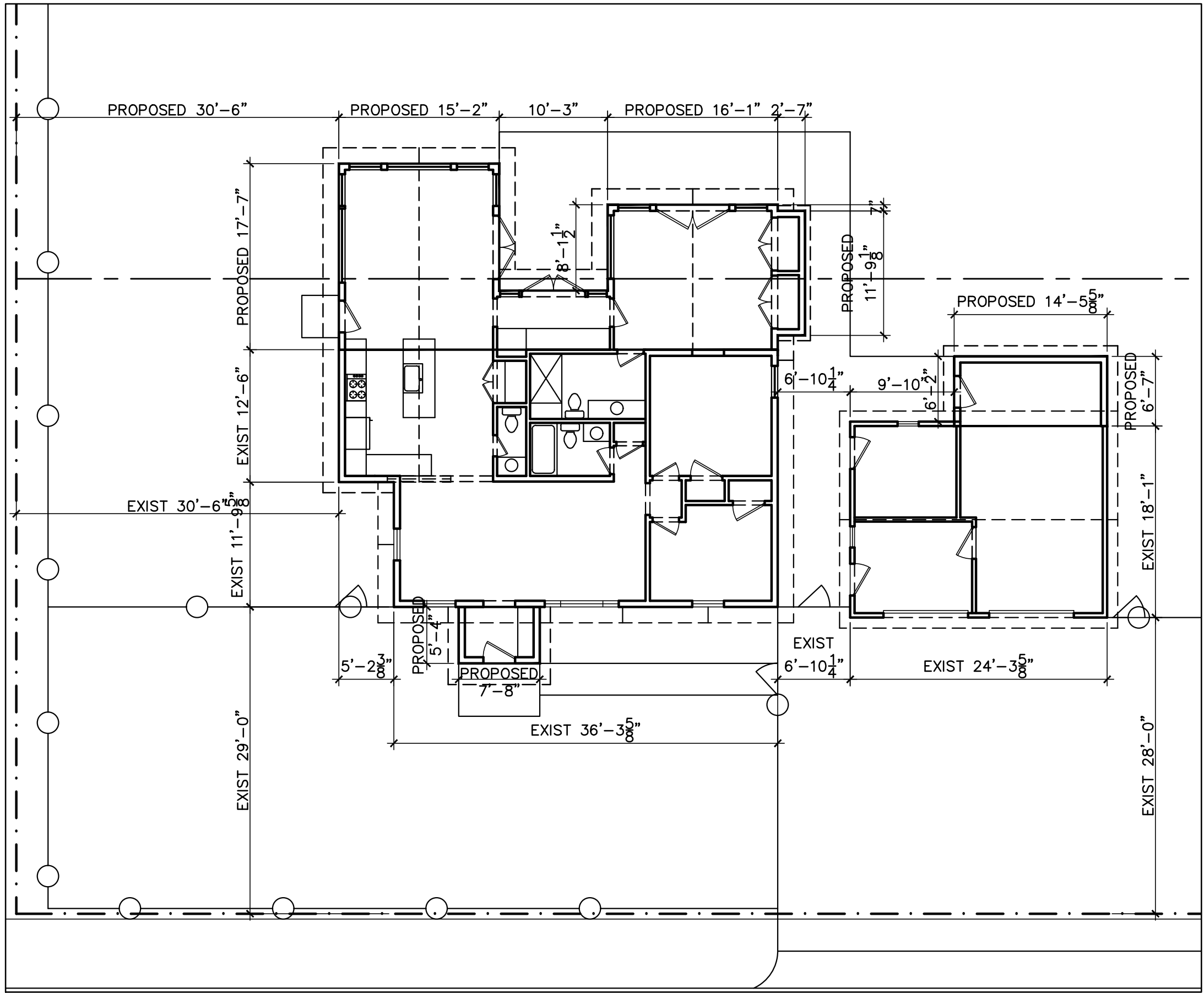
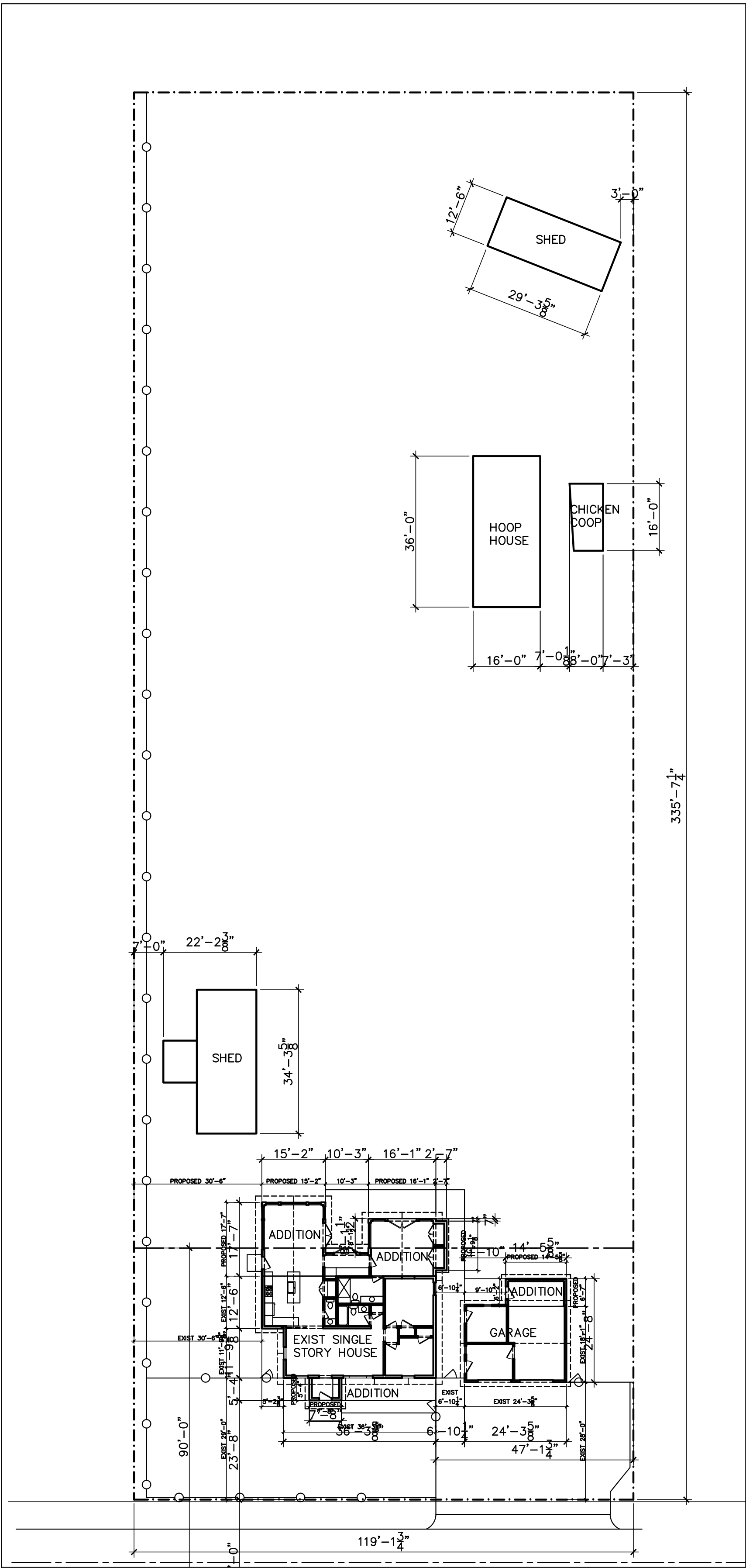
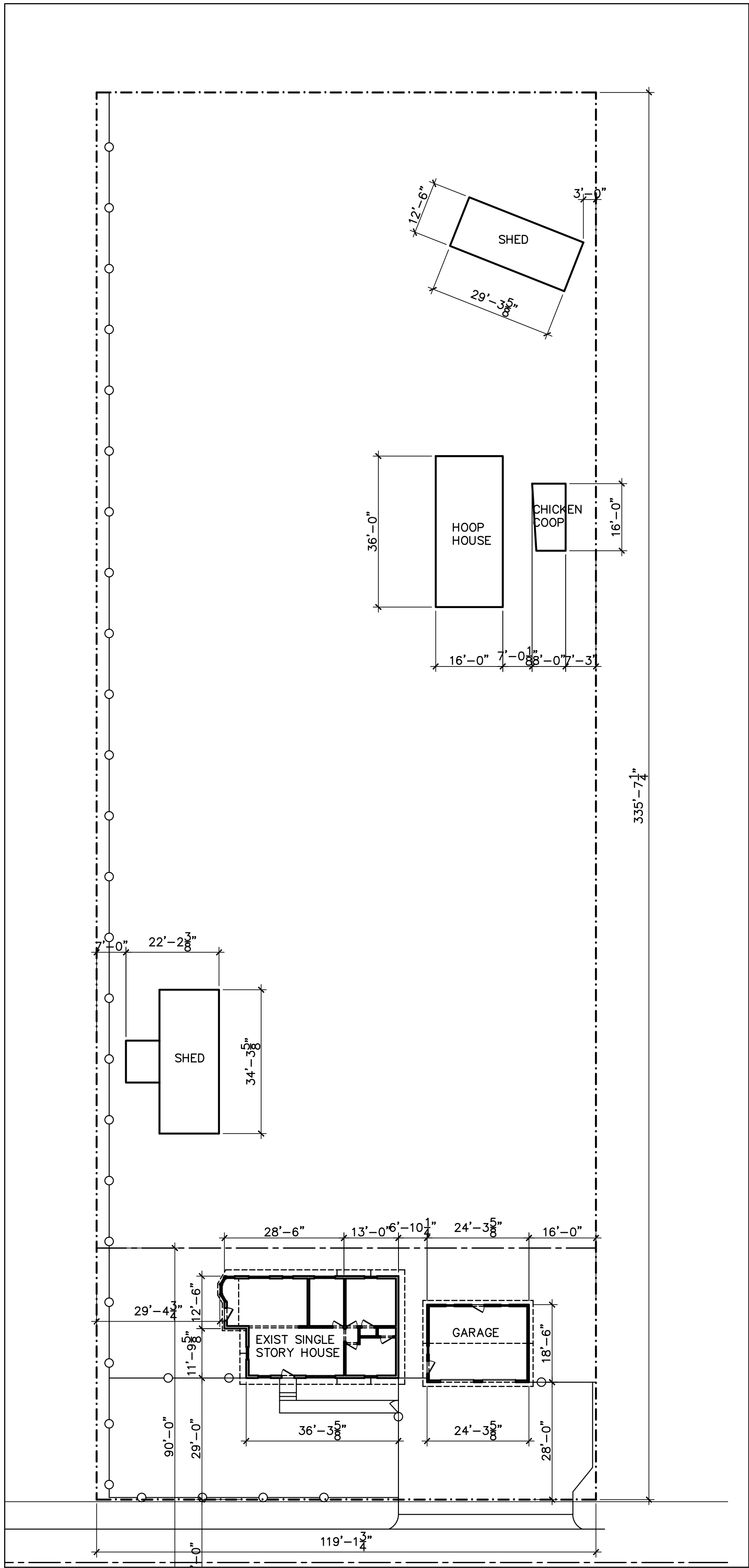
-  Subject Parcel
-  Landslide high susceptibility area
-  Very High Swelling Soil Potential



Area of Detail Date: 9/2/2021



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m. gerwing ARCHITECTS
2805 WILDERNESS PLACE
SUITE 500
BOULDER, CO 80301
303.886.9872
www.mgerwingarch.com

TELLINGHUISEN WALSH

1065 CHERRYVALE ROAD
BOULDER, CO 80305

OWNER
STACY TELLINGHUISEN
KEVIN WALSH

SITE PLAN

REVIEW SET
19 MAY 2022

A1.1

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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 *SEE OWNERS ATTACHED*

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.

THE ENTIRE HOUSE IS WITHIN THE REQUIRED SETBACK FROM
CHERRYVALE ROAD.

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

ANY ADDITIONS OR IMPROVEMENTS TO THE EXISTING HOUSE WOULD
REQUIRE A VARIANCE.

- C. The hardship is not self-imposed.

THE EXISTING HOUSE WAS BUILT LONG BEFORE THE CURRENT
OWNERS PURCHASED IT AND BEFORE THE CHERRYVALE ROAD
SETBACK WAS ESTABLISHED.

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

THE BULK OF THE REQUESTED VARIANCE IS TO THE WEST AND
WELL OUTSIDE THE WEST SETBACK.

- 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 PROPOSED ADDITION THAT REQUIRES A VARIANCE WILL NOT
CHANGE THE RURAL RESIDENTIAL CHARACTER OF THE DISTRICT AND
WILL RESULT IN A HOUSE THAT IS SMALLER THAN ITS NEIGHBORS.

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

THE PROPOSED ADDITION THAT REQUIRES A VARIANCE HAS
EXTREMELY LOW VISIBILITY TO THE PUBLIC WAY

Applicant or Agent Signature:

[Handwritten Signature]

Date:

5/20/22

Board of Adjustment (BOA) Hardship Statement:

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

The house currently stands entirely within the setback from the center of Cherryvale Rd. Specifically, the back of the house is approximately 86 feet from the center of Cherryvale Rd. Therefore, any addition or renovation of the current house would require a variance. The house is very old (it was one of the original family homesteads in the area, dating to roughly 1900), and portions of the house are not up to current code. For example, the portion of the existing home that we propose to remodel has a very low, low-angled roof with minimal insulation, making the house particularly cold and energy inefficient. We propose to improve the energy efficiency of the existing house, and primarily create additional living space off the back of the house, away from Cherryvale Rd. We also propose to add a small entry-way at the front of the house, in place of the existing porch. This entry-way is consistent with historic photos of the house (from circa 1950), which show the house with a covered porch. The entry-way addition is designed to mitigate tracking in snow, dirt and water, which has become a bigger challenge for us as we now regularly move strollers and kid's gear in and out of the house, and has had a deleterious effect on the interior of the old home as it stands.

Finally, we aim to preserve the house, which, as noted above, was an original homestead in the area and in our opinion, is consistent with the character of the Cherryvale neighborhood that we cherish. This variance request reflects our desire to make the existing house more practical and comfortable for our family.

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

Because the entire home sits within the setback, we are unable to make improvements to the existing space or expand the living space without a variance. For example, it is our understanding that efforts to maintain the existing home in its current footprint, such as adjusting the low, low-angled roof to meet current building codes (and enable us to improve its efficiency), would similarly require a variance. Accordingly, a strict application of this code would require complete demolition and new construction; financially, that is not tenable for our family.

The hardship is not self-imposed.

The setback was established long after the house was constructed. Since we moved into the house, we did choose to expand our family, which has created the desire for more space in our home, and a more energy-efficient space. (The current home lacks good insulation and relies on electric resistance heat, which has led us to rely on space heaters during the coldest winter months.) We look forward to our now 10 month old running around in our backyard and garden, enjoying the character of our old home and the comfort and space of our added space.

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

Our proposed addition would not adversely affect adjacent property. Specifically, the proposed addition

- 1) will not encroach on the neighbors to the south, and will remove a section of the house on the south side that is a converted porch;
- 2) will not encroach on the neighbors to the north;
- 3) will primarily expand toward the western property line, which is over 200 feet away; and

4) while the proposed front entry-way would expand the footprint of the house toward the road and our neighbors on the east, it is a modest addition; their home is a considerable distance away from the proposed front of the property.

In addition, our proposal would not add a floor, and therefore will not impact neighbors' views of the mountains or ability to install solar panels. Finally, our goal is to not change the nature of the home, which we hope further mitigates potential impacts on neighbors.

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 comprehensive Plan; and,

Our proposal would maintain the current rural residential character of the neighborhood. Specifically, we hope that keeping the main home with a similar, farmhouse style maintains the neighborhood's character. In addition, a key characteristic of the properties on Cherryvale is the large yards, many of which are used for large gardens, small commercial farms, and pasture. The proposed addition would result in a modestly-sized house (approximately 1700 square feet), on a nearly 1 acre lot. On the remainder of the lot, we have a large garden, greenhouse, and fruit trees, and our neighbors use our property to graze their horses. Utilizing the existing footprint of the house enables us to maintain the rural, semi-agricultural feel of the property and maintain the space for these semi-agricultural uses.

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

This proposal would not adversely affect the health, safety or welfare of the citizens of Boulder County. The existing property and the proposed addition are not in the 100-year floodplain. Moreover, one of our key objectives is to improve the energy efficiency of the existing home. While this is consistent with Boulder County energy efficiency requirements, it is also consistent with our values, and improving the long-term health and welfare of our community by mitigating our greenhouse gas emissions.

MAINTENANCE ELIGIBILITY PROGRAM (MEP)

MHFD Referral Review Comments

For Internal MHFD Use Only.	
MEP ID:	
Submittal ID:	10008994
MEP Phase:	Referral

Date: 06/08/2022
To: Sam Walker, Boulder County Planning Division
Via email
RE: MHFD Referral Review Comments

Project Name:	Gerwing Variance
Location:	1065 Cherryvale Rd, Boulder, CO 80303

This letter is in response to the request for our comments concerning the referenced project. We have reviewed this proposal only as it relates to maintenance eligibility of major drainage features, in this case: We have no comments on the referenced project as there are no proposed storm drainage features that would be eligible for District maintenance assistance. The proposed development (1065 Cherryvale Road) is not adjacent to a MHFD major drainageway and does not include any MHFD master plan recommended drainage improvements. We do not need to review future submittals

We appreciate the opportunity to review this proposal. Please feel free to contact me with any questions or concerns.

Sincerely,



Ryan Tigera, P.E.
Project Engineer
Mile High Flood District

Walker, Samuel

From: LuAnn Penfold <lpenfold@mvfpd.org>
Sent: Thursday, June 2, 2022 10:46 AM
To: Walker, Samuel
Subject: [EXTERNAL] VAR-22-0001

We have reviewed the request for setback variance at 1065 Cherryvale Road and have no objections.

Thank you for including us in the planning process.

LuAnn Penfold, Fire Prevention Specialist

Mountain View Fire Rescue

3561 N. Stagecoach Road, Longmont, CO 80504

720-678-9890 | lpenfold@mvfpd.org | www.mvfpd.org



Walker, Samuel

From: Historic
Sent: Monday, June 13, 2022 1:28 PM
To: Walker, Samuel
Subject: RE: Referral packet for VAR-22-0001: Gerwing Variance at 1065 Cherryvale Road

Historic referral-

I have no conflict with the proposal. Our historic site form indicates it's not eligible for landmark designation.

Denise Grimm, AICP | Principal Planner

Boulder County Community Planning & Permitting | P.O. Box 471, Boulder, CO 80306

720-564-2611 | dgrimm@bouldercounty.org

Service hours are 8 a.m.-4:30 p.m. Monday, Wednesday, Thursday, Friday, and 10 a.m.-4:30 p.m. Tuesday

*Please note we are in response for the **Marshall Fire** and replies may be delayed. Thank you for your patience. See <https://boco.org/MarshallFire> for more information and updates. Sign-up for Boulder County news at boco.org/e-news and for fire recovery info at <https://boco.org/MarshallFireInfo>.*

Due to COVID-19, the Boulder County Community Planning & Permitting Department is conducting business and providing services virtually. Our physical office in Boulder has limited hours for walk-ins. Please visit us online at <https://www.boco.org/cpp> for more information.

From: Goldstein, Andrew <agoldstein@bouldercounty.org>
Sent: Thursday, June 2, 2022 9:32 AM
To: Historic <historic@bouldercounty.org>
Subject: Referral packet for VAR-22-0001: Gerwing Variance at 1065 Cherryvale Road

Please find attached the referral packet for *VAR-22-0001: Gerwing Variance at 1065 Cherryvale Road*.

Please return responses and direct any questions to [Sam Walker](#) by *June 17, 2022*. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,
 Andrew

Andrew Goldstein (pronouns: he/him/his) | Administrative Technician

Planning Division | Boulder County Community Planning & Permitting

[\(303\) 441-3930](tel:3034413930) (Main Office) | [\(720\) 564-2622](tel:7205642622) (Direct)

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex Building—2045 13th St., Boulder, CO 80302

agoldstein@bouldercounty.org | www.boco.org/cpp



Department service hours are **8 a.m.-4:30 p.m.** Monday, Wednesday, Thursday, Friday, and **10 a.m.-4:30 p.m.** Tuesday.

The Community Planning & Permitting Department physical office in Boulder is now open Monday, Wednesday and Thursday from 9 a.m. to 2 p.m. On Tuesdays the department is open by appointment only from 12:30–4:30 p.m. Most services are available virtually in addition to in-person services. Staff is available at [303-441-3930](tel:3034413930), [online](#), or via [appointment](#).

For Marshall Fire questions, contact MarshallRebuilding@bouldercounty.org. View our [Marshall Fire Recovery](#) webpage for current Marshall Fire information and resources.

**Right of Way & Permits**

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

June 21, 2022

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

Attn: Sam Walker

RE: Gerwing Variance, Case # VAR-22-0001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Gerwing Variance** and has **no apparent conflict**.

Please be aware PSCo owns and operates existing natural gas (service) and electric (distribution and service) facilities within the subject property. Should the project require any new natural gas or electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via xcelenergy.com/InstallAndConnect.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 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



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Building Safety & Inspection Services Team

MEMO

TO: Sam Walker, Planner II
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: June 5, 2022

RE: Referral Response, Docket VAR-22-0001: Gerwing Variance. Variance request to reduce the required supplemental setback along Cherryvale Road from the required 90 feet to 53 feet to allow the construction of several additions to the existing residence on a .92-acre parcel.

Location: 1065 Cherryvale Road

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

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

1. **Building Permit.** A building permit, plan review, and inspection approvals is required for the proposed addition. A separate building permit, plan review, and inspection approvals is required for the proposed garage addition.

Please refer to the county's adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

2. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 155 mph (Vult) and 40 psf, respectively.
3. **BuildSmart.** Please refer to the county's adoption and amendments to Chapter 11 of the IRC, the county's "BuildSmart" program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that will require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner

utility provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.

4. **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: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf>

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 (720) 564-2640 or contact us via e-mail at building@bouldercounty.org

5.



Community Planning & Permitting

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

June 2, 2022

To: Sam Walker, Planner II

From: Kelly Watson, Floodplain Program Planner

Subject: Docket VAR-22-0001: Gerwing Variance

Request: Variance request to reduce the required supplemental setback along Cherryvale Road from the required 90 feet to 53 feet to allow the construction of several additions to the existing residence on a .92-acre parcel.

Location: 1065 Cherryvale Road, approximately .2 miles north of the intersection of Cherryvale Road and Baseline Road, in Section 34, Township 1N, Range 70W.

The Community Planning & Permitting Department – Floodplain Management Program has reviewed the above referenced docket and has the following comments:

1. We have no concern with the variance request or the proposed improvements to the existing residence, which is located outside of the Floodplain Overlay (FO) District. No Floodplain Development Permit (FDP) is required for the proposed development in the location provided.

Additional Information:

A portion of the property is located within the South Boulder Creek floodplain. Any future development within the FO District will require an FDP and must adhere to requirements of Article 4-400 of the Boulder County Land Use Code. Additionally, the parcel is within a known fluvial hazard zone, which is the area a stream has occupied in recent history, could occupy, or could physically influence as it stores and transports water, sediment and debris. Parts of the property that are outside the regulatory FO District are still within the fluvial hazard zone and may be subject to excessive erosion, sedimentation, and/or wholesale changes in the location of the stream channel. The Floodplain Management Program encourages the applicant to consider future flood protection measures above and beyond the minimum requirements of the Land Use Code.

Please contact Kelly Watson, Floodplain Program Planner, at kwatson@bouldercounty.org or at 720-564-2652 to discuss this referral.

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: Sam Walker, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: June 14, 2022
SUBJECT: Docket VAR-22-0001, Gerwing, 1065 Cherryvale Road

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposed variance.



Community Planning & Permitting

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

June 14, 2022

TO: Sam Walker, Planner II; Community Planning & Permitting, Development Review Team - Zoning

FROM: Jena Van Gerwen, Planner I; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # VAR-22-0001: Gerwing Variance

1065 Cherryvale Road

The Development Review Team – Access & Engineering staff has reviewed the above referenced docket and has no concerns about the proposed height variance.

1. The subject property is accessed via Cherryvale Road, a paved 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. As proposed, additions to the existing residence will be within the 90-foot supplemental setback for Cherryvale Road. At this time, the county has no plans to widen Cherryvale Road at this location.
3. There is no evidence of an existing Access Permit. An Access Permit will be issued for each of the existing points of access to Baseline Road at the time of Building Permit review. No special application procedure is necessary, the Access Permits will be issued concurrently with the Building Permit.
4. Staff has no conflicts with the setback variance, as proposed.

This concludes our comments at this time.

Walker, Samuel

From: Ask A Planner <no-reply@wufoo.com>
Sent: Friday, June 10, 2022 5:15 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Scott Raney - VAR-22-0001 - 1065 Cherryvale Rd.

Boulder County Property Address : 1065 Cherryvale Rd.

If your comments are regarding a specific Docket, please enter the Docket number: VAR-22-0001

Name: Scott Raney

Email Address: metamerman@gmail.com

Phone Number: (303) 499-1109

Please enter your question or comment: The County's supplemental 90' setback on Cherryvale Rd is obsolete and should be removed ASAP to avoid wasting everyone's time on this BS. Properties on the east side of Cherryvale are all contiguous with the City and so can easily build within 25' of the road (the City's Front Setback) by annexing. This option is also available to many properties on the east side as well due to the many properties that have already annexed.

There are many, many structures already within the setback that it would be a practical impossibility to remove even if the County (or State) decided they wanted to use that easement for something.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.