



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 January 4, 2023 4:00 P.M.

PUBLIC HEARING

STAFF PLANNER: Jonathan Tardif, Planner II

RECOMMENDATION: Staff recommends denial of the requested variance.

Docket VAR-22-0005: Hellen Setback Variance

Request: Variance request to reduce the supplemental setback from Jay Road along the northern property line from 110' to approximately 90' for construction of an approximately 1,040-square-foot detached garage on a .91-acre parcel.

Location: 4189 N 57th Street, Parcel no. 146315000016, approximately at the southwest corner of the intersection of N 57th Street and Jay Road, in Section 15, T1N, R70W.

Zoning: Rural Residential (RR) Zoning District

Agent: Richard Ross

Property Owners: Andrew and Kelley Hellen

PACKET CONTENTS:

Item	Pages
○ Staff Recommendation	1 – 5
○ Application Materials (Attachment A)	A1 – A14
○ Referral Agency Responses (Attachment B)	B1 – B9
○ Adjacent Property Owner Comments (Attachment C)	C1 – C13

SUMMARY

The applicants request a 20-foot reduction in the supplemental setback from the centerline of Jay Road to facilitate the construction of a detached garage. 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 at the southwest corner of the intersection of N. 57th Street and Jay Road. The property is approximately .91 acres in size, is located in the Rural Residential zoning district, and is a legal building lot. The parcel is accessed off of N. 57th Street.

Jay Road is identified on the Boulder County Road Map as a Minor Arterial, and has an accompanying supplemental setback requirement of 110 feet measured from the existing roadway centerline per Article 7-1403.B.3 of the Code. As illustrated on the site plan submitted with the application materials (see Figure 1, below, or Attachment A, page A14), the majority of the existing residence is located within the required 110-foot supplemental setback. The portion of the existing home that is nonconforming and encroaching into the supplemental setback is associated with the original construction of the structure in 1962 (BP-62-6384).

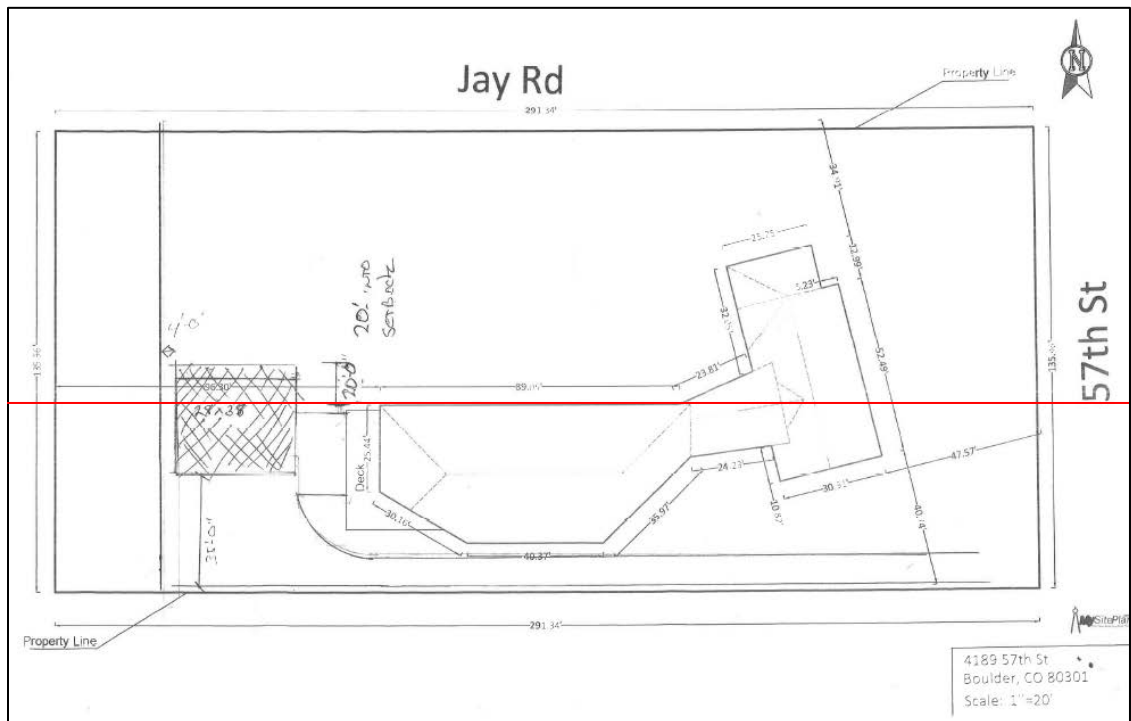


Figure 1: Site Plan showing existing and proposed improvements, supplemental setback boundary indicated by red line. The proposed detached garage is indicated by cross-hatching on the plan.

The applicants request a variance from this required supplemental setback to facilitate the construction of a detached garage. The construction of the proposed detached garage would encroach approximately 20 feet into the required supplemental setback, with the remainder of the detached garage being located outside of the supplemental setback.

The Board of Adjustment (BOA) previously denied a variance request on the property in 2007. In 2007, previous property owners had submitted a variance request to reduce the supplemental setback from 110 feet to 63 feet along Jay Road for construction of a residential addition. The variance request was denied, the BOA explaining that physical hardships do not exist and circumstances on the property do not preclude the addition from complying with the minimum setback requirements of the Code. Following the denial of the variance, building permit plans were updated, and the proposed residential addition was built to comply with the 110-foot supplemental setback from Jay Road.

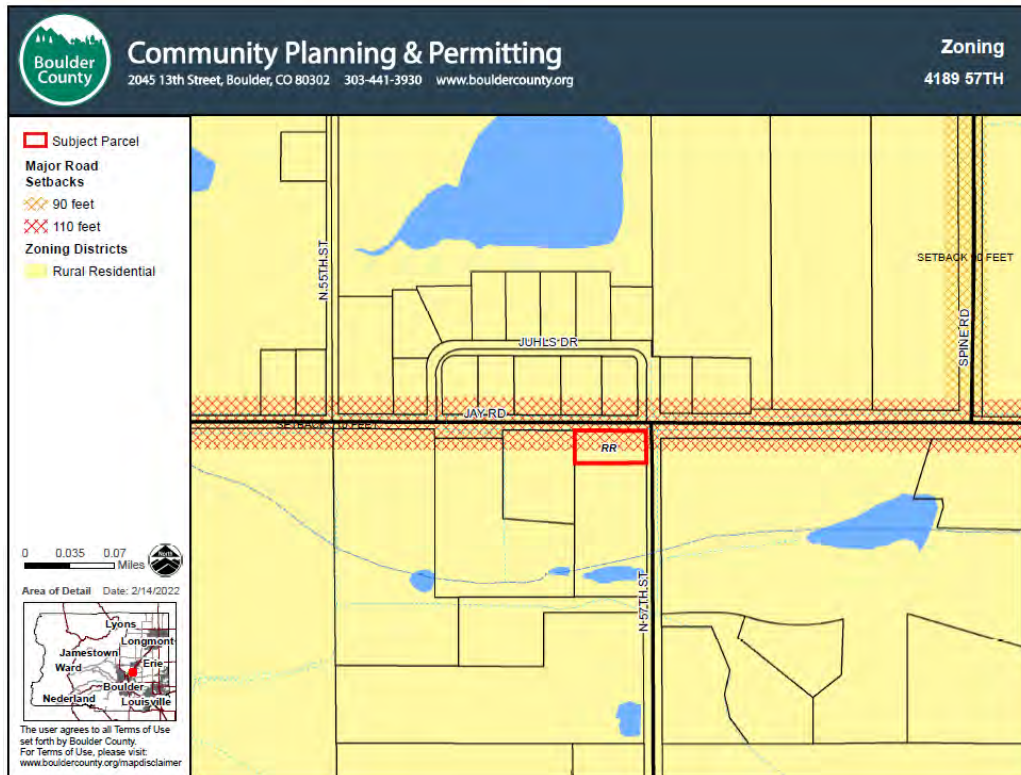


Figure 2: Zoning map indicating required supplemental setback.

REFERRALS

The variance request information 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 Public Health – The proposed location for the garage is only 5 feet from the absorption field. If the building will not meet the minimum setback of 10 feet from the absorption field, the location cannot be approved by Public Health.

Boulder County Access & Engineering Review – This division confirmed the property is legally accessed via N 57th Street, noted that there are no current plans for Jay Road to be widened, indicated that an Access Permit will be issued at the time of building permit review for the proposed detached garage, and noted no conflicts with the proposed variance.

Agencies indicating no conflicts: Boulder County Building Safety & Inspection Services Team, Boulder County Parks & Open Space, City of Boulder Open Space & Mountain Parks, Boulder County Historic Preservation, and Xcel Energy.

Agencies that did not respond: Boulder County Long Range Planning, Boulder Rural FPD, Left Hand Water District, City of Boulder Planning and Development Services, FAA Air Traffic Airspace Branch, and Boulder Municipal Airport.

Adjacent Property Owners – 75 referrals were sent to nearby property owners, and staff received nine responses in support of the applicant’s proposal.

CRITERIA ANALYSIS

Per Article 3-100.A.18 of the Code the 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 have been satisfied:

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

The subject parcel is rectangular and is approximately 0.92 acres in size. The topography is flat. The lot is 134 feet wide and 291 feet long. The supplemental setback from Jay Rd. leaves the southern portion of the property developable in compliance with the Code. The side setback from the southern property line is 7 feet and the rear setback from the western property line is 15 feet. See Figure 3 below for a visual representation of applicable property setbacks.

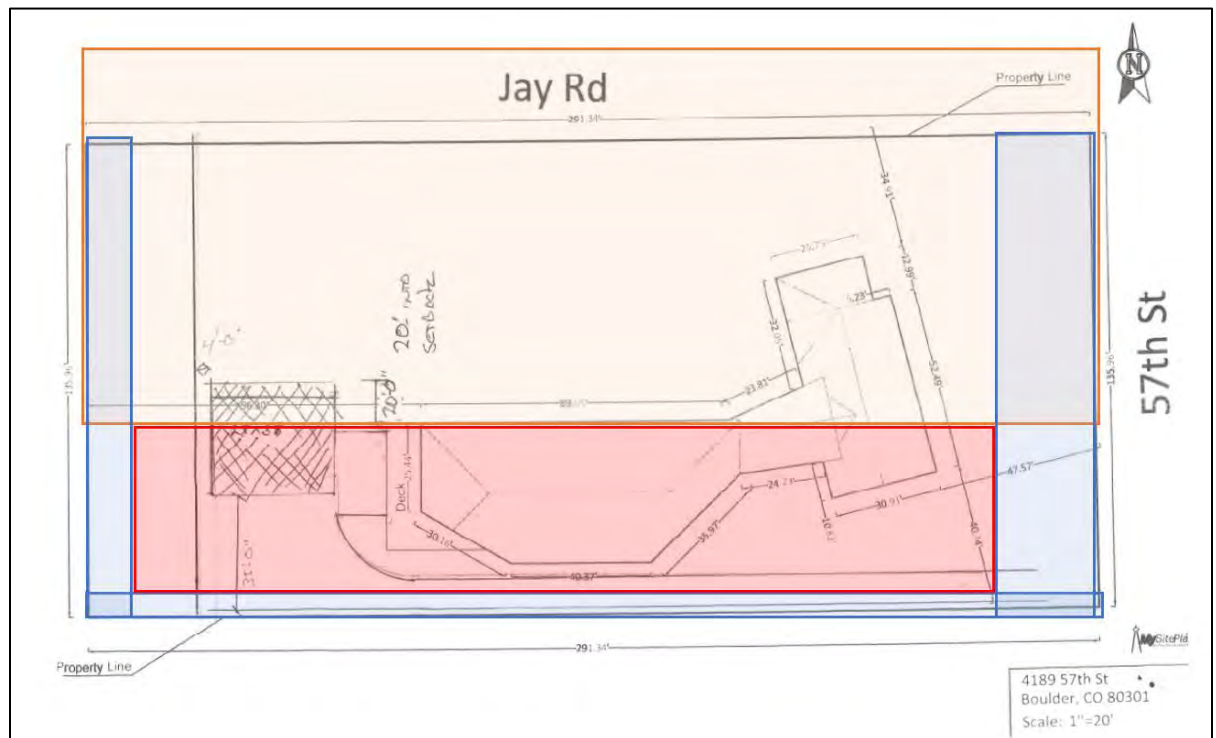


Figure 3: Site Plan showing approximate locations of the supplemental setback boundary (indicated by orange shading), zoning district setbacks (indicated by blue shading), and developable area (indicated by red shading). The proposed detached garage is indicated by cross-hatching on the plan.

The 2007 residential addition was reconfigured to conform with the county's supplemental setback from major roadways and is located entirely outside of the setback. Staff finds that the physical circumstances are not exceptional or extraordinary on this parcel, given that the southern portion is developable.

Therefore, staff finds 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;*

Staff finds that the physical circumstances are not exceptional, consequently no exceptional or undue hardship upon the property owner is created.

Therefore, staff finds this criterion is not met.

(c) The hardship is not self-imposed;

Staff does not find that a hardship upon the property owner is created, therefore there is no hardship to be self-imposed.

Therefore, staff finds 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 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. Development on other parcels along Jay Road encroaches into the required setback because much of the area was developed prior to the setback's adoption.

Therefore, 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.

Therefore, staff finds this criterion is met.

RECOMMENDATION

As discussed above, staff find that the criteria for a variance cannot be met. Therefore, Community Planning & Permitting staff recommend that the Board of Adjustment **DENY Docket VAR-22-0005: Hellen Setback Variance.**



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) 4189 57th STREET			
Subdivision Name UNINCORPORATED			
Lot(s)	Block(s)	Section(s)	Township(s)
Area in Acres	Existing Zoning	Existing Use of Property	Number of Proposed Lots
Proposed Water Supply		Proposed Sewage Disposal Method	

Applicants:

Applicant/Property Owner ANDREW AND KELLEY HELLEN		Email Address ajhellen23@yahoo.com	
Mailing Address 4189 57th ST			
City BOULDER	State CO	Zip Code 80302	Phone 877-808-1458 Fax
Applicant/Property Owner/Agent/Consultant RICHARD ROSS		Email Address richard@propcheck.org	
Mailing Address 2351 MCKINLEY AVE			
City LOUISVILLE	State CO	Zip Code 80027	Phone 303-854-4163 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	Printed Name ANDREW HELLEN	Date 5/17/22
Signature of Property Owner	Printed Name KELLY HELLEN	Date 5/17/22

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






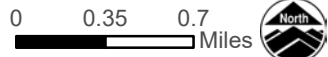
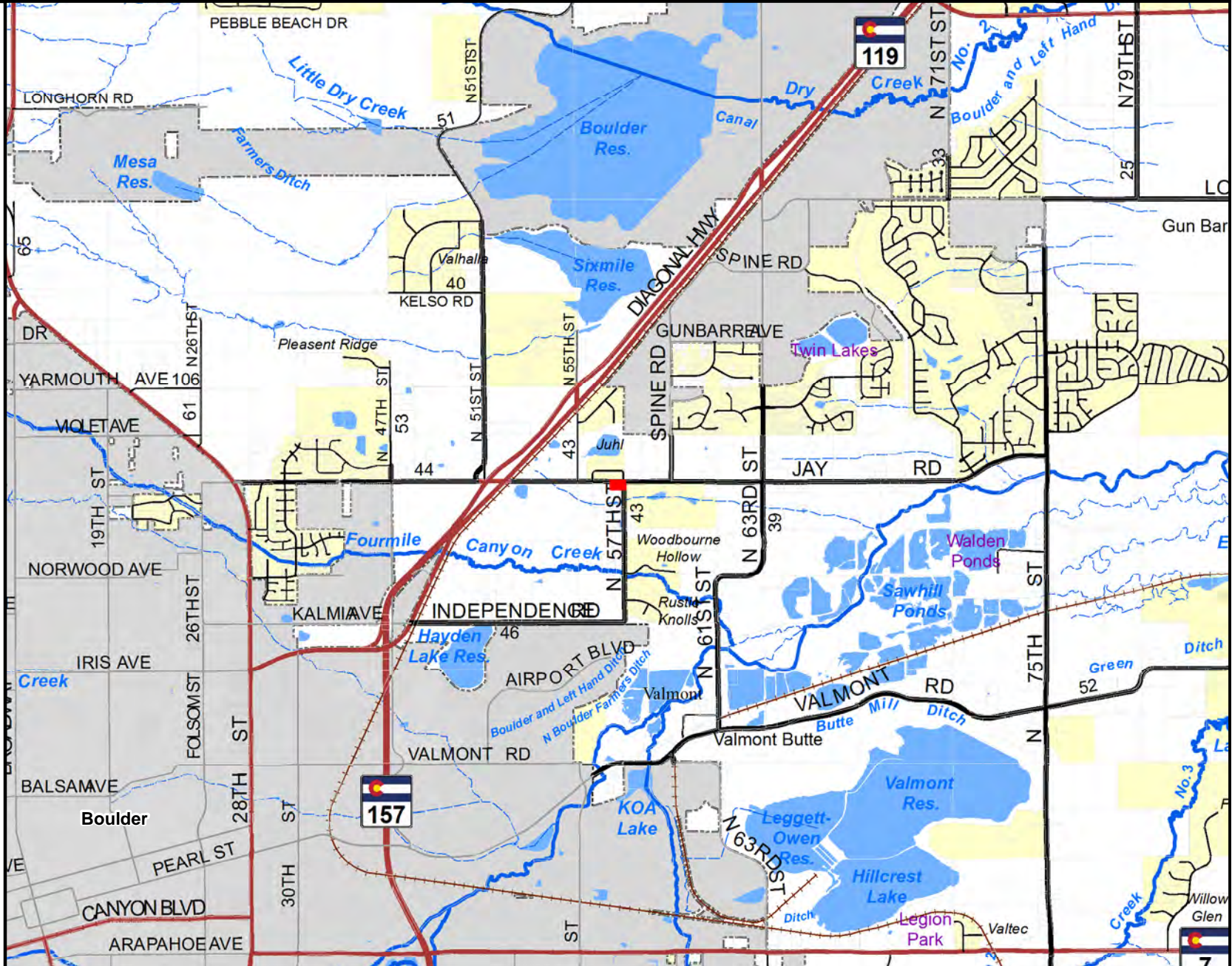
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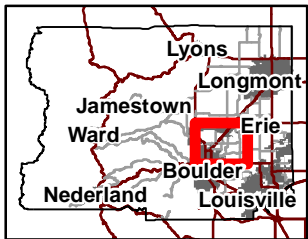
Vicinity

4189 57TH

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 2/14/2022



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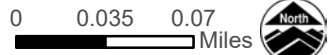
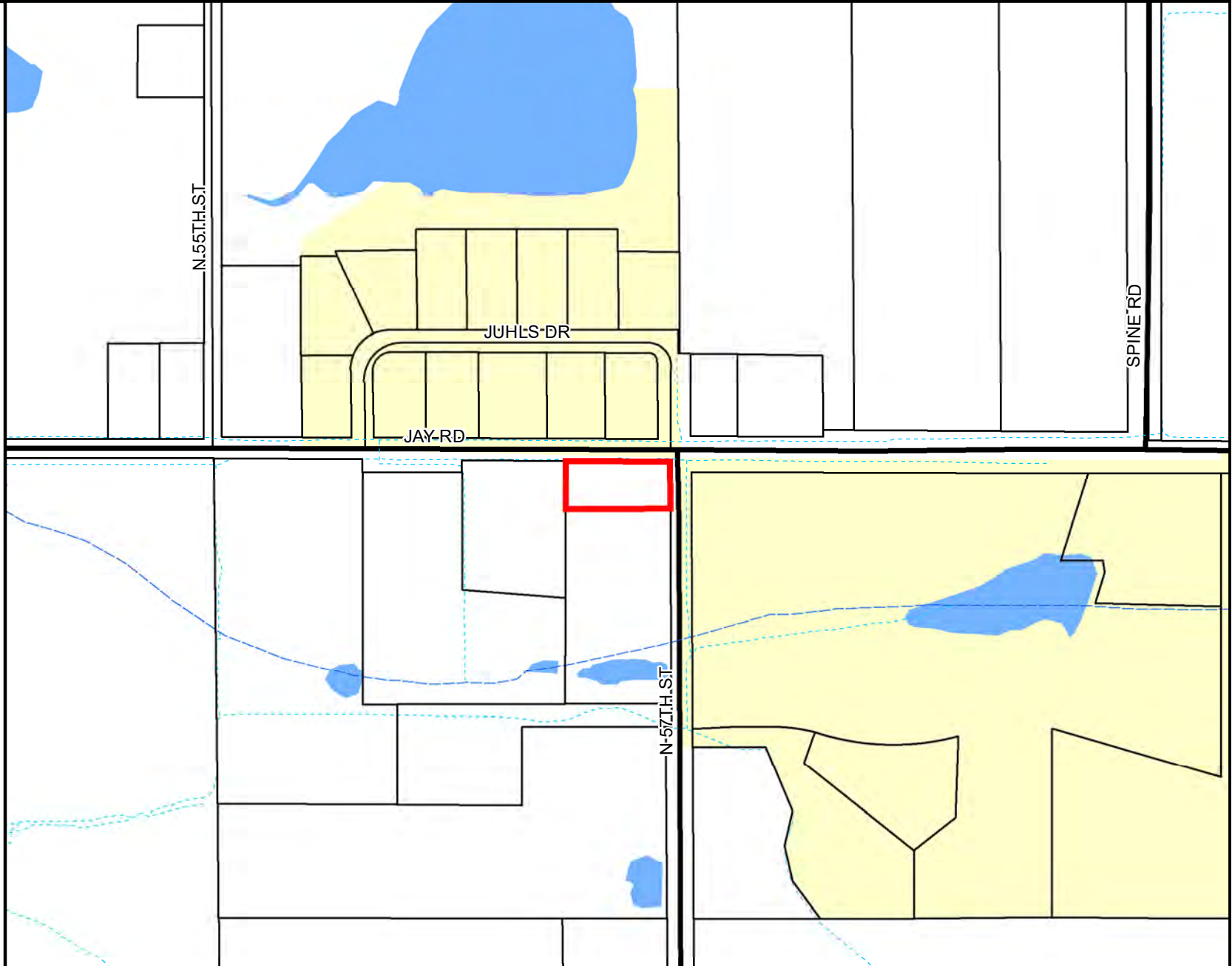
Location

4189 57TH

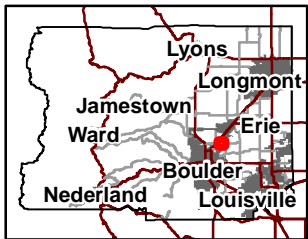
Subject Parcel

Subdivisions

Subdivisions



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Aerial
4189 57TH

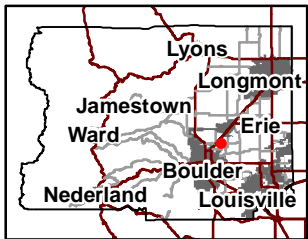
 Subject Parcel



0 0.004 0.008
Miles



Area of Detail Date: 2/14/2022




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Aerial
4189 57TH

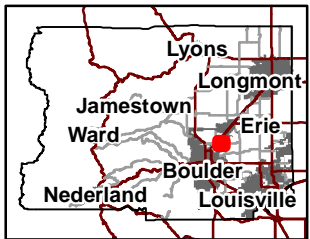
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Comprehensive Plan

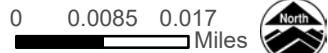
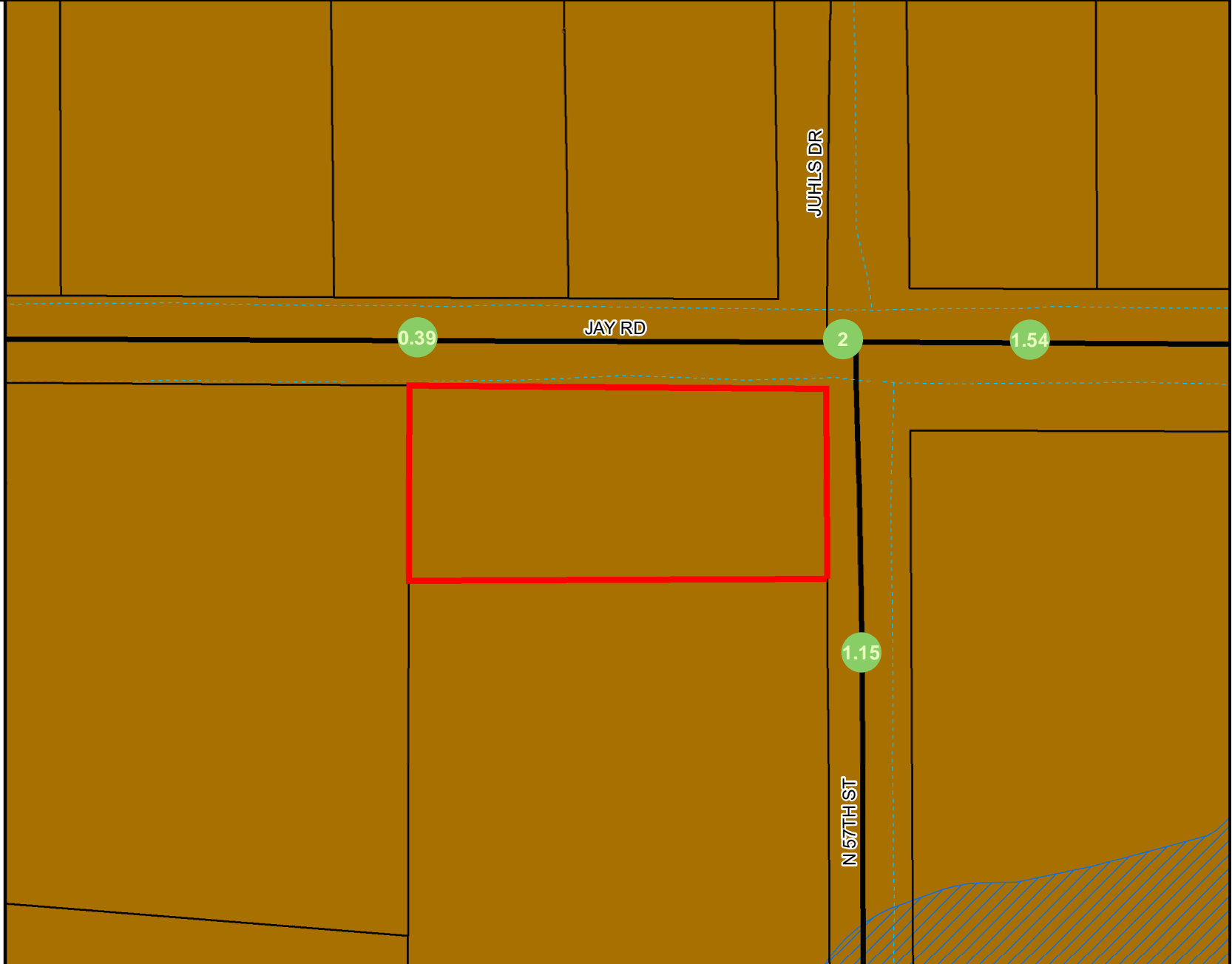
4189 57TH

Subject Parcel

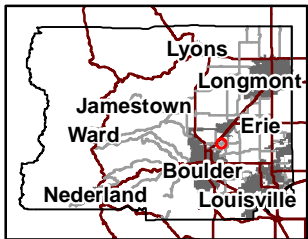
Riparian Areas

Significant Agricultural Land

Ag of Statewide Importance



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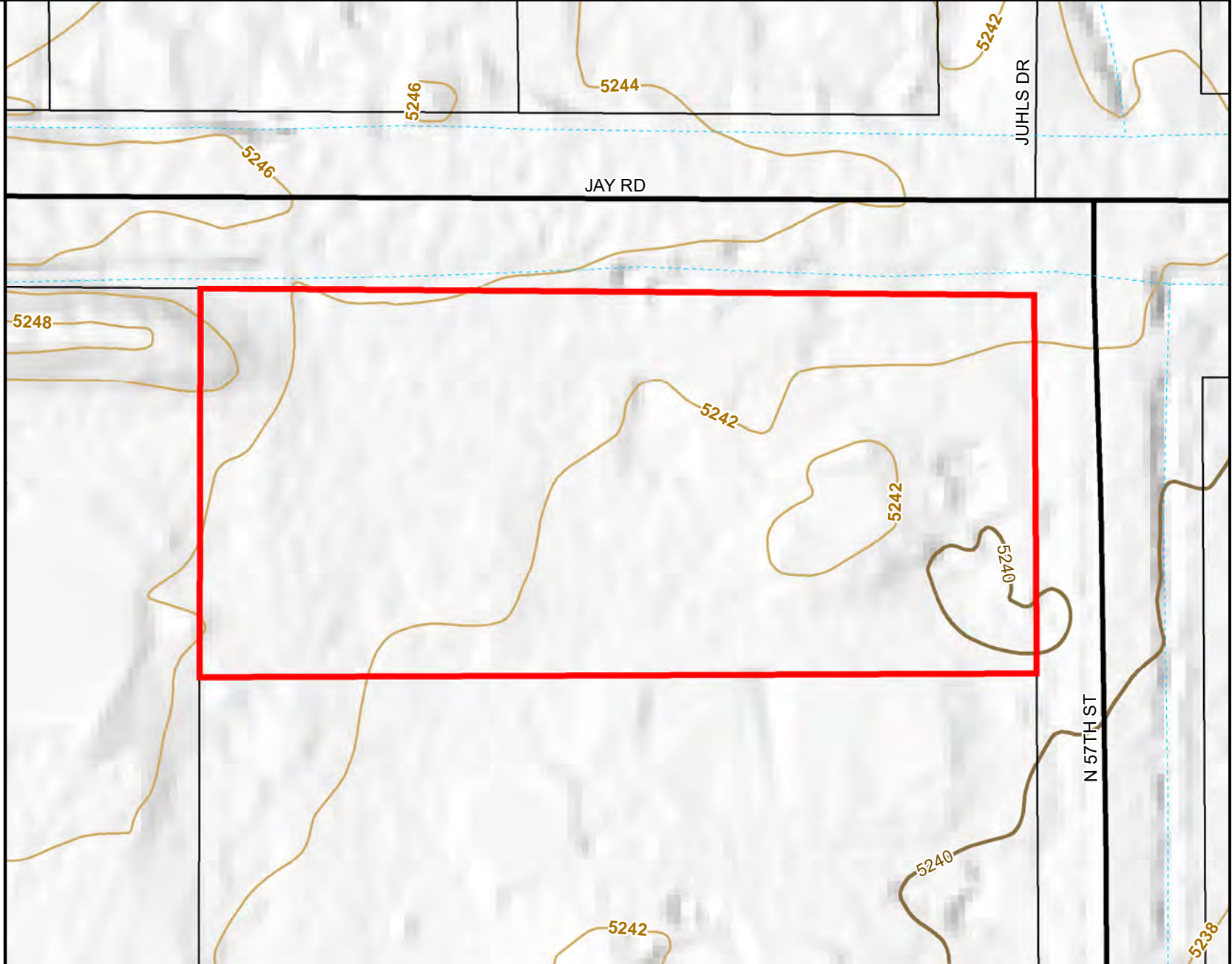
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Elevation Contours

4189 57TH

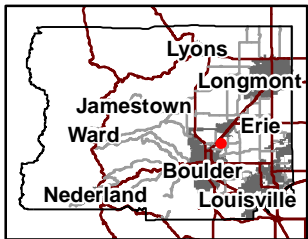
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-  Contours 40'
-  Contours 2'



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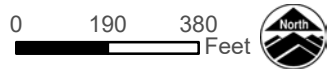
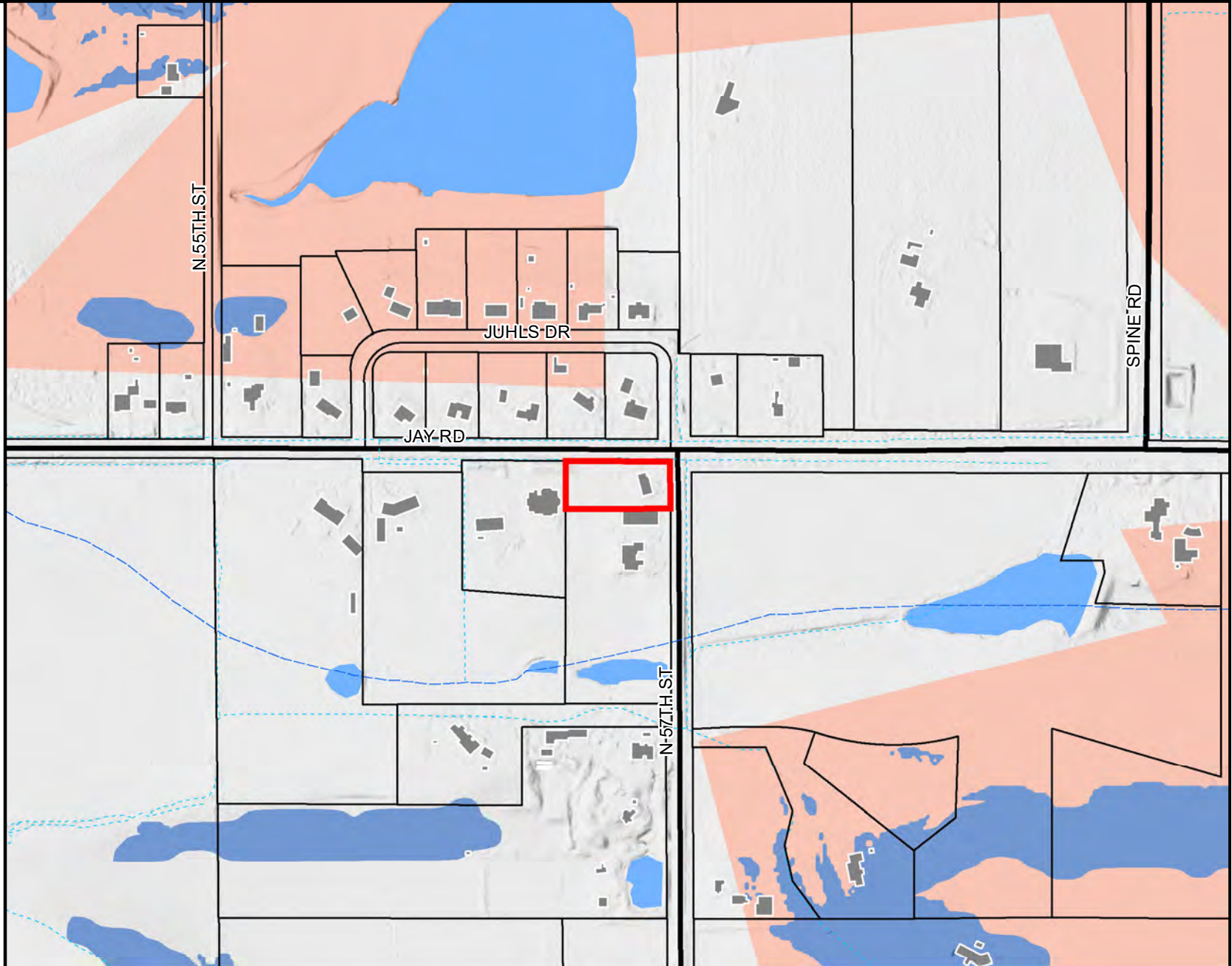
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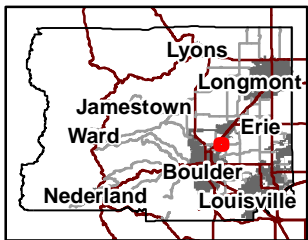
Geologic Hazards

4189 57TH

- Subject Parcel
- High Swelling Soil Potential



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Planning Areas

4189 57TH

Subject Parcel

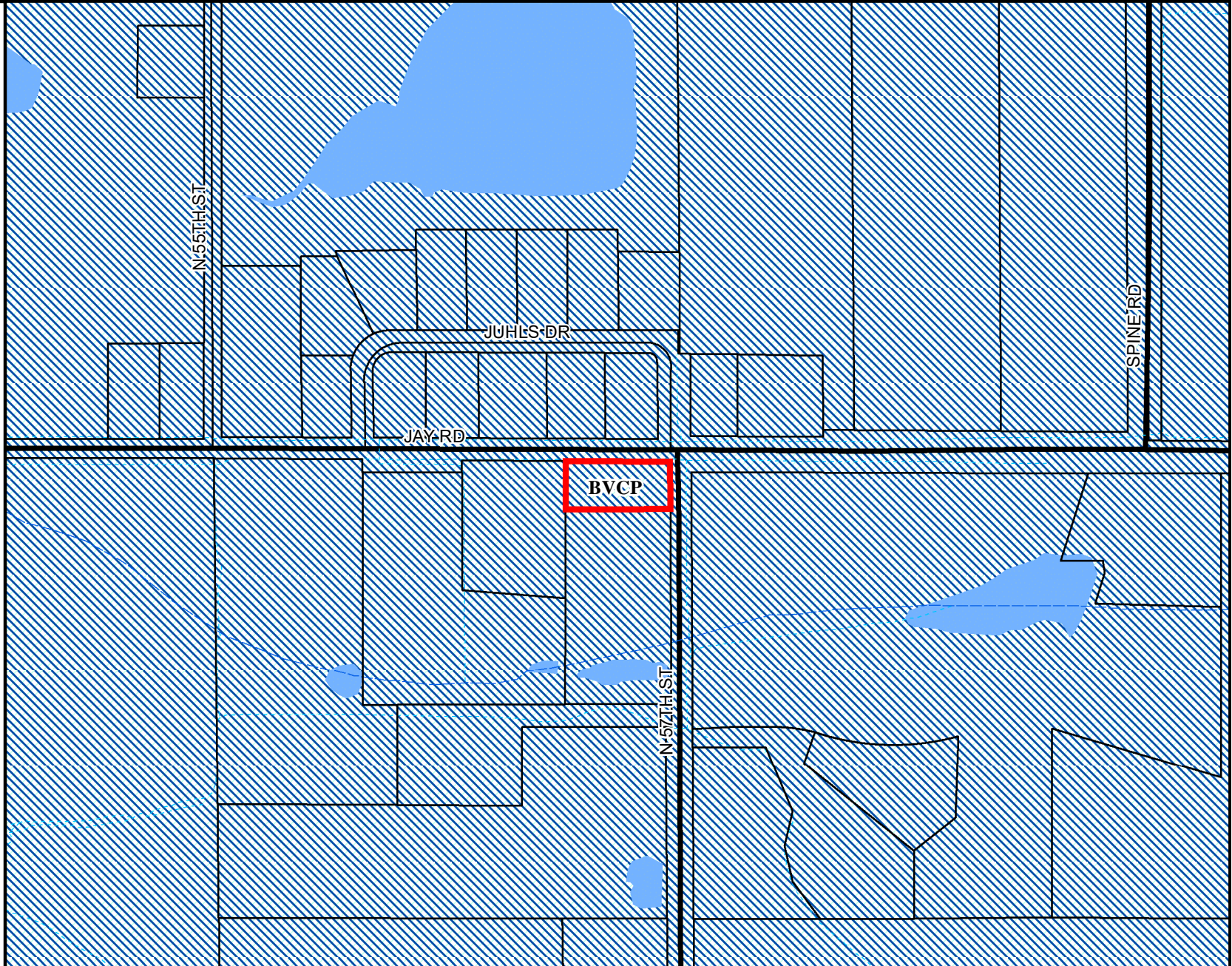
Airport Influence

Airport Influence

Active IGA Boundary

Active IGA Designation

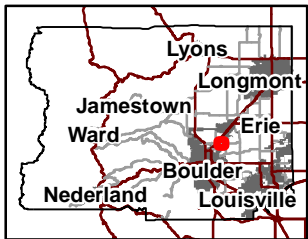
BVCP



0 0.035 0.07 Miles



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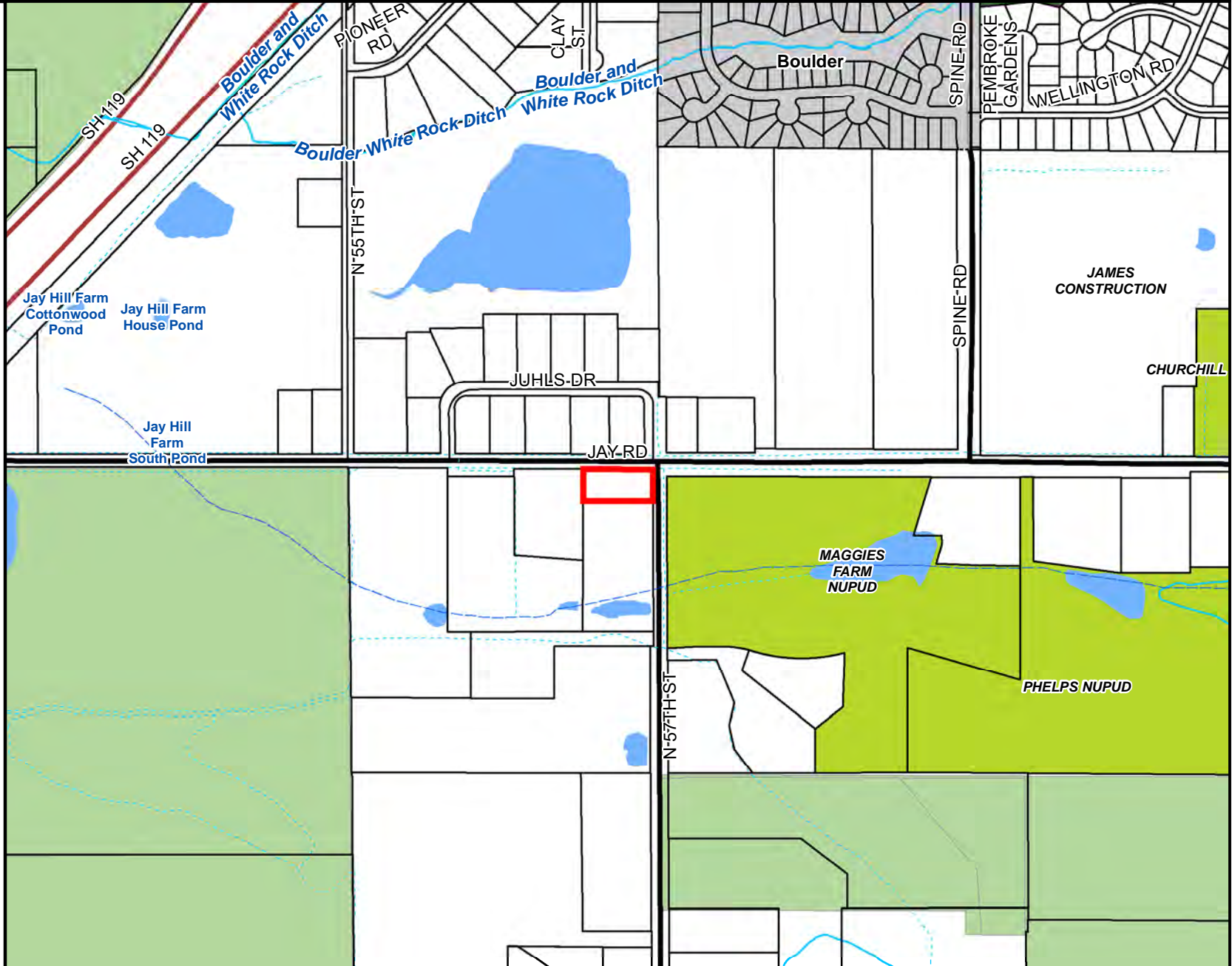
Public Lands & CEs

4189 57TH

Subject Parcel

Boulder County Open Space

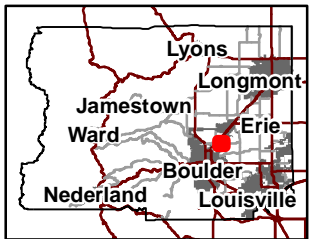
- County Open Space
- County Conservation Easement
- OSMP Properties



0 0.05 0.1 Miles



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Zoning

4189 57TH

Subject Parcel

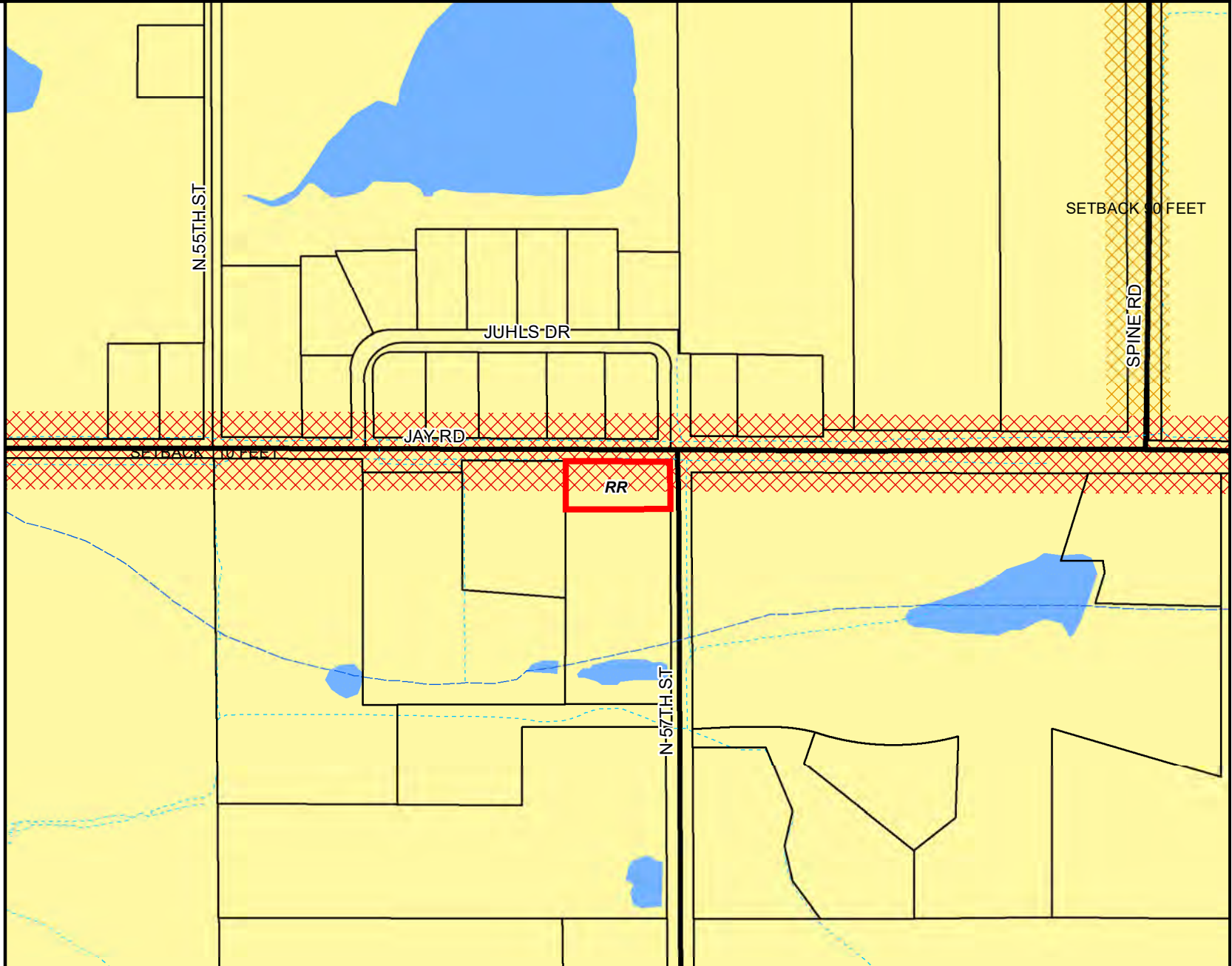
Major Road Setbacks

90 feet

110 feet

Zoning Districts

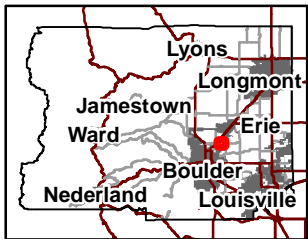
Rural Residential



0 0.035 0.07 Miles



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Board of Adjustment (BOA)**A. There exists exceptional or extraordinary physical....**

The driveway is very long and narrow. It runs perpendicular to the south property fence. The path between the house and the fence is narrow as well. With out the ability to turn the vehicles around so that they can drive out forward is critical to a safe path, as it is far to long to back in or out. In addition, the location and height of the fence will cause shade to be cast upon the driveway allowing ice to form and prevent the sun from melting it off this just exacerbates the risk of damage if they must back out when icy.

B. Because of these physical.....

The property on the south has a detached garage/barn adjacent to the south property line that sits with in 5 feet of the south property line this structure also casts shade onto the property driveway further exacerbating the risk of a loss of control should the driver be traveling in reverse. If the vehicle were to loss control the fact that it sits within 5 feet of the fence would place it too at risk of collision, should one lose control of their vehicle.

C. These hardships are not self-imposed

Mr. Hellen has just purchased this property and is asking to build a garage to house his vehicles should he build the garage and follow the prescribed setbacks it would create a condition where in there would not be adequate room to turn the vehicles around and allow them to drive out forward. The placement of the house on the lot and the location of the driveway have created only one possible location for the garage. The need for an area where the driver can make the arc needed to reverse direction has created the need to place the garage ~~5~~ ^{20 Feet} feet into the north set-back.

D. The variance if granted.

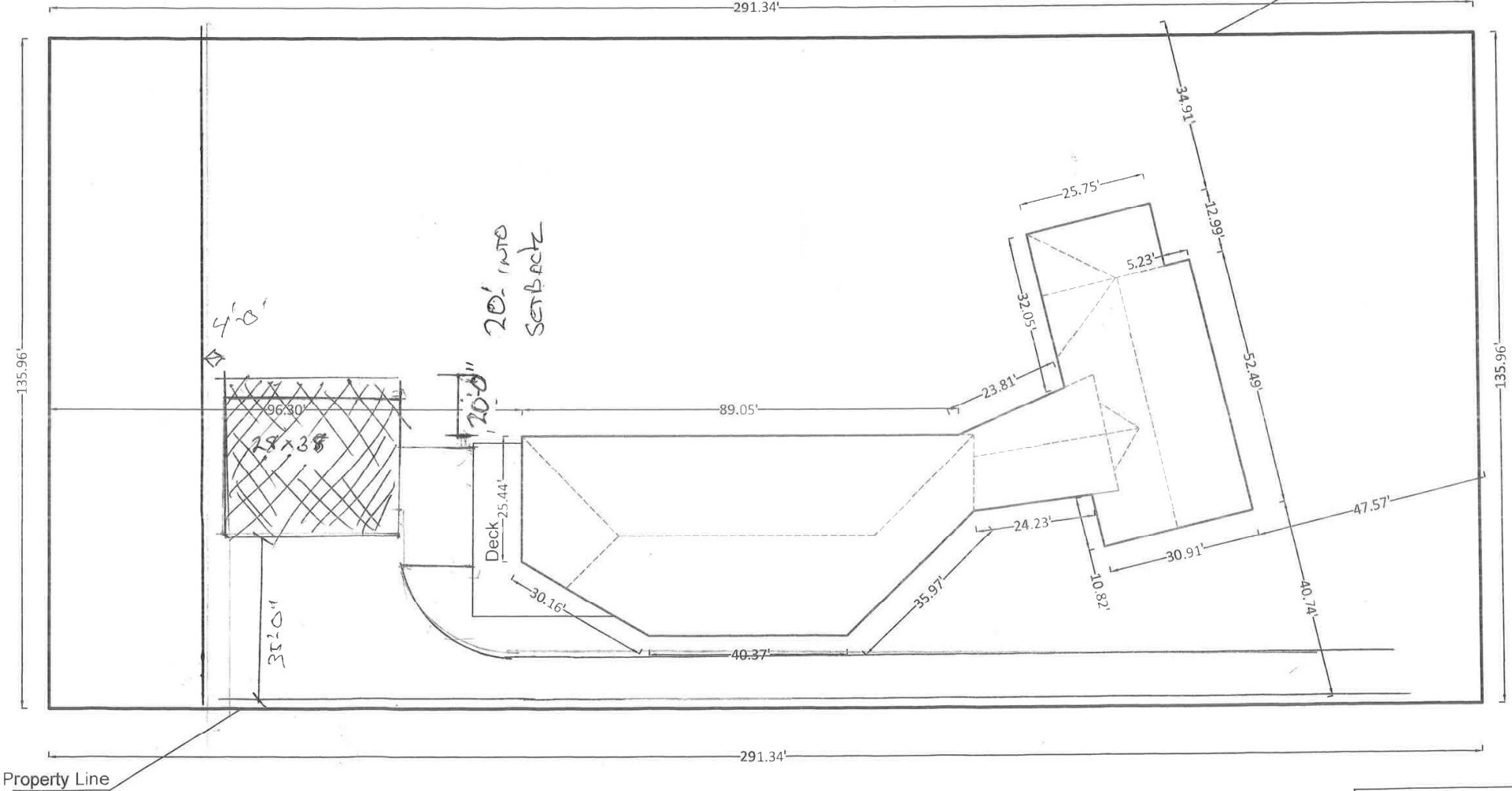
The location of the new garage will be on the southwest corner, It is not near any homes or with in a line of site issues where in it would block a neighbor's view. It is back from Jay just under 90 feet so it will not affect traffic. The neighbor to the west is the Church Their building sits in the set-back as well. The garage will abut their parking lot and will not adversely affect their property.

F. That variance if granted....

There is no risk of harm the person or property if the owner is granted the variance. It will in fact increase the save entrance and exit form this property as at no time will the residence be forced to drive in reverse to enter of exit their property. This will allow for safe passage on 57th as they will not need to back in or out onto 57th St.

Jay Rd

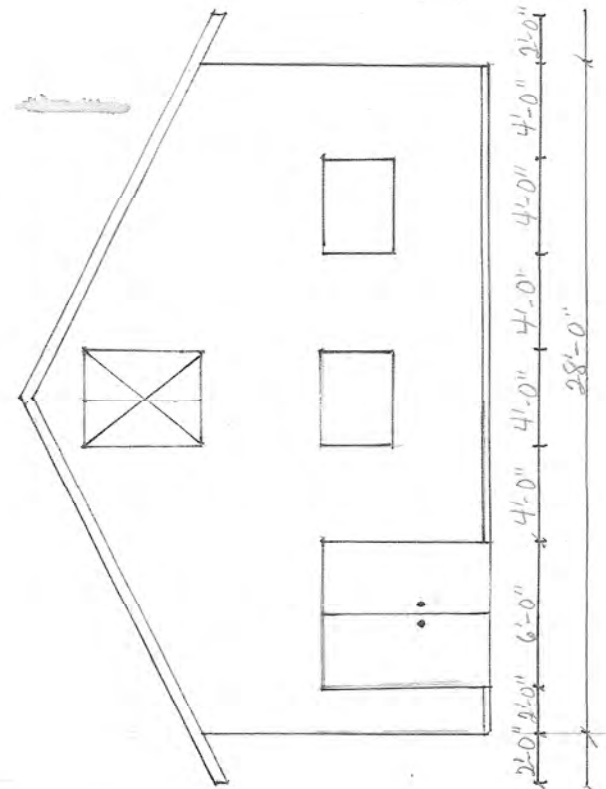
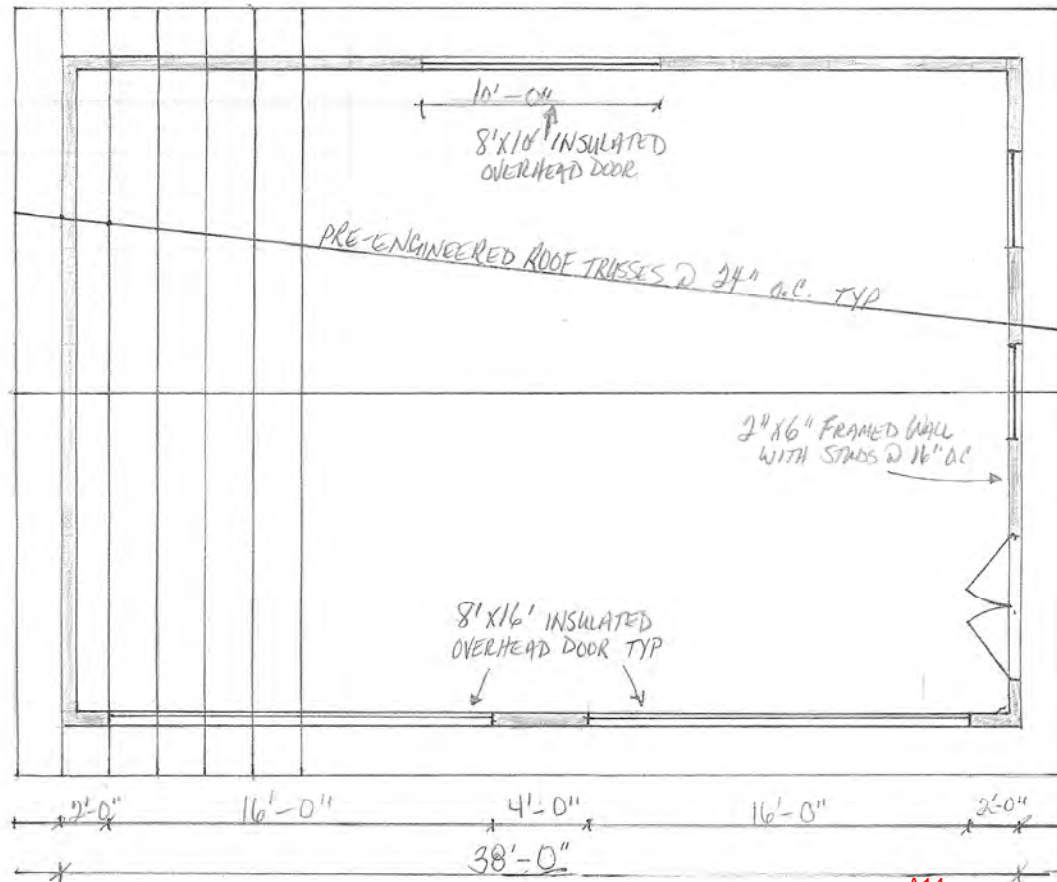
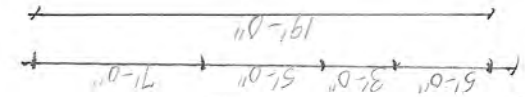
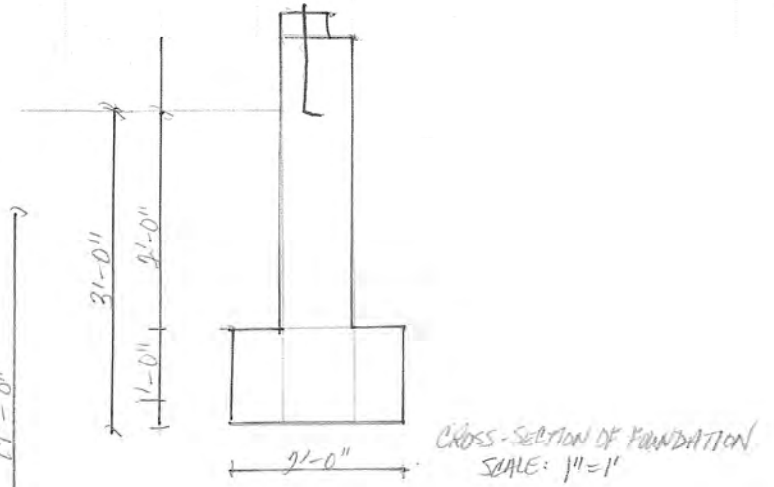
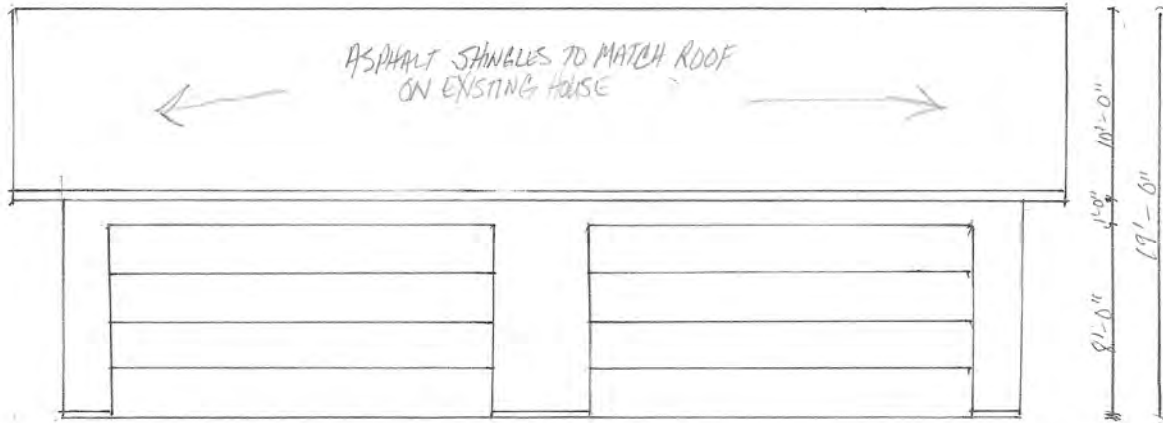
Property Line



57th St



4189 57th St
Boulder, CO 80301
Scale: 1"=20'



4189 57 TH ST, BOULDER, CO 80302	ANDREW & KELLEY HELEN
DETACHED GARAGE	DRAWN BY: RICHARD ROSS 4-30-2022



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

November 29, 2022

TO: Jonathan Tardif, Planner I; Community Planning & Permitting, Development Review Team - Zoning

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

SUBJECT: Docket # VAR-22-0005: Hellen Residence
4189 N 57th street

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

1. The subject property is accessed via North 57th street, 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, an approximately 1,040-square-foot detached garage will be constructed within the 110-foot supplemental setback for Jay Road. At this time, the county has no plans to widen Jay Road at this location.
3. There is no evidence of an existing Access Permit. An Access Permit will be issued 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.



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Building Safety & Inspection Services Team

MEMO

TO: Jonathan Tardif, Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: November 2, 2022

RE: Referral Response, Docket VAR-22-0005: Hellen Setback Variance. Variance request to reduce the supplemental setback from Jay Road along the northern property line from 110' to approximately 90' for construction of an approximately 1,040-square-foot detached garage.

Location: 4189 N 57th Street

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 garage.

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.
 1. **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

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

- iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
2. **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. A separate referral response will be forthcoming from one of the county's wildfire mitigation specialists.
3. **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

Tardif, Jonathan

From: Historic
Sent: Thursday, November 3, 2022 12:39 PM
To: Tardif, Jonathan
Subject: FW: Referral packet for VAR-22-0005: Hellen Setback Variance project at 4189 N. 57th Street

Hi Jonathan,

I've completed historic review for **VAR-22-0005: Hellen Setback Variance**, and I don't have any comments or concerns. I've signed off in accelera.

Best,
 Jessica

From: Milner, Anna <amilner@bouldercounty.org>
Sent: Wednesday, November 2, 2022 12:28 PM
To: Hippely, Hannah <hhippely@bouldercounty.org>; Abner, Ethan <eabner@bouldercounty.org>; Vaughn, Andrea <avaughn@bouldercounty.org>; Flax, Ron <rflax@bouldercounty.org>; Historic <historic@bouldercounty.org>; #CAreferral <CAreferral@bouldercounty.org>; Steve Buckbee <sbuckbee@lefthandwater.org>; chrissmith@lefthandwater.org; BDRCO@xcelenergy.com; Donna.L.George@xcelenergy.com; RanglosC@bouldercolorado.gov; bonnellj@bouldercolorado.gov; ashleym@bouldercolorado.gov; CollinsB@bouldercolorado.gov; brian.a.barnes@faa.gov; BMA@bouldercolorado.gov; drogers@brfr.org; Moline, Jeffrey <jmoline@bouldercounty.org>; Strenge, Ernst <estrenge@bouldercounty.org>; Cavaleri, Keli <kcavaleri@bouldercounty.org>; Frederick, Summer <sfrederick@bouldercounty.org>; Goldstein, Andrew <agoldstein@bouldercounty.org>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.org>; Huebner, Michelle <mhuebner@bouldercounty.org>; Sanchez, Kimberly <ksanchez@bouldercounty.org>; Transportation Development Review <TransDevReview@bouldercounty.org>; West, Ron <rowest@bouldercounty.org>
Cc: Tardif, Jonathan <jtardif@bouldercounty.org>
Subject: Referral packet for VAR-22-0005: Hellen Setback Variance project at 4189 N. 57th Street

Please find attached the referral packet for **VAR-22-0005: Hellen Setback Variance** project at **4189 N. 57th Street**.

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

Best Regards,
 Anna

Anna Milner | Admin. Lead Tech.
Boulder County Community Planning & Permitting

Pronouns: she/her/hers

Physical address: 2045 13th St., Boulder CO 80302

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2638 (Direct)

amilner@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

*My core working hours are 7am-5:30pm Tues - Fri

New: Boulder County has a new website: BoulderCounty.gov! Bookmark it today. Email addresses will transition at a later date.

www.bouldercounty.gov



Invitation to participate!!!

Boulder County Community Planning & Permitting is currently working on a new strategic plan! The plan will be a long-term vision and roadmap for CPP's future and will guide decisions. The plan's recommendations and strategies will be based on the community's vision for the future of Boulder County.

Your input is critical to developing a plan that reflects the values and goals of the community.

To participate please see this link -- <https://berrydunn.mysocialpinpoint.com/boulder-county-cpp-strategic-plan/home>



Parks & Open Space

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

TO: Jonathan Tardif, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: November 17, 2022
SUBJECT: Docket VAR-22-0005, Hellen, 4189 57th Street

Staff has reviewed the submitted materials. Although no significant natural resource impacts would be expected from the proposal, staff has to question if there is a hardship involved.



Public Health

Environmental Health Division

November 20, 2022

TO: Staff Planner, Land Use Department
FROM: Jessica Epstein, Environmental Health Specialist
SUBJECT: VAR-22-0005: Hellen Setback Variance project
OWNER: Hellen

PROPERTY ADDRESS: 4189 N. 57th Street

SEC-TOWN-RANGE: 15 -1N -70

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. BCPH issued a repair permit for the installation of an absorption bed system on 11/5/07. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 6-bedroom house. BCPH approved the installation of the OWTS on 5/6/08.
2. There was a sewer line repair that was done without an OWTS permit in 2022. The current owner must work with BCPH to get that repair approved.
3. Setbacks between all buildings and the OWTS serving this property and OWTS serving neighboring properties, must be in accordance with the Boulder County OWTS Regulations, Table 7-1.
4. **The proposed location for the garage is only 5 feet from the absorption field. If the building will not meet the minimum setback of 10 feet from the absorption field, the location cannot be approved by Public Health.**

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Land Use Department

Tardif, Jonathan

From: Ashley, Matthew <AshleyM@bouldercolorado.gov>
Sent: Thursday, November 17, 2022 9:14 PM
To: Tardif, Jonathan
Subject: [EXTERNAL] VAR-22-0005: Hellen Setback Variance - OSMP No Comments

Hi Jonathan,

OSMP has no comments on this referral.

Thanks,

Matt Ashley
Property Agent
(pronouns: he, him, his)



City of Boulder
Open Space & Mountain Parks

Mobile: (303) 828-6402
ashleym@bouldercolorado.gov

2520 55th St. | Boulder, CO 80301-0791
<https://bouldercolorado.gov/osmp>



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 18, 2022

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

Attn: Jonathan Tardif

Re: Hellen Setback Variance, Case # VAR-22-0005

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

For 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

Letters of Support.

The Hellen Family contacted all the neighbors who live directly adjacent to 4189 N 57th St and provided them with a detail plan of the proposed garage and the application for a variance.

Copies of the detailed proposal are provided with the variance application package.

All the neighbors indicated by a green box on the image below (see Image 1) returned a signed letter of support to the Hellen Family with no objections to the proposed garage or the application for a variance to the setback laws on Jay Rd.

All the neighbors on the north side of Jay Rd fully understand and acknowledge that they own property that also encroaches into the 110ft setback.

The parishioners of St Peter & Paul's Greek Orthodox Church (directly west of 4189 N 57th St) conducted a Parish Council meeting on Monday 9th May to review the Hellen Family's proposed garage plans and they provided their blessing and a signed letter of support for the variance application.

The Hellen Family believe they have conducted their neighborly duty by informing all the adjacent neighbors of their intentions and they gained their neighbors full support.

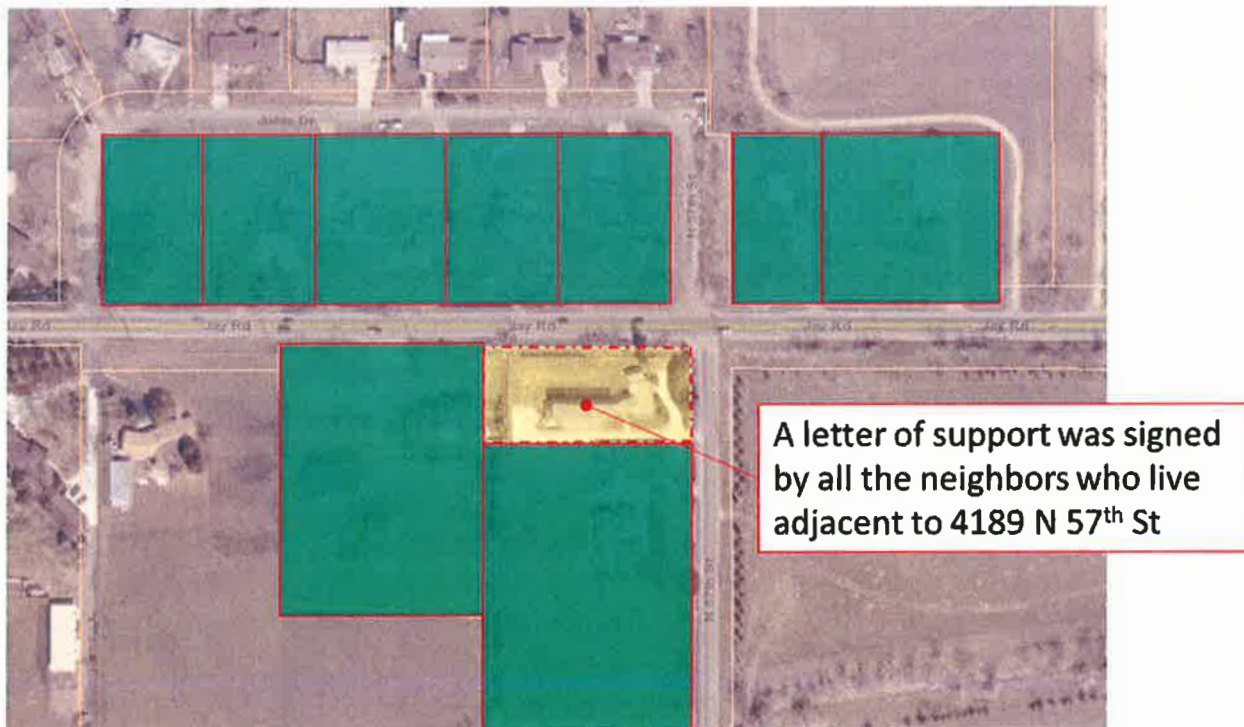


Image 1. Indication of the neighbors who support the Hellen Family's variance application

817-808-1458

Andrew & Kelly Hellen
4189 N 57th St,
Boulder, CO 80301

Date: 9th April, 2022

Subject: Proposed residential garage

Welcome to the neighborhood!!
We just moved in last month.

Justinia

720-938-0199

Dear Neighbor,

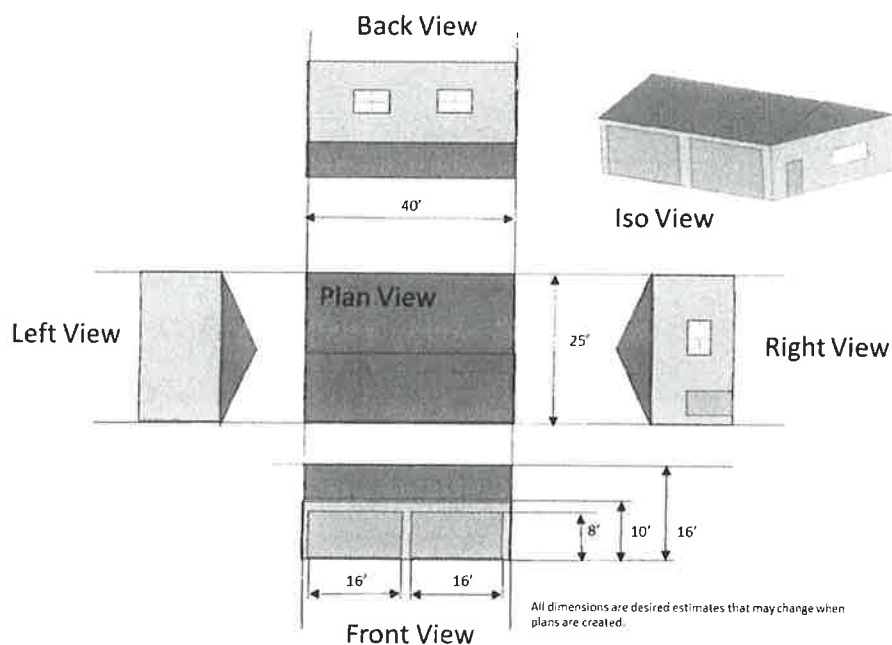
The Hellen family recently purchased 4189 N 57th St and would like to inform you of our desired plans to build a garage on our property and request your support a building permit.

Justification for a garage:

We are all live in a geographical location that can experience substantial snow fall in the winter and potential damaging hail in the warmer months. The property at 4189 N 57th St currently does not have any undercover parking. The Hellen's would like to build a garage to house the family vehicles.

Proposed garage:

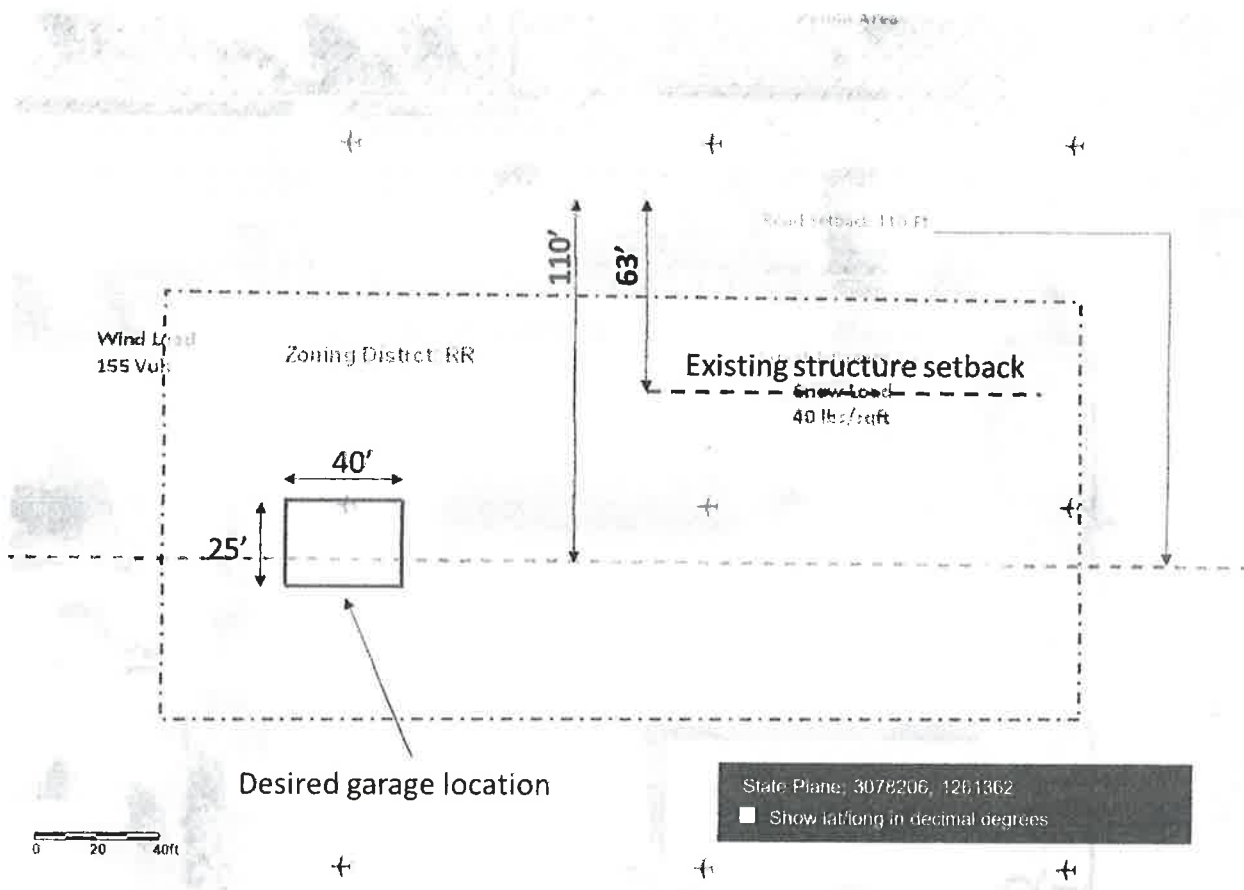
The desired garage would be just big enough for four vehicles to fit with two double doors. The Hellen's currently own two vehicles, but their two children will be eligible to drive in the next five years and a garage with the ability to house four vehicles is based upon future capacity needs. The sketch below provides a visual perspective of the desired garage.



Proposed use:

The purpose of the garage is for private residential use only. The garage will not be used for any commercial or business uses.

The desired and only logical location for a garage to be placed on the property is shown in the image below:



The desired location would place the garage at the end of the driveway with the least possible encroachment into the 110ft setback law from Jay Road. It is equally important that the garage does not block any of the beautiful views of the Flat Irons for the occupants of 4189 N 57th St (the Hellen family) or any of the neighbors on Jay Road.

Environmentally friendly:

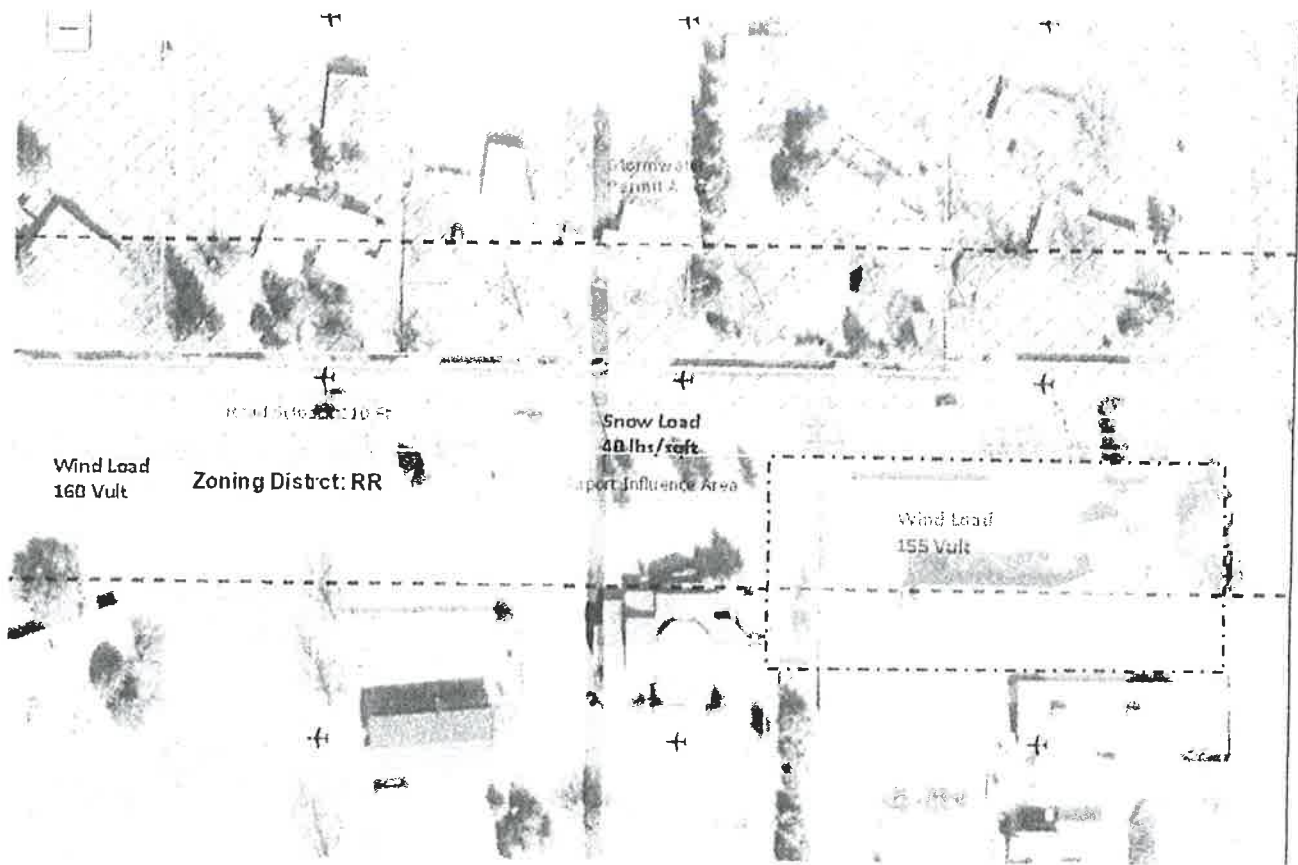
The Hellen family purchased 4189 N 57th St as the house is environmentally friendly through the use of water saving, geothermal energy and ultra-high efficiency insulation. It is the desire of the Hellen family to make 4189 N 57th St as close to a net-zero property as possible.

The design of the proposed garage is different from a conventional garage as the two garage doors are not located on one of the gable ends. The reason for this design feature is to enable photovoltaic solar panels to be positioned on the south facing slope of the garage roof. The desired location of the garage would promote optimal efficiency for the solar panels and enable 4189 N 57th St to be closer to a net-zero residence.

Jay Road Setback law:

Boulder County has very strict building rules and requirements that protect our community and the environment. The properties on Jay road are subjected to certain requirements that are driven by the proximity to the local airport and the proximity to the property boundaries. All properties on Jay road must also comply with the Road Setback law that mandates all new structures must reside 110ft setback from the center of Jay road.

Many properties on Jay road do not comply with the 110ft setback law for many reasons. A section of the structure at 4189 N 57th St was built in the 1950's when setback laws did not exist, does not comply, but the new structure at 4189 N 57th St does comply with the setback law. The image below is taken from the Boulder County property search website and it shows an overlay of the 110ft setback lines on Jay Road.

**Desired location for the garage:**

In order to build a garage at 4189 N 57th St that provide sufficient access for a vehicle to safely enter or exit a garage on the driveway, that has sufficient room to safely turn-around would require a garage structure that would violate the 110ft setback law on Jay Road.

There is no other possible location on the entire property of 4189 N 57th St where a garage could be built that would not violate the 110ft setback law on Jay Road.

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

As previously mentioned, Boulder County has very strict building rules and requirements that protect our community and the environment. Any violations of the building rules and requirements requires a variance to be approved before a building permit can be granted.

The proposed and only logical location for a garage to be built on 4189 N 57th St. will require a variance of roughly 15 feet encroaching in to the 110ft setback law from Jay Road.

Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) VICTORIA VIGDEN


Name (print) JOHN MARTIN

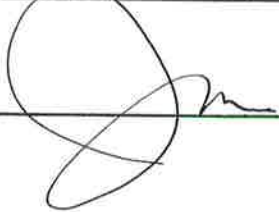
Address 5639 JUHLS DRIVE

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed  Date April 9, 2022

Signed  Date April 9, 2022

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

As previously mentioned, Boulder County has very strict building rules and requirements that protect our community and the environment. Any violations of the building rules and requirements requires a variance to be approved before a building permit can be granted.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) JESSICA HAMMERSTONE

Name (print) JIM HAMMERSTONE


Address 5617 JAY RD

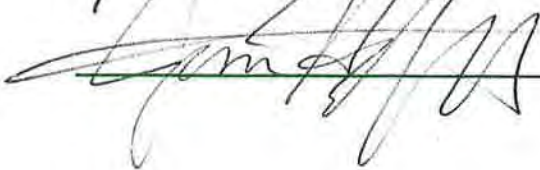
BOULDER CO. 80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed  Date 4/8/22

Signed  Date 4/8/22

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) STEVEN DZILVELIS - PRESIDENT OF PARISH COUNCIL

Name (print) STs. PETER + PAUL GREEK ORTHODOX CHURCH

Address 5640 JAY ROAD

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed  Date 5/13/22

Signed _____ Date _____

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) Brant Turney

Name (print) Laurie Turney

Address 5690 Tahls Dr.

Boulder, CO

80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed Brant Turney Date 4/13/2022

Signed Laurie Turney Date 4/13/22

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) Brent Vaughn

Name (print) Sara Vaughn

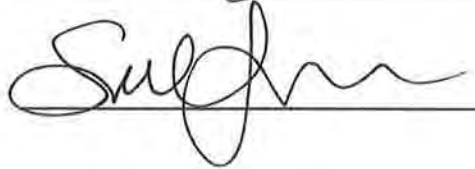
Address 4165 57th St.
Boulder, CO 80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed  Date 4-20-22

Signed  Date 4-20-22

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

As previously mentioned, Boulder County has very strict building rules and requirements that protect our community and the environment. Any violations of the building rules and requirements requires a variance to be approved before a building permit can be granted.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print)

Rob Range

Name (print)

Address

5861 Julek Dr

Boulder CO 80301

303-859-1152

Statement:

I/~~We~~ have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/~~We~~ understand that the garage will violate the 110ft setback law from Jay Road and I/~~We~~ support the Hellen Family's request for a variance.

Signed



Date

5/1/22

Signed

Date

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) MICHAEL HOWARD

Name (print) PATRICIA MURPHY

Address 5721 JAY RD

BOULDER CO 80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed  Date 4/20/22

Signed Michael Howard Date 4/20/22

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

As previously mentioned, Boulder County has very strict building rules and requirements that protect our community and the environment. Any violations of the building rules and requirements requires a variance to be approved before a building permit can be granted.

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Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) CHARLIE DANATHER

Name (print) ROSE VALENTINE

Address 5145 Jay Rd

Boulder 80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed Charlie Danather Date 4-19-2022

Signed Rose Valent Date 4-19-2022

Variance:

It is the Hellen family's desire to perform their neighborly duty and inform their neighbors of their desired intentions to build a garage at 4189 N 57th St.

As previously mentioned, Boulder County has very strict building rules and requirements that protect our community and the environment. Any violations of the building rules and requirements requires a variance to be approved before a building permit can be granted.

The proposed and only logical location for a garage to be built on 4189 N 57th St. will require a variance of roughly 15 feet encroaching in to the 110ft setback law from Jay Road.

Neighborly request:

The Hellen Family requests your support of their desired plans to build a garage to support their request for a variance to the 110ft setback law from Jay Road.

Please fill out the following if you support the Hellen Family's request:

Name (print) Tracy White

Name (print) _____

Address 5672 JUHLS DR
BOULDER, CO
80301

Statement:

I/We have no objections to the proposed garage to be built at 4189 N 57th St. as explained in this proposal.

I/We understand that the garage will violate the 110ft setback law from Jay Road and I/We support the Hellen Family's request for a variance.

Signed [Signature] Date 5/17/22

Signed _____ Date _____