

RESOLUTION 2023-016

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-22-0026: Jones Family Care Unit

Recitals

A. Judy Jones (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) for an existing 800-square-foot Family Care Accessory Dwelling Unit (“ADU”) on an approximately 1.72-acre parcel.

B. The subject property is located at 6605 N. 63rd Street (parcel no. 131734000006), at the northwest corner of its intersection with Monarch Road, in Section 34, Township 2 North, Range 70 West, in a Rural Residential zoning district in unincorporated Boulder County (the “Property”).

C. The Property has an existing 3,058-square-foot residence, a 1,660-square-foot detached accessory structure (the “garage”), and an approximately 200-square-foot detached agricultural accessory structure.

D. The first floor of the garage is listed on the application as 860 square feet and the second as 800 square feet. The second floor has its own kitchen and full bathroom. The Applicant has proposed converting the second floor of the garage to an ADU for use by a family caretaker.

E. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting (“CPP”) Docket LU-22-0026 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by the CPP Department planning staff dated February 2, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

F. At a public hearing on the Docket held on February 2, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by the CPP Department staff. The Board also heard testimony from Applicant Judy Jones. One member of the public spoke at the Public Hearing.

G. Based on the Public Hearing, the Board finds that the Docket meets the criteria in Article 4-601 of the Code for Limited Impact Special Use approval for the proposed ADU, subject to the conditions stated below.

H. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves

Docket LU-22-0026 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall comply with all applicable requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to, required sprinklering and the BuildSmart energy efficiency and sustainability requirements.

2. The Family Care ADU shall be limited to a maximum of 700 square feet. Prior to recordation of the approval for the Family Care ADU with the county Clerk, the Applicant must submit a new floor plan to Community Planning & Permitting showing how the Family Care ADU will be limited to 700 square feet or less. The Applicant must either completely separate a portion (a minimum of 100 square feet) of the second story of the detached structure from the Family Care ADU or deconstruct a portion of the existing structure to reduce the total size of the detached structure to 700 square feet or less. Separation of space from the Family Care ADU is only achievable through installing sufficient firewall suppression between the Family Care ADU and the separated space, and no entry way is allowed between the two spaces. If a portion of the detached structure is proposed to be separated from the Family Care ADU, the plans must show how that separation will occur.

3. Per the requirements of Article 4-516.G.5 of the Code, the owner must submit an annual report to the Community Planning & Permitting Department indicating that the purpose for which the ADU was approved has not changed, and that the ADU continues to be occupied in accordance with the approval. In addition, the ADU may only be used as approved through this Limited Impact Special Review under Article 4-516.G.5. If a change in use is deemed to be a substantial modification of the approval, the approval will be terminated, and the ADU must be removed or decommissioned.

4. The Applicant shall obtain a Building Permit, Inspections, and a Certificate of Occupancy for the ADU. The Certificate of Occupancy will be contingent upon the installation, inspection, and approval of the related Onsite Wastewater Treatment System permit (MAJP-2021-0095).

5. Per Article 4-516.G.5 of the Code, prior to the issuance of any building permits for the Family Care ADU, the Applicant must submit a signed affidavit that has been reviewed and approved by county staff that recognizes the conditions of approval for this docket. County staff will record the signed affidavit. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0026 Jones Family Care Unit.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Ashley Stolzmann, and passed by a 2-0 vote. Commissioner Claire Levy was excused from the hearing.

ADOPTED as a final decision of the Board on this _____ day of February 2023.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Excused February 2, 2023
Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board