

RESOLUTION 2023-030

A resolution conditionally approving Boulder County Community Planning & Permitting Docket EP-22-0007: Scharff Exemption Plat

Recitals

A. Alan and Julie Scharff (the “Applicants”) applied to Boulder County for an Exemption Plat under Article 9 of the Boulder County Land Use Code (the “Code”) for an adjustment to the platted building envelope for Lot 19 of the Niwot Meadow Farm subdivision.

B. The subject property is located at 8595 Niwot Meadow Farm Road, approximately 0.4 mile east of its intersection with N. 83rd Street, in Section 30, Township 2 North, Range 69, in a Rural Residential zoning district in unincorporated Boulder County.

C. The Property is located at the eastern end of Niwot Meadow Farm Road and is within the Niwot Meadow Farm subdivision. The subdivision is a Planned Unit Development platted in 1995 through SD-95-0010. The subdivision is located east of Colorado Highway 119 and is one of several small residential subdivisions in the Niwot area.

D. As part of the 1995 platting, building envelopes were established for each lot within the subdivision. These building envelopes intended to limit and direct the location of development on the lots. In the Niwot Meadow Farm subdivision, the building envelopes generally kept development toward the front of the parcels and are generally of a similar size to those on adjacent parcels.

E. The Applicants requested that the building envelope be amended to allow the Applicants to expand their existing deck at the rear of the existing residence. A portion of the proposed expansion is located outside of the existing building envelope; the existing building envelope ends approximately 110 feet from the rear lot line. The proposed deck expansion would extend approximately 7.9 feet beyond the existing building envelope.

F. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket EP-22-0007 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated March 28, 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.

G. At a public hearing on the Docket held April 4, 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 County Community Planning & Permitting Department planning staff and the Applicants. No members of the public

spoke at the Public Hearing.

H. Based on the Public Hearing, the Board finds that the Docket meets the applicable criteria for an exemption plat under Article 9-400 of the Code, subject to the conditions stated below.

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

Therefore, the Board resolves:

Docket EP-22-0007 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants must comply with all applicable post-approval requirements for a final plat/replat as listed in Article 3-206.D of the Code within one year after the date of approval by the Board, unless an extension(s) of time is granted as allowed in Article 9-300 of the Code.

2. The building envelope expansion must be limited to the area necessary for the construction of the deck as proposed in the submitted application materials.

3. To ensure that the overall bulk and massing of the proposed development in the expanded building envelope has minimal visual impacts to the surrounding properties, the sections of the deck in the expanded building envelope may not have any roof structure over them, and any extension of the existing roof may only occur within the building envelope as originally established through SD-95-0010.

4. Prior to issuance of building permits, one (1) copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval. Down lighting is required, and all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure, and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan must be included as part of the building plan set required at the time of permit application. Additionally, at the final inspection, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

5. The Applicants shall be subject to the terms, conditions and commitments of record and in the file for Docket EP-22-0007: Scharff Exemption Plat.

[Signature Page to Follow]

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

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

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

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Excused April 4, 2023

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board