



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

BOULDER COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

Wednesday September 4, 2024 4:00 P.M.

PUBLIC HEARING

STAFF PLANNER: Wesley Jefferies, Planner I

RECOMMENDATION: Staff recommends approval of the variance request

Docket VAR-24-0002: Murphy Schmidt Setback Reductions

Request: Request to reduce the front yard setback along Jasper Drive from 35 feet (required) to 5.6 feet (proposed) and the side yard setback from 7 feet (required) to 3 feet (proposed) to permit an existing wellhouse and to reduce the front yard setback from 35 feet to 13.5 feet to construct a residential accessory structure.

Location: 220 Jasper Road, approximately 0.75 miles south of the intersection of State Highway 7 and Old St Vrain Rd, in Section 30, Township 3N, Range 70.

Zoning: Agricultural (A) Zoning District

Applicant/Owner: Andrew Schmidt & Danielle Murphy

PACKET CONTENTS:

Item	Pages
○ Staff Recommendation	1 – 7
○ Application Materials (Attachment A)	A1 – 22
○ Referral Agency Responses (Attachment B)	B1 – 7

SUMMARY

The applicants request a reduction in the required front yard setback along Jasper Drive from 35 feet to 5.6 feet, as well as a reduction in the required side yard setback from 7 feet to 3 feet to permit an existing well house. The applicants additionally request a reduction in the required front yard setback along Jasper Drive from 35 feet to 13.5 feet to construct a residential accessory structure. The well house currently exists on the property, while the residential accessory structure is proposed to be constructed in approximately in the same location as an existing garage. Staff recommends that this variance request be approved 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 within the Lyons Park Estates subdivision, approximately 1 mile south of the Town of Lyons. The property is approximately 2.2 acres in size, is located in the Agricultural zoning district, and is a legal building lot. Access to the parcel is via an existing driveway onto Jasper Road.

The Lyons Park Estates subdivision was approved on September 24, 1964, and the plat was recorded on October 1, 1964. On November 19, 1964, the subject property, Lot 13, was sold to the first private owner without the west 80 feet of the lot. Directly south of the subject property, Lots 14 and 15 also had the west 90 feet removed, and Lot 19 had the west 95 feet removed. The etiology of this configuration alteration is unclear; however, it appears that it was the result of a boundary line dispute. A pair of recorded Lis Pendens between the Third-Equity Corporation/Lyons Park Estates (the subdivided entities) and Edward & Eleanor J Matsen (the owners of the property along the western boundary of Lyons Park Estates) indicate legal action between these entities regarding boundary disputes. Though the available notices do not reference the subject lot specifically, Edward & Eleanor J Matsen were the eventual owners of the west 80 feet of Lot 13.

Consequently, shown in Figure 1 below, this resulted in an irregular shape for the subject property that is not present in Lots 14 and 15 and deviation from the approved plat.

The well house is located in the northern “neck” of the subject property, where the property narrows to approximately 28 feet. Based on staff analysis of building permit records and historic aerial photography, the well house appears to have been constructed between when the residence was constructed in 1969 and in or prior to 1977 when it appears in aerial imagery (see Figure 2 below). The proposed residential accessory structure is located southeast of the residence, sharing approximately the same footprint as the existing detached garage. The applicants refer to the structure as a carport, but as it is enclosed on three sides and therefore does not meet the definition of carport (Article 18-123A). Similar to the well house, the garage was constructed after the residence and in or prior to 1977.

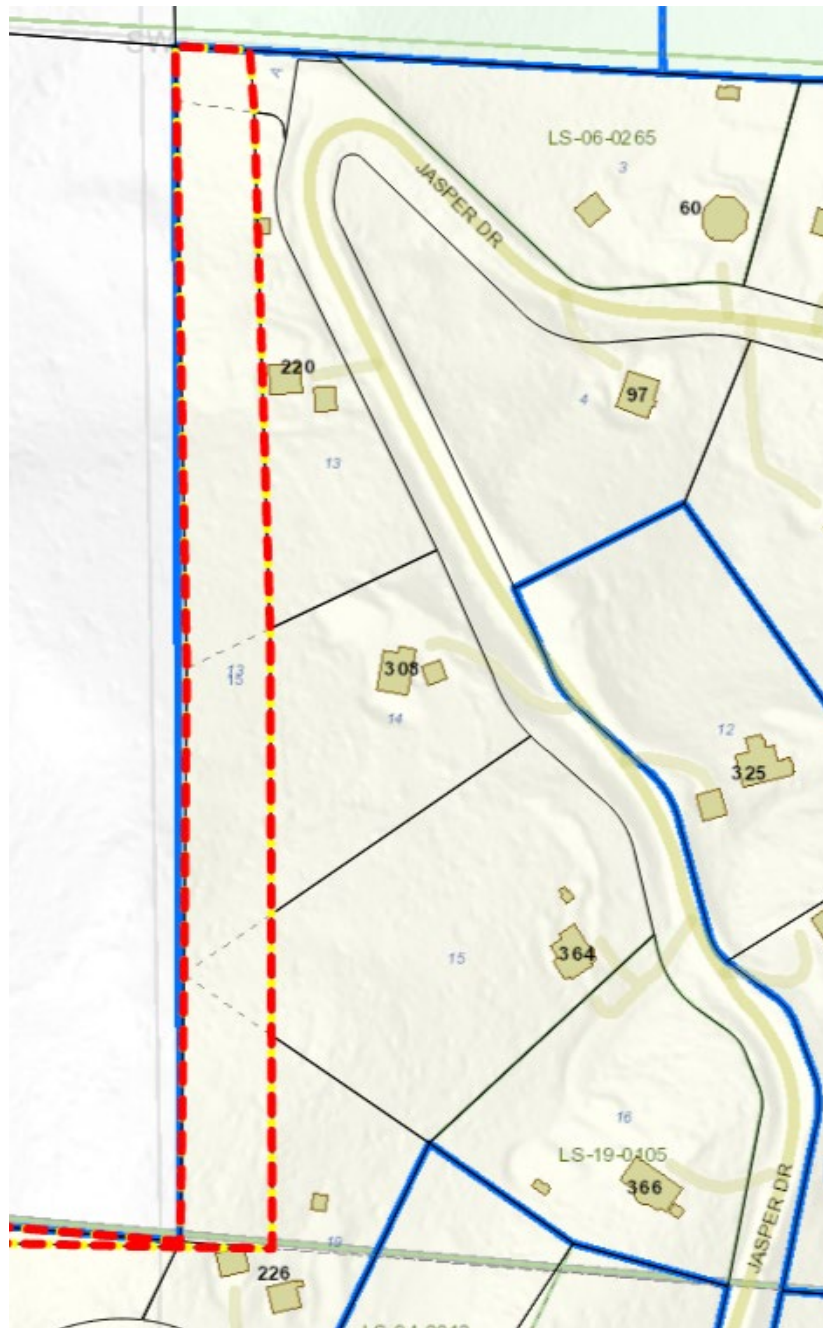


Figure 1: Map of Lyons Park Estates, Lots 3-4, 12-16, and 19, showing configuration of lots and portions divided off after platting.

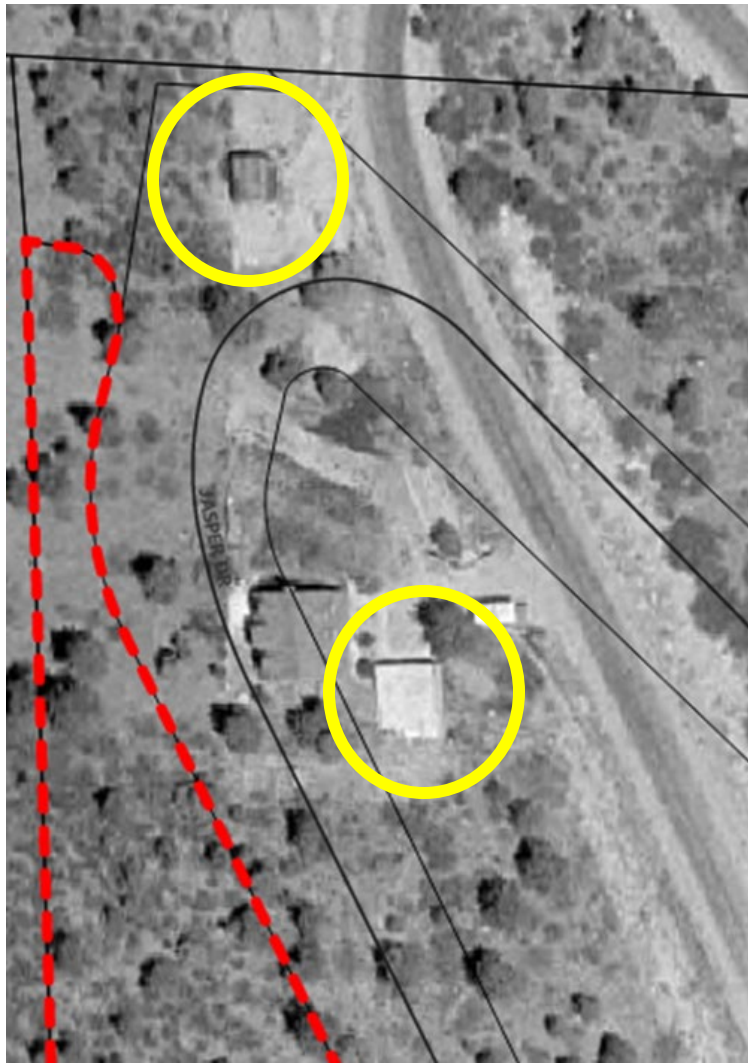


Figure 2: 1977 Aerial detail photo, showing existing wellhouse and garage circled in yellow. Note, the aerial imagery does not align with drawn parcel boundaries.

The applicants acknowledge that the existing well house and garage are non-compliant with the 7-foot and 35-foot setbacks and assert that the garage has structural deficiencies that require replacement. The applicants further assert that, due to the severe slope of the property to the south and the narrowness of the lot, there are not other suitable locations for such construction.

Staff assessment of this proposal generally concurs with the applicants' assertions. The area of the 2.2-acre subject property that is outside of the required setbacks is approximately 0.61 acres. The property is exceptionally narrow. The area to the south of the existing residence steeply slopes and would require significant, earthwork and site disturbance to make it suitable for construction. The area to the north of the residence is occupied by the components of the onsite waste treatment system and would preclude otherwise acceptable development.

For these reasons, staff finds that the proposal can meet the Variance criteria described in the Code, and therefore recommend that both requested setback reductions be approved.

REFERRALS

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

Boulder County Building Safety & Inspection Services Team: This team expressed no concerns with the variance request and noted requirements for the accessory structure and unpermitted well house enclosure if it is approved, including a building permit, wind and snow loads, ignition-resistant materials and defensible space, and Plan Review.

Boulder County Wildfire Mitigation Team: This team supports the reduction of setbacks to the existing distance or 13.5 feet as proposed; conversion from a “carport” to a garage significantly reduces the risk of structure ignition during a wildfire. The Wildfire Mitigation team noted there is sufficient space to create and maintain defensible space around the proposed accessory structure. The team states that there are no wildfire concerns around the existing well house. The team noted building code requirements for the detached accessory structure if it is approved, including ignition-resistant materials, defensible space, emergency water supply, and emergency vehicle clearance.

Agencies indicating no conflicts: Boulder County Historic Preservation Team, Boulder County Public Health, and Boulder County Development Review Team – Access & Engineering (DRT A&E).

Agencies that did not respond: Boulder County Long Range Planning, Boulder County Assessor, Boulder County Attorney’s Office, Boulder County Parks & Open Space Real Estate Team, Boulder County Sheriff, Boulder County Treasurer, Boulder County Surveyor, Town of Lyons Community Development Department, Northern Colorado Water Conservancy District, St. Vrain & Left Hand Water Conservancy District, Poudre Valley REA, US Fish & Wildlife Service, and Lyons Fire Protection District.

Adjacent Property Owners – 32 referrals were sent to nearby property owners, and staff received no responses from any member of the public.

CRITERIA ANALYSIS

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

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

Staff finds that the subject parcel is encumbered by extraordinary or exceptional physical circumstances, specifically extreme narrowness and significant slope. There is little suitable building area located outside of the 35-foot front setback, particularly in the northern portion of the property. From the northern point of the property, there is no area of the property outside of both the 35-foot and 7-foot setbacks, for approximately 215 feet. The 0.61 acres of the parcel that is outside of the required setback and not yet developed is steeply sloped in such a manner that development would require significant earthwork and site disturbance.

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;

Strict application of the Code would require the property owner to severely alter the landscape and drainage patterns of the property, directly uphill from the residence.

Therefore, staff finds this criterion is met.

(c) The hardship is not self-imposed;

Staff research indicates that the hardship directly relates to the physical characteristics and configuration of the lot as platted in 1964 and modified as a result of the boundary disputes.

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 does not anticipate that the proposed variance will adversely affect the uses of adjacent properties as permitted under the Code, nor has any referral agency 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 does not have concerns that the variance will change the character of the zoning district in which the property is located if granted. Aerial photographs of the area around the subject parcel indicate that many nearby properties also have development that approaches, or possibly encroaches, on the required supplemental setbacks.

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.

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

Therefore, staff finds this criterion is met.

RECOMMENDATION

As discussed above, staff find that all of the criteria for a variance can be met. Therefore, Community Planning & Permitting staff recommend that the Board of Adjustment **Approve Docket VAR-24-0002: Murphy Schmidt Setback Reductions**, subject to the following conditions:

1. The required side yard setback at the shed 7 feet (required) to 3 feet (approved).
2. The required front yard setback at the shed is reduced from 35 feet (required) to 5.6 feet (approved).
3. The required front yard setback at the garage is reduced from 35 feet (required) to 13.5 feet (approved).
4. 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.
5. All future development is subject to applicable permitting and setback requirements.

6. 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) 220 Jasper Drive, Lyons, CO 80540			
Subdivision Name Lyons Park Estates			
Lot(s) 13	Block(s)	Section(s) 30	Township(s) 3N
Area in Acres 1.15 ac	Existing Zoning A - Agricultural	Existing Use of Property Residential - Single Family Dwelling	Number of Proposed Lots 1 existing lot
Proposed Water Supply Well (existing)		Proposed Sewage Disposal Method Septic Tank / Drainfield (existing)	

Applicants:

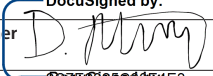
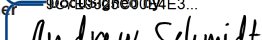
Applicant/Property Owner Andrew Schmidt & Danielle Murphy			Email Address schmi5f5@gmail.com / dmm1686@gmail.com	
Mailing Address 220 Jasper Dr.				
City Lyons	State CO	Zip Code 80540	Phone 7203257456	Fax
Applicant/Property Owner/Agent/Consultant Alex Molkentin - Fernhill Build Studio			Email Address alex@fernhillbuildstudio.com	
Mailing Address PO Box 1840				
City Lyons	State CO	Zip Code 80540	Phone	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 Danielle Murphy	Date 6/3/2024
Signature of Property Owner 	Printed Name Andrew Schmidt	Date 6/3/2024

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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Location

220 JASPER

 Subject Parcel

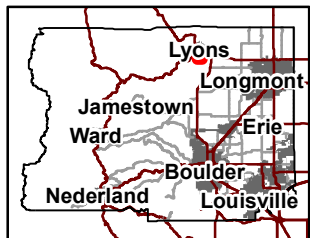
Subdivisions

 Subdivisions

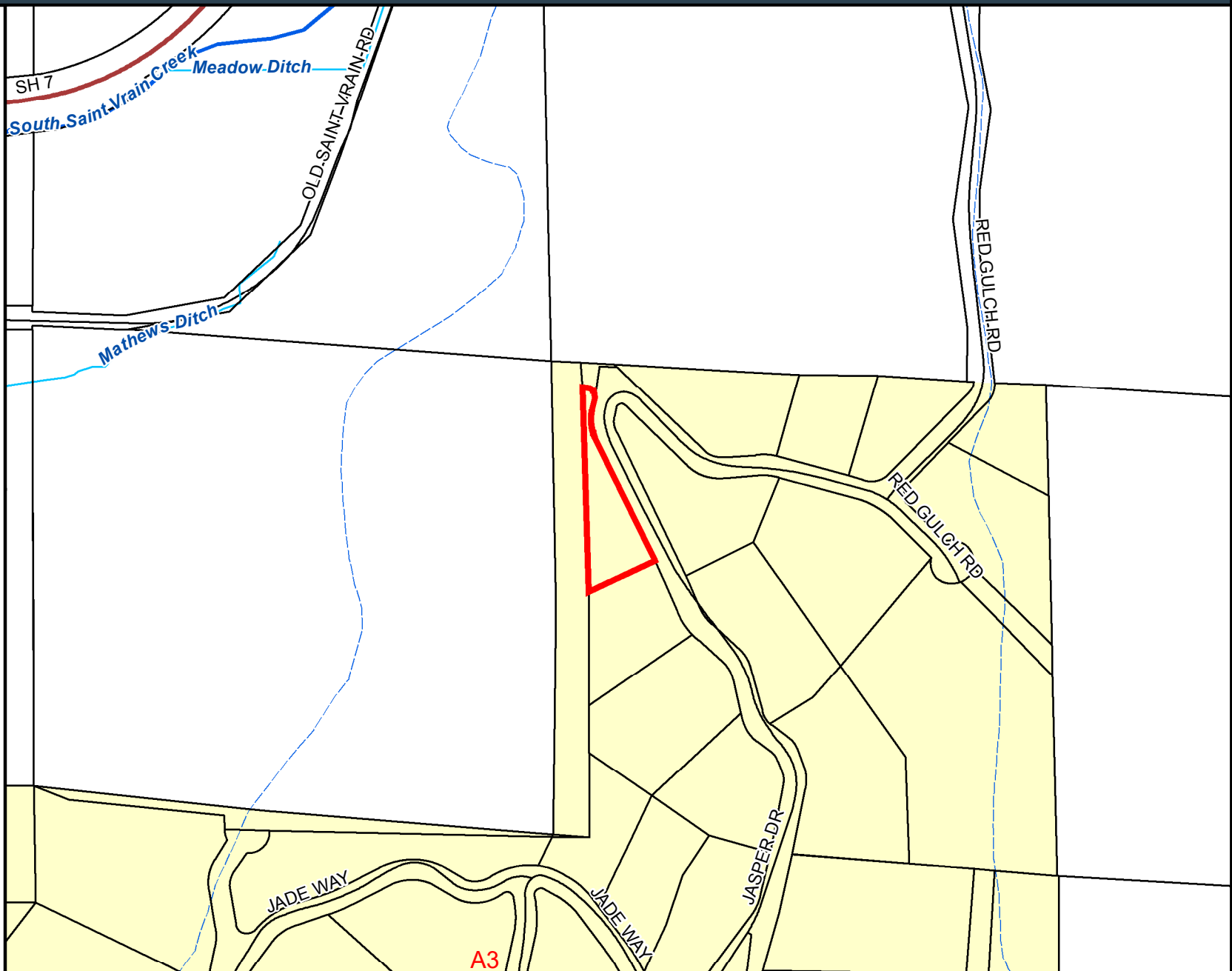
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Miles



Area of Detail Date: 6/4/2024



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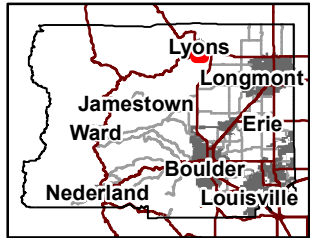
Aerial
220 JASPER

 Subject Parcel

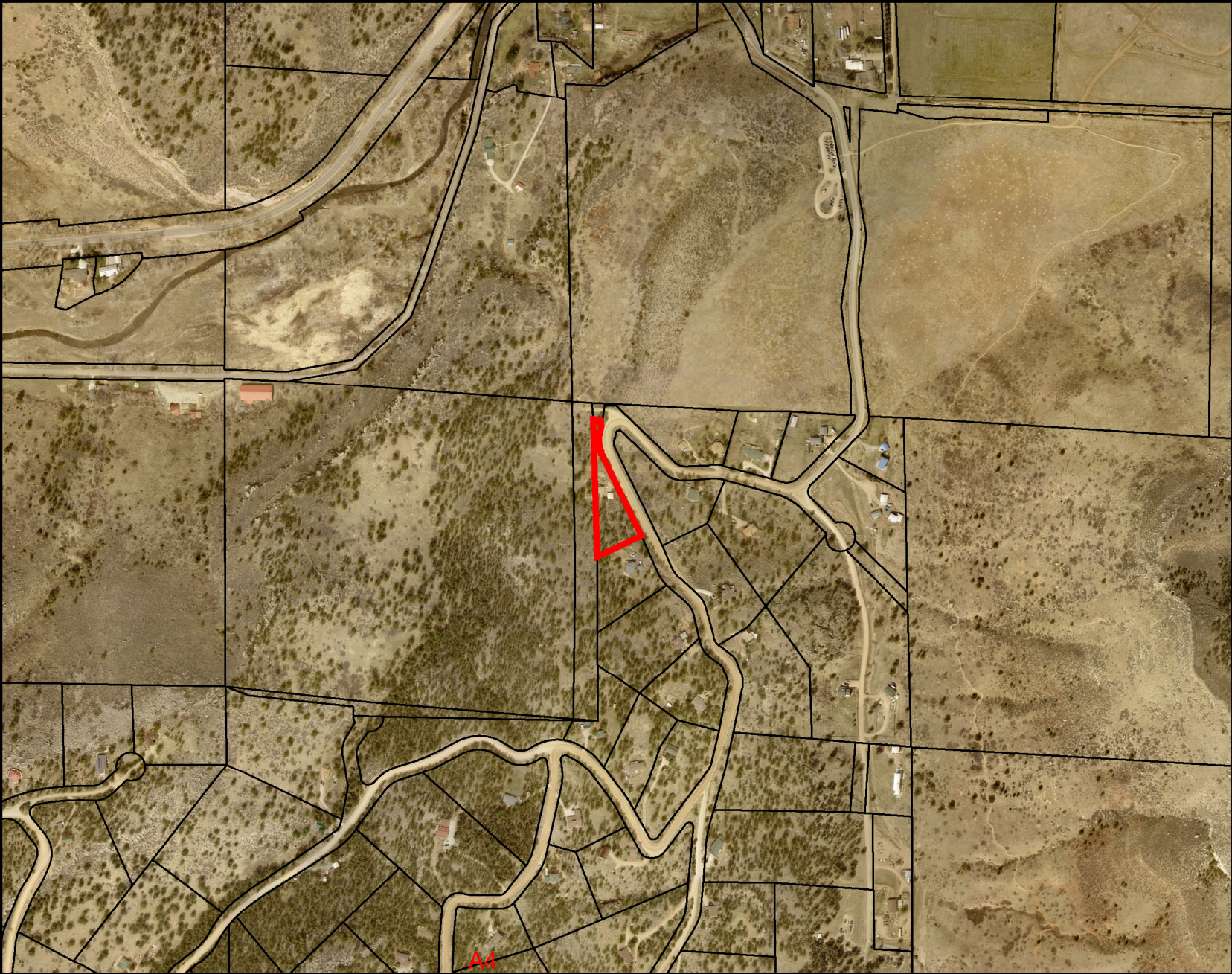
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Miles



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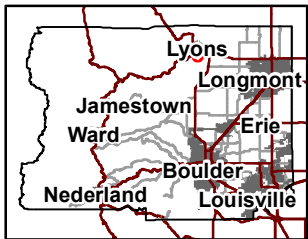
Aerial
220 JASPER

 Subject Parcel

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Miles



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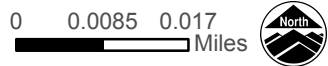
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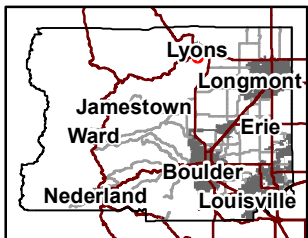
Comprehensive Plan

220 JASPER

-  Subject Parcel
-  Significant Natural Communities



Area of Detail Date: 6/4/2024



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A6



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Zoning

220 JASPER

 Subject Parcel

Zoning Districts

 Agricultural

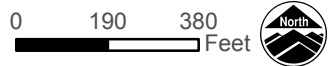
Ditch Setbacks

 20 feet

 50 feet

Major Road Setbacks

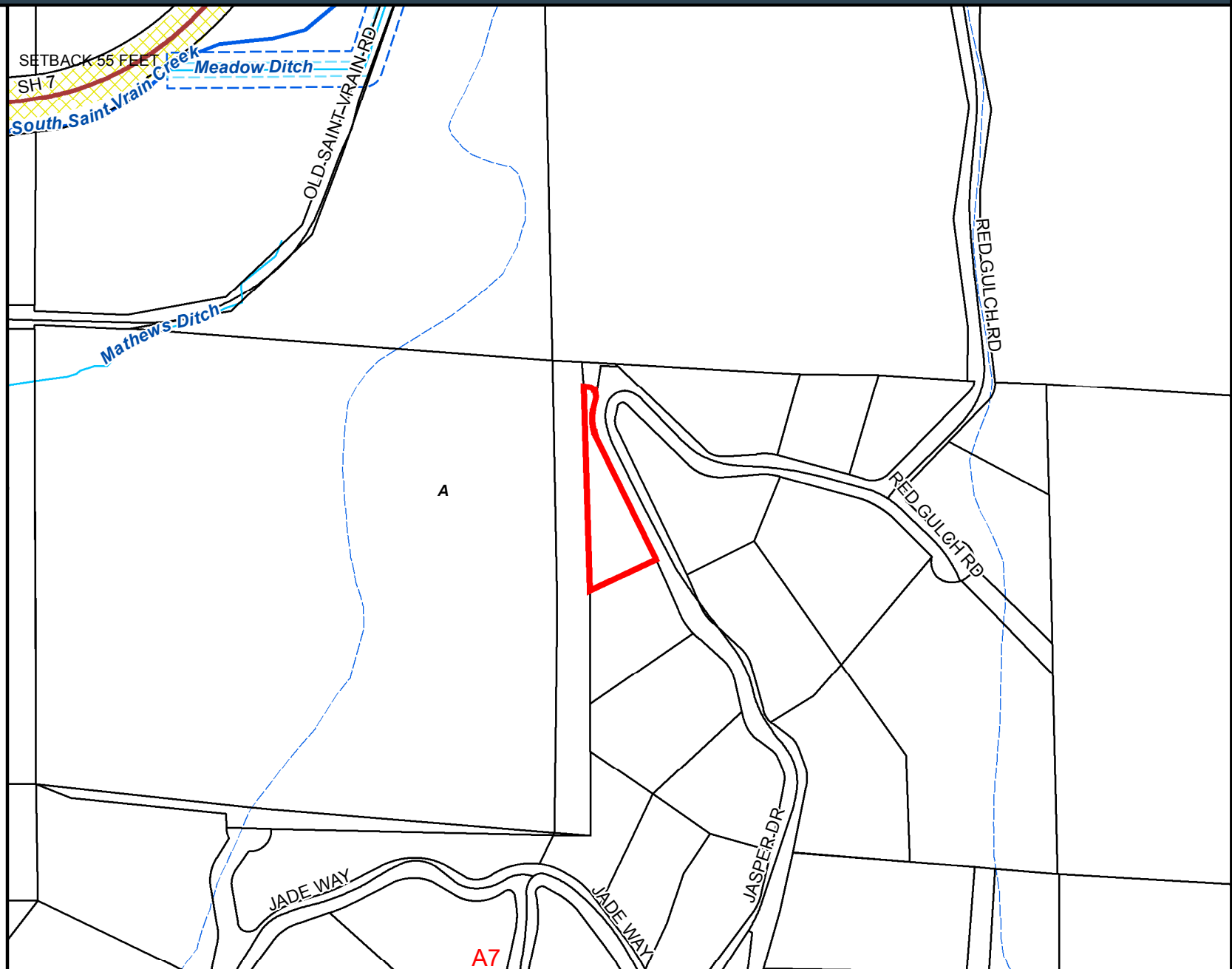
 55 feet



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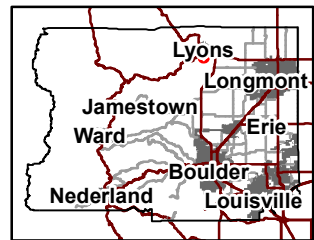
Elevation Contours

220 JASPER

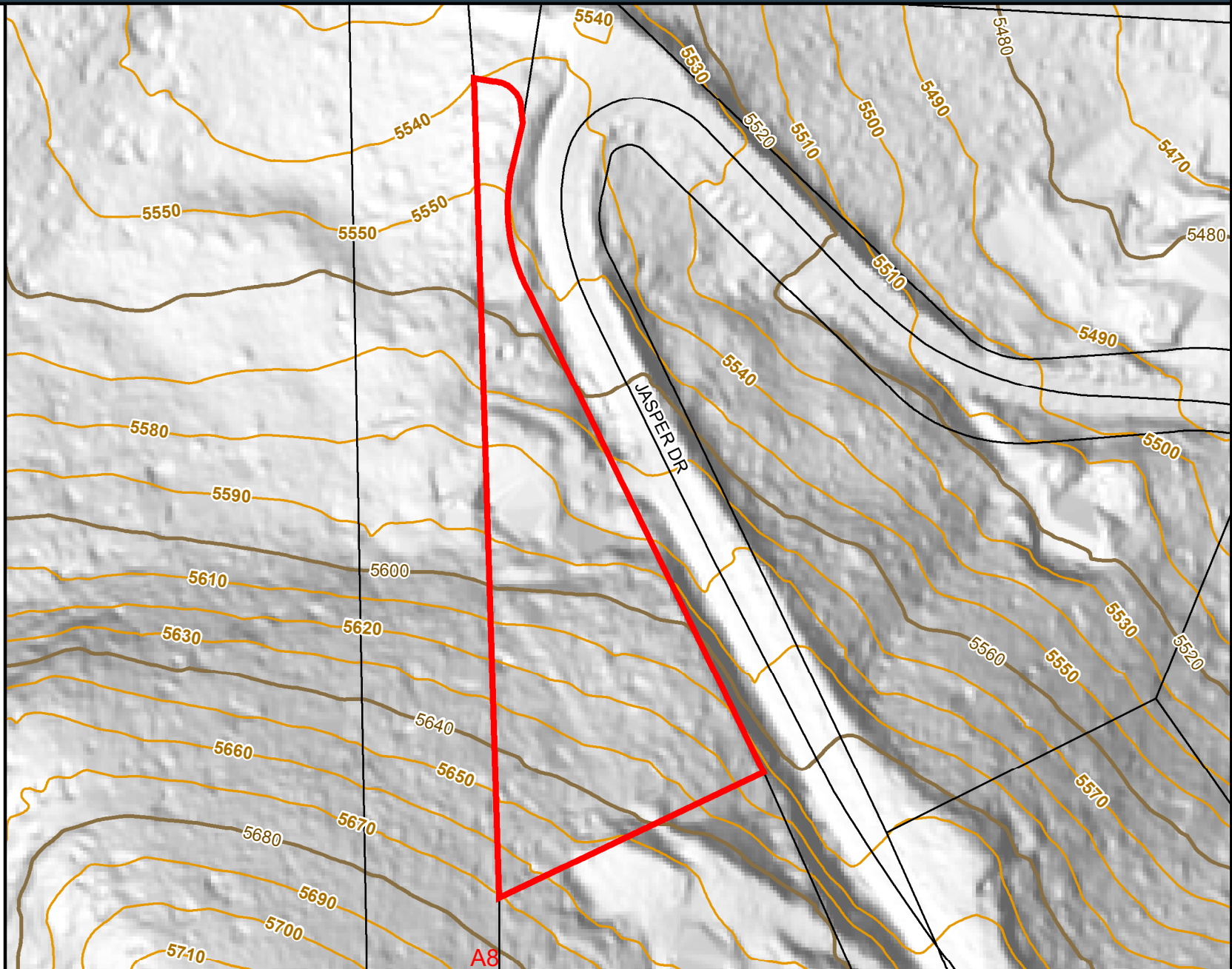
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-  Contours 40'
-  Contours 10'

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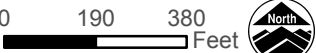
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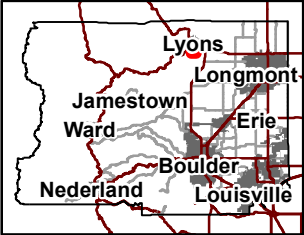
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220 JASPER

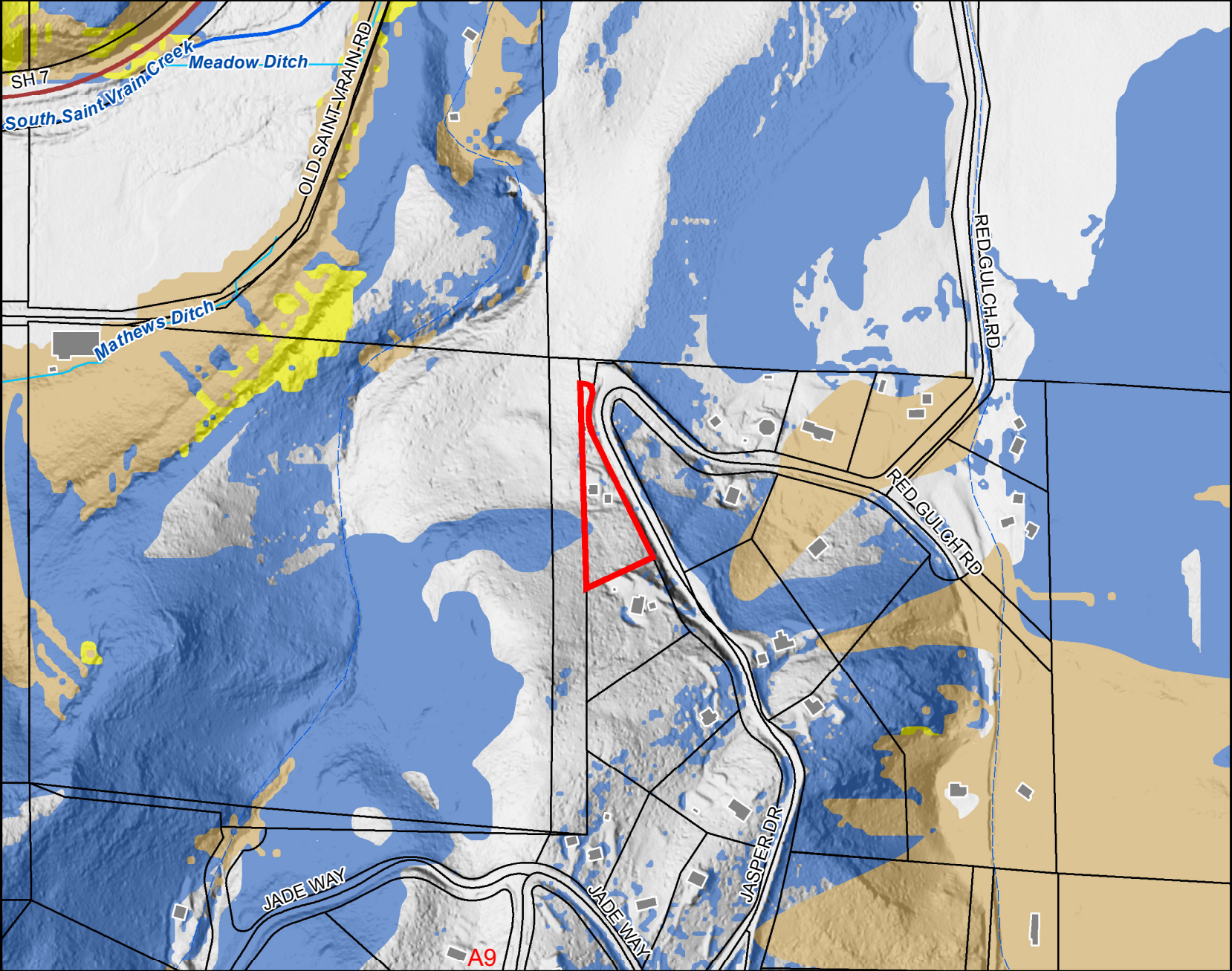
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Planning Areas

220 JASPER

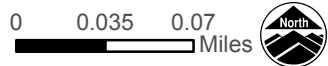
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 Active IGA
Boundary

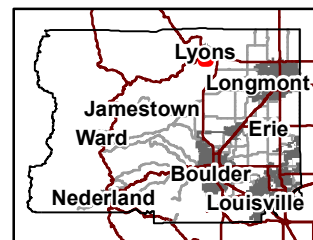
Active IGA Designation

 RURAL
PRESERVATION

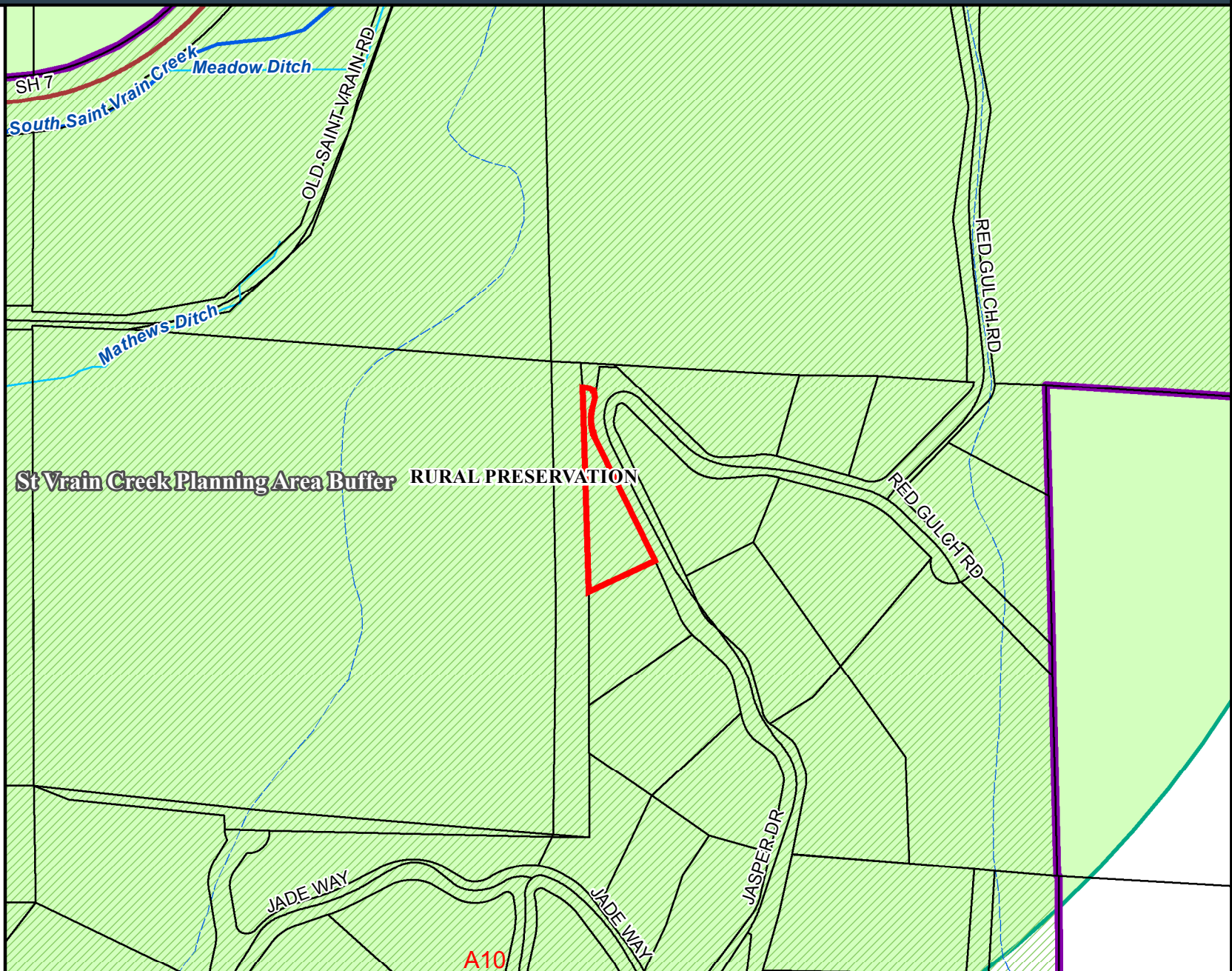
 Creek Planning
Area



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Prebles

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 Subject Parcel

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.

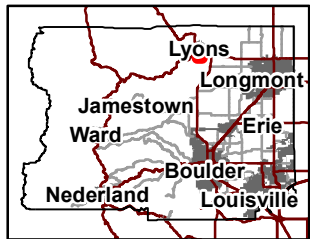
Prebles

 Zone 1 Mouse Management Area

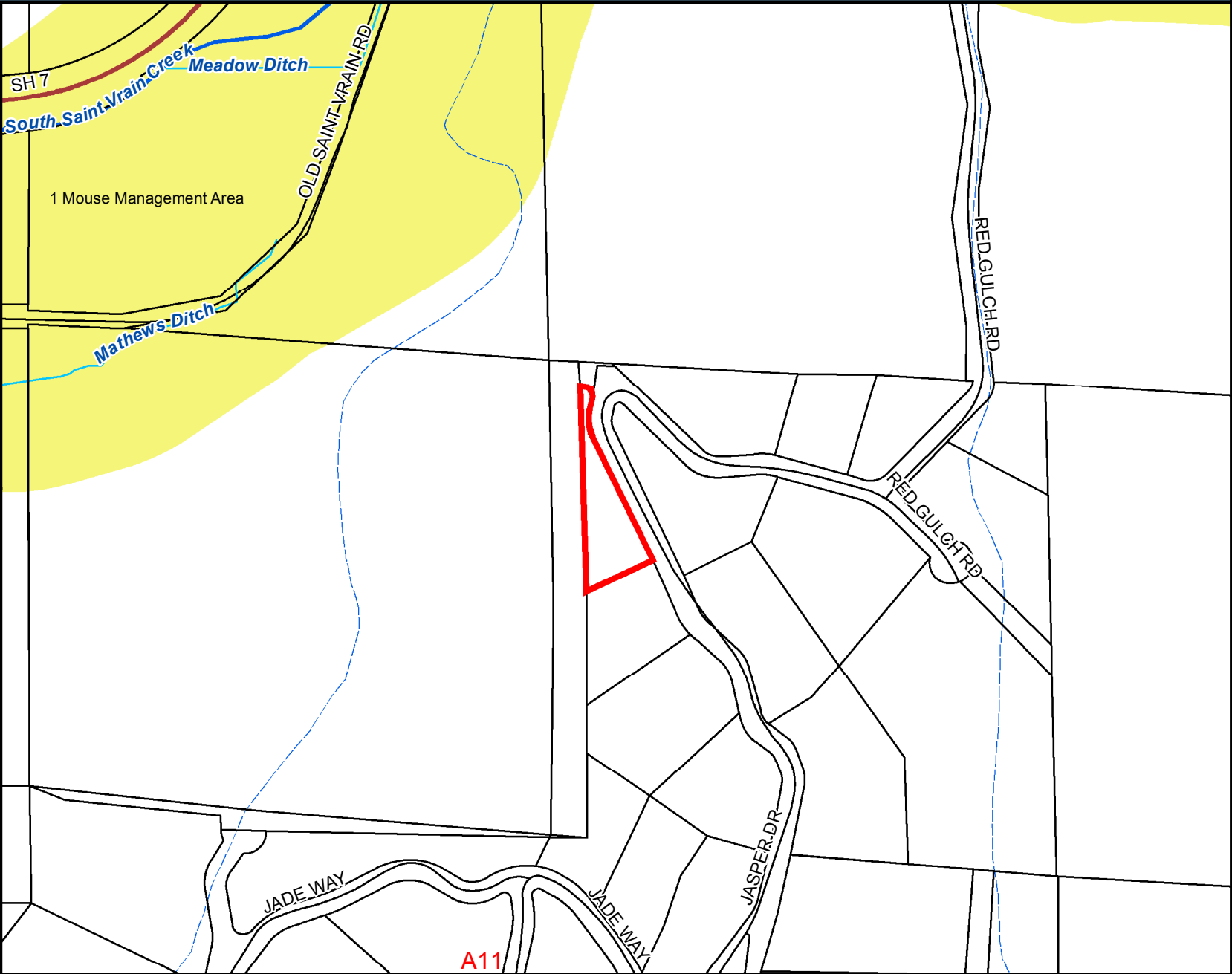
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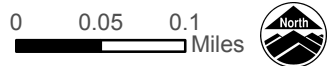
Public Lands & CEs

220 JASPER

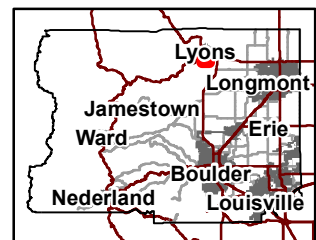
 Subject Parcel

Boulder County Open Space

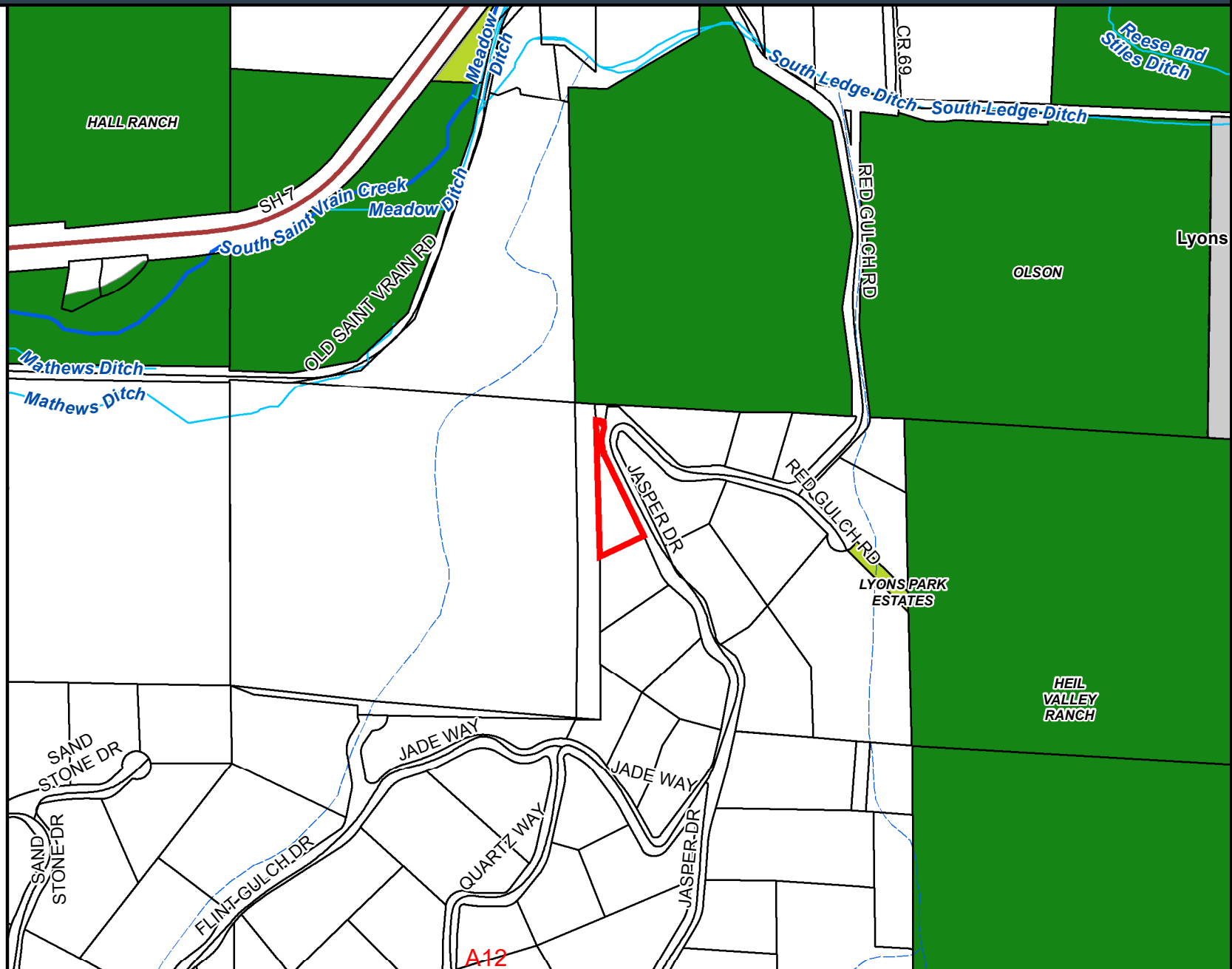
-  County Open Space
-  County Conservation Easement



Area of Detail Date: 6/4/2024



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Boulder County Land Use Department

Courthouse Annex Building • 2045 13th Street • PO Box 471
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Phone: 303-441-3930 • Fax: 303-441-4856

Email: planner@bouldercounty.org

<http://www.bouldercounty.org/lu/>

Office Hours: Monday — Friday 8:00 AM to 4:30 PM

Intake Stamp:

Docket #:

Board of Adjustment (BOA) Hardship Statement

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

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

The two primary constraints limiting development at this lot are: 1) Narrowness of the lot, and 2) Steep grades, especially at the rear of the proposed garage. The narrowness can be credited to: the original design of the subdivision, a re-zoning that rendered the lot as an existing, non-conforming (A) Agricultural lot, and a past boundary dispute involving the west property line that resulted less lot width. Grades are very steep to the south and west of the proposed garage location; moving the footprint in that direction to try and conform to the 35' setback would result in an impracticable amount of excavation and blasting.

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

The 35' front setback prohibits nearly any size of garage from being developed. The only way to conform to the 35' setback would be to excavate and blast a tremendous amount of earth and rock. We are seeking to take advantage of the existing carport footprint and excavation by placing the proposed garage in an overlapping location. Given that the existing property line is 30' from the edge of Jasper Drive, a design conforming to the setback would end up being approximately 65' from the road edge, where topography is increasingly steep. The well and it's existing shed cannot be easily relocated, and will require a setback variance as well.

- C. The hardship is not self-imposed.

The hardship is not self-imposed. The 35' front setback prohibits nearly any type and size of garage from being developed on this lot given the grades and existing house site. The proposed garage is a reasonable elevation for vehicles to access. An existing, structurally-unsound carport currently occupies a similar location and crosses into the front 35' setback by approximately 15'. A structural engineering analysis was conducted on the existing carport and it was found to have significant structural deficiencies, making a new parking structure a priority for the homeowner. The existing shed/well-house sits on a extremely narrow portion of the lot.

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

The use of adjacent properties will not be adversely affected. No views will be blocked by allowing the garage to be within a reduced setback. The proposed use is common and prevalent in the neighborhood. As mentioned previously, the northeast property line already has a 30' buffer from the southeast edge of Jasper Drive. The new garage will extend towards the northeast property line by just 7' further than the existing carport. The garage will all but eliminate vehicle parking on the exterior driveway, which clutters the appearance of the front elevation of the house. The shed/well-house is already existing - no changes proposed.

- 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,

If granted, this variance will not change the character of the zoning district in which the property is located. First, this lot is an existing, non-conforming (A) Agricultural zoned lot. The minimum Agricultural lot size is 35 acres; this lot by comparison is 1.14 acres. A 35' front setback is much more reasonable when there is 35 acres to design within. If the garage is permitted to be located as depicted in the site plan, the northeast corner is still over 43' from the edge of road (as surveyed). The garage will have familiar form and material to the neighborhood, enhancing an already spacious and beautiful Lyons Park Estates. The well-house is existing. Existing non-conforming garage & well-house appear to have been constructed shortly after the house, in the early 1970's.

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

The health, safety, and welfare of Boulder County citizens is not adversely affected if the variance is granted. No vehicular lines-of-sight are impeded, and the location of the garage/living area presents no dangerous condition whatsoever. Granting a setback for the proposed design saves the existing, steep topography to the south and west of the garage from being altered and further altering existing slopes and drainage paths. The well-house is existing.

DocuSigned by:

Andrew Schmidt

8D560087154842C...

Andrew Schmidt

DocuSigned by:

Danielle Murphy

9C7E9325C00E4E3...

Danielle Murphy

Date: 6/27/2024

6/27/2024

Boulder County Land Use Department Board of Adjustment

Front Setback Variance Application

For property located at:

220 Jasper Drive
Lyons, CO 80540

Prepared by: Paul Legan (Architect)

On behalf of the property owners: Andrew Schmidt and Danielle Murphy
and project lead / contractor: Alex Molkentin, Fernhill Build Studio

SHEET INDEX:

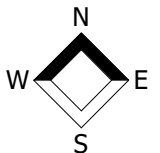
VAR.0	PLANNING SUBMISSION COVER (8-1/2"x11")
VAR.1	SUMMARY, EXISTING SITE PHOTOS (8-1/2"x11")
VAR.2	OVERALL SITE PLAN (8-1/2"x11")
VAR.3	ENLARGED SITE PLAN (8-1/2"x11")
VAR.4	ARCHITECTURAL SITE PLAN (24"x36")
VAR.5	FLOOR PLANS (24"x36")
VAR.6	EXTERIOR ELEVATIONS (24"x36")
-----	IMPROVEMENT SURVEY PLAT (24"x36")

INCLUDED SEPARATELY:

- LAND USE APPLICATION FORM
- BUILDING PERMIT APPLICATION
- LAND USE FEE AGREEMENT
- BOA HARDSHIP STATEMENT

TOWN OF LYONS 

 PROJECT
LOCATION



Vicinity Map

Jasper Dr. Addition & Garage

220 Jasper Dr.
Lyons, CO 80540



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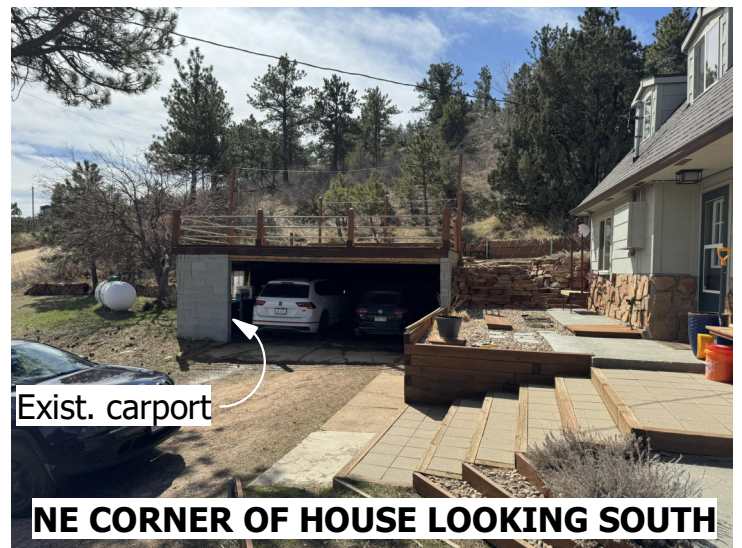
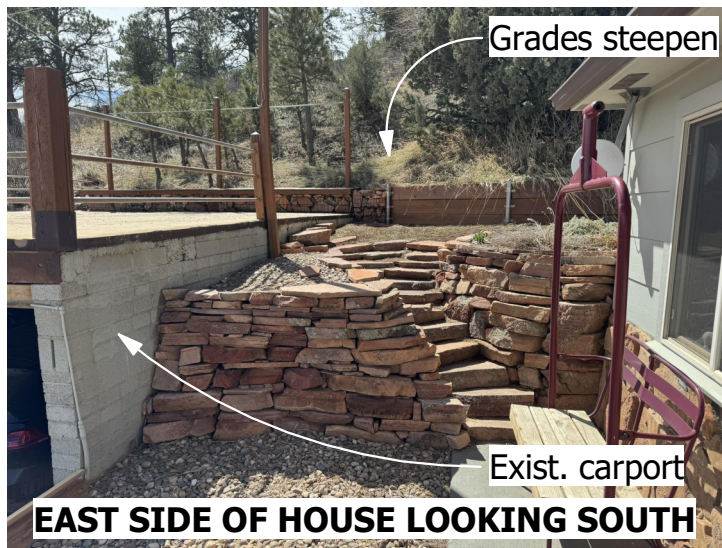

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VAR.0

PLANNING SUBMISSION COVER

Date

6/20/2024



SUMMARY:

220 Jasper Drive is a narrow, sloped lot located south of the Town of Lyons in unincorporated Boulder County. The 1.14 acre lot, zoned A - Agricultural, contains an existing, 2-story single family dwelling, detached carport, and a shed / well-house.

The existing carport is non-compliant to setbacks and has structural deficiencies and groundwater issues that are impractical to repair. The property owners prefer an enclosed garage, and additional space for their growing family. Therefore, we are proposing a 3-car detached garage to replace the carport, with office space above.

The front setback of 35' for the Agricultural zone district limits nearly any kind of accessory structure. Steep grades to the south and west of the existing carport further limit development.

Given these constraints, we are applying for a front setback variance to locate the garage in a buildable portion of the lot centered on the previous carport footprint. This also reduces site disturbance. The new footprint will be slightly larger than the existing carport. We are also requesting a variance for the existing shed/well-house which encroaches into the front and side setbacks.



Jasper Dr. Addition & Garage

220 Jasper Dr.
Lyons, CO 80540



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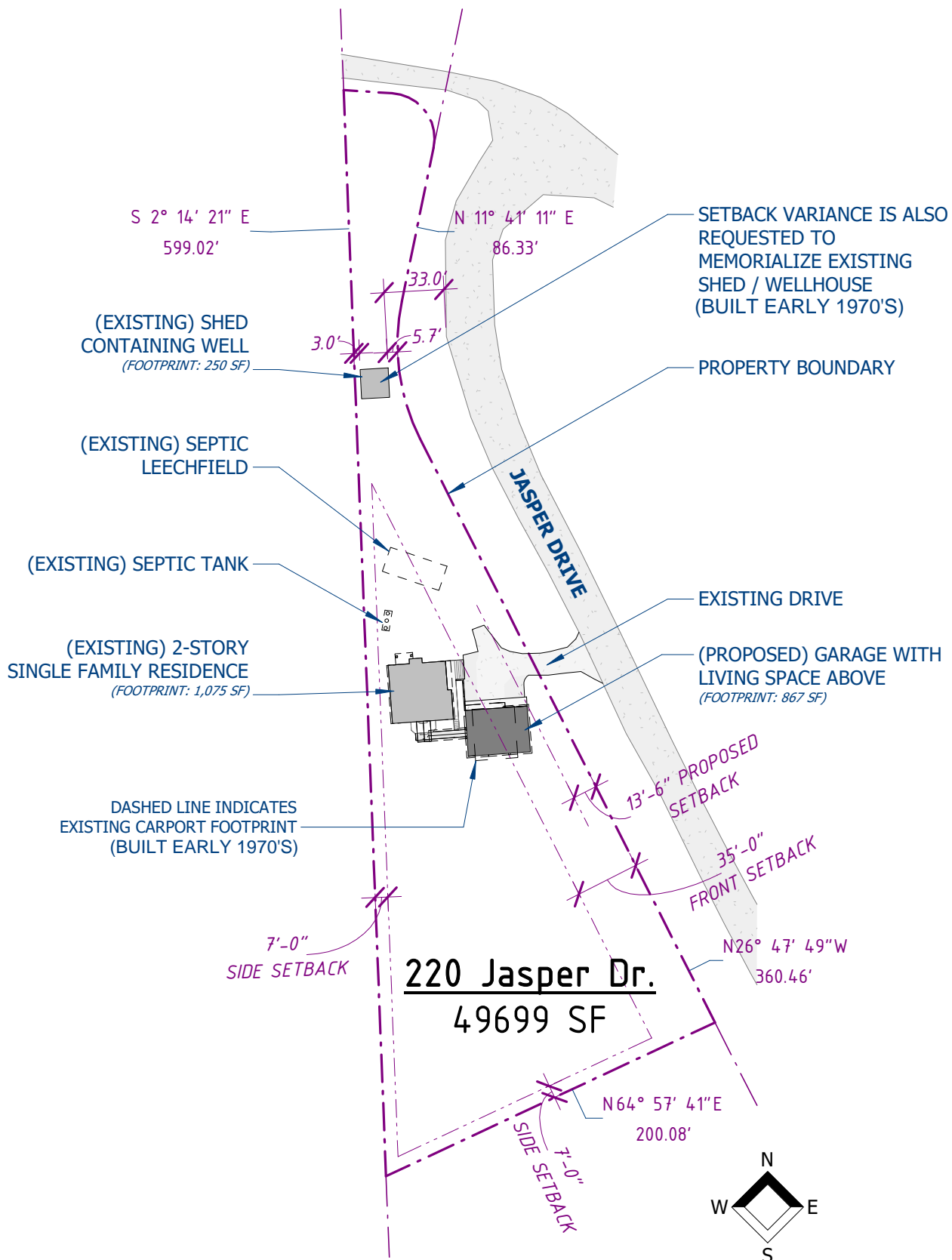
A15

VAR.1

SUMMARY, EXISTING SITE PHOTOS

Date

6/20/2024



1 OVERALL SITE PLAN

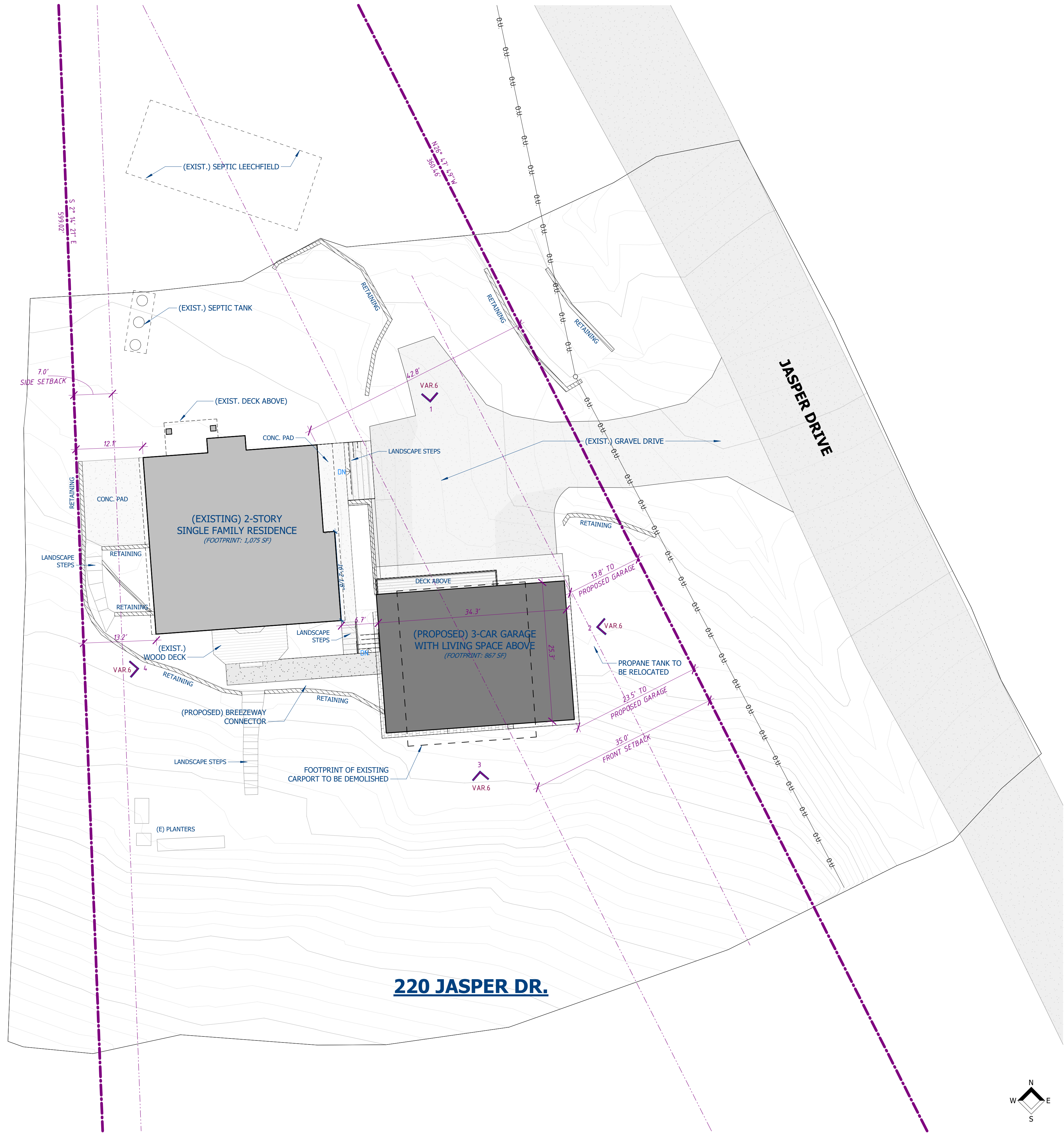
Jasper Dr. Addition & Garage
220 Jasper Dr.
Lyons, CO 80540

FH FERNHILL BUILD STUDIO
A16
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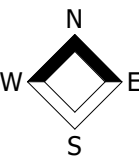
VAR.2
OVERALL SITE PLAN

Date

6/20/2024



1 ARCHITECTURAL SITE PLAN
1" = 10'-0"



SITE PLAN LEGEND

- PROPERTY LINE
- EASEMENTS
- SETBACKS
- FENCE
- WATER LINE
- GAS LINE
- OVERHEAD UTILITIES
- (E) INDICATES EXISTING ELEMENT
- ELECTRIC METER
- WATER METER
- GAS METER

SITE PLAN NOTES

BOULDER COUNTY LAND USE CODE

ZONING DISTRICT: A - AGRICULTURAL
SETBACKS
FRONT: 35'
SIDE: 7'
REAR: DOES NOT APPLY
LOT SIZE: 49,933 SF PER SURVEYOR

NOTES

- LANDSCAPE MATERIALS IN CONTACT WITH BUILDING FOUNDATION SHOULD BE NON-ORGANIC AND NOT RETAIN MOISTURE
- SLOPE GRADE SURROUNDING BUILDING 6" PER 10' HORIZONTAL
- APPROPRIATELY COMPACT BACKFILL, SEE SOILS REPORT IF APPLICABLE

Please note: These documents are instruments of service for the specific intent of this project at this address. All designs remain intellectual property of Fernhill Build Studio and may not be reproduced or reused without written permission.

Jasper Dr. Addition & Garage

PLANNING SUBMISSION

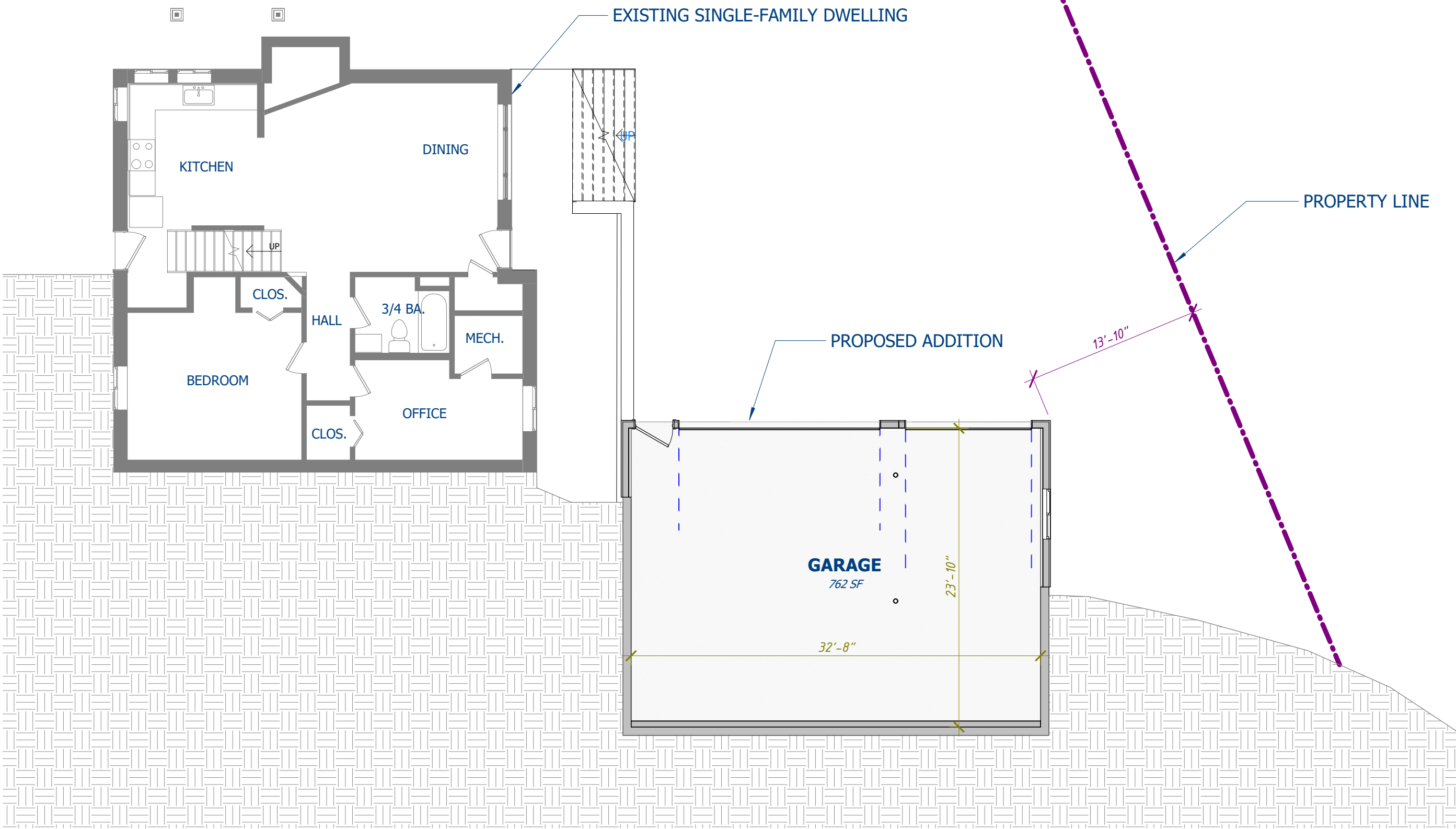
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Revisions		
No.	Description	Date

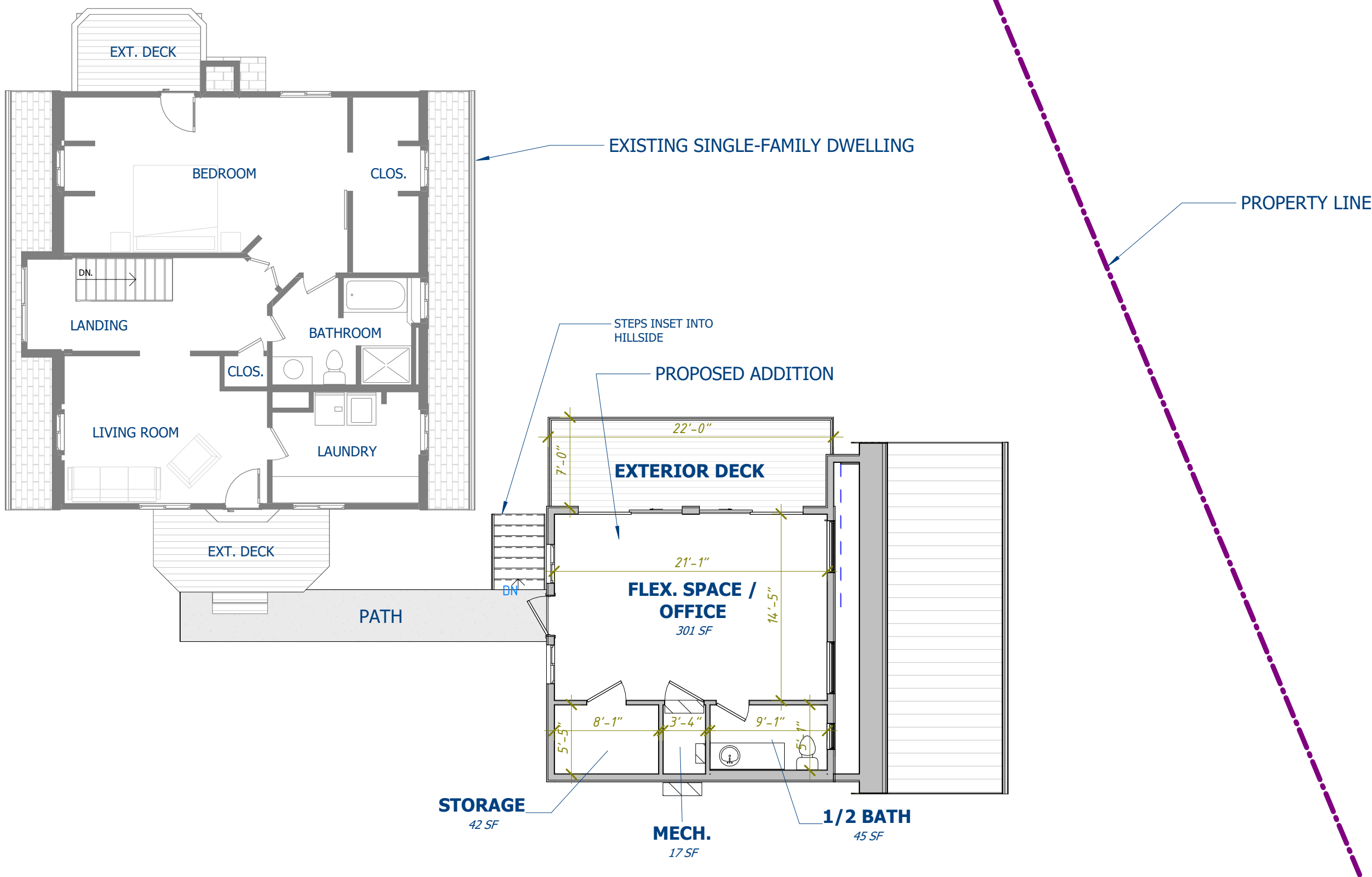
FH Project #	246
Date	6/20/2024

ARCHITECTURAL SITE PLAN

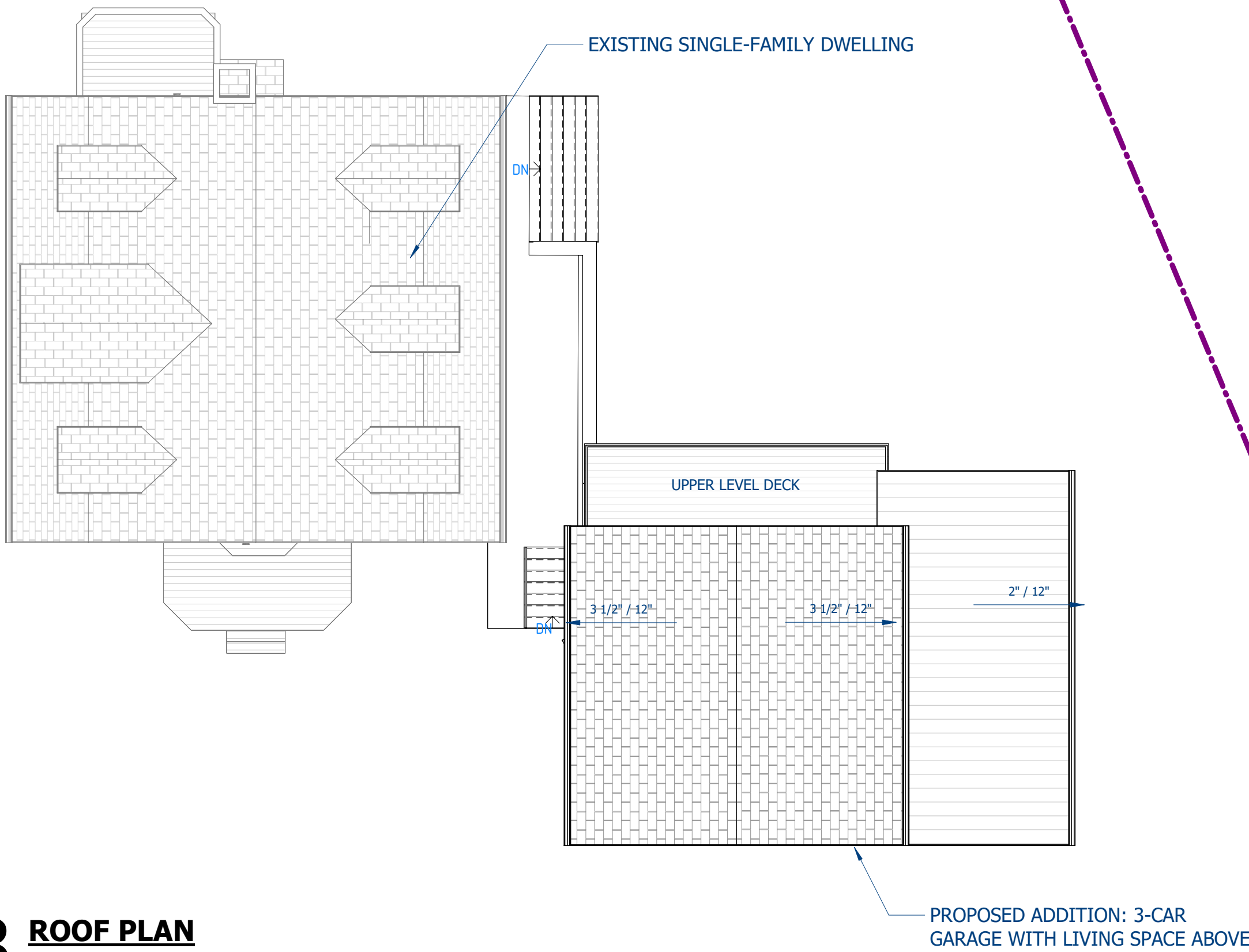
VAR.4



1 LOWER LEVEL - FLOOR PLAN
1/8" = 1'-0"



2 UPPER LEVEL - FLOOR PLAN
1/8" = 1'-0"



3 ROOF PLAN
1/8" = 1'-0"

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Jasper Dr. Addition & Garage

220 Jasper Dr.
Lyons, CO 80540

PLANNING SUBMISSION

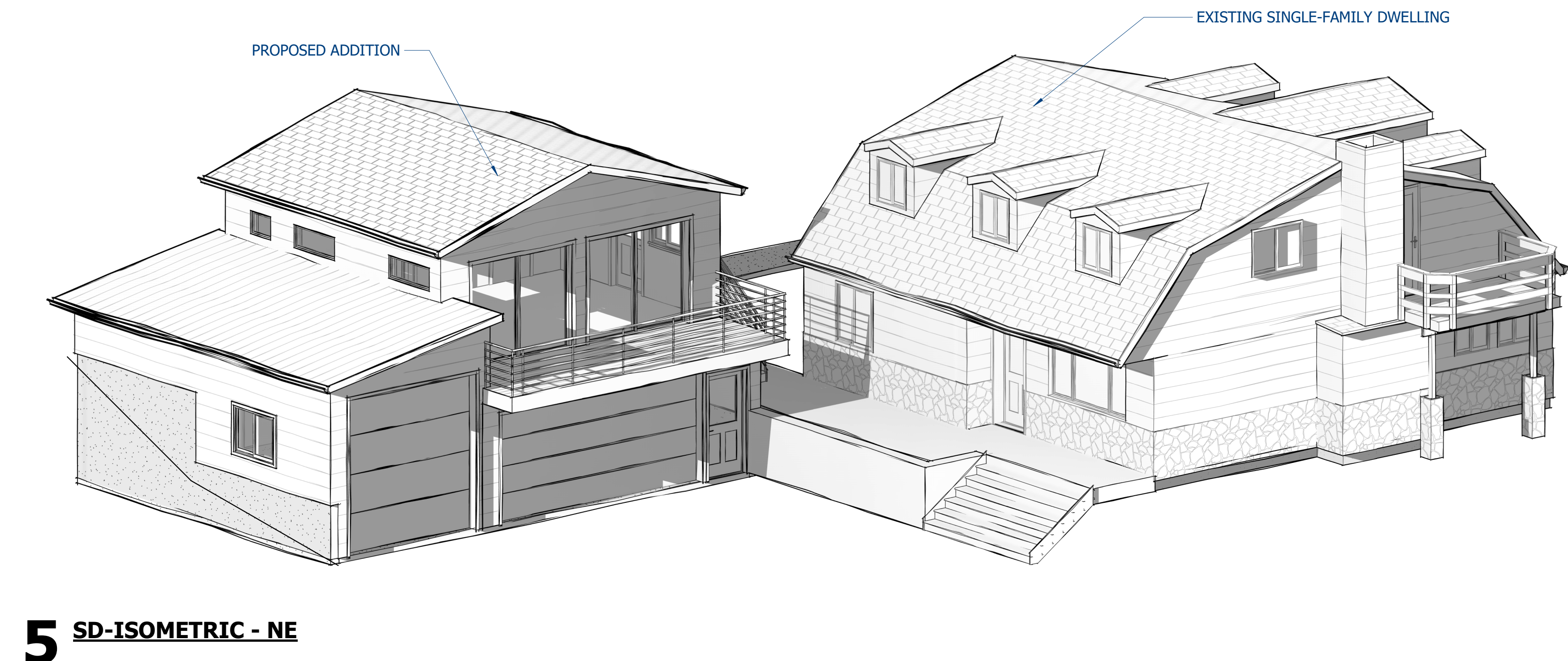
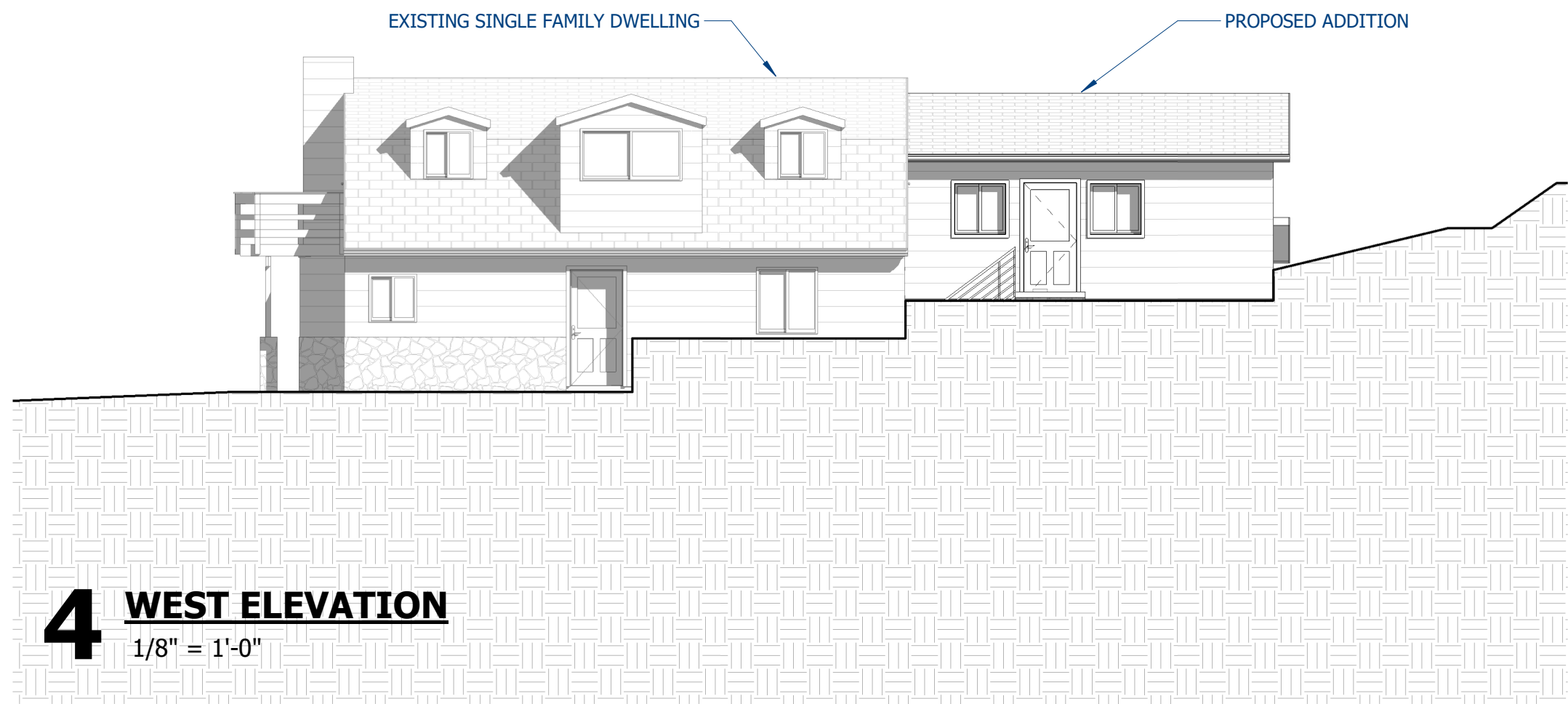
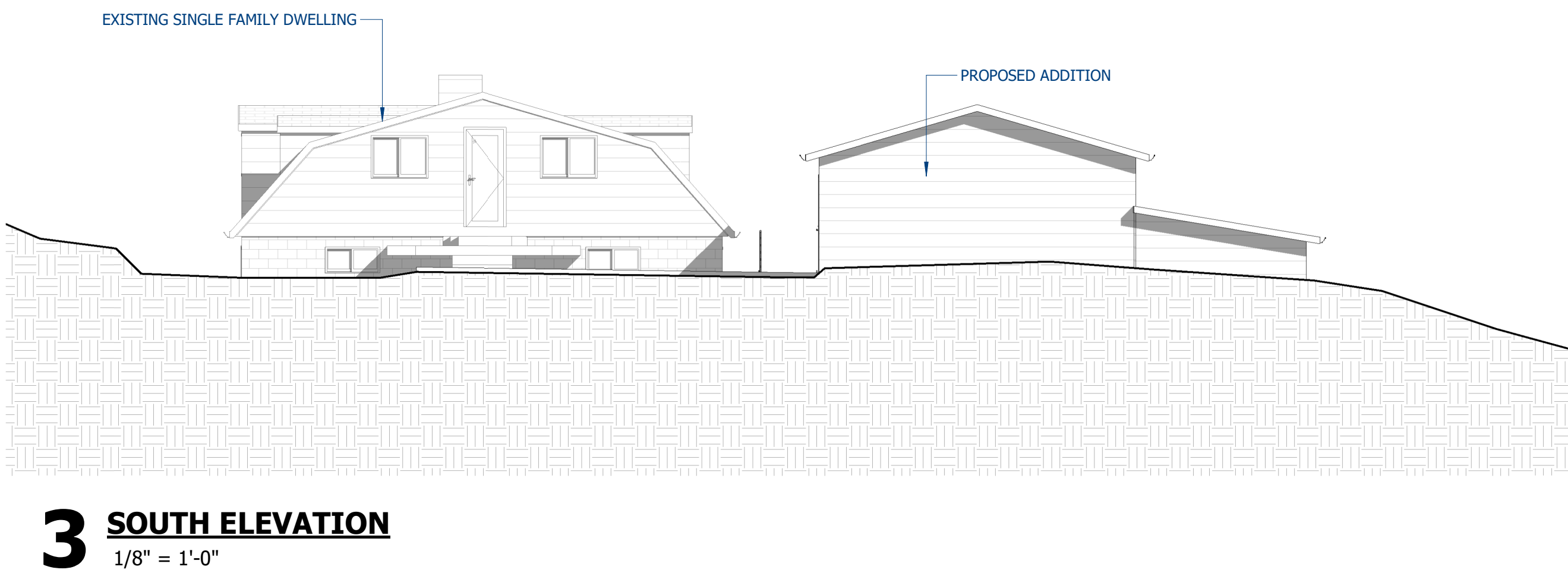
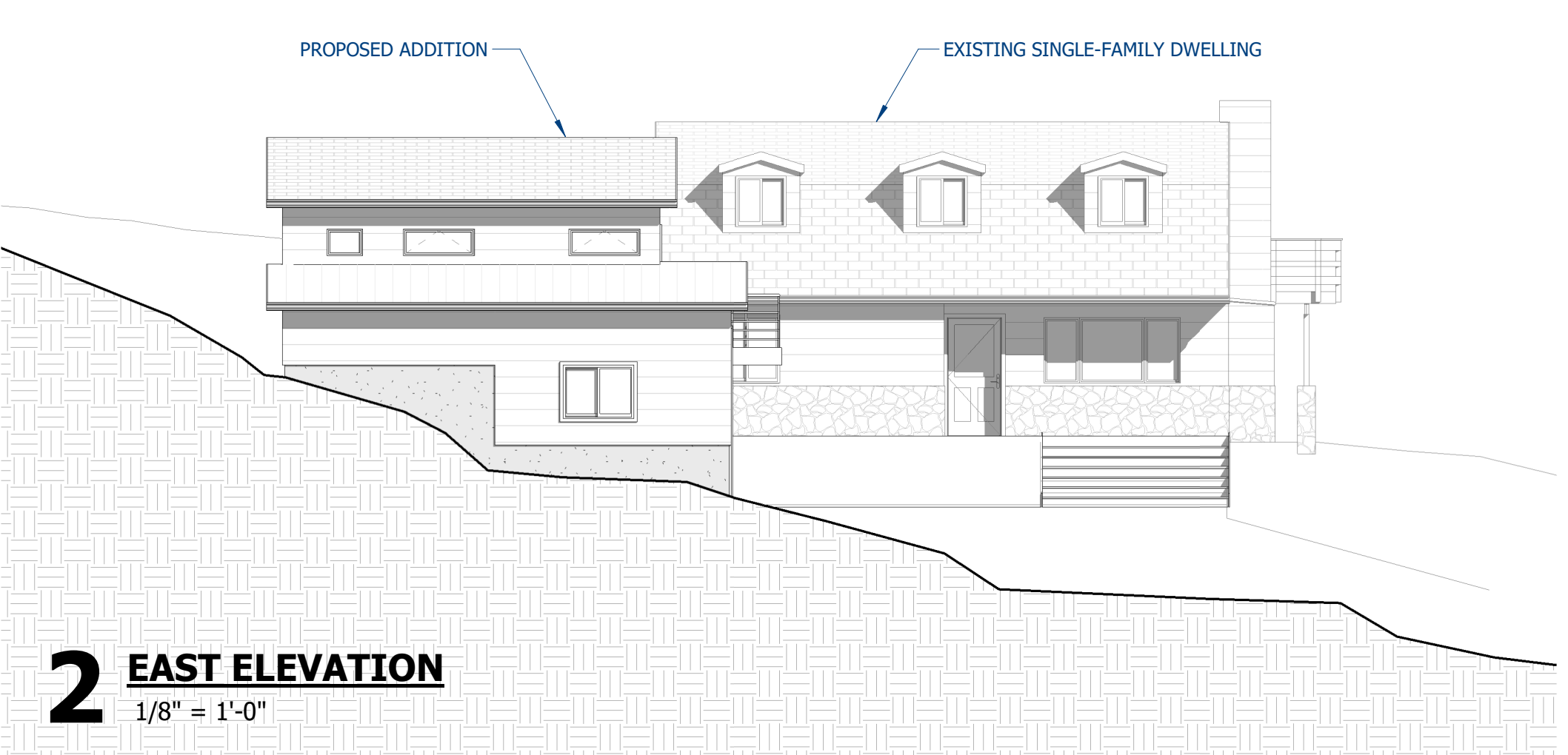
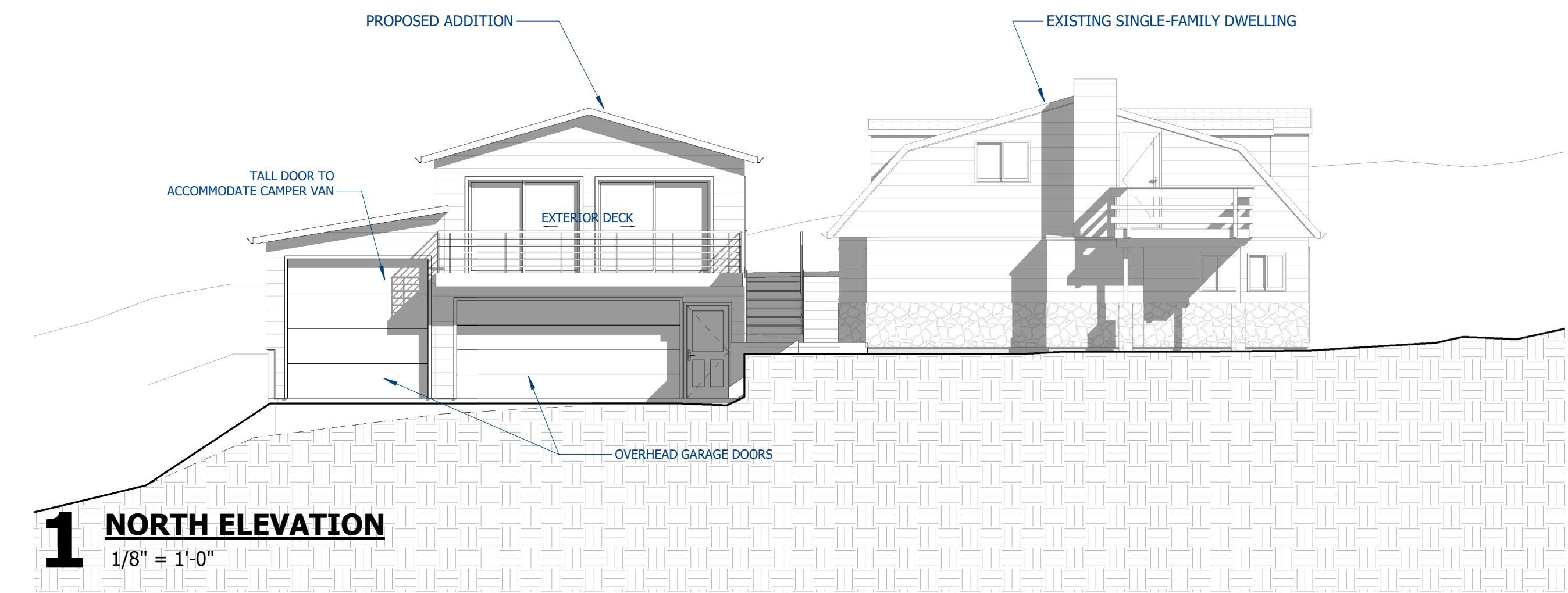


Revisions		
No.	Description	Date

FH Project #	246
Date	6/20/2024

FLOOR PLANS

VAR.5



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Jasper Dr. Addition & Garage

220 Jasper Dr.
Lyons, CO 80540

PLANNING SUBMISSION



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Revisions		
No.	Description	Date

FH Project # 246
Date 6/20/2024

EXTERIOR ELEVATIONS

VAR.6

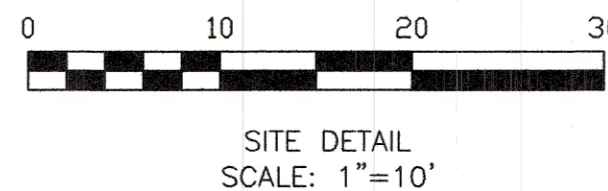
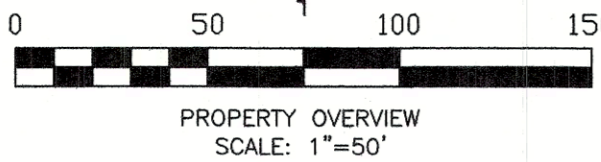


Approx. 1 inch = 100 feet


1977 Aerial


LOT 13,
EXCEPT THE WEST 80 FEET THEREOF IN LYONS PARK ESTATES SUBDIVISION
COUNTY OF BOULDER,
STATE OF COLORADO.

EXCEPTED PART LOT 13
"THE WEST 80" R#04026578
EXCEPTED PART R#034696
SEE NOTE #14



15) THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.


SAMUEL A. KNIGHT
CO PLS #38127
GREEN MOUNTAIN SURVEYING
1195 EDINBORG DR.
BOULDER CO, 80305
303-601-8588
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Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

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

Tel: 303-441-3930 • www.BoulderCounty.gov

August 6, 2024

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review Team - Zoning

FROM: Anita Riley, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # VAR-24-0002: Murphy Schmidt Setback Reduction – 220 Jasper Drivet

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

1. The subject property is accessed by Jasper Drive, a gravel Boulder County owned and maintained right-of-way (ROW), with a Functional Classification of Local. Legal access has been demonstrated via adjacency to this ROW.
2. As presented, the proposal meets the requirements of the Boulder County Multimodal Transportation Standards.

This concludes our comments at this time.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

Building Safety & Inspection Services Team

MEMO

TO: Wesley Jefferies, Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: July 24, 2024

RE: Referral Response, VAR-24-0002: Murphy Schmidt Setback Reduction. Request to reduce the front yard setback along Jasper Drive from 35 ft. (required) to 5.6 ft. (proposed) and the side yard setback from 7 ft. (required) to 3 ft. (proposed) to permit an existing wellhouse and to reduce the front yard setback from 35 ft. to 13.5 ft construct a residential accessory structure on a 2.2-acre parcel.

Location: 220 Jasper Dr.

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

1. **Building Permit.** A building permit, plan review, and inspection approvals are required for the residential accessory structure.

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:
[Amendments to Boulder County Building Code effective June 6, 2022](#)

2. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 165 mph (Vult) and 45 psf, respectively.
3. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
4. **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 may 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 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.

5. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
6. **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 Building Safety publications can be found at: [Building Publications, Applications and Forms - Boulder County](#)

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



Parks & Open Space

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

TO: Wesley Jefferies, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: August 12, 2024
SUBJECT: Docket VAR-24-0002, Murphy Schmidt, 220 Jasper Drive

Staff has reviewed the submitted materials, and has no natural resource concerns with the variance, per se, however may have visual concerns with the to-be proposed two-story structure so close to the road. This would present a large bank of windows towards Jasper Drive.

Staff also notes, for the record, that the very small adjacent parcel to the north is county/POS land – right at the apex of the switchback. This does not show on the public lands map in the packet.

(Although not a review concern, the applicant may consider that headlights of vehicles ascending Jasper Drive may shine into the large windows on the proposed addition.)



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Wildfire Mitigation Team

MEMO

TO: Wesley Jefferies, Planner I
FROM: Kyle McCatty, Senior Wildfire Mitigation Specialist Supervisor
DATE: August 6, 2024
RE: Referral Packet for VAR-24-0002: Murphy Schmidt Setback Reduction at 220 Jasper Road

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

Decades of catastrophic wildfires, research, and case studies have shown that extreme wildfires are inevitable in the forests of Boulder County and across the Western US. Still, the loss of life and homes does not have to be inevitable. The conditions that principally determine if a house ignites occur within 100 feet of the house, including the house itself. That is why Boulder County has such strong wildfire mitigation requirements in our Land Use and Building Code. Boulder County encourages all homeowners to voluntarily take responsibility to mitigate their own home's risk of igniting in a wildfire through Wildfire Partners.

A Boulder County Wildfire Mitigation Specialist has reviewed the site location as part of the Variance process. The Wildfire Mitigation Team supports reducing the front setback to the size of the current carport footprint or the size of the proposed garage 13.5 feet, whichever staff decides, because:

- Converting a carport to a garage significantly reduces the risk of the structure igniting in a wildfire.
- Also, although not ideal, there is enough distance within the property to create and maintain defensible space around the proposed garage, given the wildland fuels and topography of the parcel.

Also, there are no wildfire concerns about the proposed new setbacks around the existing wellhouse because the effectiveness of defensible space around the wellhouse is already limited by its distance to the property boundary.

There are wildfire mitigation building code requirements for detached accessory structures and additions. They include the following:

Ignition-Resistant Materials and Construction

Since the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed decking) must be ignition-resistant construction or better.

For additional ignition-resistant construction information, please contact the Building Safety & Inspection Services Team at 303-441-3926. Refer to the Boulder County publication: [Building with Ignition Resistant Materials](#) for specific requirements. All exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Defensible Space

Adequate defensible space is required around all existing and new structures to prevent the spread of fire to and from structures. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 ft. from the home and within 30 ft. along both sides of a driveway. Where the property boundary limits Zone 2 (at least 100 feet from structures), Zone 1 (a buffer of at least 30 feet free of conifer trees and other highly combustible vegetation immediately surrounding the home, including all attachments and accessory structures within 30 feet) may need to begin at the home’s dripline. More information can be found by referring to the Colorado State Forest Service publication [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#).

Follow the Colorado State University [Low-Flammability Landscape Plants – 6.305](#), [Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#) publications when choosing plants and designing revegetation and landscaping.

Emergency Water Supply

Emergency water supply is currently only required when building a new residence. No emergency water supply will be required for this application.

Emergency Vehicle Clearance

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. Refer to the Boulder County publication: [Driveway Access for Emergency Vehicles](#) for specific clearance-related requirements.

Timeline

After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact you to schedule a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking. Based upon the compliance path selected, either a Wildfire Partners Assessment report or a Wildfire Mitigation Plan will be created to describe the wildfire mitigation requirements.

Before scheduling rough framing inspections, the plan's defensible space portion must be implemented and inspected by the Community Planning & Permitting Department. All trees marked for removal must be cut, and all slash, cuttings, and debris must be removed and/or properly disposed of.

At the time of final inspection, all remaining required items in the Wildfire Partners Assessment report or the Wildfire Mitigation Plan are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 feet beyond the driplines of decks, bay windows, and other eaves and overhangs, must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the [Boulder County Multimodal Transportation Standards](#).

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum land use and building code requirements. I can be reached at 720-564-2625 or via e-mail at kmccatty@bouldercounty.gov.