



# 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](http://www.bouldercounty.gov)

## BOULDER COUNTY BOARD OF ADJUSTMENT

### AGENDA ITEM

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

#### PUBLIC HEARING

**STAFF PLANNER:** Sam Walker, Planner II

**RECOMMENDATION:** Staff recommends denial of the Variance request

#### **Docket VAR-25-0001: Kersting-Motta Setback Reductions**

Original Request:	Variance request to reduce the north setback from 25 ft. (required) to 15 ft. (proposed) and the west setback from 25 ft. (required) to 12 ft. (proposed) to allow construction of a detached studio on a 0.16-acre parcel in the Forestry zoning district.
Revised Request:	Variance request to reduce the west setback from 25 ft. (required) to 12 ft. (proposed) to allow construction of a detached studio on a 0.16-acre parcel in the Forestry zoning district.
Location:	129 County Road 90, accessed via a private drive on the south side of County Road 90 approximately .14 miles west of the intersection of 1st Avenue and SH 7 Business Route after 1st Avenue becomes County Road 90 in Section 26, Township 3N, Range 73W.
Zoning:	Rural Residential (RR) Zoning District
Applicant/Owner:	T.W. Beck Architects
Owners:	Denise Kathryn Motta & Jeffrey Michael Kersting

#### PACKET CONTENTS:

Item	Pages
o Staff Recommendation	1 – 7
o Application Materials (Attachment A)	A1 – A13

○ Referral Agency Responses (Attachment B)	B1 – B6
○ Adjacent Property Owner Comments (Attachment C)	C1 – C5
○ Supplemental Materials (Attachment D)	D1 – D5

## **SUMMARY**

The applicants originally requested a reduction in the required side-yard setbacks along the northern and western boundaries of the subject parcel to facilitate the construction of a detached studio. During the review, the applicants submitted revised materials eliminating the need for the north side-yard setback reduction (see Attachment D), and so this staff recommendation only discusses the proposed west side-yard setback reduction. 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) are not met.

## **DISCUSSION**

The subject property is accessed via a private driveway on the south side of County Road 90 just outside of the Allenspark historic townsite. The property is approximately 0.16 acres in size, is located in the Forestry zoning district, and is a legal building lot.

Because the subject parcel is not adjacent to a road, all of the boundaries are considered to be side yards per Art. 18-175A of the Code. In the Forestry zoning district, the required side-yard setback is 25 feet measured from the parcel boundary. The applicants propose to reduce this setback along the western parcel boundary to 12 feet to allow the construction of a detached residential accessory building.

As stated in the Summary above, the original application materials also proposed a reduction in the required setback along the northern parcel boundary, but the applicants submitted revised plans during the application review that shortened the north-south length of the proposed studio. These revised plans (included as Attachment D) meant that the reduction of the setback to the northern parcel boundary was no longer needed, and staff have only reviewed the proposed setback reduction along the western parcel boundary.

The hardship statement included with the application materials notes that the site is narrow and shallow, and that the location of the septic system in the southern half of the parcel requires that new development be located within the required setbacks (see Figure 1 below for approximate septic location).

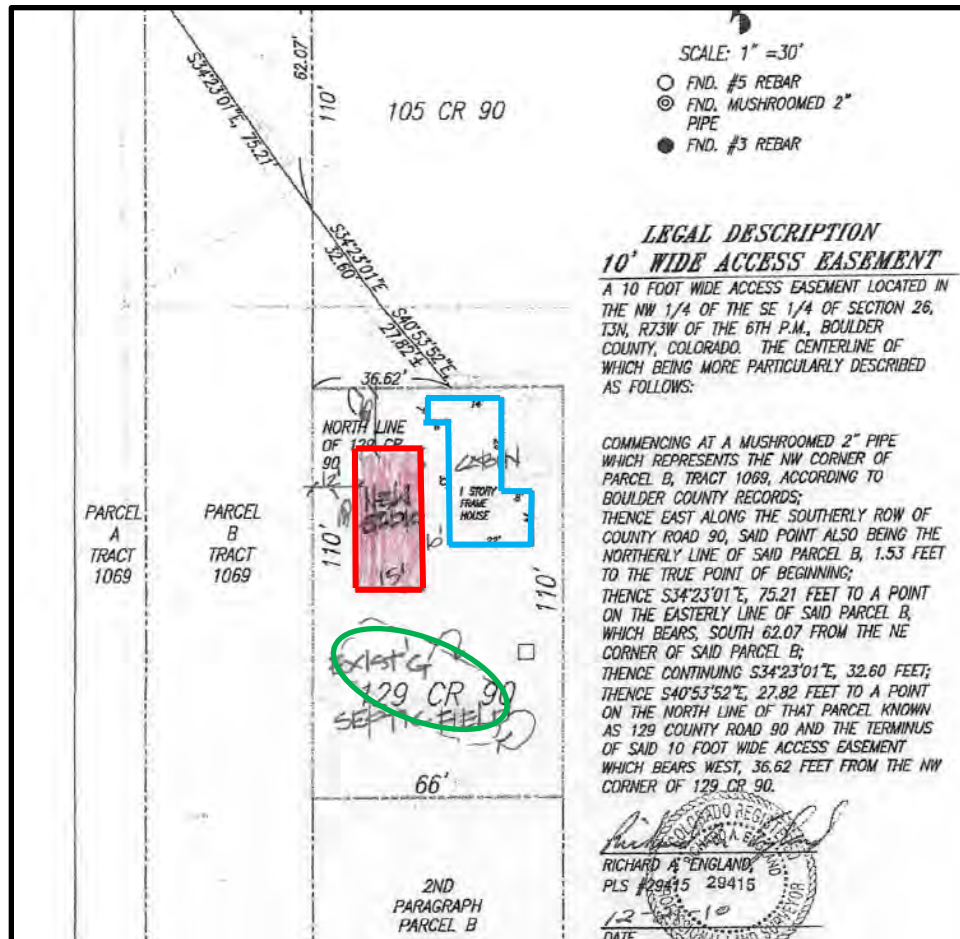


Figure 1: Site plan showing the proposed location of the detached studio (red outline), existing residence (blue outline), and approximate location of existing septic system (green outline).

However, staff find that there is area on the subject parcel where the proposed square footage could be constructed as an addition to the existing cabin without encroaching into the required setback(s) (see Figure 2 below).

For this reason, staff find that the proposal cannot meet the Variance criteria set forth in the Code, and therefore recommend that the requested setback reduction be denied.

## 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 document (Attachments B and C) and summarized below.

## Boulder County Development Review Team – Access & Engineering (DRT A&E) –

This team confirmed the property is legally accessed via a private gravel drive within an easement that accesses County Road 90. The team also noted several issues with the existing driveway and parking area, most notably that the existing parking area extends

into the adjacent property within the access easement, but the easement does not allow parking.

**Boulder County Public Health (BCPH)** – BCPH noted that an onsite wastewater treatment system (OWTS) was permitted for the existing residence on the parcel in 2011, and that required setbacks must be maintained between the septic system and any existing or proposed structures. They also noted that damage to the septic system must be avoided during construction.

**Boulder County Wildfire Mitigation Team:** The Wildfire Mitigation Team referral response noted that the proposed setback reduction would conflict with Variance criterion 4-1202.b.2.f because the reduced setbacks would adversely affect the health, safety, and welfare of Boulder County citizens by limiting the area to create and maintain defensible space on the subject parcel. The referral also noted, however, that this conflict could be mitigated with the use of enhanced ignition-resistant construction and material usage when building the proposed studio.

**Agencies indicating no conflicts:** Boulder County Chief Building Official, Boulder County Historic Preservation Team, Boulder County Mountain Cabin Alliance.

**Agencies that did not respond:** Boulder County Assessor, Boulder County Surveyor, Boulder County Parks & Open Space Natural Resource Planner, Boulder County Parks & Open Space Real Estate Team, Allenspark Area Landowners, Allenspark Concerned Citizens, Greater Allenspark Community Alliance, Estes Park Power, Colorado Division of Natural Resources Division of Water Resources, US Forest Service, Allenspark FPD.

**Adjacent Property Owners** – 117 referrals were sent to property owners within 1,500 feet of the subject property's boundaries, and staff received four public comments in response. Two commenters expressed concern that approval of the proposed Variance would establish a precedent for similar requests in the area, continuing a pattern of development that places structures too close to the road or other buildings. The third commenter noted that many buildings in the area are already close to others or to their required setbacks and expressed support for the proposal. The fourth commenter expressed no objections to the proposal. The full text of all comments are included as Attachment C.

## **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 met:

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

Staff do not find that the subject parcel is encumbered by extraordinary or exceptional physical circumstances. The subject parcel is gently sloped and small, but there are areas outside the required zoning district setbacks where new residential floor area could be constructed without encroaching into the required setback (see Figure 2 below).

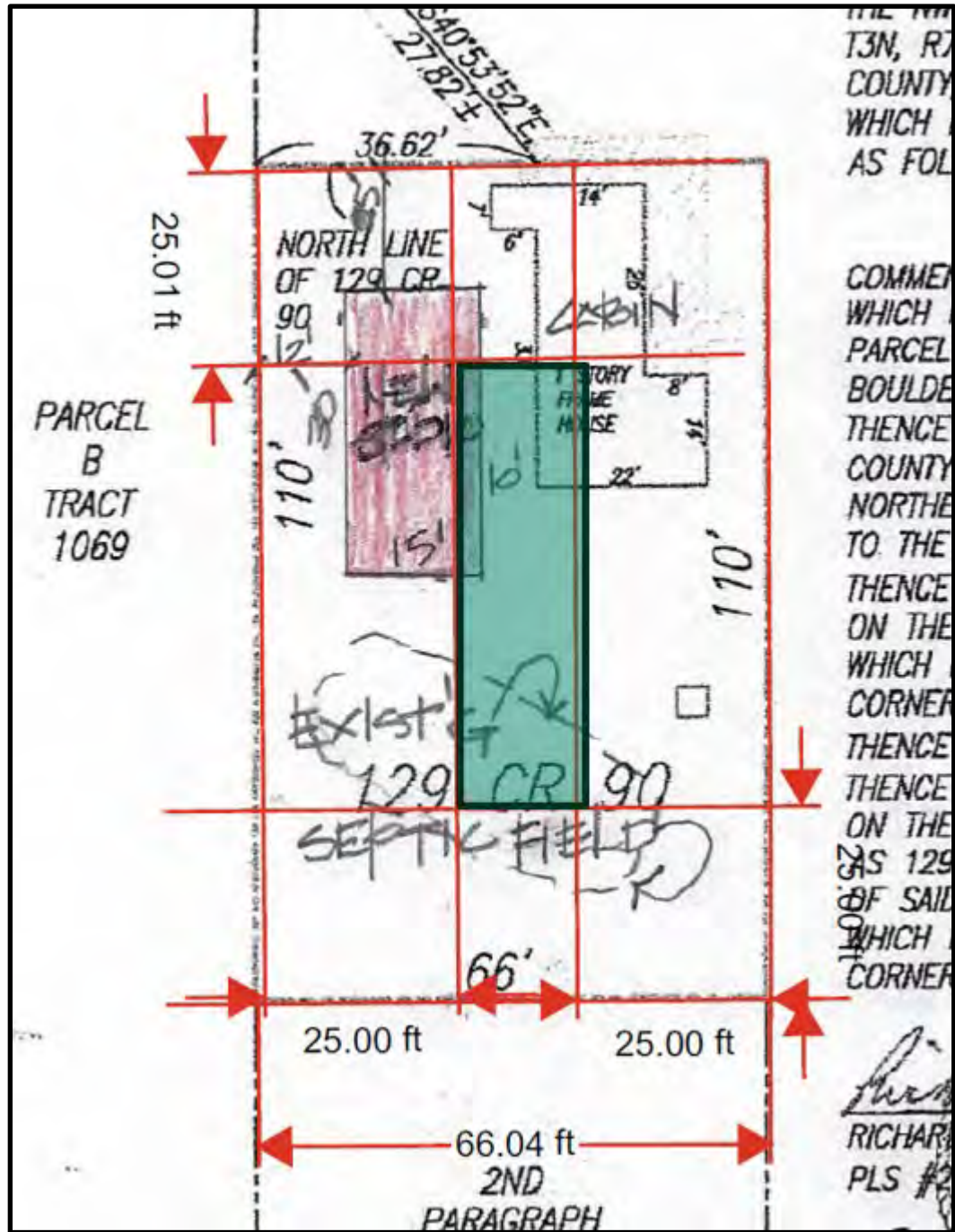


Figure 2: Staff site plan overlay, with required 25-foot setbacks and reference measurements shown with red lines, and green shading over the approximate area where development can occur without setback encroachment.

The primary impediment to development outside of the required setbacks seems to be the proposal to construct a detached studio, rather than adding square footage to the existing cabin.

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;***

Because staff do not find that there are exceptional or extraordinary physical circumstances on the parcel, the strict application of the Code does not create an exceptional or undue hardship on the property owner.

Therefore, staff finds this criterion is not met.

***(c) The hardship is not self-imposed;***

Staff have not identified a hardship on the parcel that would justify the proposed setback reduction.

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 do not anticipate that the proposed Variance will adversely affect the uses of adjacent properties as permitted under the Code, nor has any referral agency responded with such a concern. As noted in the Access & Engineering Group's referral response, the existing parking area encroaches onto the adjacent northern parcel by approximately 15 feet. The revised proposal submitted by the applicants reduces the north-south length of the proposed studio to eliminate the need for the northern boundary setback reduction. This change to the proposed plans would also create more room for parking north of the proposed studio without encroaching onto the neighboring parcel. If the revised proposal is approved, use of the northern-adjacent parcel will not be impacted.

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 find that approval of the proposed Variance will change the character of the Forestry zoning district. Aerial photographs of the area around the subject parcel indicate that many nearby properties also have development that approaches or possibly encroaches into the required 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 find that the Variance, if granted, could pose a safety hazard to Boulder County citizens because it would allow development in very close proximity to the parcel boundary and therefore limit the available area for defensible space and other wildfire mitigation west of the proposed studio.

However, as noted in the Wildfire Mitigation Team referral response, this risk could be mitigated with the use of enhanced techniques and construction for any new development within 25 feet of the parcel boundaries. These enhanced requirements are detailed in the referral response included with Attachment B.

Therefore, staff finds this criterion can be met.

#### **RECOMMENDATION**

As discussed above, staff find that three of the criteria for a Variance cannot be met. Therefore, Community Planning & Permitting staff recommend that the Board of Adjustment **DENY Docket VAR-25-0001: Kersting-Motta Setback Reductions.**





## 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](mailto:planner@bouldercounty.org)  
Web: [www.bouldercounty.org/lu](http://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) <b>129 COUNTY RD 90</b>			
Subdivision Name <b>TR, NBR 960 ALLENSPARK AREA</b>			
Lot(s) <b>NULL</b>	Block(s) <b>NULL</b>	Section(s) <b>26</b>	Township(s) <b>3N</b>
Area in Acres <b>0.16</b>	Existing Zoning <b>F</b>	Existing Use of Property <b>SINGLE FAMILY RES.</b>	Number of Proposed Lots <b>1</b>
Proposed Water Supply <b>N/A (NO BATHROOM)</b>		Proposed Sewage Disposal Method <b>N/A (NO BATHROOM)</b>	

### Applicants:

Applicant/Property Owner <b>MOTTA DENISE KATHRYN</b>			Email Address	
Mailing Address <b>8038 MACKENZIE RD</b>				
City <b>AFFTON</b>	State <b>MO</b>	Zip Code <b>63123</b>	Phone	Fax
Applicant/Property Owner/Agent/Consultant <b>JEFFREY MICHAEL KERSTING</b>			Email Address	
Mailing Address <b>8038 MACKENZIE RD</b>				
City <b>AFFTON</b>	State <b>MO</b>	Zip Code <b>63123</b>	Phone	Fax
Agent/Consultant <b>T.W. BECK ARCHITECTS</b>			Email Address <b>THOMAS@TWBECKARCHITECTS.COM</b>	
Mailing Address <b>PO BOX 57</b>				
City <b>ESTES PARK</b>	State <b>CO</b>	Zip Code <b>80517</b>	Phone <b>(970)586-3913</b>	Fax

### Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval. I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner <i>[Signature]</i>	Printed Name <b>Jeffrey Kersting</b>	Date <b>02/3/2025</b>
Signature of Property Owner <i>[Signature]</i>	Printed Name <b>Denise K Motta</b>	Date <b>02/3/2025</b>

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





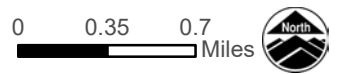
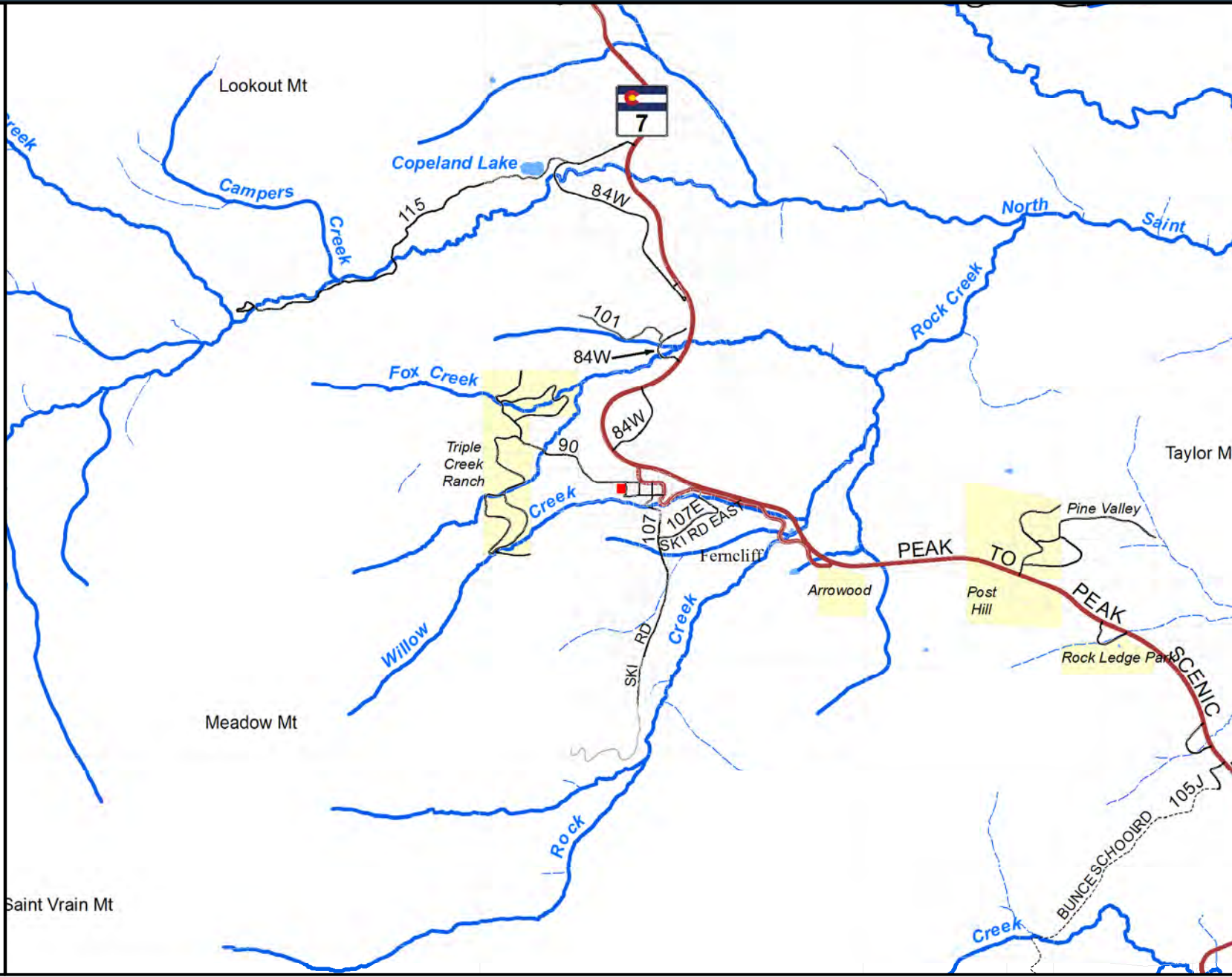
# Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 [www.bouldercounty.org](http://www.bouldercounty.org)

Vicinity

129 COUNTY RD 90

- Subject Parcel
- Subdivisions**
- Subdivisions



Area of Detail Date: 11/25/2024



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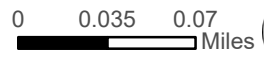
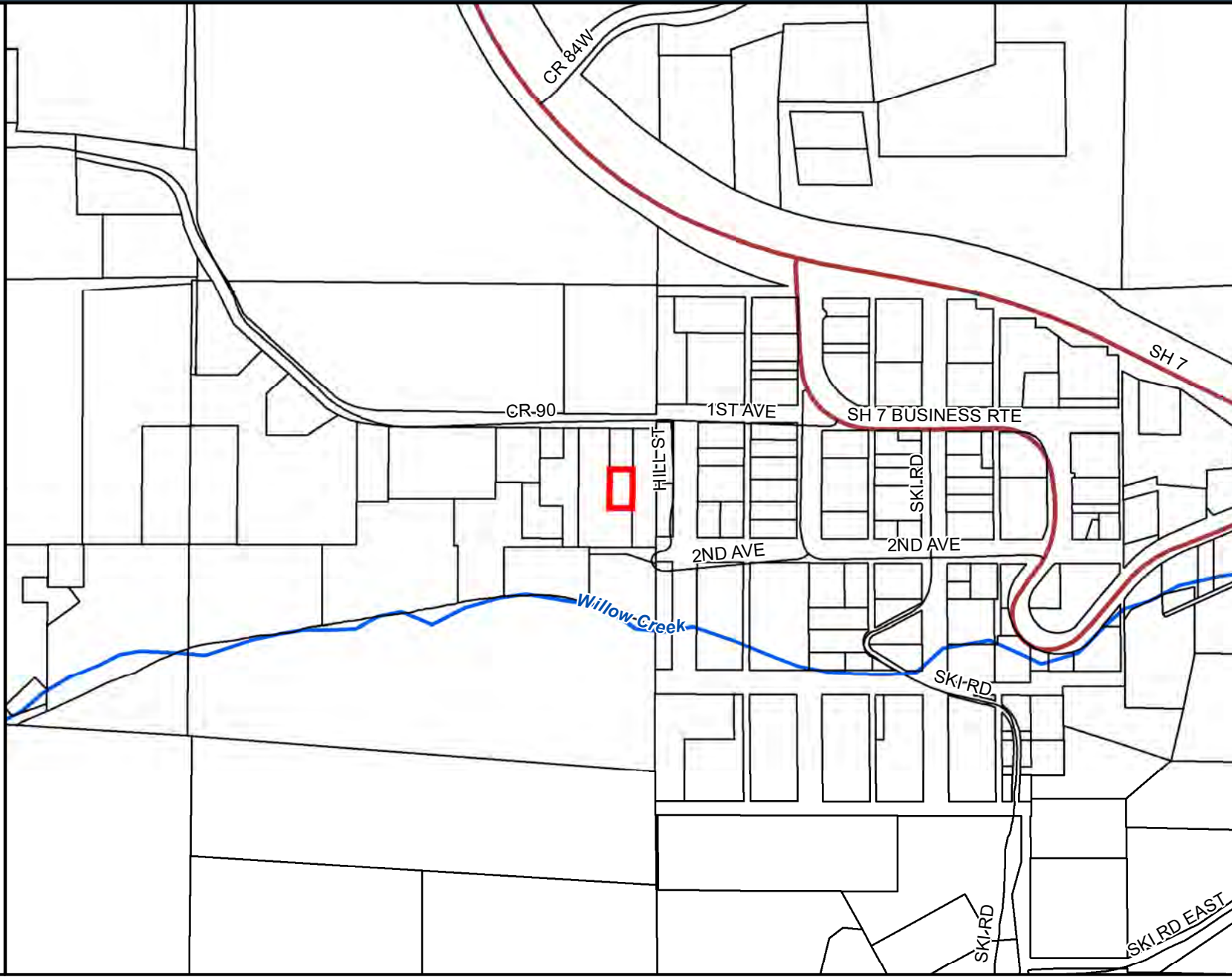
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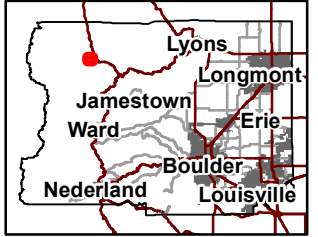
Location

129 COUNTY RD 90

 Subject Parcel



Area of Detail Date: 11/25/2024



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Aerial

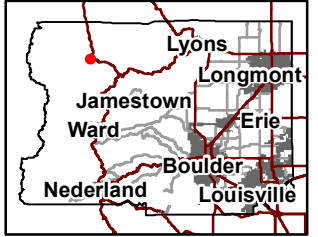
129 COUNTY RD 90

 Subject Parcel

0 0.0025 0.005  
Miles



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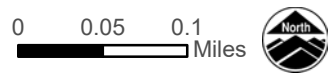
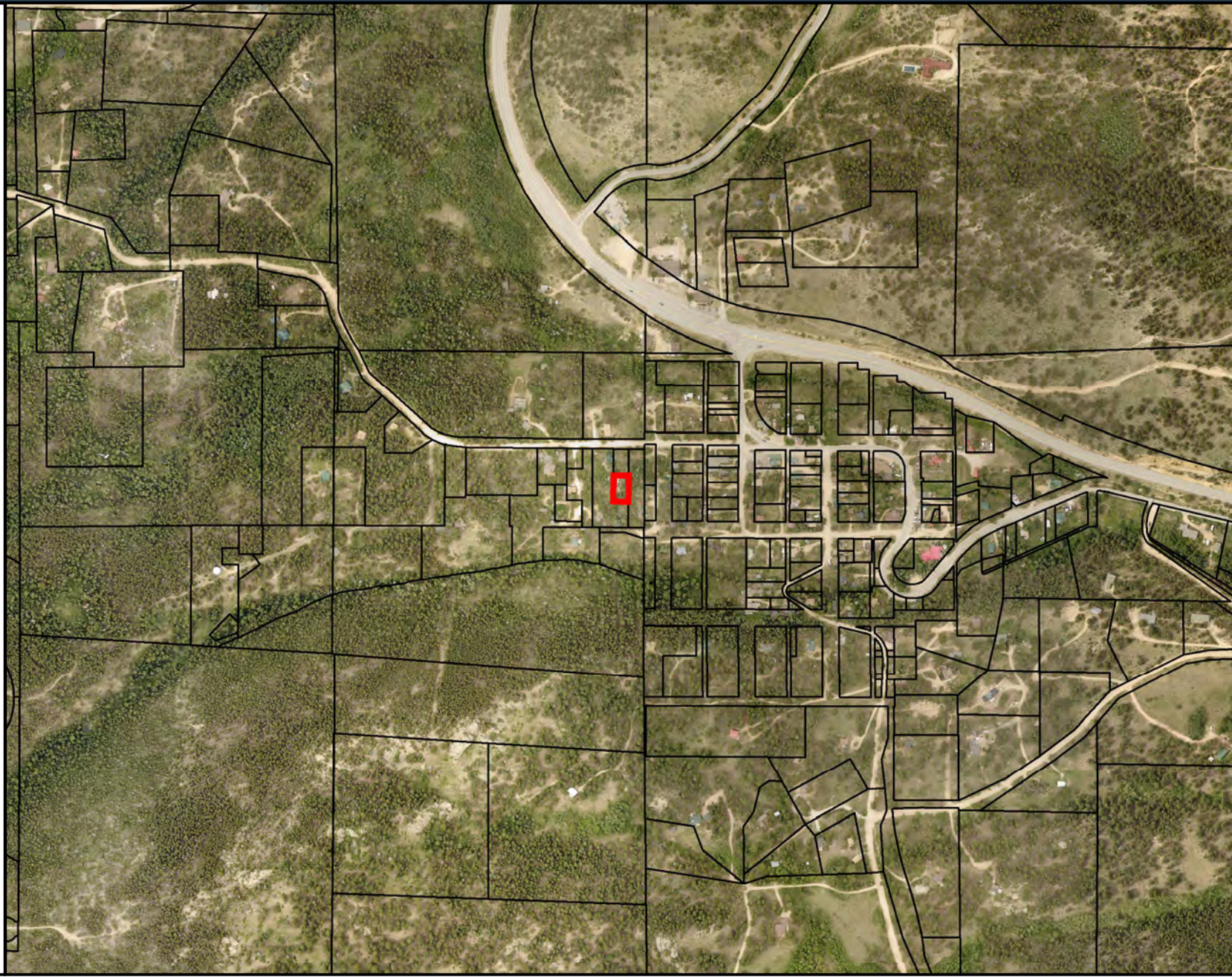
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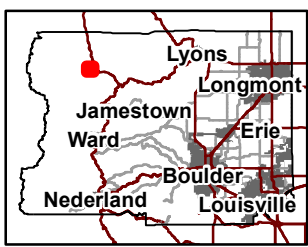
Aerial

129 COUNTY RD 90

 Subject Parcel



Area of Detail Date: 11/25/2024



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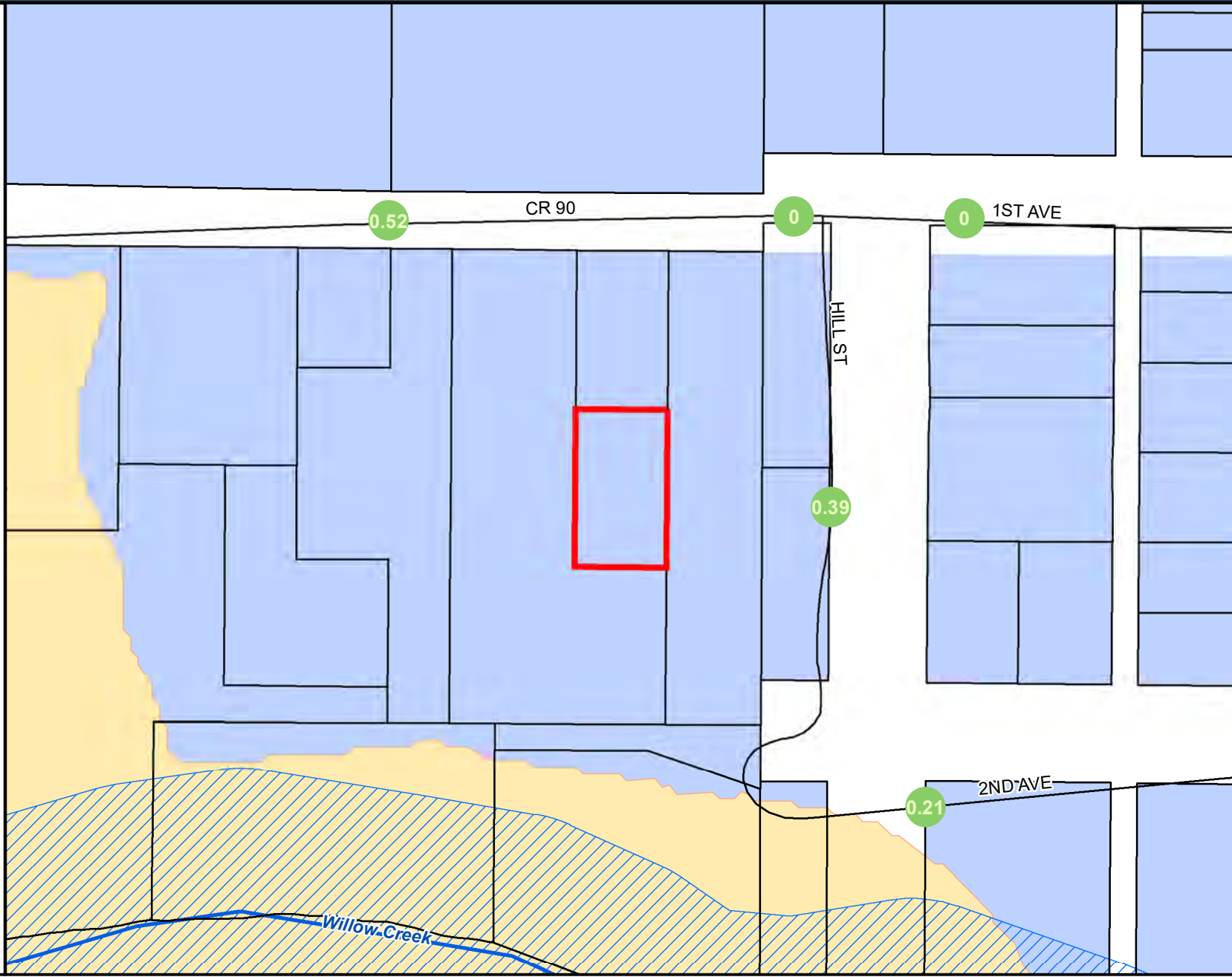
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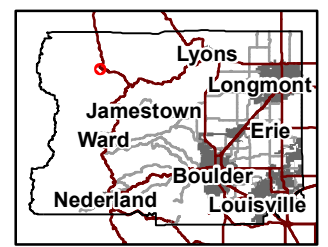
## Comprehensive Plan

129 COUNTY RD 90

- Subject Parcel
- Riparian Areas
- Significant Natural Communities
- Peak to Peak Scenic Corridor



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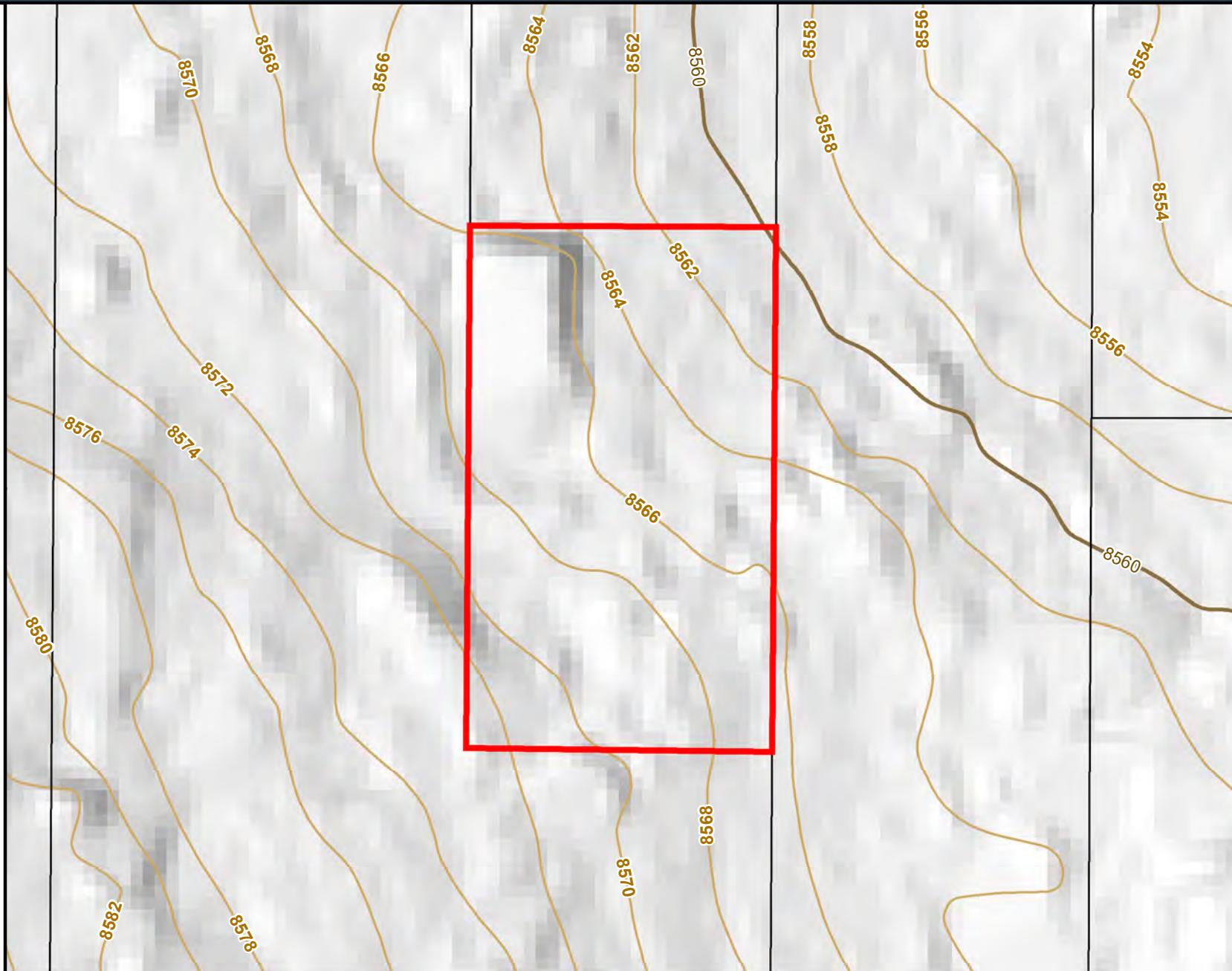
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## Elevation Contours

129 COUNTY RD 90

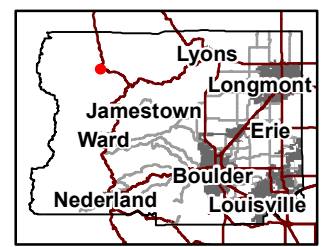
-  Subject Parcel
-  Contours 40'
-  Contours 2'



0 0.0025 0.005 Miles



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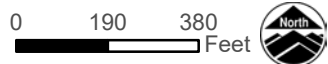
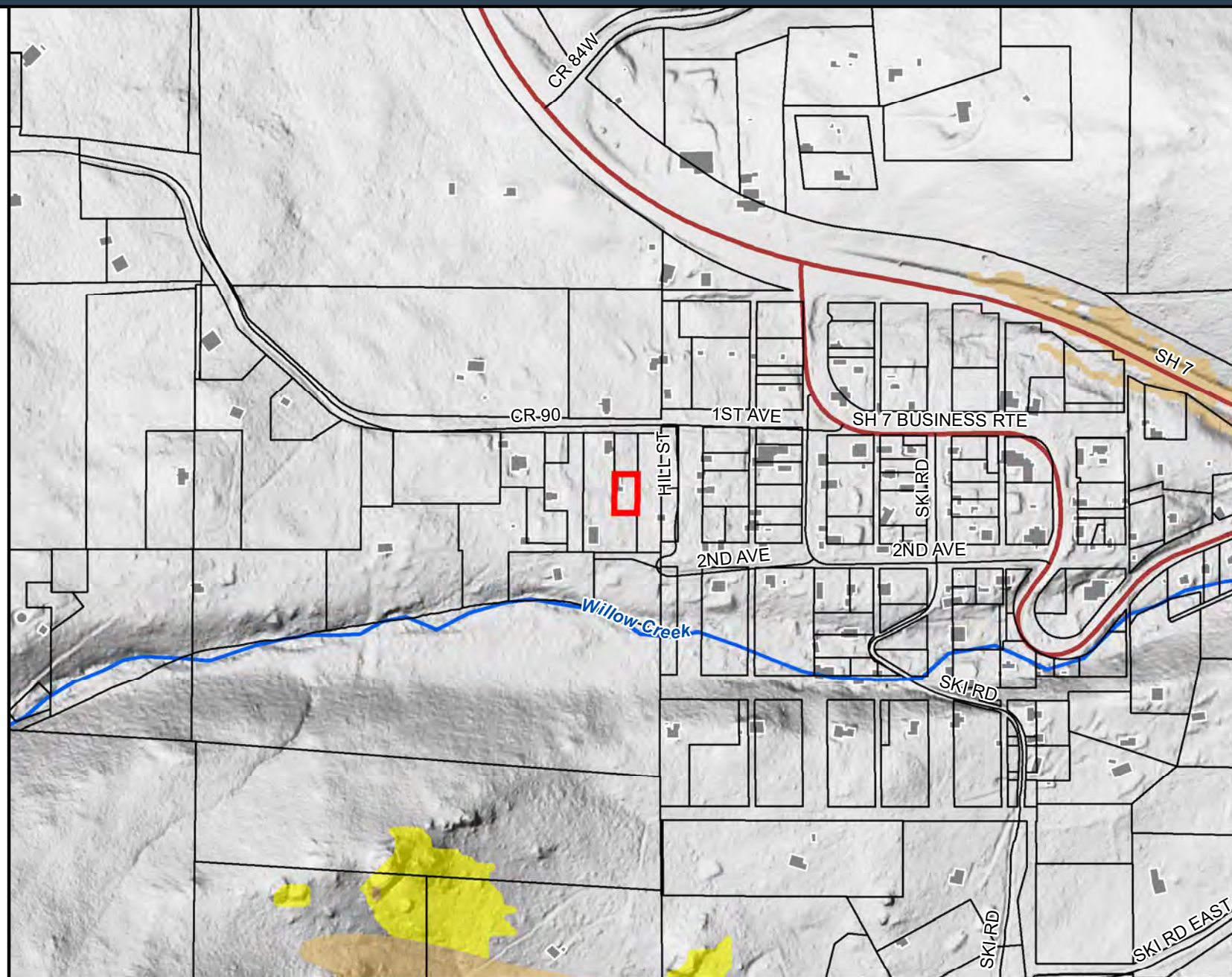
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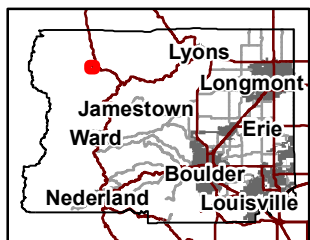
## Geologic Hazards

129 COUNTY RD 90

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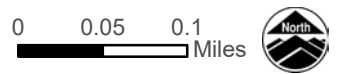
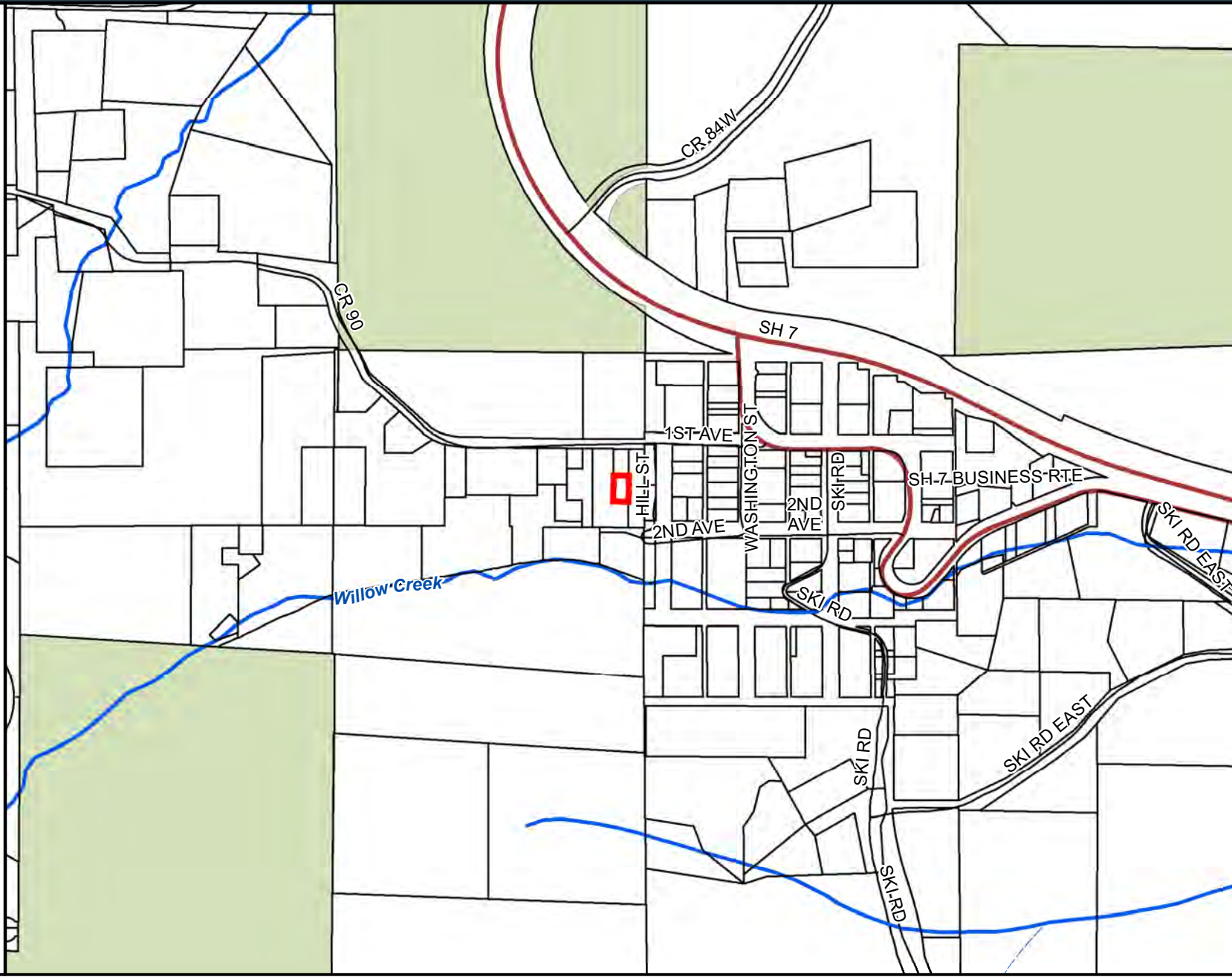
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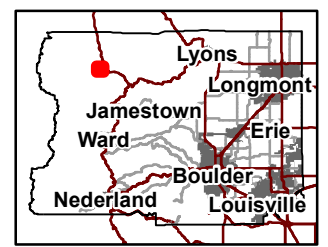
Public Lands & CEs

129 COUNTY RD 90

-  Subject Parcel
- Federal Lands**
-  USFS Land



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Zoning

129 COUNTY RD 90

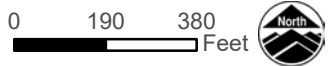
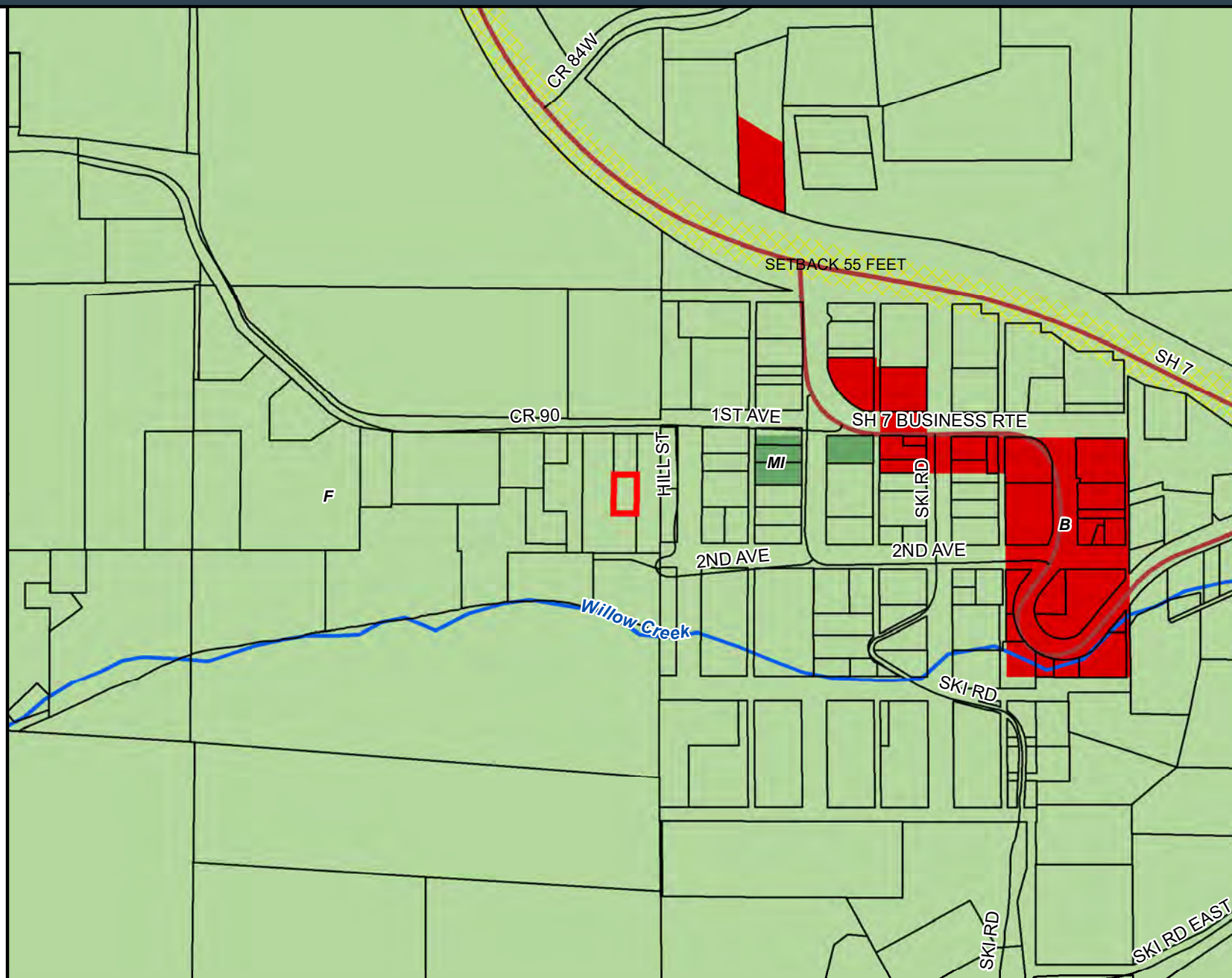
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## Zoning Districts

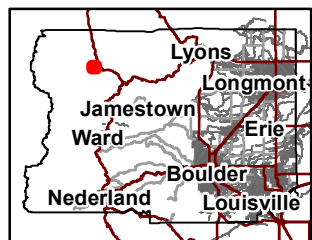
- Business
- Forestry
- Mountain Institutional

## Major Road Setbacks

55 feet



Area of Detail Date: 11/25/2024



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**Boulder County Land Use Department**

Courthouse Annex Building • 2045 13th Street • PO Box 471  
Boulder, Colorado 80302

Phone: 303-441-3930 • Fax: 303-441-4856

Email: [planner@bouldercounty.org](mailto: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 owners want to build a small studio. Due to the narrow lot the buildable area next to the existing cabin requires a setback variance.**

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

**The existing septic field occupies the southern portion of the lot. Without a setback variance there is no other alternative location for a small studio.**

- C. The hardship is not self-imposed.

**The existing cabin is small. Both the lot size and cabin were created many years ago, before the owners purchased the cabin and lot.**

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

**A 10 ft. setback would be provided to the west property line and currently there are no existing structures existing immediately adjacent.**

- E. That the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the *Boulder County Comprehensive Plan*; and,

**The studio is smaller than the existing cabin which is not large by any standards.**

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

**The studio would not be adversely affect the health, safety and welfare of the citizen of Boulder County.**

Applicant or Agent Signature:

*Debbie K. Matthe*

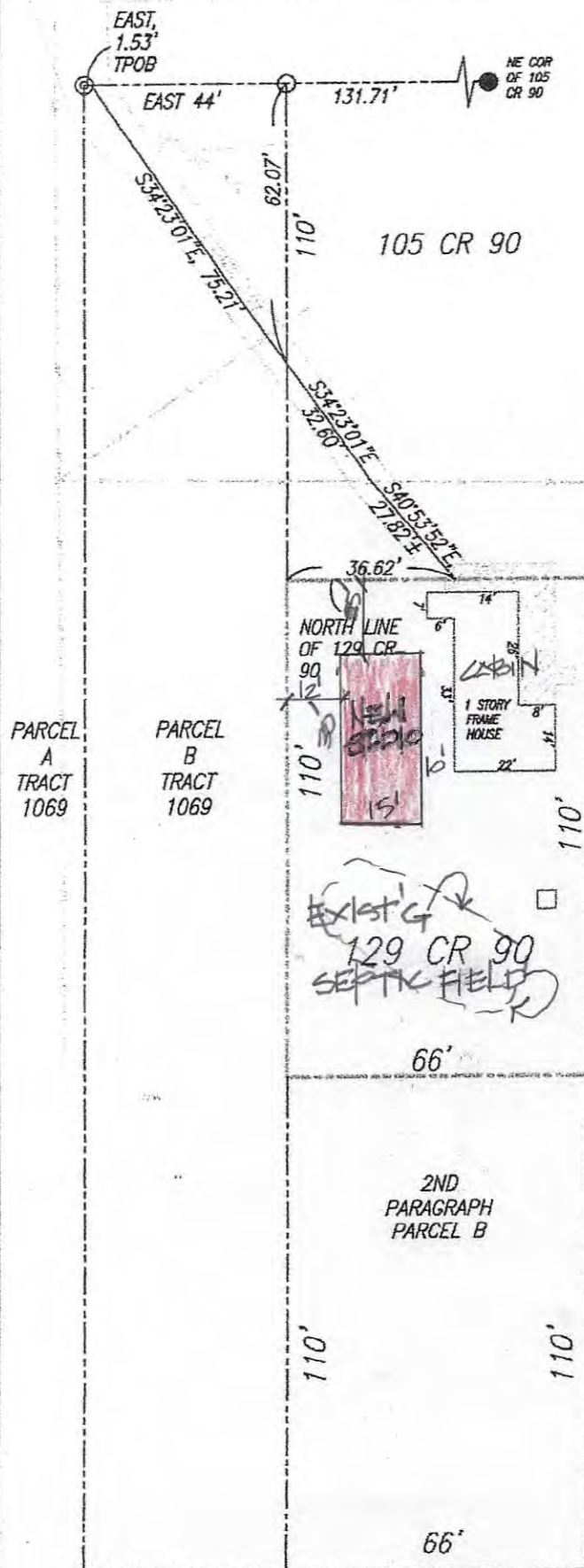
Date:

*02/3/2025*



## EXHIBIT "A"

CR 90



NORTH

SCALE: 1" = 30'

- FND. #5 REBAR
- ⊙ FND. MUSHROOMED 2" PIPE
- FND. #3 REBAR

### LEGAL DESCRIPTION

#### 10' WIDE ACCESS EASEMENT

A 10 FOOT WIDE ACCESS EASEMENT LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 26, T3N, R73W OF THE 6TH P.M., BOULDER COUNTY, COLORADO. THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MUSHROOMED 2" PIPE WHICH REPRESENTS THE NW CORNER OF PARCEL B, TRACT 1069, ACCORDING TO BOULDER COUNTY RECORDS; THENCE EAST ALONG THE SOUTHERLY ROW OF COUNTY ROAD 90, SAID POINT ALSO BEING THE NORTHERLY LINE OF SAID PARCEL B, 1.53 FEET TO THE TRUE POINT OF BEGINNING; THENCE S34°23'01"E, 75.21 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL B, WHICH BEARS, SOUTH 62.07 FROM THE NE CORNER OF SAID PARCEL B; THENCE CONTINUING S34°23'01"E, 32.60 FEET; THENCE S40°53'52"E, 27.82 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL KNOWN AS 129 COUNTY ROAD 90 AND THE TERMINUS OF SAID 10 FOOT WIDE ACCESS EASEMENT WHICH BEARS WEST, 36.62 FEET FROM THE NW CORNER OF 129 CR 90.

RICHARD A. ENGLAND, PLS #29415 29415  
12-27-10  
DATE

### NOTES:

\*\*A BOUNDARY SURVEY WAS NOT COMPLETED. THE EASEMENT WAS GENERATED FROM EXISTING MONUMENTS AS SHOWN HEREON.

DATE: 12/21/2010  
JOB NO.: 86.94-2

ENGLAND  
surveying

WALL LEGEND

- EXISTING 2X6 EXTERIOR WALL
- EXISTING 2X4 INTERIOR WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED 2X4 @ 16" O.C. INTERIOR WALL
- PROPOSED 2X6 @ 16" O.C. EXTERIOR WALL
- 8" CONC. WALL

KERSTING STUDIO  
129 County Road 90  
Unincorporated, CO 80510

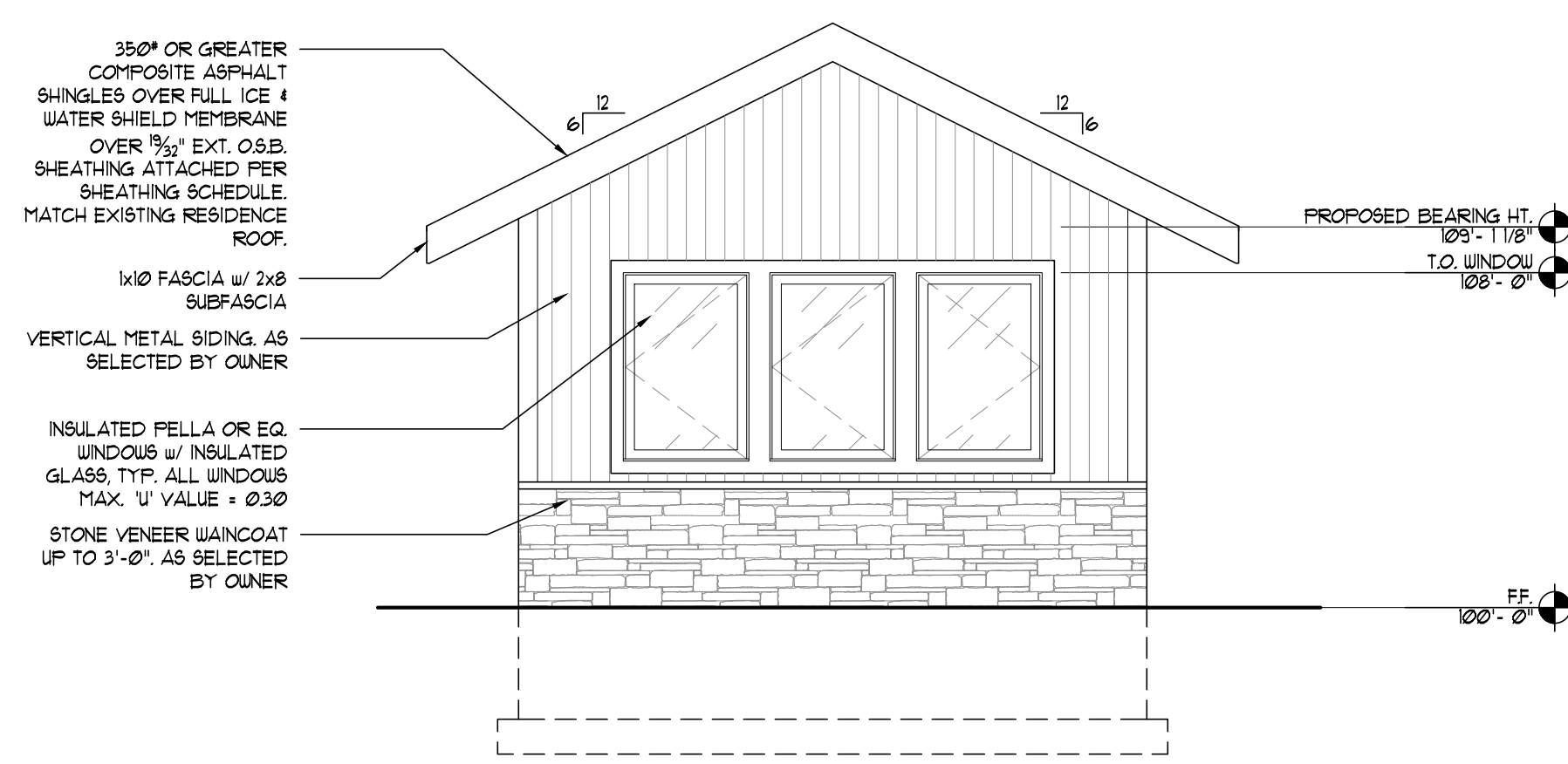
TW Beck Architects, pc  
Architecture,  
Planning and Interiors  
215 Park Lane  
PO Box 57  
Estes Park CO 80517  
(970) 586.3913 phone

PROPOSED FLOOR PLAN, SECTION & ELEVATIONS

A1  
OF -

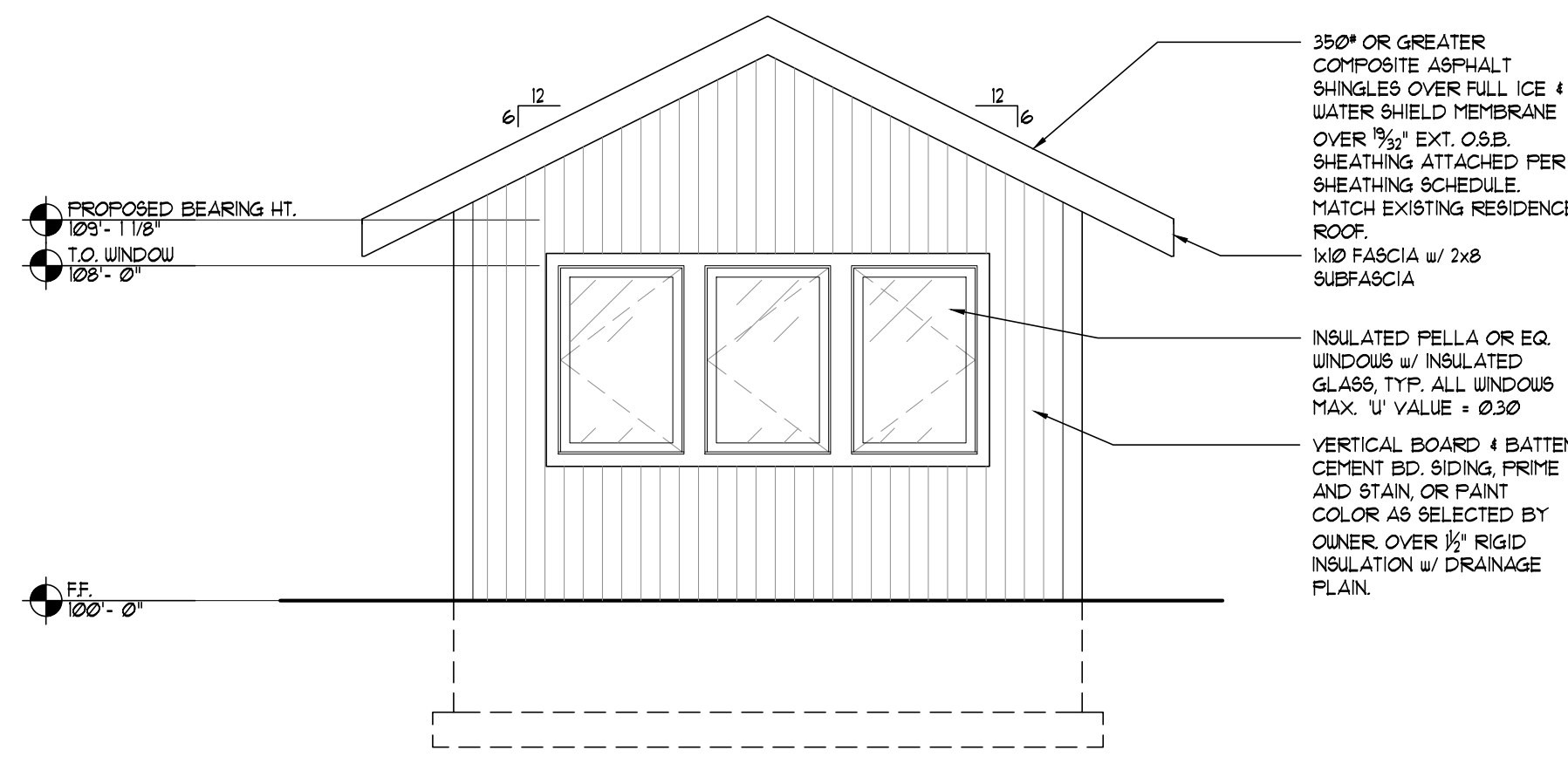
PROJECT NUMBER: 2429  
DATE: FEB. 3, 2025

PRELIMINARY  
NOT FOR CONSTRUCTION



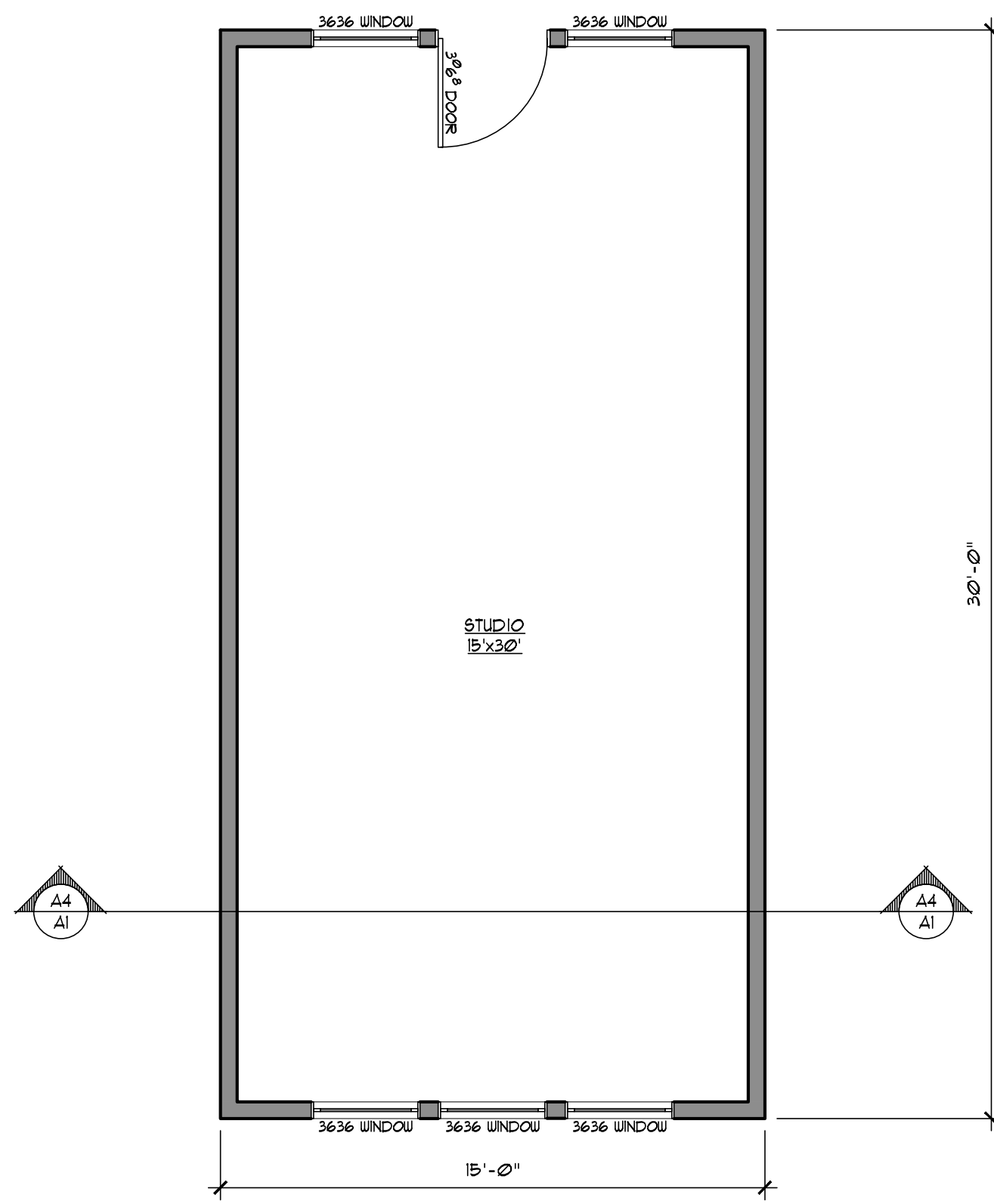
PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"



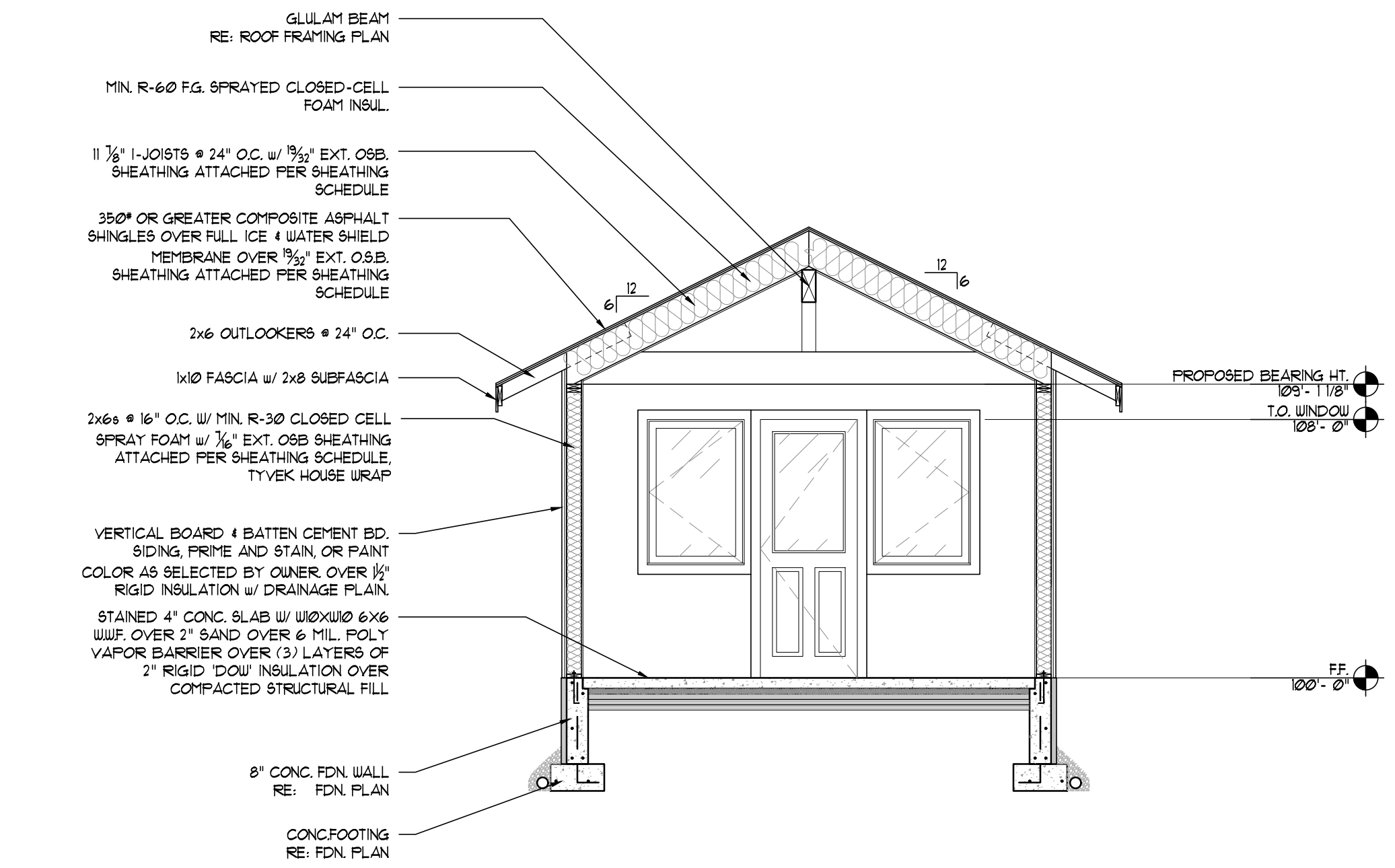
PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



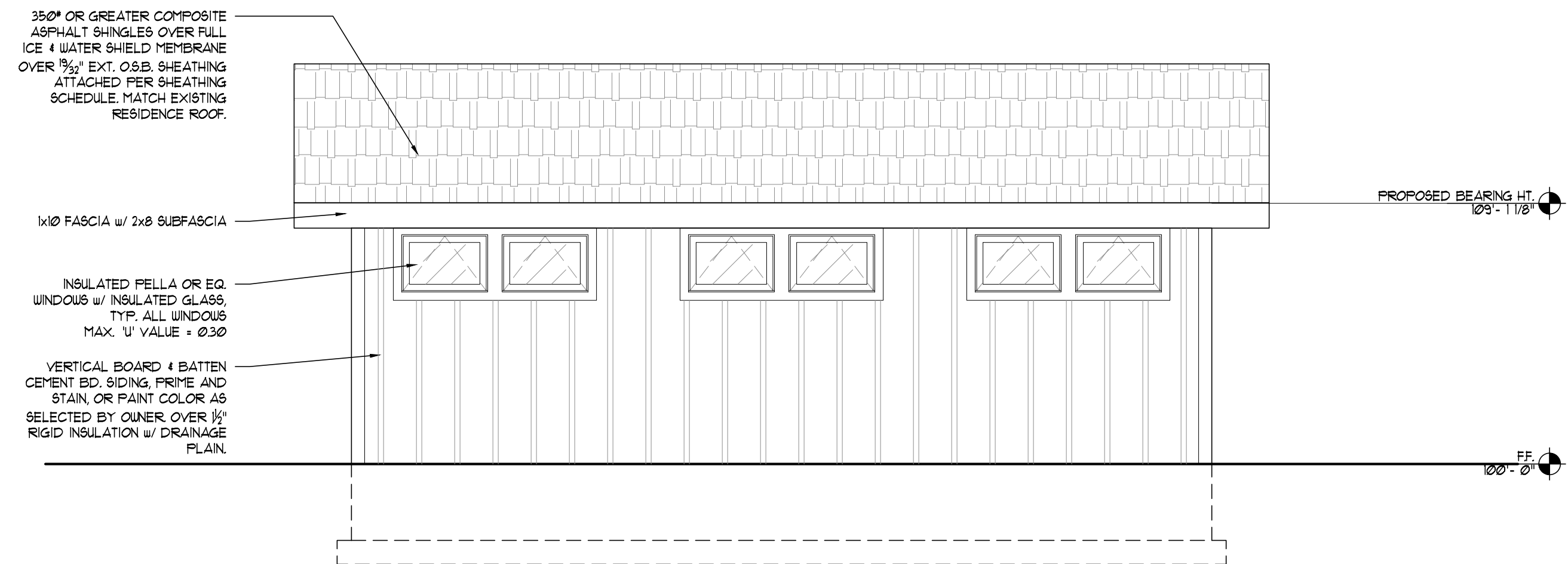
PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"



PROPOSED SECTION

SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION; WEST SIMILAR

SCALE: 1/4" = 1'-0"



# 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.gov](http://www.bouldercounty.gov)

## Building Safety & Inspection Services Team

### MEMO

**TO:** Sam Walker, Planner II  
**FROM:** Michelle Huebner, Plans Examiner Supervisor  
**DATE:** April 15, 2025

**RE:** Referral Response, VAR-25-0001: Kersting-Motta Setback Reductions: Variance request to reduce the north setback from 25 ft. (required) to 15 ft. (proposed) and the west setback from 25 ft. (required) to 12 ft. (proposed) to allow construction of a detached studio on a .16-acre parcel in the Forestry zoning district.

Location: 129 County Road 90

Thank you for the referral. We have reviewed the proposal and have no conflicts with it.

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 us at (720) 564-2640.

**Claire Levy** *County Commissioner* **Marta Loachamin** *County Commissioner* **Ashley Stolzmann** *County Commissioner*





# Community Planning & Permitting

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## Wildfire Mitigation Team

### MEMO

**TO:** Sam Walker, Planner II  
**FROM:** Kyle McCatty, Senior Wildfire Mitigation Specialist  
**DATE:** April 30, 2025  
**RE:** Referral Packet for VAR-25-0001: Kersting-Motta Setback Reductions at 129 County Road 90

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.

This proposed variance conflicts with criteria 4-1202. B. 2.f. By reducing the setbacks to 12 and 15 feet, it adversely affects the health, safety, and welfare of the citizens of Boulder County because it further limits the area to create and maintain defensible space within the property. This can be mitigated by conditioning that, in addition to the typical building code requirements, any new construction built within 25 feet of the property lines must use the following increased ignition resistant materials:

- Where less than 25 feet from the property boundary lines:
  - Exterior walls of buildings or structures shall be not less than 1-hour fire-resistance-rated construction on the exterior side.
  - Dual-pane tempered glass is required.
  - The following materials will not be allowed:
    - Wood and fire-retardant-treated wood
    - Heavy timber (IBC Section 602.4) and log wall construction (see definition in R327) are allowed.
    - Deck surface must be an ASTM E84 (UL 723) flame-spread index no greater than 25.
  - Nothing shall be elevated unless otherwise necessary for some other life and safety concern. Exception: decks are allowable if constructed of metal, stone, concrete, or some other noncombustible material, including decking.
- Where greater than 25 feet from the property boundary lines:

**Claire Levy** County Commissioner

**Marta Loachamin** County Commissioner

**Ashley Stolzmann** County Commissioner

- Dual pane tempered glass is required.
- Wood and fire-retardant-treated wood are not allowed.
- Heavy timber (IBC Section 602.4) and log wall construction (see definition in R327) are allowed.
- The Deck surface must be an ASTM E84 (UL 723) flame-spread index no greater than 75.

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](mailto:kmccatty@bouldercounty.gov).





## Community Planning & Permitting

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

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

303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

April 30, 2025

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

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

SUBJECT: Docket # VAR-25-0001: Kersting-Motta Setback Reductions at 129  
County Road 90

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

1. The subject property is accessed from County Road 90, an unpaved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of local via a private gravel drive within a 10-foot easement. Legal access has been demonstrated via the easement recorded on January 26, 2011, at Reception #03129041.
2. The existing driveway design does not comply with the Multimodal Transportation Standards (the Standards) for residential development, for the following reasons:
  - a. The existing driveway varies in width from 10-14 feet. There are three spots where trees limit the width of the driveway to 10 feet, 13 feet, and 13 feet respectively. The driveway must be at least 12 feet wide for the entire length from the ROW to the subject property, with 16 feet of horizontal clearance and 13 feet 6 inches of vertical clearance, per Table 5.5.1(1-Lane Mountain) of the Standards.
  - b. The access easement is only 10 feet wide, which is not wide enough to encompass the full width of the existing or required driveway.
  - c. The west inlet of the culvert underneath the driveway in the ROW is crushed and full of silt. This culvert must be cleaned out and repaired.
  - d. The existing parking spot on the subject property is 10 feet wide by 30 feet long, but approximately 15 feet of it extends past the subject property into

the easement. The easement clearly states no parking is allowed within the easement. This also makes the 15 feet of it on the property too small to meet the 9 by 20 feet requirement in the Standards for parking stall dimensions.

- e. The deck of the existing residence extends past the property line as seen on the survey.

This concludes our comments at this time.



# Public Health

## Environmental Health Division

April 18, 2025

TO: Staff Planner, Community Planning and Permitting

FROM: Jessica Cannon, Environmental Health Specialist

SUBJECT: VAR-25-0001: Kersting-Motta Setback Reductions

OWNER: Kersting-Motta

PROPERTY ADDRESS: 129 County Road 90

SEC-TOWN-RANGE: 26 3N 73

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. Boulder County Public Health issued a repair permit for the installation of an absorption bed system on 4/19/11. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 2-bedroom house. Boulder County Public Health approved the installation of the OWTS on 5/11/11.
2. 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. <https://assets.bouldercounty.gov/wp-content/uploads/2017/05/boulder-county-ows-regulations.pdf>. A building with a basement, crawlspace or footing drains must be at least 20 feet from an absorption field and 5 feet from the septic tank. If none of those factors exist, a building can be 10 feet from the absorption area and 5 feet from the septic tank.

### Avoid Damage to OWTS:

1. Heavy equipment should be restricted from the surface of the absorption field during construction to avoid soil compaction, which could cause premature absorption field malfunction. Caution should be used in conducting trenching and excavation activities so that sewer lines and other OWTS components are not damaged.

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: [www.SepticSmart.org](http://www.SepticSmart.org). If you have additional questions about OWTS, please do not hesitate to contact [HealthOWS@bouldercounty.org](mailto:HealthOWS@bouldercounty.org).

Cc: OWTS file, owner, Community Planning and Permitting

**Walker, Samuel**

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**From:** Walker, Samuel  
**Sent:** Monday, April 21, 2025 10:10 AM  
**To:** Mark Squillace; LU Land Use Planner  
**Subject:** RE: [EXTERNAL] VAR-25-0001

Mark,

Thank you for your comments, they have been added to the project file, and are now a part of the public record for the proposal. Your comments have been reviewed by staff, and will be forwarded to the applicant and the Board of Adjustment for their consideration.

If you would like to review additional information about the application, it's linked on the webpage [here](#).

Please feel free to reach out to me directly with any questions or additional comments.

**Sam Walker**

Planner II | Boulder County Community Planning & Permitting  
 2045 13th Street, Boulder, CO 80302  
 Ph: 720-564-2738  
[swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov)

---

**From:** Mark Squillace <mark.squillace@gmail.com>  
**Sent:** Sunday, April 20, 2025 7:17 AM  
**To:** LU Land Use Planner <planner@bouldercounty.gov>; Walker, Samuel <swalker@bouldercounty.gov>  
**Subject:** [EXTERNAL] VAR-25-0001

I don't begrudge people the right to develop their property, and I understand this is a small lot. But the area is already filled with buildings that are too close to the road and to other buildings. If this significant variance is approved, how will you stop others from seeking the same types of significant variances?

As you consider this application, please consider what makes sense from the perspective of the broader community. Variances like this pose a risk of overcrowding structures in an area where structures are already too close to each other.

Thank you.  
 Mark Squillace

**Walker, Samuel**

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**From:** Walker, Samuel  
**Sent:** Monday, May 5, 2025 9:04 AM  
**To:** Edie DeWeese; LU Land Use Planner  
**Subject:** RE: [EXTERNAL] VAR-25-0001 Kersting-Motta setback request

Edie,

Thank you for your comments, they have been added to the project file, and are now a part of the public record for the proposal. Your comments have been reviewed by staff, and will be forwarded to the Board of Adjustment and the applicant for their consideration.

If you would like to review additional information about the application, it's linked on the webpage [here](#).

Please feel free to reach out to me directly with any questions or additional comments.

**Sam Walker**

Planner II| Boulder County Community Planning & Permitting  
2045 13th Street, Boulder, CO 80302  
Ph: 720-564-2738  
[swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov)

---

**From:** Edie DeWeese <deweese.edie@gmail.com>  
**Sent:** Friday, May 2, 2025 12:04 PM  
**To:** LU Land Use Planner <planner@bouldercounty.gov>  
**Subject:** [EXTERNAL] VAR-25-0001 Kersting-Motta setback request

Dear Planning people,

Please add my support to the requested setbacks for Denise Motta and Jeffry Kersting at 129 County Rd 90, Allenspark. The location adjoins the old part of Allenspark village, where many buildings are close together and close to or on setbacks. I think it the new structure will fit in with the neighborhood.

Sincerely,

Edie DeWeese  
169 Second Ave.  
Allenspark, CO 80510



Docket # VAR-25-0001 4-29-25  
Kersting - Motta Setback Reductions

1. Property owners purchased a .16 acre seasonal property and now are changing property to year-round dwelling
2. I strongly believe in setbacks-building codes + county rules that protect neighborhoods
3. In the last 5 years 2 neighboring properties have been listed for sale and current owners did not acquire these larger parcels that would have met their needs
4. What effect will approval of this variance have on neighboring parcels property values and their potential sales?
5. In the future when current applicants decide to sell this property with a variance, what's the potential for new owners to convert this "studio" building into a VRBO adding plumbing and change the neighborhood.
6. Think of the increase to the local infrastructure over

7. Next year the applicants or their successors will apply for a garage addition or a forestry barn!

8. when will it stop - the front Range growth. how I hope

I would hope Planning & Permitting Dept. would deny this variance request!

Allenspark Townsite Resident

From: [Ilona Dotterrer](#)  
To: [Walker, Samuel](#)  
Subject: [EXTERNAL] VAR 25-0001  
Date: Tuesday, May 27, 2025 10:52:45 AM

---

We have inspected the proposed setback reductions and have no objections to this variance request. (Keratig-Motta setback reductions.)

Ilona Dotterrer  
James Sable  
289 Ski Road  
Allenspark

**From:** [Thomas W. Beck](#)  
**To:** [Walker, Samuel](#); [Designer](#)  
**Cc:** [TW Beck admin](#)  
**Subject:** [EXTERNAL] RE: Setback variance hearing 6/4/25 at 4pm  
**Date:** Friday, May 2, 2025 3:04:49 PM  
**Attachments:** [2429 - Kersting Studio-A2.pdf](#)

---

Sam, Here is the revised floor plan 25 ft. long in lieu of 30 ft. and also the revised elevation. My brief description would be the paragraph below in regards to my clients meeting with the neighbors and what their wishes are.

Thanks

**Thomas W. Beck, AIA, NCARB**



PO Box 57  
 Estes Park, CO 80517  
 970-586-3913  
[www.twbeckarchitects.com](http://www.twbeckarchitects.com)

---

**From:** Walker, Samuel <[swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov)>  
**Sent:** Thursday, May 1, 2025 4:57 PM  
**To:** Thomas W. Beck <[thomas@twbeckarchitects.com](mailto:thomas@twbeckarchitects.com)>; [Designer](mailto:Designer@twbeckarchitects.com)  
**Cc:** TW Beck admin <[admin@twbeckarchitects.com](mailto:admin@twbeckarchitects.com)>  
**Subject:** RE: Setback variance hearing 6/4/25 at 4pm

Afternoon Thomas,

Apologies for taking so long to get back to you. A revised plan and elevations, accompanied by a short explanatory email, would be enough for me. I don't think we'll need to re-refer the application but you should get me revised plans ASAP just in case. I can have them issued as early as Tuesday next week if I need to, which would still keep you on track for the June 4 hearing date.

**Sam Walker**

Planner III| Boulder County Community Planning & Permitting  
 2045 13th Street, Boulder, CO 80302  
 Ph: 720-564-2738  
[swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov)

---

**From:** Thomas W. Beck <[thomas@twbeckarchitects.com](mailto:thomas@twbeckarchitects.com)>  
**Sent:** Monday, April 28, 2025 2:52 PM  
**To:** Designer <[designer@twbeckarchitects.com](mailto:designer@twbeckarchitects.com)>; Walker, Samuel <[swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov)>  
**Cc:** TW Beck admin <[admin@twbeckarchitects.com](mailto:admin@twbeckarchitects.com)>  
**Subject:** [EXTERNAL] FW: Setback variance hearing 6/4/25 at 4pm

Sam Walker, Boulder County Planner

Our clients Jeff Kersting and Denise Motyoga want to revise the north distance to the property line to 25 feet in lieu of 15 ft. No north setback variance required.

They have reviewed it with their neighbors to the north and this is their agreement, no north setback just the 12 ft. west property line setback. Variance.

Our clients have reviewed it also with their neighbors to the west and south and they are fine with the 12 ft. setback variance request.

It requires removing five feet of the 30 ft. studio length not to impact the septic field. So, a revised studio of 15 ft. by 25 ft.

Other than sending you a revised plan and elevations is there anything else you would need?

Let me know? Thanks

**Thomas W. Beck, AIA, NCARB**



215 Park Lane

PO Box 57

Estes Park, CO 80517

970-586-3913

[www.twbeckarchitects.com](http://www.twbeckarchitects.com)

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**From:** Denise Motta <[denmotyoga@gmail.com](mailto:denmotyoga@gmail.com)>  
**Sent:** Friday, April 18, 2025 4:33 PM  
**To:** Thomas W. Beck <[thomas@twbeckarchitects.com](mailto:thomas@twbeckarchitects.com)>  
**Subject:** Re: Setback variance hearing 6/4/25 at 4pm

Hi Thomas:



Thank you for sending the info.

We discussed this with Dan and he said that we would be withdrawing the request for a 15 ft. variance from our North property line.

Please let me know if this is not your understanding as well.

Also, we will not be able to attend the meeting. Does Boulder County provide a link for attending via Zoom?

Please advise how I can get access to that.

Thanks again & Happy Easter!

Jeff & Denise

On Fri, Apr 18, 2025 at 4:36 PM Thomas W. Beck <[thomas@twbeckarchitects.com](mailto:thomas@twbeckarchitects.com)> wrote:

Jeffery and Denise, Attached is your BOA hearing notice for the setback variances. I would plan on going to this hearing if you can or at least zoom. I will plan on being there in person. We meet with Sam Walker our planner at the site and we had a brief meeting yesterday afternoon. We showed him where we were proposing to put the studio. He agreed that because of the septic tank and leach field that this was the only place available; which is one of the criteria that there are no other options. He took pictures and posted the Hearing notice at the drive entry. He said staff would meet next week to make their recommendation. Which he said most likely they will recommend denial but that that was typical and not coming from him. He did say the Variance Board often does not follow the staff recommendation. I had a variance for a new garage for setbacks in Boulder County by the Olive ridge campground. Staff did not give a positive recommendation but the board still approved it. That was a couple of years ago but not more than 4 or 5.

I will be taking a long weekend but back the middle of the week if you want to call and discuss let us know?

Thanks and Happy Easter.

**Thomas W. Beck, AIA, NCARB**



PO Box 57  
Estes Park, CO 80517  
970-586-3913

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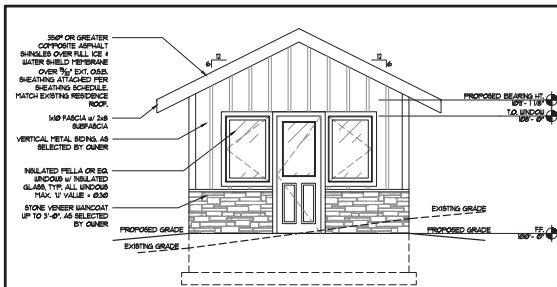
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Denise Motta, NSCA-CPT, E-RYT500  
Yoga / Pilates Instr, Photographer & Animal Advocate  
Pro Dog Walker / Dog Sitter

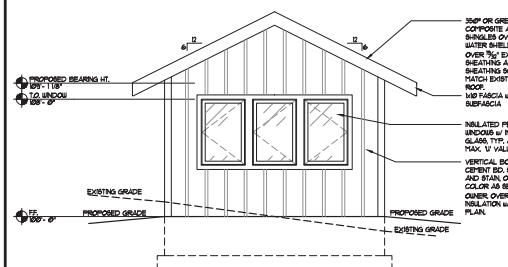
[denmotyoga@gmail.com](mailto:denmotyoga@gmail.com)

"When elephants fight, it is the grass that suffers." -- African proverb

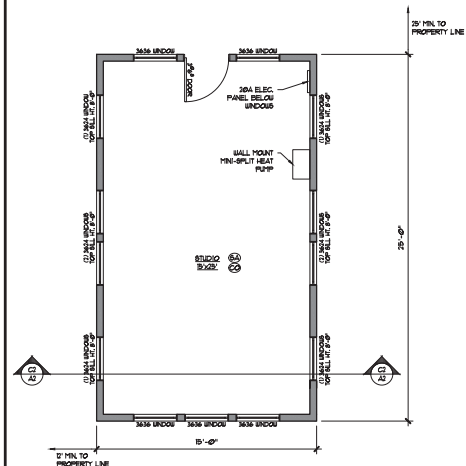




**PROPOSED NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



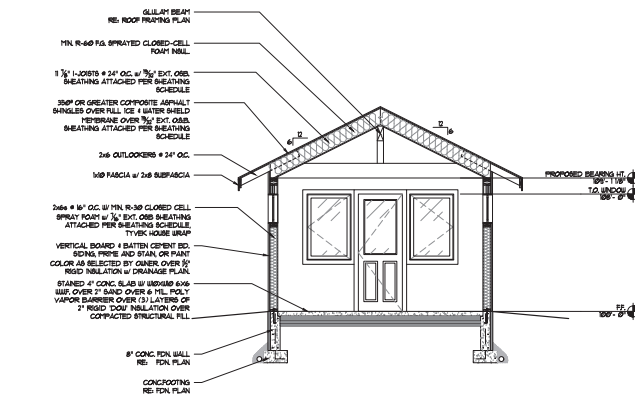
**PROPOSED SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



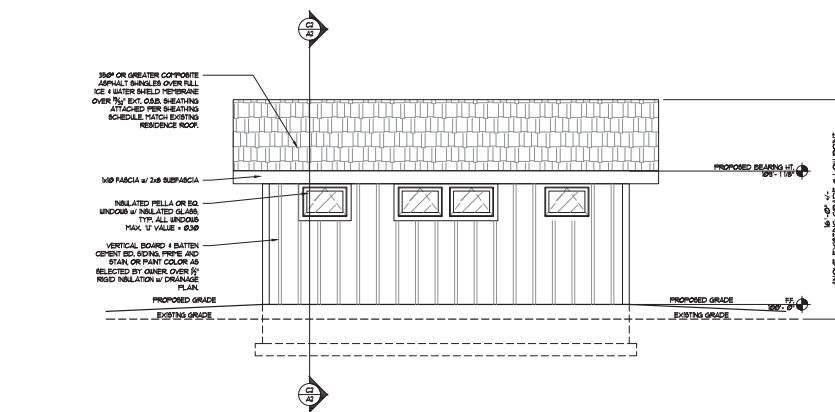
**PROPOSED FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



PLAN NORTH



**PROPOSED SECTION**  
SCALE: 1/4" = 1'-0"



**PROPOSED EAST ELEVATION; WEST SIMILAR**  
SCALE: 1/4" = 1'-0"

## WALL LEGEND

- EXISTING 2x6 EXTERIOR WALL
- EXISTING 2x4 INTERIOR WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED 2x6 @ 16" O.C. INTERIOR WALL
- PROPOSED 2x6 @ 16" O.C. EXTERIOR WALL
- 8" CONC. WALL

## GENERAL NOTES

- CONSTRUCTION SHALL BE PER 2001 IRC AS ADOPTED BY BOLDER COUNTY.
- PROVIDE BLOCKING IN WALLS AS REQUIRED FOR CASEWORK, SHELVES, EQUIPMENT, ETC.
- ALL NEW INTERIOR WALLS SHALL BE FRAMED TO STRUCTURE ABOVE (2x4 @ 16" O.C.) I HAVE P.G. SOUND INSULATION
- ALL ROOF PENETRATIONS SHALL BE COMPLETED PRIOR TO ROOF INSTALLATION AND SEALED WATERTIGHT
- PROVIDE ICE AND WATER SHEILD MEMBRANE TYPICAL AT THE ENTIRE NEW ROOF
- COORDINATE LOCATIONS OF ALL VENTS, BATH EXHAUST NOT TO BE LOCATED IN VALLEYS OR ON RIDGES. PROVIDE BATH EXHAUST FOR EACH BATH
- AT ADDITION PROVIDE: PINE INTERIOR TRIM AND PINE PANEL DOORS BASE, 1/4" PINE, 1" DOOR, 1" WINDOW TRIM, 1/2" PINE @ 1/4" HEAD TRIM.
- AT ADDITION ALL INTERIOR DOORS TO BE (4) PANEL PINE DOORS STAINED.
- ALL EXISTING KITCHEN CABINETS TO REMAIN
- ALL EXISTING WINDOWS TO BE REMOVED AND REPLACED W/ INSULATED FIBERGLASS PELLA OR EQUAL WINDOWS W/ MAXIMUM U-VALUE OF 0.30
- PROVIDE ALL NEW PLUMBING + ADDITION NEW BATHROOM + LAUNDRY CLOSET OFF HALLWAY. PROVIDE CUT SHEETS FOR APPROVAL OF ALL FIXTURES BEFORE ORDERING.
- ALL NEW ELECTRIC FIXTURES TO BE PROVIDED AT ADDITION. PROVIDE CUT SHEETS FOR OWNER APPROVAL OF ALL LIGHT FIXTURES PRIOR TO ORDERING.
- OWNER SHALL PROVIDE FIXTURES AND EQUIPMENT NOT SPECIFIED ON DRAWINGS. CONTRACTOR SHALL PROVIDE ELECTRICAL AND PLUMBING ROUGH-IN AS REQUIRED BY APPLICABLE CODES. CONTRACTOR SHALL INSTALL FIXTURES AND EQUIPMENT ACCORDING TO MFG'S RECOMMENDATIONS + COORDINATE WITH OWNER
- ALL APPLIANCES PROVIDED BY OWNER UNLESS NOTED OTHERWISE
- HEAT SYSTEM: PROVIDE (1) HEAT PUMP SYSTEM FOR HEATING + COOLING. MECHANICAL CONTRACTOR SHALL PROVIDE HEAT LOSS CALCULATIONS + SIZING OF THE NEW SYSTEM AS REQUIRED BY CODE
- ELEVATE SOURCE OF IGNITION FOR APPLIANCES IN PER 60408 2001 IRC. PROVIDE CONTRIBUTION AIR.
- PROVIDE MANIF. INSTALLATION INSTRUCTION FOR ALL GAS FIRE APPLIANCES + PROVIDE GAS LINE DIAGRAM PRIOR TO GAS INSPECTION
- DRYER DUCTS TO COMPLY WITH HB001 2001 IRC
- EXHAUST FAN
- SPRINKLE ALARM PER CODE
- CARBON MONOXIDE DETECTOR PER CODE
- FREEZE PROOF HOSE BIBS

**KERSTING STUDIO**  
129 County Road 90  
Unincorporated, CO 80510

**TW Beck Architects, pc**  
Architecture,  
Planning and Interiors

215 Park Lane  
PO Box 57  
Ester Park, CO 80517  
(970) 586.3913 phone

SHEET TITLE  
**PROPOSED FLOOR PLAN, SECTION 4, ELEVATIONS**

SHEET NUMBER

**A2**  
OF -

PROJECT NUMBER: 200

DATE:  
**APR 30, 2025**

REVISIONS:

NOTE: EXISTING GRADES ARE NOW SHOWN ON ELEVATIONS

ATTACHMENT D