

TOWN OF BLUE RIVER, COLORADO

STAFF REPORT

TO: Mayor & Members of the Board of Trustees
THROUGH: Michelle Eddy, Town Manager
FROM: Bob Widner, Town Attorney
DATE: November 13, 2024
SUBJECT: Work Session – Measurement of Setbacks from Existing Town Roads

During the November 19, 2024, Board Work Session, we will discuss the topic of measuring setbacks and, in particular, the measuring of setbacks from the edge of established Town roads.

The attached draft ordinance would be needed to implement the solution described in this Staff Report.

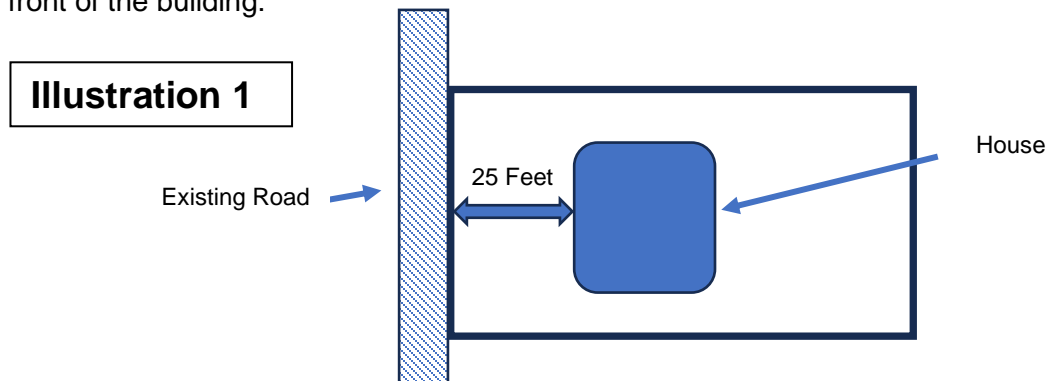
Problem

As the Board recalls, one or more developments in the Town resulted in the construction of buildings in what might be seen as close proximity to an existing road. These developments illustrated the specialized problem within Blue River created by using lot boundaries to measure setbacks where a constructed or existing road is located within the boundary of the lot.

Background

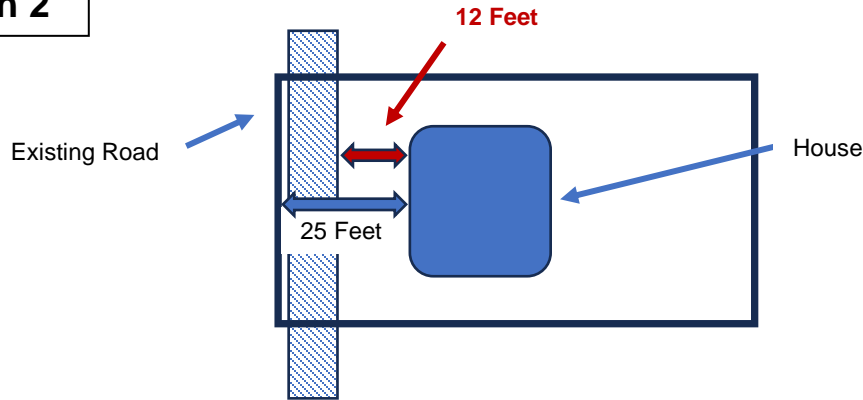
Setbacks are commonly understood and used in land use to require the reservation of space between two points.

For example, a “front yard setback” may be declared by the land use code to be “25 feet.” The declared 25-foot front setback would traditionally be measured from the front lot line to the closest part of a building or structure. Where the lot line of a lot is contemporaneous or matches the edge of a right-of-way, the method of setback works properly and allows enough space between travelling vehicles on the road and the front of the building:



But where a road is located within the boundaries of a lot, the setback measured from the lot line may cause the building to be located too close to the road:

Illustration 2

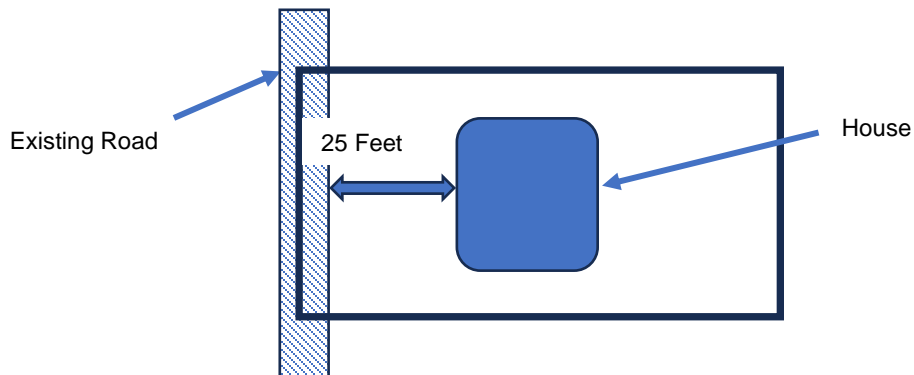


This situation is not typically found in many communities. Blue River, however, was developed through a series of subdivision plats where the platted road easement (the location where a road should be placed) does not correspond to the location where the road was actually constructed. As a result and when using the traditional method of measuring setbacks, there is potential that a building may be located “too close” to the actually constructed road.

Solution

The solution to try and resolve this potential conflict involves requiring the setback for new structures to be measured either:

- (1) from the lot line, when the lot line is closer to the structure than the actual existing road (See **Illustration 1** above); or
- (2) from the actual existing road, when the existing road is located within the lot.



Special Consideration

There *may* be a few situations where the existing road sits well within the lot, thereby making it more challenging to locate the house within the lot due to some special circumstance such as a wetland or other feature. The remedy to such a situation will be to resort to the granting of a variance to enable the property owner to encroach into other setbacks within the property to make reasonable use of the lot.

