



BOARD OF ADJUSTMENTS

Tuesday, August 01, 2023 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

MINUTES

Call to Order. Vice Chair Miner called the meeting to order at 5:02 PM.

Roll Call. Present: Bob Miner, Charlie Ihlenfeld, Eddie Kinney, Kevin Dreher, Bob Radosevich.

Approval of Minutes

1. Minutes of March 7, 2023 Meeting. MOTION (Charlie, Eddie) to approve the minutes. Motion passed 5-0.

Public Hearing

Vice Chair Miner took item 3 first while waiting for applicants to arrive for item 2.

3. Application for Variance of Lot Size, Setbacks at Corner Lot of Primrose/Columbine (Claar). Mr. Curtis Claar provided a background summary to zoning requirements and property rights for development. He explained the property being a non-conforming lot to the required size, which is a hardship. Mr. Claar continued to review the examples he considered and his final request to modify setbacks on a corner lot for a 700-800 sq ft footprint which will not hinder the immediate neighbor nor cause any health or safety concerns. Board member Radosevich inquired about the number of stories. A discussion of setbacks and allowable access took place. Ms. Kathy Allen supported the applicant and stated it's a good plan for a small lot. Vice Chair Miner closed the hearing.

Board member Ihlenfeld read a letter from Board member Ehrhardt, sharing his concerns of identifying a hardship and multiple stories not complying with the community master plan. Board member Kinney inquired if he knew he would need a variance when considering the property. Vice Chair Miner inquired about where the front is located. Discussion took place about the variance not considering front and being a corner lot, front could be either or both with mixed use. Mr. Claar requested the variances be considered to develop the lot. MOTION (Dreher, Kinney) to deny the request to keep the integrity of 25 ft setbacks. Motion passed 5-0. Ms. Kathy Allen asked members what would be acceptable to develop on the lot.

2. Application for a Variance of Front and Rear Setback, 418 Buena Vista Ave (Rudey). Landowner Mr. Jay Rudey and his architect Mr. Stephen Suranowitz explained the request for a variance to allow a 1000 sq ft addition to an existing non-conforming structure. Mr. Suranowitz explained the dimensions of the lot and the limited buildable space and the current structure approved to build well within the setbacks. He requested the rear setback at 15 ft and front setback at 10 ft although the existing

structure is further encroaching into the setbacks. The proposed addition is planned to be at the same existing roof line. Discussion took place about the existing structure and setbacks.

Ms. Ann Perry Wright resides on the other side of Buena Vista, and she spoke about a shed on the property that blocks their view. She stated that she is opposed to the addition and expressed concern of it becoming a short term rental and being nearly 15 ft to the back door. She reiterated that she is opposed to the structure parking, height, and transients if it is used as a rental. Mr. Rudey stated he did not intend to rent it and his family will enjoy it as a vacation home. Ms. Catherine Solski explained the size of family and intended use. Discussion about the existing height and addition height took place. Ms. Kala Walton, neighbor to the property, clarified that the addition height will be the same as the existing structure and setbacks of 10 and 5 ft, which was confirmed. Mr. Steve Wright stated he was under the impression that the addition was within the same footprint, which it is not. He stated there is a shed on the property that obstructs their view and he is opposed to the request. Discussion about the dimensions on the drawings submitted with the application took place. Board member Dreher inquired about the hardship for the variance. Collins suggested that the fact the existing structure is non-conforming is a hardship. Mr. Suranowitz requested a modification of the front setback to 5 ft for the proposed deck. Mr. Rudey addressed the concerns of the neighbors and explained the improvement he will make. MOTION (Kinney, Radosevich) to approve the setbacks to the existing setbacks of the current structure. Motion passed 3-2 (no – Dreher, Miner). An affirmative vote requires four votes to pass. Discussion took place about an Improvement Location Certificate (ILC) to prove the existing setbacks. Board member Dreher asked the neighbors for their input. Discussion continued about the addition, the requested setbacks, and the existing non-conforming structure. Mr. Rudey addressed his neighbors. Mr. Claar approached the board. MOTION (Kinney, Ihlenfeld) was restated for another vote to approve the variance within the setbacks of the current structure - clarified the front setback of 5 ft and rear setback of 15 ft. Motion passed 4-1 (no – Miner).

Other Business

4. Discuss Non-conforming Structures. Collins reviewed the code relating to non-conforming structures.

Adjourn. MOTION (Dreher, Radosevich) to adjourn at 7:16 pm. Motion passed.

Minutes by: Dawn A. Collins, Town Clerk