



## **BOARD OF ADJUSTMENT**

**Tuesday, February 04, 2025 at 5:00 PM**

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

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### **MINUTES**

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**Call to Order.** Chair Ehrhardt called the meeting to order at 5:07 pm.

**Roll Call.** Present: Kurt Ehrhardt, Bob Miner, Charlie Ihlenfeld, Bob Radosevich. Mike Richards arrived at 5:08 pm.

#### **Approval of Minutes**

1. Minutes from January 7, 2025, Meeting. MOTION (Radosevich, Ihlenfeld) to approve the minutes as presented. Motion passed 4-0.

#### **Public Hearing**

2. Application for Variance Request for Street Frontage, Aurelia (continued hearing from January). Ms. Nanette Drobnick and her attorney presented a request for a variance of the street frontage for her property located at Aurelia St., parcel #7105100010. Ms. Drobnick explained that she purchased the lot in 2013 as an investment and has since experienced financial hardship due to a job loss. The property is zoned R3 Residential, and the R3 zoning code requires a 50-foot street frontage for development. She is requesting a variance to reduce the required frontage of 50 feet to the actual roadway frontage of 25 feet.

Ms. Drobnick and her attorney stated the variance would be reasonable, as there are other lots in the area with no street frontage. They emphasized that the current lot configuration was never altered by Ms. Drobnick; it was subdivided and purchased as it is presently. Denying the variance would render the lot unusable for residential development, despite it being zoned for such purpose, which will impose an undue hardship on the property owner.

Collins offered staff input, noting there were no concerns. She did mention a limitation regarding snow plowing at the end of Aurelia Street. Staff had no issues with the 25 foot street frontage.

Mr. Steve Fogler, a long-time resident who has owned his home since 1959, shared his disagreement with the variance request. He referenced photos of plowed snow piles at Aurelia and expressed overall concern about the ongoing development in the community. He shared concerns about water tap fees and development trends and concerns about maintaining quality of life. Mr. Fogler questioned whether the applicant met the hardship criteria. He cited C.R.S. and expressed concern about setting a precedent for future developments. He questioned the property owner's intent, noting that she does not plan to develop, stating that granting a variance for resale was not a valid justification. Mr. Fogler

objected to the subdivision and sale of parcels for development, stating that the intent of the area was for wildlife preservation. He asked the Board members to deny the variance request.

Mr. Howard Ingersoll, a neighboring property owner, stated that the lot in question is approximately 40 steps from his kitchen. He expressed concerns about safety, potential congestion at the access point if the frontage is only 25 feet, and the impact on snow removal at the end of the roadway. He asked the Board members to deny the variance request.

Board member Miner inquired about any encroachment of his property on the roadway, but Mr. Ingersoll was unaware of such an issue.

Chair Ehrhardt read a letter from Mr. Ryan Richards, a neighbor in the area. After hearing the letter, member Mike Richards recused himself from further discussion because Ryan is his son. In the letter, Mr. Richards urged the Board members to uphold the existing zoning regulations and deny the variance request. He emphasized the importance of preserving the safety, privacy, and natural beauty of the area. The letter was added to the packet material.

Ms. Rachel Richards spoke in opposition to the variance request, expressing concerns about the potential safety issues related to turning around and traffic flow, commenting that the area is not safe for increased vehicle movement.

Mr. Greg Dobbs, a neighboring property owner, provided background on the lot, stating that all the lots in the area have been assigned lot numbers, except for the one currently under discussion. In response to a question about access from Parcel 1 and whether there is an alternative route, Mr. Dobbs confirmed that there is no other access due to the ravine. He noted that the access from Aurelia Road is only 25 feet wide. Mr. Dobbs expressed concerns that if the variance is approved, and the lot is developed, it would negatively impact his quality of life. He suggested that the request does not meet the criteria for hardship and requested that the variance be denied.

Mr. Adam Thornberry, a new property owner near the applicant, raised concerns about the limited access and size of the lot for development. Members Ihlenfeld and Radosevich estimated the lot size to be approximately 75 feet wide. Mr. Thornberry expressed doubts about the suitability of the lot length for building. Chair Ehrhardt responded there is plenty of property to develop with proper setbacks and clarified that the Board of Adjustment does not have authority over specific development. Mr. Thornberry voiced concerns about the impact of ongoing development to the local environment and wildlife. He suggested preserving the natural habitat and ensuring that development does not harm the area's wildlife, commenting the property should be considered for conservation. Board member Miner encouraged him to make an offer to the landowner. Mr. Thornberry stated he would consider it.

Mr. Greg Trowbridge, a neighbor to Ms. Drobnick, spoke in support of the variance request. He stated that he is privileged to enjoy private use of his own land with access, and he urged the Board to grant the applicant the same consideration. He stated that the applicant should be allowed to use her land as she sees fit.

Ms. Colleen Means relocated back to Palmer Lake and expressed her preference to limit further development in the mountain area. She described her neighborhood as a tight area and voiced concerns about the potential dangers that additional development could bring.

Mr. Dobbs inquired whether Ms. Drobnick was aware of the 25-foot access issue when she purchased the property and whether she knew that the lot was not fit to develop due to the zoning code regulations. He also mentioned that the neighbors would like to present alternative solutions to the

Board. Chair Ehrhardt responded that such discussions would need to occur outside of the meeting directly with the applicant.

Chair Ehrhardt asked Ms. Drobnick to address any questions or comments raised. Ms. Drobnick clarified that the non-compliant street frontage was not disclosed nor was it disclosed that the property would be landlocked. She stated that Mr. John Reisberg was the realtor at the time of purchase. Ms. Drobnick's attorney reiterated that they are not requesting any change to the lot, which was sold to Ms. Drobnick as residential property. She reiterated that the lot was subdivided into two distinct parcels before she purchased it and the limited 25-ft access was not disclosed to her.

Chair Ehrhardt closed the hearing.

Collins inquired whether member Mike Richards had any conflict. Member Richards responded that he would recuse himself from the discussion. He removed himself from the meeting table. No further comments or questions were raised.

Chair Ehrhardt reflected on his experience as a builder in the area, stating that he supports property rights. He also noted that the 25-foot access is served by a 20-foot culvert, which is large enough for two people to pass and therefore does not consider the request a significant issue. Member Miner raised concerns about snow stacking and inquired about other options for managing it. Dawn assured members that snow placement will be addressed and worked out appropriately. Board member Radosevich questioned the need to determine hardship. He also provided background about the road development and expressed concern about drainage. Collins stated that the existing roadway and frontage being only 25 feet is the hardship. Board member Ehrhardt stated he understands about wildlife but that this will not disrupt wildlife, and it will find a route. MOTION (Ihlenfeld, Ehrhardt) to approve the variance of 25 feet street frontage for the property, identified as Parcel 1. Roll call vote – aye 4; nay 0. Motion passed.

Board member Mike Richards returned to the meeting table.

### **Other Business**

3. Nominate and Vote on Board Chair. MOTION (Radosevich, Ihlenfeld) to nominate Kurt Ehrhardt to continue as Chair. Motion passed 5-0.

4. Nominate and Vote on Vice Chair. MOTION (Ehrhardt, Radosevich) to nominate Charlie Ihlenfeld as Vice Chair. Discussion took place about citizen members as first option. No member stated any concern. Motion passed 5-0.

**Adjourn** – Chair Ehrhardt adjourned the meeting at 6:16 pm.

*Minutes by: Erica Romero, Deputy Town Clerk*