



Town of Nederland Board of Zoning Adjustment

MINUTES

Thursday, July 12, 2012 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Chairman Stringfellow called the meeting to order at 7:05 p.m.

2) Roll Call

Present: Chairman Mark Stringfellow; Board members Ken MacFerrin, Debbie Davenport, Mark Moll, Leonard Kottenstette, and Trustee Chris Perret.

Also present: Town Administrator Alisha Reis and Deputy Town Clerk Michele Martin

Absent: Alternate Board Member Roger Cornell.

3) Approval of minutes from April 12, 2012

A motion to approve the April 12, 2012 minutes was made by Board member MacFerrin, seconded by Board member Davenport and approved unanimously, with Trustee Perret abstaining due to his absence from the previous meeting.

4) Public Comment

There was no public comment.

5) Discussion Items

There were no discussion items.

6) Action Items

a. Consideration of Variance Application for setbacks for Burt Rashbaum and Sharon Ferguson, 308 Lakeview Drive.

Chairman Stringfellow began the hearing by asking the applicants to confirm that the reason they were before the Board tonight was for a variance in support of a garage project, and the applicants replied yes.

Burt Rashbaum presented a 45-second video of an average winter day in front of their home. The video showed winds blowing and the beginning of the snow drift that normally turns into a six-foot drift that doesn't melt until May. The video was originally taken to put on YouTube to humorously share with family, but the humor has worn off, and the drift is causing a hardship for the applicants.

Chairman Stringfellow asked how the applicants would normally access their house with this drift, and the applicants' response was by grabbing the top of the railing, pulling them up, and then a vertical slide down to the front door. Once inside the house, Burt then grabs a shovel to start digging out down to the steps to make a path. While in his thirties, he would do that 3x day and always the drift would be back within an hour.

Rashbaum went on to read a prepared statement for the record, reiterating from his hardship statement. They hope that by building the garage, it will block their steps from the drift, as well as provide them access to their house via the garage. In the face of the zoning requirement of a 25-foot front yard setback and the topography of their property, the applicants requested a variance to reduce the required front yard setback 10 feet to allow for the building of the garage. Rashbaum closed with a final comment: when four feet of snow entered his house as he opened the front door this year and he found himself shoveling from inside his house, he then knew that the drift had defeated him. The applicants have tried snow fences and tried to create temporary walls of snow, and nothing has worked. They are afraid the drifts will drive them out of their home.

Chairman Stringfellow went on to ask about the plans for the proposed garage. Rashbaum described the two-story garage, which includes stairs to take them to the basement level of the house. They will cut a door into their foundation to access the house through an enclosed breezeway.

Board member MacFerrin wondered if the applicants were able to determine why the drift happens. The applicants gave their theories,

but mostly due to the topography of their site. Town Administrator Reis stated that the Town's Geotechnical Engineer, Mark Weritz, reviewed the application and seems to think that the angle of the topography causes a vortex to create this drift. Weritz supports this application because garage construction at, or near, the street grade is preferable to the higher grade that would be required if the applicants were to meet setback requirements. This application would need less excavation, which would result in less areal ground disturbance and reduce the risk of erosion, which is already so prevalent in this area of town. Also, more excavation would likely cause exposure of water resources to phosphorous materials and destabilize the hillside.

MacFerrin asked how the applicants expect the garage to help with the drifts, and Rashbaum responded that it should help in blocking the stairs, but if it doesn't they can still access the house through the garage.

Chairman Stringfellow asked about the neighbor's garage and how far set back it was. The applicant did not know. The applicants proceeded to show the Board members where, on the colored snapshot of Boulder County's emapping map print, the garage would be built.

Board member Kottenstette asked where they park their cars now. Rashbaum responded that they park their cars in the front of the house off the street, but they never get drifted in down there.

A motion to approve a variance to reduce the front yard setback requirement to 10 feet for the proposed garage was made by Board member Davenport, seconded by Board member Moll and unanimously approved.

b. Consideration of adoption of Board of Zoning Adjustment Bylaws

Town Administrator Reis stated that the Board of Trustees had requested all their advisory boards to implement operational bylaws. Staff had prepared a draft for the Board of Zoning Adjustment to review.

Discussion took place on the exact date and time of the meetings and wondered if that provided enough flexibility for the Board. Reis explained that the bylaws were a guideline for the Board to follow, and they provide a standard for posting requirements. It was noted that meetings can always be rescheduled as needed.

Board member Moll felt more flexibility should be given to the meeting dates and times.

A motion to adopt the suggested bylaws as presented was made by Board member MacFerrin, seconded by Board member Kottenstette, and approved, with Board member Moll abstaining.

7) Other business

Town Administrator Reis provided the Board with an update on the non-conforming lots and structures code change. The Board of Trustees did adopt the proposed changes at their June 5, 2012 meeting.

There is a new variance request to be heard by the Board. The applicant is not able to wait until the next regularly scheduled meeting in October due to possible ground freezing, and the Board is required by municipal code to hear an appeal within 30 days, so the next meeting is scheduled for August 9. It was decided to hold the meeting at 7:30 p.m. The Deputy Clerk will send a reminder email to the Board.

8) Adjournment

A motion to adjourn was made by Board member Kottenstette, seconded by Board member Davenport and unanimously approved to adjourn at 8:00 p.m.

Approved by the Town of Nederland, Board of Zoning Adjustment,



Mark Stringfellow, Chairman

ATTEST:



Michele Martin, Deputy Town Clerk