



**TOWN OF NEDERLAND
BOARD OF ZONING ADJUSTMENT
REGULAR BUSINESS MEETING**

**NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466**

June 25, 2015 6:00 P.M.

MINUTES

A. CALL TO ORDER

Chairman Stringfellow called the meeting to order at 6:24pm.

B. ROLL CALL

Present: Chairman Mark Stringfellow, Vice Chairman Ken MacFerrin, Trustee Liaison Kris Larsen, Board Members: Leonard Kottenstette, Mark Moll, and Alternate Member Roger Cornell.

Absent: Member Debbie Davenport.

Also present: Town Administrator Alisha Reis and Deputy Town Clerk Cynthia Bakke.

C. APPROVAL OF MINUTES FROM January 8, 2015

Motion to approve minutes was made by Trustee Larsen, seconded by Member Cornell, with 5 in favor, and abstention by Member Kottenstette who was not present at the January meeting.

D. PUBLIC COMMENT

There was no public in attendance.

E. DISCUSSION ITEMS

There were no discussion items.

F. ACTION ITEMS

Motion to move Action item #4 forward was made by Trustee Larsen, seconded by Member Moll, with all in favor.

1. Consideration of a Zoning Variance Application for a 10-foot street setback variance (double frontage) for an existing single-family residence by John Dempsey at 118 W 6th Street.

Reis introduced the item. She said that the home in question is located in the the Medium Density Residential (MDR) district, which requires a 25-foot setback from a street for all uses. The lot in question is a double frontage lot at the corner of 6th Street and Navajo Trail. She explained that the home in question has been under construction since 2004, but has not been finalized, nor has a Certificate of Occupancy been issued. The homeowner/builder John Dempsey intends to sell the home as is, and desires to address the nonconformance regarding the 6th Street street setback. Reis further explained that Dempsey said he was given verbal approval by the former Town Director of Operations Ron Trzepacz at the time of the building permit application (to Boulder County) for the 6th Street setback to be recognized as a side setback. There was no specific written documentation of the verbal approval, however Trzepacz had issued a letter indicating release of Dempsey's building permit in 2004.

Reis explained that an alternate route was suggested during review by Town Attorney Carmen Beery to stipulate to the Town's recognition that the applicant built the property in reliance of information given by a Town official. The stipulation includes now and future recognition of the property as legal nonconforming. She said that a future buyer may then complete construction in accordance with all district code regulations, and no further encroachment into the 6th Street setback. Reis stated that the administrative approval letter will be contained in the property file and recorded with Boulder County.

Reis said there are comparable situations within the town where the bulk of the zoning regulations were followed, and there is little impact to the neighborhood. In such cases, determination can be made by the Town Administrator and Town Attorney, provided there are documented records of action, she said.

Reis noted that this would not be the case without records of approved action or if structures were constructed after Zoning Code adoption in 1981. She said that those cases would still come before the Board of Zoning Adjustment.

- 2. Consideration of re-appointment of Vice Chairman
Ken MacFerrin**
- 3. Consideration of re-appointment of Board Member
Debbie Davenport**

**4. Consideration of re-appointment of Alternate Member
Roger Cornell**

Considerations for re-appointments were combined into one motion. **Motion to recommend approval of re-appointment for Vice Chairman Ken MacFerrin, Member Debbie Davenport, and Alternate Member Roger Cornell was made by Alternate Member Cornell, seconded by Member Moll, with all in favor.**

G. OTHER BUSINESS

Reis said that representatives from the EPA's Building Blocks Technical Assistance will hold a public discussion on July 9 from 7-8:30pm, with a follow-up stakeholder's workshop on July 10. Reis said the agenda will be sent to all advisory boards.

Chairman Stringfellow asked about the Building Codes update, with BZA recommendations made in January 2015. Reis said that code aspects will be undertaken with the EPA technical assistance, followed by any update to the building codes, and review of zoning codes thereafter. Reis indicated that the update process will likely take 2 years for completion.

H. ADJOURNMENT

Motion to adjourn was made by Alternate Member Cornell, seconded by Member Kottenstette, with all in favor. Chairman Stringfellow adjourned the meeting at 8:32 pm.

Approved by the Town of Nederland Board of Zoning Adjustment,



Mark Stringfellow, Chairman

ATTEST:



Cynthia Bakke, Deputy Clerk