



Town of Nederland Board of Zoning Adjustment

AGENDA

Thursday, May 19, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

- 1) Call to Order**
- 2) Roll Call**
- 3) Approval of minutes from January 13, 2011**
- 4) Scheduled Business**
 - a. Consideration of a setback variance request by Saint Rita's Church, 326 Highway 119.
 - b. Consideration of a setback variance request by Paul Rewinkel, 259 W. 4th Street.
 - c. Consideration of a setback variance request by Jasbir Chahal, 24266 Highway 119.
- 5) Other business**
- 6) Adjournment**



Town of Nederland Board of Zoning Adjustment

MINUTES

Thursday, January 13, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Chairman Stringfellow called the meeting to order at 7:06 pm.

2) Roll Call

Present: Chairman Mark Stringfellow; Board Members Debbie Davenport and Ken MacFerrin; Alternate Board Member Bill Martin.

Also present: Town Administrator Alisha Reis, Deputy Clerk Kristen Edwards.

Absent: Board Member Mark Moll, Trustee Liaison Marci Wheelock.

3) Approval of minutes from November 8, 2010

A motion to approve the minutes was made by Board Member MacFerrin, seconded by Board Member Davenport and approved unanimously by a roll call vote.

4) Scheduled Business

- a. Review of Findings & Decision re: Appeal – Building Permits #10NED-00011 and #10NED-00012 (259 and 261 West Fourth St.)

After minimal discussion, a motion to adopt the Findings & Decision was made by Board Member Martin, seconded by Board Member MacFerrin, and approved unanimously by a roll call vote.

5) Other business

Chairman Stringfellow asked about the new BZA-related fees for 2011. Town Administrator Reis explained the new fee schedule and promised

to send the full schedule to the Board. The Board agreed to discuss fees at a later meeting and possibly make recommendations to the BOT regarding fees for 2012.

Reis passed out a summary of the rules surrounding open meetings per Colorado's Sunshine Laws. She reviewed the dynamics of open meetings and how 'reply to all' emails are included under that umbrella. A discussion followed to clarify the dynamics of what types of communication are and are not permitted under the laws.

Chairman Stringfellow made a suggestion that the group try to keep paper use to a minimum and not print copies of meeting packets unless necessary.

6) Adjournment

A motion to adjourn was made by Board Member Martin, seconded by Board Member MacFerrin and approved unanimously by a roll call vote at 7:28 p.m.

TOWN OF NEDERLAND

Mark Stringfellow, Chairman

ATTEST:

Kristen Edwards, Deputy Town Clerk



**AGENDA INFORMATION
MEMORANDUM
NEDERLAND
BOARD OF ZONING ADJUSTMENT**

Meeting Date: May 19, 2011

**Initiated By: /s/ Alisha Reis
Dept: Planning & Zoning**

AGENDA ITEM:

Consideration of a setback variance request by St. Rita's Church, 326 Highway 119.

SUMMARY:

Applicant St. Rita's Church (Jeff Fruth, Representative) has submitted a request for a setback variance in order to construct a memorial prayer garden in the northeast corner of the property.

As the property is zoned General Commercial, the relevant front yard setback is 25 feet. The proposed memorial garden would be flush to the property line, in violation of setback requirements. There is an approximately 80-foot buffer between the property line and the edge of Highway 119, most of which is taken up by the Church's parking lot, which is in the highway's right-of-way.

According to Sec. 16-232 of the Nederland Municipal Code, the Board must consider the following five criteria, insofar as applicable, when reviewing a request for variance:

- a. That there are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property.
- b. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Chapter.
- c. That such unnecessary hardship has not been created by the applicant.

- d. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property.
- e. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of this Chapter's provisions which are in question.

Staff's review of the application suggests that the Board may consider approval based on meeting criteria a, b, d & e.

ALTERNATIVES:

- 1) Approve the variance request
- 2) Deny the variance request

ATTACHMENTS:

- 1) Variance application
- 2) Hardship statement
- 3) Site Plan
- 4) ILC
- 5) Architectural renderings of proposed improvements
- 6) Overhead view of property
- 7) Public notice address list

FINANCIAL CONSIDERATIONS:

None



Application for Zoning Variance
Board of Zoning Adjustment

Town of Nederland

45 W. 1st Street, PO Box 396, Nederland CO 80466

Name: St. Rita's Church c/o Jeff Fruth representative

Address: 326 Hwy 119 P.O. Box 901

Phone: (Home) ^{Jeff} 303-258-7398 (Work) 303-589-4425

Email jpfruth@nednet.net Date of Application: 5/2/11

Address and location of property: Street Address 326 Hwy. 119

Block _____ Lot _____ Subdivision _____ Zoning GC

Tract 1026 Less parc Nederland, SW 1/4 NE 1/4 S13 T1S R73W

If applicant has applied for a building permit, please complete the following section:

Date of building permit application: _____

Date building permit denied: _____

Reason for denial of permit: _____

In addition to completing the form above, applicants must submit the following:

- A hardship statement explaining the situation and the reason for the variance request. The explanation should include any unique circumstances or physical features of the property which might justify granting the variance
 - o Can be in the form of a letter addressed to Zoning Administrator Alisha Reis

- A set of mailing labels of all property owners and addresses within 300 feet of the boundaries of the property in question. This can be obtained
 - o from the Boulder County Assessor's Office (303) 441-3530 for a fee; or
 - o using the 'buffer' tool on the e-mapping section of the Assessor's website:
<http://maps.bouldercounty.org/boco/emapping/>
 - This tool will generate a list of the required properties, which can be exported into a CSV file & printed onto mailing labels

- A plat map or survey of the property in question

- Check or cash for non-refundable application fee, as follows:

- o Tier 1) General variances - \$500
- o Tier 2) Detached structures less than 200 square feet - \$250
- o Tier 3) Projects resulting in energy use reduction - \$200
(i.e. solar panels, wind generators)

AF 4/29/11

Upon receipt of a completed application, the Zoning Administrator will schedule a hearing with the Board of Zoning Adjustment. 15 days prior to the hearing, the applicant is responsible for posting a sign/signs on the property in question announcing the hearing. There must be one sign facing each public street adjacent to the property, and signs must be large enough to be read by a person in a passing vehicle.

Please see the attached sections of the Nederland Municipal Code (Section 16-232 & 16-233) explaining the criteria the Board of Zoning Administration uses to make its determination as well as the procedure surrounding the hearing.

If you have questions regarding this application or the subsequent process, please contact Deputy Town Clerk Kristen Edwards at (303) 258-3266 x22 or kristene@nederlandco.org

For Use by Zoning Administrator

	Yes	No
<u>Included with application</u>		
Hardship statement:	<u> </u>	<u> </u>
Mailing labels for adjacent properties:	<u> </u>	<u> </u>
Plat or survey of property in question:	<u> </u>	<u> </u>
Application fee:	<u> </u>	<u> </u>

Date complete application received: 5/2/11

Date of the Board of Adjustment hearing: 5/19/11

Public notice deadline: 5/4/11

Date letters sent to adjacent property owners: 5/4/11

Board of Zoning Adjustment decision: Approved _____ Disapproved _____

Reason for decision: _____

Date certificate issued by Zoning Administrator: _____

Signed:

Zoning Administrator

Chair, Board of Zoning Adjustment

St Rita's Catholic Church
326 Hwy 119
P.O. Box 901
Nederland, CO 80466

To:
Alisha Reis
Nederland Town Zoning Administrator

Ms. Reis

We are writing you to ask for permission to build a Memorial Prayer Garden in the northeast corner of the church property with zero setback to the North (front) property line.

The church sits on a parcel of 49367 square feet with frontage on Highway 119 with the rear of the lot adjacent to Third Street. The right of way for Hwy. 119 on the eastern portion of our land extends approximately 100 feet south from the centerline of the highway which is approximately 80 feet off of the edge of the pavement. Most of the east portion of the parking lot happens to be in the right of way. Our parking and access to the church building is from this side of the property. The property on the east and south sides of the building are much steeper and less usable and less accessible.

A couple of years ago, there was an idea to have a prayer garden on the land outside of the church. This was shortly after Brian Mahon had died. Brian was a very active member of the St. Rita's community and active in the maintenance and facilities of the church. Brian's sister who is a landscape architect became interested in the idea, and prepared a plan for the garden, to be constructed in the fairly level area at the corner of the parking lot between a large pine tree and the corner of the building. In preparing this plan, she and the members of the church were not aware that the property was actually so far off of the roadway. As plans progressed and we began to get ready for construction, we discovered the actual location of the property line. This area of the lot is the most level and accessible area of the lot. Approximately 20 feet from inside of the property line in this corner the land begins to have a significant slope towards the building. This area of the land is also the least exposed to existing development adjacent to the property.

From our investigation of the situation, we have decided that this area is the best situated area for this project, due to the fairly level area that we already have and the accessibility to the parking lot and the entrance to the church building. With the way that the actual roadway sits in the road right of way, there is about 80 feet of buffer space from the edge of the highway. This area also has a good view to Barker Reservoir and is noticeable to traffic on the highway. We feel that this project will have little impact to adjacent properties due to the layout of the highway and because it is somewhat screened by the large pine tree to the north.

We appreciate your consideration in this matter and hope that you will approve our request.

Thank you
Jeff Fruth, representative
St Rita's Church

326 Highway 119

St. Rita's Catholic Church

Proposed Memorial Prayer Garden

49,367

49,367 #

Building footprint 4,003 #

328 #

Deck + stairs.

1536 #

Concrete parking + walks.

6417

Overall area of Proposed terrace + pergola.

aprox 1306 Lot Coverage

119

Highway

State

Existing parking area

Prepared Flagstone terrace area with gravel (previous) with overhead post + beam pergola approx. 10' tall

1 Story Church

one story ground with basement

Cont. Parking Pad.

Existing Gravel parking area.

275' 11" E

64' 31" 11" E

N 64' 31" 11" E

66' To Centerline

184.50' South

67' +

225' 4" N

225' 4" N

225' 4" N

225' 4" N

225' 4" N

225' 4" N

225' 4" N

225' 4" N

100' to Centerline

Existing Large pine tree

Stacked rock retaining walls. Less than 4' tall To Create larger flat area.

Existing Driveway Pillars

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

Existing Driveway

1" = 20'

Third Street

S 89° 58' 18" W 466.84'

Existing Driveway Drains is not to be affected. Hillside Drains will be diverted slightly to the east and a small amount to the west.

Existing Conditions



Proposed Garden Elements



Trinity Basalt Fountain



Cedar Twig Benches



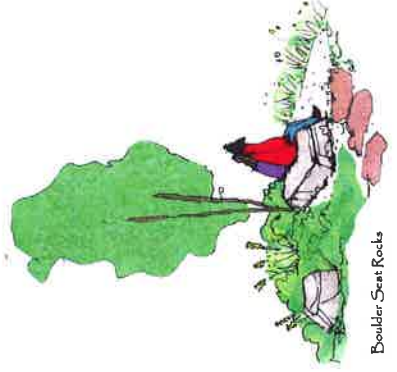
Granite Baptismal Basin



Cedar Twig Screen

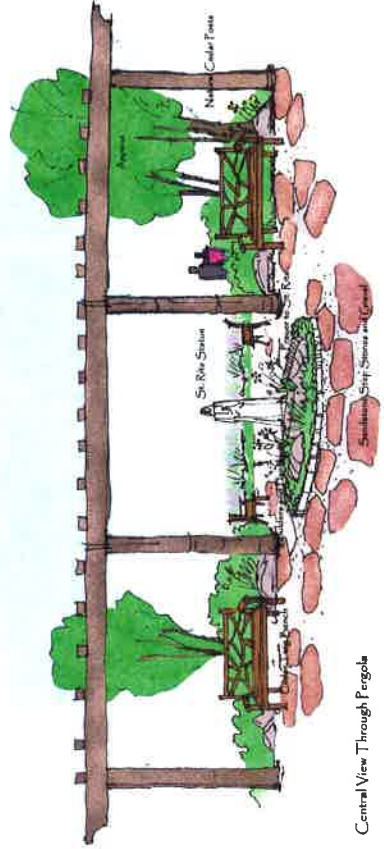


ARTEMIS
LANDSCAPE
ARCHITECTS, INC.
Brookfield, CT T 203.740.7979
www.artemisla.com



Boulder-Seat Rocks

St. Rita's Church
Meditation and Healing Garden
Nederland, Colorado



Central View Through Pergola

Boulder County EMapping - Map Print



180 EAST THIRD STREET LLC
PO BOX 399
NEDERLAND, CO 80466-0399

AMSTUTZ RENATA
PO 576
NEDERLAND, CO 80466

ANDERSON DOUGLAS ALAN
PO BOX 3142
NEDERLAND, CO 80466

ARCHDIOCESE OF DENVER
ST RITA PARISH
1539 LOGAN ST
DENVER, CO 80203-1913

BEAUDIN WAYNE P
PO BOX 1283
NEDERLAND, CO 80466-1283

BLY LEYLA E & RAYMOND W
PO BOX 3057
NEDERLAND, CO 80466

BRADLEY THERESA A &
MARGARET H BLOHM
PO BOX 777
NEDERLAND, CO 80466

BRODSKY NICHOLAS P &
ELIZABETH
PO BOX 1203
NEDERLAND, CO 80466-1203

CARPENTER TORI MITCHELL
PO BOX 488
NEDERLAND, CO 80466

COLLINS FORREST
PO BOX 91
NEDERLAND, CO 80466

DONAHUE TOPHER & VERA
SCHULTE-PELKUM
PO BOX 1462
NEDERLAND, CO 80466

DRAKULICH ROBERT FAMILY
TRUST ET AL
120 COFFEE POT ROCK RD
SEDONA, AZ 86351-7776

EMERLING DOROTHY E
PO BOX 626
NEDERLAND, CO 80466-626

ERTL KIPP
321 KNIGHT RD
BASALT, CO 81621

FIRE ON THE MOUNTAIN
PO BOX 1071
NEDERLAND, CO 80466

FIRE STATION ROASTERS LLC
PO BOX 1517
NEDERLAND, CO 80466

FOSTER PATRICK D &
FOSTER JAIME D
PO BOX 194
NEDERLAND, CO 80466-194

FRANDSEN KRISTINA
PO BOX 97
PO BOX 97

FULTON HELEN L FAMILY TRUST &
DOROTHY LAHEY BROWN
PO BOX 574
NEDERLAND, CO 80466

GRAHN THOMAS D & SALLY A
PO BOX 339
NEDERLAND, CO 80466

GRATEFUL MEDS
PO BOX 667
NEDERLAND, CO 80466

HOUSING AUTHORITY OF
BOULDER COUNTY
PO BOX 471
BOULDER, CO 80306-0471

JACQUIES POTTERY AND GIFTS
C/O JACQUIE ANDERSON
PO BOX 242
ROLLINSVILLE, CO 80474

JSS FAMILY LLP
3100 FREEMONT
BOULDER, CO 80302-2822

KIRKPATRICK DONNA S
PO BOX 146
NEDERLAND, CO 80466

LAUGHING MOUNTAIN LLC
PO BOX 1836
NEDERLAND, CO 80466

LAZZARINO LIVING TRUST
717 17TH ST
BOULDER, CO 80302

LOCK MARTIN E & CYNTHIA A
PO BOX 385
NEDERLAND, CO 80466-0385

LONG LEDYARD B III
PO BOX 1413
NEDERLAND, CO 80466-1413

MORGAN ROBERT C
14429 3RD AV NW
SEATTLE, WA 98177

NEDERLAND CENTRAL BUSINESS
DISTRICT REDEVELOPMENT LLC
PO BOX 1705
BOULDER, CO 80306-1705

NRT COLORADO INC
831-38 ROUTE 10 #286
WHIPPANY, NJ 7981

OVER THE RAINBOW C/O
RACHEL SCHAUB
PO BOX 1743
NEDERLAND, CO 80466

P E INVESTORS LLC
PO BOX 1733
NEDERLAND, CO 80466

PALETTE GALLERY
PO BOX 373
NEDERLAND, CO 80466

PEAK TO PEAK ANIMAL HOS-
PITAL C/O GUY NEWTON
PO BOX 1407
NEDERLAND, CO 80466-1407

PERRET CHRIS
PO BOX 968
NEDERLAND, CO 80466

RAINS JEFFREY LEE REVOCABLE
TRUST
PO BOX 7188
GOLDEN, CO 80403-0100

SILLE UDO R
PO BOX 171
NEDERLAND, CO 80466-0171

SITES DAVID
PO BOX 1341
NEDERLAND, CO 80466

SLEEPING GRIZZLY LLC
PO BOX 617
NEDERLAND, CO 80466

STEPHENS HILLARY &
KATHLEEN M
PO BOX 1828
NEDERLAND, CO 80466

STOECKLEY THOMAS R
& KATHLEEN V
PO BOX 1090
NEDERLAND, CO 80466

TEA ALCHEMY
PO BOX 799
NEDERLAND, CO 80466

THOMAS SUSANE R
PO BOX 116
NEDERLAND, CO 80466-0116

TURCO JENNIFER &
RICHARD M
85 SHOSHONI WAY
NEDERLAND, CO 80466

WHEELER ANDREA &
HENRY
PO BOX 1517
NEDERLAND, CO 80466

WILLEN GARY SCOTT &
MARGARET JAN
445 VALLEY VIEW DR
BOULDER, CO 80304-3225



**AGENDA INFORMATION
MEMORANDUM
NEDERLAND
BOARD OF ZONING ADJUSTMENT**

Meeting Date: May 19, 2011

**Initiated By: /s/ Alisha Reis
Dept: Planning & Zoning**

AGENDA ITEM:

Consideration of a setback variance request by Paul Rewinkel, 259 W. 4th Street.

SUMMARY:

Applicant Paul Rewinkel has submitted a request for a setback variance in order to construct a single family residence on his property. The proposed residence would utilize two existing foundations, one of which extends into the setback along the southern edge of the property.

As the property is zoned Medium Density Residential, the relevant front yard setback is 25 feet. The proposed home would extend 17 feet 8 3/8 inches into the setback at its furthest point, or 7 feet 3 5/8 inches from the property line. The proposed improvements would remain within the footprint of the existing southern foundation.

According to Sec. 16-232 of the Nederland Municipal Code, the Board must consider the following five criteria, insofar as applicable, when reviewing a request for variance:

- a. That there are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property.
- b. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Chapter.
- c. That such unnecessary hardship has not been created by the applicant.

- d. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property.
- e. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of this Chapter's provisions which are in question.

Staff's review of the application suggests that the Board may consider approval based on meeting criteria c, d & e.

ALTERNATIVES:

- 1) Approve the variance request
- 2) Deny the variance request

ATTACHMENTS:

- 1) Variance application
- 2) Hardship statement
- 3) Site plan showing proposed improvements
- 4) Overhead view of property
- 5) Public notice address list

FINANCIAL CONSIDERATIONS:

None



Application for Zoning Variance
Board of Zoning Adjustment
 Town of Nederland
 45 W. 1st Street, PO Box 396, Nederland CO 80466

Paul Rewinkel

Name: _____
 2847 Ridge Road, Nederland, CO 80466

Address: _____
 303 258 9147 303 898 6730

Phone: (Home) _____ (Work) _____
 c/o Mark Cohen, Atty (303) 258-0561

Email **mark@cohenslaw.com** _____ Date of Application: _____
 259 W. 4th Street

Address and location of property: Street Address _____
 20 2 & 3 (2A & 3A) MDR

Block _____ Lot _____ Subdivision _____ Zoning _____

Note: Owner's Application for Lot Line Dissolution is Contingent on Granting the Variance

If applicant has applied for a building permit, please complete the following section:

Date of building permit application: _____

Date building permit denied: _____

Reason for denial of permit: _____

In addition to completing the form above, applicants must submit the following:

- A hardship statement explaining the situation and the reason for the variance request. The explanation should include any unique circumstances or physical features of the property which might justify granting the variance
 - o Can be in the form of a letter addressed to Zoning Administrator Alisha Reis
- A set of mailing labels of all property owners and addresses within 300 feet of the boundaries of the property in question. This can be obtained
 - o from the Boulder County Assessor's Office (303) 441-3530 for a fee; or
 - o using the 'buffer' tool on the e-mapping section of the Assessor's website: <http://maps.bouldercounty.org/boco/emapping/>
 - This tool will generate a list of the required properties, which can be exported into a CSV file & printed onto mailing labels
- A plat map or survey of the property in question
- Check or cash for non-refundable application fee, as follows:
 - o Tier 1) General variances - \$500
 - o Tier 2) Detached structures less than 200 square feet - \$250
 - o Tier 3) Projects resulting in energy use reduction - \$200
 (i.e. solar panels, wind generators)