AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES FROM January 12, 2017

D. PUBLIC COMMENT

E. DISCUSSION ITEMS

F. ACTION ITEMS

G. Consideration of a Zoning Variance Application for a 6 ½ foot lot depth variance for 3 proposed single-family residences by Karen Fletcher (on behalf of property owner Mark Stringfellow) at 155, 163, and 171 Conger Street, formerly 179 Conger Street. (Legal Description: Lot 2 Block 3 Big Springs Park Meadows Subdivision)

H. OTHER BUSINESS

I. ADJOURNMENT
A. CALL TO ORDER
Chairman Stringfellow called the meeting to order at 7:11 pm.

B. ROLL CALL
Present: Chairman Mark Stringfellow, Vice Chairman Ken MacFerrin, Board Members: Debbie Davenport, Leonard Kottenstette, Alternate Member Roger Cornell.

Absent: Trustee-Liaison Topher Donahue. Member Mark Moll.

Also present: Town Administrator Alisha Reis. Planning and Building Technician Cynthia Bakke who serves as clerk to the Board.

C. APPROVAL OF MINUTES FROM January 14, 2016
Motion to approve minutes made by Member Roger Cornell, seconded Vice Chairman MacFerrin, with all in favor.

D. PUBLIC COMMENT
There was no public in attendance.

E. DISCUSSION ITEMS
There were no discussion items.

F. ACTION ITEMS
1. Consideration of Reappointment for Mark Stringfellow, Leonard Kottenstette, and (Alternate) Roger Cornell

Chairman Stringfellow asked Bakke if all applications were submitted and included within the packet. Bakke affirmed.
Motion was made by Member Cornell to recommend reappointment of Board Members Mark Stringfellow, Kottenstette and Alternate Member Roger Cornell, seconded by Kottenstette, with all in favor.

2. Appointment of Officers, per Bylaws Article VIII. Motion was made by Member Cornell to recommend reappointment for Mark Stringfellow to serve as Chairman and Ken MacFerrin as Vice Chairman, seconded by Kottenstette, with all in favor.

G. OTHER BUSINESS
Reis indicated there will be a new Zoning Administrator when the Board at the Board’s next meeting. Reis said that her last day is March 3, as announced officially January 1. She said there will be a forthcoming goodbye party which will be advertised.

H. ADJOURNMENT
Motion was made by Member Cornell to adjourn the meeting, seconded by Kottenstette, with all in favor. Meeting adjourned at 7:17 PM.

Approved by the Town of Nederland Board of Zoning Adjustment,

____________________________________________________________
Mark Stringfellow, Chairman

ATTEST:
____________________________________________________________
Cynthia Bakke, Planning and Building Technician
AGENDA ITEM:
Consideration of a zoning variance application for a 6 ½ foot lot depth variance for 3 proposed single-family residences by Karen Fletcher (on behalf of property owner Mark Stringfellow) at 155, 163, and 171 Conger Street. (Legal Description: Lot 2 Block 3 Big Springs Park Meadows Subdivision)

SUMMARY:
The property is located in the High Density Residential (HDR) zoning district requiring a 40 foot lot width. The applicant would like to request a variance of 6.5 feet from the required lot width.

If approved, a lot width variance would allow property owner Stringfellow to further a minor subdivision application before the Planning Commission on August 23. The minor subdivision application proposes to create three (3) separate lots in order to accommodate three (3) single-family residences upon the vacant 13,239-square foot lot. Electric utility is upon the site, with water and sewer taps and PIFs having been paid in 2014 with submission of a building permit for a single-family residence. (see History section).

According to the applicant’s narrative, the lot was established in 1972 via the Big Springs Park Meadow replat, with associated zoning requirements adopted in 1981. Due to the narrowness of the lot, the parcel cannot meet lot depth minimum to establish three separate lots, as per the minor subdivision proposal.

The applicant has met all application requirements, including proper notice to property owners within 300 feet of the parcel, and all proper public notices.

The applicant would like feedback and recommendations as to whether this proposal meets the direction of the Comprehensive Plan and is generally compatible with surrounding land uses.
**HISTORY:**
The parcel is currently vacant.

Property owner Mark Stringfellow appeared before the Planning Commission on June 28, 2017 to request a minor subdivision to create three (3) separate parcels. Due to the inability of the lot to meet required lot width per NMC Sec. 16-33, the Commission deliberated over establishment of nonconforming lots, and at the advice of Town Land Use Attorney Nina Petraro, the hearing was continued until July 26. She said the applicant could pursue a variance from lot width requirement prior to furthering the minor subdivision request. The Commission voted to continue the item until August 23 meeting with the verdict of variance request to determine the owner’s direction.

Previously, Stringfellow had presented a Special Review Use for a multifamily residence (duplex) which came before the Commission on August 24, 2016, for which he received a recommendation of approval to the Board of Trustees. He chose not to complete the review, thus the SRU application was voided due to requirement for Board of Trustees review within 30 days of Planning Commission review per Sec. 16-54(d).

Stringfellow also previously presented a conceptual PUD plan to increase density upon the parcel, which came before the Planning Commission on February 24, 2016. The Board of Trustees considered density increase for the High Density Residential (HDR) district on July 19, however due to neighbor opposition, the Board tabled the consideration until the August 24, 2016 work session with the Commission.

Stringfellow undertook re-addressing in 2015 with the intention at that time to create 3 separate residences as a use by right without subdividing the parcel.

Stringfellow submitted building permitting for a single family residence in 2014. Requirements to submit remaining materials within 6 months of submittal date (12/24/2014) were not met, thus, the building permit expired.

There are existing multi-family units (contained in singular structures upon each parcel) on adjacent properties to the north and south of this location upon Conger Street. The parcel is east of a major shopping center with access nearby for mass transit. Further east, structures are predominantly single family residences.

There were no expressed concerns submitted within the Public Works and/or Police Department application review.
**Site Map and Neighborhood context:**

![Site Map Image]

**ANALYSIS:**

The parcel has a total lot size of 13,239 square feet. The applicant proposes a variance from lot depth requirements to further a minor subdivision request to create three (3) separate parcels, which would otherwise meet district yard and bulk requirements. Alternatively, the parcel can be subdivided into two (2) lots which can meet all zoning criteria.

<table>
<thead>
<tr>
<th><strong>Yard and Bulk Items</strong></th>
<th><strong>HDR district</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. lot area per dwelling unit (sq. ft.)</td>
<td>4,000</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>40 ft.</td>
</tr>
</tbody>
</table>

The application is regulated by Nederland Municipal Code Sec. 17-21(c):

“If the proposed subdivision is four (4) lots or less, it will constitute a minor subdivision. A minor subdivision can be shortened by the following procedure:

1. Staff will look at pre-application information and may recommend to the Planning Commission, for its approval, waivers of the subdivision regulations and procedure.
2. Upon receipt of the approved waiver, staff will proceed with subdivision regulation procedures not waived.

**Code Requirements related to Request for Variance (Sec. 16-232):**

“The Board has the power to vary or modify the application of the regulations or provisions of this Chapter relating to the use, construction or alteration of buildings
or structures, or the use of land, so that the spirit of this Chapter is observed, public safety and welfare secured and substantial justice done, provided that the Board finds that all of the following criteria have been satisfied:

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;

The lot was created in 1972 via the Big Springs Park Meadows Subdivision. The Town adopted zoning in 1981. The applicant argues that the narrowness of the lot in question prevents the ability to meet lot width requirements to further a minor subdivision request. The lot is approximately 100 feet wide and slopes uphill from north to south. The applicant will be present at the August 17 hearing to describe how the narrowness of the lot prevents the redevelopment of the property.

b. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Chapter;

The applicant argues that the property in question does have enough lot width to accommodate subdivision into 3 separate lots. The owner is able to build 3 units as a use by right, and/or construct one multifamily structure (of up to 3 units). Due to the ability to redevelop in a different manner or subdivide into 2 lots able to meet all yard and bulk requirements, staff does not believe this criteria is met.

c. That such unnecessary hardship has not been created by the applicant;

Given that the lot is currently undeveloped with opportunities to develop the lot as a use by right, any development would be a hardship 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 the property; and

The proposed single family residences are directly adjacent to multifamily houses upon Conger Street. Single-family residences are further to the south and east, with a large commercial area to the north and west. Although the single family residences would not be in keeping with the multifamily character of the street, it is not expected that the variance would alter the essential character of the neighborhood.
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.

\[\text{Given that the applicant (speaking on behalf of property owner) seeks to create three separate lots each with the required district lot width of 40 feet, it is likely that the requested variance will afford relief for the applicant.}\]

(b) Where feasible, the Board may vary or modify the application of this Chapter for the purposes of considering access to sunlight and wind for renewable energy devices and achieving sustainability criteria adopted by the Board of Trustees.

\[\text{This section does not apply to this request.}\]

(c) Under no circumstances shall the Board grant a variance that would have the effect of increasing the density of use than would otherwise apply to the parcel.

\[\text{The construction of single family structures would create more site disturbance than a singular multifamily structure, although the ability to build three separate structures is a use by right which would in effect create the same amount of disturbance.}\]

**ALTERNATIVES:**

1. Approve the request for variance based upon certain Findings of Fact and direct that these findings be drafted for approval
2. Deny the request for variance based upon certain Findings of Fact and direct that these findings be drafted for approval

**ATTACHMENTS:**

1. Variance application, hardship statement with photos and plans
Town of Nederland
Land Use Department
45 W. 1st Street, PO Box 396, Nederland CO 80466
cynthiab@nederlandco.org, 303-258-3266, x22

Date Application Received: 7/24/2017
Date Application Complete: 7/31/2017
Public Hearing Date: 8/17/2017
Date Published in Newspaper: 8/17/2017
Date Property Posted: 8/17/2017
Date Notice Sent to Adjacent Property Owners: 8/14/2017

1. Pursuant to the Town of Nederland Municipal Code (NMC) and applicable Colorado State Law, application is made to the Town of Nederland for the following:

- **Type of Application(s) Requested**
  - ☐ 1. Annexation
    - Standard
    - Residential (no further development)
  - ☐ 2. Appeal of Administrative decision
  - ☐ 3. Conceptual Review
  - ☐ 4. Encroachment Permit
  - ☐ 5. Lot Line Dissolution
  - ☐ 6. Planned Unit Development
    - Preliminary
    - Final (date of Preliminary Approval ___)
  - ☐ 7. Rezoning/Zoning Amendment

- **Fee $**
  - ☐ 8. Site Plan
    - Preliminary
    - Final
    - (date of Preliminary Approval ___)
  - ☐ 9. Special Review Use
  - ☐ 10. Subdivision/Replat
    - Minor
    - Preliminary
    - Final
    - (date of Preliminary Approval ___)
  - ☐ 11. Vacation of Right-of-Way
  - ☐ 12. Variance
    - Tier 1 General Variance
    - Tier 2 Detached Structures (less than 200sf)
    - Tier 3 Reduction in Energy Use

- **TOTAL FEE PAID**

I. GENERAL DATA

- Applicant: **MARK STRINGFELLOW**
  - Phone: 303 258-1595
- Address: **PO Box 1448, Nederland CO 80466**
  - Email: mark.e.jmiller@gmail.com
- Property Owner: **ECO ONE INC**
  - Phone: SAME
- Address: **SAME**
  - Email: SAME
Property Location/Address: 155, 163, and 171 Conger Street

Legal Description: ___________ Zoning: HDR

Block: 3 Lot: 2 Subdivision: Big Springs Park Meadows Acres: .30

Description of the proposal: see attached

II. PLANS - See NMC Chapter 16 Zoning and/or Chapter 17 Subdivisions for required information to be included on plans. Attach list of all plans and other exhibits submitted, indicating name, address, license #, and phone numbers of preparer.

III. OTHER INFORMATION THE APPLICANT BELIEVES WILL SUPPORT THE APPLICATION

Please ensure a 1-inch top margin of attached narrative for recording at the Boulder County Clerk and Recorder.

A. How the proposed application will not substantially alter the basic character of the neighborhood, or adversely impact the public safety and welfare.
B. How the proposed application will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zoning district in which it is proposed, or that such increased impacts can be adequately mitigated.
C. An explanation of the character of the application and the manner in which it has been planned in consideration of the Nederland Municipal Code, Nederland Design Standards, Nederland Comprehensive Plan, and the Envision Nederland 2020 process.
D. Are there any existing or proposed covenants or deed restrictions on the property?

IV. REQUIRED FOR A COMPLETE APPLICATION SUBMITTAL

A. Non-refundable application fee per approved fee schedule.
B. Affidavit of Ownership.
C. Address mailing labels of all property owners within 300 feet of the boundaries of the property in question, if applicable. Available from the Boulder County Assessor’s Office – 303.441.3530.
D. Engineering/Legal Escrow Fee of $1000, if applicable.

It is the policy of the Town of Nederland to require a review by a licensed engineer and Town Attorney for the material submitted by the applicant. The cost of said engineering or legal review is the full responsibility of the applicant. The $1000 collected by the Town is placed in escrow for the duration of the review process. Expenses incurred by a licensed engineer and attorney are paid from the escrow account. Any unused money left in the escrow account is returned to the applicant at the end of the review process after review costs are determined.
V. AGREEMENT

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland above and beyond the submitted Engineering/Legal Escrow Fee and in the hiring of planning and legal consultants as needed, to review the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made on the 23 day of JULY, 20 17

between the Town of Nederland and MARK STRINGFELLOW
(printed name of applicant)

The information I have submitted is true to the best of my knowledge. I understand that if this application is deemed complete, it will be submitted for consideration to the Planning Commission or the Board of Zoning Adjustment. If a recommendation of the proposal is given by the Planning Commission, the approved application will then be forwarded to the Board of Trustees for final consideration and approval. The Board of Zoning Adjustment is the final approval for a variance.

[Signature]
Applicant's Signature

[Signature]
Town of Nederland
July 20, 2017

Request for Variance through the Town of Nederland Board of Zoning Adjustments

The following is a brief narrative regarding the proposed construction of 3 single family residences on 155, 163 and 171 Conger Street.

Vision
The vision for the Conger Single Family Home project is to create a vibrant neighborhood for local residents in the heart of Nederland; walkable to downtown, the grocery store and bus transit. The site is proposed to include three single family homes, with a small footprint. The proposal is being submitted as a minor subdivision, as per chapter 17 Sec. 17-21 of the Nederland Municipal Code.

Site Information
The site is one parcel and is located at 155, 163 and 171 Conger Street, is vacant land, zoned for high density residential uses and is 13,239 square feet in size (0.3 acres). The Town’s high density residential district requires a minimum lot size of 4,000 square feet per structure, and single family detached units are preferred in this district (multi-family units may be approved through special review or planned unit development procedures).

The site is generally flat, with approximately 8’ of grade change sloping uphill from North to South. There is minimal existing vegetation, and no existing trees.
The electric utilities are on-site and the water/sewer taps have been paid for.

Supportive Materials
The town is in need of affordable housing. Per the Housing Needs Assessment completed by Bowen Research in 2014, there is demand for 60 new rental units and up to 49 new for sale units in the Town by 2018. The study also identified 179 Conger Street (now 155, 163 and 171 Conger) as a site that could accommodate some of these units and encourages private sector residential development and investment. Housing to accommodate smaller household sizes, including housing for young adult / professionals, is a specific recommendation of the study. The Conger Single Family homes will provide 3 new housing units for rent or sale.

This proposal is in conformance with the comprehensive plan. The Conger Single Family Homes supports many of the policies identified in Chapter 4, specifically with regard to sustainability, housing and land use:
• will provide new, high quality housing in walking distance to many town amenities and services
• the small scale, single family homes fit in with the eclectic and historic character of Nederland
• sustainable design techniques, including solar thermal (option), will be provided with the homes
• bicycle parking will be provided in addition to the required vehicular spaces

The Conger Single Family Home minor subdivision will be a benefit to the Town of Nederland and provide much needed and desired housing downtown. The character of the proposed development fits with the scale and context of the neighborhood and will be a benefit to the Nederland community.

Regarding the request for variance:
I am in the process of requesting a minor subdivision on this property in order to build three single family residences. I am requesting a variance of the minimum lot width from 40 feet to 33 ¼ feet per unit. Although this site meets the 4,000 square foot minimum lot size, the total street frontage per unit can only be 33 ¾ feet (because the lot is 100 feet wide), which would be the minimum variance relief. The granting of this variance would allow much needed housing with easy access to shops, businesses who need employees and the RTD system.

This lot was created in 1972 when the plat for Big Springs Park Meadows was recorded. The zoning code that created the lot width requirement was approved in 1981. Therefore, the narrowness of the lot is a unique physical circumstance peculiar to this property and creates a non-conforming use.

Because of the narrowness of lot, there is insufficient street frontage for three housing units to be built, although the total square footage exceeds the minimum needed for 3 units.

This hardship was not created by the current owner, as stated above.

This variance will not alter the essential character of the neighborhood, since the other buildings on this street are multifamily dwellings, and all the lots have been built on, so this variance would not permanently impair the appropriate use or development of adjacent property. It would allow the true purpose of this lot to be utilized.

This variance would also be the minimum variance that will afford relief and is the least modification possible.

Thank you,

Mark Stringfellow
DECLARATION OF OWNERSHIP AFFIDAVIT

I, Mark Stringfellow, president of EcoOne Inc., a Colorado Corporation, being first duly subscribed and sworn under oath, state that EcoOne Inc., a Colorado Corporation is the owner of real property commonly known as 179 Conger, Nederland Colorado, which said property is located in Boulder County Colorado more particularly described as Lot 2, Block 3, Big Springs Park Meadows.

The ownership of this property is evidenced by a warranty deed recorded at reception no. 03324900 and a personal representative’s deed recorded at reception no. 03324899, County of Boulder, State of Colorado.

Dated this 1st day of June, 2017.

EcoOne Inc., a Colorado Corporation by Mark Stringfellow, President

STATE OF COLORADO

COUNTY OF BOULDER

Subscribed and sworn to before me this 1st day of June, 2017.

Notary Public

[Signature]

[Notary Stamp]
155,163,171 Conger
Adjacent uses

1. Subject property
2. Residential
   multi family
3. Residential
   single family
4. Public (PARK)
5. Commercial
   (lodging)
6. Commercial
   (shopping)
7. Duplex Commercial
8. Commercial
   (VACANT/PARKING)
9. Commercial
10. Commercial
    VACANT

file://C:/Users/skare/Desktop/Conger/map%20300%20feet%206-9-17.svg
PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of Nederland Board of Zoning Adjustment shall have a Public Hearing on Thursday, August 17, 2017 at 7:00 p.m. in the Nederland Community Center, 750 Highway 72 North, Multi-purpose Room, to discuss and consider a Zoning Variance Application for minimum lot width variance in order to meet requirements to apply for minor subdivision for three lots by Karen Fletcher, (representing property owner Mark Stringfellow) at 155-163-171 Conger Street. (Legal Description: Lot 2, Block 3) All interested persons are encouraged to attend.

IN WITNESS WHEREOF, I affix my hand and the official Seal of the Town of Nederland, Colorado, July 24, 2017.

[Signature]

(Seal)

Cynthia Bakke, Planning and Building Technician