BOULDER COUNTY
BOARD OF ADJUSTMENT
AGENDA

February 7, 2018
Afternoon Session - 4:00 P.M.

Hearing Room, Third Floor,
Boulder County Courthouse

PUBLIC HEARING

AFTERNOON SESSION -- 4:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING SUMMARY
Meeting Summary for December 6, 2017.

III. PUBLIC HEARING

Docket AP-17-0002: Young
Request: Appeal of the Land Use Director’s determination that the property at 7464 Arapahoe Road is nonconforming because there is more than one principal use on the property.
Location: At 7464 Arapahoe Road, in Section 36, Township 1N, Range 70W.
Zoning: Business (B) and Rural Residential (RR) Zoning Districts
Applicant/Property Owner: 7464 Arapahoe Ave LLC
(Staff Planner: Dale Case)

Docket AP-18-0001: Postle
Request: Appeal of the Land Use Director’s determination dated December 15, 2017 that a residential density greater than 9 dwelling units per acre is not allowed for the properties at 280 2nd Avenue and 290 2nd Avenue within the Niwot Rural Community District.
Location: At 280 2nd Avenue (Lot 4 Slater) and 290 2nd Avenue (Lot 3 Slater), in Section 25, Township 2N, Range 70W.
Zoning: Niwot Rural Community District (NRCD1) Zoning District
Applicant: Postle Properties VI LLC
Property Owners: Postle Properties VI LLC and A E Olson LLC
(Staff Planner: Dale Case)
Docket VAR-17-0010: Randall
Request: Request for a 1-foot front setback where the required Forestry zoning district front setback is 15 feet to construct retaining structures and approximately 423 square feet of additional residential floor area.
Location: At 141 Millionaire Drive, Lot 13A Sugarloaf Acres Replat A, approximately 700 feet from the junction of Millionaire Drive and Sugarloaf Road, in Section 29, Township 1N, Range 71W.
Zoning: Forestry (F) Zoning District
Applicant: Charles Randall
Property Owner: Sun Dog Partners LLC
(Staff Planner: Summer Frederick)

Docket VAR-17-0011: BOULDER DANCE LLC Setback Variance
Request: Request for a 5-foot front yard setback from Arapahoe Road where 15 feet is required for Accessory Solar Energy Systems on a 2.85 acre property in the Light Industrial (LI) zoning district.
Location: At 6185 Arapahoe Road, in the northwest corner of the intersection between Arapahoe Road and 62nd Street in Section 27, Township 1N, Range 70W.
Zoning: Light Industrial (LI) Zoning District
Applicant/Property Owner: Boulder Dance, LLC, c/o Chuck Palmer
(Staff Planner: Robert Haigh)

IV. OTHER BUSINESS/ADJOURNMENT

Detailed information regarding these items, including maps and legal descriptions, is available for public examination on the Boulder County Land Use website at http://www.bouldercounty.org/lu or at our office located at 2045 13th Street, Boulder, Colorado 303-441-3930.
BOULDER COUNTY BOARD OF ADJUSTMENT

REVISED AGENDA

February 7, 2018
Afternoon Session - 4:00 P.M.

Hearing Room, Third Floor, Boulder County Courthouse

PUBLIC HEARING

AFTERNOON SESSION -- 4:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING SUMMARY
Meeting Summary for December 6, 2017.

III. PUBLIC HEARING

Docket AP-17-0002: Young
Request: Appeal of the Land Use Director’s determination that the property at 7464 Arapahoe Road is nonconforming because there is more than one principal use on the property.
Location: At 7464 Arapahoe Road, in Section 36, Township 1N, Range 70W.
Zoning: Business (B) and Rural Residential (RR) Zoning Districts
Applicant/Property Owner: 7464 Arapahoe Ave LLC
(Staff Planner: Dale Case)

Docket AP-18-0001: Postle
Request: Appeal of the Land Use Director’s determination dated December 15, 2017 that a residential density greater than 9 dwelling units per acre is not allowed for the properties at 280 2nd Avenue and 290 2nd Avenue within the Niwot Rural Community District.
Location: At 280 2nd Avenue (Lot 4 Slater) and 290 2nd Avenue (Lot 3 Slater), in Section 25, Township 2N, Range 70W.
Zoning: Niwot Rural Community District (NRCD1) Zoning District
Applicant: Postle Properties VI LLC
Property Owners: Postle Properties VI LLC and A E Olson LLC
(Staff Planner: Dale Case)
Application Withdrawn.
Docket VAR-17-0010: Randall
Request: Request for a 1-foot front setback where the required Forestry zoning district front setback is 15 feet to construct retaining structures and approximately 423 square feet of additional residential floor area.
Location: At 141 Millionaire Drive, Lot 13A Sugarloaf Acres Replat A, approximately 700 feet from the junction of Millionaire Drive and Sugarloaf Road, in Section 29, Township 1N, Range 71W.
Zoning: Forestry (F) Zoning District
Applicant: Charles Randall
Property Owner: Sun Dog Partners LLC
(Staff Planner: Summer Frederick)

Docket VAR-17-0011: BOULDER DANCE LLC Setback Variance
Request: Request for a 5-foot front yard setback from Arapahoe Road where 15 feet is required for Accessory Solar Energy Systems on a 2.85 acre property in the Light Industrial (LI) zoning district.
Location: At 6185 Arapahoe Road, in the northwest corner of the intersection between Arapahoe Road and 62nd Street in Section 27, Township 1N, Range 70W.
Zoning: Light Industrial (LI) Zoning District
Applicant/ Property Owner: Boulder Dance, LLC, c/o Chuck Palmer
(Staff Planner: Robert Haigh)

IV. OTHER BUSINESS/ADJOURNMENT

Detailed information regarding these items, including maps and legal descriptions, is available for public examination on the Boulder County Land Use website at [http://www.bouldercounty.org/lu](http://www.bouldercounty.org/lu) or at our office located at 2045 13th Street, Boulder, Colorado 303-441-3930.
PUBLIC HEARING
BOULDER COUNTY, COLORADO
BOARD OF ADJUSTMENT

DATE: February 7, 2018
TIME: 4:00 P.M.
PLACE: Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl St., Boulder, CO

Notice is hereby given that a public hearing will be held by the Boulder County Board of Adjustment at the time and place specified above. All persons interested in the following item(s) are requested to attend such hearing and aid the Board members in their consideration.

**Docket AP-17-0002: Young**
Appeal of the Land Use Director’s determination that the property at 7464 Arapahoe Road is nonconforming because there is more than one principal use on the property, submitted by 7464 Arapahoe Ave LLC; in accordance with the Boulder County Land Use Code. The proposed project is in the Business (B) and Rural Residential (RR) Zoning Districts, at 7464 Arapahoe Road, in Section 36, Township 1N, Range 70W.

**Docket AP-18-0001: Postle**
Appeal of the Land Use Director’s determination dated December 15, 2017 that a residential density greater than 9 dwelling units per acre is not allowed for the properties at 280 2nd Avenue and 290 2nd Avenue within the Niwot Rural Community District, submitted by Postle Properties VI LLC and A E Olson LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Niwot Rural Community District (NRCD1) Zoning District, At 280 2nd Avenue (Lot 4 Slater) and 290 2nd Avenue (Lot 3 Slater), in Section 25, Township 2N, Range 70W.

**Docket VAR-17-0010: Randall**
Request for a 1-foot front setback where the required Forestry (F) Zoning District front setback is 15 feet to construct retaining structures and approximately 423 square feet of additional residential floor area, submitted by Sun Dog Partners LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Forestry (F) Zoning District, at 141 Millionaire Drive, Lot 13A Sugarloaf Acres Replat A, approximately 700 feet from the junction of Millionaire Drive and Sugarloaf Road, in Section 29, Township 1N, Range 71W.

**Docket VAR-17-0011: BOULDER DANCE LLC Setback Variance**
Request for a 5-foot front yard setback from Arapahoe Road where 15 feet is required for Accessory Solar Energy Systems on a 2.85 acre property in the Light Industrial (LI) Zoning District, submitted by Boulder Dance, LLC, c/o Chuck Palmer, in accordance with the Boulder County Land Use Code. The proposed project is in the Light Industrial (LI) Zoning District, at 6185 Arapahoe Road, in the northwest corner of the intersection between Arapahoe Road and 62nd Street in Section 27, Township 1N, Range 70W.

Detailed information regarding this item, including maps and legal descriptions, is available for public examination at the Boulder County Land Use Department, 2045 13th Street, Boulder, Colorado (303-441-3930).
Free Parking in the City of Boulder CAGID lots is available for Board of Adjustment hearing participants. See the staff at the hearing for city parking vouchers. Persons needing special services provided under the Americans with Disabilities Act, please contact Julia Yager, ADA Coordinator, for the Boulder County Human Resources Office at (303-441-3525) at least 48 hours before the scheduled hearing.

Published: January 24, 2018 – Daily Times-Call
PUBLIC HEARING
BOULDER COUNTY, COLORADO
BOARD OF ADJUSTMENT

DATE: February 7, 2018
TIME: 4:00 P.M.
PLACE: Hearing Room, Third Floor, Boulder County Courthouse, 1325 Pearl St., Boulder, CO

Notice is hereby given that a public hearing will be held by the Boulder County Board of Adjustment at the time and place specified above. All persons interested in the following items are requested to attend such hearing and aid the Board members in their consideration.

Decket AP-17-3002: Young
Appeal of the Land Use Director's determination that the property at 7464 Arapahoe Road is nonconforming because there is more than one principal use on the property, submitted by 7464 Arapahoe Ave LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Business (B) and Rural Residential (RR) Zoning Districts, at 7464 Arapahoe Road, in Section 36, Township 1N, Range 70W.

Decket AP-16-5001: Poulie
Appeal of the Land Use Director's determination dated December 15, 2017 that a residential density greater than 9 dwelling units per acre is not allowed for the properties at 290 2nd Avenue and 298 2nd Avenue within the new Rural Community District, submitted by Poulie Properties VI LLC and A E Olson LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Mixed Rural Community District (MRC-1) Zoning District, at 290 2nd Avenue and 298 2nd Avenue, in Section 25, Township 2N, Range 70W.

Decket VAR-17-0016: Randell
Request for a 1-foot front setback where the required Forestry (F) Zoning District front setback is 15 feet to construct retaining structures and approximately 423 square feet of additional residential floor area, submitted by Sun Dog Partners LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Forestry (F) Zoning District, at 141 Millionaire Drive, Lot 13A Superfloor Acres Replat A, approximately 260 feet from the junction of Millionaire Drive and Superfloor Road, in Section 25, Township 1N, Range 70W.

Decket VAR-17-0011: BOULDER DANCE LLC
Setback Variance
Request for a 5-foot front yard setback from Arapahoe Road where 15 feet is required for Accessory Solar Energy Systems on a Light Industrial (LI) Zoning District, submitted by Boulder Dance LLC, in accordance with the Boulder County Land Use Code. The proposed project is in the Light Industrial (LI) Zoning District, at 6385 Arapahoe Road, in the northwest corner of the intersection between Arapahoe Road and 63rd Street in Section 27, Township 1N, Range 70W.

Detailed information regarding this item, including maps and legal descriptions, is available for public examination at the Boulder County Land Use Department, 2055 13th Street, Boulder, Colorado (303) 441-3939.

Free Parking in the City of Boulder CAPID lots is available for Board of Adjustment hearing participants. See the staff at the hearing for city parking vouchers. Persons needing special services provided under the Americans with Disabilities Act, please contact Julia Vager, ADA Coordinator, for the Boulder County Land Use Department at (303) 441-3935 at least 48 hours before the scheduled hearing.

Published: Longmont Times-Call January 24, 2018 - 1415538

Prairie Mountain Media, LLC
PUBLISHER'S AFFIDAVIT
County of Boulder
State of Colorado

The undersigned, Terry Love, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the Longmont Times Call.

2. The Longmont Times Call is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.

3. The notice that is attached hereto is a true copy, published in the Longmont Times Call in Boulder County on the following date(s):

Jan 24, 2018

Signature

Subscribed and sworn to me before me this 24th day of January, 2018

[Seal]

SHAYLA NAJERA

Shayla Najera
Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2021

Account: 1650753
Ad Number: 1415538
Fee: $61.77
On Wednesday, February 7, 2018 the Boulder County Board of Adjustment held a regular afternoon session, convening at approximately 4:00 p.m. and adjourning at 7:33 p.m., in the Hearing Room, Third Floor, County Courthouse, Boulder.

Members Present: James Greer (Chair), Kari Stoltzfus (Vice-Chair), Eric Moutz, Dan Hilton (Planning Commission member substitute), Doug Young (Planning Commission member substitute)

Members Excused: Scott Rudge and Janell Flaig

Staff Present: Kendra Carberry (counsel to BOA), Summer Frederick, Robert Haigh, Kimberly Sanchez, Dale Case, Kathy Parker (Assistant County Attorney), Liz Cross (Assistant County Attorney)

Interested Others: 10-15

MOTION: Eric Moutz MOVED that the Board of Adjustment APPROVE the Meeting Summary for December 6, 2017 as written.

SECOND: Kari Stoltzfus

VOTE: Motion PASSED {5 to 0}
### Docket AP-17-0002: Young

Dale Case, Land Use Director, presented the application for Docket AP-17-0002: Young, Appeal of the Land Use Director’s Determination that the property at 7464 Arapahoe Road is nonconforming because there is more than one principal use on the property.

### STAFF PRESENTATION

### PUBLIC HEARING OPENED

**SPEAKERS:** Michael Abrams – 6732 Golf Club Drive; Marissa Yanick - 6732 Golf Club Drive; Stephen Hoffman – 230 Coral Way; Mark Young (applicant) - 3198 Blake St., Suite 222

### PUBLIC HEARING CLOSED

**MOTION:** Eric Moutz MOVED to TABLE the docket to March 7, 2018 at 4:00 p.m., which is the next regularly scheduled Board of Adjustment Hearing.

**SECOND:** Kari Stoltzfus

**VOTE:** Motion PASSED {5 to 0}

### Docket VAR-17-0010: Randall

Summer Frederick, Senior Planner, presented the application for Charles Randall and Sun Dog Partners LLC, request for a 1-foot front setback where the required Forestry zoning district front setback is 15 feet. The proposed project is in the Forestry (F) Zoning District, at 141 Millionaire Drive, Lot 13A Sugarloaf Acres Replat A, approximately 700 feet from the junction of Millionaire Drive and Sugarloaf Road, in Section 29, Township 1N, Range 71W. Staff recommended **CONDITIONAL APPROVAL** as outlined in the staff memo dated February 7, 2018.

### STAFF PRESENTATION

### PUBLIC HEARING OPENED

**SPEAKERS:** Charlie Randall (applicant) – 160 Millionaire Drive

### PUBLIC HEARING CLOSED

**MOTION:** Eric Moutz MOVED that the Boulder County Board of Adjustment **APPROVE** the variance requested in **Docket VAR-17-0010: Randall**, with the conditions of approval below:

**Conditions of Approval:**

1. The variance is approved to allow for the proposed retaining structures and the proposed structure to encroach into the front setback, reducing the setbacks to one foot where the required setback is 15 feet.
2. The applicant shall provide evidence of the location of required parking spaces that meet all necessary requirements.
3. The applicant shall provide a setback survey.

4. All relevant building code and wildfire mitigation requirements must be incorporated into the building permit plans.

5. The Applicant must comply with Department of Transportation recommendations related to road safety adjacent to the subject property.

SECOND: Kari Stoltzfus

VOTE: Motion DENIED {3 to 2}

Motion failed by a vote of 3 to 2. The applicant’s request is denied due to the lack of the required four members voting in favor of the applicant’s request (per BOA bylaws Section 3.F.6)

Docket VAR-17-0011: BOULDER DANCE LLC Setback Variance

Robert Haigh, Planner II, presented the application for Boulder Dance, LLC, c/o Chuck Palmer, request for a 5-foot front yard setback from Arapahoe Road where 15 feet is required. The proposed project is at 141 Millionaire Drive, Lot 13A Sugarloaf Acres Replat A, approximately 700 feet from the junction of Millionaire Drive and Sugarloaf Road, in Section 29, Township 1N, Range 71W in the Light Industrial (LI) zoning district. Staff recommended DENIAL as outlined in the staff recommendation dated February 7, 2018.

STAFF PRESENTATION

PUBLIC HEARING OPENED

SPEAKERS: Willie Mein – 4435 Darley Avenue; Brad Smith – 707 N. Street; Chuck Palmer (applicant) - 2270 Bluebell Avenue.

PUBLIC HEARING CLOSED

MOTION: James Greer MOVED that the Boulder County Board of Adjustment APPROVE the variance requested in Docket VAR-17-0011: Boulder Dance LLC Setback Variance; motion was then withdrawn.

MOTION: Kari Stoltzfus MOVED that the Boulder County Board of Adjustment DENY the variance requested in Docket VAR-17-0011: Boulder Dance LLC Setback Variance.

SECOND: Eric Moutz

VOTE: Motion PASSED {4 to 1}

ADJOURNED

Detailed information regarding these items, including maps and legal descriptions, is available for public examination at the Boulder County Land Use Department, 13th and Spruce, Boulder, Colorado 303-441-3930.

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