



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

**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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=AP-17-0002>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=AP-18-0001>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=VAR-17-0010>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=VAR-17-0011>

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.



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**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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=AP-17-0002>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=AP-18-0001>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=VAR-17-0010>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=VAR-17-0011>

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.



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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

G:\Boards & Commissions\BOA\BOA Agendas & Minutes\BOA 2018\boa-hearing-notice-20180207.DOC

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: 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

TERRY LOVE

Signature

Subscribed and sworn to me before me this

24th day of January, 2018.

Shayla Najera

Notary Public

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

(SEAL)

Account: 1050753
Ad Number: 1415538
Fee: \$61.77



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**BOULDER COUNTY BOARD OF
ADJUSTMENT MEETING MINUTES**
for
February 7, 2018

AFTERNOON SESSION – 4:00 PM
Hearing Room, Third Floor,
County Courthouse, Boulder
{Approved March 7, 2018}

2

PUBLIC HEARING

AFTERNOON SESSION – 4:00 PM

4

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.

6

8

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

10

12

Members Excused: Scott Rudge and Janell Flaig

14

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)

16

18

Interested Others: 10-15

20

APPROVAL OF THE MEETING MINUTES

22

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

24

SECOND: Kari Stoltzfus

26

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

28

30

Docket AP-17-0002: Young

32 Dale Case, Land Use Director, presented the application for Docket AP-17-0002: Young, Appeal of
34 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.

36 **STAFF PRESENTATION**

38 **PUBLIC HEARING OPENED**

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

44 **PUBLIC HEARING CLOSED**

46 **MOTION:** Eric Moutz **MOVED** to **TABLE** the docket to **March 7, 2018 at**
48 **4:00p.m., which is the next regularly scheduled Board of Adjustment**
Hearing.

50 **SECOND:** Kari Stoltzfus

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

Docket VAR-17-0010: Randall

54 Summer Frederick, Senior Planner, presented the application for Charles Randall and Sun Dog
56 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
58 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.

60

STAFF PRESENTATION

62

PUBLIC HEARING OPENED

64

SPEAKERS: Charlie Randall (applicant) – 160 Millionaire Drive

66

PUBLIC HEARING CLOSED

68

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

72

Conditions of Approval:

74

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
76 required setback is 15 feet.

76

2. The applicant shall provide evidence of the location of required parking spaces that meet
78 all necessary requirements.

78

- 80 3. The applicant shall provide a setback survey.
80 4. All relevant building code and wildfire mitigation requirements must be incorporated into
the building permit plans.
82 5. The Applicant must comply with Department of Transportation recommendations related
to road safety adjacent to the subject property.

84
86 **SECOND: Kari Stoltzfus**

88 **VOTE: Motion DENIED {3 to 2}**

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

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

94 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
96 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
98 recommendation dated February 7, 2018.

100 **STAFF PRESENTATION**

102 **PUBLIC HEARING OPENED**

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

106
108 **PUBLIC HEARING CLOSED**

110 **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.

112
114 **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.

116 **SECOND: Eric Moutz**

118 **VOTE: Motion PASSED {4 to 1}**
120

ADJOURNED

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