

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
JULY 31, 2018**

Board Members Present

James Javernick
Dave Boden – Vice Chairman
Michael Pullen – Chairman
Larry Baker
Ed Norden

Planning Staff Present

Marshal Butler, Planning Coordinator
Tanya Fleming, Planning Assistant
Matt Koch, Planning Director

AGENDA

1. APPROVAL OF MARCH 20, 2018 BOZA MEETING MINUTES
2. APPROVAL OF JULY 31, 2018 BOZA MEETING AGENDA
3. BOZA 18-002 DEER MOUNTAIN FIRE PROTECTION DISTRICT
4. BOZA 18-003 JIMENEZ
5. OTHER ITEMS FOR DISCUSSION
6. ADJOURNMENT

Chairman Michael Pullen called the Tuesday, July 31, 2018 meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 3:00 P.M.

Roll call was completed with the aforementioned members present.

ITEM 1

Chairman Pullen asked if there were any changes, additions or corrections to the March 20, 2018 BOZA Meeting Minutes.

MOTION

Mr. Larry Baker moved to approve the minutes of the March 20, 2018 BOZA meeting, as written.

SECOND

Mr. Ed Norden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (5 of 5)

ITEM 2

Chairman Pullen brought to the floor this agenda item which is to hear recommendations regarding the approval of the Agenda of the BOZA meeting held on July 31, 2018.

MOTION

Mr. Baker moved accept the July 31, 2018 Board of Zoning Adjustment Meeting agenda as presented.

SECOND

Mr. Norden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (5 of 5)

ITEM 3 – BOZA 18-002 DEER MOUNTAIN FIRE PROTECTION DISTRICT

Chairman Pullen stated request for variance from the Fremont County Zoning Resolution (FCZR) by Deer Mountain Fire Protection District for property located at 1628 Bird Point Drive in the Cotopaxi Area. The property is located in the Agricultural Suburban Zone District.

The Variance Request is to allow for a 10.9-foot front yard setback to allow for a fire equipment storage building.

Zoning Requirement FCZR 4.6.5.5.1 requires a minimum front-yard setback of 25 feet for structures.

Mr. Marshall Butler, Planning Coordinator, stated that this was a published agenda item and all adjoining property owners were contacted with a courtesy notice via the USPS. One thing to note is the application states this is a side yard setback but in observing the property it is actually a front yard setback. On other note in the application it refers to the structure as being a wood frame however it appeared to be a metal building. The county did not receive any written comments on this item.

Chairman Pullen asked the applicant please explain the reason for this variance.

Mr. J.R. Niblett, board chair of DMFPD, stated that the building was simply placed to close to the road. He then explained that the board inherited this issue. That they had first went to the representative of Indian Springs and Planning and Zoning and requested the variance and were told that they could not and they would have to move the building, but that they now have the chance to ask for the variance. If the variance is granted DMFPD and the public/tax payers in that area are saving over \$66,000. The building still needs to be finished which will happen sometime next year. There is no way to actually pick up the building and move it as the metal seams on the outside of the building are actually glued together so if you try to even half it to move it, it will tear the building up. They understand they still have to do the dirt work. Mr. Niblett stated that he went up there himself over the weekend and used his equipment to dig the pond deeper. He also stated that the framing inside the building is not metal it is wood framing.

Mr. James Javernick asked how it came to be built in the wrong spot to begin with.

Mr. Niblett responded it was before his time there and the building was completed June of 2017. They were told to stop building on it and went to a meeting in March to get a variance at that time with County Planning and Zoning and were told to move the building back or over and put it on an 18-inch spindle. There has not been any water in there yet. If approved they will put up a retaining wall and then will put some mesh with vegetation to help with the water control. The old building is going to need roofing but they ask that the old building remain standing until they get the Certificate of Occupancy for the new one since that is where the truck is currently housed at.

Mr. Javernick asked if they will then be tearing the old one down.

Mr. Niblett responded yes, they will have to tear the old one down. He stated he doesn't know why it was built where it was, it was before he took office.

Mr. Norden asked Mr. Niblett to clarify what he meant by we inherited this.

Mr. Niblett clarified that the new Deer Mountain Board inherited it.

Mr. Norden asked so you inherited it from the old Board?

Mr. Niblett stated yes, they would not commit to do anything and were told to stop building and that is where it was left.

Mr. Norden stated that this is why we have seen the delay of timing is that now the new board has decided to move forward to some kind of solution.

Mr. Niblett responded yes, that as he stated before they, himself, Scott Falice, and one of the engineers, came to a meeting, with Planning and Zoning and the Building Department and at that time were told just to move the building. They asked for a variance at that time and were just told no move it.

Mr. Norden stated the previous Fire Board proceeded to build this structure and they did not consult with anyone they just put up the building?

Mr. Niblett stated no they had building plans and other things that he knows of and it was just accidentally placed to close. They had to do a lot of grading and the building now sits 2 foot in the hole. That is what he was told yesterday by Mr. Matt Koch, Planning Director, is that they are 2 foot in the hole, but there is no water entering the building as it sits right now. As he came on the Board he didn't know anything about all this so they asked the County to have a meeting, again with himself, Scott Falice and several people from the County, and the way it was presented they had to move a certain amount of dirt to get it down to get a truck up the grade. They moved over 12 foot of dirt to get it down to where it needed to be. The volunteers that were supposed to do it left and the district paid over \$14000 just for the dirt work. He then found out that the building department said stop until the location issue was corrected.

Mr. Norden stated that the Building Department said to stop because of the setback regulations. If this variance is allowed, on this subdivision road not a county road, does this cause any issue with drainage or anything being closer to the road?

Mr. Niblett stated that no it does not at this time. He is going to be putting a 3-foot riser on it and they are also going to put a 90-degree elbow on the pond and a six-foot piping down to the road. They have a water plan that they will be following that was OK'd by the County itself.

Mr. Norden then asked is there an Association a Board of Homeowners?

Mr. Niblett stated yes.

Mr. Pete Sardaczuck stood up and stated that there is a Home Owners Association for that subdivision. That building has been approved by the HOA.

Mr. Larry Baker asked was the original building approved or just built?

Mr. Niblett stated the original green building was built over 40 years ago. When DMFPD took Indian Springs on they donated the land and the previous DMFPD Board started the project. His assumption is that when the dirt work was originally done for this building they pulled the pin and then were estimating where it was and that caused them to be off target. Then when Wyatt came out and told them to stop building the old Fire Board just let it go.

Chairman Pullen asked was there a permit?

Mr. Niblett stated yes there was a permit.

Mr. Pullen asked if it was issued by the County Building Department?

Mr. Niblett stated yes.

Mr. Sardaczk stood up and stated that the building permit was in the packets that DMFPD created and gave to each member.

Mr. Norden stated that it was also in the packet created by the Planning and Zoning Department that each member received.

Chairman Pullen also noted that when they stated they didn't get any rain this last time that they are lucky that is where the rain didn't hit.

Chairman Pullen called up Nancy Reed to speak.

Ms. Reed stated that she lives in the community of Indian Springs and has for 19 years and served on the Indian Springs Land Owner Association (ISLA) for the last 4 years. She stated she is representing the ISLA Board in request for the variance in order to complete the firehouse for the Indian Springs area. She stated that this weekend they measured from the bay doors on the firehouse to the road and that is 28 feet. She also stated she understands the setback has to do with the pins on the property but the reality is it is 28 feet from the bay doors to the road. The ISLA board is hoping that the BOZA will take into consideration the need for this firehouse and that it is not the fault of the community members of Indian Springs or the DMFPD. Much time and money has gone into this building and moving it will cause more delays and more expenses. DMFPD has stated that it does not have the money to move the building. Ms. Reed stated that the exception to the setbacks far outweighs the overwhelming public good that this firehouse will bring to the area. The Fremont County Fire Protection plan identifies Indian Springs as the highest risk of wildfire in the area. Allowing this variance would allow the firehouse to be completed and provide a much more effective fire response to the community as well as providing for the mutual aid and protection of surrounding communities.

Mr. Javernick asked Ms. Reed to clarify that she is with the HOA.

Ms. Reed responded yes, she is.

Chairman Pullen called up Mr. Marchuk to speak.

Mr. Sardaczuk stated he is a resident of Indian Springs, he is on the ISLA Board and is a volunteer firefighter for DMFPD. He stated that to clarify how the building got built in the wrong place to begin with was the fault of the original project manager. He stated he is there to speak on the fire protection aspect. He stated DMFPD is a huge asset and they don't know what they would do without them. Their response to a recent home fire they would have had a wildland fire that would not have been easy to control. Response time without the Indian Springs station is an hour to get the truck and an hour to get back which is far too long of a response time to be effective. He stated his rationale for the variance is response time. Without that building the response time is just too long. The building is for the entire community good and safety. He stated that there may be one or two people who don't like the fire station or the building location but the good of the whole community is much more important than that. Someone is going to have to sacrifice, someone is going to have to look at the building but it's no more of an issue than the old building.

Mr. Norden asked if the building permit from 2017 was based upon the dotted line on the drawing he was given who made the decision to move it.

Mr. Sardaczuk stated that it was the previous project manager who made the error.

Mr. Norden asked who did the measurements.

Mr. Sardaczuk responded the previous project manager.

Mr. Norden asked was the previous project manager a contractor?

Mr. Sardaczuk replied he was an Indian Springs resident and Board member.

Mr. Norden asked if he was here today.

Mr. Sardaczuk responded no he is not as he has resigned from all positions and left the community.

Mr. Javernick asked if the measurement of 28 feet that was previously referred to was from the edge of the road or the center of the road.

Mr. Sardaczuk stated that if you measure using the pins that is where the problem is but if you from the building to the edge of the road there is plenty of room.

Mr. Baker stated he had a question as he doesn't feel like his first question was answered was there a building permit pulled for the original building.

Mr. Sardaczuk stated that the original permit is in the packets that the BOZA members have. However, when the concrete was poured there were no subsequent inspections done or signed off.

Mr. Norden asked when the cease and desist was issued.

Mr. Sardaczuk stated sometime last year but he wasn't sure on the exact timing.

Mr. Baker stated again that he was confused was there any original permit pulled for the building.

Mr. Norden stated that was the thrust of his question is he has the original permit dated May 30, 2017. The green line shows where the building is now but the building department issued the permit based on the original lines on the permit.

Mr. Sardaczuk stated that obviously the concrete was poured incorrectly.

Mr. Matt Koch stood to speak. He stated that when this was going on they established and placed the forms to pour the foundation. At that time Wyatt, the building inspector, went up and pulled the measurements and found that it was measuring closer to 15 feet and not the required 25 feet. A side yard set back is 15 feet. The Planning & Zoning department agreed that we could use the side yard set back to make the location work. At that point DMFPD did an as built survey and found that it was measuring at the 10 feet 9 inches and not the 15 feet required and that is what brings us here today. They originally didn't establish correctly, they came to Planning & Zoning, they still didn't get it right, and so now they need this variance to make it work.

Chairman Pullen asked to clarify we are discussing a side yard setback.

Mr. Koch stated that because of the nature of the existing access and the existing building the access comes of the north side. They had agreed to remove that green building to make the proposed setback the side yard setback because the front would be off the green building. Removing that old building was agreed upon throughout the process. The previous board had agreed to that from the start of the project.

Mr. Javernick asked if that was the only reason they needed to tear down the old building was to comply with the setbacks.

Mr. Koch stated that would be the only reason to tear down the old building.

Mr. Javernick asked if other than that it was a stable and sound building.

Mr. Koch replied that he has no idea if the building is sound or not.

Mr. Butler asked to clarify the green building can stay if the variance is granted.

Mr. Koch responded that is correct.

Mr. Javernick stated to clarify what we are trying to do here is change it to a front yard setback and to allow 10 feet instead of 25 feet.

Mr. Koch replied that is correct.

Mr. Pullen stated and that is to the property line and not the center of the road.

Ms. Reed stood up and addressed the BOZA again stating just to clarify they did measure from the door to the edge of the road and the tape showing it was 28 feet.

Chairman Pullen stated that may be the case but they are to address from the property line not to the road so that things don't get confused.

Chairman Pullen called James Potter.

Mr. Potter declined to speak at this time.

Chairman Pullen called David Lord to speak.

Mr. Lord stated that he owns the property directly across from the Indian Springs firehouse and there have been 2 illegal variances on the building. One was from the ISLA that they have a 50-foot setback in the community covenants and that the fire station was granted less than that without any review or vote from the neighborhood. It was moved from 50 foot to 25 without any input. That would make it 39 feet encroaching on community setbacks. He stated that he was in his yard the day that the building inspector met with Aaron Anderson who was the lieutenant for the fire department. He noticed that they were measuring into his yard. He stated he walked out and asked if there was a problem. The building inspector said yes, this building is not correct. Mr. Lord stated that this was before the pour of the concrete. He then asked the building inspector right there if that would take a variance since it isn't set accurate. He stated that the building inspector responded yes it does. He then stated that Mr. Anderson stated well my Board will let me do it, meaning the ISLA. Mr. Anderson then called Mr. Sardaczuk, who is on the ISLA, and got the green light from him to go ahead and pour. He stated Mr. Anderson also called Mr. Koch from the Fremont County Planning & Zoning Department and states that Mr. Koch gave him a verbal variance that is stated on the original building permit which is totally illegal. Mr. Lord stated that these variances should not be granted. He states that he caught the issue right then before the pour and all they had to do was open up the back end and move the forms back and pour then. Mr. Lord stated that as someone who previously build homes, and worked with Don Moore as the inspector he always went by the books. There were no requests for variances, you did what you had to do to get it right from the get go. Mr. Lord stated that granting this variance is just wrong. He then stated no one here at this meeting can see that fire department from their house except for him. He also stated that about 2 months after the build there was a huge drainage problem that took out his fences and caused trenches in the road. He had to use his own backhoe to fix it. He stated he then sent the bill to the ISLA Board and they laughed at him. He stated that he has put lots of time and money into his house and feels he is being treated unfairly. He is requesting that the variance be denied.

Mr. Javernick asked on the water drainage if the fire station were not there would you get the same amount of water running to your property?

Mr. Lord responded that no he would not.

Mr. Javernick asked if all the water has been directed to him.

Mr. Lord responded it absolutely has.

Mr. Javernick asked if moving the building back would change that.

Mr. Lord responded it would not fix the drainage. He then stated that he is not against the building he is against it encroaching. He stated he brought it to everyone's attention and they all waved it off and he is the one stuck with it.

Mr. Javernick asked if Mr. Lord had any other objections to the building.

Mr. Lord stated that he objects to the building sitting in the location it is at. It is encroaching on his property. He stated that they can just pour an additional concrete slab and cut the front half of the building off move it back and reset it.

Mr. Javernick then asked so your only solution is to move the building back.

Mr. Lord stated yes. Cut the front half off stick it on the back and be done with it.

Chairman Pullen asked that Mr. Lord clarify when he says encroaching the encroach you are talking about is the issue with the water diversion.

Mr. Lord stated no it's with my property.

Chairman Pullen asked him is the building on your property.

Mr. Lord stated no it is directly across from mine.

Chairman Pullen asked where it was encroaching.

Mr. Lord stated onto my property because it is taking extra feet off of my property not being in the correct setback. He stated that the previous board member didn't like him and as revenge decided to place that building there. He stated he went to the Planning and Zoning Department and asked if there were any variances on the property and Mr. Koch told him no. He then went to the Building Department and right on the building permit was a verbal variance from Matt Koch.

Mr. Norden stated that Mr. Koch should be allowed to come forward and clarify that point.

Mr. Koch stated that he did receive a phone call that they had formed it up in the wrong place. This was when it was agreed that the old building would be removed and it would be the side yard setback. There was no variance granted just holding it to a side yard setback. When the as built survey was done they were at the 10.9 feet so they didn't meet the side yard setback either. The original approval was for a 15-foot side yard setback which was by regulation allowed. There was no variance granted.

Mr. Norden asked to address the encroachment. Is the building encroaching upon the property on the other side of the road or on the subdivision road itself?

Mr. Koch stated the encroachment would be on the roadway. It's too close to the right of way for the road not the adjacent property owners.

Mr. Javernick asked Mr. Lord is it the visible encroachment that is bothering him.

Mr. Lord responded if the setbacks were 25 he wouldn't even see very much of the building.

Chairman Pullen called Lester Limon to speak.

Mr. Lester Limon (See attached for full statement).

Mr. Javernick stated that it is unfortunate that they built it where they did it would have been good if it would have been caught in time however we are dealing with what is there. Mr. Javernick stated his personal view is we can't justify tearing down a building and moving it over a few feet. It's very unfortunate but we need to rule in favor of the variance because we have an existing building, that is critical to the neighborhood in a critical area.

Mr. Baker stated that he does not agree with Mr. Javernick. He stated that he believes that there was a lax on people who just decided let's go ahead and do this and it will be OK. He stated he understands the importance of the fire equipment but he still cannot excuse the way that this whole thing was went about. It should have been stopped much earlier.

Mr. Norden stated that he would reserve his comments until after the motion was made.

Mr. Javernick motioned for approval of the BOZA 18-002 DMFPD variance request.

Vice Chairman Dave Boden seconded the motion for approval.

Chairman Pullen called for discussion.

Mr. Norden stated that he recalled when the outlot was created however he has been through this before with DMFPD in Cotopaxi. At that time the DMFPD Board went forward with building a structure without a building permit and built it on County property as well as private property and on top of the boundary line. He stated that historically it seems that someone at DMFPD would rather ask for forgiveness than permission. He is not of a position to want to penalize the tax payers in the ISLA district to the tune of \$66,000 so he is in support of this variance. However, at some point the residents of Indian Springs as taxpayers in the DMFPD have got to hold somebody accountable in the future. At some point we are not going to grant variance after variance after variance for the misdeeds of Board members past or future. As taxpayers he asks for their vigilance with what this Board is doing so that they do not have to revisit this again, next time he may not be of a mind to support another variance.

Mr. Javernick commented that he believes that DMFPD has an obligation to correct the problems they have created. If they have created a problem and are flooding a neighbor they are responsible for fixing that. The BOZA can't require that but it is a suggestion.

Chairman Pullen stated he feels they are being asked to forgive. He stated forgiveness is not a bad thing but it could have been handled much differently and hopefully this is a lesson learned. He does not think that this BOZA based on testimony today is going to want to go through this with them again.

Chairman Pullen call for the vote, the motion carried with a vote of 4 yes and 1 no.

ITEM 4 – BOZA 18-003 JIMENEZ

Chairman Pullen stated a request for variance from the Fremont County Zoning Resolution (FCZR) by Ernest and Lee Ann Jimenez for property located at 0035 Mustang Trail in the Howard Area. The property is located in the Agricultural Suburban Zone District.

The variance is to allow for a 0.0-foot front-yard setback for additions to the existing residence (northeasterly).

Zoning requirement FCZR 4.6.5.5.1 requires a minimum front-yard setback of 25 feet for structures.

Chairman Pullen called up Mr. Ernest Jimenez.

Mr. Jimenez stated that he is the property owner of 0035 Mustang Trail along with his wife Lee Ann Jimenez. He stated that the property was purchased 2 years ago and they moved into the property permanently this year. He stated that the property was built in the early 1900's and there have been several additions onto this house. When the house was purchased they were concerned about the boundaries of the house and that everything was set into place correct so they had a survey of the property done and when the survey was sent back at closing nothing was brought up and there were no exceptions in the title work but that the property line was at the front door. He stated if you look at the paperwork you will see that the fence and the well are actually outside of the property lines. In front of the property is a 40-foot private way license with the railroad. They had assumed that they had the 40 foot to work with but that was not correct. They will be living there full time until they pass away so they would like to make some improvements to the house. They would like to make some changes to make it more livable since the house was built in the 1900's. The last modification was in 2014 and at that time he believes it did not need a variance. He stated that one of their big reasons to make these changes is to make the house more accessible for his wife since she has some disabilities and needs those changes. He stated that they have already spoken to the neighbors and let them know what they are planning and have not received any negative feedback from either of them. He stated that they are asking for the variance to add on to the addition, not going any further than what is there but just to improve the home.

Mr. Javernick asked if Mr. Jimenez could confirm that they were originally built right on the property line.

Mr. Jimenez stated yes it was originally built that way.

Mr. Javernick asked what they would be doing about the well.

Mr. Jimenez said that they would be pursuing that through other avenues as he realizes that that is going to present some issues down the road as well.

Mr. Javernick stated it is an aside but if the real estate agent represented that it was they are liable.

Mr. Jimenez stated that they are currently seeking counsel for that.

Mr. Norden asked about the flood plain information. Mr. Norden stated that question 11 on the application asks if the structure is in a flood plain and that Mr. Jimenez stated no but it goes on to say if

yes then the structure is required to be in the high-water line. Mr. Norden stated that FEMA documents were provided. He also stated that he admits that even in his time with the county he was not always understanding of FEMA documents. However, when he reads the FEMA document about zone A and the map shows the red zone A that covers the property what does that mean. Are you in the flood plain? Are you going to have to get approval from the Flood Plain Administrator in the building department even if we grant the variance?

Mr. Jimenez replied that he answered that no because he thought that the FEMA letter that they had received stated that they were not in the flood plain where the building is. He stated he does not pay for flood insurance so that is why he answered no.

Mr. Norden asked Mr. Jimenez to help the BOZA understand what the provided FEMA document is.

Mr. Jimenez responded by having the Architect Ms. Sarah Whittington speak.

Ms. Whittington stated that she is the Architect on the building from the last addition and at that time the flood plain issue came up and they did the elevation certificate for the back half of it. They were mitigated for that since they sit up at the top of the property and the property drops off significantly on the back side. She stated that she does know that in the building department records is the information that shows that the house is not in the flood plain that it is just the low river area.

Mr. Norden asked if this has gone to the building department for application or is the variance necessary first?

Ms. Whittington stated that they thought the survey showed they were fine but when the application went to the building department they were flagged for the setback.

Mr. Norden asked so if we give the variance you will still have to get approval from the Flood Plain Administrator in the building department correct.

Ms. Whittington stated that if the variance is approved they will still have to go to the building and planning and zoning departments again.

Chairman Pullen stated that he believes we are getting the cart before the horse in that they are asking for a variance without knowing where the property line is.

Ms. Whittington stated that they do know where the property line is it is on the survey that was provided in the packet and it is right on the front of the house.

Ms. Whittington stated that they had assumed that their property line was the same as the neighbor to the west who has a bit more property than they had until the survey was done and they had realized the property line was at the front of the home.

Chairman Pullen asked if the variance being requested is within the boundaries or limits of that survey.

Ms. Whittington stated that is correct and it will be within the limits of the property line.

Mr. Jimenez stated it is the shaded area on the plot plan that they will be building within.

Chairman Pullen asked for clarification that the variance request is not into the questionable area of the 40-foot railway easement.

Mr. Jimenez state that is correct that it is back on our property.

Chairman Pullen asked so that will give them a zero-line setback.

Mr. Jimenez stated that is right.

Ms. Whittington approached the BOZA with the drawings to explain the layout and the location of the changes to be made and to show they will be staying within the existing property lines.

Mr. Butler stated that this was published in the newspaper, the customary courtesy notices were sent out and a reply was received from a Mr. Dick Smith who owns the property adjoining stating "As an adjoining property owner to the property owned by Ernie and Lee Ann Jimenez that are a requesting a 0.0-foot front yard setback we request that variance be approved in their favor". Mr. Butler also stated that as they had discussed there may be some drainage issues here and asked Mr. Jimenez to address those in regards to the eaves of the house. He stated we can't grant a variance that would encroach on the other property even if it is just the eaves.

Ms. Whittington address the board that they would be moving back the wall to make sure that any eaves or any part of the structure would be on the property.

Chairman Pullen stated that provided better clarification to his earlier question.

Chairman Pullen called for a motion.

Mr. Norden motioned for approval of the BOZA 18-003 Jimenez variance request.

Mr. Javernick seconded the motion for approval.

Upon a roll call vote, the motion passed unanimously. (5 of 5)

ITEM 5 – OTHER BUSINESS

None

ITEM 6 – ADJOURNMENT

With no further items for discussion, Chairman Pullen declared the meeting adjourned at 4:27 P.M.



Chairman, Fremont County Board of Zoning Adjustment

10/23/18
Date

STATEMENT IN FAVOR OF SPECIAL REVIEW USE PERMIT
DEER MOUNTAIN FIRE PROTECTION STATION #3
1628 Bird Point Drive, Cotopaxi, CO 81223

Mr. Chairman and members of the Commission,

My name is Lester Limón and I am the owner of lot 159 of Indian Springs, better known as 1720 Bird Point Drive, directly south of the lot in question today.

As a licensed Colorado architect and a decade-long past chair of the Newton/North Newton Area Planning Commission, I can tell you I understand what you're tasked with deciding today.

While there may be many reasons a land developer or planner will codify building setbacks when developing a final plat, I believe there are two main reasons, in this particular circumstance, you may wish to consider today: safety separation and visual distances.

First, we separate buildings from adjacent neighbors depending on a desired development density so owners can enjoy privacy, quiet, and the feeling of safety that comes with knowing a fire at our neighbor's house, while saddening, is unlikely to reach our own. When rural lots become larger and larger, this requirement becomes less important; we're not as tightly packed as in urban or suburban environments. Lot sizes, topography, and architectural standards keep Indian Springs homes and buildings far from each other. Therefore, as an adjacent landowner, I have no problem with decreasing the depth of the setback knowing that the building is small and my own future development will be far removed from this one. I submit my own site plan to illustrate what future building will be like on my property.

Second, we develop deeper setbacks along roads to give drivers the best and safest views with which to travel. In urban environments, this setback creates street-side harmony and structure to our built environment. As I stated before, the development in Indian Springs is rural in nature and the buildings rarely sit alongside the road, again for privacy and quiet. In this case the safety of those traveling Bird Point Drive, in my opinion, will be only slightly diminished by the encroachment of the building. The new driveway developed adjacent from this site sits across the wide drainage and is largely devoid of trees or other visual obstacles. Therefore, I feel the approval of this Special Review Permit will not harm or endanger the drivers of Bird Point Drive.

Lester Limón