BOARD OF ADJUSTMENTS  
AND  
PLANNING COMMISSION  
MEETING AGENDA  

Virtual Meeting  
9:00 AM CALL TO ORDER  

Video  
To join the meeting, click on the link below or copy and paste into your preferred web browser: https://zoom.us/j/632627219?pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09  

Audio  
Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:  

Dial by your location  
(669) 900-6833 US (Western US)  
(929) 205-6099 US (Eastern US)  

Meeting ID: 632 627 219  
Password: 04408  
*For the purpose of an accurate public record, you will need to identify yourself when you enter the meeting and when prompted*  

BOARD OF ADJUSTMENT  

.1. APPROVAL OF AGENDA  

.2. APPROVAL OF MINUTES FROM JUNE 9  

.3. LAND USE PUBLIC HEARINGS  

.3.1. VARIANCE CASE #20SET-03  
Property is Elk Creek Highlands Filing 5, Block 18, Lot 19, addressed as 452 Stage Coach Drive, Bailey. Applicant is requesting a 30 foot variance from the setback requirement from a structure to a wetland in order to build a house.  

APPLICANT: Terry Aumiller  

Documents:  
20SET-03 BOA Staff Report.pdf  
Referral Responses.pdf  
20SET-03 Application.pdf  

.4. PUBLIC COMMENT  

PLANNING COMMISSION - CANCELLED
Any further information can be obtained at:
Park County Planning Department
856 Castello Ave
Fairplay, CO. 80440
(719) 836-4292
planner@parkco.us
To: Board of Adjustments Members

Date: August 6, 2020

Prepared by: John Deagan, AICP; Planner

Case Number: 20SET-03

Subject: Aumiller Variance

Request: The applicant is requesting a 30-foot variance from the 50-foot structure-to-wetlands setback requirement in order to build a residence.

Application Summary:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Terry Aumiller</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Same</td>
</tr>
<tr>
<td>Location:</td>
<td>Elk Creek Highlands Filing 5 Block 18 Lot 19, addressed as 452 Stagecoach Drive, Bailey</td>
</tr>
<tr>
<td>Current Zone District:</td>
<td>Residential</td>
</tr>
<tr>
<td>Surrounding Zoning:</td>
<td>Residential in all directions</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>1 Acre</td>
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<tr>
<td>Existing Use:</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

Background:

The subject lot is located within the Elk Creek Highlands subdivision, a mile and a quarter north of County Road 43. A Vicinity Map is included as Attachment 1. Roughly 70% of the lot’s area consists of wetlands. The applicant is requesting a 30-foot variance from the wetlands setback requirement in order to build a residence.

Land Use Regulations and Strategic Master Plan:

Each of the Land Use Regulation’s standards for approval of a variance (Section 3-100 B) is addressed below.
1. A strict application of the Resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land:
Exceptional practical difficulty in construction within the normally required setbacks is caused by the lot's small size and centrally located wetlands.

Staff opinion is that this standard of approval is met.

2. The applicant provided reasonable and adequate evidence that the variance request is not a self-imposed hardship that can be rectified by means other than relief through a variance:
The proposed residence is of modest size, 672 square feet.

Staff opinion is that this standard of approval is met.

3. There exists no substantial detriment to any neighbor or to the public by the granting of the variance:
Approval of the application would result in construction and occupancy of a residence twenty feet from a wetland.

Given the existing sediment control plan and the recommended conditions of approval regarding wetland protection during construction, below, staff opinion is that this standard of approval is met.

4. The intent and purpose of the regulation being varied is not substantially impaired or defeated by the granting of the variance.
Setback regulations exist, in this case, to protect sensitive environmental features such as watercourses and wetlands.

Given the existing sediment control plan and recommended conditions of approval regarding wetland protection during construction, staff opinion is that this standard of approval is met.

Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:

Negative physical impacts are considered unlikely if the recommended condition of approval regarding wetland protection is implemented.
Public Comment:

Written public comment opposing the application on the grounds of environmental protection was received from James Schumaker, the owner of the lot to the east. This is included as Attachment 2.

Recommendation:

Staff recommends approval of the application with the following conditions.

1. The sediment control measures shown on the application’s site plan are in place before issuance of any development permits for the lot.

2. The project engineer is on-site during trenching for the water line between the well and house to ensure it avoids the delineated wetlands.

3. The project engineer is on-site during excavation for the septic system and foundation to ensure compliance with the application’s site plan.
This map is not a survey.
To: Park County Planner

Dear Mr. Deagan

My name is James Schumaker. I would appreciate your attention for a few moments with my email letter in regards to the building site rezoning proposal of Lot 19 in the Elk Creek Highlands subdivision, 452 Stage Coach Drive, a designated Wetland. Legal description included below.

<table>
<thead>
<tr>
<th>T06 R73 S23 NW4</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELK CREEK HIGHLANDS</td>
</tr>
<tr>
<td>FILING 5 BLOCK 18 LOT 19</td>
</tr>
<tr>
<td>R608890 TR05 17261 PA06</td>
</tr>
</tbody>
</table>

May I let you know that I have lived in my home 78 Sunset Drive for 33 years now and I do own a part of the designated wetland on Sunset Drive, Lot 18. Lot 19 and Lot 18 share the wetland.

Park County sent me a copy of the blue print of the postposed building site on Lot 19 that the builder had made up. I thank you for the mailing. After looking over the blueprint copy it appears that the property line that is on the wetland side of Lot 18, that I own, seems to be falsely represented and does not show the legally correct boundary line of Lot 18 that is in fact part of the wetland. As an owner of that portion of the wetland it is my responsibility to maintain the property from environmental impacts such as pollution, trash and any people attempting to damage the wetland.

I have included some pictures of lot 19 in hopes that you may see that there is really no room for any type of livable structure, with a septic system without building to near the roads or more probably building into the wetland illegally.
The wetland boundary is where the Notice sign is. The builder proposes digging a trench and placing coconut fibers, straw or excelsior in it along the wetland boundary. It’s hard to imagine how these biodegradable materials are going to keep the wetland safe from pollution over time given the wetland has been there for probably 100’s of years.
As you may see in this picture, there are deep trenches that the builder dug last year and left open all year indicating a lack of responsibility on the builder’s intentions for the property and disregarding the safety of the neighborhood. Also this is where a proposed driveway off of Stage Coach Dr. is to be.
This picture shows the area of the wetland that the builder proposes to drill a well. This is on Sunset Drive. Notice how the road immediately joins the wetland. It would appear that a well drilling rig would have to drill on the wetland and in fact tear up the wetland environment along with deep trenching the wetland for the supply line from the proposed well head to the proposed house site.
Mr. Deagan as you know there is a purpose for the current build zone regulations for Elk Creek Highlands and particularly Lot 19’s wetland. The builder has tried to build on Lot 19 several years ago but Park country denied the building permit. My guess is because Park County denied what he is now proposing again, for whatever his reason maybe. In fact, the builder told me a couple of years ago that he was going to turn the wetland Lot 19, into a RV/Trailer park.

As is the current building zone regulations provides for a safe home environment for the subdivision and the wetland from septic pollution and other environmental impacts that can affect the subdivisions water table aquifer now and over time. As you know the builder will have no responsibility for the property after he sells off the project. Additionally, as a side note, the house will constantly be subjected to road dust clouds by practically being built into a two dirt road intersection compounding poor and unhealthy living conditions.

Finally my portion of the wetland will be impacted by the proposed building site over time from probable pollution when the proposed sediment control log deteriorates. With that, I will be held responsible for having to clean up, if it is at all possible.

Mr. Deagan I respectfully ask that the current building zone regulations for the Elk Creek Highlands subdivision NOT be changed thereby allowing the continued support for the safety, and health of the subdivision, and the environment, and my property.

If I may apologies ahead of time in regards to my being unavailable to attend the meeting for this Aug 11, 2020 in Fairplay due to my State of Colorado employment work day responsibilities that I am very proud of. However I can be reached from the contact information included below.

Thank you for your time and consideration with this matter.

Respectfully yours

James Schumaker

78 Sunset Dr., Bailey, Co., 80421

303-838-0665 (H)

303-866-7310 (W)

720-556-7930 (C)
Referral Response

Comment Deadline Date: August 10th, 2020  Submitted Date: July 14th, 2020

Case #: 20SET-03  Case Name: Aumiller Structure to Wetland Setback Variance

Request: The applicant is requesting a 30 foot variance from the required 50 foot setback between a structure and a wetland to accommodate a residence.

Location/ Legal Description: Lot 19, Block 18, Elk Creek Highlands Filing 5, addressed as 452 Stage Coach Drive, Bailey.

Date of Board of Adjustment Hearing: August 11th, 2020.

We have reviewed this referral and find no conflicts with our interests.

Please refer to the attached letter.

We offer the following comments regarding this referral:

ABE opposes the 30’ setback variance and believes a 20’ setback is insufficient to the wetlands. ABE is more open to a variance to a road setback than to a wetlands setback. The map provided is inadequate to provide more guidance to the specific issues and solutions. It appears the orientation of the home could be rotated toward the left in a more vertical positioning as shown on the map to reduce the setback but without a topo map, this comment is a guess.

Signed: Amy Mitchell  Date: July 21, 2020

Title: ABE Chair/Secretary
Referral Response

Comment Deadline Date:  August 10th, 2020  Submitted Date:  July 14th, 2020

Case #:  20SET-03  Case Name:  Aumiller Structure to Wetland Setback Variance

Request:  The applicant is requesting a 30 foot variance from the required 50 foot setback between a structure and a wetland to accommodate a residence.

Location/ Legal Description:  Lot 19, Block 18, Elk Creek Highlands Filing 5, addressed as 452 Stage Coach Drive, Bailey.

Date of Board of Adjustment Hearing:  August 11th, 2020.

We have reviewed this referral and find no conflicts with our interests.

Please refer to the attached letter.

We offer the following comments regarding this referral:

If this application is approved. This is a recommended condition to assure total compliance. The contracted engineer for this project will be on site during construction of driveway, septic system, well placement, foundation placement, as well as, all control measures as stated to this application.

Signed:  Thomas R. Eisenman, CM

Date:  7/22/20
PARK COUNTY APPLICATION FOR
VARIANCE
NON-REFUNDABLE APPLICATION FEE: $700

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: Terry & Connie Amiller
Mailing Address: PO Box 178
City: Pine State: CO Zip: 80470
Telephone
Cell (work) 303 919 6241 (home) (fax)

Owner's Name: SAME
Mailing Address:
Telephone No.

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Variance (attach additional page, if necessary):

Lot 19 Block 18

Street Address of Property: 452 Stage Coach Dr
Property's Total Acreage: 1 AC
Current Zone District of Property: RESIDENTIAL
Proposed Zone District of Property: SAME

For County Use Only
Planning Department Confirmation of Current Zone District:
District: RESIDENTIAL
Print Full Name

John Deegan
Requirements for a Variance
Article III, Division 1, Section 3-100

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of $700 must be paid at the time of submission of the application. Make the check or money order to the Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant’s responsibility.

2. Tax receipt—showing payment of current taxes. This can be obtained at the Park County Treasurer’s office.

3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.

4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor.

5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Variance, this information is at Park County Assessor’s Office.

6. A vicinity map of where the proposed property is located within Park County.

7. A site plan drafted at a commonly used engineering scale with clear indication how the variance relates to the affected land with the following information:
   a. Name and address of the owner;
   b. Date of preparation, map scale, and north arrow;
   c. Lot dimensions, total acreage, and points of access to the property, internal roads and trails. The map must illustrate how access is obtained from the property subject to variance to the nearest county road or highway;
   d. Natural features of the property subject to variance including, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);
   e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;
   f. The dimensions, height and setbacks of all existing and proposed structures.
   g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.

8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).
9. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable

10. A written description identifying the specific provision of the Land Use regulations that the owner seeks to vary and the extent to which the provision is proposed to be varied or modified.

11. A written description of the reasons justifying the variance detailing how the standards for approval of the variance provided by Section 3-100(B) are met or satisfied.

12. Any other information that are judged necessary by the Planning staff to ensure compliance with the Standards for Approval.

Note: Refer to Park County Land Use Regulations Article III, Standards for Approval of Variance.
D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]
Print name: [Name]
If company, state Title/Position: [Title/Position]

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

July 14th, 2020
Month Day Year

Payment of the Applicant Fee was made by:

- Personal Check # 4593 Amount $ 700
- Cash Amount $
- Other Amount $

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL BOARD OF ADJUSTMENT HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.
StatementOfTaxesDue

Account Number R0045719
Assessed To AUMILLER TERRY
Parcel 45719
PO BOX 178
PINE, CO 80470-0178

Legal Description
T06 R73 S23 NW4 ELK CREEK HIGHLANDS FILING 5 BLOCK 18 LOT 19 R608890 TR05 17261 PA06
Situs Address
452 STAGE COACH DR BAILEY
804210000

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Total Tax Charge $0.00

Grand Total Due as of 07/14/2020 $0.00

Tax Billed at 2019 Rates for Tax Area 0005 - Platte Canyon Fire

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<td>RESIDENTIAL VACANT LOTS</td>
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* Credit Levy

AMOUNTS SHOWN ARE CORRECT AT THE TIME OF PRINTING.
ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDOREEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER AUGUST 1.

TAX LIEN PAYMENTS:
1. MUST BE PAID BY CASH, CASHIERS CHECK, MONEY ORDER OR ONLINE AT WWW.PARKCO.US/TREASURER.
2. PLEASE PUT “ATTN:TAX LIEN” ON THE OUTSIDE OF THE ENVELOPE.
3. MUST BE RECEIVED IN THE OFFICE BY THE ABOVE DUE DATE. POSTMARKS NOT ACCEPTED.
4. PAYMENTS WILL ONLY BE ACCEPTED FROM THE OWNER, HIS AGENT OR ANY OTHER PERSON HAVING A LEGAL OR EQUITABLE CLAIM AGAINST THE PROPERTY PER STATUTE CRS 39-12-103

Park County Treasurer
P.O. Box 638, Fairplay CO 80440
(719)-836-4334
WARRANTY DEED

THIS DEED, Made this 30th day of December, 2004 between

David Elroy Clemens
of the County of Park and State of COLORADO, grantor, and

Terry Ammiller and Connie Ammiller
whose legal address is PO Box 608, Pine Junction, CO 80470

of the County of Park, State of Colorado, grantees:

WITNESS, That the grantor, for and in consideration of the sum of Seventeen thousand five hundred Dollars and NO/100's, ($17,500.00),

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and

by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns

forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if

any, situate, lying and being in the County of Park, and State of COLORADO, described as follows:

Lot 19, Block 18,
ELK CREEK HIGHLANDS FILING NO. FIVE,

County of Park,
State of Colorado

also known by street and number as 396 Stagecoach Drive, Bailey, CO 80421

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or
equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances,
unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal
representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that
at the time of the ensale and delivery of these presents, he is well seized of the premises above conveyed,
has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good
right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as
aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes,
assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the
current year, a lien but not yet due and payable, and those specific Exceptions described by reference to
recorded documents as reflected in the Title Documents accepted by Buyer in accordance with
section 8a (Title Review), of the contract dated November 16, 2004, between the parties.
The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the
quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or
persons lawfully claiming the whole or any part thereof.
The singular number shall include the plural, the plural the singular, and the use of any gender shall be
applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLER:

David Elroy Clemens

STATE OF Missouri
COUNTY OF Newton

The foregoing instrument was acknowledged before me this 3rd day of December, 2004 by David Elroy
Clemens

Witness my hand and official seal
My Commission expires:

ANDY NOAH
Notary Public
State of Missouri - Newton County
My Commission Expires Oct 15, 2005
## Names and Mailing Addresses Adjacent Property Owners

### Schedule # 16755

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>KERR EARL WILLIAM JR</td>
<td>258 CRYSTAL ROCK RD</td>
<td>BAILEY, CO 80421-1306</td>
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### Schedule # 16448

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<td>BENNEFIELD JACOB MICHAEL</td>
<td>63 SUNSET DR</td>
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### Schedule #16183

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<tr>
<td>SCHUMAKER JAMES R</td>
<td>78 SUNSET DR</td>
<td>BAILEY, CO 80421</td>
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### Schedule #17261

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<tr>
<td>WHITMER GREGORY D</td>
<td>396 STAGECOACH DR</td>
<td>BAILEY, CO 80421</td>
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### Schedule #17227

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<td>HAHN VICTOR D</td>
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### Schedule #18679

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452 Stagecoach Drive
Contour Interval is 200 Feet
VARIANCE REQUEST
SITE PLAN
PREPARED FOR:
TERRY AUMILLER
PO BOX 178
PINE, CO 80470

PROJECT SITE:
LOT 19, BLOCK 18, FILING
15, ELK CREEK HIGHLANDS

SCALE: SHOWN
DATE: 11/07/2019
REVISIONS:
12/31/2019
07/01/2020

PROJECT: 2019283
LOCATION: 452 STAGE COACH DRIVE
ALMA, CO 80421

CLIENT: TERRY AUMILLER

TITLE: VARIANCE REQUEST SITE PLAN
SHEET: 1/1

1. SEDIMENT CONTROL LOG INSTALLATION NOTES
   1. SEDIMENT CONTROL LOGS INDICATED ON INITIAL PLAN SHALL
      BE INSTALLED PRIOR TO ANY LAND-DISTURBING ACTIVITIES.
   2. SEDIMENT CONTROL LOGS SHALL CONSIST OF STRAW,
      COMPOST, EXCELSIOR, OR COCONUT FIBER.
   3. NOT FOR USE IN CONCENTRATED FLOW AREAS.
   4. THE SEDIMENT CONTROL LOG SHALL BE TRENCHED INTO THE
      GROUND A MINIMUM OF 1/3 OF THE DIAMETER OF THE LOG.

2. SEDIMENT CONTROL LOG MAINTENANCE NOTES
   1. THE GEC OPERATOR SHALL INSPECT SEDIMENT CONTROL
      LOGS DAILY, DURING AND AFTER ANY STORM EVENT AND
      MAKE REPAIRS OR CLEAN OUT UPSTREAM SEDIMENT AS
      NECESSARY.
   2. SEDIMENT ACCUMULATED UPSTREAM OF SEDIMENT CONTROL
      LOGS SHALL BE REMOVED WHEN THE UPSTREAM SEDIMENT
      DEPTH IS WITHIN 1/2 THE HEIGHT OF THE CREST OF LOG.
   3. SEDIMENT CONTROL LOGS SHALL BE REMOVED AT THE END OF
      CONSTRUCTION. IF ANY DISTURBED AREA EXISTS AFTER
      REMOVAL, IT SHALL BE DRILL SEEDED AND CRIMP MULCHED
      OR OTHERWISE STABILIZED.

ENDS SHALL BE TIGHTLY OVERLAPPED (1' MIN.)
Regarding: Variance Request Application Items #10 and #11 (Revised)
Lot 19, Block 18, Filing 15, Elk Creek Highlands
452 Stage Coach Drive, Bailey, CO. 80421
Park County, Colorado
Job No. 2019283

This report contains the specifications for a variance request for the above referenced parcel. A variance request is necessary to reduce the current setback distances from the proposed structure to existing wetlands on the parcel. The variance request is being put forth to develop the parcel with a 672 sq. ft. (building footprint) residence, access driveway, well and Onsite Wastewater Treatment System (OWTS). See attached Variance Request Site Plan for detailed information regarding the proposed development.

Wetland Setback:
Reduce the 50’ wetland to structure setback to 20 feet – requesting 30 feet relief from the setback.

1. Strict application of the Park County Land Use Regulations with respect to the wetland setbacks results in peculiar and exceptional practical difficulties and exceptional hardship for development of the parcel. Approximately 70% of the subject parcel is covered in wetlands, leaving a small portion of upland area available for development. Because the upland areas of the parcel are limited, a small and narrow foundation
footprint is proposed to limit/eliminate impacts to wetlands and fit within the existing condition constraints.

2. The variance request is not the result of a self-imposed hardship that can be rectified by any means other than relief through a variance. The wetlands exist on the parcel naturally and the owner has taken no measures to create or increase the square footage of wetlands.

3. Development of the parcel will remain within the property boundaries and no adverse detriment to any neighbor or the public is expected with the approval of the variance request.

The developable portions of the property are bordered on both sides by Stage Coach Drive and Sunset Drive, creating a natural and platted buffer of the 30-foot property line setback, the existing roadway as traveled, and the 60-foot road right away from the residence to neighboring parcels.

4. The intent and purpose of the regulation being varied is not substantially impaired or defeated by granting of the variance. To protect the existing wetlands during construction a temporary construction fence will be installed approximately 3 to 5 feet outside of the wetland boundary. The base of the temporary construction fencing will be lined with sediment control logs to control stormwater discharges and temporary erosion during construction from entering the wetlands. The wetland boundary has been clearly delineated onsite with pink flagging labeled “Wetland Delineation”. See attached Variance Request Site Plan for additional details.

Alternatives considered in lieu of variance request for a reduction in the wetland to structure setback include the following:

1. Filing the wetlands to meet the required setbacks. The alternative was rejected as it conflicts with the purpose and intent of Park County Land Use Regulations Section 7-900 in that filling wetlands would adversely affect the wetlands ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical wetland functions.
2. Request a variance for a reduction to the 30-foot minimum structure to the property line setback. The alternative was rejected for the following reasons:

   a. Moving the residence to the northwestern portion of the lot and requesting variance to the property line setbacks places the proposed residence very close to the existing roadways as traveled and the corner intersection of Stage Coach Drive and Sunset Lane. The northwestern property pin appears to be located within the roadway as traveled.

   b. Moving the residence to the northwestern portion of the lot would result in the Onsite Wastewater Treatment System to be located such that additional variances from the setback requirements set forth in the Park County Onsite Wastewater Treatment Regulation, Effective August 12, 2018 and the CDPHE Water Quality Control Commission Regulation No. 43 – On-Site Wastewater Treatment System Regulation would likely be required.

If there are any questions regarding this request, or this report, please contact this office.

Sincerely,

Jennifer D. Migliorato