

CLEAR CREEK COUNTY BOARD OF ADJUSTMENT AGENDA

1. Call To Order
2. Roll Call
3. Call For Public Comment On Non-Agenda Items
4. ACTION ITEMS
 - 4.I. Approval Of Minutes
 - 4.I.i. 9/4/25 Minutes Draft

9/4/2025 Minutes DRAFT

Documents:

[BOA MINUTES 9.4.25.PDF](#)

- 4.I.ii. 10/2/25 Minutes DRAFT

10/2/2025 Minutes DRAFT

Documents:

[BOA MINUTES 10.2.25.PDF](#)

- 4.I.iii. APPROVAL OF 2026 MEETING SCHEDULE

Documents:

[BOA CALENDAR 2026.PDF](#)

- 4.I.iii.1. ELECTION OF 2026 OFFICERS

- 4.I.iv. Staff Packet Giddens

VAR-25-020 Michael Giddens & Kim Van Mook request a variance pursuant to Section 1302.2 – “*Request to Encroach into a Setback*” of the Clear Creek County Zoning Regulations. The owner(s)/applicant(s) request to encroach into the 30’ setbacks to construct the following:

- A new single-family residence with a front setback (east) of 25’ and a side setback (south) of 7’ and a detached garage with a front setback (east) of 15’ and a side (north) of 15’;

Documents:

[STAFF PACKET GIDDENS.PDF](#)

- 4.II. Staff Packet Ford

VAR-25-022 Joel Ford & Jesse Lewis request a variance pursuant to Section 1302.2 – “*Request to Encroach into a Setback*” of the *Clear Creek County Zoning Regulations*. The owner(s)/applicant(s) request to encroach into the 30’ setbacks to construct the following:

- A new single-family residence with a front (north) setback of 10’;

Documents:

[STAFF PACKET FORD.PDF](#)

5. Staff And BOA Updates
6. Adjournment
7. ZOOM MEETING LINK

Please click the link below to join the webinar:

[HTTPS://US06WEB.ZOOM.US/J/82523080383?
PWD=GEYEFD0VF0KYAMQPQUOJ80TGFNYA83.1](https://us06web.zoom.us/j/82523080383?pwd=GEYEFD0VF0KYAMQPQUOJ80TGFNYA83.1)

Webinar ID: 825 2308 0383

**CLEAR CREEK COUNTY BOARD OF ADJUSTMENT
MINUTES OF HEARING FOR SEPTEMBER
4,2025**

This regular hearing of the Clear Creek County Board of Adjustment was convened on September 4, 2025 in person and remotely via Zoom teleconferencing platform and in the County Annex. It was called to order by Chairperson Martha Miles at 6:03 pm.

Members Present: Chairperson Martha Miles, Vice-Chair William Lee,
Mike Stewart,

Staff Present: Denise Tennant, Planner I

Review of Public Hearing Procedures:

Chairperson Martha Miles explained the procedures associated with the Board of Adjustment.

Unscheduled Appearances:

There were no unscheduled appearances.

Old Business:

1 VAR-25-007 Tom Meyers request a variance pursuant to Section 1302.2 – “Request to Encroach into a Setback” of the Clear Creek County Zoning Regulations.

The owner(s)/applicant(s) request to encroach into the 30’ setback as the following has been constructed:

- A single-family residence with a front setback of 24’

The subject property is ±7492 sqft and is zoned Mobile Home (MH), which allows for residential use.

Legal: Subdivision: SAINT MARY’S SUBDIVISION Lot: 642 U4

Parcel #: 1837-023-10-013

Location: TBD Beaver Rd

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property

- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies
- Exhibit E) Maps

Tom Meyers did appear for the hearing, and was sworn in.

Discussion:

Tom explained that due to the neighbor response to the original request he has changed his request to encroach into the front setback as opposed to the side setback.

The Board made no comments when discussing the “Findings of Fact”:

Public Comment: Norma and Shannon Craig of 392 Beaver Rd. were sworn in and thanked Tom for moving the residence to the other side of the lot.

Granting the acknowledgement request will not be a detriment to the public good; and

Granting the variance will not substantially impair the intent and purpose of the zoning regulations; and

The hardship has not been self-imposed; and

The sole purpose of granting the variance is not to convey a personal convenience, profit, or special privilege to the applicants/owners; and

The sole purpose of granting the variance is not to relieve an economic hardship upon the applicants/owners; and

The property will conform to all zoning regulations.

Mike Stewart moved to approve the variance. William Lee provided the second.

A vote was taken and the motion passed with Three (3) votes for and zero (0) votes to deny the request.

New Business:

1. **VAR-25-014 Edward Hauschild** request a variance pursuant to Section 1302.2 – “Request to Encroach into a Setback” of the Clear Creek County Zoning Regulations.

The owner(s)/applicant(s) request to encroach into the 30’ setback as the following has been constructed:

- A single-family residence with a side setback (west) of 4’;

The subject property is ±5488 sqft in size and is zoned Mobile Home (MH), which is intended mobile home or a single-family residence.

Legal: Subdivision: SAINT MARYS SUBDIVISION Lot: 641 U4

Parcel: 1837-023-10-012

Location: TBD Beaver Rd.

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property
- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies

Edward Hauschild did appear for the hearing and was sworn in.

Discussion:

No discussion was required by the Board. Questions were asked regarding the setbacks for mobile home lots that will contain a stick-built structure.

Public Comment: Shannon (Billie) Craig and Norma Craig were sworn in to give testimony. Their concerns were the closeness of all structures in the area, and the fire hazard that that can cause. [They discussed their referral response.]

After a discussion through public comment and Mr. Hauschild stated that he would change his variance request for the residence to sift into the west setback instead of the east setback.

Mike Stewart moved to approve the variance. William Lee provided the second.

A vote was taken and the motion passed with Three (3) votes for and zero (0) votes to deny the request.

2. VAR-25-010 Frieda Crispin & Monica Vigil request a variance pursuant to Section 1302.2 – *“Request to Encroach into a Setback”* of the Clear Creek County Zoning Regulations.

- A single – family residence with a front (south) setback of 19’;

The subject property is ± 4.750 acres and is zoned Mining One (M-1), which can be used for residential.

LEGAL: MINE: MINIOIN – 5287 4.75 ACRESLN 7-3-73 PT 248/373 542/84

PARCEL #: 1835-074-00-630

LOCATION: 3848 FALL RIVER Rd.

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property
- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies

Frieda Crispin did appear for the hearing and was sworn in.

Discussion:

No discussion was required by the Board.

Public Comment: None

William Lee moved to approve the variance and Mike Stewart provided the second.

A vote was taken and the motion passed with Three (3) votes to and zero (0) votes to deny the request.

Adjournment:

Chairperson Miles adjourned the hearing at 8:30pm.

Denise Tennant, Secretary

I, Chairperson of the Board of Adjustment, certify that the Board has reviewed and approved these minutes.

Martha Miles, Chair

**CLEAR CREEK COUNTY BOARD OF ADJUSTMENT
MINUTES OF HEARING FOR OCTOBER 2,2025**

This regular hearing of the Clear Creek County Board of Adjustment was convened on October 2, 2025 in person and remotely via Zoom teleconferencing platform and in the County Annex. It was called to order by Chairperson Martha Miles at 6:08 pm.

Members Present: Chairperson Martha Miles, Vice-Chair William Lee,
Mike Stewart,

Staff Present: Denise Tennant, Planner I

Review of Public Hearing Procedures:

Chairperson Martha Miles explained the procedures associated with the Board of Adjustment.

Unscheduled Appearances:

There were no unscheduled appearances.

Old Business: NONE

New Business:

1 VAR-25-016 Jon Brady request a variance pursuant to Section 1302.2 – “Request to Encroach into a Setback” of the Clear Creek County Zoning Regulations.

The owner(s)/applicant(s) request to encroach into the 30’ setback as the following has been constructed:

- A new single-family residence with a front setback (north) of 0’;

The subject property is ±4.18 acres and is zoned Mining – One (M-1), which allows for residential use.

Legal: MINE: COLUMBINE PLACER - 16859 100% 4.18 ACRES CAS OT DEM 18-4-73 TR #2
MC 537/802

Parcel #: 1961-183-00-010

Location: 6115 CO 103

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property

- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies
- Exhibit E) Maps

Jon Brady did appear for the hearing, and was sworn in.

Discussion:

Jon explained the CDOT right-of-way issues and the permit with Army Corp. The Board asked questions regarding how big the setback from the road actually is. Questions regarding the flood plain were answered.

Public Comment: None.

Granting the acknowledgement request will not be a detriment to the public good; and

Granting the variance will not substantially impair the intent and purpose of the zoning regulations; and

The hardship has not been self-imposed; and

The sole purpose of granting the variance is not to convey a personal convenience, profit, or special privilege to the applicants/owners; and

The sole purpose of granting the variance is not to relieve an economic hardship upon the applicants/owners; and

The property will conform to all zoning regulations.

Mike Stewart moved to approve the variance. William Lee provided the second.

A vote was taken and the motion passed with Three (3) votes for and zero (0) votes to deny the request.

2. VAR-25-017 Nydia Trout request a variance pursuant to Section 1302.2 – “Request to Encroach into a Setback” of the Clear Creek County Zoning Regulations.

The owner(s)/applicant(s) request to encroach into the 30’ setback as the following has been constructed:

- A new single-family residence with a front setback (south) of 25’ and a side setback (west) of 22’;

The subject property is ±1.033 acers in size and is zoned Mountain Residential - One (MR-1), which is intended for a single-family residence.

Legal: Subdivision: ECHO HILLS SUBDIVISION Lot: 55 F2 473/927

Parcel: 1963-262-02-032

Location: 1035 Lodgepole Dr.

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property
- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies

Joshua Robarge the General Contractor appeared for Nydia Trout.

Joshua Robarge was sworn in, and explained how the rock outcropping created an issue

Discussion:

The Board discussed the reason for the siting of the residence west due to the rock outcropping.

Public Comment: None

Mike Stewart moved to approve the variance. William Lee provided the second.

A vote was taken and the motion passed with Three (3) votes for and zero (0) votes to deny the request.

- 3. VAR-25-018 Young Cho** request a variance pursuant to Section 1302.2 – “*Request to Encroach into a Setback*” and Section 1302.3 – “*Acknowledgement of an Existing Setback Encroachment*” of the *Clear Creek County Zoning Regulations*.
of the *Clear Creek County Zoning Regulations*.

- A mobile home with a front setback of 23’;
- And side setback (west) of 8.4’; and

The owner(s)/applicant(s) request to encroach into the 30’ setbacks to construct the following:

- A stick framed attached structure to the mobile home with a side setback (east) of 8.5’;

The subject property is zoned Mobile Home (MH), and contains one mobile home.

LEGAL: MBL HOME TITLE: 010798639 SERIAL: SK921C YEAR: 1969 MAKE: SKY SIZE: 12X63
Subdivision: SAINT MARYS SUBDIVISION Lot: 561 U4 MOBILE ONLY

PARCEL #: 1837-04-01-012

LOCATION: 140 Little Creek Rd.

The following evidence was submitted

- Exhibit A) Planning Department Staff Packet
- Exhibit B) Planning staff photographs of the property
- Exhibit C) Site plan showing the location of the proposed garage
- Exhibit D) Referral responses from agencies

Young Cho did appear for the hearing and was sworn in, and explained his case.

Discussion:

The Board discussed what they saw in the packet pictures. The Board confirmed the distances between mobile homes in the neighborhood.

Public Comment: None

Mike Stewart moved to approve the variance. William provided the second.

A vote was taken and the motion passed with three (3) votes for and zero (0) votes to deny the request.

Adjournment:

Chairperson Miles adjourned the meeting at 6:30 pm.

Denise Neenan, Secretary

I, Chairperson Miles, certify that the Board has reviewed and approved these minutes.

Martha Miles, Chair

**Clear Creek County
Board of Adjustment
2026 Meeting Calendar**

Regularly Scheduled Meetings (1st Thursdays)

January 8
February 5
March 5
April 2
May 7
June 4
July 9
August 6
September 3
October 1
November 5
December 3

Alternate Meetings (3rd Thursdays)

January 22
February 19
March 19
April 16
May 21
June 18
July 23
August 20
September 17
October 15
November 19
December 17

**CLEAR CREEK COUNTY PLANNING DEPARTMENT
STAFF REPORT FOR
BOARD OF ADJUSTMENT
Regarding an agenda item for Public Hearing on
March 5, 2026**

CASE: VAR-25-020 Michael Giddens & Kim Van Mook requesting a variance pursuant to Section 1302.2 - "Request to Encroach into a Setback".

The owner(s)/applicant(s) request to encroach into the 30' setback to construct the following:

- A new single-family residence with a front setback (east) of 25' and a side setback (south) of 25' and a detached garage with a front setback of 15' and a side setback of 15';

The subject property is ±4.872 acres and is zoned Mining – One (M-1), which allows for residential use.

LEGAL: MINE: LAMBERSON - 4518 4.872 ACRES LN 17-3-73 FOR SER ESMT 559/100

PARCEL #: 1835-174-00-628

LOCATION: TBD Overlooked Way

CASE MANAGER: Denise Tennant

Description of Parcel:

The subject property is located off of York Gulch on Overlooked Way. The parcel is ±4.872 acres in size and is zoned M-1. The setbacks for M-1 parcels used as Mountain Residential – Single Units (MR-1) Zoning district is 30' from front boundary lines and road rights-of-way, and 30' for side and rear boundary lines. The property is currently undeveloped.

Description of Surrounding Area

Many surrounding parcels are zoned M-1. Acreage is roughly the same for surrounding parcels as they are M-1 parcels. There is Forest Service property mingled around the parcels in this area and are zoned Buffer to preserve open space. A few parcels contain single-family residences.

Adjacent property owners:

Adjacent Property owners within 100' of the subject property were notified of the request on January 15, 2026. Additionally, public notice signs were posted on the property for a minimum of fifteen (15) days prior to the Board of Adjustment hearing.

As of January 26, 2026, no responses have been received from adjacent property owners.

Referral Agencies:

Referral Agencies were notified of the request on January 15, 2025. Responses have been received from the following (*Staff comments follow in italics as necessary*):

CCC Road & Bridge

A response has not been received from John-Mark Manley on January 27,2026;

1. the proposed well must be 10 feet from the roadway.
2. Parking must be 10 feet from the roadway. It doesn't appear there is room to park in front of The garage as proposed. It appears as though they will need 3 parking spots.
3. No structure within 20 feet of the roadway.
4. Water lines must be according meet our standard depth under roadway.

CCC Site Development

A response has not been received from Dustin Bertelsen.

CCFA

A response was received from Jeremy Jones on January 12,2026, stating no objection to the request.

Xcel Energy/IREA

A response has been from Donna George on January 20,2026, stating no apparent conflict.

Lumen/Century Link

No response has been received at this time, but a case has been opened.

Findings for Granting a Variance

The BOA examines the following criteria in relation to the parcel(s) when determining whether or not to grant a variance. *Staff comments are provided in italics below each criterion:*

- Is there exceptional narrowness, shallowness, or shape to the property?
 - *Being a mining claim, the buildable portion of the property is limited due to the narrowness of the parcel.*
- Are there exceptional topographical conditions/features of the property?
 - *The parcel exhibits exceptional topographical condition, mainly steep and potentially unstable slopes. The parcel slope is almost completely 40%.*
- Is there any other extraordinary and exceptional situation or condition of the property?
 - *The subject parcel exhibits extremely steep slopes to the west of Overlooked Way, which creates a topographical challenge in constructing a residence that will meet the 30' setback without a large amount of excavation and site disturbance.*

The presence of any of the above criteria which creates an exceptional practical difficulty or exceptional and undue hardship upon the applicant/owner may be considered adequate grounds for granting the variance.

Furthermore, the BOA should not grant a variance unless it is determined that each of the following criteria exists:

- Can the variance be granted without detriment to the public good?
 - *The variance can be granted without detriment to the public good. There is no evidence that the residence will create any adverse effects (excess air, noise, light, pollution, etc.) on the adjacent properties or the surrounding neighborhood.*
- Can the variance be granted without substantially impairing the intent & purpose of the zoning regulations? *The general purpose of the MR-1 zoning setbacks is to ensure that the uses on one property do not infringe upon neighboring properties.*
 - *The residence does not and will not overburden the parcel with structures.*
- Can it be determined that the hardship has not been self-imposed by the owner/applicant?
 - *Due to the topography, steep slopes, and location of Overlooked Way, a non-maintained county road, staff does not find a self-imposed hardship relating to the request.*
- Would granting the variance provide a benefit to the owner/applicant **beyond** simply bestowing the owner/applicant with a personal convenience, profit, or special privilege?
 - *Staff believes that granting this request would not simply grant the owners a special privilege or personal convenience.*
- Is the variance being requested for reasons other than the economic hardship of complying with the zoning regulations?
 - *The applicant is requesting a variance due to the limitations of the lot.*
- Does the parcel comply with all other zoning regulations?
 - *It appears the parcel complies with all other zoning regulations.*

If the BOA finds that the answer to *any* of the above questions is ‘no,’ the Board should not grant the variance.

STAFF RECOMMENDATIONS:

Regarding the applicant’s Section 1302.2 requests – “Request to Encroach into a Setback” – of the *Clear Creek County Zoning Regulations*:

- A new single-family residence with a front setback (east) of 25’ and a side setback (south) of 25’ and a detached garage with a front setback of 15’ and a side setback of 15’;

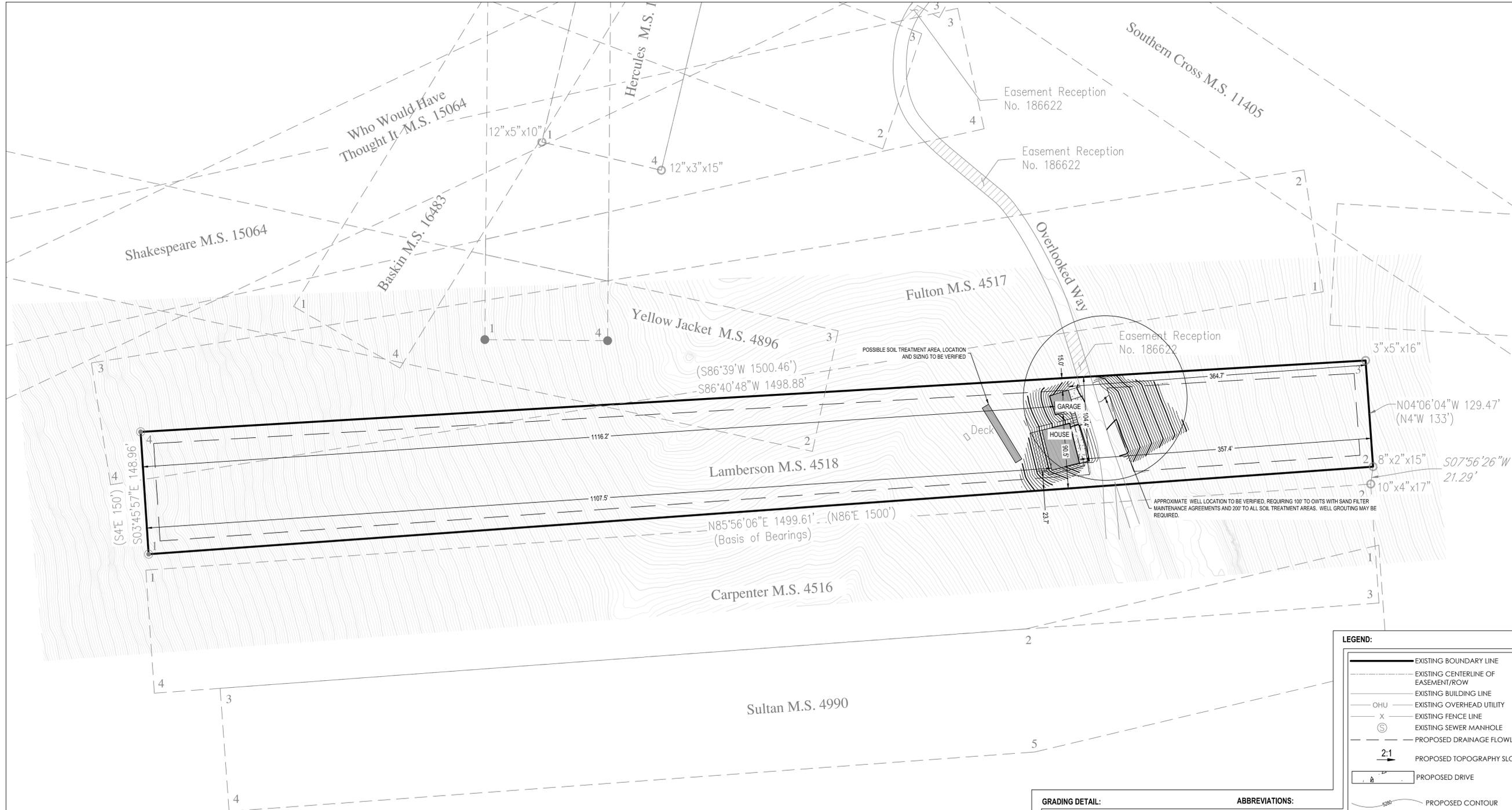
It appears there is a hardship that has not been self-imposed by the owner due to the size and slope of the lot shape of the parcel. Therefore, staff would recommend **approval** of the Section 1302.2 request.

OVERLOOKED WAY

GRADING, EROSION, AND SEDIMENT CONTROL PLAN

THE LAMBERSON LODGE U.S. MINERAL SURVEY NO. 4518
COUNTY OF CLEAR CREEK, STATE OF COLORADO

ALTITUDE
LAND CONSULTANTS
CIVIL | SURVEY | PLANNING | LANDSCAPE
3461 RINGSBY CT., SUITE #125
DENVER, CO 80216
2727 N. CASCADE AVE., SUITE #160
COLORADO SPRINGS, CO 80907
720.594.9494
INFO@ALTITUDELANDCO.COM
WWW.ALTITUDELANDCO.COM



OVERLOOKED WAY
GRADING, EROSION, AND SEDIMENT CONTROL PLAN
LAMBERSON M.S. 4518, TOWN OF IDAHO SPRINGS
COUNTY OF CLEAR CREEK, STATE OF COLORADO

25-078

LEGEND:

	EXISTING BOUNDARY LINE
	EXISTING CENTERLINE OF EASEMENT/ROW
	EXISTING BUILDING LINE
	EXISTING OVERHEAD UTILITY
	EXISTING FENCE LINE
	EXISTING SEWER MANHOLE
	PROPOSED DRAINAGE FLOWLINE
	PROPOSED TOPOGRAPHY SLOPE
	PROPOSED DRIVE
	PROPOSED CONTOUR
	EXISTING CONTOUR
	PROPOSED SPOT ELEVATION
	EXISTING SPOT ELEVATION

GRADING DETAIL:

ABBREVIATIONS:

- FG: FINISHED GRADE
- EG: EXISTING GRADE
- FL: FLOW LINE
- TBC: TOP BACK CURB
- TC: TOP OF CURB
- BC: BOTTOM OF CURB
- TS: TOP OF STEP
- BS: BOTTOM OF STEP
- TW: TOP OF WALL
- BW: BOTTOM OF WALL
- DS: DOWNSPOUT
- GS: GROUND SHOT
- HP: HIGH POINT
- LP: LOW POINT
- FFE: FINISHED FLOOR ELEVATION

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NO.	REVISION:	DATE	BY

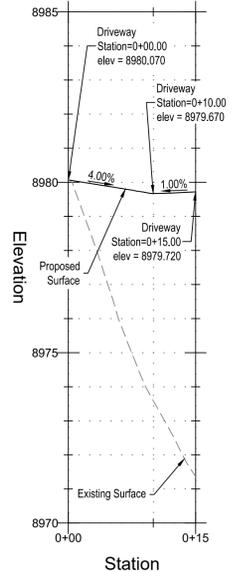
DATE: 11.12.2025
DRAWN BY: LAH
CHECKED BY: SCC

OVERLOOKED WAY

GRADING, EROSION, AND SEDIMENT CONTROL PLAN

THE LAMBERSON LODGE U.S. MINERAL SURVEY NO. 4518
COUNTY OF CLEAR CREEK, STATE OF COLORADO

ALTITUDE
LAND CONSULTANTS
CIVIL | SURVEY | PLANNING | LANDSCAPE
3461 RINGSBY CT., SUITE #125
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COLORADO SPRINGS, CO 80907
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WWW.ALTITUDELANDCO.COM



LAND DISTURBANCE DATA:

- EARTHWORK CUT: 1,395 CY.
- EARTHWORK FILL: 1,480 CY.
- EARTHWORK NET: 85 CY (FILL)
- AREA OF DISTURBANCE: 25,313 ± SF (0.58 ± AC)
- STEEPEST PROPOSED SLOPE: 1.5:1 CUT/FILL SLOPE

NOTES:

1. SURVEY ORIGIN: TOPOGRAPHIC SURVEY INFORMATION IS BASED ON AN LAND SURVEY PLAT PROVIDED BY THE CLIENT. PROPERTY LINES, EASEMENT, SETBACKS, BUILDING ENVELOPES, AND TRUE BUILDING LOCATIONS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION.
2. ALL CONSTRUCTION STAKING IS TO BE PERFORMED BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO.
3. PLANS NOT APPROVED BY CLEAR CREEK COUNTY ARE NOT VALID FOR CONSTRUCTION.
4. PROPERTY PINS, PROPERTY LINE, RIGHT-OF-WAY AND SLOPES TO BE CONFIRMED BY THE CONTRACTOR/APPLICANT AS THEY RELATE TO THIS DRIVEWAY PERMIT APPLICATION PRIOR TO THE START OF EARTH MOVING ACTIVITIES.

LEGEND:

- EXISTING BOUNDARY LINE
- - - EXISTING CENTERLINE OF EASEMENT/ROW
- EXISTING BUILDING LINE
- OHU EXISTING OVERHEAD UTILITY
- X EXISTING FENCE LINE
- ⊙ EXISTING SEWER MANHOLE
- - - PROPOSED DRAINAGE FLOWLINE
- 2:1 PROPOSED TOPOGRAPHY SLOPE
- PROPOSED DRIVE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION

GRADING DETAIL:

ABBREVIATIONS:

- FG: FINISHED GRADE
- EG: EXISTING GRADE
- FL: FLOW LINE
- TBC: TOP BACK CURB
- TC: TOP OF CURB
- BC: BOTTOM OF CURB
- TS: TOP OF STEP
- BS: BOTTOM OF STEP
- TW: TOP OF WALL
- BW: BOTTOM OF WALL
- DS: DOWNSPOUT
- GS: GROUND SHOT
- HP: HIGH POINT
- LP: LOW POINT
- FFE: FINISHED FLOOR ELEVATION

• MINIMUM 4" CLEARANCE FROM BOTTOM OF BUILDING FACADE TO EXISTING/FINISHED GRADE AGAINST FOUNDATION, OR

• MINIMUM 6" CLEARANCE FROM TOP OF WALL (TOW) TO EXISTING/FINISHED GRADE AGAINST FOUNDATION.

OVERLOOKED WAY
GRADING, EROSION, AND SEDIMENT CONTROL PLAN
LAMBERSON M.S. 4518, TOWN OF IDAHO SPRINGS
COUNTY OF CLEAR CREEK, STATE OF COLORADO

25-078

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NO.	DATE	REVISION:	BY

DATE: 11.12.2025
DRAWN BY: LAH
CHECKED BY: SCC

Giddens Narrative

The property is exceptionally narrow. It has a 135' width around where building is feasible. The slopes are exceptionally steep there as well at around 40-45%

Yes. The requested setback variance will not negatively impact the public good. The proposed structure maintains appropriate distance from neighboring properties, does not obstruct sight lines or emergency access.

Yes. The intent of the zoning regulations is to promote orderly development, ensure compatibility between land uses, and protect public health and safety. The proposed variance is minor and necessary due to the unique conditions of the parcel. Granting it will not create congestion, reduce air or light access, or allow for an inappropriate land use.

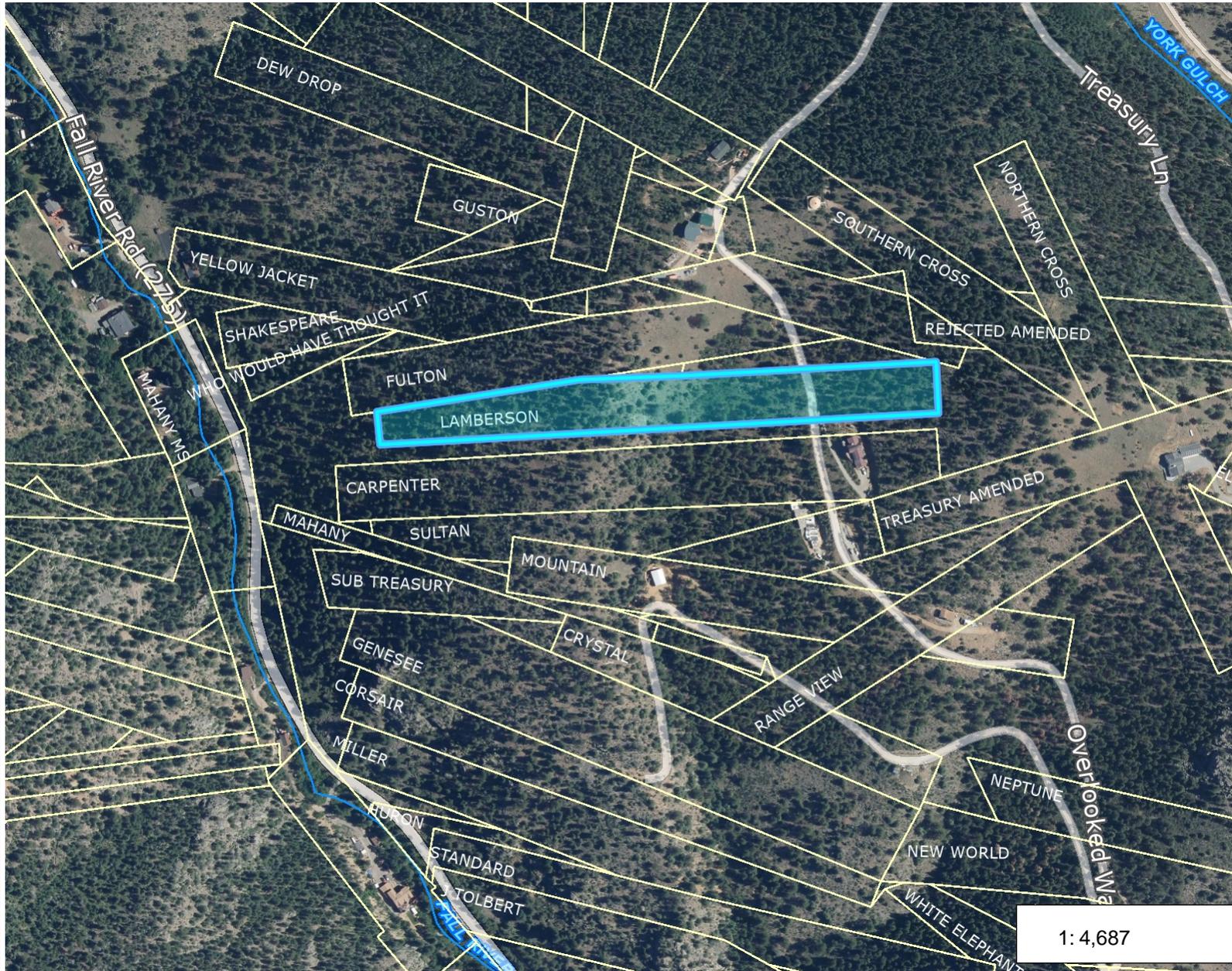
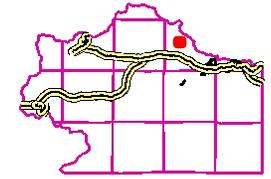
Yes. The hardship results from the natural and existing conditions of the lot

No. The variance is not requested for convenience, profit, or special privilege. It is being requested to make reasonable use of the property in a manner consistent with surrounding development.

Yes. The variance is being requested due to a physical hardship specific to the parcel, not because of the cost of compliance.

Yes. The parcel and proposed development comply with all other applicable zoning regulations, including use, height, lot coverage, parking, and environmental requirements.

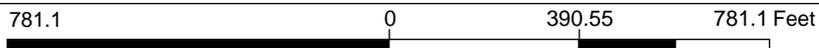
NOTE: Website is not allowing for separate documents in the "Warranty Deed" and "Landowner Authorization Upload" Sections. Therefore I have put the warranty deed into the optional supplemental materials.



Legend

- Towns (zoomed in)
- Parcels
- Roads (1 inch = 400 feet)
 - HIGHWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL
 - SERVICE
 - 4WD
- Streams
- Lakes
- Address

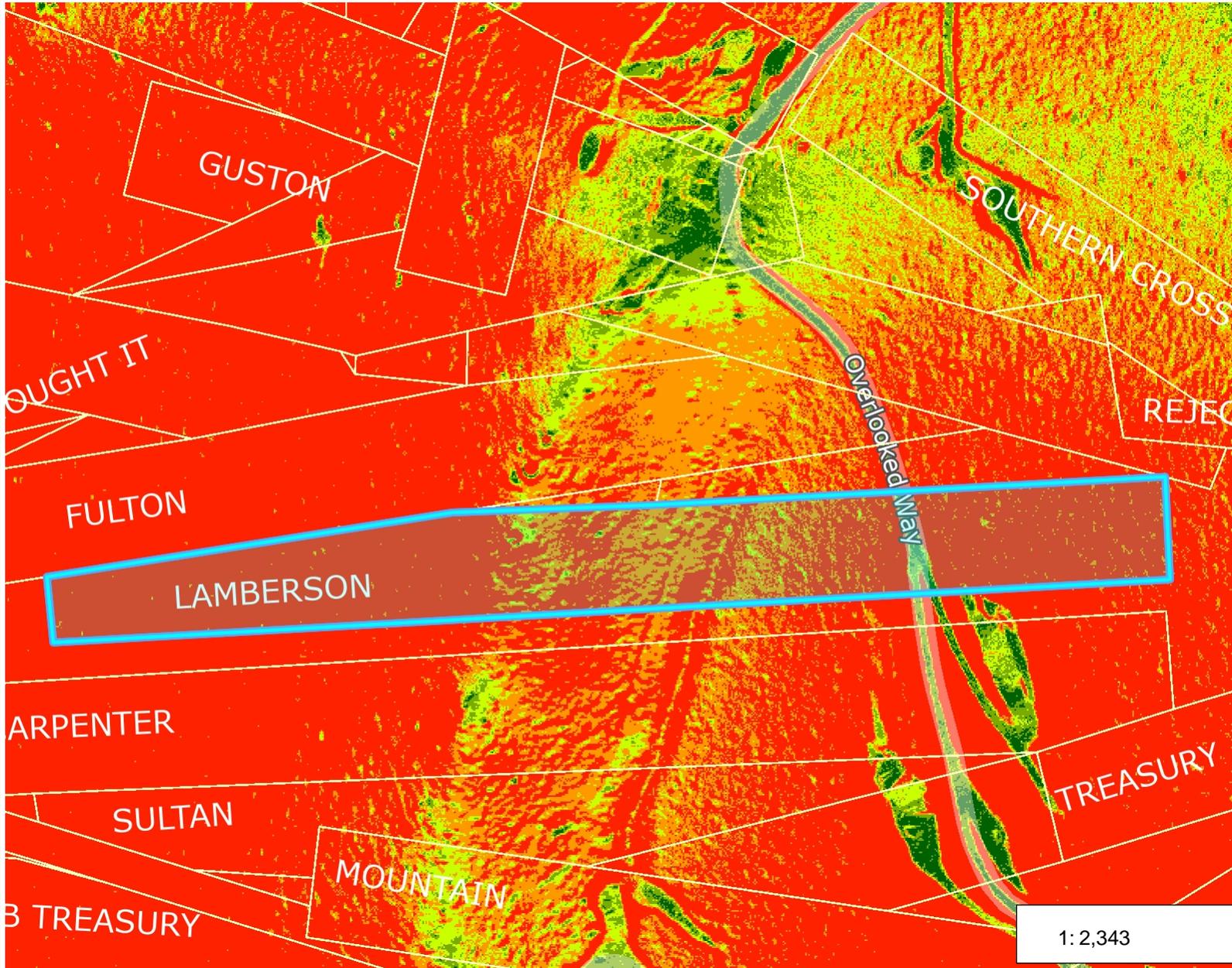
1: 4,687



This map is a visual representation generated from an Internet Mapping site. Do not use for legal, construction, survey or real estate transaction purposes. This map is not survey accurate and may not comply with National Mapping Accuracy Standards. This map may or may not be accurate, current or otherwise reliable. The presence of a road feature on the map does not imply the existence of public access or ownership.

Notes

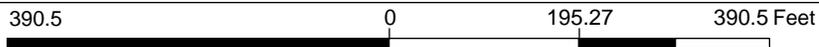
Enter Map Description



Legend

- Towns (zoomed in)
- Parcels
- Tie Bar**
 - Combination of Lots
 - Common Owner
- Roads (1 inch = 200 feet)**
 - HIGHWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL
 - SERVICE
 - 4WD
- Streams
- Lakes
- Slope**
 - 0 - 10%
 - 10% - 20%
 - 20% - 30%
 - 30% - 40%
 - > 40%
- Address**

1: 2,343



NAD_1983_2011_StatePlane_Colorado_Central_FIPS_0502_Ft_US
Map Created: January 8, 2026

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Notes

Enter Map Description

**CLEAR CREEK COUNTY PLANNING DEPARTMENT
REFERRAL RESPONSE
FOR REVIEW OF A LAND USE REQUEST**

TO: Referral Agencies & Adjacent Property Owners

CASE: **VAR-25-020** Michael Giddens & Kim Van Mook request a variance pursuant to Section 1302.2 – Request to “Encroach into a Setback” of the *Clear Creek County Zoning Regulations*.

- A new single-family residence with a front setback (east) of 25’ and a side setback (south) of 7’ and a detached garage with a front setback (east) of 15’ and a side (north) of 15’;

The subject property is ± 4.872 acres and is zoned Mining One (M-1) which is for mining or residential use.

LEGAL: MINE: LAMBERSON – 4518 4.872 ACRESLN 17-3-73 FOR SER ESMT 559/100

PARCEL #: 1835-174-00-628

LOCATION: TBD OVERLOOKED WAY

HEARING: Thursday, February 5, 2026 at 6:00
PM Annex Conference Room
1111 Rose St, Georgetown, CO 80444

DEADLINE FOR COMMENT: Monday, February 2, 2026

JTS I have reviewed this proposal and have no conflicts
Initials
_____ See comments on reverse side
Initials
_____ See attached letter.
Initials


Signature

1/12/2026
Date

Jeremy T Jones 681 CR 308, DUMONT
Printed Name & Address/Agency Clear Creek Fire Authority

Please return this response to: Denise Tennant, Case Manager, Clear Creek County Planning Department, P.O. Box 2000, Georgetown, CO 80444. Call for information at 303-679-2362, or email dtennant@clearcreekcounty.us. If no response is received it is interpreted that there is no concern with the proposal.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

January 20, 2026

Clear Creek County Planning Department
1111 Rose Street – PO Box 2000
Georgetown, CO 80444

Attn: Denise Tennant

Re: Michael Giddens and Kim Van Mook, Case # VAR-25-020

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **Michael Giddens and Kim Van Mook** and has **no apparent conflict**.

For any new electric service, the application process must be completed via www.xcelenergy.com/InstallAndConnect.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Although "branded" as Xcel Energy, the legal owner and operator of the utility facilities in Colorado is Public Service Company of Colorado. All utility facilities and related land rights, including fee property, easements, permits, etc., are owned by, operated by and held in the name of Public Service Company of Colorado, a Colorado Corporation.



CLEAR CREEK COUNTY
SITE DEVELOPMENT DEPARTMENT
1111 ROSE STREET
P.O. BOX 2000
GEORGETOWN, COLORADO 80444
303-679-2370 Fax: 303-567-2210

*"Honoring Our Past,
While Designing Our Future"*

SITE DEVELOPMENT REFERRAL AGENCY COMMENTS

1/29/2026

Michael Giddens and Kim Van Mook
8860 W Portland Ave.
Littleton, CO 80128

Sent Email: dtennant@clearcreekcounty.us

Re: VAR-25-020, Site Development Referral Agency Response
MINE: LAMBERSON – 4518 4.872 ACRESLN 17-3-73 FOR SER ESMT 559/100

Dear Michael and Kim,

We have reviewed the application for a Variance to the Planning Department, with associated case number VAR-25-002. The GESC plans prepared by Altitude Land Consultants on 11/12/2025 were reviewed and we have the following comments:

1. We have major concerns regarding the location of the planned parking area. Any and all parking areas need to be constructed more than 10 feet away from the edge of the road, to maintain a buffer zone for vehicles and maintenance equipment. When you eventually apply for a Grading and Excavation Permit, we would like to see this addressed in updated GESC plans.
2. We have major concerns regarding the extensive graded area that was previously planned to be the location of the OWTS leach field. This extensively graded area will require major excavation, tree removal, and then stabilization and revegetation upon completion of major grading. We believe that this work may not be necessary, so when a Grading and Excavation Permit is applied for, we would like to see this addressed in updated GESC plans. This does not impact approval of this variance.

Please don't hesitate to contact me with any questions or concerns, at sitedev@clearcreekcounty.us or at 303.679.2469.

Sincerely,

Dustin Bertelsen
Engineering Technician
Clear Creek County
P O Box 2000
Georgetown, CO 80436

**CLEAR CREEK COUNTY PLANNING DEPARTMENT
REFERRAL RESPONSE
FOR REVIEW OF A LAND USE REQUEST**

TO: Referral Agencies & Adjacent Property Owners

CASE: **VAR-25-020** Michael Giddens & Kim Van Mook request a variance pursuant to Section 1302.2 – Request to “Encroach into a Setback” of the *Clear Creek County Zoning Regulations*.

- A new single-family residence with a front setback (east) of 25’ and a side setback (south) of 7’ and a detached garage with a front setback (east) of 15’ and a side (north) of 15’;

The subject property is ± 4.872 acres and is zoned Mining One (M-1) which is for mining or residential use.

LEGAL: MINE: LAMBERSON – 4518 4.872 ACRESLN 17-3-73 FOR SER ESMT 559/100

PARCEL #: 1835-174-00-628

LOCATION: TBD OVERLOOKED WAY

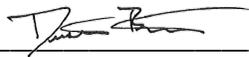
HEARING: Thursday, February 5, 2026 at 6:00
PM Annex Conference Room
1111 Rose St, Georgetown, CO 80444

DEADLINE FOR COMMENT: Monday, February 2, 2026

_____ I have reviewed this proposal and have no conflicts
Initials

_____ See comments on reverse side
Initials

DB See attached letter.
Initials



Signature

01/29/2026

Date

Dustin Bertelsen, Site Development

Printed Name & Address/Agency

Please return this response to: Denise Tennant, Case Manager, Clear Creek County Planning Department, P.O. Box 2000, Georgetown, CO 80444. Call for information at 303-679-2362, or email dtennant@clearcreekcounty.us . If no response is received it is interpreted that there is no concern with the proposal.

February 9, 2026

Denise Tennant
P.O. Box
2000, Georgetown, CO 80444

No Reservations/No Objection

SUBJECT: APPROVAL TO PROCEED/ ENCROACHMENT
PROJECT NUMBER: P868857
LOCATION: TBD Overlooked Way, Idaho Springs, Colorado
APN: R001617

To Whom It May Concern:

Qwest Corporation, d/b/a CenturyLink QC ("CenturyLink") is the holder of rights granted by The Lamberson Lode Mining Claim, U.S. Survey No. 4518, as described in U.S. Patent recorded in Book 158 Page 241, County of Clear Creek, State of Colorado.

CenturyLink has reviewed your request to proceed with improvements as shown on Exhibit "A" ("Improvements"), said Exhibit "A" attached hereto and incorporated by this reference, within the Easement Tract and has no objections providing, however, the following terms and conditions are agreed to, and met, by Landowner:

1. Locates must be performed by a state recognized organization (i.e. Call Before You Dig, Blue Stake, etc.)
2. A minimum of three feet of cover above CenturyLink facilities is maintained at all times and the final grade provides for no less than three feet of cover.
3. If any CenturyLink facilities are damaged or require relocation as a result of said Improvements, or the act of installing, maintaining or removing said Improvements, Landowner agrees to bear the cost of repair and/or relocation of said CenturyLink facilities.
4. No buildings or structures are to be placed within the Easement Tract other than those, if any, that are approved by this APPROVAL TO PROCEED.

It is the intent and understanding of CenturyLink that this action shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

If you have any questions, please contact Samantha Valdez at (361) 489-2226, Samantha.Valdez@Lumen.com, or nre.easement@lumen.com.

Sincerely yours,

Samantha Valdez

Samantha Valdez
Network Infrastructure Services
Lumen

**BOARD OF ADJUSTMENT
RESOLUTION NO. VAR-25-020
VARIANCE REQUEST PURSUANT TO SECTION 1302.2
OF THE CLEAR CREEK COUNTY ZONING REGULATIONS**

WHEREAS Michael Giddens & Kim Van Mook applicant of MINE: LAMBERSON - 4518 4.872 ACRESLN 17-3-73 FOR SER ESMT 559/100 are requesting a variance pursuant to Section 1302.2 – “Request to Encroach into a Setback” of the *Clear Creek County Zoning Regulations*.

WHEREAS, the owner(s)/applicant(s) request to encroach into the 30’ setbacks to construct a single - family residence with detached garage;

- A new single-family residence with a front setback (east) of 25’ and a side setback (south) of 25’ and a detached garage with a front setback of 15’ and a side setback of 15’;

WHEREAS, the subject property is ±4.872 acres in size, zoned Mining - One (M-1), and is located on TBD Overlooked Way, and

WHEREAS, the Board of Adjustment (“Board”) is vested with the authority to grant or deny such variances by virtue of Section 1302.1.1 of the *Clear Creek County Zoning Regulations*; and

WHEREAS, the property was posted for fifteen (15) calendar days prior to the public hearing; and

WHEREAS, a site visit was conducted by the Planning Department prior to the hearing; and

WHEREAS, property owners within 100 feet of the property’s boundary and any referral agencies that may be affected by the proposed variance were notified and given ten (10) calendar days prior to the hearing to comment; and

WHEREAS, a public hearing was held before the Board on March 5, 2026, concerning the Section 1302.2 variance requests of Case No. VAR-25-020 and

WHEREAS, at the public hearing for this variance request, testimony was given and physical evidence presented during the hearing including;

- | | |
|------------|---|
| Exhibit A) | The Planning Department staff packet; |
| Exhibit B) | Staff photographs of the subject property; |
| Exhibit C) | Referral responses; |
| Exhibit D) | Site plan for the proposed single-family residence; |
| Exhibit E) | Maps |

WHEREAS, at the March 5, 2026, hearing, the Board made a motion for the approval of the request relating to request to encroach into the prescribed setbacks; and

WHEREAS, the motion was provided a second to approve the request in Variance Case No. VAR-25-020, pursuant to Section 1302.2 of the *Clear Creek County Zoning Regulations* and a vote was taken with three (3) votes for granting the variance and no (0) votes against granting the variance.

NOW, THEREFORE BE IT RESOLVED, that the following variances, as requested in case VAR-25-020 are hereby APPROVED based on the following findings of fact and stipulations and conditions:

Variances Approved

- A new single-family residence with a front setback (east) of 25' and a side setback (south) of 25' and a detached garage with a front setback of 15' and a side setback of 15';

Findings of Fact

- a) There are exceptional topographic conditions relating to the slope of the property which make it difficult for the property owner to reasonably meet the 30' setback of the MR-1 zoning regulations; and
- b) A hardship also exists due to the location of Overlooked Way, a non-maintained county road, on the subject parcel, increasing the difficulty of the applicant to meet the 30' setback; and
- c) The variance can be granted without detriment to the public good; and
- d) Approving the variance request will not grant the owner a special privilege; and
- e) The variance is being requested for reasons other than an economic hardship of complying with zoning regulations; and
- f) The parcel complies with all other zoning regulations;

Stipulations and Conditions

- 1) Building permits must be obtained; and
- 2) This Variance, Var-25-020 covers only the footprints **and overhangs** of the proposed single-family residence with detached garage on the attached site plan; this approved variance shall not apply to any future replacement or expansion of the structure into the MR-1 setback restrictions; and
- 3) Any violation of the terms of this Resolution, or any action contrary to the testimony received, will result in a rehearing and possible revocation of this variance; and
- 4) If commencement of, or a substantial step toward construction is not initiated within five (5) years from the date of final approval by the Board, this variance will expire.
- 5) The final construction plans shall not exceed the dimensions of the plans submitted to the Board.

DATED THIS 5th DAY OF MARCH 2026

Denise Tennant, Secretary

Martha Miles, Chair

**CLEAR CREEK COUNTY PLANNING DEPARTMENT
STAFF REPORT FOR
BOARD OF ADJUSTMENT
Regarding an agenda item for Public Hearing on
February 5, 2026**

CASE: VAR-25-022 Joel Ford & Jesse Lewis requesting a variance pursuant to Section 1302.2 - "Request to Encroach into a Setback".

The owner(s)/applicant(s) request to encroach into the 30' setback to construct the following:

- A new single-family residence with a front setback (north) of 10';

The subject property is ±1.116 acres and is zoned Mountain Residential- Single-Family Units (MR-1), which is for residential use.

LEGAL: Subdivision: DELINDE FALL RIVER ESTATES Lot: 33 F3 ESMT AGREE QWEST 751/885

PARCEL #: 1835-214-01-002

LOCATION: 23 YORK GULCH RD.

CASE MANAGER: Denise Tennant

Description of Parcel:

The subject property is located on York Gulch Rd. The parcel is ±1.116 acres in size and is zoned MR-1. The setbacks for MR-1 parcels is 30' from front boundary lines and road rights-of-way, and 30' for side and rear boundary lines. The property currently has an Onsite Wastewater Treatment System (OWTS). The property does not have a residence. The parcel has a extremely irregular shape

Description of Surrounding Area

Some surrounding parcels are zoned M-1 while others are Mining- Two (M-2). Square footage for the subject parcel is roughly the same for surrounding MR-1 parcels. A few parcels contain single-family residences.

Adjacent property owners:

Adjacent Property owners within 100' of the subject property were notified of the request on January 15, 2026. Additionally, public notice signs were posted on the property for a minimum of fifteen (15) days prior to the Board of Adjustment hearing.

As of January 26, 2026, one response has been received from adjacent property owners.

Referral Agencies:

Referral Agencies were notified of the request on January 15, 2025. Responses have been received from the following (*Staff comments follow in italics as necessary*):

CCC Road & Bridge

A response has not been received from Stoy Streepey.

CCC Site Development

A response has not been received from Dustin Bertelsen.

CCFA

A response has not received from Jeremy Jones.

Xcel Energy/IREA

A response has been received from Donna George on January 20,2026, stating a minimum 10’ radial clearance must be maintained at all times form all overhead electric facilities.

Lumen/Century Link

A response has been received from Kari Hoover on January 16, 2026 at this time, stating “After review, Lumen has buried and aerial facilities in potential conflict with included site plans. Lumen recommends having all utilizes in the area located and to safeguard aerial facilities to ensure safety and protection of all facilities prior to and during construction. Please reach out to the engineer directly if a job is needed to relocate facilities or provide service.”

Findings for Granting a Variance

The BOA examines the following criteria in relation to the parcel(s) when determining whether or not to grant a variance. *Staff comments are provided in italics below each criterion:*

- Is there exceptional narrowness, shallowness, or shape to the property?
 - *This parcel has one of the most irregular shapes that has been presented to the Board of Adjustment.*
- Are there exceptional topographical conditions/features of the property?
 - *The rear of the parcel does start to slope up quickly at 40%.*
- Is there any other extraordinary and exceptional situation or condition of the property?
 - *The irregular shape with a preexisting OWTS makes for difficulty placing a residence on the parcel, coupled with 30’ setbacks does limit the buildable area.*

The presence of any of the above criteria which creates an exceptional practical difficulty or exceptional and undue hardship upon the applicant/owner may be considered adequate grounds for granting the variance.

Furthermore, the BOA should not grant a variance unless it is determined that each of the following criteria exists:

- Can the variance be granted without detriment to the public good?

- *The variance can be granted without detriment to the public good. There is no evidence that the residence will create any adverse effects (excess air, noise, light, pollution, etc.) on the adjacent properties or the surrounding neighborhood.*
- Can the variance be granted without substantially impairing the intent & purpose of the zoning regulations? *The general purpose of the MR-1 zoning setbacks is to ensure that the uses on one property do not infringe upon neighboring properties.*
 - *The residence does not and will not overburden the parcel with structures.*
- Can it be determined that the hardship has not been self-imposed by the owner/applicant?
 - *Due to the irregular shape, installed OWTS, steep slopes, staff does not find a self-imposed hardship relating to the request.*
- Would granting the variance provide a benefit to the owner/applicant **beyond** simply bestowing the owner/applicant with a personal convenience, profit, or special privilege?
 - *Staff believes that granting this request would not simply grant the owners a special privilege or personal convenience.*
- Is the variance being requested for reasons other than the economic hardship of complying with the zoning regulations?
 - *The applicant is requesting a variance due to the limitations of the lot.*
- Does the parcel comply with all other zoning regulations?
 - *It appears the parcel complies with all other zoning regulations.*

If the BOA finds that the answer to *any* of the above questions is ‘no,’ the Board should not grant the variance.

STAFF RECOMMENDATIONS:

Regarding the applicant’s Section 1302.2 requests – “Request to Encroach into a Setback” – of the *Clear Creek County Zoning Regulations*:

- A new single-family residence with a front setback (north) of 10’;

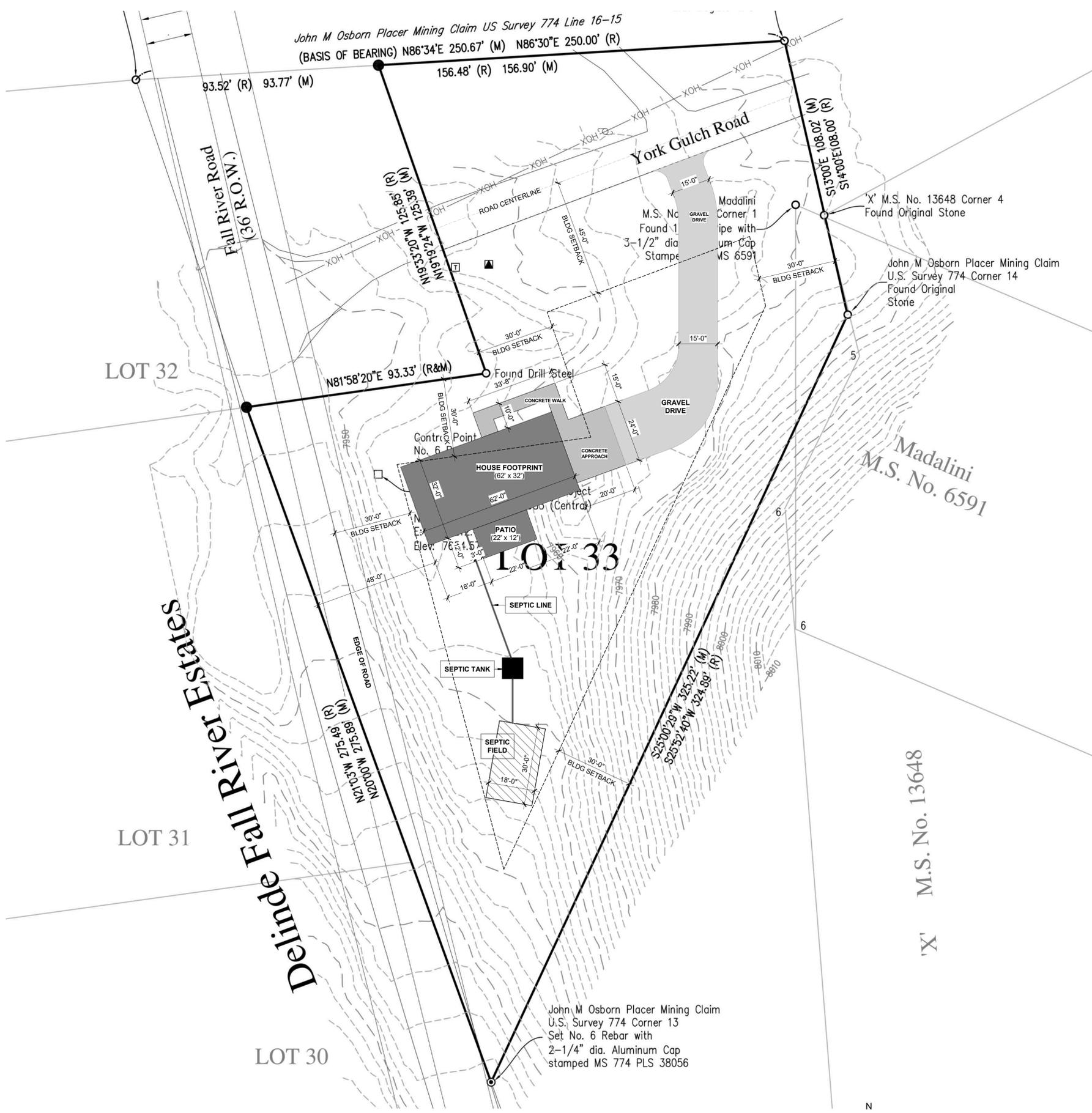
It appears there is a hardship that has not been self-imposed by the owner due to the size and slope of the lot shape of the parcel. Therefore, staff would recommend **approval** of the Section 1302.2 request.

Ford Narrative

The lot has the following hardships.

1. there is an exceptional shape to the property which causes reduced area available outside of set backs
2. there are steep slopes on 1 side of the property limiting viable building location within the site.
3. there is a natural drainage creek that runs through the property further limiting viable construction location
4. York Gulch RD. runs through the property limiting space available for construction.
5. existing utilities (septic and well) limit area available for a building.

In addition to these hardships I would like to point out that the set back I am looking to reduce is to the property line, not a road set back. The property I would be looking to build closer too is part of a lot that extends from the other side of Fall River Rd and in my mind is an "unbuildable" section of property due to its size and proximity to both Fall River Rd and York Gulch Rd.

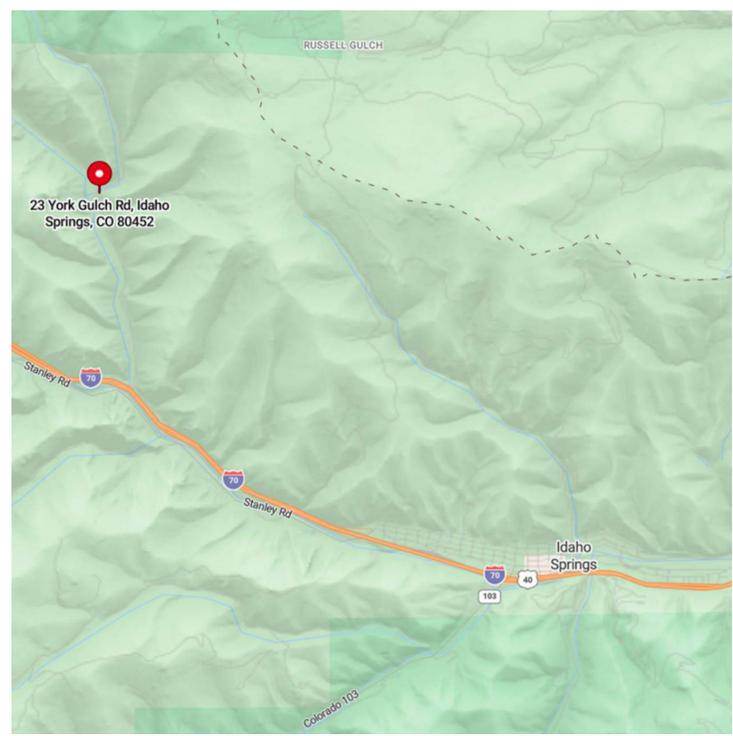


SITE PLAN LEGEND

- PROPERTY LINES
- UTILITY EASEMENT LINE
- BUILDING SETBACK LINE
- WATER DISTRIBUTION
- STORM WATER SEWER
- SANITARY SEWER LINE

ZONING REQUIREMENTS

ZONING LOT AREA	REQUIRED RES	PROPOSED RES
BLDG SETBACK		
FRONT	50'	50'
REAR	25'	25'
SIDE	25'	25'
BUILDING HEIGHT MAX	35'-0"	35'-0"



R25.154.01

DESIGN DEVELOPMENT

JOEL FORD - HOUSE BUILD (WOOD FRAMING)

23 YORK GULCH RD - IDAHO SPRINGS, CO



APPROVED BY:

Name: ... Date: ...

Name: ... Date: ...

Name: ... Date: ...

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION.

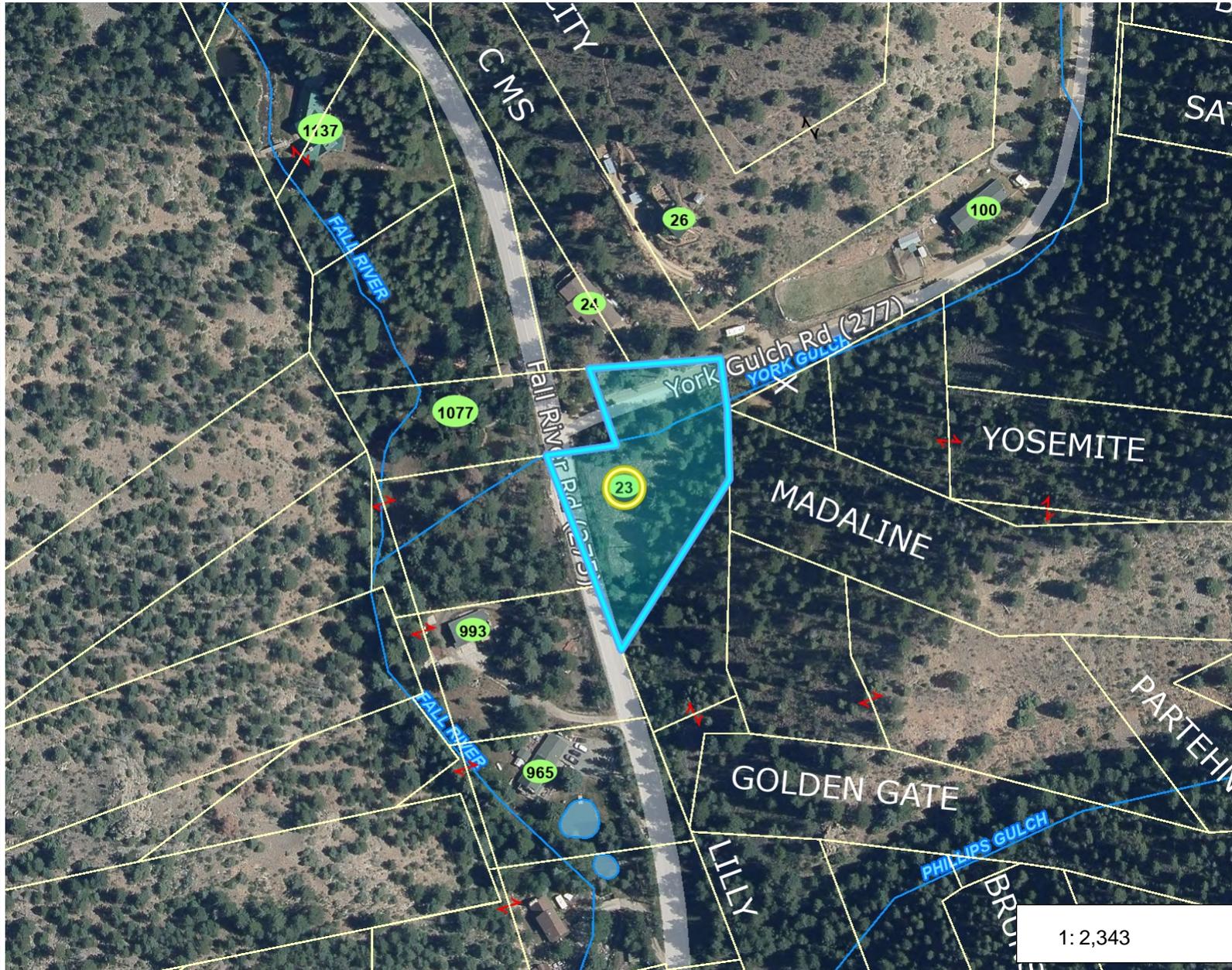
REVISIONS

No.	Description	Date

Rel. Date: 11/19/25

SITE PLAN (ARCH)

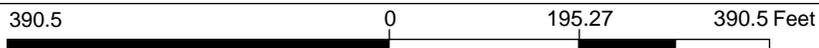
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Legend

- Towns (zoomed in)
- Parcels
- Tie Bar**
 - Combination of Lots
 - Common Owner
- Roads (1 inch = 200 feet)**
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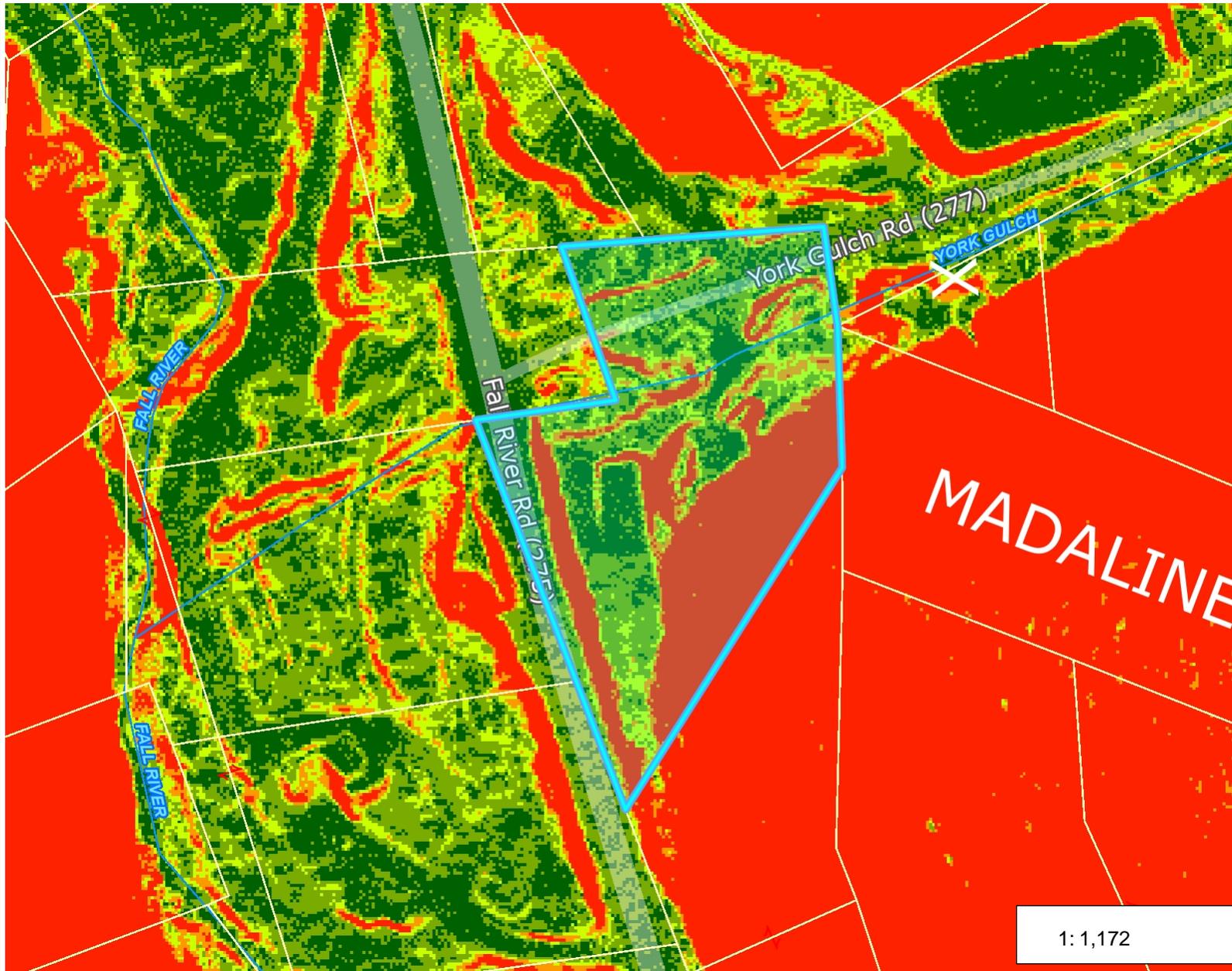


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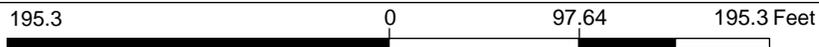
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Legend

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 - Combination of Lots
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 - 4WD
- Streams
- Lakes
- Slope**
 - 0 - 10%
 - 10% - 20%
 - 20% - 30%
 - 30% - 40%
 - > 40%
- Address**

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Notes

Enter Map Description



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

January 20, 2026

Clear Creek County Planning Department
1111 Rose Street – PO Box 2000
Georgetown, CO 80444

Attn: Denise Tennant

Re: Joel Ford and Jesse Lewis, Case # VAR-25-022

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the variance for **Joel Ford and Jesse Lewis**. Please be aware PSCo owns and operates existing overhead electric distribution facilities to a pole on the subject property that is not shown on the plan. Bear in mind that per OSHA and PSCo's own standards, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures.

The property owner/developer/contractor must complete the application process for any new electric service via xcelenergy.com/InstallAndConnect, or modification to existing facilities. It is then the responsibility of the developer to contact the Xcel Designer assigned to the project for approval of design details.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Although "branded" as Xcel Energy, the legal owner and operator of the utility facilities in Colorado is Public Service Company of Colorado. All utility facilities and related land rights, including fee property, easements, permits, etc., are owned by, operated by and held in the name of Public Service Company of Colorado, a Colorado Corporation.

