

**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

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**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’;

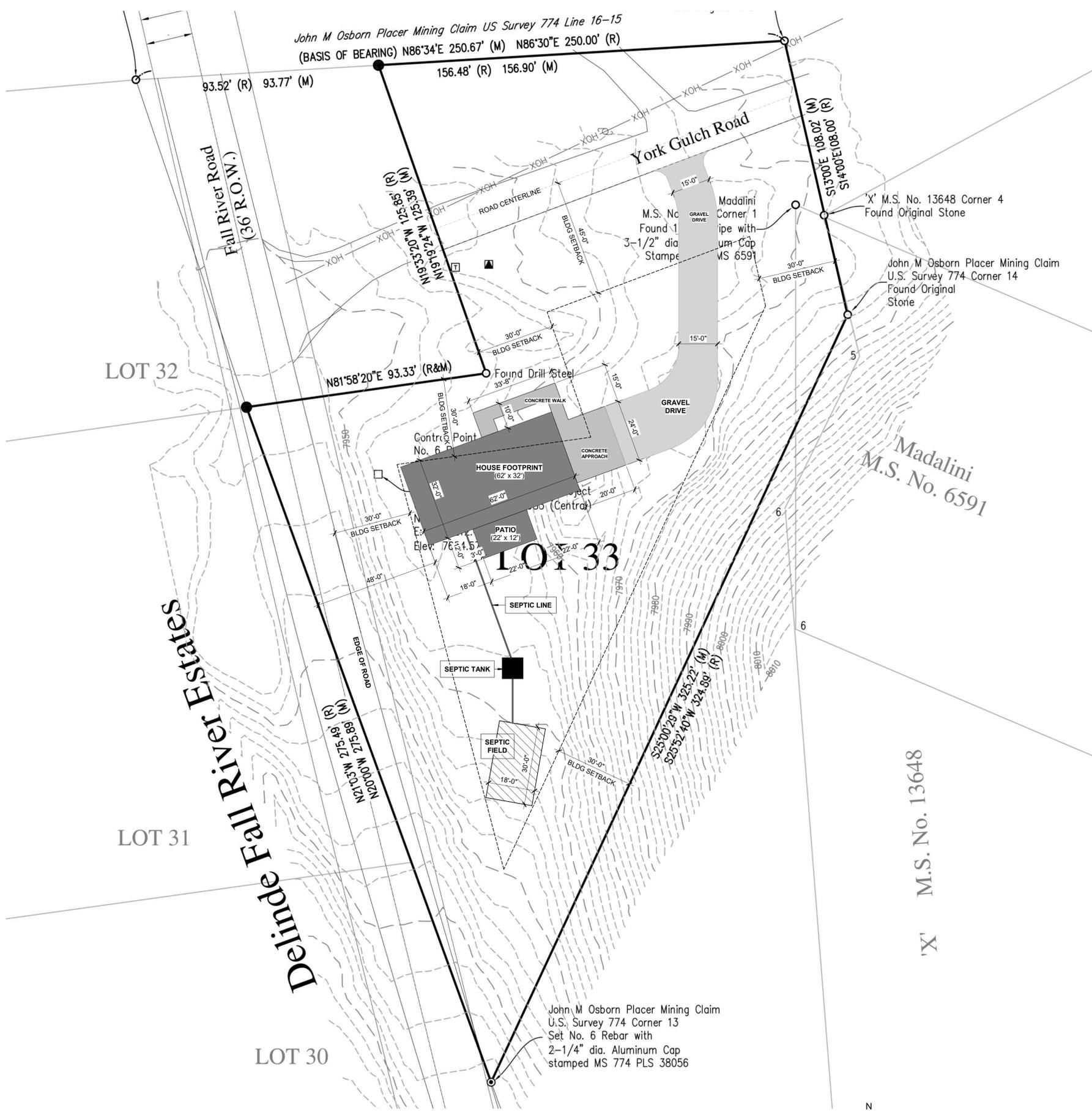
It appears there is a hardship that has not been self-imposed by the owner due to the size and slope of the lot shape of the parcel. Therefore, staff would recommend **approval** of the Section 1302.2 request.

## 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.

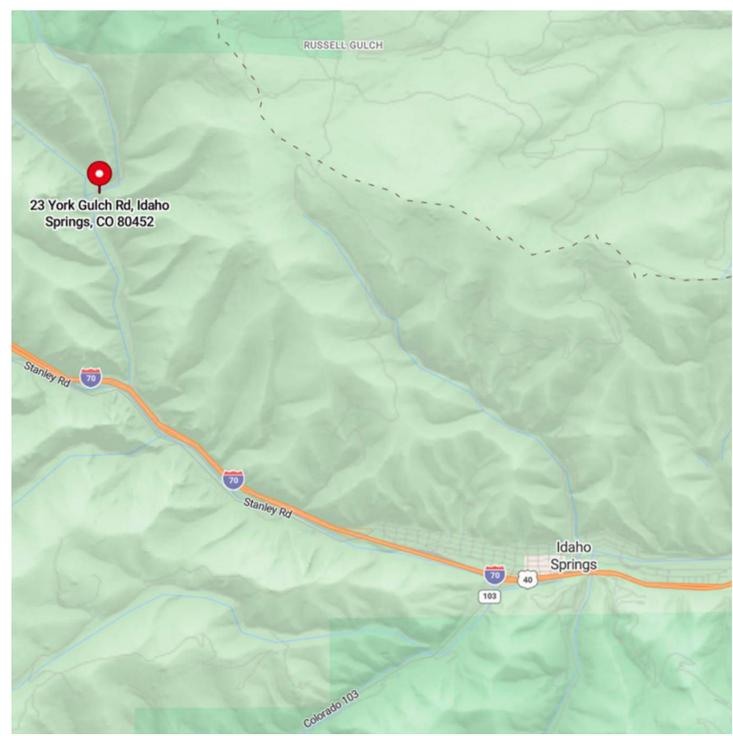


**SITE PLAN LEGEND**

- 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

**ADAMS ARCHITECTS**

700 Massachusetts St.  
Suite 307  
Lawrence, Kansas 66044  
(785) 218-3980  
www.adamsarch.com

**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.

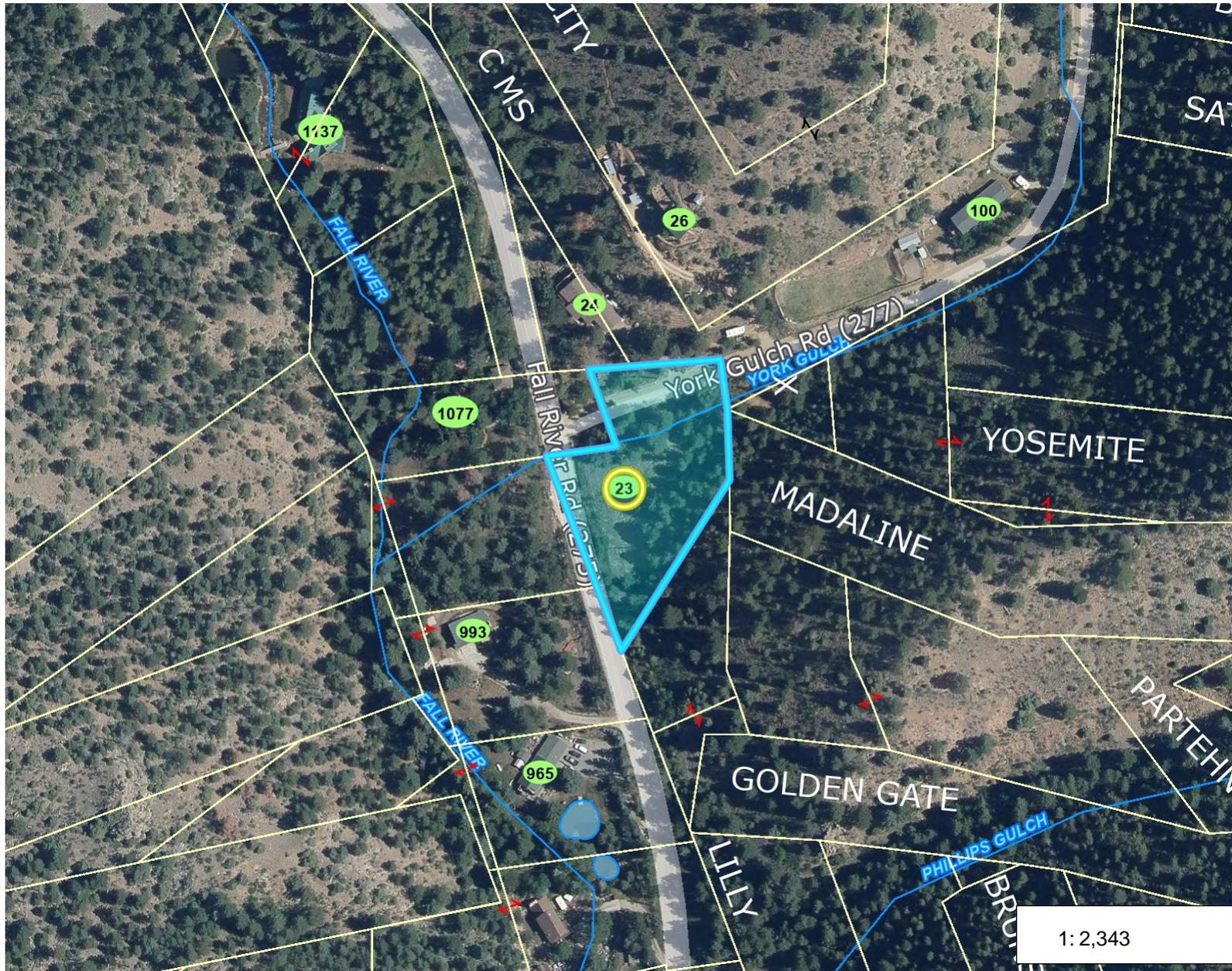
**REVISIONS**

No.	Description	Date

Rel. Date: 11/19/25

**SITE PLAN (ARCH)**

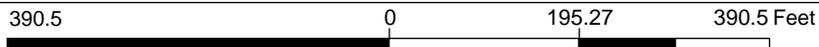
**G100**



### 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
- Address

1: 2,343



NAD\_1983\_2011\_StatePlane\_Colorado\_Central\_FIPS\_0502\_Ft\_US  
 Map Created: January 27, 2026

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





**Right of Way & Permits**

1123 West 3<sup>rd</sup> 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](http://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](mailto: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 PLANNING DEPARTMENT  
REFERRAL RESPONSE  
FOR REVIEW OF A LAND USE REQUEST**

**TO:** Referral Agencies & Adjacent Property Owners

**CASE:** **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*.

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

The subject property is ± 1.116 acres and is zoned Mountain Residential (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.

**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

T.S.

Initials

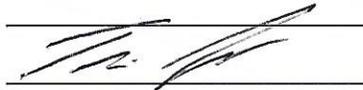
I have reviewed this proposal and have no conflicts

\_\_\_\_\_ See comments on reverse side

Initials

\_\_\_\_\_ See attached letter.

Initials



Signature

1/14/26

Date

Tim Johnston 26 York Gulch Rd

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](mailto:dtennant@clearcreekcounty.us) . If no response is received it is interpreted that there is no concern with the proposal.