

CASE SUMMARY
Consent Agenda

BOA Hearing Date: **December 7, 2022**

22-127159 VC Special Exception

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
 Section 34, Township 5 South, Range 71 West

Approximate Area: 2.00 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **Special Exception for a Short Term Rental renewal.**

Case Manager: Fritz Clauson, AICP

Issues:

- None

Recommendations:

- **Staff:** Recommends Approval subject to conditions

Interested Parties:

- None

Level of Community Interest: Low

Case Manager Information: Phone: 303-271-8767 e-mail: fclauson@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

22-127159 VC Special Exception

Owner/Applicant: Arden D Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 North, Range 71 East

Approximate Area: 2.0 acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **Special Exception for a Short Term Rental renewal.**

Case Manager: Fritz Clauson

Previous Actions: N/A

Surrounding Zoning: North: Suburban Residential-Two (SR-2)
South: Suburban Residential-Two (SR-2)
East: Suburban Residential-Two (SR-2)
West: Suburban Residential-Two (SR-2)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Evergreen Fire District
Individual Well and Septic

BACKGROUND/DISCUSSION:

The applicant is requesting a renewal of their previously granted Special Exception (case number 21-133406 VC), to use their residence at 28024 War Admiral Trail as a Short-Term Rental (STR). The residence is a four-bedroom home on a 2.0-acre parcel. The applicant resides here part of the year, and also has a home in Denver, Colorado. The property and residence meet all requirements of the Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located west of County Highway 73. The property takes access from War Admiral Trail, a public County-maintained Road. The only structure on the property is the single-family dwelling.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception. With respect to a short-term rental of a single-family dwelling the following criteria are analyzed:

(1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1,

SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The applicant states that the Short-Term Rental will produce negligible, if any, additional traffic for the area. The property has a 2-car garage, and additional room for three vehicles along the circular drive on the pavement. All five parking spaces allow independent egress in the event of emergency. Per house rules, parking on the street would be prohibited.

(a-2) Fire hazards;

The property is served by the Evergreen Fire Protection District. The subject property is within the Wildland Urban Interface Overlay District. The applicant has completed a Defensible Space permit in September of 2021, which is a requirement prior to issuing a Short-Term Rental Permit if the Special Exception is approved. The Zoning Resolution prohibits Short Term Rentals from having outdoor fires using wood or charcoal as fuel. The applicant has provided House Rules that include prohibiting open flames of any kind at all times of year due to the extreme risk of forest fire and personal safety. The House Rules also state that smoking and fireworks are not allowed.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with adopted County and State noise ordinances. The Jefferson County Sheriff's Office enforces these ordinances.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 2003. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by an individual well and septic system. The septic system is rated for four bedrooms, which would allow for 8 total overnight occupants, including the homeowner if present, per Public Health guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 2.0 Acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the SR-2 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental has four bedrooms. This would require five parking spaces. There is a two-car garage on site and adequate parking is provided in the driveway which currently has a wide, paved area to supply the five required spaces.

(c) The property owner shall comply with any defensible space requirements as set forth in the *Wildland Urban Interface Overlay District*.

The subject property is within the Wildland Urban Interface Overlay District. A Defensible Space Permit has already been completed by the applicant.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and septic system. The Well Permit number, as provided by Colorado Division of Water Resources, is 225698; this is a Residential Well, for household use only and is adequate for a Short-Term Rental.

The On-Site Wastewater Permit number is 14-104579 OW; it is rated for 4 bedrooms. Per the guidance provided by Public Health, the septic system rated for 4 bedrooms has an occupancy limit of 8 persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from War Admiral Trail, a County-maintained right-of-way road.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

Staff finds that the approval of this Special Exception will not harm the intent of the Zoning

Resolution, as the use is substantially similar to the residential uses already permitted on the property.

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- Evergreen Meadows HOA
- Conifer and South Evergreen Community Committee
- Jefferson County Horse Council
- PLAN Jeffco
- Berrien Ranch Umbrella Group for Evergreen South

During the processing of the original application, Staff received thirteen public comments in opposition and two public comments in support related to this request, which are included in the case packet. During the processing of the renewal application, no additional comments were received.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all of the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.
2. Staff recommends APPROVAL of Case No. 22-127159 VC, subject to the following conditions:
 - a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
 - b. This approval is granted for one year from the date of approval, or until December 7, 2023, and it shall be the responsibility of the applicant to apply for a renewal of this

Special Exception within that timeframe; and

- c. The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System

COMMENTS PREPARED BY:

____ *Fritz Clauson* ____

Fritz Clauson, AICP, Planner

Mr. Jehn moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. 21-133406

Case Number: 21-133406VC

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 South, Range 71 West

Zone District: Suburban Residential-Two (SR-2)

Purpose: To allow a Short-Term Rental.

WHEREAS, Arden D. Lindsey filed an application with the Planning & Zoning Division of Jefferson County requesting a SPECIAL EXCEPTION for the herein described property in Jefferson County to allow a Short-Term Rental;

WHEREAS, the Board of Adjustment is vested with authority to grant or deny such special exceptions by virtue of Section 11.B.2.e of the Jefferson County Zoning Resolution; and

WHEREAS, after notice as provided by law, a public hearing was held by the Jefferson County Board of Adjustment on February 16, 2022, continued from February 2, 2022, which was cancelled due to weather; and

WHEREAS, based on the evidence, testimony, exhibits, comments of public officials, agencies, and staff, and comments from all interested parties, this Board finds as follows:

1. That proper posting and public notice was provided as required by law for the hearing before the Board of Adjustment of Jefferson County and the Planning and Zoning case file is hereby incorporated into the record.
2. That the hearing before the Board of Adjustment was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at this hearing.

3. That the proposed request complies with all the criteria for a Short-Term Rental as outlined in Section 11.B.2.e of the Jefferson County Zoning Resolution as analyzed in the staff report.
4. Granting the relief requested is compatible with the general spirit and intent of the Zoning Resolution, promotes the general welfare and does not adversely affect the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that Board of Adjustment Case No. 21-133406VC be and hereby is **APPROVED** subject to the following conditions:

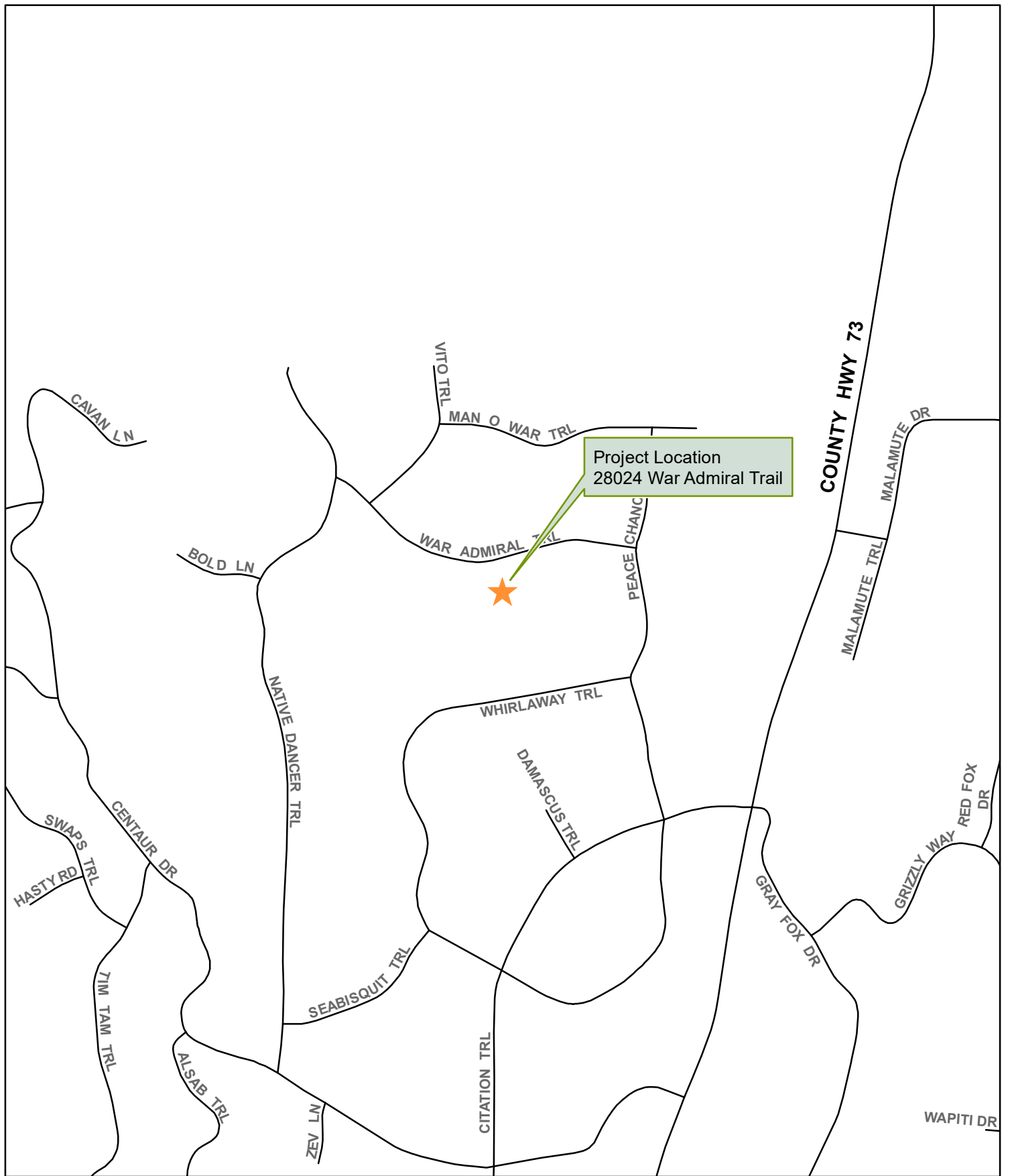
- a) A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and
- b) This approval is granted for six months from the date of approval, or until August 16, 2022, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and
- c) The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System.

Mr. Warbington seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Mr. Warbington	-	"aye"
Mr. Ford	-	"aye"
Mr. Kolkmeier	-	"aye"
Mr. Jehn	-	"aye"
Ms. Blumer	-	"aye"

The Resolution was adopted by a unanimous vote of the Board of Adjustment of the County of Jefferson, State of Colorado.

Dated: February 16, 2022



Case Number: 21-133406VC

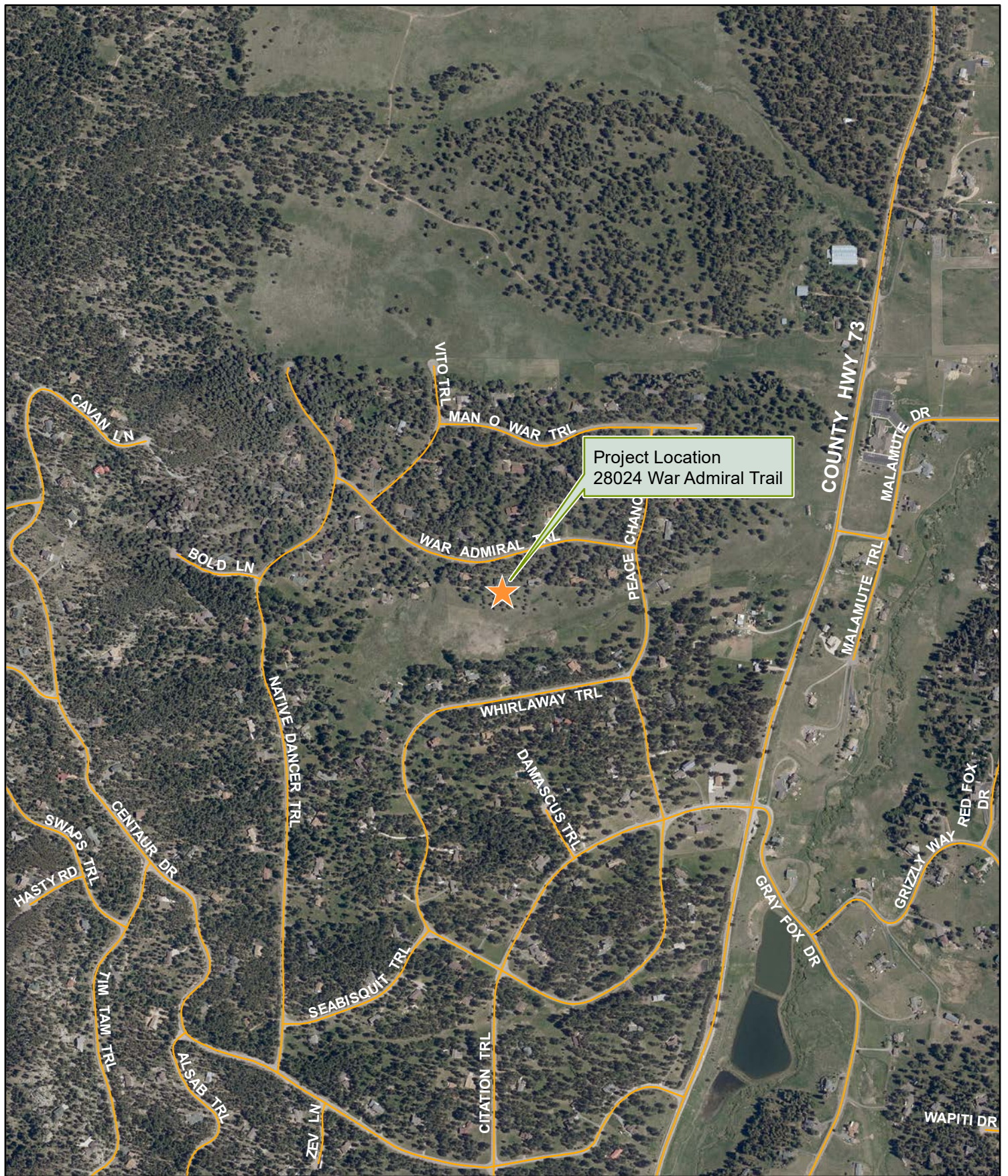
Location: Sec. 34, T5S, R71W



JEFFERSON
COUNTY COLORADO

0 1,000 2,000
Feet





Case Number: 21-133406VC

Location: Sec. 34, T5S, R71W



JEFFERSON
COUNTY COLORADO

0 1,000 2,000
Feet



Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): _____

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Applicant and Site Details

28024 War Admiral Trl.	PI# 51-341-05-004	(Lot 41, Evergreen Meadows, Unit 4)	Evergreen	80439
Address of Subject Property, Legal Description and/or Parcel ID Number			City	Zip
Arden Lindsey	adlindsey43@gmail.com		307-851-7028	
Property Owner		Email	Phone Number	
3950 S Hillcrest Dr		Denver	CO	80237
Mailing Address		City	State	Zip
N/A	N/A		N/A	
Contractor/Representative		Email	Phone Number	
For sign pick-up, please contact: (self) _____ Email: (same) _____ Phone Number: (same) _____				

Specific Request

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☐ For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☐ For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.

Arden Lindsey
Signature of Owner or Authorized Representative

9/30/21
Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): _____

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input checked="" type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

A. Variance Addendum
B. Home Occupation Addendum

C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website. Make checks payable to Jefferson County Treasurer.

**Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

Zoning of Site	Plat	Receipt	Renewal of Case Number	CV Case Number
Lot size Required	Lot Size Shown	FEMA Map Number	In a Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Legal Access via: _____				
Number of Postcards Required: _____		ISP Submitted (check one): <input type="checkbox"/> Print <input type="checkbox"/> Via email to: _____ <input type="checkbox"/> N/A		
Reviewed by			Date	
Comments:				

C. Short Term Rental Addendum

Case Number (for staff use only): _____

1. What is the size of this property? 2 acres
2. Does the property meet lot size standards of its zone district? ☒ Yes ☐ No
3. Does the dwelling meet setback, height and other standards of its zone district? ☒ Yes ☐ No
4. How many bedrooms are in the dwelling? 4
You must attach floor plans (drawn to scale) showing all areas of the dwelling.
5. What is the proposed maximum occupancy of the rental? 8
6. How many parking spaces are provided on-site? 5
You must attach a site plan with parking spaces marked.
7. How do you propose to mitigate any potential traffic impacts caused by this Short Term Rental?

This property has ample parking off the street including a 2-car garage, a parking spot adjacent to the garage and ample room for more vehicles along the circular drive on the pavement. All 5 of these spots allow independent egress in the event of an emergency. Per house rules, parking on the street would be prohibited and not necessary as there is ample parking space as described.

8. Is this property in the Wildfire Hazard Overlay District? ☒ Yes ☐ No
 - a. If yes, please list your Defensible Space Permit number: 21-129919-DS
If this permit is more than a year old, please confirm that you have maintained the defensible space on the property since the initial Defensible Space Permit was completed. ☐ Yes ☐ No
A new Defensible Space Permit may be a condition of approval, if deemed appropriate following a site visit to the property.

9. Are there floodplains on the property? ☐ Yes ☒ No

10. Water:

- ☐ a. Public. Name of Water Provider: _____
- ☒ b. Well. Well Permit Number, Well Type: 225698 / Drilled

11. Wastewater:

- ☐ a. Public sewer. Name Of Wastewater Provider: _____
- ☐ b. Septic. On-Site Wastewater Permit Number: 14-104579 OW
Max number of bedrooms: 4
Max number of occupants: 8

12. Access:

- a. Legal access
For assistance with access questions please contact Planning & Zoning. To obtain copies of recorded access easements, please contact the Clerk & Recorder.
☒ County-maintained road
☐ Private, platted road. Plat Reception Number: _____
☐ Private easement. Easement Reception Number: _____
☐ Other. Explain: _____
- b. Does the roadway meet County standards? ☐ Yes ☐ No ☐ Not Sure

13. Will the proposed Short Term Rental take place in an Accessory Dwelling Unit (ADU)? ☐ Yes ☒ No

14. Are there any active Zoning Violations on this property? ☐ Yes ☒ No

If yes, please list the violation number: _____

15. Will there be any changes to the structure as a part of this Short Term Rental? ☐ Yes ☒ No

16. Attach a copy of your house rules for renters. These must include the following:

- | | |
|-------------------------------------------------------------------------------|---------------------------------------------------------|
| a. Quiet hours | c. Rules regarding outdoor fires |
| b. Locations of carbon monoxide and fire/smoke alarms, and fire extinguishers | d. Contact information for a 24-hour local point person |

Jefferson County Board of Adjustment
Planning & Zoning Division
100 Jefferson County Pkwy, Suite 3550
Golden, CO 80419

Arden Lindsey
28024 War Admiral Trl
Evergreen, CO 80439
303-674-1326
307-851-7028

RE: Special Exception for STR, 21-133406VC
January 17, 2022

Dear Members of the Board,

I am requesting a Special Exception in order to be granted a permit to use my home as a short term rental. With the help of Claire Byers, I will demonstrate that I meet all the requirements for this permit. I am writing to offer you assurances as an individual, mother and homeowner that I am a responsible person and a good neighbor who is very invested in making this work for everyone involved, in safeguarding the property and in preserving the peaceful atmosphere for my neighbors and the surrounding community.

By way of introduction, I am a mother of three and an airline pilot for United Airlines for 27 years. I owned multiple homes over my life including my current home which I rented for 3 years and have owned for 8 years. I am currently working as an airline simulator instructor at the United Training Center in Denver. My personal circumstances are that I currently rent a home in Denver to be closer to my job, but I don't want to sell my home in Evergreen because it is still our primary home. We have lived there for over ten years and we will continue to go home for weekends and vacations and weekdays when our schedule allows. The potential income from a short term rental will allow me to work, support my three children and keep our home. I think our situation is pertinent to your consideration of my case because it shows that I am invested not only in the success of the venture and the care of my home, but also the maintenance of harmony with our neighbors.

I also would like you to know that I will be the owner/host who will be managing all aspects of the short term rental including selecting guests, communicating with them, cleaning and preparing the property and the one ensuring that all the mitigating strategies described below are in place. I am only 35 minutes away from the home and so I am close to the property to address any concerns of neighbors or guests and I will have a co-host who lives 15 minutes away, on call to respond if I am unavailable. Both of us are cell-phone-available 24 hours a day. Also, my neighbor, Jeff Weese, whose home is adjacent to mine has offered to keep an eye on the property and contact me with any concerns. I have a good relationship with my adjacent neighbors and trust that they too will reach out to me as needed to make sure my guests are being safe and courteous.

I have reviewed the list of considerations of the impact of a short term rental on my neighbors and the community. Even though some of my reasoning is speculative, I think it's still worth sharing my perspective with you as you contemplate giving me a chance. I've written out some of my plans regarding those factors in the pages attached.

Certainly, only time will tell whether this will be successful in my neighborhood, but I am committed to doing my best to make it work for everyone. Thank you for considering my application for a special exception.

Respectfully,
Arden Lindsey

Potential impact of a short term rental on my neighbors and the community.

Taking them each individually:

(a-1) Traffic impacts, volume of trips, safety and access; (orig. 1-1-12)

More than required off-street parking is available. I believe this home is most conducive to couples and families for whom there will be fewer cars reducing the volume of traffic. The home is in a neighborhood with 2 acre lots so the existing traffic is minimal and the streets are very wide. The kinds of guests this property will attract are likely to stay at home to enjoy the space rather than make multiple trips to and from the property.

(a-2) Fire hazards; (orig. 1-1-12)

Clearly this is a primary concern and one that I am committed to addressing proactively. Certainly it is as much in my interest as it is for that of my neighbors and the greater community. I recognize that many people who come to Colorado or from an urban area need to be educated about the vulnerability of our land to fire. Knowing that, I plan to go above and beyond to educate them. I will make it clear that charcoal grills and any open flame are prohibited in the posting online and in the house book (House Rules included in documents provided), but I will also post this message in all the outdoor seating areas. Also as a deterrent, I will post signs describing the consequences, both legally in terms of fire bans and fines and in terms of the various platforms' prohibition of fires at any time and their potential impact on being a guest in the future at other properties.

There will be cigarette snuffers provided on all the outdoor seating areas with posted signs to alert guests to the fire danger and requirement to extinguish cigarettes in the containers provided. There will be only battery operated candles in the house and there is a gas fireplace versus a wood fireplace in the home. And of course, we have all of the required smoke detectors/alarms with batteries replaced annually. There's a fire station less than 10 minutes away.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties; (orig. 1-1-12)

This is a conventionally sized home in a conventional neighborhood layout and the short term rental will not have an impact on the aesthetics of the neighborhood. It will be basically the same impact as my family living there currently with other family members and visitors who come to visit and stay with us.

(a-4) Noise; (orig. 1-1-12)

I am committed to preserving the peaceful nature of the neighborhood. My strategies to do that are: I will make it clear that parties of any kind are not allowed. I will make the curfew hours clear and request that they be courteous to the neighbors in the house book. I will also post signs to remind them of this requirement. I will be screening the potential guests for indications that they might be inclined to make noise including reading all the reviews by other hosts and not hosting guests who have no reviews or history as guests before. I will also avoid hosting guests who are local and inclined to bring others to the house for a larger gathering. I will favor guests who are traveling to Colorado.

Also, I will have a Ring system that will allow me to remotely monitor how many people enter the house to prevent more guests than are allowed to be in the home.

(a-6) Community character; (orig. 1-1-12)

I am committed to managing this short term rental to preserve the character of the community. I am proud to keep a well-maintained home and tidy yard as a homeowner and this will not change with guests staying there. There will be no structural alteration to the home that would change the outside appearance. There will be no additions of outside features that will change the aesthetics. It is likely that the home will attract people who are in sync with the character of the community as a residential community in beautiful surroundings.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area; (orig. 1-1-12)

I will have a Ring system installed to remotely monitor the comings and goings at the house and provide immediate notification of the numbers of people entering the home. Overall, I hope it is evident that I am committed to addressing any negative impacts in the ways I described above. And I am open to other ways I can mitigate any negative impacts on the surrounding area.

Of course, the positive impacts on the larger community are that it will bring people into the county and the state to spend money and support the local businesses. I will provide brochures, menus and a list of restaurants and activities to the guests to encourage them to patronize all the wonderful places in Evergreen.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and (orig. 1-1-12)

This use seems very compatible with the land uses in the area.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 1-1-12)

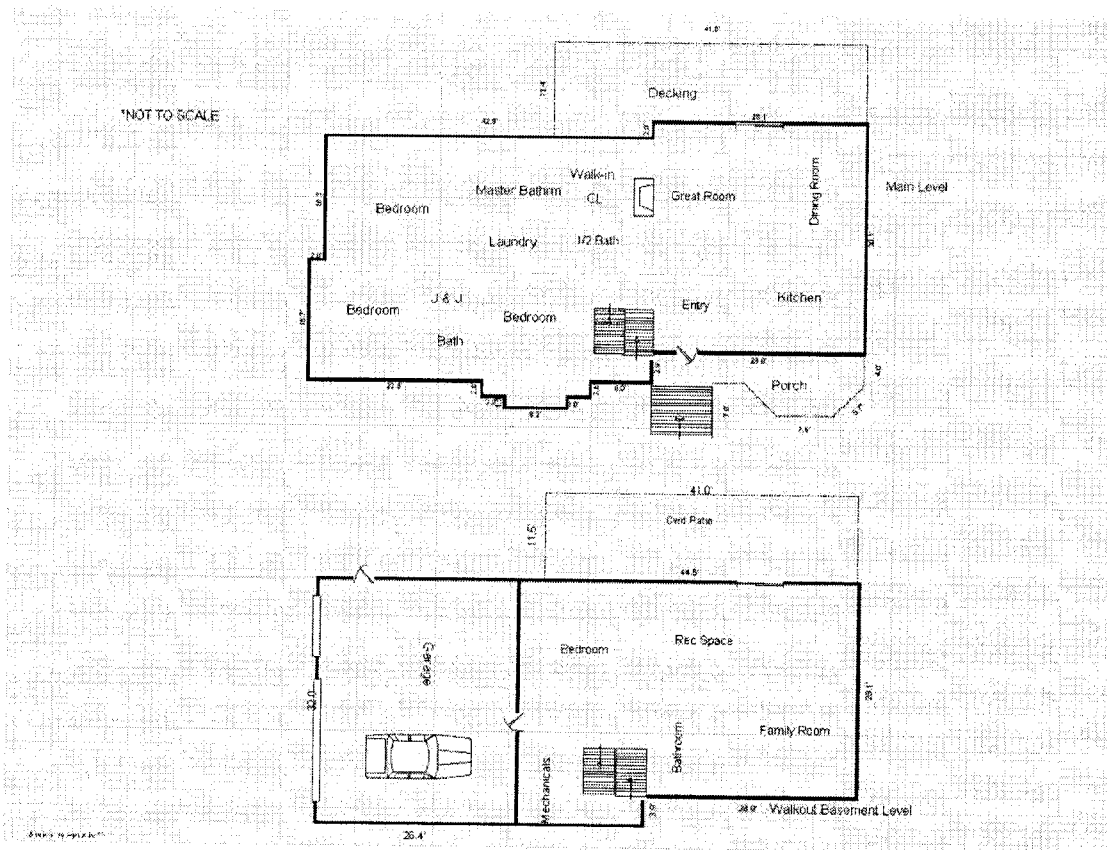
I think I've addressed the primary concerns in this category. By addressing the needs of my immediate neighbors, I believe I will also be meeting those of the surrounding neighborhood.

SKETCH ADDENDUM

File No. 173923

Borrower/Client Arden Lindsey-Property Address 28024 War Admiral TrlCity EvergreenCounty JeffersonState COZip Code 80439Lender No AMC

Caliber Home Loans



Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	2291.1	2291.1
BSMT	Walkout Basement	1318.0	1318.0
P/P	Paver Patio	471.5	
	Deck	452.2	
	Wood Porch	215.0	1138.7
GAR	Garage	844.8	844.8
Net LIVABLE Area		(Rounded)	2291

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
1.5	x 8.2	12.3
2.0	x 14.2	28.4
28.1	x 71.0	1995.1
2.0	x 28.1	56.2
2.0	x 11.8	23.6
3.9	x 45.0	175.5
6 Items		(Rounded)
		2291

Borrower/Client Arden Lindsey-

Property Address 28024 War Admiral Trl

City Evergreen

County Jefferson

State CO

Zip Code 80439

Lender No AMC

Caliber Home Loans





Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee
Date: April 09, 2014
\$ 58.35

THIS DEED, made on April 09, 2014 by HARRIET M. MULLIN AND JAMES F. MULLIN Grantor(s), of the County of PENNINGTON and State of SOUTH DAKOTA for the consideration of (\$583,500.00) *** Five Hundred Eighty Three Thousand Five Hundred and 00/100 *** dollars in hand paid, hereby sells and conveys to ARDEN D. LINDSEY Grantee(s), whose street address is 28024 WAR ADMIRAL TRAIL EVERGREEN, CO 80439, County of JEFFERSON, and State of COLORADO, the following real property in the County of Jefferson, and State of Colorado, to wit:

LOT 41, EVERGREEN MEADOWS - UNIT 4, COUNTY OF JEFFERSON, STATE OF COLORADO.

also known by street and number as: 28024 WAR ADMIRAL TRAIL EVERGREEN CO 80439

with all its appurtenances and warrants the title to the same, subject to general taxes for the year 2014 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; and other NONE

↓ Harriet M. Mullin
HARRIET M. MULLIN

↓ James F. Mullin
JAMES F. MULLIN

State of ↓ North Carolina)
County of ↓ Buncombe) ss.

The foregoing instrument was acknowledged before me on this day of April 09, 2014
by HARRIET M. MULLIN AND JAMES F. MULLIN

↓ Cheryl Parks
Notary Public
My commission expires ↓ 08 08 2015

Cheryl Parks
Notary Public
Buncombe County
North Carolina
My Commission Expires 8/8/2015

When Recorded Return to: ARDEN D. LINDSEY
28024 WAR ADMIRAL TRAIL EVERGREEN, CO 80439

EXHIBIT A

Property Address: 28024 WAR ADMIRAL TRAIL EVERGREEN CO 80439

EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EVERGREEN MEADOWS - UNIT 4 RECORDED APRIL 20, 1971, UNDER RECEPTION NO. 415917.

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MAY 02, 1972, IN BOOK 2370 AT PAGE 483.

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 28, 1978, UNDER RECEPTION NO. 78118350.

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., RM. 818, DENVER CO 80203
phone - info: (303) 866-3587 main: (303) 866-3581

NEW HOUSEHOLD USE ONLY

Review instructions prior to completing form

APR 27 2000

WATER RESOURCES
STATE ENGINEER
COLO.

Water Well Permit Application

Must be completed in black ink or typed

1. APPLICANT INFORMATION				6. USE OF WELL	
Name of applicant TOM ORIN				ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING (NO OUTSIDE USE)	
Mailing Address 5630 Skyline Drive					
City State Zip code Evergreen, Colorado 80439					
Telephone Number (include area code) 303-674-5458				7. WELL DATA	
2. TYPE OF APPLICATION				MAXIMUM PRODUCTION RATE OF THE WELL WILL NOT EXCEED 15 GPM	
CONSTRUCT A NEW HOUSEHOLD USE ONLY WELL ON LESS THAN 35 ACRES				8. TYPE OF RESIDENTIAL SEWAGE SYSTEM	
3. REFER TO (if applicable):				<input checked="" type="checkbox"/> Septic tank / absorption leach field <input type="checkbox"/> Central system District name: _____ <input type="checkbox"/> Vault Location sewage to be hauled to: _____ <input type="checkbox"/> Other (attach copy of engineering design)	
Monitoring hole acknowledgment # MH-				9. PROPOSED WELL DRILLER (optional)	
4. LOCATION OF WELL				Name License number Ernie's Mountain Drilling, Inc. 1078	
County Jefferson	Quarter/quarter NE 1/4	Quarter NE 1/4			
Section 34	Township N or S 5 <input type="checkbox"/> N <input checked="" type="checkbox"/> S	Range E or W 71 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	Principal Meridian 6th	10. SIGNATURE of applicant(s) or authorized agent	
Distance of well from section lines 1215 ft. from <input checked="" type="checkbox"/> N <input type="checkbox"/> S 1250 ft. from <input checked="" type="checkbox"/> E <input type="checkbox"/> W				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 mis- demeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.	
Well location address, if different from applicant address (if applicable) WAR ADMIRAL TRAIL				Must be original signature Tom Orin 27 APRIL 00	
5. TRACT ON WHICH WELL WILL BE LOCATED				Title Date OWNER	
A. You must check one of the following - see instructions <input checked="" type="checkbox"/> Subdivision: Name Evergreen Meadows Lot # 41 Block # XXXX Unit # 4 <input type="checkbox"/> County Exemption (copy of county approval & survey must be attached) Exempt. name/# _____ Tract # _____ <input type="checkbox"/> Mining claim (attach copy of deed or survey) Claim name/# _____ <input type="checkbox"/> Other (attach legal description to application)				Office Use Only Pre 72 filing ✓ Dist. ✓	
B. STATE PARCEL ID# (optional):				DWR Map No.	
C. # of acres in tract 2.0				Invoice # 459865 4/27/00 -- 1:26:12 PM Cashier ID: 02 \$ 60.00 Check Purchase- #2689	
D. THIS WILL BE THE ONLY WELL ON THIS TRACT				DIV 1 CO WD 9 BA USE MD	

**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1078

APPLICANT

WELL PERMIT NUMBER **225698**

DIV. 1

WD 9

DES. BASIN

MD

Lot: 41 Block: Filing: 4 Subdiv: EVERGREEN MEADOWS

TOM ORIN
5630 SKYLINE DRIVE
EVERGREEN, CO 80439-

(303) 674-5458

APPROVED WELL LOCATION

JEFFERSON COUNTY

NE 1/4 NE 1/4 Section 34

Township 5 S Range 71 W Sixth P.M.

DISTANCES FROM SECTION LINES

1215 Ft. from North Section Line

1250 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 2.00 acres described as lot 41, filing 4, Evergreen Meadows Subdivision, Jefferson County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

WCM 5/15/00

APPROVED
WCM

State Engineer

DATE ISSUED **MAY 15 2000**

By

EXPIRATION DATE **MAY 15 2002**

Receipt No. 0459865

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT
1801 - 19TH STREET, GOLDEN, CO 80401 (303) 271-5755 FAX: (303) 271-5760

ON-SITE WASTEWATER TREATMENT SYSTEM (ISDS) SITE INSTALLATION PLAN

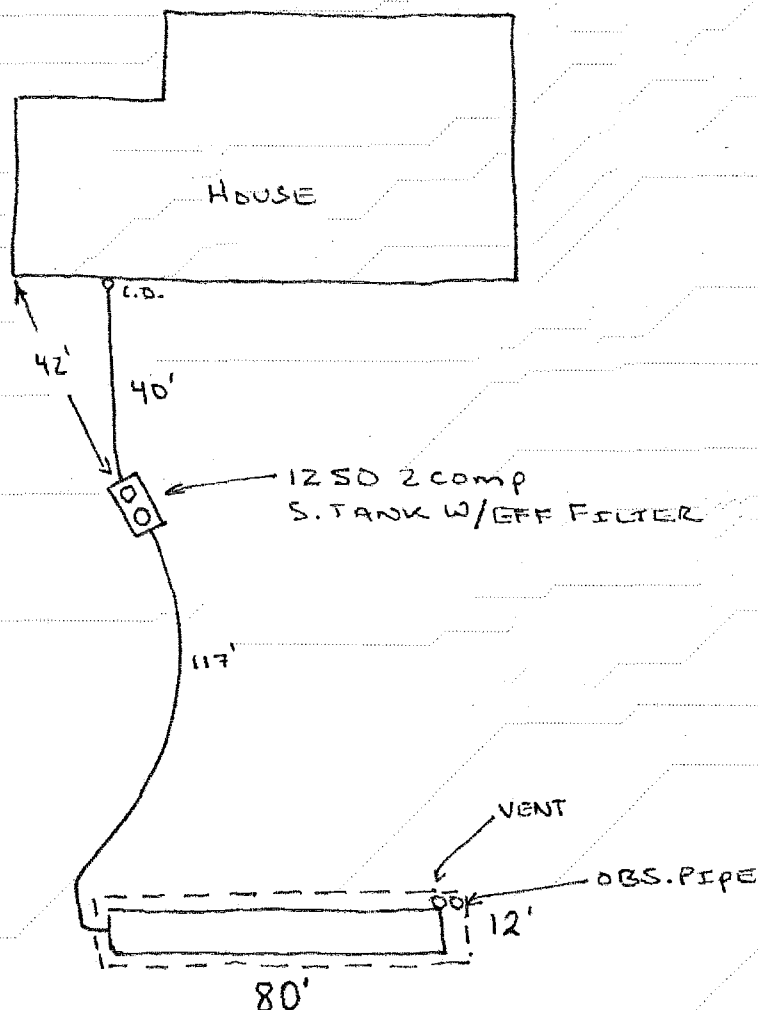
PERMIT NUMBER: 19277
ADDRESS: 28024 WAR ADMIRAL TRAIL
LEGAL: Lot 41, Unit 4, EVERGREEN MEADOWS

OWNER/APPLICANT: ORIN, TOM
SYSTEM DESIGNED FOR: 4 Bedroom Single Family Dwelling

SEPTIC TANK SIZE (gal) 1250 W/Effluent Filter ABSORPTION BED SIZE (ft²) 960

The On-site Wastewater Treatment System (ISDS) on this property was installed in accordance with the permit conditions and the On-site Wastewater Treatment System (Individual Sewage Disposal System) Regulations of Jefferson County, Colorado.

INSPECTOR [Signature] FINAL APPROVAL DATE 6-18-02



NOTE: This drawing is an "as built" sketch of the On-site Wastewater Treatment System (ISDS). The distances, relative locations of structures, wells, system components and compass directions are approximate.

JEFFERSON COUNTY PUBLIC HEALTH
645 PARFET STREET, LAKEWOOD, CO 80215
(303) 232-6301 FAX: (303) 271-5760
<http://jeffco.us/public-health/>

**PERMIT FOR CONTINUED USE OF AN EXISTING
INDIVIDUAL SEWAGE DISPOSAL SYSTEM**

PERMIT NUMBER: **14-104579 OW**
DATE ISSUED: **March 6, 2014 - expires September 6, 2014, or upon sale of the property or application for building permit, whichever comes first.**
PROPERTY ADDRESS: **28024 WAR ADMIRAL TRAIL, EVERGREEN**
INSPECTOR: **SHIRLEY SEPTIC PUMPING INC**
INSPECTION DATES: TANK: **February 28, 2014** SYSTEM: **February 27, 2014**

On the date(s) shown above, the individual sewage disposal system at this property was found to comply with the minimum requirements for existing systems as set forth in the Individual Sewage Disposal System Regulation of Jefferson County. If known, details on the system are provided below:

SYSTEM INFORMATION

<u>Components:</u>	<u>Type</u>	<u>Capacity / Size</u>
• Primary treatment unit:	Septic Tank	1250 gallon, 2 compartments
• Secondary treatment unit:	None	
• Absorption/Evap system:	Seepage Bed	960 square feet
• Alternate System:	None	
• Other Components:	None	

System Capacity

System designed for: **4 Bedroom Single Family Dwelling (8 occupants)**
Wastewater flow: **600 gallons per day**

System Records

Permit number: **19277** File number: Date of installation: **June 18, 2002**

Operational Status (unless noted otherwise on page 2)

- The on-site inspection did not reveal any overflow or improper discharge from the system. All system components are present, operational and in good repair.
- The current owner reported no operational problems with the system for at least one year prior to the date of application for the use permit or the date the property was vacated.
- As of the date the permit was issued, there are no reports of current operational problems with the system.

Conditions for Issuance of Building Permit (if applicable):

This system complies with minimum standards for an individual sewage disposal system in Jefferson County and a building permit may be issued for remodeling the structure, regardless of the expiration date shown above. If bedrooms are to be added, the number may not exceed the number shown in 'System Capacity' above. If the Department has no records of the system, no additional bedrooms may be constructed.

See following page(s) for other observations regarding this individual sewage disposal system.

USE PERMIT NUMBER: **14-104579 OW**

ADDRESS: **28024 War Admiral Trail**

LIMITATIONS AND DISCLAIMER

Issuance of this Use Permit is based solely on the conditions observed on the date of inspection(s) and on Department records at the time of permitting. The issuance of this permit does not constitute a guarantee, warranty or representation by the Department that the system will operate properly or will not fail.

ADDITIONAL OBSERVATIONS

If known, the estimated capacity of the system has been listed on the permit and we recommend that you monitor water use to prevent overuse and possible failure. Although the individual sewage disposal system met the minimum approval criteria, the following other conditions were observed. By following the recommendations outlined below, you should be able to improve the performance and extend the operational life of your individual sewage disposal system:

1. Trees and large shrubs were observed atop this system and should be removed to prevent possible damage by root infiltration. Small shrubs, grasses and wildflowers are the preferred vegetative cover.

RENEWALS: This permit may be renewed ONCE, provided that FORM 704 is submitted to the Department prior to September 06, 2014. After that date, you must submit a new application with the appropriate fee and provide updated inspection reports for the system.

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

Page
1
FORM 701

STREET ADDRESS: 28024 War Admiral Trl Evergreen CO 80439

INSPECTION FIRM Shirley Septic Pumping, Inc

COLORADO PE # _____ NAWT # NA9529WT NSF # _____

Except for system components, unless a section has been checked **NA**, **ALL ITEMS** in that section must be completed. Items marked with an asterisk (*) are minimum approval criteria items. Any such item marked **FAIL** means the system cannot qualify for a use permit. All other **NO / YES** items are for information only and will be so noted on the use permit. **NP** means that the component was not provided with the original system.

SYSTEM COMPONENTS (mark only 1 for each category, or mark **NA** if not applicable)

Primary Treatment Unit **NA** ☒

- ☒ septic tank ☐ gray water tank ☐ aeration tank

Secondary Treatment Unit **NA** ☒

- ☐ trickling media filter ☐ trickling sand filter ☐ other (specify) _____

Absorption / Evaporation System **NA** ☒

- ☐ chambered system ☐ drip irrigation ☒ seepage bed *
☐ seepage pit ☐ seepage trench ☐ ET bed
☐ Other _____ *include unknown type of seepage system.

Alternate System **NA** ☒

- ☐ chemical toilet ☐ composting toilet ☐ incineration toilet
☐ surface discharge ☐ holding tank ☐ black water vault
☐ other (specify) _____

Other Components: **NA** ☒

- ☐ electric pump (lift) station ☐ chlorinator ☐ other _____

SITE, WEATHER AND OCCUPANCY CONDITIONS DURING INSPECTION

- | | | |
|----------------------------|------------------------------------------|-----------------------------------------|
| *Erosion? | <input checked="" type="checkbox"/> PASS | <input type="checkbox"/> FAIL |
| *Improper discharges? | <input checked="" type="checkbox"/> PASS | <input type="checkbox"/> FAIL |
| Improper vegetative cover? | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES |
| Subject to compaction? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| Snow cover? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| Property vacant? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |

ABSORPTION / EVAPORATION SYSTEMS

NA ☐

Visible Components

- | | | | |
|--------------------------|------------------------------------------|-------------------------------|----------------------------------------|
| *Vent / observation pipe | <input checked="" type="checkbox"/> PASS | <input type="checkbox"/> FAIL | <input type="checkbox"/> NP |
| *D Box / valve box | <input type="checkbox"/> PASS | <input type="checkbox"/> FAIL | <input checked="" type="checkbox"/> NP |

Operational status

- | | | | |
|-----------------------------|------------------------------------------|------------------------------------------|----------------------------------|
| *Sewage surfacing? | <input checked="" type="checkbox"/> PASS | <input type="checkbox"/> FAIL | |
| Evidence of past surfacing? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | <input type="checkbox"/> Unknown |
| Surface Dampness? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| Excessive odors? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| Liquid in obs. / vent pipe? | <input checked="" type="checkbox"/> NONE | <input type="checkbox"/> less than 1" | |
| | <input type="checkbox"/> 1"-6" | <input type="checkbox"/> greater than 6" | |

ALTERNATE SYSTEMS

* Functioning?
Excessive odors?

☐ PASS ☐ FAIL
☐ NO ☐ YES

NA ☒

Page
2
FORM 701

ELECTRIC LIFT / PUMP STATIONS

*Lid(s)
*Tank integrity
*Pump and controls

☐ PASS ☐ FAIL
☐ PASS ☐ FAIL
☐ PASS ☐ FAIL

NA ☒**MINOR REPAIRS MADE TO SYSTEM* (must be completed)**

☐ Erosion control measures
☐ Sewer line repairs

☐ Vent or observation pipe repaired / replaced
☐ Other repairs / replacements

☒ **NONE MADE**

(*Use FORM 702 to report repairs to the tank and 703 for repairs to the mechanical system)

I hereby certify that I have inspected the above individual sewage disposal system in accordance with the guidance document(s) provided by the Jefferson County Department of Health and Environment and that my comments and observations accurately reflect the physical and operational status of the system and its components on the date of inspection and of any work performed by me.

MR

Inspector

02/27/2014

Date

NOTE: TO OBTAIN A USE PERMIT THIS REPORT MUST BE FILED WITHIN THIRTY (30) DAYS OF THE DATE IT IS PREPARED AND SIGNED.

Below For Department Use Only**MALFUNCTION FILES**

CURRENT?
PAST 3 YEARS

☒ NO ☐ YES
☒ NO ☐ YES

REF NUMBER

MONTH, YEAR

INSTALLATION FILES

RECORDS?

☐ NO ☒ YES

Permit Number

File Number

Date of Installation

Number of bedrooms

Number tanks:

Total Capacity

gallons

Compartments

Total absorption / evaporation area:

sq. ft

Total wastewater flow (non-residential only)

gallons per day

NOTICE OF NONCOMPLIANCE

☒ NO ☐ YES

EFF. Filter

**JEFFERSON COUNTY DEPARTMENT
OF HEALTH AND ENVIRONMENT**

**FORM
702**

**PUMPING AND INSPECTION REPORT
FOR SEPTIC TANKS**

STREET ADDRESS: 28024 War Admiral Trl Evergreen Co 80439

SYSTEMS CLEANER Shirley Septic Pumping, Inc.

Unless a section has been checked **NA**, **ALL ITEMS** in that section must be completed. Items marked with an asterisk (*) are minimum approval criteria items and any such item marked **FAIL** means the system cannot qualify for a use permit. All other **NO / YES** items are for information only and will be so noted on the use permit. **NP** means that this component was not originally present or provided with the system. This form must be completed for ALL septic tank or vault pumping.

PUMPING AND INSPECTION CONDITIONS

Were all compartments of multi-compartment tanks pumped? ☒ YES ☐ NO
Was all liquid and sludge removed leaving no more than 3 inches in tank? ☒ YES ☐ NO

If any of the above were marked 'NO', you must provide an explanation of the reasons why it was not possible to do so:

ESTIMATED CAPACITY OF TANK(s) 1250 gal 2 compmts

PRIMARY TREATMENT UNITS (septic tanks)

Tank Operational Status

*Discharge / leakage?	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL
*Infiltration?	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL
Located under building?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
Back flow after pumping?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES

Tank Components

*Lid(s)	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	
*Integrity	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	
*Dosing siphon	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input checked="" type="checkbox"/> NP
*Internal Tees / baffles	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input type="checkbox"/> NP
*Effluent Filters / screens	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	<input type="checkbox"/> NP

BLACK WATER TANKS / VAULTS

<input checked="" type="checkbox"/> NA		
*No outlet / connection	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL
*High water alarm	<input type="checkbox"/> PASS	<input type="checkbox"/> FAIL <input type="checkbox"/> NP

TANK REPAIRS MADE? ☐ YES ☒ NO

ML

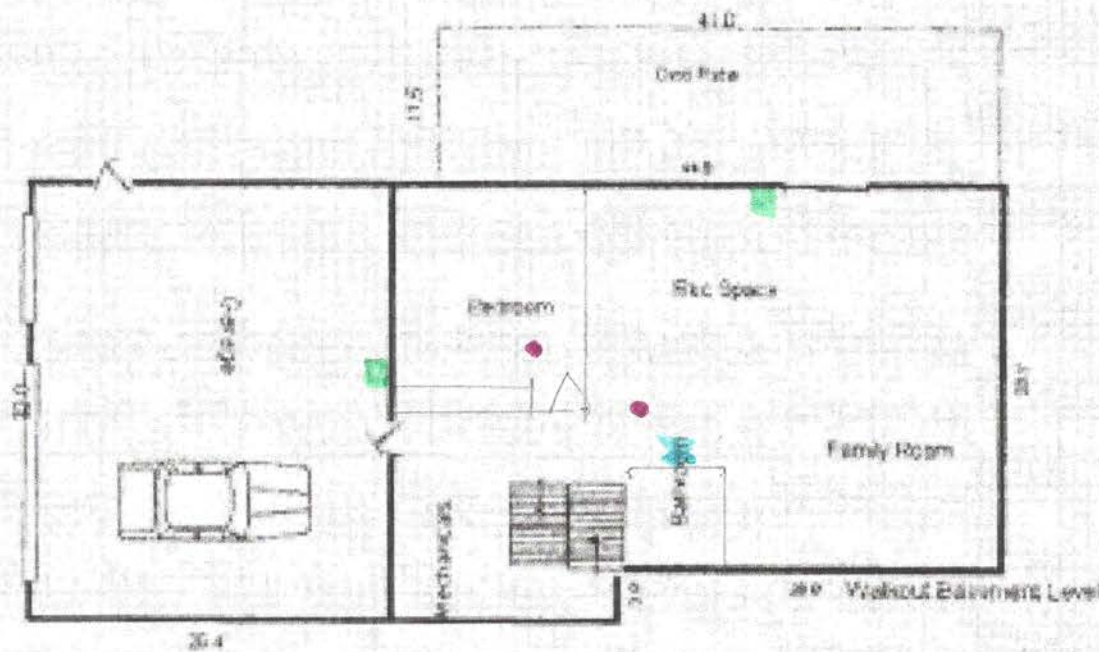
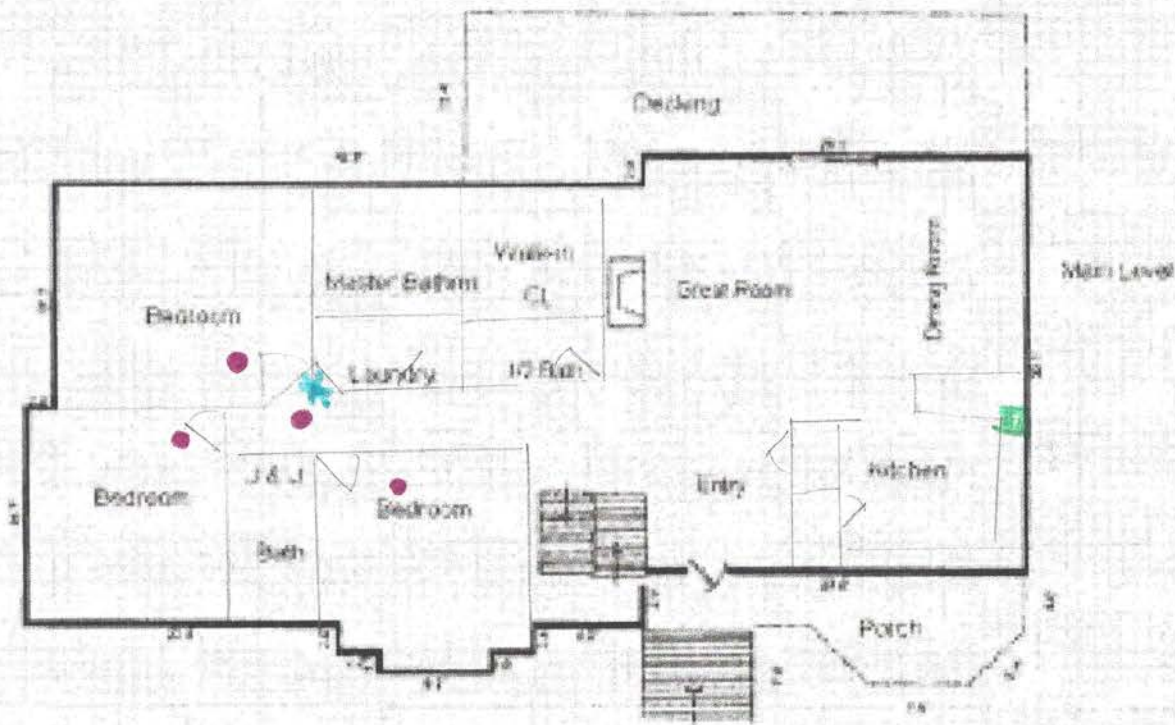
02/28/2014

Signature of Pumper

Pump Date

NOTE: TO OBTAIN A USE PERMIT THIS REPORT MUST BE FILED WITHIN EIGHTEEN (18) MONTHS OF THE PUMPING DATE SHOWN ABOVE.

28024 War Admiral Trail - Safety Device Placement
 Arden Lindsey - STR Permit Application 9/13/21



- = fire extinguishers (upper and lower levels: kitchen + garage)
- * = Carbon monoxide detectors (outside 2 sleeping areas)
- = Smoke detector/alarms (all 4 sleeping rooms ; 2 areas)



Evergreen Fire/Rescue

1802 Bergen Parkway • Evergreen, Colorado 80439

Phone: 303-674-3145 • Fax: 303-674-8701

September 7, 2021

Jefferson County Planning/Zoning
Mr. Joshua Botts
100 Jefferson County Parkway
Suite 3550
Golden, Colorado 80419

RE: 28024 War Admiral Trail_Will Serve

This is to confirm that property located at 28024 War Admiral Trail is within the boundaries of Evergreen Fire Protection District and is served by Evergreen Fire/Rescue Station 3 (1.8 miles). The closest credible source of water is a 30k fire cistern located at Fire Station 3. This will be an ISO PPC 4X location.

On-Off Site Access:

Evergreen Fire Rescue does not have any issues with access to this location.

Please contact me if you have any questions in regard to this information.

Respectfully,

James A. King

James A. King
Fire Marshal
Evergreen Fire/Rescue

Cc:

HOUSE RULES

Regarding SAFETY, LOCAL ORDINANCES and NEIGHBORHOOD COVENANTS

I. FIRES - OPEN FLAMES

Due to the extreme risk of forest fires in this dry mountain area and for your safety and that of the surrounding community:

OPEN FLAMES of any kind ARE PROHIBITED at all times of year (regardless of county fire ban status).

This includes charcoal grills, fire rings, fireworks, candles indoor and outdoors.
(County violation fines of up to \$600 will be deducted from your deposit and given the extreme nature of this violation, it will be reported to the STR platform.)

Also due to the extreme fire danger and the risk of insufficiently extinguished cigarettes:

SMOKING is NOT ALLOWED on the property - indoors or outdoors. Vaping is allowed outdoors.

NO FIREWORKS ALLOWED:

It is unlawful to possess or discharge fireworks anywhere in the State of Colorado without a permit. Penalties include: Class 3 misdemeanor carrying up to \$750 in fines, six months in prison, or both.

II. FIRE AND CARBON MONOXIDE SAFETY EQUIPMENT

There are fire extinguishers with operation instructions located in the kitchen and in the garage. Please locate them and familiarize yourself with their use. *Also please see the posted map for the location of fire extinguishers and the emergency exit plan. All safety equipment including smoke detectors and carbon monoxide detectors are located per county requirements for your safety.*

III. QUIET HOURS - NEIGHBORHOOD COURTESY

Quiet time is from 10pm to 9am.

The Jefferson County Noise Abatement Regulations are in place “to protect the peace, health, safety and welfare of Jefferson County citizens from excessive, unnecessary and unreasonable noise.” *(Be advised, authorities may be called and any violation fines will be deducted from the deposit.)* Please be respectful of our neighbors and observe quiet time hours. No loud talking or music during these hours, either outside or inside, which is plainly audible at a distance of 150 feet.

IV. CONTACT INFORMATION

1. **Arden Lindsey (owner and primary property manager)**

a. 307-851-7028 (mobile: text or call)

b. 303-691-6869 (alternate landline)

2. Penny Mapp (co-host)

a. 720-590-9257 (mobile: text or call)

3. Jeff Weese (adjacent neighbor to the west)

a. 720-879-3086 (mobile: text or call)



















From: [Margaret Thompson](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Case Number 21-133406VC
Date: Monday, January 24, 2022 9:51:57 AM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Ms. Byers. I am writing to you concerning Case Number 21-133406VC, the request for a Special Exception to allow a Short Term Rental at 28024 War Admiral Trail in Evergreen.

I strongly oppose this request. I live two houses up from this address, and have lived here for 36 years. This is a quiet residential neighborhood, where many of the residents have lived for decades. A Short Term Rental property does not fit in with the character of our neighborhood.

These are my main concerns:

- 1.. Short Term Rentals will lead to increased traffic on several roads to get to and from this property.
- 2.. Short term renters are unlikely to appreciate the fire risk in our area, and I dread the consequences of a carelessly tossed cigarette or a candle left burning and unattended.
- 3.. During this time of severe drought, any additional strain on our water table will affect all of us. And again, short term renters are unlikely to be serious about water conservation.

Thank you for your attention.

Margaret Thompson
28124 War Admiral Trail
Evergreen, CO

From: [Ann English](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- 28024 War Admiral
Date: Monday, January 24, 2022 9:51:22 AM
Attachments: [ArdenLindsey-Short Term Rental.docx](#)

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers,

Attached is a copy of a letter Evergreen Meadows HOA sent to the homeowner on War Admiral. This letter informs the homeowner that short term rentals are not allowed in Evergreen Meadows and that the Covenants are mandatory for all Evergreen Meadows residents.

All homeowners, who purchased property in Evergreen Meadows are mandated to follow the Covenants. Short term rentals of any kind are not allowed. Also businesses are not allowed. Short term rentals would constitute the running of a business.

The homeowner said she does not belong to the HOA. The HOA is voluntary, she does not need to belong to it; however, the Covenants are mandatory as they run with the land; therefore all homeowners agreed, in writing to accept and follow the Covenants.

The Evergreen Meadows HOA and Community are 100% against any type of short term rentals, daily, nightly, weekly, monthly, ARBNB, VRBOS. We, therefore, ask that Jeffco **NOT approve** this home for any type of short term rental and request that Jeffco work with the HOA and not against it.

If you have any questions or need additional information, please contact me.

Ann English, President Evergreen Meadows HOA
ann.english@evergreenrealestate.org
Phone: 303-981-8735



EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
P.O. Box 2228, Evergreen, CO 80437
303-991-7699 Phone / Fax
board@emha.us • www.emha.us

January 19, 2022

Adren D Lindsey
28024 War Admiral,
Evergreen, CO 80439

Dear Arden,

It has come to Evergreen Meadows HOA's attention that you are planning on turning your residential home into a short term rental. We regret to inform you that any short term rentals are not allowed per the Covenants.

See Below:

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall

be taken directly from the current edition of the Jefferson County Building Code, except that **the definition of family**, as used herein, shall mean

persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;

ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;

iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted

accessory building:

iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;

v) In no way shall the general public be invited or solicited upon the premises;

vi) Instruction of students shall be limited to one pupil at any one time.

As you can see the residence is strictly to be inhabited by the homeowner or family relatives, Section 1.

Also the short term rental, constitutes the running of a business, which is also not allowed. See Sections a), i), and ii), which states that only the full-time resident/homeowner can conduct a home business in his home and that it does not change the character thereof. A short term

rental would, most definitely, change the character of the residence. It would no longer be a single family residential use, but rather it would be a considered a multi-use residence and a business, neither of which is allowed.

iv) - ***There shall be no external evidence which, in any way, shall advertise the performance of the activity:*** *Meaning* - You are not allowed to advertise it as a nightly, weekly or any type of short term rental. It is for use by the homeowner/purchaser and his/her family.

When you purchased your home, you agreed, in writing, when you signed the purchase contract to abide by the Evergreen Meadows Covenants, Restrictions and Guidelines.

You are in direct violation of this signed agreement. Although belonging to Evergreen Meadows HOA is voluntary, what is **NOT** voluntary is following the Covenants, Restrictions and Guidelines. They **ARE MANDATORY** and run with the land.

This subdivision is for residential homeowner use only. It is not a multi-use subdivision. Only home purchasers and their families, if any, shall live in the unit.

Your request to turn this home into a short term rental is hereby denied by Evergreen Meadows HOA, per the Covenants.

Please **note:** Evergreen Meadows Covenants are the controlling factor regardless of a zoning variance, so even if the County approves it, short term rentals are still **NOT** allowed. Covenants control over zoning when the covenants are more restrictive.

If you have any questions, please feel free to contact us at: board@emha.us.

Thank you,

Evergreen Meadows HOA

cc: Claire Byers, Case Manager
Jefferson County Planning & Zoning

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS
FOR EVERGREEN MEADOWS - UNITS 1 through 9**

THIS DECLARATION is made this 30th day of December, 2018, by property owners of Evergreen Meadows - Units 1 through 9 (hereinafter collectively referred to as "Declarants").

WHEREAS, Declarants desire to provide for the preservation of the values and amenities in said community and for the maintenance of said property, open spaces, and other common facilities; and to this end, desire to subject the described real property to the covenants, restrictions, assessments, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, Declarants deem it desirable for the efficient preservation of the values and amenities in said community, to join an entity to which to delegate and assign the powers of maintaining and administering the common areas and facilities, and for administering and enforcing covenants, restrictions, assessments, and charges hereinafter created.

NOW THEREFORE, Declarants hereby declare that they shall become members of the Evergreen Meadows Homeowners Association (hereinafter referred to as "Association"), which shall have the right to represent Declarants and to take whatever action may be necessary to enforce the covenants, restrictions, assessments and charges hereinafter set forth. That these covenants supersede all prior protective covenants established for Units 1 through 9 of Evergreen Meadows.

To wit, such as were previously recorded at the Clerk and Recorder of Jefferson County: Unit 1, Reception #78118347; Unit 2, Reception #78118348; Unit 3, Reception #78118349; Unit 4, Reception #78118350; Unit 5, Reception #78118351; Unit 6, Reception #78118352; Unit 7, Reception #78118353; Unit 8, Reception #85006849; Unit 9, Reception #85006850. That all of the real property in said Units shall be held, transferred, devised, given, sold, and conveyed subject to the following assessments, restrictions, liens, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property. That these covenants, restrictions, assessments and liens shall be binding upon all parties having or acquiring any right, title or interest in the described properties or any part thereof, and shall be a burden upon and inure to the benefit of each owner thereof.

"The owners of the land known as Evergreen Meadows:

- Unit 1 — a subdivision located in the E 1/2 of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., and in that part of the W 1/2 of the SW 1/4 of Section 35, T. 5 S., R. 71 W., of the 6th P.M. lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 29, Page 59 of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 26 located therein effective January 1, 2019;
- Unit 2 — a subdivision located in the W 1/2 of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 30, Page 42 of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 32 located therein effective January 1, 2019;
- Unit 3 — a subdivision located in the SW 1/4 of the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 31, Pages 34 and 35, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 36 located therein effective January 1, 2019;
- Unit 4 — a subdivision located in the NE 1/4 and a portion of the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 33, Pages 18 and 19, plus Unit 4 Exemption Survey #1, re-subdivision of lots 39 and 63, recorded in Book 93, Page 17, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 68 located therein effective January 1, 2019;
- Unit 5 — a subdivision located in the NW 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying west of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 37, Pages 2,3 and 4, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 55 located therein effective January 1, 2019;
- Unit 6 — a subdivision located in the Section 2, T. 6 S., R. 71 W., and Section 11, T. 6 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 39, Pages 18,19, 20, and 21, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 104 located therein effective January 1, 2019;
- Unit 7 — a subdivision located in Section 2, T. 6 S., R. 71 W., of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 4, Pages 35, 36 and 37, of Jefferson County records, does hereby make and establish the following protective covenants applicable to all sites numbered 1 through 37 located therein effective January 1, 2019;
- Unit 8 — a subdivision located in the W 1/2 of Section 35, T. 5 S., R. 71 W. of the 6th P.M., and that part of the SE 1/4 of Section 34, T. 5 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 46, Pages 20, 21, 22, and 23, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 82 located therein effective January 1, 2019;
- Unit 9 — a subdivision located in the E 1/2 W 1/2 and the S 1/2 NE 1/4 and the N 1/2 SE 1/4 of Section 35, T. 5 S., R. 71 W. of the 6th P.M., lying east of Jefferson County Highway No. 73, Jefferson County, Colorado, and recorded in Plat Book 46, Pages 24, 25, 26, 27 and 28, of Jefferson County records, does hereby make and establish the following protective covenants applicable to said subdivision and all numbered sites numbered 1 through 46, located therein effective January 1, 2019, to wit;

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

- i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;
- ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;
- iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;
- iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;
- v) In no way shall the general public be invited or solicited upon the premises;
- vi) Instruction of students shall be limited to one pupil at any one time.

b) It is the express intent of the homeowners and residents of Evergreen Meadows that the concept of single-family residential use shall apply to both the use of the land as well as the type of structures constructed thereon.

2. General Subject — Architectural Review Requirements

No building, fence, wall, structure or improvement shall be commenced, erected, altered, moved, or maintained upon any site, nor shall any exterior addition to, or change or alteration thereof be made until the nature, kind, shape, height, materials, and location of same shall have been approved in writing as to harmony of topography by the Evergreen Meadows Homeowners Association Architectural Review Committee (hereinafter referred to as "Architectural Review Board").

a) Either one architectural rendering or a complete set of plans and specifications, together with a site plan clearly identifying boundaries and setback distances, shall be submitted to the Architectural Review Board. The Board shall approve or disapprove said documents within 30 days from the receipt thereof in accordance with their published Guidelines. The set of said documents, with the approval or disapproval endorsed thereon, shall

be returned to the owner. The Architectural Review Board shall not be responsible in any manner whatsoever for any defect in any plans or specifications submitted or for any work done pursuant to any changes of said plans and specifications requested by them to gain compliance with their published guidelines.

3. Subject — Architectural Guidelines

Within six (6) months after adoption of this covenant, the Architectural Review Board shall promulgate a set of written guidelines for the purpose of allowing those considering or designing structures or additions which fall under the review requirements previously outlined, to understand those requirements and design their proposals accordingly. Such guidelines shall become effective upon approval by a majority of the Association Membership present at any duly constituted meeting as outlined in the By-Laws. From time to time the Architectural Review Board may propose changes to the guidelines for the Membership's approval as may be appropriate. Such changes must be approved by a majority vote of the Membership at a duly constituted meeting as outlined in the By-Laws. After the guidelines are initially approved, they will be available to all interested parties from the Evergreen Meadows Home-owners Association Board of Directors.

4. Subject — Completion of Construction

The exterior of all houses and other structures must be completed within six (6) months after the construction of same shall have commenced. Open storage of building materials will be permitted during construction only, for a period not to exceed six (6) months.

5. Subject — Minimum Square Footage

No dwelling shall be erected on any site in Units 8 and 9 of this subdivision unless such dwelling contains a minimum of 1500 square feet of finished floor space for ranch style or one-level dwellings. A minimum of 2000 square feet of finished floor space shall be required for multiple-level dwellings in Units 8 and 9. A minimum of 1200 square feet of finished floor space on a single floor shall be required for any type of dwelling in Units 1 through 7. Finished floor area shall be defined as the area included within the surrounding exterior walls of a building, exclusive of vent shafts, courts, unfinished attics or basement space, garages, carports, porches, decks or other areas not enclosed by the main structure's walls and roof. Any home existing on January 1, 1989, which does not meet the minimum square footage requirements may remain unaltered in perpetuity, regardless of when or where the structure was constructed, erected or instituted.

6. Subject — Garages and Utility Buildings

a) Garages

i) Residential units permitted for construction before December 31, 1978, shall be allowed to have no more than one garage, which may be separated from or attached to the main dwelling structure. If a building permit for construction of the dwelling was issued prior to January 1, 1979, a garage is not mandatory. If the owner of such residential unit desires at any time subsequent to December 31, 1978, to build a garage where none previously existed, or make an addition to the one optional garage, such garage shall comply to the provisions of Section ii) below.

ii) Residential units permitted for construction after January 1, 1979, are required to have at least a two-car family, non-business garage which may be separated from or attached to the main dwelling structure. Any residential unit affected by this provision which does not have such a garage on December 31, 1988, must comply by December 31, 1994.

b) No more than one accessory building shall be allowed on each site. Such accessory building may be an attached or detached structure whose use is subordinate to the main dwelling, the use of which is customary and incidental to that of the dwelling, and may be in addition to, but not in lieu of, the required garage outlined in Section ii) above. The accessory building shall comply to the published Guidelines of the Architectural Review Board and must comply to all Jefferson County building and zoning regulations.

7. Subject — Utility Lines

Where underground electricity and telephone service is furnished to a lot, no overhead electric, telephone or other wiring of any kind will be permitted.

8. Subject — Temporary Structures

No structure of a temporary character (trailer, basement, tent, shack, barn or other outbuilding) shall be used on any portion of the property at any time as a residence, either temporarily or permanently. This prohibition shall not apply to trailers or mobile homes occupied by visitors, which shall be permitted for a period not to exceed thirty (30) days. The prohibition shall not apply to shelters used by a contractor during the construction of the main dwelling house, it being clearly understood that such temporary shelters shall be removed within thirty (30) days of completion of construction.

9. Subject — Maintenance of Grounds

It shall be the responsibility of the owner of each lot to prevent the development of any unclean, unsightly or unkempt conditions of building or grounds which shall tend to substantially decrease the beauty of the neighborhood. Native plants and grasses may be kept in their natural, unmaintained condition. All species of thistle are considered to be exotic, non-native species.

10. Subject — Pets

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except for household pets. Household pets shall mean animals and fowl permitted in, and normally kept within the house as a custom in the community and kept for company and pleasure, such as dogs, cats or birds, providing that such creatures are not kept to supplement food supplies, or for any commercial purpose whatsoever other than the offering for sale of a litter, brood or offspring (of a household pet domiciled on the premises) that is less than six (6) months old. Beyond the boundaries of the owner's property, all dogs must be on a leash, chain or cord no more than ten (10) feet in length and accompanied by the owner, harborer or keeper. Owners of household pets shall be financially responsible and liable for any damage caused by such household pets.

11. Subject — Noxious Activities

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood and possibly detract from the residential value and quality of the properties. Operation of motorized equipment between the hours of 10 PM and 7 AM, inclusive, other than transportation equipment and snow removal equipment, shall be considered as noxious and offensive.

12. Subject — Signs

No signs of any kind shall be displayed to the public view on any part of the property, except one sign of not more than two square feet designating the owner of any site and one sign of not more than five square feet advertising the property for sale or rent. Permitted signs shall be maintained in a clean, slightly and kept condition. This covenant shall not exclude the posting of No Trespassing signs, provided that any such No Trespassing signs shall not exceed two square feet in size. Temporary signs may be placed 48 hours before an event and must be removed within 24 hours of completion of the advertised event.

13. Subject — Storage of Recreational Vehicles

Mobile homes, trailers, recreational campers, boats and carriages for boats may be parked or stored on a lot at the side or rear of the residential structure or in areas which are screened from the street unless otherwise authorized in writing by the Architectural Review Board. No vehicle shall be parked without a currently-valid license tag.

14. Subject — Un-garaged Motor Vehicles

No un-garaged motor vehicle of any type shall be permitted to remain on the property in a non-operating condition for more than 30 days in any calendar year. Any such vehicle which does not display current and valid license plates as required by state law shall be deemed to be in a non-operating condition.

15. Subject — Off-Road Vehicles

All-terrain vehicles, three-wheel vehicles, go-carts, snowmobiles, off-road motorcycles, and similar off-road vehicles shall not be permitted on any property except the site of the owner of said vehicle. This prohibition shall extend specifically to open spaces and common facilities.

16. Subject — Firearms

No firearms shall be discharged nor shall there be any hunting within Evergreen Meadows. Firearms as used herein shall be construed to mean not only rifles, pistols and cannons, but also fireworks. BB guns are permitted so long as used in a manner which retains any pellets or BBs on the owner's property.

17. Subject — Overhead Tanks

No elevated tanks of any kind shall be erected, placed, or permitted upon any site. An above-ground tank for use in connection with any residence may be permitted but must meet all applicable local, state, and federal regulations.

18. Subject — Unsanitary Conditions

No unsanitary conditions prejudicial to the public health shall be permitted on any site. No liquid waste of any description shall be drained, dumped or disposed of in anyway into open ditches or water courses. No portion of any site shall be used or maintained as a dumping ground for rubbish of any description.

20. Subject — Membership in Evergreen Meadows Homeowners Association

The owner(s) of a site now or hereafter subject to the provisions of these Protective Covenants may become a member of the Evergreen Meadows Homeowners Association (Association). The annual dues of the Association shall be determined at each annual or special meeting of the Association, in accordance with the By-Laws of the Association, and shall be voluntary. Each site shall be entitled to one vote in all matters concerning changes to these Protective Covenants.

21. Subject — Modification of Covenants

Any portion or all of these Protective Covenants may at any time be amended or rescinded by the written agreement of the owners of two-thirds of the sites hereby subjected to the same, which agreement shall become effective upon its filing in the Jefferson County Clerk and Recorder's Office.

22. Subject — Period, Amending and Renewal

All covenants and restrictions set forth herein shall run with the land and shall be binding on all parties and persons claiming under them until January 1, 1999, at which time said covenants shall be automatically extended for successive periods of ten years; unless by written agreement of a majority of the then-owners of sites affected by such covenants has been recorded, agreeing to amend or terminate said covenants in whole or in part.

23. Subject — Invalidation of Provisions

The invalidation by any court of any one or more of the provisions of these Protective Covenants shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

24. Subject — Rights and Remedies

Any violation of these provisions, conditions or restrictions contained herein shall warrant the Association to apply to any court of law or equity having jurisdiction thereof for an injunction or property relief in order to enforce same in the court. If such an action in law or equity shall become necessary, the Association shall be entitled to its court costs and reasonable attorney's fees. No delay on the part of the Association in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein. Various rights and remedies of the Association hereunder shall be cumulative and the Association may use any or all of said rights without in any way affecting the ability of the Association to use or rely upon or enforce any other right.

25. Subject — Temporary Waivers

Any site owner may petition the Board of Directors in writing and, in person to grant a temporary waiver, not to exceed six months, to any provision contained in these covenants. The Board may grant such temporary waiver, with a limit of up to six months, upon unanimous vote of the Board members present at a meeting held in accordance with the By-Laws. Such waiver may be renewed, at the discretion of the Board, upon subsequent re-application by the petitioner.

End of Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)

Evergreen Meadows HOA Declaration

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
JASON DAVIS, TREASURERSTATE OF COLORADO)
COUNTY OF JEFFERSON) SS.THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31 DAY OF DECEMBER, 2018 BY JASON DAVIS, TREASURER OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

SCOTT W PURCELL
Notary Public
State of Colorado
Notary ID 20154039410
My Commission Expires Oct 6, 2019My Commission expires 10/6/2019Notary Public [Signature]STATE OF COLORADO)
COUNTY OF JEFFERSON) SS. AFFIDAVIT OF
SUSAN A. MARINELLI AND
JASON DAVIS

Affiants, being first duly sworn, depose and state:

- (1) That Affiant Susan A. Marinelli is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as President from January 1, 2019, through December 31, 2019. That Affiant Jason Davis is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors effective January 1, 2018, through December 31, 2018 and serves as Treasurer of said Association.
- (2) That the Evergreen Meadows Homeowners Association is a Colorado non-profit corporation in good standing incorporated on June 13, 1974, pursuant to the provisions of the Colorado Non-Profit Corporation Act, and is assigned Colorado Secretary of State entity identification number 19871274096. A copy of the CERTIFICATE OF FACT OF GOOD STANDING is attached.
- (3) That attached to this Affidavit are protective covenants for Units 1 through 9, Evergreen Meadows, subdivisions located within Jefferson County, Colorado, and more completely described in the attached protective covenants, which covenants shall become effective and run with the land, and shall bind all parties and persons claiming under them from and after January 1, 2019, pursuant to the terms and conditions set forth in said protective covenants.
- (4) That the protective covenants attached hereto were adopted by the written vote of a majority of the then land owners pursuant to the terms and conditions for amendment of covenants set forth on the original protective covenants and subsequent amendments of those covenants for said units.
- (5) That the written balloting for the attached protective covenants was conducted under the direction and supervision of the Evergreen Meadows Homeowners Association Board of Directors and that said ballot forms bearing the signature of a majority of the land owners in said units are on file and available for inspection at the office of the Secretary of the Evergreen Meadows Homeowners Association.
- (6) Affiants further state that all procedures for amendment of protective covenants have been followed and a majority of the then land owners have voted in favor of the attached protective covenants which become effective from and after January 1, 2019.

Further Affiants sayeth not.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
JASON DAVIS, TREASURERSTATE OF COLORADO)
COUNTY OF JEFFERSON) SS.THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31 DAY OF DECEMBER, 2018 BY JASON DAVIS, TREASURER, OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

SCOTT W PURCELL
Notary Public
State of Colorado
Notary ID 20154039410
My Commission Expires Oct 6, 2019My Commission expires 10/6/2019Notary Public [Signature]

Evergreen Meadows HOA Declaration

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY [Signature]
~~JASON DAVIS, TREASURER~~BY Susan A. Marinelli
SUSAN A. MARINELLI, PRESIDENTSTATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF December, 2018 BY SUSAN A. MARINELLI, PRESIDENT, ~~AND JASON DAVIS, TREASURER~~ OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

ANGIE L STEVENS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184021493
MY COMMISSION EXPIRES 05/21/2022My Commission expires 5-21-22
Angie L. Stevens
Notary PublicSTATE OF COLORADO)
) SS. AFFIDAVIT OF
COUNTY OF JEFFERSON) SUSAN A. MARINELLI, ~~AND~~
~~JASON DAVIS~~

Affiants, being first duly sworn, depose and state:

- (1) That Affiant Susan A. Marinelli is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as President of said Association from January 1, 2018, through December 31, 2018. ~~That Affiant Susan A. Marinelli is a duly elected member of the Evergreen Meadows Homeowners Association's Board of Directors, serving as President of said Association from January 1, 2018, through December 31, 2018, and as the Treasurer of said Association.~~
- (2) That the Evergreen Meadows Homeowners Association is a Colorado non-profit corporation in good standing incorporated on June 13, 1974, pursuant to the provisions of the Colorado Non-Profit Corporation Act, and is assigned Colorado Secretary of State entity identification number 19871274096. A copy of the CERTIFICATE OF FACT OF GOOD STANDING is attached.
- (3) That attached to this Affidavit are protective covenants for Units 1 through 9, Evergreen Meadows, subdivisions located within Jefferson County, Colorado, and more completely described in the attached protective covenants, which covenants shall become effective and run with the land, and shall bind all parties and persons claiming under them from and after January 1, 2019, pursuant to the terms and conditions set forth in said protective covenants.
- (4) That the protective covenants attached hereto were adopted by the written vote of a majority of the then land owners pursuant to the terms and conditions for amendment of covenants set forth on the original protective covenants and subsequent amendments of those covenants for said units.
- (5) That the written balloting for the attached protective covenants was conducted under the direction and supervision of the Evergreen Meadows Homeowners Association Board of Directors and that said ballot forms bearing the signature of a majority of the land owners in said units are on file and available for inspection at the office of the Secretary of the Evergreen Meadows Homeowners Association.
- (6) Affiants further state that all procedures for amendment of protective covenants have been followed and a majority of the then land owners have voted in favor of the attached protective covenants which become effective from and after January 1, 2019.

Further Affiants sayeth not.

WITNESS:

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION
(A Colorado Non-Profit Corporation)BY Susan A. Marinelli
SUSAN A. MARINELLI, PRESIDENTSTATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF December, 2018 BY SUSAN A. MARINELLI, PRESIDENT, ~~AND JASON DAVIS, TREASURER~~ OF EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION, a Colorado Non-Profit Corporation.

WITNESS my hand and official seal.

ANGIE L STEVENS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184021493
MY COMMISSION EXPIRES 05/21/2022My Commission expires 5-21-22
Angie L. Stevens
Notary Public

Addendum for filing of Evergreen Meadows Units 1-9 Declaration

OFFICE OF THE SECRETARY OF STATE OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

EVERGREEN MEADOWS HOMEOWNERS ASSOCIATION

is a

Nonprofit Corporation

formed or registered on 06/13/1974 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871274096 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/27/2018 that have been posted, and by documents delivered to this office electronically through 12/30/2018 @ 12:53:22 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 12/30/2018 @ 12:53:22 in accordance with applicable law. This certificate is assigned Confirmation Number 11300214 .



A handwritten signature in cursive script, reading "Wayne W. Williams".

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

January 24, 2022

Via Email: cbyers@co.jefferson.co.us

Jefferson County Board of Adjustment
Attention: Claire Byers, Planner
Jefferson County Planning & Zoning

Re: Case No. 21-133406VC
Request for Special Exception by Owner of 28024 War Admiral Trail
To Permit Short-Term Rental

Dear Board of Adjustment,

We write to voice our objection to the application for Special Exception filed by the owner of the real property located at 28024 War Admiral Trail, Evergreen, Colorado ("Subject Property") to allow the use of the Subject Property as a "short-term rental". We own and reside on the real property located at 28053 War Admiral Trail which is adjacent to and across the street from the Subject Property.

The Subject Property is located in Evergreen Meadows and is subject to the covenants and restrictions enacted by the Evergreen Meadows Homeowners Association ("EMHOA"). A copy of the EMHOA's most recent Declaration of Protective Covenants and Restrictions dated December 30, 2018 is attached ("EMHOA Declaration").

The residents of Evergreen Meadows purchased their residence because they desired to be bound by the covenants and restrictions of the EMHOA which establish common neighborhood values and amenities consistent with single family residential dwellings. Central to the covenants and restrictions is the concept of "residential use" listed in section 1 of the EMHOA Declaration. The section states the covenant that "(A)ll sites are to be used for residential purposes with only one single-family dwelling permitted on any site". The section further unambiguously defines "family" as meaning "...persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than (4) unrelated persons".

The owner of the subject property states in paragraph two of her letter to the Board of Adjustment dated January 17, 2022 that she doesn't "...want to sell my home in

Evergreen because it is still our primary home". The use of the Subject Property as a "short-term rental" violates the EMHOA's covenant that the property be utilized only as a "single-family dwelling" as the proposed short-term renters clearly do not meet the unambiguous definition of "family" as they are not related to either the owner of the Subject Property or other short-term renters by blood, marriage, or adoption and do not otherwise qualify as "family" under the section's definition. A covenant is to be enforced as written when it is clear on its face. *Good v. Bear Canyon Ranch Ass'n.*, 160 P3d 251 (Colo. App. 2007).

In addition to the proposed use being in violation of the covenants of the EMHOA, the impact of the use of the Subject Property as a "short-term rental" would negatively impact the residents of Evergreen Meadows in many ways.

We have owned and resided in our home in Evergreen Meadows for over 30 years. The character of the community as a quiet, peaceful, and clean residential neighborhood has remained the same throughout that time. Neighbors respect each other by ensuring that evenings are quiet. We can sit on our deck in the evening for hours with only the sounds of nature to hear. Renters of the Subject Property would have little or no incentive to adhere to the neighborhood's quiet character as they would be vacationing, partying, and otherwise trying to have "a good time".

Although the owner of the Subject Property has submitted proposed "House Rules" that purport to disallow "parties" and provide for "curfew hours" everyone knows that vacation rentals are notorious for noise, trash, and safety concerns. The owner's stated willingness to travel 35 minutes in the middle of the night to enforce her "rules" is questionable and more importantly, will not undo the harm caused to neighbors who will have to take action in the middle of the night to address the violation of their peace and quiet, exposing themselves to the risk of harm.

We are also greatly concerned about the increased fire hazards use of the Subject Property as a short-term rental would create. The owner of the Subject Property acknowledges that living in the foothills of Colorado requires hyper vigilance to ensure a catastrophic fire is not started. Foothill residents know a single negligent act can have devastating consequences and we have trained ourselves to use an abundance of care. The same cannot be said for individuals who do not reside in

the foothills and likely may not reside in Colorado. Caution is often the last thing on the mind of someone on vacation and the owner's "House Rules" again provide little assurance to those of us who know the nature of vacation rentals.

There are also no means to ensure that the renters of the Subject Property would limit the number of individuals invited to the property which further negatively impacts traffic, trash, health and safety in the neighborhood. The owner of the Subject Property has not explained how her "Ring System" cannot be evaded to ensure that no more than eight people are present at the property. Even if the system is capable of doing so the neighbors will be required to ask law enforcement to intervene if renters abuse the peace and quiet of the neighborhood. Our law enforcement has more important work to do in protecting the safety of the community than to respond to offensive conduct of vacationers. No neighbor, and especially those of us who are senior citizens, should be placed in a potentially dangerous situation to enforce our peace and quiet which we thought we ensured in the first place by agreeing to purchase a residence in a covenant controlled neighborhood.

In the thirty years we have lived in Evergreen Meadows we can count on one hand the number of neighbors who have rented a residence here and those who have were long term renters. Short-term rentals do not and never have existed and are not in conformity with the neighborhood's character. Granting the application for special exception to utilize the Subject Property as a short-term rental will render meaningless the EMHOA's covenants and establish a precedent allowing other owners the same use. The neighborhood will be changed forever in a negative fashion.

The owner of the Subject Property states that in the past she has rented the property on a long-term basis. The neighbors did not object to this use as the covenants of the EMHOA allow for long term rentals of 6 months or more and an individual wishing to rent for an extended period of time obviously has more incentive to respect and enjoy the benefits of the character of the neighborhood than a short-term renter would. The owner however apparently does not wish to rent the property on a long-term basis anymore as she wishes to continue to reside on the property and experience the benefits of the neighborhood when she wishes to. It is ironic that her proposed use of the Subject Property as a short-term rental would

Re: Case No. 21-133406VC
January 24, 2022
Page 4

result in her being the only neighbor whose peace, quiet, and safety would not be impacted.

We cannot attend the public hearing because of work commitments and an annual physical that was previously scheduled. If there are questions or concerns we can address please notify us and we will respond by email prior to the hearing. Please deny the application for special exception. Thank you.

Sincerely,

Handwritten signature of Diane T. Lee and Stephen M. Lee in blue ink.

Diane T. and Stephen M. Lee
28053 War Admiral Trail
(303) 282-4122
sdlee@q.com

cc: Arden Lindsey Adlindsey43@gmail.com w/o encl.
Ann English ann.english@evergreenrealestate.org w/o encl.

From: [Roger Van Teyens](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Special exception to allow short term rental
Date: Monday, January 24, 2022 3:25:40 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers,

We are strongly opposed to the application for a special exception to allow a short term rental at 28024 War Admiral Trail, Evergreen. This is a residential property and short term rentals are against the Evergreen Meadows homeowners association covenants. The property backs up to a meadow that is used as a breeding area for a herd of 70 to 80 elk. There is also a breeding pair of red tailed hawks that nest across the meadow from this property. We are concerned that this property may not meet defensible space requirements and that renters will not be aware of fire restrictions. Because of the acoustics in the meadow we can hear the present homeowner's children when they are outside. Evergreen is not a resort area so we are concerned that this will be primarily rented as a party house.

Thank you for your consideration.

Roger and Anne Van Teyens
27658 Whirlaway Trail

Sent from my iPad

Dear Sir or Madam

We are opposed to the request for a short term rental proposal located at 28024 War Admiral Trail, Evergreen Colorado. A short term rental is in violation of the Evergreen Meadows HOA rules and regulations. There is concern of the increase of traffic in the neighborhood, excessive noise and compromising the character of our neighborhood. However, the greatest concern is increased fire risk due to the short term tenant not aware of the current fire restrictions in place and how vulnerable our mountain community is to fire. We are also concerned if this is approved it will open the door for multiple requests to follow. This is a single family home neighborhood. That is why we purchased in this mountain community and chose to live here over twenty years ago. For these reasons we strongly urge the request to be denied.

Sincerely,

Joe and Ann Kechter
jaam6878@aol.com

From: [Ann English](#)
To: [Claire Byers](#)
Subject: --(EXTERNAL)-- Re: Jefferson County, Colorado Board of Adjustment Case No. 21-133406VC - 28024 War Admiral Trail Evergreen Meadows
Date: Monday, January 31, 2022 2:36:18 PM
Attachments: [page1image1190944832.png](#)
[page1image1190945440.png](#)
[page1image1190949376.png](#)
[page1image1190948144.png](#)
[page1image1190984848.png](#)
[page1image1190985264.png](#)
[page1image1190987952.png](#)
[page1image1190988560.png](#)
[page1image1190990096.png](#)
[page1image1190992496.png](#)
[page1image1190993632.png](#)
[page1image1190991264.png](#)

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The HOA recently emailed you a copy of a letter sent to the homeowner letting her know that any type of short term rentals, is not allowed in Evergreen Meadows or the running of such a business is also not allowed, per the Covenants.

This is Evergreen Meadows HOA's Response:

Evergreen Meadows subdivision is zoned SR2 and according to SR2 zoning permitted uses, see attached, it states single family dwelling. There is nothing in the permitted uses for any type of short term rentals. If Jeffco wants to allow short term rentals, then it needs to designate certain areas or create new subdivisions to allow this. Short term rentals are **NOT** single family residential use, they are in fact, a business. Jefferson County is infringing on the people's Colorado constitutional right to "quiet enjoyment" of their property.

What makes Evergreen Meadows such a desirable area with good property values, is the fact that it remains, a single family residence, with only homeowners who are neighbors to each other and does not allow any type of short term rentals to destroy the ambiance of the area. We are extremely disappointed that Jeffco is trying to destroy our beautiful subdivision by wanting to allow these any type of short term rentals, AIRBNBs, VRBOs, etc. By Jeffco allowing this type of use in Evergreen Meadows, you would absolutely destroy the property values of 480 homeowners in this subdivision. We would no longer be a desirable, **quiet subdivision**, but rather we would become a transient area of people coming and going at all times of the day or night. Jeffco will have destroyed the meaning of quiet, residential neighborhood.

We are a community of 480 homes and if each household were to request to become short term rentals, then the amount of cars and traffic would be astronomical. It would be a nightmare and destroy the property values of the neighborhood.

You know that this is considered a business because you are taxing them and requiring them to get permits as a business. Why should anyone abide by any zoning regulations, when you yourselves are violating them. The people of Evergreen Meadows do not want any type or form of short term rentals.

Again, short term rentals of any kind, including VRBOs and AIRBNBs are considered a business and are **NOT** allowed per Evergreen Meadows Covenants. Evergreen Meadows HOA would like the county to follow the current zoning permitted uses for SR2 zoning by **not** allowing any type or form of short term rentals.

See Covenants Below.

Ann English, President Evergreen Meadows HOA
ann.english@evergreenrealestate.org
Phone: 303-981-8735

Covenants

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:

i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;

ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;

iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;

iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;

v) In no way shall the general public be invited or solicited upon the premises;

vi) Instruction of students shall be limited to one pupil at any one time.

b) It is the express intent of the homeowners and residents of Evergreen Meadows that the concept of single-family residential use shall apply to both the use of the land as well as the type of structures constructed thereon.

Section 32 - Suburban Residential District

(orig. 3-26-13)

- The Suburban Residential Districts are intended to provide for low density suburban residential development in any terrain where certain agricultural uses are compatible with residential development. (orig.3-26-13)
- Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific suburban residential zone district. (orig.3-26- 13)
- The Suburban Residential Zone Districts are divided as follows:
 - Suburban Residential-One (SR-1)
 - Suburban Residential-Two (SR-2)
 - Suburban Residential-Five (SR-5)

B. Permitted Uses (orig. 3-26-13)

Use	SR-1	SR-2	SR-5
Single-Family Dwelling	X	X	X
Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home or group home for the aged or developmentally disabled persons.	X	X	X
Public park, Class I public recreation facilities.	X	X	X

Water supply reservoir and irrigation canal	X	X	X
Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.	X	X	X
Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.	X	X	X

on Jan 24, 2022, at 2:27 PM, Claire Byers <cbyers@co.jefferson.co.us> wrote:

Hello,

Thank you for your comments. The relevant documents have been updated to include them.

Thanks,

Claire Byers

Jefferson County Planning and Zoning
Planner
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419
o. 303-271-8700
cbyers@jeffco.us | planning.jeffco.us

Due to staffing shortages, Planning and Zoning can no longer accommodate customers without an appointment. We are now open by appointment only (both virtual and in-person). We will resume serving customers without an appointment once new staff are hired. For the convenience and safety of the public and our staff, virtual appointments are encouraged. Many staff are still working remotely to provide online and virtual services Monday through Thursday. County offices are closed on Fridays. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

From: Steve Lee <slee@dillanddill.com>

Sent: Monday, January 24, 2022 1:33 PM

To: Claire Byers <cbyers@co.jefferson.co.us>

Cc: Adlindsey43@gmail.com; Ann English <ann.english@evergreenrealestate.org>

Subject: --[EXTERNAL]-- Jefferson County, Colorado Board of Adjustment Case No. 21-133406VC - 28024 War Admiral Trail Evergreen Meadows

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Byers:

Attached is our correspondence regarding the above referenced case that is scheduled to be heard by the Jefferson County Board of Adjustment on March 2, 2022. As referenced in our correspondence, I have also attached a copy of the *Declaration of Protective Covenants and Restrictions for Evergreen Meadows – Units 1 through 9* dated December 31, 2018.

Please include our correspondence and the Evergreen Meadows HOA covenants and restrictions in your “case file/ staff report” to be provided to the Board of Adjustment.

Please confirm your receipt of this email and thank you.

Stephen M. Lee, Esq.
Dill Dill Carr Stonbraker & Hutchings
455 Sherman Street, Suite 300
Denver, CO 80203
303-282-4122
303-777-3823 fax
slee@dillanddill.com

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Ms Byers,

I just noticed the variance proposal sign in front of 28024 War Admiral and am hoping it's not too late to send this email. I also want to say I never have participated in any of the public hearings for property variances and am not sure if my comments will be kept anonymous or not but it is my wish that my name is not used please.

My concern with the request for approval for short term rental at this address is that property values in this neighborhood are already extremely high and it feels like young, diverse families such as mine are being priced out of living in this wonderful community that is close to good schools, walkable, friendly, and is family-friendly. If investors/landlords are able to purchase homes here just to rent out as VRBO or short term rentals, it will be even harder for people to compete in the already overly competitive market and regular local individuals and families will increasingly not be able to live in Evergreen Meadows.

Thank you!

From: [Nancy Lerner](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Short term rentals in Evergreen Meadows
Date: Wednesday, January 26, 2022 11:09:09 PM

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I have been an owner of my home in the Meadows for 35 years. I absolutely am against the proposal for short term rentals in this quiet neighborhood.
Nancy & Ken Lerner

From: [Dennis Markusson](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- 21-133406VC - War Admiral Trail Evergreen Meadows
Date: Thursday, January 27, 2022 2:02:07 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Byers:

I am writing to record my objection to the pending request listed above for an exception to allow short term rental at the War Admiral property. Per our earlier phone conversation please add this email to the official record for the hearing. My wife Nanci Markusson joins in this objection. We have lived in Evergreen Meadows since 1796. Our objections are threefold:

1. Evergreen Meadows is and has been a single family residential community. The short term rental exception which has been used to pave the way for uses such as airb&b is inconsistent with our neighborhoods. We are aware of some of the uses and abuses that have occurred in airb&b facilities in the Denver area, such as rentals for weekend parties. The property opens to open space thus any disturbances would impact many properties abutting the open space.
2. Substantively, there is the matter of precedent. The entire Evergreen Meadows subdivision is single family residential. Accordingly, were the requested special exception be granted for the subject property the Commission would have little or no grounds to deny similar requests. Once the door is open it would be difficult to go back or prevail against a legal challenge.
3. The covenants for Evergreen Meadows which run with the land prohibit the relief requested and limit use to single family residential. In the event the pending request were granted permission of the Homeowners Assoc would be required. I have been in contact with the President of the Association, Ann English, and am advised that the Association is aware of this request and has gone on record with you of its opposition. Thus, if the Association is not going to permit the requested exception the granting of the same by the County would be a rather futile act. Apparently, the property owner is of the mistaken belief that since she is not a member of the Association the covenants do not apply to her, she is wrong.

For the reasons stated we urge the Commission to deny the request for a Special Exception.

Dennis Markusson
7544 Native Dancer Trail

From: [Randy Coppage](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Special Exception: Short Term Rental
Date: Tuesday, January 25, 2022 4:48:11 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Case Type: Variance – BOA
Case Number: 21-133406VC
Where: 28024 War Admiral Trl

Ms. Byers:

We am writing to you to voice our opposition to this variance within our neighborhood. As a long-time resident of Evergreen Meadows (since Nov. 13, 1992), our neighborhood is noted for low traffic and noise. As a former RE Broker, this neighborhood would be classified as a “Buy-n-Die” neighborhood... one where you bought the house in which you raised your children, the children move out and on with their lives, and as seniors, the owner-occupant(s) die while still owning the preferable property. As RE prices have increased and seniors depart their homes in our neighborhood, younger families are starting to move into Evergreen Meadows thus restarting the longevity cycle of which Evergreen Meadows represents.

Arden’s house (28024 War Admiral Trl) is diagonally across from our house (27668 Whirlaway Trl) via the common meadow which constitute our “back yards”. Your decision on the Variance request will directly (and negatively) impact my current peaceful environment. Evergreen is not known as an “end-resort destination” especially as regards our neighborhood. The rental issues we are mainly concerned with are:

- Increased noise – Arden’s house has a large deck off the back of the house which overlooks the shared meadow. There is no noise abatement available from the deck (surrounding trees, etc.). The music, loud partying will flood through all the properties backing up to the meadow of which our home is but one of those properties. Arden has hosted multiple parties for her HS-aged children over the years... requests to tone the action down after 10 PM were ignored. If the Variance is approved, complaints of loud parties emanating from her deck/property via renters will now be directed/handled by Jeffco Sheriff’s Dept.
- Increased traffic – NIMBY... yes. This is our neighborhood, we don’t want more unnecessary traffic trolling our community streets.
- Adherence by “renters” to county trash, wildlife, and fire regulations. VRBO and Airbnb have regulations on trash... but who is going to ensure that trash from the renter(s) doesn’t impact the meadow or neighboring properties. The renter will leave after their “special weekend” oblivious to any breach of VRBO regulations regarding how they’ve left the home or property. They pay a “cleaning fee” as part of the contract so let the cleaning contractor pick up the mess. This is a worst case scenario but we both know it will happen at some point. WILDLIFE: Arden’s house backs up to the meadow which is frequented by

a herd of some 200 elk during the rut, smaller herds of deer, some coyotes, foxes, bears, mountain lions and pairs of nesting red-tailed hawks. Will pets be allowed on the rental property? Will the renters' pets chase after the wildlife (this is a dog-leash community except on your own property) pursuant to CO Parks & Wildlife regulations? And who's going to monitor this... again, more complaints to the Jeffco Sheriff's Dept. And finally FIRE: wood burning fire pits, cigarette butts thrown off the deck, charcoal BBQ's, etc. People who rent Arden's house will not be locals... renting a house on two acres for a "flat lander" is paradise to raise hell as desired compared to apartment dwelling or a typical suburban home lot. Most people from Denver believe Evergreen is exempt from wood fire burning restrictions. One mistake in judgement could result in the demise of our neighborhood, aka, the Marshall fire last month.

We are therefore requesting you deny Arden's request to allow Short Term rentals at her house on War Admiral Trl... we fear it will unleash Pandora's Box for a litany of problems of homeowners vs. partying hordes so Arden can financially profit from short-term rentals vs. renting her home to a family longer term. In a short term rental situation, Arden will sit back to collect her rentals fees, renting long term forces Arden to become a landlord (or hire a property management firm) and remain committed to our neighborhood. Arden moved out of the neighborhood months ago, We request that you help our neighborhood remain intact by denying this request for a ST Rental variance. Thank you.

Your consideration in this matter would be greatly appreciated.

Good health,

Randy & Vicki Coppage
27668 Whirlaway Trl – Evergreen Meadows
Home: 303-670-3281

From: [Jerry Mogab](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Objection to variance request Case #21-133406VC
Date: Thursday, January 27, 2022 12:34:30 PM

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We are the owners and residents of 27677 Whirlaway Trail. We are concerned that permitting short term rentals in violation of our Evergree Meadows Homeowners Association Covenants and Restrictions would set a precedent for others possibly leading to a change in the character of our neighborhood. Please register our strenuous opposition to this variance request.

Thank you,
Gerard & Gail Mogab

From: [FN Sortwell](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Variation
Date: Wednesday, January 26, 2022 9:13:17 AM
Attachments: [Jeffco.pdf](#)

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I strongly oppose this variation.

F.N. Sortwell 27638 Whirlawau Trail

Evergreen, CO
80439

From: [Jeri](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Short term rental variance 28024 War Admiral Tr
Date: Wednesday, January 26, 2022 6:55:51 AM

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To whom

As a homeowner in Evergreen Meadows I am concerned about having the owner of 28024 War Admiral Tr have a short term rental variance in an established neighborhood. Our HOA does not allow short term rentals and to approve this variance would be contrary to the values we hold dear as homeowners. Not to mention unwanted traffic and potential noise and safety issues.

Please do not approve this variance

Thank you

Jerri Herskovits

7755 Swaps Tr

Evergreen Co

Evergreen Meadows Subdivision

Sent from my iPhone

From: [Hayden Strickland](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Written Comments - 21-133406VC
Date: Tuesday, February 8, 2022 10:22:59 AM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept my written comments in Case No. 21-133406VC for a Variance - BOA at 28024 War Admiral Trl, Evergreen CO, 80439

I support the approval of this request. After reviewing the applicants public documents it appears considerable effort has been made to comply with all of the Jeffco requirements, and the Applicant has posted rules that do not allow fires or outdoor grilling using charcoal. As a homeowner in Evergreen Meadows, I appreciate the ability to have lodging options nearby, and appreciate the care in preventing fires. I also noticed that the neighbor's phone number was listed, which I appreciate.

Thanks in advance.

Hayden Strickland

From: [Tamsin Biondi](#)
To: [Claire Byers](#)
Subject: --{EXTERNAL}-- Case Type: Variance - BOA Case Number: 21-133406VC
Date: Monday, February 7, 2022 8:32:57 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Claire:

I would like to express my objection to the proposed short term rental as referenced in case #21-133406VC.

If this is allowed to move forward it would set a precedent for the entire neighborhood. The unknowns as to who may be renting any home, either next door or down the street, open up the potential for undesirable behavior to occur in our community.

This could range from a renter being a criminal to a person who is uneducated in the potential actions that could lead to a catastrophic fire that could wipe out the neighborhood. Yes these are extreme and yet possible.

As a home owner I feel the benefit of one home owner does not outweigh the risks to the balance of the neighborhood.

Thank you for your time

From: [Gary Justus](#)
To: [Claire Byers](#)
Cc: [Gary Justus](#)
Subject: --{EXTERNAL}-- Case Number 21-133406VC Comment
Date: Wednesday, January 26, 2022 3:01:13 PM

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Reference:

Case Number 21-133406VC Comment
Case Type: Variance-BOA
Where: 28024 war Admiral TRL
Case Manager: Claire Byers
Purpose: A Special Exception to allow a Short Term Rental

Dear Ms. Byers and Board of Adjustment:

I support the granting of this variance. I live nearby (0.6 miles) on the west side of the Evergreen Meadows subdivision. I am a past president (2019) and long time board member and officer (2008-2019) of the Evergreen Meadows Homeowners Association, Units 1-9, which includes nearly 500 homes and which administers the **Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9** which covers this property.

I have read the relevant online documents supporting this application. I find them complete and in line with the terms of the Declaration. The Declaration does specifically permit use of a residential dwelling for profit, provided it meets certain conditions, which are listed below. The text below is taken directly from the existing Declaration, which is on file with the Jeffco Clerk and Recorder. In my personal opinion and based upon my extensive experience with EMHA, I find the proposed use would not violate the Declaration. I might add that there are at least two other existing short term rentals located in the subdivision and these have not been challenged by the HOA under the terms of the Declaration.

I commend the applicants for choosing to utilize the proper approval processes and for planning to follow all county and State of Colorado rules and laws in the operation of their business. I recommend your approval of this application.

Sincerely,

Gary R. Justus, writing on behalf of myself
Past President, Evergreen Meadows Homeowners Association
8297 Centaur Drive
Evergreen, CO 80439
garyrjustus@q.com
303-674-3159 home

A valuable link for understanding the limited ability of a Colorado HOA to restrict short term rentals is available at <https://altitude.law/resources/newsletter/have-your-eyes-wide-open->

[when-adopting-a-ban-on-short-term-rentals/](#) .

Declaration of Protective Covenants and Restrictions for Evergreen Meadows, Units 1-9 (*emphasis added in bold*)

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions for "single-family dwelling" shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes.

- a) A use conducted for profit within in a residential dwelling unit is permitted, provided, however, that it meets the following conditions:
- i) The full-time residents of the dwelling unit shall be the only persons engaged in the activity which takes place on the site;
 - ii) The activity is carried on only within the structures on the site and is, therefore, clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof;
 - iii) The storage of materials to be used in the activity shall be inside either the dwelling unit or a permitted accessory building;
 - iv) There shall be no external evidence which, in any way, shall advertise the performance of the activity;
 - v) In no way shall the general public be invited or solicited upon the premises;
 - vi) Instruction of students shall be limited to one pupil at any one time.

CASE SUMMARY
Regular Agenda

BOA Hearing Date: February 16, 2022 (Continued from February 2, 2022)

21-133406VC Special Exception

Owner/Applicant: Arden D. Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 South, Range 71 West

Approximate Area: 2.00 Acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **To allow a Short-Term Rental.**

Case Manager: Claire Byers

Issues:

- None

Recommendations:

- **Staff:** Recommends Approval subject to conditions

Interested Parties:

- None

Level of Community Interest: High

Case Manager Information: Phone: 303-271-8719 e-mail: cbyers@jeffco.us

Staff Report

BOA Hearing Date: February 16, 2022 (Continued from February 2, 2022)

21-133406 VC Special Exception

Owner/Applicant: Arden D Lindsey

Location: 28024 War Admiral Trail, Evergreen
Section 34, Township 5 North, Range 71 East

Approximate Area: 2.0 acres

Zoning: Suburban Residential-Two (SR-2)

Purpose: **To allow a Short-Term Rental.**

Case Manager: Claire Byers

Previous Actions: N/A

Surrounding Zoning: North: Suburban Residential-Two (SR-2)
South: Suburban Residential-Two (SR-2)
East: Suburban Residential-Two (SR-2)
West: Suburban Residential-Two (SR-2)

Existing Use: Residential

Existing Structures: Single-Family Home

Services: Evergreen Fire District
Individual Well and Septic

BACKGROUND/DISCUSSION:

The applicant is requesting to use their residence at 28024 War Admiral Trail as a Short-Term Rental (STR). The residence is a four-bedroom home on a 2.0-acre parcel. The applicant resides here part of the year, and also has a home in Denver, Colorado. The property and residence meet all requirements of the Special Exception to allow a STR.

SITE CHARACTERISTICS AND IMPACTS:

The property is located west of County Highway 73. The property takes access from War Admiral Trail, a public County-maintained Road. The only structure on the property is the single-family dwelling.

ZONING REQUIREMENTS AND ANALYSIS:

Section 11.B.2.e of the Jefferson County Zoning Resolution provides criteria for the Board of Adjustment to review for a Special Exception. With respect to a short-term rental of a single-family dwelling the following criteria are analyzed:

- (1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1,

SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district.

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to:

(a-1) Traffic impacts, volume of trips, safety and access;

The applicant states that the Short-Term Rental will produce negligible, if any, additional traffic for the area. The property has a 2-car garage, and additional room for three vehicles along the circular drive on the pavement. All five parking spaces allow independent egress in the event of emergency. Per house rules, parking on the street would be prohibited.

(a-2) Fire hazards;

The property is served by the Evergreen Fire Protection District. The subject property is within the Wildfire Hazard Overlay District. The applicant has completed a Defensible Space permit in September of 2021, which is a requirement prior to issuing a Short-Term Rental Permit if the Special Exception is approved. The Zoning Resolution prohibits Short Term Rentals from having outdoor fires using wood or charcoal as fuel. The applicant has provided House Rules that include prohibiting open flames of any kind at all times of year due to the extreme risk of forest fire and personal safety. The House Rules also state that smoking and fireworks are not allowed.

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties;

No negative visual impacts will be created by the approval of this application. The single-family dwelling is the only structure that will be used as a Short-Term Rental, and no additions to the dwelling are proposed.

(a-4) Noise;

The Short-Term Rental use must comply with adopted County and State noise ordinances. The Jefferson County Sheriff's Office enforces these ordinances.

(a-5) Drainage, erosion and flood hazards;

There is not a FEMA Floodplain on the property therefore the proposed Short-Term Rental would not increase the deleterious effects of flood hazards, drainage, or erosion on the property.

(a-6) Community character;

The home was originally built in 2003. Allowing this residential property to become a Short-Term Rental would not affect community character, as it will remain residential.

(a-7) Adequate water and sewage disposal availability;

The property is served by an individual well and septic system. The septic system is rated for four bedrooms, which would allow for 8 total overnight occupants, including the homeowner if present, per Public Health guidelines.

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area;

The single-family dwelling to be used as the Short-Term Rental meets all lot and building standards of the underlying zone district. The property also provides adequate parking for the home's use as a Short-Term Rental and single-family residence to ensure that all vehicles will be parked on site.

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and

The structure in which the Short-Term Rental would be conducted is residential in nature which is compatible with the surrounding residential uses.

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area.

Staff finds that the use of a Short-Term Rental would not create negative effects on the health, safety, or welfare of the residents in the surrounding area, since it would have similar impacts as a single-family residential property.

(2) Limitations upon Short-term Rental Special Exception Applications

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to:

(a-1) A minimum lot size of one acre.

The subject property is 2.0 Acres.

(a-2) Building standards of the underlying zone district.

The structure meets the lot and building standards of the SR-2 zone district.

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking space, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion.

The property intended for short-term rental has four bedrooms. This would require five parking spaces. There is a two-car garage on site and adequate parking is provided in the driveway which currently has a wide, paved area to supply the five required spaces.

(c) The property owner shall comply with any defensible space requirements as set forth in the Wildfire Hazard Overlay District.

The subject property is within the Wildfire Hazard Overlay District. A Defensible Space Permit has already been completed by the applicant.

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property.

The property is served by an individual well and septic system. The Well Permit number, as provided by Colorado Division of Water Resources, is 225698; this is a Residential Well, for household use only and is adequate for a Short-Term Rental.

The On-Site Wastewater Permit number is 14-104579 OW; it is rated for 4 bedrooms. Per the guidance provided by Public Health, the septic system rated for 4 bedrooms has an occupancy limit of 8 persons.

(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Roadway Design and Construction manual.

The Short-Term Rental takes access from War Admiral Trail, a County-maintained right-of-way road.

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental.

The structure on the property to be rented is a single-family dwelling, and the property does not have an Accessory Dwelling Unit.

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling.

There are no active violations on the property at the time of this report.

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

Staff finds that the approval of this Special Exception will not harm the intent of the Zoning

Resolution, as the use is substantially similar to the residential uses already permitted on the property.

(3) Such Special Exception, if granted, will be valid for a period of six months from the date of the approval of the short-term rental Special Exception request and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use is in compliance with the intent and purpose for which the Special Exception was granted.

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-Term Rental Permit including documentation that all requirements and conditions of the Special Exception granted pursuant to this section have been fulfilled.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the public local street) and to the Registered Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception request, was provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are:

- Evergreen Meadows HOA
- Conifer and South Evergreen Community Committee
- Jefferson County Horse Council
- PLAN Jeffco
- Berrien Ranch Umbrella Group for Evergreen South

During the processing of the application, Staff received thirteen public comments in opposition and two public comments in support related to this request. The primary concerns of the comments in opposition include HOA covenants, fire risk, neighborhood character, traffic, noise, and nearby animal mating. Some of these concerns are outside of the scope of the Zoning Resolution regulations for a short-term rental and the County does not enforce HOA covenants.

The full comments are included in the case packet.

ANALYSIS:

Staff has evaluated this request based on the requirements for the approval of a Special Exception request for a Short-Term Rental as listed in Section 11.B.2.e. of the Jefferson County Zoning Resolution. Staff finds that the applicant has met the requirements necessary to allow this request.

STAFF FINDINGS:

1. Staff finds that the applicant meets all of the requirements under Section 11.B.2.e of the Jefferson County Zoning Resolution regarding Short-Term Rentals.
2. Staff recommends APPROVAL of Case No. 21-133406 VC, subject to the following conditions:
 - a. A Short-Term Rental Permit shall be obtained from Jefferson County Planning & Zoning prior to any rental of the property; and

- b. This approval is granted for six months from the date of approval, or until August 02, 2022, and it shall be the responsibility of the applicant to apply for a renewal of this Special Exception within that timeframe; and
- c. The Short-Term Rental must be limited to no more than eight persons, or seven persons if the applicant is present at the home, based on the limitations of the On-Site Wastewater System

COMMENTS PREPARED BY:

Claire Byers
Claire Byers, Planner