



Land Use Department

Courthouse Annex

2045 13th Street ♦ 13th & Spruce Streets ♦ Boulder, Colorado 80302 ♦ (303) 441-3930
<http://www.bouldercounty.us/lu/>

October 24, 2006

Ed Byrne
(e-mail)

Gregory & Deborah Ching
18 Meadowland Court
Nederland, CO 80466

RE: ZON-06-075

Dear Mr. & Ms. Ching:

The purpose of this letter is to explain as clearly as possible my interpretation of the Boulder County Land Use code and to explain why your uses are violations of that code.

First, the Aquatic Center and Watsu massage. This use is housed in the pool and pool house areas of the residence. The Land Use Code clearly states that a home occupation may “not exceed one-half the total floor area of the dwelling including activities carried out in an accessory structure.” The use occupies an area significantly larger than 50% of the residential area. For this use to come into compliance you would have to significantly reduce the space which would be impossible, or to significantly enlarge the residential area.

In addition, the use is clearly not subordinate to the residential use of the property, it is a use which occurs almost everyday and has regular traffic coming and going although it appears that this use, by itself, does not exceed the traffic limitations of the home occupation.

If there weren't the other problems with the Aquatic Center, the employment of teachers, practitioners or other employees would be permissible provided not more than one were employed, on the premises, at a time.

Second, the house concerts. There are several issues with this use. The definition of home occupation in the Land Use Code states that it is an “accessory use consisting of a vocational activity...” The definition of vocation is someone’s work, job, or profession. The definition goes on to say the home occupation is used only by the individuals who reside therein. Concerts are not related to the vocation of either of you, they are instead entertainment. Therefore, the regulations do not allow this sort of use of the home under the home occupation use.

In addition, home occupations must be fully contained within the residence or accessory structures. The attendees have sometimes been outside the home. The other major issue is the traffic. The home occupation use is limited to 16 trips per day with no more than 30 trips in a 24 hours period. We understand you have made efforts to ensure that you don't exceed those thresholds, so this is just mentioned here as a concern.

Hopefully this letter has clearly stated what the violations consist of. With this letter we are requiring you to cease both of these uses immediately.

This also serves as a determination of the Boulder County Land Use Director based upon and made in the course of the administration and enforcement of the Boulder County Land Use Code. If you are aggrieved by my decision and wish to challenge it, you must file a written appeal with me, with payment of the required appeal fee deposit of \$500.00 to:

The Board of Adjustment
c/o Land Use Director
Boulder County Court House Annex
13th & Spruce Streets
Post Office Box 471
Boulder, CO 80306.

I must receive your appeal no later than thirty days (with three additional days for mailing) after the date of this letter. If you file a timely appeal it will be heard and decided by the Boulder County Board of Adjustment. I will notify you of the hearing date as soon as possible after it is scheduled.

Sincerely,

Graham Billingsley, AICP
Director and Zoning Administrator