

Public records from Ching ZON-06-075 files:

From: Basabe, Susan
Sent: Friday, September 22, 2006 12:29 PM
To: 'Oval Window Audio/Norman Lederman'
Cc: Basabe, Susan
Subject: RE: Following up with violation communications
I don't have an answers to your questions at this time. Our attorney is working with the Ching's attorney to bring the property into compliance with the Land Use Code. I may have news in the next week or two.

[Basabe, Susan] -----Original Message-----
From: Oval Window Audio/Norman Lederman [mailto:norman@ovalwindowaudio.com]
Sent: Monday, September 18, 2006 9:54 AM
To: Basabe, Susan
Cc: Norman Lederman
Subject: Re: Following up with violation communications

Good morning, Susan.

Thank you. A couple of quick questions to satisfy the most pressing concerns of the neighbors:

1. Has Land Use "shut down" the home concerts?
2. In regard to the pool house enterprise...since the County originally issued a permit based on the premise that the new facility would be for personal use only, what exactly is the County requiring of the Chings?

Thank you. We appreciate your responsiveness to our concerns.

Best wishes,
Norman

Basabe, Susan wrote:

Dear Norman,

We did meet with the Chings and their attorney and continue to work with them to resolve the issues and Susan

-----Original Message-----

From: Oval Window Audio/Norman Lederman [norman@ovalwindowaudio.com]
Sent: Thursday, August 31, 2006 5:03 PM
To: Basabe, Susan
Subject: Re: Illegal Business Concert.Aquatic Ctr..doc
Thank you, Susan.

Once of your responses was cut off:

9. If the originally stated and approved "personal use" application has dramatically shifted to "commercial", shouldn't there be a *new* public review process that allows for a community response that reflects the *truth*?

A commercial use of this parcel is a zoning violation. Zoning violations of this nature, if not resolved, are

Thanks again.

Norman

Basabe, Susan wrote:

-----Original Message-----

From: Oval Window Audio/Norman Lederman [mailto:norman@ovalwindowaudio.com]
Sent: Thursday, August 24, 2006 5:07 PM
To: Basabe, Susan
Cc: Norman Lederman
Subject: Re: Illegal Business Concert.Aquatic Ctr..doc

Dear Susan,

The following are the questions we spoke of. Kindy confirm receipt.

Questions for Susan Basabe, Assistant Zoning Administrator, Boulder Land Use Department Re: Violation Notice Case # ZON-06-075 (18 Meadowland Ct)

1. What *exactly* is the County asking of the property owners?

To cease having concerts and operate the pool in compliance with Boulder County Home Occupation regs.

2. What has been the response of the property owners?

They want to comply

3. How are changes in activities on the property to be monitored?

We are complaint driven.

4. Can neighbors assist the County in monitoring?

Neighbors may file complaint with the county regarding any violations

5. Would it help if more neighbors submit a formal complaint with specific concerns?

Yes

6. The property owners assert that their Watzu Pool water is trucked in. Who monitors this to make certain that absolutely no well water is used?

I don't know

7. Did the construction approval take into account the source of the water?

We require a well and septic system

8. When the property owners' construction permit application was submitted to the County 5 years ago, the County requested input of all immediate neighbors. Our responses were based on the property owners' original assertion that the use of the property would be for "personal use" only. In issuing the building permit 5 years ago, did the property owners commit to *not* running a business?

Yes

9. If the originally stated and approved "personal use" application has dramatically shifted to "commercial", shouldn't there be a *new* public review process that allows for a community response that reflects the *truth*?

A commercial use of this parcel is a zoning violation. Zoning violations of this nature, if not resolved, are

10. Our neighbor's Watzu Pool operation, now named "The Aspen Meadows Aquatic Center" can potentially accommodate over 100 clients a month. Each client showers before and after their session in the pool, as well as after toilet usage. Excluding the owners' personal use, this amounts to over 250 potential showers a month drawn from well water, plus toilet and laundry usage by the clients. Does this abuse of the original stated plans for personal (water) use fall under the interests of the Land Use department? If not, who specifically in the County or State should we bring our concerns to?

You should contact the Boulder County Health Department for information regarding the approved well (303) 441-1180 and septic (303) 441-1190. You should contact the State Water Board for complaints regarding the use of a domestic well for commercial enterprises (303)

11. Has anyone from the County inspected the new site in the past few years since the owners shifted their activities to "commercial"?

No

12. What happens next and how can neighbors concerned about the negative and environmentally unsustainable activities of "The Aspen Meadows Aquatic Center" and concert activities assist the County?
Nothing at this time
13. What happens if this property is put up for sale? Does the County get involved in regulating the new owners' uses for the Watzu pool house?
The county would get involved if a zoning violation was reported.
14. Will the County assure that the property will not be advertised as a Watzu Pool "commercial" site?
No
15. Will the County enforce the trucking in of Watzu Pool water that is required to maintain the pool?
No. You may want to contact the State Water Board
16. The house concerts that have occurred on the property are attended by an average of 40 people per show once or twice a month and have resulted in at least 20 cars parked on the property. The dust, exhaust fumes and general commotion resulting from having a "concert hall" next door only serve to underscore how out of place such an enterprise is in our community. While the owners maintain that these events are not "commercial" and so are exempt from Land Use Codes, the concerts are nationally publicized and money crosses hands from the attendees to the performers. The property owners informed us that they may be willing to pay or "donate" money to the performers, thereby eliminating the "commercial" aspects of these activities. Would this tactic be allowed by the County?

We will be meeting with the Chings and their attorney next week.

- 17.
18. In a related question...we see local realtors promoting properties as "ideal for horses and llamas" ...we currently are surrounded by both. If properties in our sub-division do not allow well water to be used for purposes other than personal use by the home occupants...aren't the realtors encouraging zoning infractions? What about the dangers of excessive animal waste poisoning the community's ground water? Boulder County Land Use Code permits 2 animal units per acre.
18. What can be done to require realtors to comply with neighborhood land use and water regulations in their property promotions and advertising?
We generally advise them when we become aware that a property for sale has current zoning violations.
19. We have heard rumors of new planned developments in our community. How can we learn more about planned new developments in our sub-division of Aspen Meadows?
You may call our office (303) 441-3930 and ask for a planner-on call. They will research the issue for you.

Thank you for responding to our questions. We will share your responses with the local concerned community. Please note that this communication is intended solely for the purpose of gathering information. This is not a "formal complaint".

Sincerely,

Norman Lederman & Paula Hendricks

33 Wildflower Court

Nederland, CO 80466

Telephone: 303-449-2202

Basabe, Susan wrote:

Dear Norman,

I will be happy to review your questions and respond.