



2014 Grand Ave. • P.O. Box 550 • Glenwood Springs, CO 81601

9-10-98

Date

29459

Account #

Bill Slattery, 5134 C.R.#154 GWS

- | | | |
|---|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Display Ad. | <input type="checkbox"/> PMT | ACCT: |
| <input type="checkbox"/> Classified Ad | <input type="checkbox"/> Photo | <input type="checkbox"/> Debit Adj. |
| <input checked="" type="checkbox"/> Legal | <input type="checkbox"/> Composing | <input type="checkbox"/> Credit Adj. |
| <input type="checkbox"/> Subscription | <input type="checkbox"/> Misc./_____ | |

Date	Dimensions or Description	Rate	Net. Amt.
9-10	82 lines Re: Zoning Variance Pd 9/10/98 RJS	.60	4920
Total			4920

For Prepaying Customers Only

Date _____ Amt. Pd. _____

- Cash Check Visa/MC

RD

Clerk

PUBLIC NOTICE

TAKE NOTICE that William and Justin Slattery that have applied to the Zoning Board of Adjustment, Garfield County, State of Colorado, to grant a variance to the Garfield County Zoning Resolution of 1978, as amended, in connection with the following described property situated in the County of Garfield, State of Colorado; to-wit:

A tract of land situated in Lots 32 and 35, Section 1, Township 7 South, Range 69 West of the Sixth Principal Meridian described as follows: Beginning at a point on the South line of said Lot 35 whence the Northwest Corner of Lot 9, Section 1, Township 7 South, Range 69 West of the Sixth Principal Meridian bears N. 67° 00' W. 493.92 feet; thence S. 67° 00' E. 113.32 feet long the South line of said Lot 35; thence N. 02° 54' E. 772.98 feet to the North line of said Lot 32; thence S. 67° 26' W. 114.04 feet along the North line of said Lot 32; thence S. 02° 54' W. 762.63 feet to the point of beginning, containing 2.80 acres, more or less.

EXCEPTING the following described tracts of land, to-wit:

A tract or parcel of land No. 19-A Park, of Colorado Department of Highway's Project No. S 0130 (9) containing 0.042 acres, more or less, in Lot 35 of Section 1, Township 7 South, Range 69 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east property line which the SE corner of Lot 35, Section 1, T. 7 S., R. 69 W., 1/4 Sec. 35, S. 67° 00' E. a distance of 384.5 feet;

1. Thence N. 07° 30' W. a distance of 157 feet to the West property line;

2. Thence S. 67° 00' E. a distance of 410 feet to the South line of said Lot 35; thence

to the point of beginning, containing 0.042 acres, more or less, on the point of beginning.

AND TOGETHER WITH:

A parcel of land situated in Lots 32 and 35 of Section 1, Township 7 South, Range 69 West of the Sixth Principal Meridian, in Garfield County, Colorado, said parcel of land is described as follows:

Beginning at a point on the South line of said Lot 35 whence the site post with a brass cap found in place and properly marked for the Northwest Corner of said Lot 9 in Section 1, Township 7 South, Range 69 West of the Sixth Principal Meridian bears N. 67° 00' W. 837.84 feet; thence N. 67° 00' W. 80.20 feet along the South line of said Lot 35; thence N. 02° 54' 00" E. 320.74 feet; thence S. 67° 00' 00" E. 223.40 feet; thence S. 26° 20' 16" W. 358.89 feet, more or less to a point on the Southern line of said Lot 35; thence to the point of beginning.

Physical Description: 8476 Hwy 82, Apr. 6 miles South of Glenwood Springs, on the East side of Hwy 82.

Said variance is to allow a 10 foot fence in the side yard setback, a variance of 2 feet in excess of the standard height of 8 feet.

All persons affected by the proposed variance are invited to appear and state their views, protests or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter, as the Zoning Board of Adjustment will give consideration to the comments of surrounding property owners and others affected in deciding whether to grant or deny the request for the variance. This variance application may be reviewed at the office of the Planning Department located at 108 8th Street, Suite 303, Garfield County Courthouse, Glenwood Springs, Colorado between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

That a scheduled public hearing on the application has been set for the 25th day of September, 1998, at the hour of 7:00 p.m., at the office of the Zoning Board of Adjustment, Garfield County Courthouse, Suite 301, 108 8th Street, Glenwood Springs, Colorado.

Planning Department
Garfield County

Published September 10, 1998, in the Glenwood Post.

PROOF OF PUBLICATION
GLENWOOD POST

STATE OF COLORADO, }
COUNTY OF GARFIELD. } ss. 29459

I, David Frey do solemnly

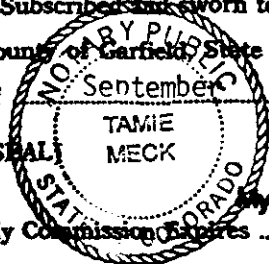
swear that I am Managing Editor of the
GLENWOOD POST; that the same is a newspaper printed, in whole or in part, and published in the County of Garfield, State of Colorado and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Garfield for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said newspaper for

the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated September 10 A.D., 1998, and the last publication of said notice was in the issue of said newspaper dated Sept. 10 A.D., 1998

In witness whereof I have hereunto set my hand this 10th day of September A.D., 1998
David Frey
General Manager / Publisher

Subscribed and sworn to before me, a notary public in and for the County of Garfield, State of Colorado, this 10th day of September A.D., 1998
TAMIE MECK
Notary Public
My Commission Expires 4/26/2001



CERTIFICATE OF MAILING

A copy of the PUBLIC NOTICE was sent by United States Mail, first class postage prepaid, certified and receipt requested to the Property Owners within 200 feet of the Slattery Property on the 8th day of September, 1998.

Department of Transportation
Resident Engineer
202 Centennial Street
Glenwood Springs, CO 81601

Los Amigos
2929 County Road 114
Glenwood Springs, CO 81601

Chi Hoa Luu and Hongtial Luu
6416 Highway 82
Glenwood Springs, CO 81601

Donald DeYoung
6478 Highway 82
Glenwood Springs, CO 81601

Leonard Langston and Mindy Langston
6500 Highway 82
Glenwood Springs, CO 81601

Johanna T. Kemp

*Bill -
this is
for your
file.*

John

PUBLIC NOTICE

TAKE NOTICE that William and Judith Slattery Trust have applied to the Zoning Board of Adjustment, Garfield County, State of Colorado, to grant a variance to the Garfield County Zoning Resolution of 1978, as amended, in connection with the following described property situated in the County of Garfield, State of Colorado; to-wit:

A tract of land situated in Lots 32 and 35, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian described as follows: Beginning at a point on the South line of said Lot 35 whence the Northwest Corner of Lot 9, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian bears N. 87°06' W. 443.92 feet; thence S. 87°06' E. 113.52 feet along the South line of said Lot 35; thence N. 02°54' E. 772.96 feet to the North line of said Lot 32; thence S. 87°24' W. 114.04 feet along the North line of said Lot 32; thence S. 02°54' W. 762.03 feet to the point of beginning, containing 2.00 acres, more or less.

EXCEPTING the following described tract of land, to-wit:

A tract or parcel of land No. 19-A Rev. of Colorado Department of Highway's Project No. S 0130(8) containing 0.042 acres, more or less, in Lot 35 of Section 1, Township 7 South, Range 89 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east property line from which the SE corner of Lot 35, Section 1, T. 7 S., R. 89 W., bears S. 87°03'30" E. a distance of 384.5 feet;

1. Thence N. 57°30' W. a distance of 92.7 feet to the west property line;
2. Thence S. 02°56'30" W. a distance of 45.8 feet to the South line of Lot 35, Section 1;
3. Thence S. 87°03'30" E. along the South line of Lot 35 a distance of 80.7 feet, more or less, to the point of beginning.

AND TOGETHER WITH:

A parcel of land situated in Lots 32 and 35 of Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian, lying Northerly of the Southerly line of said Lot 35, said parcel of land is described as follows:

Beginning at a point on the Southerly line of said Lot 35 whence an iron post with a brass cap found in place

and properly marked for the Northwest Corner of said Lot 9 in Section 1 bears: N. 87°06'00" W. 637.64 feet; thence N. 87°06'00" W. 80.20 feet along the Southerly line of said Lot 35; thence N. 02°54'00" E. 328.74 feet; thence S. 87°06'00" E. 223.40 feet; thence S. 26°26'16" W. 358.58 feet, more or less to a point on the Southerly line of said Lot 35, the point of beginning.

Practical Description: 6476 Hwy 82, Apx. 6 Miles south of Glenwood Springs, on the east side of Hwy. 82.

Said variance is to allow a 10 foot fence in the side yard setback, a variance of 2 feet in excess of the standard height of 8 feet.

All persons affected by the proposed variance are invited to appear and state their views, protests or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter, as the Zoning Board of Adjustment will give consideration to the comments of surrounding property owners and others affected in deciding whether to grant or deny the request for the variance. This variance application may be reviewed at the office of the Planning Department located at 109 8th Street, Suite 303, Garfield County Courthouse, Glenwood Springs, Colorado between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

That a scheduled public hearing on the applicaiton has been set for the 28th day of September, 1998, at the hour of 7:00 p.m., at the office of the Zoning Board of Adjustment, Garfield County Courthouse, Suite 301, 109 8th Street, Glenwood Springs, Colorado.

Planning Department
Garfield County











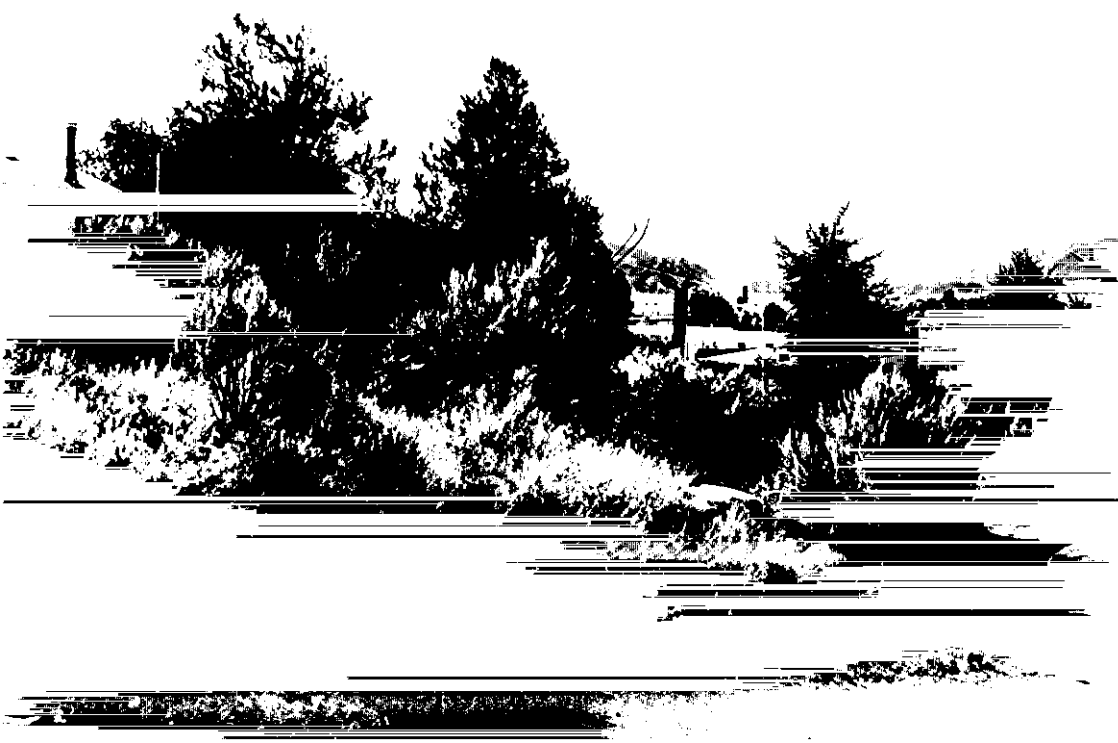
















UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

William Slattery
5134 County Road 154
Glenwood Springs, CO 81601

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Donald DeYoung
 6478 Highway 82
 Glenwood Springs, CO 81601

4a. Article Number
 Z 066 749 836

4b. Service Type

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise

7. Date of Delivery
SEP 16 1998

5. Signature (Addressee)
Donald DeYoung

6. Signature (Agent)
[Signature]

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Department of Transportation
 Resident Engineer
 202 Centennial Street
 Glenwood Springs, CO 81601

4a. Article Number
 Z 066 749 833

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 090998

5. Signature (Addressee)


8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Los Amigos
2929 County Road 114
Glenwood Springs, CO 81601

4a. Article Number

Z 066 749 834

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

9-9-98

5. Signature (Addressee)

Greg S. Borch

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

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SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

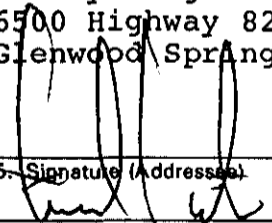
Consult postmaster for fee.

3. Article Addressed to:

Leonard Langston and
Mindy Langston
6500 Highway 82
Glenwood Springs, CO 81601

5. Signature (Addressee)

6. Signature (Agent)



4a. Article Number

Z 066 749 837

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

SEP 10 1998

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Chi Hoa Luu and Hongtial Luu
6416 Highway 82
Glenwood Springs, CO 81601

4a. Article Number

Z 066 749 835

4b. Service Type

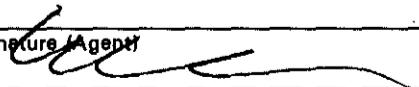
- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

SEP 11 1998

5. Signature (Addressee)

6. Signature (Agent)



8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

GARFIELD COUNTY
Building and Planning Department

William R. Slattery
5134 County Road 154
Glenwood Springs, CO 81601

November 2, 1999

Dear Mr. Slattery:

At the October 26, 1998 Garfield County Board of Adjustments Meeting, the Board Members approved your request for a variance. However, the approval was dependent upon comparable sound level readings being taken both before and after the fence is installed. As of this date, I do not believe we have seen any reports to this affect. The BOA Members are requesting that information for their review. If you have any questions, please feel free to call our office.

Sincerely,



Cathi Edinger
Planning Tech.

cc: Mark Bean
BOA Members



Leonard Langston
6500 HIGHWAY 82
GLENWOOD SPRINGS, CO 81601
OFFICE 970-928-9584 / FAX 970-928-7327

March 31, 1999

William R. Slattery
% Modern Cabinet Shop
5134 County Rd 154
Glenwood Springs, Co 81601

Re: Sound Testing

Dear Bill:

Per our telecon Tuesday March 30, 1999 you will be able to take sound readings at my residence. I appreciate the advanced notice this time, and as I have stated I am normally in my office at home during the entire day. If I leave my office the phone above is call forwarded to my cell phone. Although I will be home to avoid the prior incident with my wife exiting the shower to strangers standing by our bedroom sliding door, and my mother-in-law being disturbed by strangers walking around. I do request that you call, and upon arriving knock on the door.

If you have any questions or change in plans please notify me at the above!

Cordially,

Leonard B. Langston
Leonard B. Langston

cc: Mark Bean - Garfield Planning & Zoning

Mar. 29, 1999

Leonard and Mindy Langston
6500 Highway 82
Glenwood Springs, Colo. 81601

Dear Leonard & Mindy

I got a call this afternoon Mar. 29th from
Mr. Mc Gregor of Engineering Dynamics Inc stating
that he will be over here to take a sound reading
Friday April 2nd in afternoon between 4 and 5 o'clock
I would plan on around 4:30 P.M. I tried to
call as soon as I found out at approx. 4:00 PM
but no answer but did leave a recording.
So per instructions from Garfield County Building
and Planning Dept. was told to write you
a letter telling date and time. If you are
not there I would like your permission to
go in your side yard and take a reading.
If we can't take reading on your property it
will be taken on mine and used to issue
building permit.

Sincerely
Bill Slattery

(copy: Garfield Cty Building & Planning)

LOT 32
(Sec. 1)

3.16 AC.±

502°54'00"W
444.22'

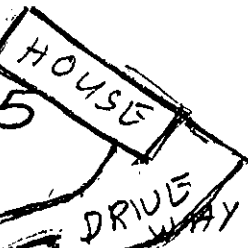
N87°06'00"W
223.40'

Rebar
& cap

N02°54'00"E - 716.23'

SOUND FENCE
526°26'16"W - 358.58'

LOT 35
(Sec. 1)



SOUND FENCE

N57°30'00"W
92.70'

N87°06'00"W
41.77'

N58°05'00"W
41.77'

N.W. Corner
LOT 9

Highway Non.

N66°25'30"W - 202.11'

121.94'
COLO. STATE
HIGHWAY NO. 82

SOUND FENCE
S 01°14'00"W
95.70'

LOT 9
(Sec. 1)

VARIANCE APPLICATION
GARFIELD COUNTY ZONING BOARD OF ADJUSTMENT

Pursuant to Section 9.05 of the Garfield County Zoning Resolution

Resolution William R. Slattery Revocable Trust
Judith J. Slattery Revocable Trust, request(s) a variance to
(applicant/owners name)

Section 5.05.03 (8) of the Garfield County Zoning Resolution concerning a variance
to permit a 10 feet high fence in the Residential
zone district.

SUBMITTAL REQUIREMENTS: SEE NARRATIVE ATTACHED

- A. Sketch map: showing all improvements on the site, building sizes, locations, setbacks and access points.
- B. Vicinity map: showing general geographic location.
- C. Legal description of site - Copy of Deed of Ownership.
- D. Practical description of site - including address.
- E. Names and addresses of property owners adjacent to or within 200 ft. of the site (available at the Assessor's office).
- F. Where applicable: descriptions of domestic water source, sewage disposal and other utility facilities.
- G. Plans and specifications for the proposal.
- H. Narrative explaining why the variance is being requested.
- I. It should be demonstrated by the above information and statements that, "...where by reason of exceptional narrowness, shallowness or shape of the specific piece of property at the time of enactment of this Resolution, or by reason of exceptional topographic condition of such piece of property, the strict application of any regulation enacted under this resolution would result in peculiar and exceptional hardship upon the owner of such property". (Section 9.05.03)
- J. Subject to the above findings, the Board of Adjustment may authorize a variance provided:
9.05.03 (1): That the variance granted is the minimum necessary to alleviate such practical difficulties or undue hardships upon the owner of said property;
9.05.03 (2): That such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the general plan or this resolution;
9.05.03 (3): That the circumstances found to constitute a hardship were not caused by the applicant, are not due to or the result of general conditions in the district and cannot be practically corrected.
- K. A \$250 fee must be submitted with the application.

PROCEDURAL REQUIREMENTS:

- 1. Submit applications to the Garfield County Planning Department no later than the last Friday of the month in order to be included on the following month's agenda. Regular meeting of the Zoning Board of Adjustment scheduled on the fourth Monday of each month at 7:00 p.m..
- 2. You will receive, from the Planning Department, a "Public Notice Form" indicating the time and date of your hearing.
- 3. Notice by publication (of the public notice form) shall be given once in a newspaper of general circulation in that portion of the county in which the subject property is located, at least fifteen (15) days prior to the date of the public hearing, and proof of publication shall be presented at the hearing by the applicant. (section 9.05.04 (1)).
- 4. Notice by mailing (of the public notice form) shall be sent by certified return-receipt mail to all owners of all property within two hundred (200) feet of the subject property at least five (5) days prior to the hearing, and the return receipts showing receipt of notice shall be presented at the hearing by the applicant, unless the applicant is able to otherwise show evidence of adequate notice to such owners. (Section 9.04.04 (2))

The above and attached information is correct and accurate to the best of my knowledge.

William R. Slattery Trustee
Judith J. Slattery Trustee
(signatures of applicant/owner)

William R. Slattery Revocable Trust
APPLICANT: Judith J. Slattery Revocable Trust PHONE: 945-5359
MAILING ADDRESS: 5134 Road 154, Glenwood Springs, CO 81601
OWNER: same PHONE: same
MAILING ADDRESS: same

VARIANCE APPLICATION

GARFIELD COUNTY ZONING BOARD OF ADJUSTMENT

NARRATIVE OF SUBMITTAL REQUIREMENTS

Applicants, William R. Slattery Revocable Trust and Judith J. Slattery Revocable Trust, hereby comply with the submittal requirements of the Variance Application as follows:

- A. A sketch map showing the site improvements and the proposed fence locations is attached as Exhibit "A".
- B. A vicinity map showing the geographic location of the site is attached as Exhibit "B".
- C. A copy of the deed of ownership of the property, containing the legal description of the site, is attached as Exhibit "C".
- D. A practical description of the site is as follows: The property is situated on the Northeast side of Highway 82, and fronts on Highway 82, approximately one quarter of a mile northwest of the intersection of Highway 82 and the Colorado Mountain College turnoff. The street address is: 6476 Highway 82, Glenwood Springs, Colorado 81601.
- E. The names and addresses of the adjacent property owners to, or within 200 feet of, the site is attached as Exhibit "E".
- F. Descriptions of domestic water sources, sewage disposal and other utilities have no applicability to a variance concerning the height of a fence.
- G. Plans and specifications for the proposal are attached as Exhibit "G".
- H. The variance is being requested to mitigate road noise and visibility from increasing traffic on Highway 82.
- I. Because of the exceptionally steep terrain on the applicants' lot, it is necessary that a portion of the fence be constructed to a height of ten feet to accomplish the purpose specified in the narrative explanation in paragraph "H", above.
- J. The Board of Adjustment should authorize the variance because of all of the reasons contained in Section 9.05.03(1), (2), and (3) of the Garfield County Zoning Resolution.
- K. A check in the amount of \$250.00 is enclosed as the submittal fee necessary to accompany the application.

LOT 32
(Sec. 1)

3.16 AC.±

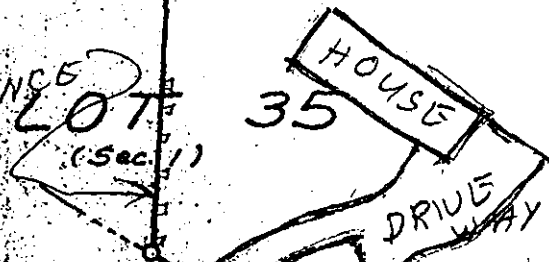
S 02° 54' 00" N
440.22'

N 87° 06' 00" W
223.40'

Rebar
& Cap

N 02° 54' 00" E - 716.23'

Knowl



SIDE FENCE

SOUND FENCE

N 57° 30' 00" W
92.70'

N 87° 06' 00" W

N 38° 05' 00" W
41.77'

N.W. Corner
LOT 9

Highway Non.

N 65° 25' 30" W - 141.99'

COLO. STATE
HIGHWAY NO. 82

LOT 9
(Sec. 1)

S 01° 14' 00" N
95.70'

108' offset

62.71'

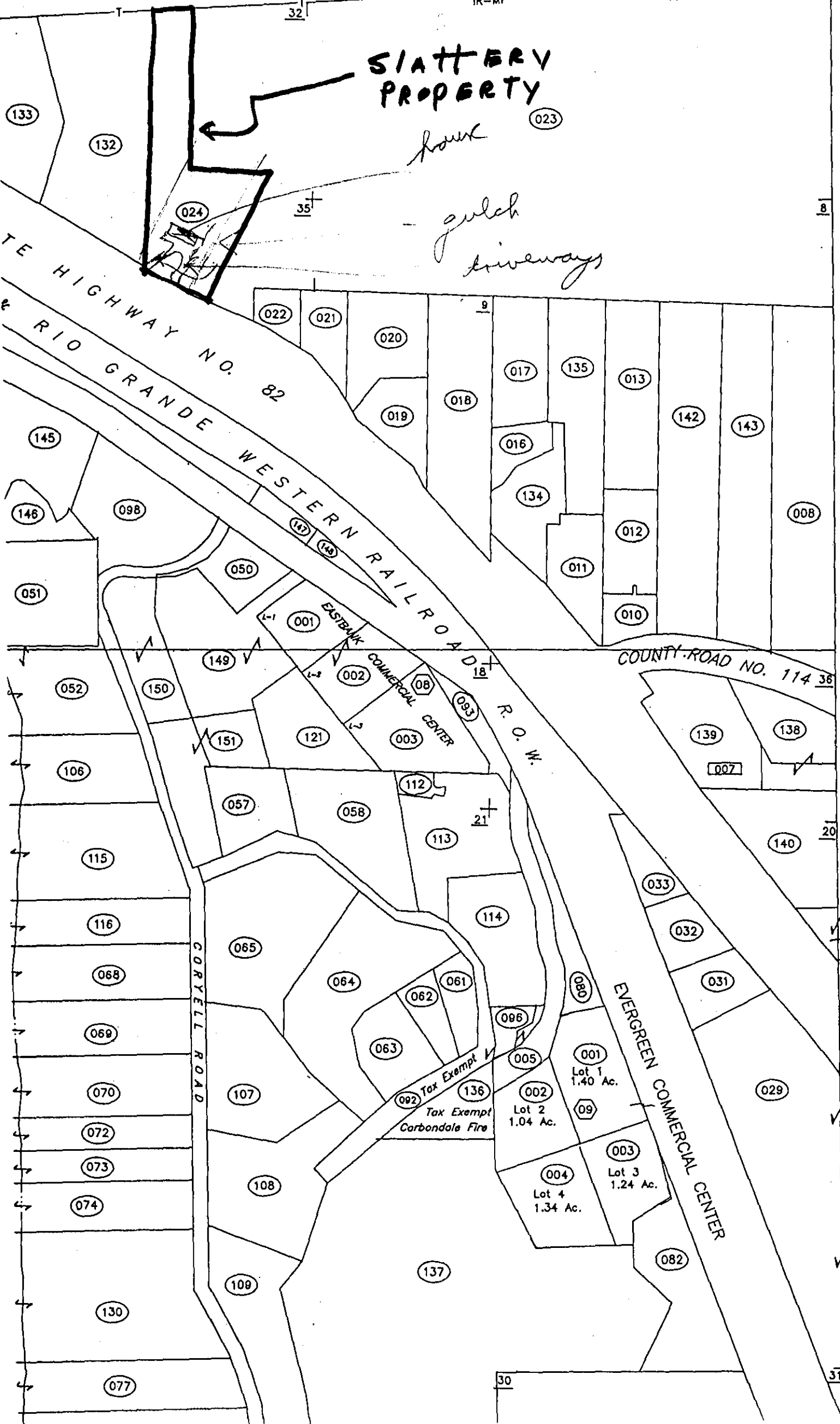
67.16'

Knowl

**SIATTERY
PROPERTY**

house

*gulch
driveways*



Adjoining 2393-06

N0015'E
2393-063-00-003

6

7

31

A tract of land situated in Lots 32 and 35, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian described as follows: Beginning at a point on the South line of said Lot 35 whence the Northwest Corner of Lot 9, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian bears N. 87°06' W. 443.92 feet; thence S. 87°06' E. 113.52 feet along South line of said Lot 35; thence N. 2°54' E. 772.96 feet to the North line of said Lot 32; thence S. 87°24' W. 114.04 feet along North line of said Lot 32; thence S. 2°54' W. 762.03 feet to the point of beginning, containing 2.00 acres, more or less.

EXCEPTING the following described tract of land, to-wit:

A tract or parcel of land No. 19-A Rev. of Colorado Department of Highways' Project No. S 0130(8) containing 0.042 acres, more or less, in Lot 35 of Section 1, Township 7 South, Range 89 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east property line from which the SE corner of Lot 35, Section 1, T. 7 S., R. 89 W., bears S. 87°03'30" E. a distance of 384.5 feet;

1. Thence N. 57°30' W. a distance of 92.7 feet to the west property line;
2. Thence S. 2°56'30" W. a distance of 45.8 feet to the south line of Lot 35, Section 1;
3. Thence S. 87°03'30" E. along the south line of Lot 35 a distance of 80.7 feet, more or less, to the point of beginning.

AND TOGETHER WITH:

A parcel of land situated in Lots 32 and 35 of Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian, lying Northerly of the Southerly line of said Lot 35, said parcel of land is described as follows:

Beginning at a point on the Southerly line of said Lot 35 whence an iron post with a brass cap found in place and properly marked for the Northwest Corner of said Lot 9 in said Section 1 bears: N. 87°06'00" W. 637.64 feet; thence N. 87°06'00" W. 80.20 feet along the Southerly line of said Lot 35; thence N. 02°54'00" E. 328.74 feet; thence S. 87°06'00" E. 223.40 feet; thence S. 26°26'16" W. 358.58 feet, more or less to a point on the Southerly line of said Lot 35 the point of beginning.

COUNTY OF GARFIELD
STATE OF COLORADO

EXHIBIT "E"

List of Property Owners within 200 feet of Slattery Property

Department of Transportation
Resident Engineer
202 Centennial Street
Glenwood Springs, CO 81601

Los Amigos
2929 County Road 114
Glenwood Springs, CO 81601

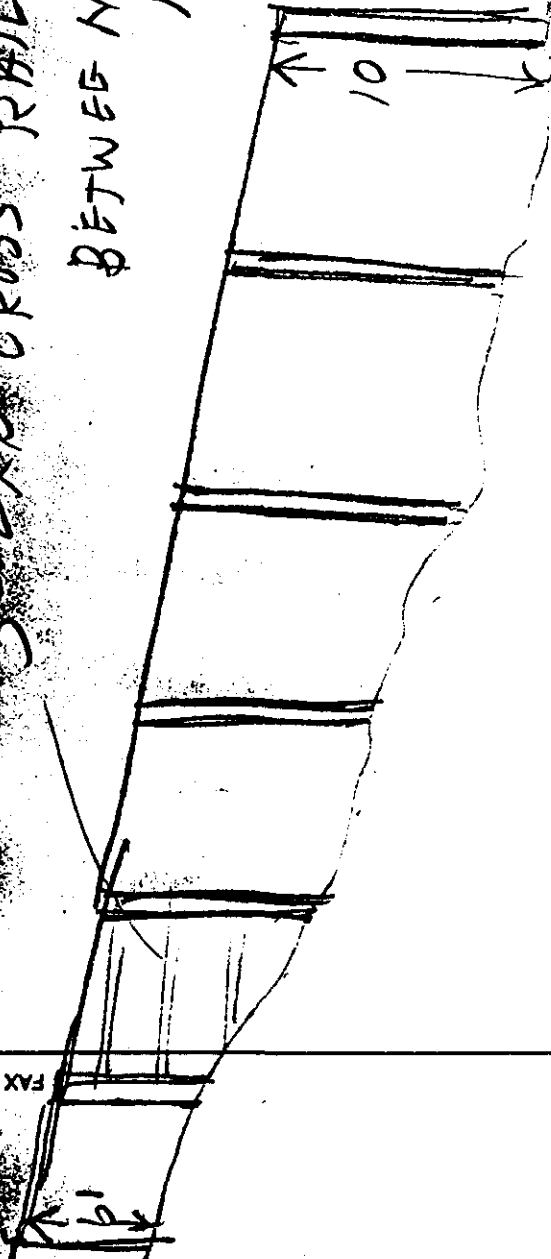
Chi Hoa Luu and Hongtial Luu
6416 Highway 82
Glenwood Springs, CO 81601

Donald DeYoung
6578 Highway 82
Glenwood Springs, CO 81601

Leonard Langston and Mindy Langston
6500 Highway 82
Glenwood Springs, CO 81601

3-2x6 CROSS RAILS

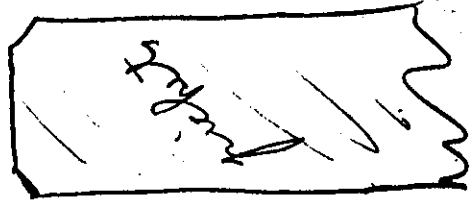
BETWEEN 10' SPANS



6" x 6" POSTS

SERVICE ROAD

HWX-82



Wm. Slattery

(970) 945-6359
FAX (970) 945-2115

CABINET SHOP
of Glenwood Springs, Inc.

5134 RD. 154 GLENWOOD SPRINGS, COLO. 81601

odern



**Garfield County Board of Adjustments
Minutes for September 28, 1998 Meeting**

BOA Members Present

Leo Jammaron
Brad Jordan
Harold Raymond
Tom Morton
Clarence Mullen
PETE

Staff Present

Mark Bean, Director
John Barbee, Senior Planner
Jim Leuthauser, Assistant Cty. Atty.

Roll call was taken and the following members were absent: Peter Cabrinha, Dan Weitzenkorn and Steven Boat.

Tom Morton was chosen as an alternate voting member for this meeting.

Minutes from the July 27 and August 24, 1998 Board of Adjustment meetings were reviewed. Clarence Mullen made a motion to accept the minutes into the record and Brad Jordan seconded.

The first item on the agenda was a public hearing for a variance from section 3.03.06 (3)- side yard setback. Request is for consideration of a variance of 2'9" from the normal requirement of 10' on the side yard setback as identified in the R/L/SD zone district, of the Garfield County Zoning Resolution of 1978, as amended. The applicants are Fred and Dendy Heisel.

Jim Leuthauser received the proof of publication and return receipt information. Jim also reviewed how names of neighbors were retrieved and that all neighbors within 200 ft. were notified. Jim felt notification appeared to be acceptable.

This is a public hearing so applicants were sworn in by Leo Jammaron.

John Barbee presented the following exhibits to be entered into the record:

- Exhibit A: Proof of publication
- Exhibit B: Return receipts
- Exhibit C: Letter from neighbor impacted by variance request
- Exhibit D: Letter from Westbank Mesa Subdivision Homeowners Association

John presented the staff comments. The subject property is identified as lot 13 in the Westbank Ranch PUD, filing #4. The request for a variance of 2'9" is being submitted due to an inadvertent pour of the foundation in the setback area. The encroachment is due to the misidentification of a corner lot boundary stake. The applicant did, in all good faith, obtain a building permit and did seek

relief from the regulations, the mistake was in fact not the fault of the applicant.

Staff is recommending Approval of a variance, but to the minimum necessary and subject to the new construction being completed in compliance with a building permit issued by the Garfield County Building Department, and that all development shall conform with the site plan and application as submitted.

Next the Board moved to the applicants presentation. Fred Heisel presented their comments. The first week in August is when error was discovered on survey. The Heisel's spoke to their neighboring owners, discussed problem with County staff, and tried to resolve this problem as quickly as possible. HJ Chee and Mike Silvia are co-owners of lot that would be impacted. Neighbors are very supportive as well as the Homeowners Association. The Heisel's realize this is a serious mistake and they have tried to be square with everyone involved.

Public comments were opened. Mr. Chee spoke on behalf of himself and Mike Silvia. They co-own Lot 14 and do not feel that 2& 1/2' will affect them in anyway. Mr. Chee stated that the Heisel's construction is an asset to their neighborhood. Both Mr. Chee and Mike Silvia feel the Board should approve this variance.

No other public comments were given. Harold Raymond made a motion to close public comments and Tom Morton seconded.

Brad Jordan questioned applicant concerning the neighbor behind the Heisel's was not on the noticing list. The Heisel's responded that when they found out who it belonged to they sent them a certified letter right away.

No other discussion or questions from BOA members.

Brad Jordan made a motion to approve variance and Clarence Mullen seconded. A vote was taken and motion passed 5 - 0 in favor. Variance was granted.

The next item on the agenda was a public hearing for a variance from Section 5.05.03 (8) - placement of a structure 2 feet in excess of the maximum height required by the Supplementary Setback Regulations. Applicant is The William and Judith Slattery Trust.

Jim Leuthauser reviewed the Slattery notification with Bill Slattery. Bill obtained his list for mailout from the County Assessor's office on 9/8/98. Per Jim, all noticing appears to be adequate.

The following exhibits were entered into the record:

Exhibit A: Proof of Publication

Exhibit B: Return Receipt

Exhibit C: Letter from William McDowell in support of variance

Leo Jammaron swore in everyone who wanted to speak.

John Barbee presented staff comments. The applicant is requesting a variance from the maximum height requirement for an accessory structure in the side yard setback area. The proposed variance would allow for the placement of a 10 foot fence on the side property line, adjacent to highway 82. The applicant has stated the proposed height is necessary due to the steep nature of the terrain of his lot.

Staffs recommendation is approval of a variance, but to the minimum necessary and subject to the new construction being completed in compliance with a building permit issued by Garfield County Building Department, and that all development shall conform with the site plan and application as submitted.

Applicants comments were presented by Bill Slattery. Fence on North and South sides of property. Bill is working with CDOT to get fence on service road. (fence to help with noise from Hwy. 82) Bill has planted trees to help cope with the noise. He purchased his property and built a house in 1963. Traffic and noise wasn't a problem back then.

Public comments were opened next. Leonard Langston owns property adjacent to where the fence is. He designed his house to handle outside noise. He asks what kind of can of worms are we going to open if we allow this? He feels this doesn't fit the mood of the valley. Leonard suggests the use of a berm. He feels fence is too much like a billboard and that a berm is more viable. Leonard says there is no supporting data to say this will correct the problem. Who's to say that this won't channel noise down to his house. Leonard feels data needs to be submitted that will support fence will correct the noise problem and not affect other neighbors. Leonard asks the Board to please not vote for a fence, there is an alternative.

Rick Nealy and Maria ? are the owners of the Thunder River Market. They have owned it since 1990. They only feel that there will only be a few residents that might be affected by this. Rick states that Bill is only asking for an additional 2' and he feels fence is worth trying. Mr. Slattery didn't get the luxury of designing his house for todays traffic. Rick & Maria feel it is acceptable and find no reason why variance should be denied.

The Board asked for a clarification where variance exactly was being requested. John responded: the front yard is where variance is being affected--from 4' maximum to requested 10'--front of house closes to the highway.

Clarence Mullen asked if anything was provided with the application to support data that fence will take care of this problem. John responded No. John's personal experience in New Mexico found berms to be very affective.

Brad Jordan questioned Mr. Slattery concerning elevation from highway to fence line 25'- how far back is house from setback line--150'. Mr. Slattery sold bottom of property to the Highway

Department.

Harold Raymond made a motion to close the public comments and Brad Jordan seconded.

Mark Bean clarified that a berm would require a building permit.

Clarence reminded other members and staff that we are making a decision tonight that will affect possible future decisions in this type of matter. He himself is reluctant to approve fence without proof that this will correct the problem. This is a new concern for Garfield County and we need some information from an engineer on this matter.

Brad Jordan stated, as an architect stated he would step out on the limb concerning reflection of sound. The order of effectiveness: distance, berming, fence.

Harold Raymond feels that this deflection will bring the noise to the neighbors house and with objection from a neighbor he doesn't want to approve.

Brad said a berm is a softer way to handle this problem. Berm will deflect. Another possibility is for the neighbors to share in the cost of some trees for berming.

Leo asked for opinions from BOA members. Clarence made a motion to hold application open until we get information on materials, affect on property, direction of sound--more details in general. Sound engineers could perhaps provide some expertise in this matter.

Brad Jordan motioned for the public comments be reopened to Mr. Slattery for his feedback, alternatives, etc. and Harold Raymond seconded. Motion carried to reopen.

Mr. Slattery says he discussed this with Mr. Langston about the possibility of berms. Mr. Slattery feels that neighbors should help pay for fence or berm or whatever he comes up with.

Mr. Langston is willing to discuss other options with Mr. Slattery but the issue being discussed tonight is the fence. Mrs. Langston doesn't have a problem with the noise. She said this is not a problem for them so why should they contribute. She stated they do not have the money to help pay for Bill's fence. Leonard Langston hopes that him and Bill Slattery will be able to work out something.

Jim Leuthauser says you can grant a variance but not "sort of".

Brad Jordan made a motion to close public comments and Harold Raymond seconded.

Clarence's motion was cancelled. Brad made a motion to defer decision until next meeting, Oct. 26 pending further information. Only members present tonight would be able to vote next time on this matter. Motion doesn't pass.

Harold Raymond making motion to deny and Clarence Mullen seconded. Brad stated he only made that motion because he thought that Leonard Langston said possible engineering would solve problem.

John Barbee said he was unaware of the Langston's concerns at the time of staff's recommendation. John didn't think there was any opposition.

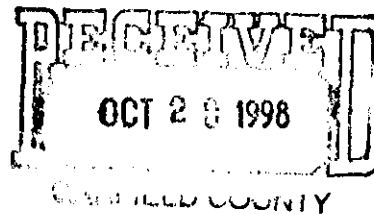
(Remember, a Yes vote is to deny--3 for a vote to con't.) Brad Jordan brought back the motion to continue on the October 26, 1998 meeting. Tom Morton seconded the motion. Leo asked if this was acceptable to applicant and he stated he could be in attendance that day.

A vote was taken and motion to continue carried 5-0.

Brad made a motion to close meeting and Clarence seconded.

Meeting adjourned.

engineering dynamics



October 19, 1998

Mr. Mark Bean
Garfield County Planner
Garfield Building and Planning Department
109 8th Street, Suite 303
Glenwood Springs, CO 81601

Re: Variance - Accessory structure within the side yard setback area - Section 5.05.03(8)
- Noise Effects

Dear Mr. Bean:

I was requested by the William R. Slattery Revocable Trust and Judith J. Slattery Revocable Trust to render an opinion based upon my professional experience as an acoustical engineer regarding the acoustic effects of a sound barrier fence as described in the Variance Application.

The fence planned by Mr. Slattery would be located on the south boundary of his property and would start at the western edge of his property and continue eastward about 100 ft. A similar fence has also been requested by Mr. Slattery to go along the north boundary of his property.

The specific item of acoustical concern is whether or not the fence or fences would reflect the noise from Highway 82 back onto his neighbor's properties and increase the existing noise level. Sound does reflect back from an intervening surface but the angle of the reflection is similar to that of light waves reflecting from a surface. That is: the traffic noise from Highway 82 does not strike the proposed fence perpendicularly but at an angle and therefore will reflect from the fence at an angle. By observing the alignment of the proposed fence with respect to Highway 82, one can see that the sound striking the fence will be reflected at an angle towards the east and not directly back on the homes adjacent to Mr. Slattery's property.

Based upon well established scientific theories and my experience, I can state that there will be no significant increase in the noise of traffic from Highway 82 upon residences adjacent to Mr. Slattery's property when a sound barrier fence reaching a height of 10 feet is constructed as proposed.

If you have any questions regarding this information, please contact me at our Englewood office.

Very truly yours,
ENGINEERING DYNAMICS, INC.

Howard N. McGregor
Howard N. McGregor, President
Registered Professional Engineer in the State of Colorado.

Post-It® Fax Note	7671	Date	# of pages ▶ 1
To	Ann Marie	From	[Signature]
Co./Dept.		Co.	GARCO
Phone #		Phone #	
Fax #		Fax #	

3925 south kalamath street
englewood, colorado 80110
(303) 761-4367 • fax (303) 761-4379

GARFIELD COUNTY
Building and Planning Department

September 2, 1998

William & Judith Slattery Revocable Trust
5134 Road 154
Glenwood Springs, CO 81601

RE: Variance - Accessory structure within the side yard setback area - Section 5.05.03(8)

Dear Trustee:

This letter is to inform you that you request for a variance of the requirements contained in Section 5.05.03(8) of the Garfield County Zoning Resolution of 1978, as amended. The Zoning Board of adjustment will consider your request at 7:00 p.m., on September 28, 1998, in the Commissioners Hearing Room, Suite 301, 109 8th St. , Glenwood Springs.

Enclosed with this letter is a public notice form that must be published once in a newspaper of general circulation in the area, at least fifteen (15) days prior to the date of the hearing. The same notice is required to be sent by certified return receipt mail to all property owners within two hundred (200) ft. of the property in question, at least five (5) days prior to the hearing. This includes public lands. We suggest sending the notice earlier than the required five (5) days, to insure the return of the green return-receipt. It is your responsibility to ensure that all notices are mailed in a timely manner. You are also required to provide the proof of publication form from the newspaper and the return receipts from the mailing to this office at, or before the hearing or your application can not be heard by the Board due to lack of proper noticing.

If you have any questions about the public notice process, please contact this office.

Sincerely,

John Barbee, Senior Planner
Building & Planning Department

Phone: 945-8212 / Fax: 285-7972 109 8th Street, Suite 303 Glenwood Springs, CO 81601

GARFIELD COUNTY
Building and Planning Department

September 2, 1998

William & Judith Slattery Revocable Trust
5134 Road 154
Glenwood Springs, CO 81601

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Sincerely,

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Building & Planning Department

Phone: 945-8212 / Fax: 285-7972 109 8th Street, Suite 303 Glenwood Springs, CO 81601

PUBLIC NOTICE

TAKE NOTICE that William and Judith Slattery Trust have applied to the Zoning Board of Adjustment, Garfield County, State of Colorado, to grant a variance to the Garfield County Zoning Resolution of 1978, as amended, in connection with the following described property situated in the County of Garfield, State of Colorado; to-wit:

Legal Description: See Attached

Practical Description: 6476 Hwy. 82, Apx. 2 Miles south of Glenwood Springs, on the east side of Hwy. 82.

Said variance is to allow a 10 foot fence in the side yard setback, a variance of 2 feet in excess of the standard height of 8 feet.

All persons affected by the proposed variance are invited to appear and state their views, protests or support. If you can not appear personally at such hearing, then you are urged to state your views by letter, as the Zoning Board of Adjustment will give consideration to the comments of surrounding property owners and others affected in deciding whether to grant or deny the request for the variance. This variance application may be reviewed at the office of the Planning Department located at 109 8th Street, Suite 303, Garfield County Courthouse, Glenwood Springs, Colorado between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

That a scheduled public hearing on the application has been set for the 28th day of September, 1998, at the hour of 7:00 p.m., at the office of the Zoning Board of Adjustment, Garfield County Courthouse, Suite 301, 109 8th Street, Glenwood Springs, Colorado

Planning Department
Garfield County

A tract of land situated in Lots 32 and 35, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian described as follows: Beginning at a point on the South line of said Lot 35 whence the Northwest Corner of Lot 9, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian bears N. $87^{\circ}06'$ W. 443.92 feet; thence S. $87^{\circ}06'$ E. 113.52 feet along South line of said Lot 35; thence N. $2^{\circ}54'$ E. 772.96 feet to the North line of said Lot 32; thence S. $87^{\circ}24'$ W. 114.04 feet along North line of said Lot 32; thence S. $2^{\circ}54'$ W. 762.03 feet to the point of beginning, containing 2.00 acres, more or less.

EXCEPTING the following described tract of land, to-wit:

A tract or parcel of land No. 19-A Rev. of Colorado Department of Highways' Project No. S 0130(8) containing 0.042 acres, more or less, in Lot 35 of Section 1, Township 7 South, Range 89 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

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COUNTY OF GARFIELD
STATE OF COLORADO

NOTICE

TAKE NOTICE

That ~~VALUANT JUDITH SLATERY REV. TRUST~~
has applied to the
ZONING BOARD OF ADJUSTMENT

Garfield, County
pursuant to

SEC. 5.05.03 (8) GARCO ZONING
RESOLUTION OF 1978 A.A.

to allow:

A VARIANCE OF 2' IN HEIGHT
TO MOVE A 10' FENCE IN THE
SIDEYARD SETBACK AREA

on this property.

A public HEARING on this application
will be held in the OFFICE OF THE ZONING
BDA, STE 301, GARD COURTHSE 109 8TH ST.

Glenwood Springs, Colorado

on

SEPTEMBER 28, 1998

(date)

at

7:00 P.M.

(time)

Date Notice Was Posted : _____

By : _____

For additional information, contact the

BUILDING + PLANNING DEPT.

at 945 8218 or _____, 109 8th St.

Suite 303, Glenwood Springs, CO 81601

NEILEY & ALDER
201 North Mill Street, Suite 102
Aspen, Colorado 81611

Richard Y. Neiley, Jr.
Eugene M. Alder

(970) 925-9393
Fax (970) 925-9396

FACSIMILE TRANSMITTAL

TO: Garfield County Board of Adjustment **FAX #:** 970-945-7785

FROM: Rick Neiley

DATE: October 26, 1998

TIME: 9:39 am

NUMBER OF PAGES (including cover sheet): 3

COMMENTS OR INSTRUCTIONS:

ORIGINALS TRANSMITTED BY: n/a

NOTICE OF CONFIDENTIALITY

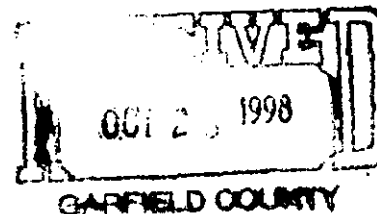
THE INFORMATION CONTAINED WITHIN THIS FACSIMILE TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, IF YOU ARE NOT THE DESIGNATED RECIPIENT OF THIS TRANSMISSION, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THIS INFORMATION TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE RETURN THE TRANSMISSION TO THE SENDER BY UNITED STATES MAIL AT THE ADDRESS SET FORTH ABOVE.

**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION OR
IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ANN AT (970) 925-9393**

VALLEY INVESTMENT PROPERTIES PARTNERSHIP

**6818 Highway 82
Glenwood Springs, CO 81601**

October 25, 1998



VIA FACSIMILE TRANSMISSION

Garfield County Board of Adjustment
109 Eighth Street, Suite 303
Glenwood Springs, CO 81601

Re: Variance Application - William R. Slattery Revocable Trust/Judith J. Slattery Revocable Trust
6476 Highway 82, Glenwood Springs, Colorado

Dear Board Members:

The purpose of this letter is to express our support for the fence height variance request submitted by Mr. and Mrs. Slattery. Valley Investment Properties Partnership has owned the commercial property at the intersection of Highway 82 and County Road 114 just south of the Slattery property since 1990.

I spoke at the September Board of Adjustment hearing in favor of this application. At that meeting, a neighbor made objection to the fence. Since then, I again inspected the property and I have read the letter from Engineering Dynamics regarding noise mitigation.

First, it appears that the proposal for the ten foot fence would in fact improve the noise problem and not adversely affect the neighbors. Second, the fence is screened in many places from the neighbor's view by large trees.

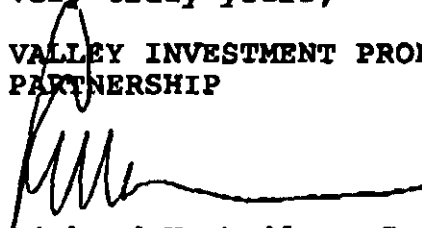
The fence seems to be an unavoidable necessity resulting from increased traffic on Highway 82 coupled with the light at County Road 114. Acceleration and deceleration of vehicles, and particularly large trucks, generates tremendous amounts of noise. The noise problem at the intersection has increased dramatically since the installation of the light, approximately two years ago.

Letter to Board of Adjustment
October 25, 1998
Page 2

In the circumstances, we urge you to grant the variance
for the Slattery property.

Very truly yours,

VALLEY INVESTMENT PROPERTIES
PARTNERSHIP



Richard Y. Neiley, Jr.

RYN/agk
cc: William R. Slattery

NEILEY & ALDER
201 North Mill Street, Suite 102
Aspen, Colorado 81611

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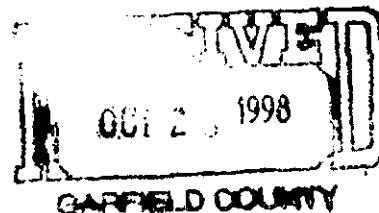
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VALLEY INVESTMENT PROPERTIES PARTNERSHIP

6818 Highway 82
Glenwood Springs, CO 81601

October 25, 1998



VIA FACSIMILE TRANSMISSION

Garfield County Board of Adjustment
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COMMENTS OR INSTRUCTIONS:

ORIGINALS TRANSMITTED BY: n/a

NOTICE OF CONFIDENTIALITY

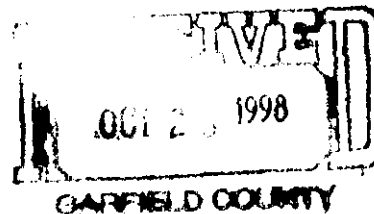
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**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION OR
IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ANN AT (970) 925-9393**

VALLEY INVESTMENT PROPERTIES PARTNERSHIP

6818 Highway 82
Glenwood Springs, CO 81601

October 25, 1998



VIA FACSIMILE TRANSMISSION

Garfield County Board of Adjustment
109 Eighth Street, Suite 303
Glenwood Springs, CO 81601

Re: Variance Application - William R. Slattery Revocable Trust/Judith J. Slattery Revocable Trust
6476 Highway 82, Glenwood Springs, Colorado

Dear Board Members:

The purpose of this letter is to express our support for the fence height variance request submitted by Mr. and Mrs. Slattery. Valley Investment Properties Partnership has owned the commercial property at the intersection of Highway 82 and County Road 114 just south of the Slattery property since 1990.

I spoke at the September Board of Adjustment hearing in favor of this application. At that meeting, a neighbor made objection to the fence. Since then, I again inspected the property and I have read the letter from Engineering Dynamics regarding noise mitigation.

First, it appears that the proposal for the ten foot fence would in fact improve the noise problem and not adversely affect the neighbors. Second, the fence is screened in many places from the neighbor's view by large trees.

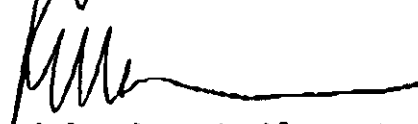
The fence seems to be an unavoidable necessity resulting from increased traffic on Highway 82 coupled with the light at County Road 114. Acceleration and deceleration of vehicles, and particularly large trucks, generates tremendous amounts of noise. The noise problem at the intersection has increased dramatically since the installation of the light, approximately two years ago.

Letter to Board of Adjustment
October 25, 1998
Page 2

In the circumstances, we urge you to grant the variance
for the Slattery property.

Very truly yours,

VALLEY INVESTMENT PROPERTIES
PARTNERSHIP



Richard Y. Neiley, Jr.

RYN/agk
cc: William R. Slattery

October 19, 1998

Mr. Mark Bean
Garfield County Planner
Garfield Building and Planning Department
109 8th Street, Suite 303
Glenwood Springs, CO 81601

Re: Variance - Accessory structure within the side yard setback area - Section 5.05.03(8)
- Noise Effects

Dear Mr. Bean:

I was requested by the William R. Slattery Revocable Trust and Judith J. Slattery Revocable Trust to render an opinion based upon my professional experience as an acoustical engineer regarding the acoustic effects of a sound barrier fence as described in the Variance Application.

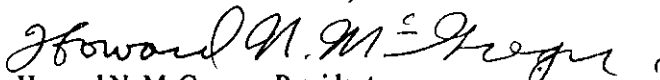
The fence planned by Mr. Slattery would be located on the south boundary of his property and would start at the western edge of his property and continue eastward about 100 ft. A similar fence has also been requested by Mr. Slattery to go along the north boundary of his property.

The specific item of acoustical concern is whether or not the fence or fences would reflect the noise from Highway 82 back onto his neighbor's properties and increase the existing noise level. Sound does reflect back from an intervening surface but the angle of the reflection is similar to that of light waves reflecting from a surface. That is: the traffic noise from Highway 82 does not strike the proposed fence perpendicularly but at an angle and therefore will reflect from the fence at an angle. By observing the alignment of the proposed fence with respect to Highway 82, one can see that the sound striking the fence will be reflected at an angle towards the east and not directly back on the homes adjacent to Mr. Slattery's property.

Based upon well established scientific theories and my experience, I can state that there will be no significant increase in the noise of traffic from Highway 82 upon residences adjacent to Mr. Slattery's property when a sound barrier fence reaching a height of 10 feet is constructed as proposed.

If you have any questions regarding this information, please contact me at our Englewood office.

Very truly yours,
ENGINEERING DYNAMICS, INC.


Howard N. McGregor, President
Registered Professional Engineer in the State of Colorado.

Guy next to me asked @ Bern,

Bern 2:1 Patch 20' out 40' TOTAL

10' fence Service Pond

TRAFFIC noise Flows like water"

guy that wasn't here questioned

Architect: why 10', tree is 25' higher, why ^{wasn't} why

Bill: fence is backed up trees, helps a bit etc.

trees help.

JW. ^{who?} } fences to contain animals & kids, sound bounces off at an angle

Bill: more & more requests.

Architect: Did engineer do draft drawings 10' fence 25' high
Sound 3 mi away.

Bill: no he didn't just came out & make a study.

neighbor: fence noise "agate" to his horse/property line
Leonard Langston agate on my side. Sound will travel east. BIR160

sound of fence, berm 8' high vegetation to

cover remaining 2', remaining trees bill put in

Fantasy world, no maps. Sound tested before fence

was built sound tested. established at a certain point

- questions of board.

new guy - Langston any indication at all that fence would work.

WILLIAM B. McDOWELL

6000 HIGHWAY 82
GLENWOOD SPRINGS, CO 81601

TELEPHONE 970-945-9898
FAX 970-945-9898
"E" MAIL billmcd@rof.net

September 24, 1998

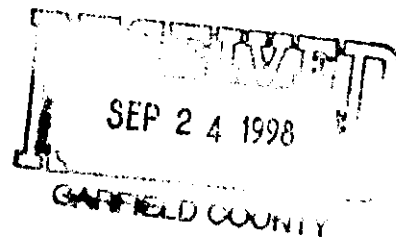
Garfield County Planning Department

This letter concerns the application for variance from side yard fence height limitation by William R. Slattery, 6476 Highway 82. I live two or three houses from Slatterys on the same street. I will see the fence in question at least twice a day and do not find it the least bit objectionable. Bill Slattery does more to promote an attractive neighborhood than anyone else on the block; he washed dirt from the street after a recent storm, mows weeds on the street right-of-way, all beyond the call of duty, and maintains his grounds in superb condition. There are many sound visual reasons for granting the variance and I trust the Planning Commission and County Commissioners will do so.

Sincerely,

Bill

William B. McDowell



LANGRISTON: SOUND COULD BE FUNNELLED
into residence.

Architect: locate on map where house is
old guys on end also requested.

Arch. offered to pass around
president is map fairly accurate?

yes.

~~Next time~~ Next time: Did Eng. use decimeter

Bill: sound equip. at airport, testing

MARK: sound eng doesn't work for us & has
testified for BRAD before
not at this airport.

new guy - would you object to 10' in front

Langston - EIS, takes too long recommends
vegetation

Agrees with bill, sound is a problem.

Bill - Property will deflate if nothing is done

Anyone else?

LANGRISTON: DEFECT IN PUBLIC NOTICE, JOHN KLUSMIRE,
CORPORATE COUNCIL ATTORNEY,

MARK & LEONARD - INADEQUATE NOTICE

LEONARD NO NO my second time down here

BRAD did advantage at beginning of hearing
MARK YOU WAIVE ALL CHALLENGE OF NOTICE



Modern

CABINET SHOP

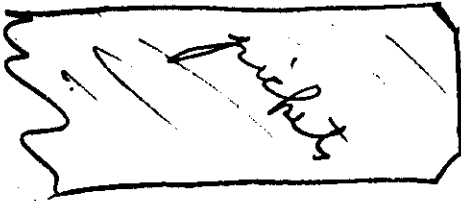
of Glenwood Springs, Inc.

5134 RD. 154 GLENWOOD SPRINGS, COLO. 81601

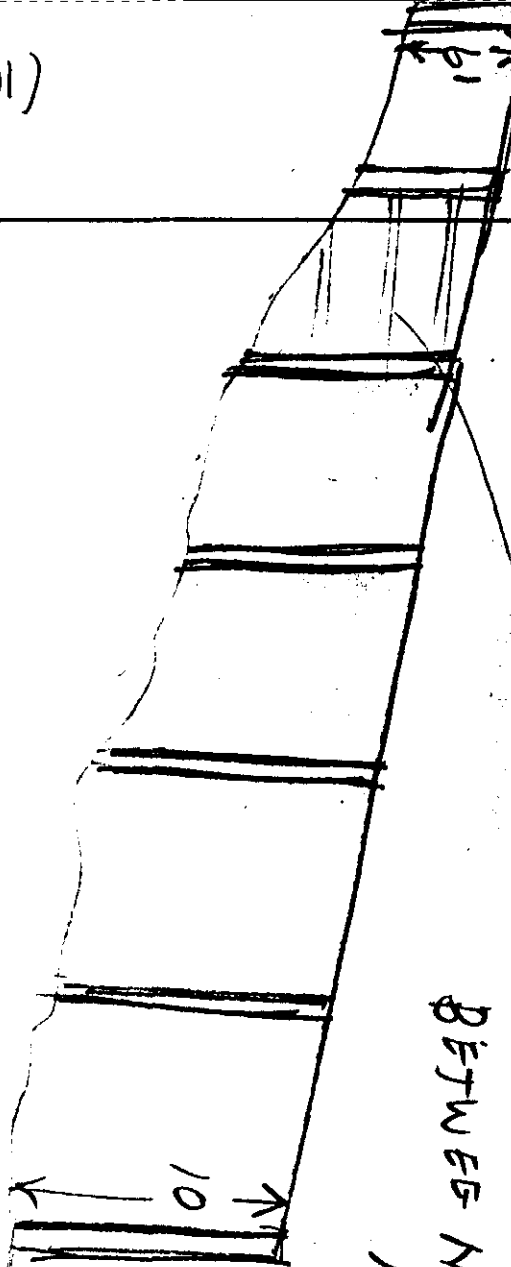
(11)

(970) 945-5359
FAX (970) 945-2711

Wm. Slattery



6" x 6" POSTS



3- 2x6 CROSS RAILS
BETWEEN
10' SPANS

SERVICE ROAD

HWY - 82

The board was questioned & had no problem.

Chairman: FENCE ON BOTH SIDES OF PROPOSED?

Bill: The further south move it the higher it would be.

Langston: Move another to the east

Bill drew a diagram on board depicting the general conditions proving the validity of his fence.

Arch more close public hearing

2nd opportunity

all ages.

Chair - height is lower bouncing is going high

Archit - Sound car below & car 3/4 mi down Road
Sound Options as to how it can go.

Chair - Controlling factor, placement of fence

Arch - Signs down road, sound decible thru noise & signs you screwed up. Each individual case in future is necessary - He reviews all is necessary. can't see valley turning into down sound different, different areas.

Objay owned - Any thing hitting fence a quite vs. of fuse Angl. portion reflects some else as use.

EXHIBIT "E"

List of Property Owners within 200 feet of Slattery Property

Department of Transportation
Resident Engineer
202 Centennial Street
Glenwood Springs, CO 81601

Los Amigos
2929 County Road 114
Glenwood Springs, CO 81601

Chi Hoa Luu and Hongtial Luu
6416 Highway 82
Glenwood Springs, CO 81601

Donald DeYoung
6578 Highway 82
Glenwood Springs, CO 81601

Leonard Langston and Mindy Langston
6500 Highway 82
Glenwood Springs, CO 81601

Architect - Berming + fencing
4' fence on berm

guy next to me: Board no other course
variance did the engineering
sound will not affect neighbors

requested he did it, proposing approve
to mitigate sound dependant on comparable
sound level readings

data points to be qualified, as acoustical
engineers

John: no experience

Doug: Guy what happens when you put
up fences

old guy - whose responsible doesn't see how.

Architect - thinks he knows all.

Eng - not eng. doesn't pretend to be.

new guy - no simple answer

HAROLD old guy - something added should noise be increased, fence
could come down.

HAROLD - concerned possibility.

Architect - CDOT 10' sound corridor, what's use of
fence? Then what was was was

(unhappy person. CDOT will do what they please.

ENGINEER
HAROLD - no esthetic objection, ~~but~~

A tract of land situated in Lots 32 and 35, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian described as follows: Beginning at a point on the South line of said Lot 35 whence the Northwest Corner of Lot 9, Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian bears N. $87^{\circ}06'$ W. 443.92 feet; thence S. $87^{\circ}06'$ E. 113.52 feet along South line of said Lot 35; thence N. $2^{\circ}54'$ E. 772.96 feet to the North line of said Lot 32; thence S. $87^{\circ}24'$ W. 114.04 feet along North line of said Lot 32; thence S. $2^{\circ}54'$ W. 762.03 feet to the point of beginning, containing 2.00 acres, more or less.

EXCEPTING the following described tract of land, to-wit:

A tract or parcel of land No. 19-A Rev. of Colorado Department of Highways' Project No. S 0130(8) containing 0.042 acres, more or less, in Lot 35 of Section 1, Township 7 South, Range 89 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east property line from which the SE corner of Lot 35, Section 1, T. 7 S., R. 89 W., bears S. $87^{\circ}03'30''$ E. a distance of 384.5 feet;

1. Thence N. $57^{\circ}30'$ W. a distance of 92.7 feet to the west property line;
2. Thence S. $2^{\circ}56'30''$ W. a distance of 45.8 feet to the south line of Lot 35, Section 1;
3. Thence S. $87^{\circ}03'30''$ E. along the south line of Lot 35 a distance of 80.7 feet, more or less, to the point of beginning.

AND TOGETHER WITH:

A parcel of land situated in Lots 32 and 35 of Section 1, Township 7 South, Range 89 West of the Sixth Principal Meridian, lying Northerly of the Southerly line of said Lot 35, said parcel of land is described as follows:

Beginning at a point on the Southerly line of said Lot 35 whence an iron post with a brass cap found in place and properly marked for the Northwest Corner of said Lot 9 in said Section 1 bears: N. $87^{\circ}06'00''$ W. 637.64 feet; thence N. $87^{\circ}06'00''$ W. 80.20 feet along the Southerly line of said Lot 35; thence N. $02^{\circ}54'00''$ E. 328.74 feet; thence S. $87^{\circ}06'00''$ E. 223.40 feet; thence S. $26^{\circ}26'16''$ W. 358.58 feet, more or less to a point on the Southerly line of said Lot 35 the point of beginning.

COUNTY OF GARFIELD
STATE OF COLORADO

Arch: Neg. comment regarding fence

eng: Are plans for sound study

Mark: no

eng: Code should be in place to help board

Mark: Sound levels

Mark: state statute

No expertise to deal with,

New guy - don't need a second opinion

Arch - fence 6' ambiguous letter
what is the minimum necessary

eng - no expertise

New guy - board no want spend money on future study.

New guy - Outside consultant

Mark - Not in Budget, asking for amendment

Harold - Noise levels before + after if approved.
Bill do something if noise.
provide means if louder, something is done.

eng - Asking for clarification

eng - any % increase?

eng - clarified w/ comparable.

discussion on variations in double levels.

Architect - Based on letter McGuire -
is not thorough enough addressing info.
Arch moved to deny temporary
variable

Harold Sacand.

Roll Call Vote.

discussion
Grayhair - information needed was not given
possibly delay.

Engineer: Read last paragraph of letter.

grayhair - is answering concern, as much as possible
emp.

Architect - 6' in fence height
clarify if 10' fence is arbitrary.

yes to deny no not approve

Harold yes
no

3 to two vote deny
approve.

Brad yes

Tom no

VARIANCE NOT DENIED

Leo yes no

MARK EXPLAINED, DISCUSSION

ENJ - IF Decible levels go up. then fence to be
HAROLD - removed.

READING OF SHEET,

HAROLD: BELIEVES TO BE REASONABLE
MOTION + 2ND

Architect - BILL BOARD - HEIGHT

Decible can vary by when taken.

yes to approve w/cond.

Harold yes

Clam yes

Brad no

Tom yes

Leo yes.

MOTION PASSES W/CONDITIONS

SIATTERY
PROPERTY

house

gulch

driveways

TE HIGHWAY NO. 82
RIO GRANDE

WESTERN RAILROAD
EASTBANK COMMERCIAL CENTER
R. O. W.

COUNTY ROAD NO. 114

CORRELL ROAD

EVERGREEN COMMERCIAL CENTER

092 Tax Exempt
093 Tax Exempt
Carbondale Fire

001 Lot 1
1.40 Ac.
002 Lot 2
1.04 Ac.
003 Lot 3
1.24 Ac.
004 Lot 4
1.34 Ac.

Adjoining 2393-06

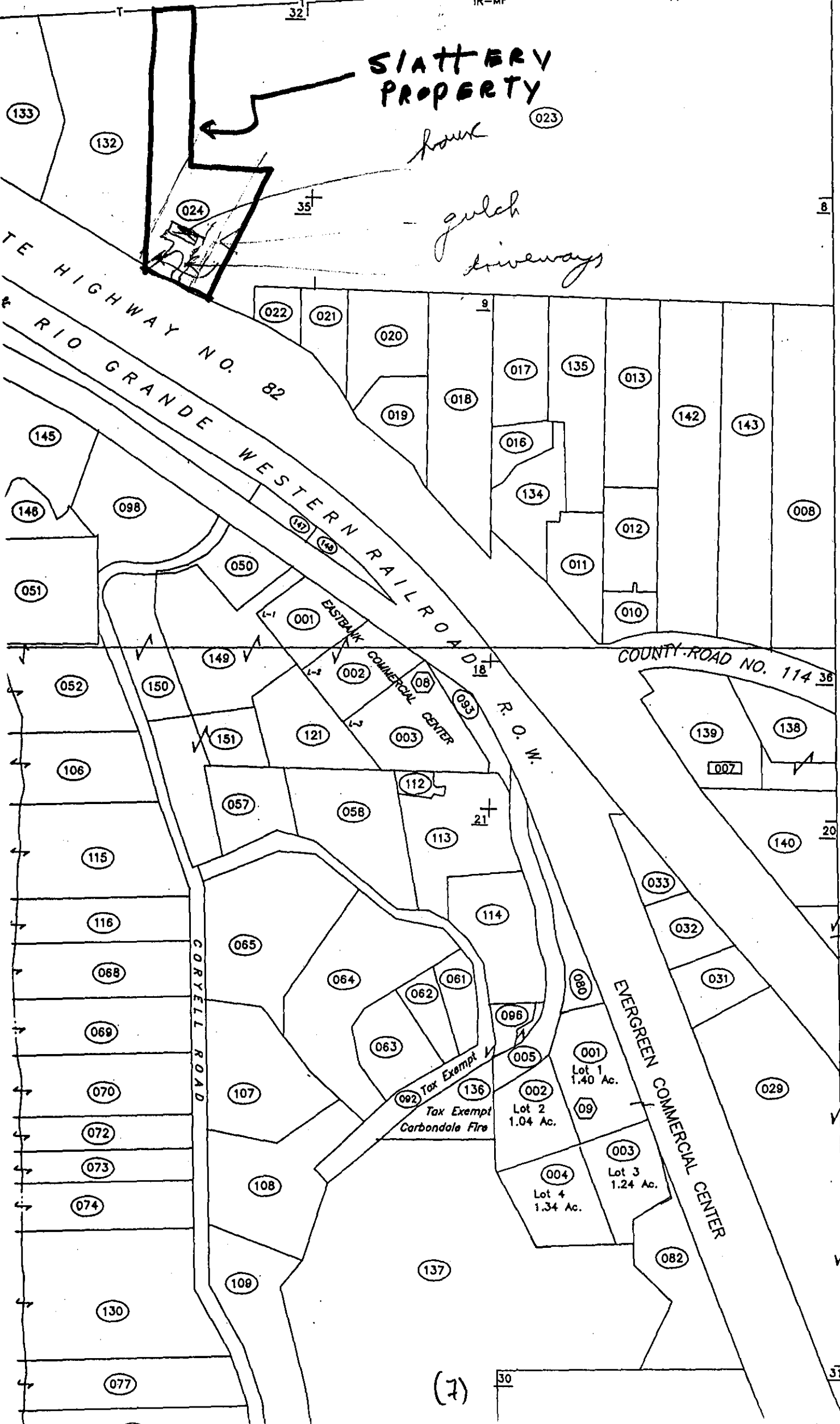
N0015'E

2393-063-00-003

76

9 2393-07

(7)



LOT 32
(Sec. 1)

3.16 AC.±

502°54'00"W
444.22'

N87°06'00"W
223.40'

Rebar
& Cap

N02°54'00"E - 716.23'

LOT 35
(Sec. 1)

HOUSE

DRIVE WAY

SOUND FENCE

N87°06'00"W
92.70'

N88°06'00"W
41.77'

N.W. Corner
LOT 9

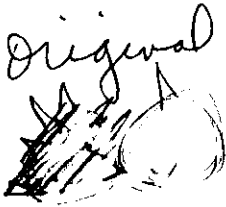
Highway Mon.

N65°25'30"W - 204.11'
141.94'

S01°14'00"W
95.70'

LOT 9
(Sec. 1)

COLD STATE
HIGHWAY NO. 82

Original


- A - POP
- B - RR
- C - BILL McDOWELL
- D - NEILEY &, RICHARD
- E - HOWARD MCGREGOR, ENG. DYNAMICS
- F - MAP INDICATING ADJ. PROPERTY

BOA 9/28/98

PROJECT INFORMATION AND STAFF COMMENTS

PREVIOUS ACTION:

At the September 28, 1998 regular meeting, the Board chose to CONTINUE hearing this proposal until the regular October hearing, in order to allow the applicant to provide engineered proof that the sound barrier as proposed will 1) mitigate noise, and 2) not impact the adjoining property owner.

REQUEST:

Variance from Section 5.05.03 (8)- Placement of a structure 6 feet in excess of the maximum height required by the Supplementary Setback Regulations

APPLICANT:

The William & Judith Slattery Trust

LOCATION:

A tract of land located within a portion of Section 1, T7S, R89W, located at 6476 Highway 82

SITE DATA:

3.16 acres

ACCESS:

State Highway 82

EXISTING ZONING:

A/R/RD

I. DESCRIPTION OF THE PROPOSAL

A. Site Description: The subject property is located on the northeast side of Hwy. 82, approximately 1/4 mile northwest of the CMC turnoff. Improvements on the site include an existing residential dwelling. A site map is attached on page 6.

B. Request: The applicant is requesting a variance from the maximum height requirement for an accessory structure in the side yard setback area. The proposed variance would allow the placement of a 10 foot fence on the side property line, adjacent to Hwy. 82. The applicant has stated that the proposed height is necessary due to the steep nature of the terrain of the applicants lot. (See application pgs. 4+5)

II. MAJOR ISSUES AND CONCERNS

A. **Zoning:** Section 5.05.03 (8), normally requires that an accessory structure in a side yard be a maximum of 8 feet in height. Due to the noise created by Hwy. 82 traffic, and the sloping nature of the property, a portion of the fence will exceed the 8 foot maximum, reaching a total height of 10 feet.

B. Section 9.05.03 states that "by reason of exceptional narrowness, shallowness or shape of the specific piece of property at the time of this resolution or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon , the owner of such property", the Board may authorize a variance. In addition, the Board must also find that:

1. That the variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property; and
2. That such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the General Plan or this Resolution; and
3. That the circumstances found to constitute a hardship was not caused by the applicant, are not due to or the result of general conditions in the district, and cannot be practically corrected; and
4. That the concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.

C. The proposed variance is seeking relief from a regulation intended to reduce visual blight, and to maintain a reasonable standard height which does not create either a nuisance or physical hazard for the property owner, owners of adjoining property and the general public.

The applicant is seeking relief from conditions, traffic noise pollution and steep terrain, which the applicant did not create, and are conditions found generally throughout the zone district. The proposal appears to be a reasonable mitigation solution for these conditions.

IV. SUGGESTED FINDINGS

1. That the application for Variance was found to be consistent with the requirements and standards of Section 9.05 of the Garfield County Zoning Resolution of 1978, as amended.

2. That proper publication and public notice was provided as required for the public hearing before the Zoning Board of Adjustment.
3. That the variance approved is the minimum necessary to alleviate the difficulties and not be to the detriment of the public.
4. That the public hearing before the Zoning Board of Adjustment was extensive and complete, that all facts, matters and issues were submitted and that all interested parties were heard at the meeting.

V. RECOMMENDATION

APPROVAL of a variance, but to the minimum necessary and subject to the new construction being completed in compliance with a building permit issued by the Garfield County Building Department, and that all development shall conform with the site plan and application as submitted.

VI. NEW INFORMATION:

The applicant has provided a letter dated 8/19/98 from Engineering Dynamics, Howard McGregor, President, who believes that the sound fence as proposed will mitigate noise impacts on the applicants property and will not reflect this noise onto the adjoining property.

VARIANCE APPLICATION
GARFIELD COUNTY ZONING BOARD OF ADJUSTMENT

Pursuant to Section 9.05 of the Garfield County Zoning Resolution

Resolution William R. Slattery Revocable Trust
Judith J. Slattery Revocable Trust, request(s) a variance to
(applicant/owners name)

Section 5.05.03 (8) of the Garfield County Zoning Resolution concerning a variance
to permit a 10 feet high fence in the Residential
zone district.

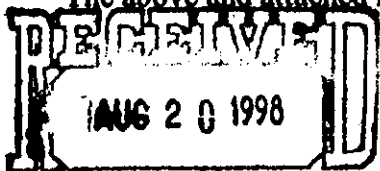
SUBMITTAL REQUIREMENTS: SEE NARRATIVE ATTACHED

- A. Sketch map: showing all improvements on the site, building sizes, locations, setbacks and access points.
- B. Vicinity map: showing general geographic location.
- C. Legal description of site - Copy of Deed of Ownership.
- D. Practical description of site - including address.
- E. Names and addresses of property owners adjacent to or within 200 ft. of the site (available at the Assessor's office).
- F. Where applicable: descriptions of domestic water source, sewage disposal and other utility facilities.
- G. Plans and specifications for the proposal.
- H. Narrative explaining why the variance is being requested.
- I. It should be demonstrated by the above information and statements that, "...where by reason of exceptional narrowness, shallowness or shape of the specific piece of property at the time of enactment of this Resolution, or by reason of exceptional topographic condition of such piece of property, the strict application of any regulation enacted under this resolution would result in peculiar and exceptional hardship upon the owner of such property". (Section 9.05.03)
- J. Subject to the above findings, the Board of Adjustment may authorize a variance provided:
9.05.03 (1): That the variance granted is the minimum necessary to alleviate such practical difficulties or undue hardships upon the owner of said property;
9.05.03 (2): That such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the general plan or this resolution;
9.05.03 (3): That the circumstances found to constitute a hardship were not caused by the applicant, are not due to or the result of general conditions in the district and cannot be practically corrected.
- K. A \$250 fee must be submitted with the application.

PROCEDURAL REQUIREMENTS:

1. Submit applications to the Garfield County Planning Department no later than the last Friday of the month in order to be included on the following month's agenda. Regular meeting of the Zoning Board of Adjustment scheduled on the fourth Monday of each month at 7:00 p.m..
2. You will receive, from the Planning Department, a "Public Notice Form" indicating the time and date of your hearing.
3. Notice by publication (of the public notice form) shall be given once in a newspaper of general circulation in that portion of the county in which the subject property is located, at least fifteen (15) days prior to the date of the public hearing, and proof of publication shall be presented at the hearing by the applicant. (section 9.05.04 (1)).
4. Notice by mailing (of the public notice form) shall be sent by certified return-receipt mail to all owners of all property within two hundred (200) feet of the subject property at least five (5) days prior to the hearing, and the return receipts showing receipt of notice shall be presented at the hearing by the applicant, unless the applicant is able to otherwise show evidence of adequate notice to such owners. (Section 9.04.04 (2))

The above and attached information is correct and accurate to the best of my knowledge.



William R. Slattery Trustee
Judith J. Slattery Trustee
(signatures of applicant/owner)

GARFIELD COUNTY
William R. Slattery Revocable Trust
APPLICANT: Judith J. Slattery Revocable Trust PHONE: 945-5359
MAILING ADDRESS: 5134 Road 154, Glenwood Springs, CO 81601
OWNER: same PHONE: same
MAILING ADDRESS: same

VARIANCE APPLICATION

GARFIELD COUNTY ZONING BOARD OF ADJUSTMENT

NARRATIVE OF SUBMITTAL REQUIREMENTS

Applicants, William R. Slattery Revocable Trust and Judith J. Slattery Revocable Trust , hereby comply with the submittal requirements of the Variance Application as follows:

- A. A sketch map showing the site improvements and the proposed fence locations is attached as Exhibit "A".
- B. A vicinity map showing the geographic location of the site is attached as Exhibit "B".
- C. A copy of the deed of ownership of the property, containing the legal description of the site, is attached as Exhibit "C".
- D. A practical description of the site is as follows: The property is situated on the Northeast side of Highway 82, and fronts on Highway 82, approximately one quarter of a mile northwest of the intersection of Highway 82 and the Colorado Mountain College turnoff. The street address is: 6476 Highway 82, Glenwood Springs, Colorado 81601.
- E. The names and addresses of the adjacent property owners to, or within 200 feet of, the site is attached as Exhibit "E".
- F. Descriptions of domestic water sources, sewage disposal and other utilities have no applicability to a variance concerning the height of a fence.
- G. Plans and specifications for the proposal are attached as Exhibit "G".
- H. The variance is being requested to mitigate road noise and visibility from increasing traffic on Highway 82.
- I. Because of the exceptionally steep terrain on the applicants' lot, it is necessary that a portion of the fence be constructed to a height of ten feet to accomplish the purpose specified in the narrative explanation in paragraph "H", above.
- J. The Board of Adjustment should authorize the variance because of all of the reasons contained in Section 9.05.03(1), (2), and (3) of the Garfield County Zoning Resolution.
- K. A check in the amount of \$250.00 is enclosed as the submittal fee necessary to accompany the application.

PROJECT INFORMATION AND STAFF COMMENTS

REQUEST: Variance from Section 5.05.03 (8)- Placement of a structure 2 feet in excess of the maximum height required by the Supplementary Setback Regulations

APPLICANT: The William & Judith Slattery Trust

LOCATION: A tract of land located within a portion of Section 1, T7S, R89W, located at 6476 Highway 82

SITE DATA: 3.16 acres

ACCESS: State Highway 82

EXISTING ZONING: A/R/RD

I. DESCRIPTION OF THE PROPOSAL

A. **Site Description:** The subject property is located on the northeast side of Hwy. 82, approximately 1/4 mile northwest of the CMC turnoff. Improvements on the site include an existing residential dwelling. A site map is attached on page 7.

B. **Request:** The applicant is requesting a variance from the maximum height requirement for an accessory structure in the side yard setback area. The proposed variance would allow the placement of a 10 foot fence on the side property line, adjacent to Hwy. 82. The applicant has stated that the proposed height is necessary due to the steep nature of the terrain of the applicants lot. (See application pgs. 4-5)

II. MAJOR ISSUES AND CONCERNS

A. **Zoning:** Section 5.05.03 (8), normally requires that an accessory structure in a side yard be a maximum of 8 feet in height. Due to the noise created by Hwy. 82 traffic, and the sloping nature of the property, a portion of the fence will exceed the 8 foot maximum, reaching a total height of 10 feet.

B. Section 9.05.03 states that "by reason of exceptional narrowness, shallowness or shape of the specific piece of property at the time of this resolution or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon , the owner of such property", the Board may authorize a variance. In addition, the Board must also find that:

1. That the variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property; and
2. That such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the General Plan or this Resolution; and
3. That the circumstances found to constitute a hardship was not caused by the applicant, are not due to or the result of general conditions in the district, and cannot be practically corrected; and
4. That the concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.

C. The proposed variance is seeking relief from a regulation intended to reduce visual blight, and to maintain a reasonable standard height which does not create either a nuisance or physical hazard for the property owner, owners of adjoining property and the general public.

The applicant is seeking relief from conditions, traffic noise pollution and steep terrain, which the applicant did not create, and are conditions found generally throughout the zone district. The proposal appears to be a reasonable mitigation solution for these conditions.

IV. SUGGESTED FINDINGS

1. That the application for Variance was found to be consistent with the requirements and standards of Section 9.05 of the Garfield County Zoning Resolution of 1978, as amended.
2. That proper publication and public notice was provided as required for the public hearing before the Zoning Board of Adjustment.
3. That the variance approved is the minimum necessary to alleviate the difficulties and not be to the detriment of the public.

4. That the public hearing before the Zoning Board of Adjustment was extensive and complete, that all facts, matters and issues were submitted and that all interested parties were heard at the meeting.

V. **RECOMMENDATION**

APPROVAL of a variance, but to the minimum necessary and subject to the new construction being completed in compliance with a building permit issued by the Garfield County Building Department, and that all development shall conform with the site plan and application as submitted.

LAW OFFICE OF
JOHN L. KEMP, P.C.
905 GRAND AVE., SUITE 2
GLENWOOD SPRINGS, COLORADO 81601
TELEPHONE: (970) 945-2223
FAX: (970) 945-2376

HAND DELIVERED

MEMO

August 20, 1998

TO: Mr. Mark Bean
Garfield County Planner

Re: William R. Slattery Revocable Trust
and Judith J. Slattery Revocable Trust/
Variance for a 10 foot high fence on residential property

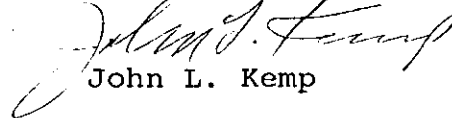
Dear Mark:

I am herewith submitting, in duplicate, the Variance Application for William R. Slattery Revocable Trust's and Judith J. Slattery Revocable Trust's request to allow a fence reaching the height of 10 feet to be built on its residential property.

It is important that any communication or correspondence regarding this variance should be directed to my attention. Mr. Slattery is going to be in Russia for about three weeks and will not be available. Therefore, please contact me about any matter concerning this variance.

Thank you for your cooperation.

Very truly yours,


John L. Kemp

JLK/jtk
Enc.

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JOHN L. KEMP, P.C.
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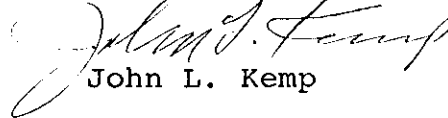
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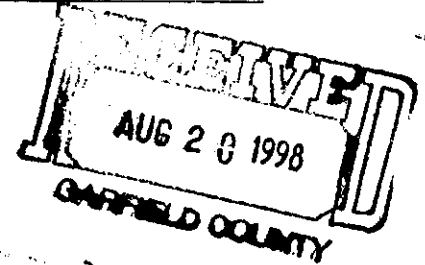
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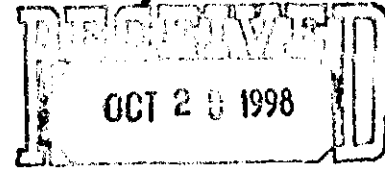
Very truly yours,


John L. Kemp

JLK/jtk
Enc.

HAND DELIVERED



engineering
dynamics

GARFIELD COUNTY

October 19, 1998

Mr. Mark Bean
Garfield County Planner
Garfield Building and Planning Department
109 8th Street, Suite 303
Glenwood Springs, CO 81601

Re: Variance - Accessory structure within the side yard setback area - Section 5.05.03(8)
- Noise Effects

Dear Mr. Bean:

I was requested by the William R. Slattery Revocable Trust and Judith J. Slattery Revocable Trust to render an opinion based upon my professional experience as an acoustical engineer regarding the acoustic effects of a sound barrier fence as described in the Variance Application.

The fence planned by Mr. Slattery would be located on the south boundary of his property and would start at the western edge of his property and continue eastward about 100 ft. A similar fence has also been requested by Mr. Slattery to go along the north boundary of his property.

The specific item of acoustical concern is whether or not the fence or fences would reflect the noise from Highway 82 back onto his neighbor's properties and increase the existing noise level. Sound does reflect back from an intervening surface but the angle of the reflection is similar to that of light waves reflecting from a surface. That is: the traffic noise from Highway 82 does not strike the proposed fence perpendicularly but at an angle and therefore will reflect from the fence at an angle. By observing the alignment of the proposed fence with respect to Highway 82, one can see that the sound striking the fence will be reflected at an angle towards the east and not directly back on the homes adjacent to Mr. Slattery's property.

Based upon well established scientific theories and my experience, I can state that there will be no significant increase in the noise of traffic from Highway 82 upon residences adjacent to Mr. Slattery's property when a sound barrier fence reaching a height of 10 feet is constructed as proposed.

If you have any questions regarding this information, please contact me at our Englewood office.

Very truly yours,
ENGINEERING DYNAMICS, INC.

Howard N. McGregor, President
Registered Professional Engineer in the State of Colorado.

3925 south kalamath street
englewood, colorado 80110
(303) 761-4367 • fax (303) 761-4379