

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: April 21, 2020
Hearing Location: Virtual Public Hearing, held via WebEx
Case Manager: Christopher Johnson

Board Members Present: Andris Berzins
Kari Gallo
Gary Raisio
Lynn Bittel
Ron Swope

Case Number: 02-20 – 467 Kenton Street

Description:

Request by the property owner, Julie T. Nolan, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.2.3.F.3.a, which requires detached carports and garages to be constructed within the side or rear yard of residential properties only. The garage has been constructed in a manner that it encroaches into the front yard of the subject property, with a final front setback of 22 feet 8 inches.

Recommendation from staff to approve the variance as requested.

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request, the context of the neighborhood and the subject property, and an analysis of the request with respect to the Code Criteria of Approval. The applicant's request would allow a detached garage which had already been constructed to remain on the property and encroach into the front yard.

There was no further discussion of the case and no questions from members of the Board.

Public Comment Given at the Hearing:

No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Mr. Berzins and seconded by Mr. Swope.

Move to approve the variance request because the proposal complies with the required findings of Code Section 146, and:

- Does not have an adverse impact on adjacent properties;
- Is consistent with the neighborhood character;
- Is compatible with adjacent development;
- Will not have a negative impact on existing city infrastructure or public improvements; and
- Will achieve an internal efficiency of design.

Action Taken: Approved
Votes for the Waiver: 5
Votes against the Waiver: 0
Absent: None
Abstaining: None

Case Number: 03-20 – 743 Kittredge Court

Description:

Request by the property owner, Ashwani Garg, for the following Single-Family Dwelling Variances:

- An adjustment to the requirement of Section 146-2.5.2.D.2.b.iii, which requires that lots located in the Accident Potential Zone (APZ II-N) not exceed a maximum building coverage of 35% of the lot area;
- An adjustment to the requirement of Section 146-4.2.3 Table 4.2-2, which details minimum front, side, and rear setbacks for residential development in the APZ zone districts; and
- An adjustment to the requirement of Section 146-5.5.4.B, which requires that non-conforming lots in Subarea B and C of the City conform to the dimensional standards for the zone district where the property is located, detailed in Section 146-4.2.

If granted, these variances would allow the applicant to construct a new single-family detached residence at the subject address which does not conform to current zoning regulations but adheres to a previously approved master plan which governs the area.

Recommendation from staff to approve the variances as requested.

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request, the context of the site, the history of the approved master plan which governs the area, and the relation each of these factors play to the rezoning of the area to Accident Potential Zone (APZ) district. The proposal to construct a new home on the vacant lot, which would follow the exact plans approved in the governing master plan was also discussed as an analysis of the request with respect to the Code Criteria of Approval. The applicant's request would allow a new home to be built, which would be the final home on the block and would follow previously approved plans.

Mr. Berzins asked staff if the plot plan which was included in the exhibits of the case report was the proposed plot plan for the actual building, and whether the new home would have the same dimensions and setbacks as shown. Both staff and the applicant, Mr. Garg, confirmed that that would be the proposal.

Public Comment Given at the Hearing:

No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Mr. Berzins and seconded by Mr. Raisio.

Move to approve the variance requests because the proposal complies with the required findings of

Code Section 146, and:

- Does not have an adverse impact on adjacent properties;
- Is consistent with the neighborhood character;
- Is compatible with adjacent development;
- Will not have a negative impact on existing city infrastructure or public improvements; and
- Will achieve an internal efficiency of design.

Action Taken: Approved

Votes for the Waiver: 5

Votes against the Waiver: 0

Absent: None

Abstaining: None

Case Number: 04-20 – 16754 E Tufts Avenue

Description:

Request by the property owner, Sherry Beebe, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.7.9.L.1, which requires that rear-yard fences on residential properties not exceed 6 feet in height.

If granted, this would allow the applicant to keep an existing 7.5-foot fence along the rear property line of the subject property.

Recommendation from staff to approve the variance as requested.

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request and stated reasoning for the increased fence height, citing concerns about privacy and safety due to the higher elevation of the property which abuts the subject site to the rear. The request resulted due to a code enforcement citation, as the 7.5-foot tall fence had already been constructed at the subject property. The proposal had also received a comment of support from a neighbor of the applicant and had been determined to meet the majority of the criteria of approval.

Mr. Berzins asked staff at what height fences required a building permit through the city of Aurora Building Department. Staff informed those present that only fences 9 feet high or above required a building permit.

Public Comment Given at the Hearing:

No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Mr. Swope and seconded by Mr. Berzins.

Move to approve the variance requests because the proposal complies with the required findings of Code Section 146, and:

- Does not have an adverse impact on adjacent properties;
- Is consistent with the neighborhood character;
- Will not have a negative impact on existing city infrastructure or public improvements; and

- Controls for any external effects.

Action Taken: Approved

Votes for the Waiver: 5

Votes against the Waiver: 0

Absent: None

Abstaining: None

Other Topics Discussed at the Hearing:

Staff and the members of the Board discussed briefly the efficacy of the hearing being held in a virtual fashion, and whether the Board felt confident in conducting the final interview for the vacant seats on the Board in this fashion. The Board members all agreed that they were confident in the ability to conduct an interview in this fashion, and Staff confirmed that an interview timeslot would be scheduled in the upcoming weeks pending agreement from the applicant.

There were no new minutes presented for adoption at the April hearing, however Staff also confirmed that minutes from the February and April hearing would be provided at the May hearing.