

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: June 15, 2021
Hearing Location: Virtual Public Hearing, held via WebEx
Case Manager: Todd Hager

Board Members Present: Marty Seldin (did not vote)
Andris Berzins
Gary Raisio
Lynn Bittel
Richard Palestro

Case Number: 05-21 – 12508 E Alaska PI

Description: Request by the property owners, Luis Charon & Lillian Lozano, for the following Hardship Variance:

- An adjustment to the requirement of Section 146-4.6.5.C.2, which requires that all residential driveways or parking surfaces located in the front yard shall not cover more than 40 percent of the total front yard area. The applicant expanded an existing front yard driveway which now covers approximately 75% of the front yard area.

Recommendation from staff to deny the proposed variance

Staff findings:

- Does not meet any of the criteria for a Single-Family Dwelling Variance

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request, the nature of the code violation, and the reasoning behind a code limitation on impermeable surface. The applicant's request would allow 75% of driveway/surface area.

The board did not have any questions for staff after the presentation.

The applicant's real estate agent, Rita Ulloa, represented them at the hearing and she had a presentation that included the history of when they purchased the property and how they believed they were following all the necessary codes and regulations. The board had a few questions for the representative. Andris Berzins asked if the applicant had any issues with removing a portion of the driveway to adhere to the 2-foot drainage requirement. The applicant stated that they had no issue with doing that. The board then had an open conversation with the applicant asking about potential percentages and how it could possibly look if the overall paved area was reduced.

Public Comment Given at the Hearing:

No public comments were submitted, and no members of the public attended the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Andris Berzins to approve the variance request at 57% and to adhere to the two feet of separation between the edge of pavement and property line but was not seconded and therefore died.

A second motion was made by Mr. Palestro and seconded by Mr. Seldin. The Board of Adjustments and Appeals voted, with 3 in favor and 1 against, to deny this motion (Marty Seldin dropped off the hearing prior to the motion and subsequent voting and did not participate). Move to approve the variance request because the proposal does comply with the required findings of Code Section 146.

Action Taken: Approval
Votes for the Motion: 3
Votes against the Motion: 1
Absent: Marty Seldin, Kari Gallo
Abstaining: None

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Todd Hager

Lynn Bittel, Chairman

Todd Hager, City of Aurora