



NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS MEETING

October 18, 2022

Members of the public are invited to attend remotely or in-person through the options listed below. Public comment is welcome for items appearing on the agenda or on any matter of Board of Adjustments & Appeals concern. Each speaker is allotted a maximum of five minutes to speak.

Individuals wishing to comment on an agenda item must register in advance by contacting Rachid Rabbaa at rrabbaa@auroragov.org or 303.739.7541. Registration ends at noon on Monday, October 17, 2022.

View or Listen Live

Click to join: https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWYyYWE2NDgtMjE1Ni00YmJjLThmYzAtNGRkZjM2MWNhYzNk%40thread.v2/0?context=%7b%22Tid%22%3a%229cf07bc1-6fa2-4d49-bc93-7acced6cc8d7%22%2c%22Oid%22%3a%228c13aa2d-6f6c-49d0-8886-264a874181a7%22%7d

Call-in Participation

Call 720.388.8447
Access Code 279717444#

In-person Participation

Aurora Municipal Center
Aspen Room, 2nd Floor
15151 E Alameda Parkway
Aurora, CO 80012

Translation/Accessibility

If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521. Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes al número 303.739.7521.

For more information regarding Board of Adjustments & Appeals meetings, please contact Planning & Development Services at rrabbaa@auroragov.org or 303.739.7541.



AGENDA

Board of Adjustment and Appeals

Hybrid Meeting

Tuesday, October 18, 2022

6:00 p.m.

Aspen Room

Aurora Municipal Center

15151 E Alameda Pkwy, 2nd Floor

Aurora, CO 80012

Pages

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.a. Draft BOA Meeting Minutes 8.16.2022 2
4. ADOPTION OF AGENDA
5. GENERAL BUSINESS
 - 5.a. Case Number 06-22 - 1141 Dayton Street 5

A request by the property owner, Iris Salguero, for the following Single-Family Dwelling Variance(s): To allow a 1,540 square foot parking pad in excess of code requirements in the front yard as opposed to the required alley access.
 - 5.b. Case Number 09-22 - 1031 Elmira Street 18

A request by the property owner, Edna Chavira, for the following Single-Family Dwelling Variance(s): To allow an expansion of the driveway in the front yard that exceeds code requirements.
6. OTHER BUSINESS
7. ADJOURNMENT

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: August 16, 2022
Hearing Location: Hybrid meeting, held via Microsoft TEAMS with in-person at Aspen Room, Aurora Municipal Center, 15151 E Alameda Pkwy, Aurora CO, 80012, 2nd Floor
Case Manager(s): Rachid Rabbaa and Erik Gates

Board Members Present: Andris Berzins
Gary Raisio
Lynn Bittel
Richard Palestro

Board Members Absent: Marty Seldin
Kari Gallo
Ron Swope

Commissioner Berzins objected to the adoption of the agenda as written. Commissioner Berzins posed a few questions to staff requesting clarification on code sections being considered for the requested adjustment for case number 06-22, 1141 Dayton Street. Brandon Cammarata, Planning Manager, replied that the evaluation of the request is per the code section indicated in the memorandum, an error was noted in the agenda.

Commissioner Berzins called for case number 06-22 to be deferred to a subsequent hearing due to discrepancies in the section noted in the agenda versus the memorandum. Motion passed to postpone the case to be heard on a subsequent hearing, at no cost to the applicant, pending clarification of information of the requested adjustment by staff.

Case Number: 07-22, 1541 Clinton Street

Description:

Request by the property owner, Alexis Lujan, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146.2.3.F.1.c, which requires that the accessory buildings in residential districts larger than 120 square feet not exceed 450 square feet of 50 percent of the gross floor area of the principal building, whichever is greater.

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 the applicant to build a new approximately 960-square-foot detached garage in his backyard.

Alex Lujan, the applicant, was available for questions. Commissioner Berzins requested clarification on why this case was brought for consideration given the condition of the property. Commissioner Berzin further requested confirmation no additional footprint would be added. Mr.

Lujan clarified the reasoning for this request and confirmed the footprint of the house would remain the same.

Commissioner Raiso cautioned the board is considering the addition requested not the condition of the property.

There was no further discussion of the case.

Public Comment Given at the Hearing:

No members of the public provided comments at the hearing.

Board of Adjustment and Appeals Results

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

Move to approve the variance request because the proposal complies with the required findings of Code Section 146-5.4.4.B.3., and:

- Is consistent with the character of the neighborhood;
 - 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: 4

Votes against the Waiver: 0

Absent: 3

Abstaining: None

Case Number: 08-22, 2366 South Lansing Street

Description:

Request by the property owner, Artur Akkerman, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146.4.7. Table 4.7-4, which requires a 6-foot rear yard fence in a residential area.

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 the applicant to build a 7.5 feet rear yard fence.

Commissioner Berzins requested staff clarify which fencing is being considered on this property. Mr. Rabbaa responded the consideration is for back fencing.

Artur Akkerman, the applicant, gave a presentation of the item. Mr. Akkerman attested that approval was provided by adjacent property owners for the building of the fence. Mr. Akkerman also apologized, indicating no prior knowledge that such a height limit was in place.

There was no further discussion of the case.

Public Comment Given at the Hearing:

Jenna Kile and Elizabeth Divine, adjacent property owners, provided public comment, voicing support for Mr. Akkerman

Board of Adjustment and Appeals Results

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

Move to approve the variance request because the proposal complies with the required findings of Code Section 146-5.4.4.B.3., and staff finds the variance request to Section 146-4.7.9.L.1 – Table 4.7-4, as requested:

- Does not have an adverse impact on adjacent properties;
- 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: 4

Votes against the Waiver: 0

Absent: 3

Abstaining: None

Other Topics Discussed at the Hearing:

Commissioner Palestro commented that it is appropriate for questions regarding staff reports to be posed before the meeting begins. Commissioner Berzins questioned the timing allowed for corrections to be made to staff reports prior to a meeting being held. Daniel Money, City Attorney, noted that it is not the responsibility of the board to note discrepancies in reports.

Minutes were presented for adoption from the June 21, 2022 hearing. Minutes were adopted as written. Commissioner Berzins abstained.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Rachid Rabbaa

Lynn Bittel, Chairman

Rachid Rabbaa, City of Aurora

Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7250



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MEMORANDUM

To: Lynn Bittel, Board of Adjustment Chairman
Board members: Andris Berzins, Gary Raisio, Ron Swope, Kari Gallo, Richard Palestro, Marty Seldin

From: Erik Gates, Planner I

Date: October 13, 2022

Hearing Date: October 18, 2022

Subject: BOAA Case No. 06-22 – 1141 North Dayton Street

Notification: The Notice of Variance Request was mailed to abutting property owners on October 7th, 2022, and a notice of virtual public hearing sign was posted on the property on the same day in accordance with Code.

Summary: A request by the property owner, Iris Salguero, to allow a recently installed 1,540 square foot parking pad in the front yard with a variance from the following requirements:

Code Section 146-2.4.4.I.2.e, which requires Off-street parking shall be located behind the dwelling and access to the parking shall be from an alley or, if there is no alley, then from the street via a driveway which does not exceed 10 feet in width up to the rear building line of the house.

Code Section 146-4.6.5.C.2.a. which requires that, except for wedge-shaped lots, all driveways or parking surfaces located in the front yard shall not cover more than 40 percent of the total front yard area.

Background Information: The subject property is located at 1141 Dayton St in the Judd Subdivision. The subject property is approximately 5,271 sq ft (0.121 acres) and the primary residence on the property currently covers 1,515 sq ft, according to the Arapahoe County Assessor's Office. This property and the majority of N Dayton St are within the MU-OA-MS (Mixed-Use -- Original Aurora Main Street) Zone District in Subarea A, with most of the rest of the surrounding neighborhood in other Mixed-Use -- Original Aurora zone districts. Overall, Original Aurora zone districts are intended to enhance and create a unique identity for Original Aurora and protect existing residential neighborhoods suitable to the local urban context while also attracting high quality mixed-use development and redevelopment. The specific Original Aurora Main Street zone district aims to promote safe, active, and diverse pedestrian-scale areas that activate the public realm. **(Exhibit A – Vicinity Map)**

The applicant is requesting a variance keep a recently installed a 28 ft wide driveway/parking lot in the front yard to provide parking spaces for the two existing units that are present in the primary structure. Prior to the installation of the non-compliant parking lot, there was no improved parking surface in the front yard, however it appears a small strip of land on the north end of the property was used for parking. The applicant has argued that this driveway will improve the safety of the neighborhood by reducing the need for on-street parking. The applicant has also stated that the property value of the home has significantly increased with two months of renovations that include this new driveway. **(Exhibit B – Application and Justification)**

Analysis:

The Unified Development Ordinance requires all lots in Original Aurora with alley access to utilize the alley for parking in the rear of the property. Any front driveway is limited to 10 feet in width when an alley is not present. The purpose of this requirement is to maintain consistency with the intended functionality of the neighborhood, utilizing the alley for parking and access. In turn, this preserves consistent front yards and maintains on-street parking.

The applicant's existing front yard is approximately 2,870 sf, and the non-compliant driveway occupies approximately 1,300 sf, or 45% of the total front yard area. For reference, the adjacent property to the north has a driveway covering approximately 40% of their front yard. However, most of the properties on the block retain the historical parking pattern with primarily parking in the rear and a limited width driveway in the front, if at all.

The alley and backyard appear conducive to surface parking with adequate space and few constraints. The property across the alley is an example of permitted surface parking off the alley. This approach uses far less concrete. For example, four parking stalls off the alley (9' x 18') would take up just 650 square feet.

Dayton Street has significant traffic volumes compared to typical local streets. Traffic count on Dayton two blocks to the south showed over 15,000 cars a day and three blocks to the north over 11,000 thousand cars a day (ref. DRCOG Traffic Counts). Most local streets, where you might have a driveway in the front have under 2,000 cars a day. Utilizing the alley for parking is a safer situation compared to cars backing out onto a busy street. **(Exhibit C – Site Photos)**

Required Findings: According to Section 146-5.4.4.B.3 **(Exhibit D)**, the Board of Adjustments and Appeals can grant variances based on the following criteria:

1. Effect on adjacent properties. The proposed variances will not adversely affect adjacent properties or the surrounding neighborhoods.

Staff Analysis: The parking should be provided off the alley per code. An approach similar to the property across the alley could have accommodated the desired parking without effectively putting a parking lot in the front yard. This is a significant departure from *most* properties in the area. The proposal reduces on-street parking in the area.

2. The proposed variance is consistent with the majority of the criteria as follows:
a. Improved Design

Staff Analysis: This does not appear to be an improved design compared to parking in the rear of the property. Dayton is a busy street and cars should not be backing into this street especially when alternative exist.

b. Consistency with Neighborhood Character

Staff Analysis: The majority of the properties in the areas utilize the alley for parking or have limited drive widths in the front. This is not consistent with the neighborhood character.

c. Compatibility with Adjacent Development

Staff Analysis: This proposal may be considered visually incompatible with the surrounding neighborhood.

d. Impact on existing city infrastructure and public improvements

Staff Analysis: This proposal unnecessarily removes at least two on-street parking spaces from the street. Cars backing out onto a busy street is likely to have an adverse effect on safety and traffic flow.

e. Internal efficiency of design

Staff Analysis: This neighborhood is designed to utilize the alley for parking and back-of-house activities. As Dayton St has a high traffic volume for a local street, alley loaded designs are even more appropriate along this street This proposal is contrary to the intended design of the neighborhood.

f. Control of external effects

Staff Analysis: The proposal may unnecessarily increase impermeable areas, increasing stormwater runoff.

Conclusion:

Based on the required findings of Code Section 146-5.4.4.B.3, staff finds the variance request does not meet the criteria because:

- It does not result in an improved design for the property,
- It is not compatible with adjacent development,
- It unnecessarily reduces on-street parking.
- It results in a less efficient design, and
- Cars backing out onto a busy street adversely impact safety and traffic movements.

Staff Recommendation:

Staff recommends **denial** of the requested variance.

ATTACHMENTS:

Exhibit A – Vicinity Map

Exhibit B – Application and Justification

Exhibit C – Site Photos

Exhibit D – City Code Section 146-5.4.4.B.3 (Variance Criteria)

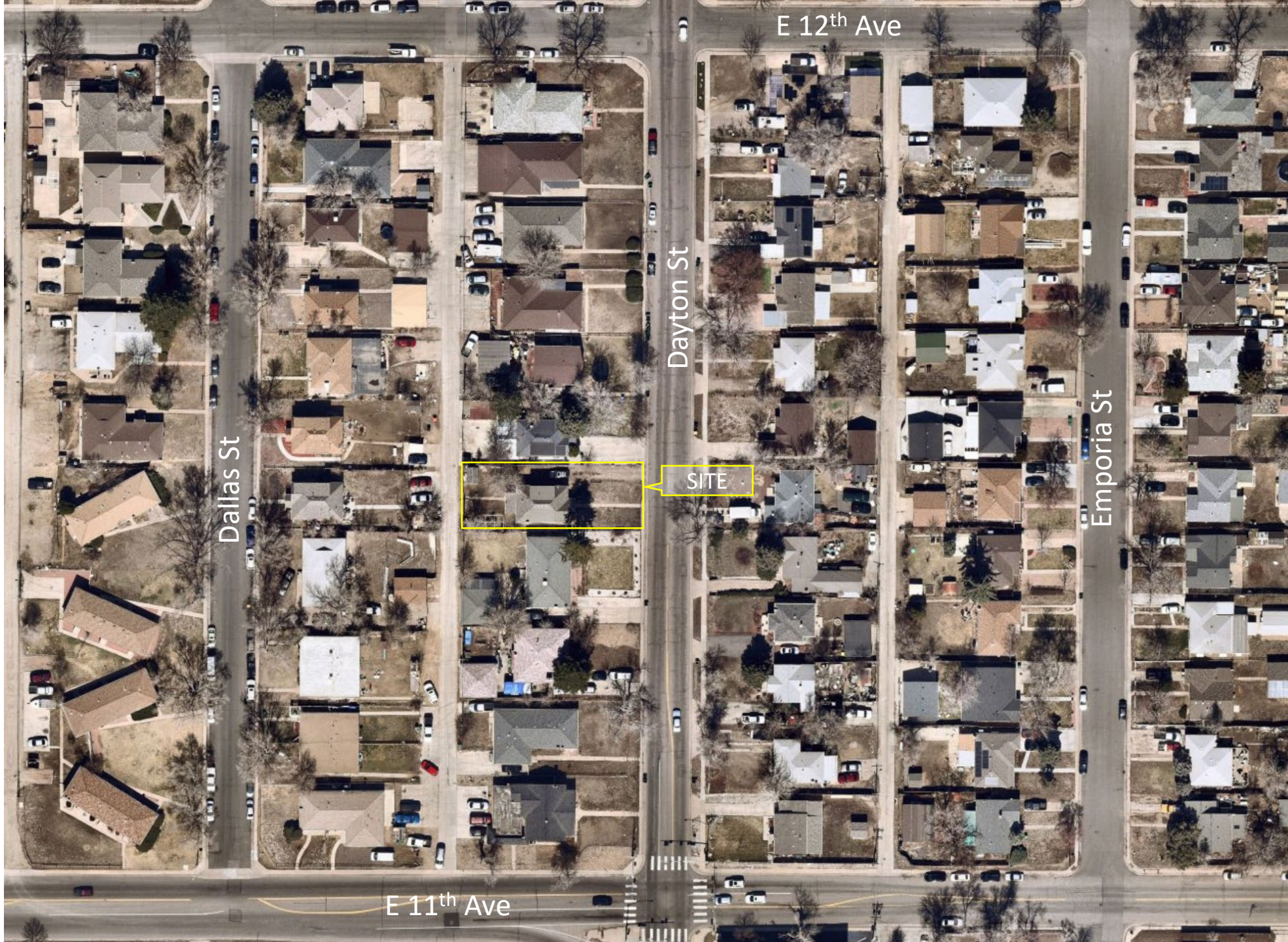


Exhibit A – Vicinity Map



PLANNING DEPARTMENT

15151 E. Alameda Pkwy., 2nd Floor
Aurora, Colorado 80012
303-739-7250
FAX: 303-739-7268

CASE # 06-22

BOARD OF ADJUSTMENT & APPEALS
CITY OF AURORA
APPLICATION FOR VARIANCE

1. Please type or print clearly when filling out the application. After completing the application, schedule an appointment by emailing **boaplanning@auroragov.org**.
2. An appointment needs to be made prior to the closing date noted at the bottom of this page.
3. When meeting with the applicant, staff will review the application for completeness and will provide instruction on the procedures of the hearing.
4. At the time of application submittal, a check for \$150.00, payable to the City of Aurora, will be required.
5. The Planning Department will prepare a public hearing sign for the applicant to post the property a minimum of ten days prior to the hearing. **(Do not remove the sign prior to the hearing.)** The sign must be posted through the entire hearing process.

HEARING DATE: 08/16/2022

CLOSING DATE:



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

15151 E. Alameda Pkwy, Suite 2300
Aurora, Colorado 80012
303-739-7250
FAX: 303-739-7268


CASE # 06-22

APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE

ADDRESS OF PROPERTY AFFECTED: 1141 Dayton St, Aurora, CO, 80016
Zone District OA-MS

Applicant Name: IRIS Salguero
Address: 23670 E. BRANDT PL, Aurora, CO, 80016
Phone #: 720-278-4734 email IRIS@2pmloans.com

Property Owner: Name: SAME AS ABOVE
Address: _____
Phone #: _____ email _____

Signature  7/8/2022

Variance requested:

We received a courtesy notice regarding parking surfaces
not allowed to exceed 40% of the lot frontage.
- We are requesting a ~~perm~~ permit for these changes

The above request does not conform to Section(s) 146-2.4.4.I.e of the Aurora City Code, which requires that off-street parking only be located behind the dwelling in all MU-OA zone districts. If there is no alley, then from the street via a driveway which does not exceed 10 feet in width. And Section 146-4.6.5.C.2.a which requires that, except for wedge-shaped lots, all driveways or parking surfaces located in the front yard shall not cover more than 40 percent of the total front yard area.

07/09/2022

Dear Board of Adjustment & City of Aurora,

I received a courtesy notice regarding parking surfaces not allowed to exceed 40% of the lot frontage for property 1141 Dayton St, Aurora CO 80016.

I want to first and foremost apologize to the Board and City of Aurora for my oblivious mistake. I was unaware that I had to ask for permission to add more parking. I was under the understanding that I had to ask for permission if it had HOA and there is no HOA with this property.

I have learned from my mistake. The reason why I added more parking space to the property is for the following reasons:

- Safety for the tenants living in the property and neighbors
- When people park in front of the house on the street due to lack of parking it can cause an accident
- The property is a single-family residence with a mother-in-law unit and considered a duplex. It has unit 1 and unit 2
- With the new concrete the tenants have enough parking for 4 vehicles that way each tenant can comfortably park 2 vehicles each and avoid resentment as to why one can park on the concrete and others on the street
- This new parking space has added value to the property and the neighborhood
- Property was purchased for \$380K and it has now been valued at \$555K with only 2 months of renovations
- I had a conversation with Jose A Muro, the neighbor to the north of the property located at 1149 Dayton St Aurora CO 80010, regarding his thoughts on the parking. He not only agreed but encouraged the bigger parking space and mentioned the previous accidents that have occurred at 1141 Dayton in the past

I thank you from the bottom of my heart the opportunity to apply for a permit consideration and I hope that you consider the benefits of this improvement for the neighborhood.

Yours truly,



Iris Salguero

CASE # _____

Type, or print clearly, the name and complete address (including zip code) of each abutting property owner:

ABUTTING PROPERTY ADDRESS:

NAME & ADDRESS OF PROPERTY OWNER

1140 Dallas St Aurora CO 80010 ✓ SPL Capital LLC
1140 Dallas St, Aurora, CO, 80010

1150 Dayton St Aurora CO 80010 ✓ Matthew T Steelman
1150 Dayton St Aurora CO 80010

1133 Dayton St Aurora CO 80010 ✓ Jose Roberto Aguilar
1133 Dayton St Aurora CO 80010

1149 Dayton St Aurora CO 80010 ✓ Jose A. Muro
1149 Dayton St., Aurora, CO 80010

Boss Capital LLC
7545 E Peakview Ave Unit 713
Centennial, CO 80111

Matthew Steelmon
1150 Dayton St
Aurora, CO 80010

Jose Aguilar
1133 Dayton St
Aurora, CO 80010

Shane Oltmanns
1154 Dayton St
Aurora, CO 80010

RONALD L RODRIGUEZ
14144 E FLORIDA PL
AURORA, CO 80012

Marta Gonzales
1160 Dayton St
Aurora, CO 80010

Brian Lucero
1132 Dallas St
Aurora, CO 80010

SPL Capital LLC
PO Box 4941
Greenwood Village, CO 80155

Brian Cheek
4800 Hale Pkwy
Denver, CO 80220

14124



CITY OF AURORA
Neighborhood Support Division
15151 E. Alameda Pky 4th Floor
Aurora, CO 80012
Code Officer: Charles #116 at 303-739-7870
Office: 303-739-7280 Fax: 303-739-7191
Email: cwwillia@auroragov.org

Courtesy Notice

ADDRESS: 1141 N DAYTON ST AURORA 80010

NAME:

Code Area

Section

Landscaping	Maintenance 142-75(e)
Landscaping	Living Material Req 146-4.7.3.5
Landscaping	Maintenance 146-4.11.1 B
Landscaping	Barren Soil Present 142-75(d)
Parking	On landscape 146-4.6.3 B 2
Parking	Front Yard 146-4.6.5 C 2

Officer Comments

PLEASE TAKE THE NECESSARY STEPS TO FIX/REMOVE THE PARKING SURFACE IN THE FRONT YARD OR RECEIVE A PERMIT FOR THE EXTENSION.

PARKING SURFACES ARE NOT ALLOWED TO EXCEED 40% OF THE LOT FRONTAGE. A PERMIT IS REQUIRED TO MAKE THESE TYPES OF CHANGES OR EXTENSIONS.

PLEASE TAKE THE STEPS TO REVIVE/REPLACE THE LANDSCAPE IN THE FRONT AND SIDE YARD. BARREN SOIL AND DEAD GRASS ARE NOT AN APPROVED LANDSCAPING.

PLEASE TAKE STEPS TO PLANT LIVE ORGANIC MATERIAL IN THE FRONT YARD. FRONT YARDS ARE REQUIRED TO HAVE AT LEAST 50% LIVING ORGANIC MATERIAL PRESENT. THANK YOU.

LANDSCAPING, EVERY FRONT AND SIDE YARDS ON A DEVELOPED PROPERTY VISIBLE FROM A STREET MUST MAINTAIN ALL PLANTS, SHRUBS, TURF, AND OTHER LANDSCAPING IN HEALTHY AND LIVE CONDITION. BARREN SOIL OR PATCHES OF DIRT AND WEEDS ARE NOT CONSIDERED APPROVED LANDSCAPING MATERIAL. IF YOU ARE REPLACING OVER 250 SQUARE FEET OF SOD OR ADDING MORE THAN ONE ZONE TO YOUR SPRINKLER SYSTEM YOU WILL NEED TO OBTAIN A PERMIT FROM THE WATER DEPARTMENT. LIVING MATERIAL REQUIREMENTS.

(A) GENERAL REQUIREMENTS. NO GREATER THAN 50 PERCENT OF ALL LANDSCAPED AREAS AS REQUIRED IN THIS ARTICLE MAY BE COVERED WITH RIVER ROCK, CRUSHED ROCK, GRAVEL, AGGREGATE, COBBLES, WALKS, DECORATIVE PAVEMENTS, AND ARTIFICIAL TURF OR OTHER NON-LIVING MATERIALS.

(B) COVERAGE REQUIREMENTS. AT THE TIME OF INSTALLATION, LIVING PLANT MATERIALS SHALL COVER A MINIMUM OF 50 PERCENT OF ALL PLANT BEDS AND RAISED PLANTERS. PARKING LOT ISLANDS AND MEDIANS SHALL BE LANDSCAPED AS FOUND IN SECTION 146-1439.

GROUNDCOVER, PERENNIALS, SHRUBS, AND EVERGREEN TREES SHALL BE UTILIZED FOR THIS CALCULATION. THE FOLLOWING FACTORS SHALL BE USED IN CALCULATING EQUIVALENT PLANT COVERAGE AREAS AT THE TIME OF INSTALLATION:

1. SHRUBS -- 32 SQUARE FEET
2. CONIFEROUS TREES -- 200 SQUARE FEET.
3. PERENNIALS -- 1 TO 1.
4. ANNUALS AND GROUNDCOVERS -- 1 TO 1.

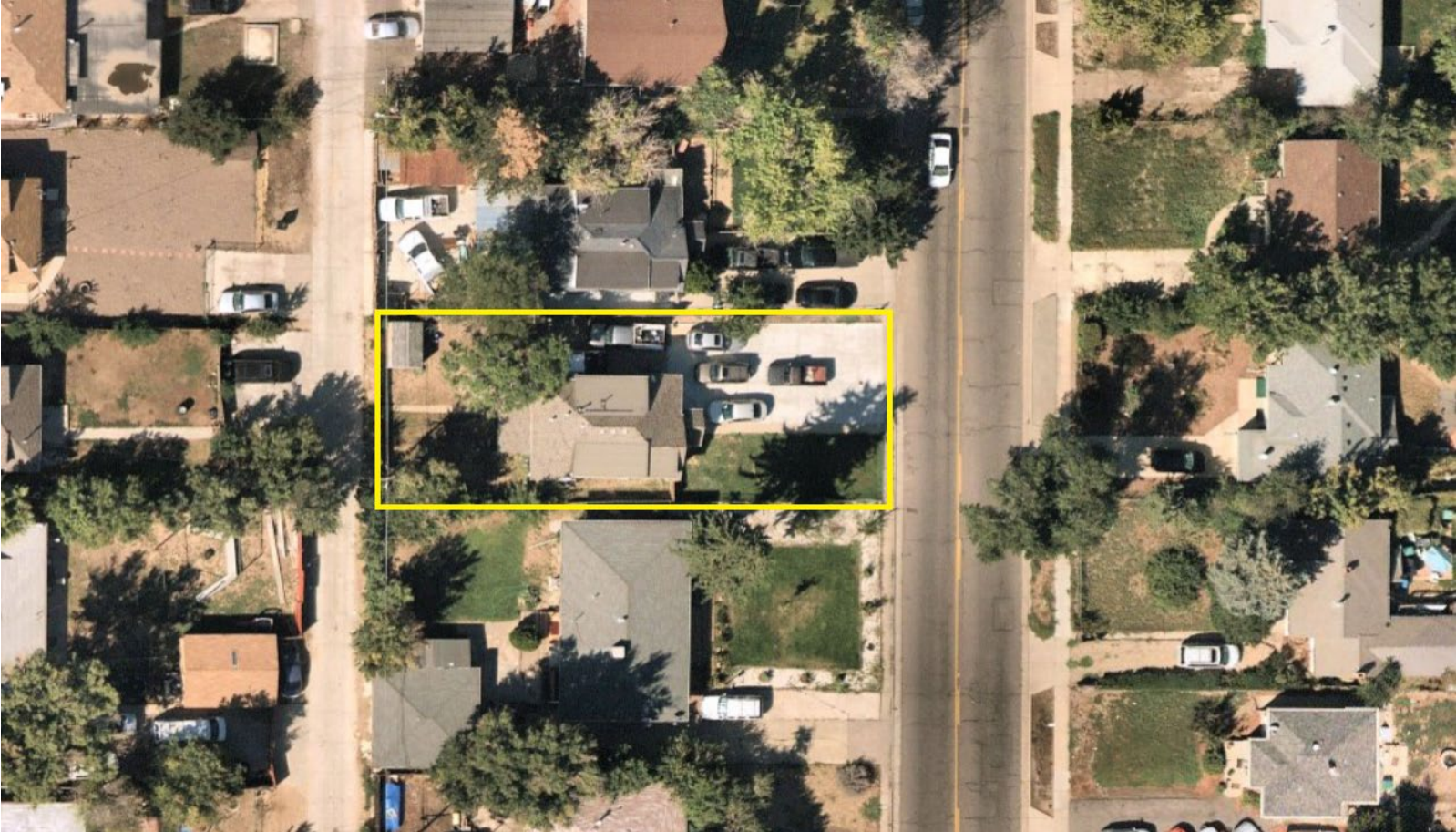
PARKING OF ANY TYPE OF VEHICLES, BOAT TRAILERS AND CAMPER SHELL ETC., ON THE LANDSCAPE AND/OR LAWN PORTION OF THE YARD IS PROHIBITED.

This courtesy notice has been issued to advise you a code violation(s) listed above has been observed on your property. Please make the necessary corrections within **30** day(s). The property will be re-inspected on **08/06/2022**.

DATE/TIME SERVED: July 07, 2022

IF YOU HAVE QUESTIONS OR NEED MORE INFORMATION PLEASE CALL CODE OFFICER: Charles #116 at 303-739-7870





B. Single-Family Dwelling Variance

All applicable provisions of Section 146-5.3 (Common Procedures) apply unless specifically modified by the provisions of this Section 146-5.4.4.B.

1. Applicability

This Section 146-5.4.4.B applies to all applications for a variance from the standards and of provisions of this UDO or to the provisions of Chapter 90 as they relate to the modification of an existing single-family dwelling or the lot on which it is located that do not qualify for approval as a Minor Amendment under Section 146-5.3.15.A. This section may not be used to vary the standards or provisions of this UDO for single-family homes that have not yet obtained a certificate of occupancy or Manufactured Homes that have not yet been installed in accordance with Chapter 90.

1. Procedure

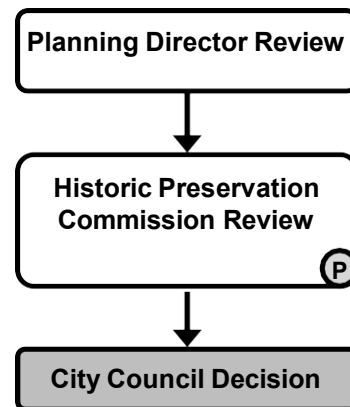
- a. Planning Director shall review the application and forward a recommendation to the Board of Adjustment and Appeals pursuant to all applicable provisions of Section 146-5.3 (Common Procedures).
- b. The Board of Adjustment and Appeals shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 146-5.3.

2. Criteria for Approval

An application for a Single-family Dwelling Variance shall be approved if the Board finds that the proposed variance will not adversely affect adjacent properties or the surrounding neighborhoods and a majority of the following criteria have been met.

- a. The proposed variance results in improved design.
- b. The proposed variance does not adversely affect the character of lower density residential areas.
- c. The proposed variance will result in development that is compatibility with adjacent land development.
- d. The proposed variance will not result in undue or unnecessary burdens on existing infrastructure and public improvements, or arrangements have been made to mitigate those impacts.
- e. The proposed variance results in development that achieves internal efficiency for its residents and does not endanger public health or convenience.
- f. The proposed variance results in development that controls external effects on nearby land uses, movement and congestion of traffic, noise generated, arrangement of signs and lighting to prevent nuisances, landscaping, and features to prevent detrimental impacts on public health, welfare, safety or convenience.

**Historic
Landmark/District
Adjustment**



(P) Indicates Public Hearing Required



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7250

MEMORANDUM

To: Lynn Bittel, Board of Adjustment Chairman
Board members: Andris Berzins, Kari Gallo, Ron Swope, Gary Raisio, Richard Palestro, Marty Seldin

From: Rachid Rabbaa, Planner I, Board of Adjustment Staff Liaison

Date: October 13, 2022

Hearing Date: October 18, 2022

Subject: BOAA Case No. 09-22 – 1031 Elmira Street

Notification: The Notice of Variance Request was mailed to abutting property owners on October 7, 2022, and a notice of virtual public hearing sign was posted on the property on the same day in accordance with Code.

Summary: Request by the property owner, Edna Chavira, for the following Single-Family Dwelling Variance:

1. A variance to the requirement of Section (146-2.4.4.I.2.e.i) *off-street parking* shall be located behind the dwelling and access to the parking shall be from an alley or, if there is no alley, then from the street via a driveway which does not exceed 10 feet in width up to the rear building line of the house.
2. Applicable Code: Code Section (146-4.6.5.C.2.a.) which requires that, except for wedge-shaped lots, all driveways or parking surfaces located in the front yard shall not cover more than 40 percent of the total front yard area.

Background Information: The subject property is located at 1031 Elmira Street in the “Del Mar Parkway” neighborhood. The property is 0.15 acres or 6,359 square feet with a 773 square foot primary residence with an attached front-loaded 1 car garage, which was constructed in 1949. The property and surrounding neighborhood adhere to the typical character of residential areas in Original Aurora, with a gridded network of streets, alleys, and a mix of single-family detached residences and duplexes. In most cases driveway access is from the alley and in some instances an 8 to 10 feet in width driveway from the front may accessing a single car garage in the front or the drive accesses parking on the side or rear of the home. The property is zoned OA-R1 (Original Aurora Low Density Residential District), as is the surrounding neighborhood. **(See Exhibit A – Aerial Photo & Site Photos.)**

In Original Aurora driveways access is limited to alley access, or if an alley is not present access is limited to a 10-foot-wide driveway from the front. The subject property has an existing front-loaded garage and driveway and has been accessed directly from the street since the initial construction of the home. Several other homes on this block have a similar condition with a single lane drive way. The applicant has a ribbon driveway and wants to expand it to cover areas of adjacent gravel. The applicant is requesting a permit for the work, to replace and expand her driveway with concrete. Currently the applicant is parking four cars on the drive way and front yard. The circumstance of a wider parking pad to store or park cars is not consistent with the code or the surrounding area. The newly expand portion of the driveway will bring the driveway to approximately 47% of the total front yard area, or approximately 989 square feet. The

applicant's stated reason for doing so is to provide safety for her and her family. (See **Exhibit B – Application and Justification**)

Analysis: Section 146-2.4.4.I.2.e.i establishes that *off-street parking* shall be located behind the dwelling and access to the parking shall be from an alley; or if there is no alley, then from the street via a driveway which does not exceed 10-feet in width up to the rear building line of the house. Additionally, the UDO states that for all single-family detached residential lots, the maximum permitted area for parking surfaces is 40% of the total front yard area. For context only, the applicant's front yard area is approximately 2,100 square feet and approximately 989 square feet of that will be a paved driveway or almost 47 % of the front yard area. The code also references not allowing parking in the front setback which is 20-feet from the front property line. The applicant has access to an alley and an unencumbered back yard that can support parking cars and meeting the code. Parking in the rear of the building is preferable to parking four cars on the front yard.

The intent of Section 146-2.4.4.I.2.e.i, is to maintain the character and aesthetic quality of the neighborhood, maintain on-street parking, and ensure adequate drainage and stormwater management. There are multiple components to the code.

Required Findings: According to Section 146-5.4.4.B.3 (**Exhibit C**), the Board of Adjustments and Appeals can grant variances based on the following criteria:

1. Effect on adjacent properties. The proposed variances should not adversely affect adjacent properties or the surrounding neighborhoods.

Staff Analysis: The proposed variance does not present an adverse effect on adjacent properties or the surrounding neighborhood.

2. The proposed variance is consistent with the majority of the criteria as follows:

a. Improved Design

Staff Analysis: The property already has a 1 car garage and a driveway.

b. Consistency with Neighborhood Character

Staff Analysis: The new driveway is consistent with this area of Original Aurora, with many homes having existing front-loaded garages and driveways.

c. Compatibility with Adjacent Development

Staff Analysis: The proposed variance is compatible with adjacent development.

d. Impact on existing city infrastructure and public improvements

Staff Analysis: The proposed variance unnecessarily reduces on street parking options.

e. Internal efficiency of design

Staff Analysis: the site has access to an alley and a relatively unencumbered back yard. Parking in the front yard is not a design efficiency.

f. Control of external effects

Staff Analysis: Parking four cars in the front yard has a visual impact on the neighborhood that is contrary to the predominant character.

Staff Findings:

Based on the required findings of Code Section 146-5.4.4.B.3, staff finds the Single-Family Dwelling Variance request per Section 146-2.4.4.I.2.e.i as requested:

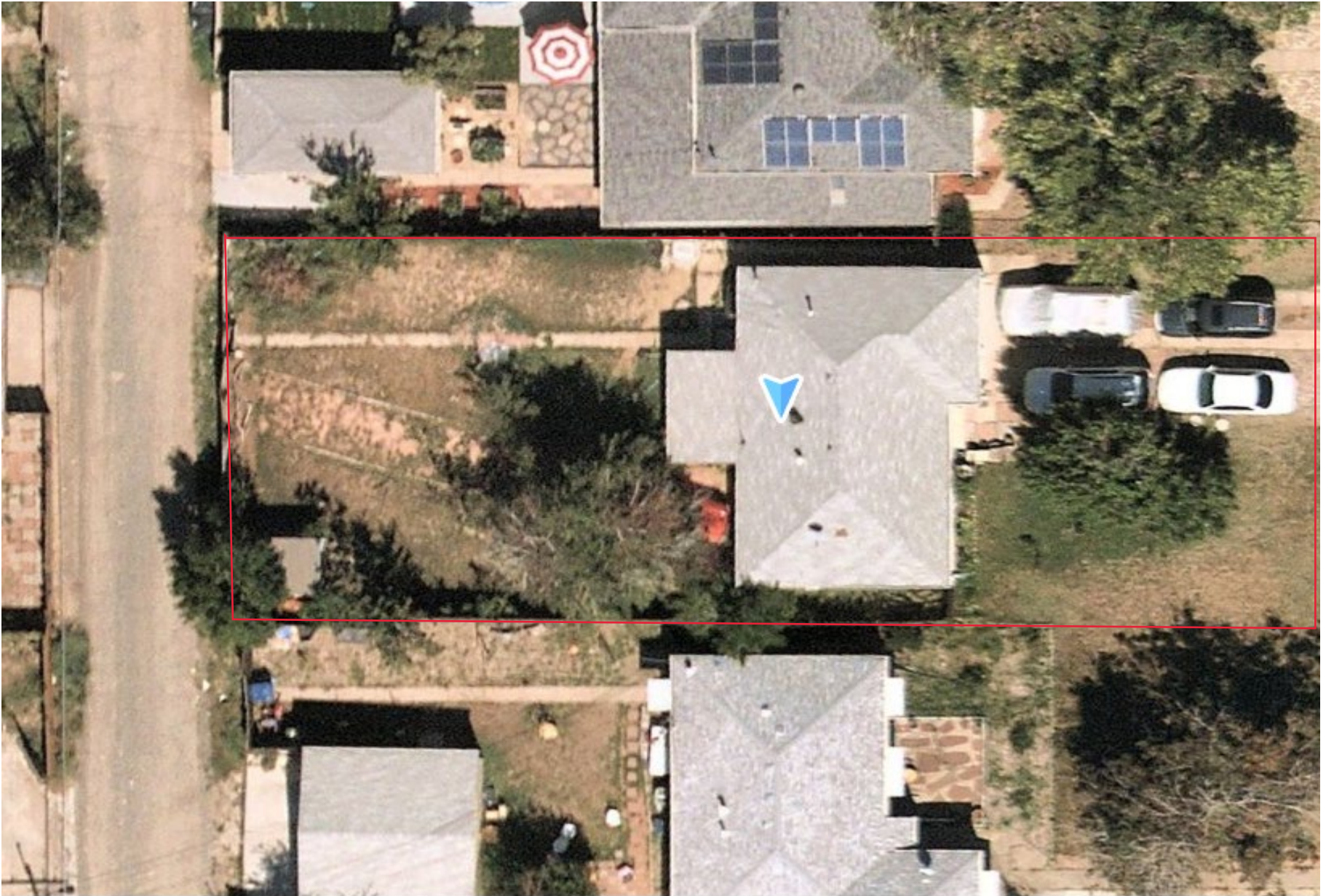
- A four-car parking pad in the front yard may have an adverse impact on surrounding properties.
- Is not consistent with the neighborhood character;
- Using the alley for access to surface parking in the back yard is a feasible option, a more efficient design and meet code requirements.
- Unnecessarily reduces on-street parking.; and
- Changes the visual character of the neighborhood.

Staff Recommendation:

Staff recommends denial of the proposed variance.

ATTACHMENTS:

- Exhibit A – Aerial Photos & Site Photos
- Exhibit B – Application and Justification.
- Exhibit C – City Code Section 146-5.4.4.B.3





PLANNING DEPARTMENT

15151 E. Alameda Pkwy., 2nd Floor
Aurora, Colorado 80012
303-739-7250
FAX: 303-739-7268

CASE # _____

BOARD OF ADJUSTMENT & APPEALS
CITY OF AURORA
APPLICATION FOR VARIANCE

1. Please type or print clearly when filling out the application. After completing the application, schedule an appointment by emailing **boaplanning@auroragov.org**.
2. An appointment needs to be made prior to the closing date noted at the bottom of this page.
3. When meeting with the applicant, staff will review the application for completeness and will provide instruction on the procedures of the hearing.
4. At the time of application submittal, a check for \$150.00, payable to the City of Aurora, will be required.
5. The Planning Department will prepare a public hearing sign for the applicant to post the property a minimum of ten days prior to the hearing. (**Do not remove the sign prior to the hearing.**) The sign must be posted through the entire hearing process.

HEARING DATE:

CLOSING DATE:



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

15151 E. Alameda Pkwy, Suite 2300
Aurora, Colorado 80012
303-739-7250
FAX: 303-739-7268

CASE # _____

APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE

ADDRESS OF PROPERTY AFFECTED: _____

Zone District _____

Applicant Name: Edna Chavira _____
Address: 1031 Elmira st Aurora CO 80010 _____
Phone #: 720-819-9346 _____ email: gisselle1607@gmail.com _____

Property Owner: Name: Same _____
Address: _____
Phone #: _____ email _____

Signature Edna Chavira _____

Variance requested:
We would like you to approve the my variance request to replace our old driveway with
Concrete. Measures are 23 ft. wide by 43ft. long. See attached support letter and pictures.

The above request does not conform to Section(s) _____ of the Aurora City
Code, which requires _____

CASE # _____

Type, or print clearly, the name and complete address (including zip code) of each abutting property owner:

ABUTTING PROPERTY ADDRESS:

NAME & ADDRESS OF PROPERTY OWNER

North Side

Alisha Bashaw

1041 Elmira st. Aurora CO 80010

South Side

Yolanda Velazquez

1021 Elmira St. Aurora Co 80010

House across street

House is Vacant

1024 Elmira St. Aurora CO 80010

Alisha Bashaw
1041 Elmira St
Aurora, CO 80010

Lit Ventures LLC
3431 S Federal Blvd
Englewood, CO 80110

Yolanda Velasquez
1021 Elmira St
Aurora, CO 80010

Gabino Gonzalez
1018 Elmira St
Aurora, CO 80010

3Rentals LLC
11036 Puma Run
Lone Tree, CO 80124

Sara Howell
1030 Emporia St
Aurora, CO 80010

Darrin Caschete
161018 32nd Ave SE
Mill Creek, WA 98012

Allyson Frueauf
1032 Elmira St
Aurora, CO 80010

09-22

Letter of Intent
In Support of Request for Variance
1031 Elmira St, Aurora CO 80010

To the Board of Adjustment & Appeals

First, I would like to thank all of you for taking my case into consideration.

I am writing this letter to support my request of a variance on my property located at 1031 Elmira St. Aurora CO. 80010.

The variance we are requesting is to replace our old driveway area with concrete; the measurements are 23ft wide by 43ft long. I purchased my house in 2010, at that time our front yard already had a parking area made out of cement and gravel. We are not getting rid of any existing grassy or landscaped areas. We have been here for a long time and we are planning on staying here for many more years to come. Our neighborhood has always been home to my family.

With the passing of the years and with the weather, the area has gotten in bad shape, some of the cement has cracks, lots of the gravel area is mostly dirt and grass and weeds are coming out. The area has uneven areas, which has caused my dad, a 75-year-old man to stumble and hurt his knee. The main reason we would like to replace my driveway with concrete is for safety reasons for my family and me. I feel at this point the driveway could be a trip hazard. The second reason is that it is a convenience to my family to be able to access our home from the front yard, as with many new homes in which the garage is an entry point to the main living area. We want it to be easy when we return from the grocery store, especially when my elderly parents come for their yearly visits.

Having concrete will make it easier to clear the snow and when it is wet, we will not have mud all over my entrance and inside my home. We want to assure you that we will be good stewards of our neighborhood and not park broken down/undriveable vehicles. We like our house to look good and we want to be able to enjoy the beautiful Colorado afternoons in our updated front yard.

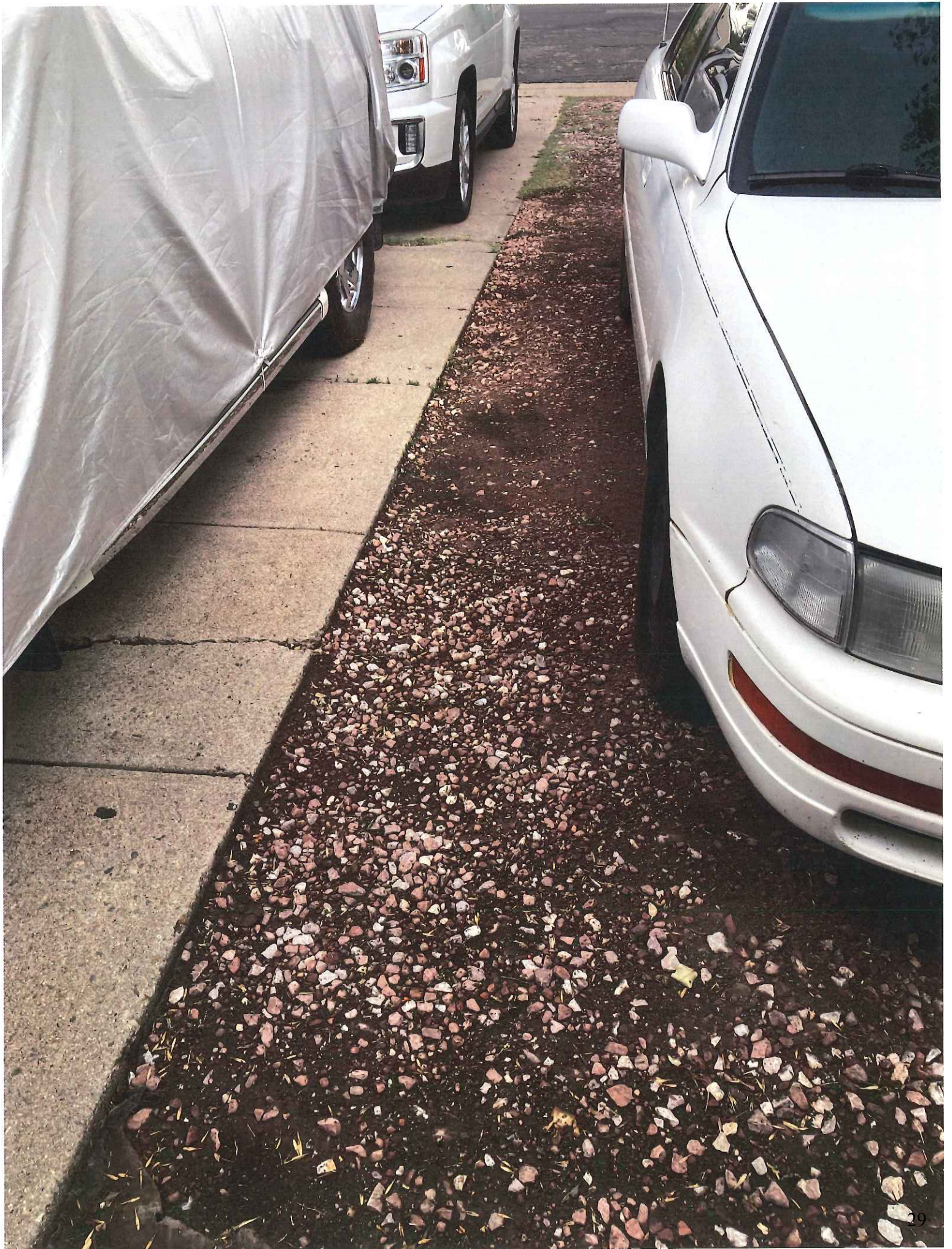
Sincerely,

Edna Chavira

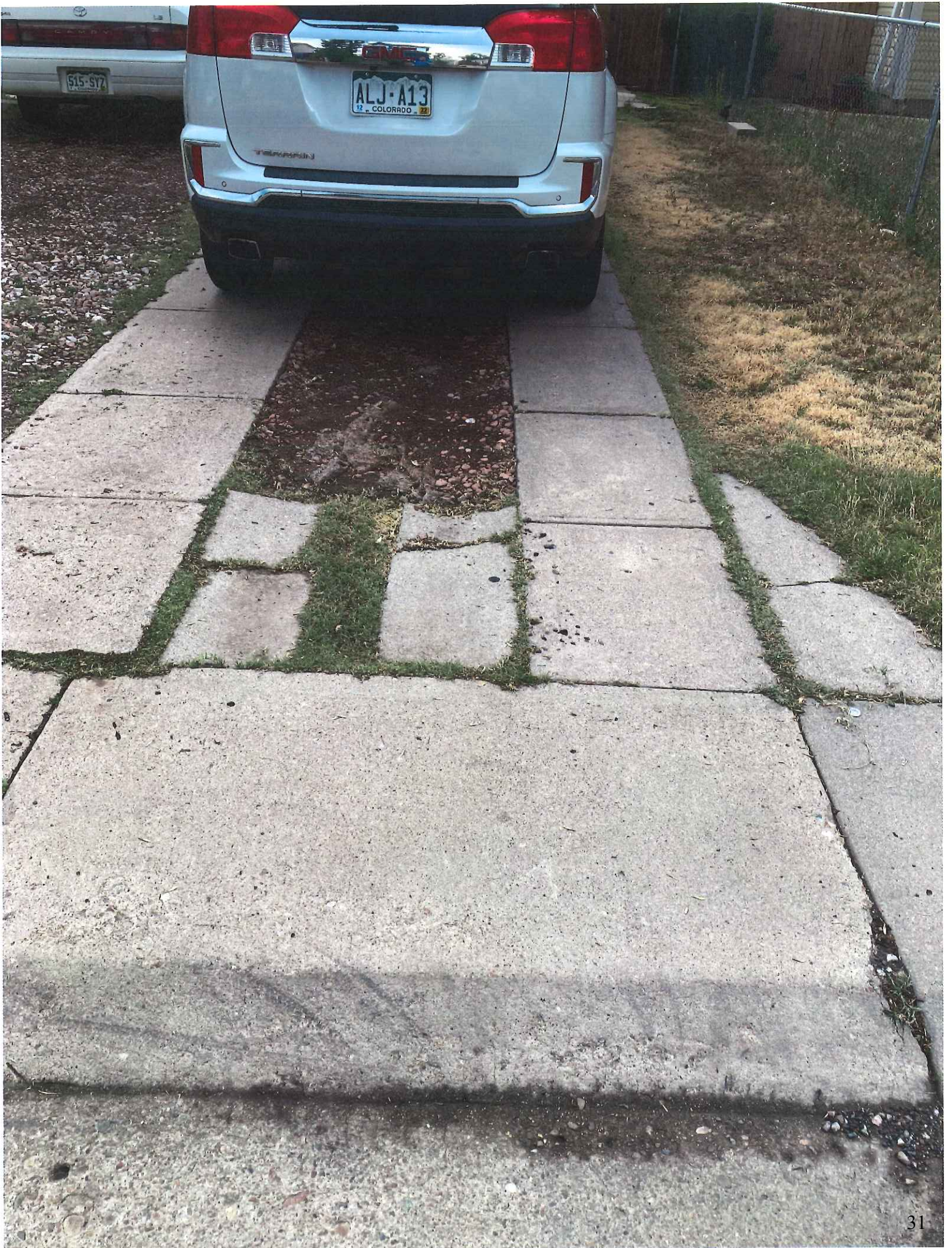


07/22/2022













B. Single-Family Dwelling Variance

All applicable provisions of Section 146-5.3 (Common Procedures) apply unless specifically modified by the provisions of this Section 146-5.4.4.B.

1. Applicability

This Section 146-5.4.4.B applies to all applications for a variance from the standards and of provisions of this UDO or to the provisions of Chapter 90 as they relate to the modification of an existing single-family dwelling or the lot on which it is located that do not qualify for approval as a Minor Amendment under Section 146-5.3.15.A. This section may not be used to vary the standards or provisions of this UDO for single-family homes that have not yet obtained a certificate of occupancy or Manufactured Homes that have not yet been installed in accordance with Chapter 90.

1. Procedure

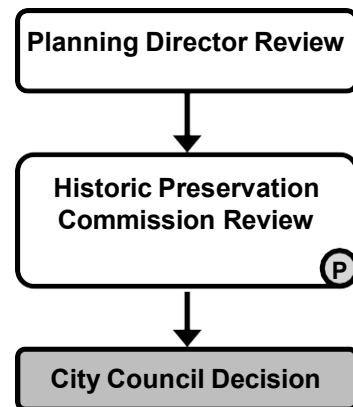
- a. Planning Director shall review the application and forward a recommendation to the Board of Adjustment and Appeals pursuant to all applicable provisions of Section 146-5.3 (Common Procedures).
- b. The Board of Adjustment and Appeals shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 146-5.3.

2. Criteria for Approval

An application for a Single-family Dwelling Variance shall be approved if the Board finds that the proposed variance will not adversely affect adjacent properties or the surrounding neighborhoods and a majority of the following criteria have been met.

- a. The proposed variance results in improved design.
- b. The proposed variance does not adversely affect the character of lower density residential areas.
- c. The proposed variance will result in development that is compatibility with adjacent land development.
- d. The proposed variance will not result in undue or unnecessary burdens on existing infrastructure and public improvements, or arrangements have been made to mitigate those impacts.
- e. The proposed variance results in development that achieves internal efficiency for its residents and does not endanger public health or convenience.
- f. The proposed variance results in development that controls external effects on nearby land uses, movement and congestion of traffic, noise generated, arrangement of signs and lighting to prevent nuisances, landscaping, and features to prevent detrimental impacts on public health, welfare, safety or convenience.

**Historic
Landmark/District
Adjustment**



(P) Indicates Public Hearing Required