

Planning Department  
City of Aurora, Colorado

## **SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS**

BOA Hearing Date: May 17, 2022  
Hearing Location: Virtual Public Hearing, held via WebEx  
Case Manager: Erik Gates

Board Members Present: Lynn Bittel  
Andris Berzins  
Ron Swope  
Richard Palestro  
Marty Seldin  
Kari Gallo

Board Members Absent: Gary Raisio

**Case Number: 02-22 – 1722 E 13<sup>th</sup> Ave**

### **Description:**

Request by the property owner, Jose Hector Marquez (Cervantes), for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.2.3.F.1.c, which requires that accessory buildings in residential districts larger than 120 square feet no exceed 450 square feet or 50 percent of the gross floor area of the principal building, whichever is greater. The applicant is requesting a variance to exceed the 450 square foot limit for an accessory building to be used as a garage for the storage of agricultural tools and vehicles such as tractors. The proposed garage will be 1,950 square feet and 2,091 square feet of existing accessory buildings and structures. The garage is proposed to be accessed from Richfield Street. The proposed garage will be sited in the rear yard, with a side setback of 10 feet and a rear setback of 10 feet, which meets code requirements.

Recommendation from staff to approve the variance as requested.

### **Case Presentation Given at the Hearing:**

Case Manager, Erik Gates, 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 proposed 1,950 square-foot detached garage.

Commissioner Bertz requested confirmation that the applicant would need an additional variance if the proposed structure were torn down and a new structure built. Gates confirmed that an additional variance would be required.

### **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. Palestro and seconded by Mr. Swope.

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

- 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 Motion: 5

Votes against Motion: 0

Absent: 1

Abstaining: None

**Passed unanimously**


### **Other Topics Discussed at the Hearing:**


Commissioner Bertz requested information from staff about future meetings and if they could be conducted hybrid virtual/in-person or fully in-person. Program Manager, Brandon Cammarata, confirmed staff is reviewing options for hybrid meetings.

City Attorney, Daniel Money, introduced intern Alexandra Logan to the commission. General discussion ensued.

There were no new minutes presented for adoption at the May hearing.

**SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: RACHID RABBAA**

  
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Lynn Bittel, Chairman

  
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Rachid Rabbaa, City of Aurora