



# NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS MEETING

August 15, 2023

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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 BOA 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 [boaplanning@auroragov.org](mailto:boaplanning@auroragov.org).

## View or Listen Live

Click to join:

<https://auroragov.webex.com/auroragov/j.php?MTID=m768b491ad9188072c4687ae373aef3e5>

Event Password: Aurora2020

## Call-in Participation

Call 720.650.7664

Access Code: 2488 781 7569

Event Password: 28767220

## In-person Participation

Aurora Municipal Center  
Aspen Room, 2<sup>nd</sup> Floor  
15151 E Alameda Parkway  
Aurora, CO 80012

*Knock to be granted access to the building by security.*

## 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.



## AGENDA

Board of Adjustment and Appeals

Tuesday, August 15, 2023

6:00 p.m.

Hybrid Meeting

Aurora Municipal Center

15151 E Alameda Pkwy, 2nd Floor

Aurora, CO 80012

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Pages

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.a Draft BOA Meeting Minutes for July 18, 2023 2
4. ADOPTION OF AGENDA
5. GENERAL BUSINESS
  - 5.a Case Number 08-23 - 992 Quari Court 6

A request by the property owner, Cinthia Martinez, for the following Single-Family Dwelling Variances, for property zoned Low-Density Single-Family Residential District (R-1): (1) To allow an existing detached garage that is set back approximately 3 feet from the side and rear property lines; and (2) To allow for a driveway that covers more than 50 percent of the front yard area on a wedge-shaped lot.
6. OTHER BUSINESS
  - 6.a Discussion of BOA Process Improvements 25
7. ADJOURNMENT

Planning Department  
City of Aurora, Colorado

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

BOA Hearing Date: July 18, 2023  
Hearing Location: Hybrid Public Hearing, held via WebEx and in person  
Case Manager: Stephen Gubrud

Board Members Present: Lynn Bittel - Chairman  
Kari Gallo  
Marty Seldin  
Ron Swope  
Richard Palestro

City Staff Present: Brandon Cammarata - Manager of Planning  
Rachel Allen - City Attorney  
Stephen Gubrud - City Planner  
Diane Webb - Project Coordinator  
Carolee Thailing - City Code Enforcement Officer  
Andrew Playter - City Code Enforcement Officer

**Case Number: 09-23 – 2050 Kingston Street**

### **Description:**

Request by the property owner, David Tucker, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of UDO code section 146-2.4.4.1.2.e which states 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.

Recommendation from staff to deny 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 expanded front yard parking in addition to the proposed rear yard parking area.

Ms. Gallo asked if the backyard is part of the variance request.

Stephen Gubrud, Case Manager, replied, no. The backyard is only being considered for additional parking if needed. The board does not need to vote on the backyard.

Mr. Palestro asked what percentage of turf would be left in the front yard.

Mr. Gubrud responded, approximately 60 percent of the turf would remain.

Mr. Palestro asked if the sidewalk would be modified.

Mr. Gubrud replied, yes. He displayed the building plans to further illustrate the proposed construction.

General discussion ensued regarding the size of the proposed front yard expansion compared to the current size.

Mr. Seldin noted the current width of the front driveway is 8 feet, and the applicant wants to increase it to 31 feet wide. He questioned how much of the 23-foot addition is included on the south end.

Mr. Gubrud replied that at the widest point on the north, it's about 13 feet, but it tapers around the curb cut.

Mr. Seldin concluded it's about 10 feet on the north and 10 feet on the south. He asked how much of the yard would be left between the south end of the applicant's proposed driveway and the north end of the neighbor's driveway, noting there would be minimal space between the two.

Mr. Gubrud replied there would be an approximately 2-foot setback which is in line with the code required for drainage purposes.

The applicant, David Tucker, 2050 N Kingston Street, Aurora, CO 80010, was available online for questions. He stated the proposed expansion to the north and south is about 8 feet on each side. The total driveway expansion would be about 24 feet. There are 2 feet between the expansion and property line, and his neighbor has the same expansion on his property. The proposed expansion would improve the design by channeling water away from the house. His neighbors should not be affected, and the design is compatible with other driveways in the neighborhood. He referenced pictures of other homes in the neighborhood. He noted his garage door opens out, so if a vehicle is in front of the door, the door is inaccessible. The expansion would allow Mr. Tucker to park on either side of the garage door while still having access to it. The expansion is a needed upgrade since he is trying to sell his house.

Mr. Seldin noted the application was for an expansion of 23 feet, but during the presentation, Mr. Tucker stated the expansion would be about 16 feet. Mr. Seldin asked the applicant to clarify which one was correct.

Mr. Gubrud referenced the plot plan that shows a combined 23-foot expansion.

General discussion ensued regarding the correct total for the expansion.

Mr. Bittel concluded the issue could be addressed by restricting the number of feet approved for the variance. Mr. Tucker and Mr. Gubrud could work out the details with the building department if the variance is approved.

Mr. Seldin asked the applicant about his stated plans to remodel the house and if he planned to change the garage from one-car to two-car.

Mr. Tucker stated he is not planning to change the garage but may change the door to a rollup.

General discussion ensued regarding methods to reduce flooding problems.

Mr. Bittel asked Mr. Tucker if he is running a business out of his home.

Mr. Tucker replied, no. His family has owned the home since 1968 and no renovations have been

completed since that time. Mr. Tucker intends to renovate the home to sell it and move to be with family. He is currently staying with family outside of D.C.

Mr. Swope asked if there is someone else living in the home currently.

Mr. Tucker replied that no one else lives in the home besides him. All the vehicles parked there belong to him.

Ms. Gallo asked if there were any comments from neighbors.

Mr. Gubrud stated none had been received.

Mr. Swope asked for clarification on the size of the intended expansion.

Mr. Gubrud stated the plot plan shows the proposed dimensions, but the plan still must be approved by the building division, so there is time to work out the details. The plot plan shows a maximum width of 12 ½ - 13 feet.

Mr. Bittel questioned the need for the large driveway if Mr. Tucker is planning to move. Mr. Bittel noted the backyard has adequate parking and a roll-up garage door would allow for more parking.

Mr. Tucker referenced a photo in the presentation that shows one of his vehicles parked sideways on the driveway because it is not large enough to accommodate multiple vehicles. He is also getting code violations for parking on the lawn.

General discussion ensued regarding the garage door and parking situation.

Ms. Gallo noted that 60 percent of the yard will remain after the proposed expansion. A double driveway is more practical, desirable, and secure than a single driveway.

Further discussion ensued regarding single vs double driveways.

Mr. Swope noted the expansion would not address the parking problems on the driveway if there were three cars parked there.

Mr. Tucker agreed, stating he could still park a car on either side of the garage if he could expand the driveway.

Board members concluded an expansion of 8 feet on each side would be allowable.

Mr. Bittel stated he had visited the site and asked which board members had also visited. Mr. Seldin and Mr. Palestro stated they had visited the home. Mr. Swope and Ms. Gallo stated they had not visited.

Mr. Bittel asked City of Aurora code enforcement officers, Andrew Playter and Carolee Thailing, who were both in attendance in person, if there was a limit to how much of the backyard could be cemented.

Ms. Thailing deferred to Mr. Gubrud who replied that the Planning Department will work with the applicant to allow extensive paving, but that Public Works would still need to review the plans.

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

**Public Comment Given at the Hearing:**

No members of the public gave comment at the virtual hearing.

**Board of Adjustment and Appeals Results**

A motion was made by Mr. Seldin and seconded by Ms. Gallo.

Move to approve the variance request to allow the existing driveway to be expanded no more than 24 feet in width, equally divided on the north and south sides, 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: 4

Votes against the Waiver: 1 (Swope)

Absent: 1 (Berzins)

Abstaining: None

**Other Topics Discussed at the Hearing:**

Draft Board of Adjustment and Appeals minutes from June 20, 2023, were approved unanimously by those present.

Mr. Bittel upheld Mr. Berzins’ request to discuss the proposed BOA process improvements at the next meeting, due to Mr. Berzins’ absence and to allow board members to review the proposed changes further.

**SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Stephen Gubrud**

\_\_\_\_\_  
Lynn Bittel, Chairman

\_\_\_\_\_  
Stephen Gubrud, City of Aurora

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



**MEMORANDUM**

- To:** **To:** Lynn Bittel, Board of Adjustment Chairman  
 Board members: Andris Berzins, Kari Gallo, Ron Swope, Richard Palestro, Marty Seldin
- From:** Stephen Gubrud, Planner, Board of Adjustment staff liaison
- Date:** August 10, 2023
- Hearing Date:** August 15, 2023
- Subject:** BOAA Case No. 08-23 – 992 N Quari Ct
- Notification:** The Notice of Variance Request was mailed to abutting property owners on August 4, 2023, and a notice of virtual public hearing sign was posted on the property on or prior to the same day in accordance with Code.
- Summary:** Request by the applicant Robert Esparza on behalf of the owner, Cinthia Maldonado, for the following (2) Single-Family Dwelling Variances:
- Request #1: An adjustment to the requirements of UDO code section 146-4.2.3.F.1.f which requires that accessory buildings of more than 120 square feet shall be set back a minimum of 5 feet from the side and rear property lines.
  - Request #2: An adjustment to the requirements of UDO code section 146-4.6.5.C.2.a which states: 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. For wedge-shaped lots, the maximum coverage shall be 50 percent.

**Background Information:** The subject property is located at 992 N Quari Ct. in the Hoffman Heights neighborhood, within the Hoffman Town #3 subdivision. The property is approximately 0.216 acres with an approximately 1,282 square foot primary residence, constructed in 1952 according to the Adams County Assessor’s records. The subject property and surrounding neighborhood are primarily zoned R-1 (Low-Density Single-Family Residential District) and is made up of primarily single-family homes. There is also a portion of MU-OI (Mixed-Use Office/Institutional District) to the west which covers the area occupied by Aurora Central High School. The purpose of the R-1 zone district is to promote and preserve safe and attractive low-density, single-family residences. This district is intended to prohibit all commercial activities except for permitted home occupations. The R-1 district is generally comprised of medium to large suburban single-family lots, but development pursuant to a Small Residential Lot option is allowed in Subarea C. **(See Exhibit A – Vicinity Map).**

The applicant requests two variances for this case. The first is to allow for an existing, approximately 500 square foot, detached garage which is set back approximately 3 feet from the side and rear property lines. The second is to allow for a front yard driveway which would occupy approximately 60 percent of the front yard area on a wedge-shaped lot. City code requires that residential accessory structures within this

zone district be set back a minimum of 5 feet from the rear and side property lines, therefore a 2-foot side and rear setback variance is requested. The UDO also specifies that the driveway surface shall not exceed 50 percent of the overall front yard area on a wedge-shaped lot. Therefore, a variance to allow 60 percent of front yard paved area is also required. The existing, unpermitted, detached garage and overly paved front yard area were identified in the Notice of Violation, which was issued to the property owner on January 25<sup>th</sup> of 2023. The applicant has stated their reason for wishing to construct these additional parking areas is to provide safe tenant parking internal to the property as the primary structure did not previously have a garage.

The current driveway surface occupies approximately 90 percent of the approximately 2,400 square foot front yard. The allowable driveway area per code would be 1,200 square feet or 50 percent front yard coverage. The applicant is proposing to voluntarily reduce their current driveway to 1,400 square feet, which is just under 60 percent coverage, in order to come closer to compliance. The pavement being removed from the east side of the property would be replaced with turf and the areas surrounding the proposed walkway would eventually be landscaped with shrubs. The landscaping being proposed in the modified driveway area to the southwest would also be comprised of shrubbery. 3 smaller circular cutouts of approximately 9 square feet each are proposed leading to the front entry of the home where small trees will be planted. The driveway will be extended through the side yard at a width of 10 feet and then would taper to a 20-foot width in order to serve the detached garage in the rear yard. The property owner has made a variety of improvements to the property recently and claims they were not aware of the previously mentioned code requirements of which they are in violation. Both the detached garage and expanded driveway will require issuance of a building permit and adherence to all building codes. This includes the incorporation of fire-rated materials on the garage to a distance of 5 feet from the rear and side property lines. The applicant has been working with the Building Division staff to ensure all other features are in compliance with city code. (See Exhibit B– Application and Justification).

**Analysis:** The requirements of the UDO as it pertains to this case are in place to promote a safe and aesthetically enjoyable environment for all Aurora residents and the existing conditions on this property do not align with that intent. This is due to deficiencies related to the construction of the garage structure and the safety risk it could pose if not properly constructed. It also relates to the front yard driveway circumstance and lack of landscaped areas within the front yard. Although detached garages and expanded driveways are permitted in this area, the City always encourages homeowners to reach out to the City prior to the start of any construction projects to ensure that all codes, permits, and requirements are met. That being said, this proposal would bring the property much closer into compliance with what City Code and the Aurora Places Comprehensive Plan outlines for this area by providing a garage for off-street parking and would also demonstrate re-investment into this neighborhood.

**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 variance will not adversely affect adjacent properties or the surrounding neighborhoods.***

*Staff Analysis:*

The proposed garage does not present a significant adverse effect on adjacent properties or the surrounding neighborhood.

The proposed driveway modifications also would not negatively impact 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:*



Staff finds that the proposed garage does achieve an improved design as presented because it would result in properly permitted and constructed structures that more closely adhere to UDO requirements and adds value for the occupants.

The driveway modifications also achieve an improved design by incorporating landscaped features to increase the aesthetic quality of the front yard area.

**b. Consistency with Neighborhood Character**

*Staff Analysis:*

Staff finds that the proposed garage is consistent with the character of the neighborhood as an abundance of surrounding homes have detached garages and accessory structures within the rear yard.

Many homes in the area also have expanded driveways and the proposed changes to this driveway are far more consistent with what can be observed in the neighborhood.

**c. Compatibility with Adjacent Development**

*Staff Analysis:*

The proposed garage would result in a design that is generally compatible with adjacent residential development.

The parking surface changes would also be reflective of and compatible with surrounding development.

**d. Impact on existing city infrastructure and public improvements**

*Staff Analysis:*

The proposed garage would not result in any negative impacts on existing city infrastructure or proposed future improvements.

The changes to the driveway would also not impact public infrastructure or any planned improvements for the future.

**e. Internal efficiency of design**

*Staff Analysis:*

The proposed garage would result in an internal efficiency of design as it would reduce the impacts of on-street parking and, once complete, would incur no further safety risks to the surrounding dwellings.

The driveway would also accomplish this internal efficiency by allowing for additional off-street parking while mitigating visual impacts with landscaping.

**f. Control of external effects**

*Staff Analysis:*

The proposed garage would control for any external effects as it would not place any undue burden on the surrounding residential properties and will incorporate fire-rated materials to ensure safety.

The modified driveway will also control for external effects as its impact will be limited to the property in question.

**Conclusion:**

Based on the required findings of Code Section 146-5.4.4.B.3, staff finds the requested variances do meet the criteria as proposed because:

- They will not adversely affect adjacent properties or the surrounding neighborhood;
- Would result in an improved design that achieves internal efficiency to the site and;
- The proposals would control for external effects and would not impact existing city infrastructure or any future public improvements.

**Staff Recommendation:**

Staff recommends **Approval** of the proposed variances as requested.

## 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









PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

15151 E. Alameda Pkwy, Suite 2300  
Aurora, Colorado 80012  
303-739-7260  
FAX: 303-739-7260

CASE # \_\_\_\_\_

APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS  
VARIANCE

ADDRESS OF PROPERTY AFFECTED: 992 QUARI CT AURORA, CO 80011  
Zone District \_\_\_\_\_

Applicant Name: Robert Esparza  
Address: 992 Quari Ct.  
Phone #: 713-319-7155 email RESPARZA32@AOL.COM  
Property Owner: Name: Cynthia Martinez  
Address: 992 Quari Ct.  
Phone #: 720-254-7698 email \_\_\_\_\_

Signature [Handwritten Signature]

Variance requested: I'm Requesting Approval for Garage  
Built 3 Feet Away from Rear Elevation Neighbor's  
Property Line and 3 feet away from the sidewalk  
ON Peoria St.

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

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

12102 E. 10th Avenue  
Arvoda, CO 80011

UNKNOWN NAME (SAME ADDRESS)

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

IRMA PALMER  
940 QUARI CT  
AURORA, CO 80011

ANTOINETTE MARTINEZ  
12126 E 10<sup>TH</sup> AVE  
AURORA, CO 80011

FERNANDO MENDEZ ET AL  
954 QUARI CT  
AURORA, CO 80011

DOROTHY JOHNSON  
980 QUARI CT  
AURORA, CO 80011

JOSE MENDEZ & AZUCENA  
BALDENEGRO  
12148 E 10TH AVE  
AURORA, CO 80011

JULIAN CERVANTES TAYLOR  
12102 E 10<sup>TH</sup> AVE  
AURORA, CO 80011

MELVA MACALUSO  
960 PEORIA ST  
AURORA, CO 80011

HAJI TUKE & NORMA ARCHUNDIA  
966 QUARI CT  
AURORA, CO 80011

DALE & IN SUN MYERS  
961 QUARI CT  
AURORA, CO 80011

1730020



City of Aurora Public Works Department

PLOT PLAN

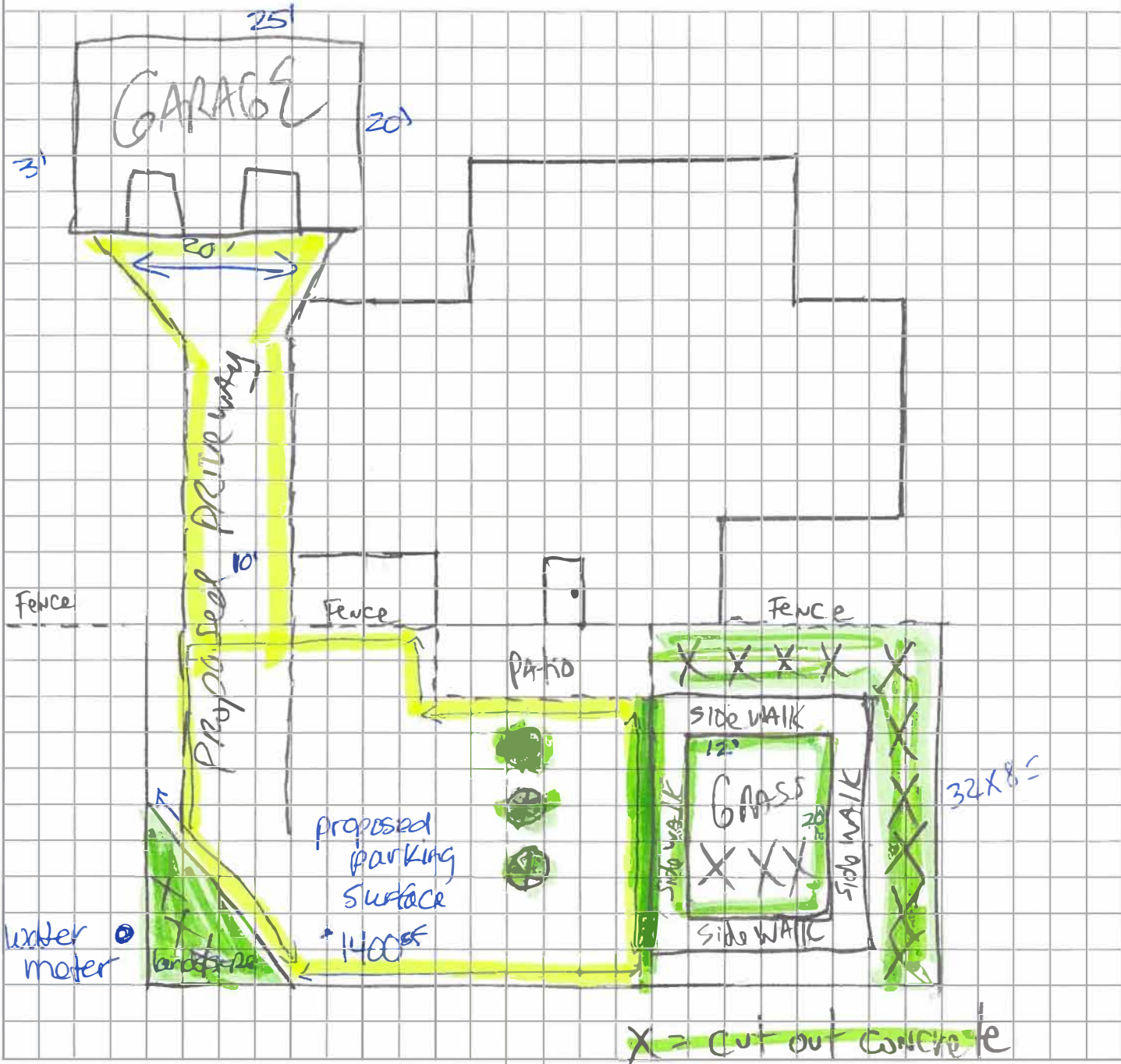
Building Division • 15151 E. Alameda Parkway, Ste 2400 • Aurora, CO 80012 • 303.739.7420  
Email: permitcounter@auroragov.org

ADDRESS: 992 Quari Ct Aurora, Co 80011 ROW ID: \_\_\_\_\_



NOTE:

Indicate the following information - streets, alleys, and/or easement; front, rear and side yard setbacks; dimensions between buildings and dimensions of building.  
Indicate existing structures with a solid line \_\_\_\_\_  
Indicate proposed structures with broken line - - - - -



X = cut out concrete  
⊗ = planters - cut outs































## 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.



Aurora Municipal Building  
15151 E. Alameda parkway, Ste. 2300  
Aurora, Colorado 80012

*AuroraGov.org*

## MEMORANDUM

**TO:** Board of Adjustment Members  
**FROM:** Brandon Cammarata, Planning Manager  
**DATE:** July 13, 2023  
**SUBJECT:** “Ideas for discussion for BOA”

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Greetings, Board Members,

I look forward to our discussion on July 18, 2023, relating to the attached.

I recently had the benefit of reaching out to both Chairman Bittel and Vice Chair Berzins and meeting with each individually.

Both discussions were of value to get each member’s thoughts on the proceedings of the Board.

I am pleased that vice chair Berzins took the time to organize some of his thoughts for the Board to discuss as a body. Some of these were also brought up in our discussions at a high level.

Attached are vice chair Berzin’s discussion items for July 18, 2023.

The staff looks forward to this discussion.



# Ideas for discussion for BOA

Memorandum must Include (in no specific order):

- 1) Name of applicant
- 2) Address of location
- 3) Request of waiver or variant
- 4) Code that pertains to that waiver or variant request
- 5) City staff explanation and recommendations
- 6) Board requirements for making a decision (including a mention to majority vote of quorum)

Exhibits must include (in no specific order):

- 1) Original application from applicant
- 2) Notice to all adjoining neighbors
- 3) Original plot plan as was platted with the city and/or all plot changes while the plot has been in the city
- 4) History of deed transactions since the property was recognized with the city
- 5) 10+ high quality photos of the location of the variance/waiver location or project
- 6) Any ticket from Code Enforcement (if applicable)
- 7) Drawings and/or building plans for the project and the property
- 8) Drawings including easements of water/wastewater and power (electricity & gas)
- 9) Description of the materials being used in the project
- 10) Any permit issued or applied for from the city
- 11) GIS from the past 3 editions
- 12) Google Street View from the past 3 editions
- 13) Image of the "Yellow Sign" of notification to neighbors

Time Frame for Application (except special applications):

- 1) Cutoff for applications at the 1<sup>st</sup> of the month
- 2) Call for quorum on 1<sup>st</sup> of the month if applications have been submitted
- 3) Applicant can work to get all exhibits together that might be missing
- 4) Packet out on the Friday 12 days before the meeting
- 5) Meeting on third Tuesday at 6PM