



NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS MEETING

October 17, 2023

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.

View or Listen Live

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<https://auroragov.webex.com/auroragov/j.php?MTID=m8971e60da4a0ff0112f1cd300d195224>

Event Password: Aurora2020

Call-in Participation

Call 720.650.7664

Access Code: 2500 289 2217

Event Password: 28767220

In-person Participation

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

Knock to be granted access to the building by security.

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



AGENDA

Board of Adjustment and Appeals

Tuesday, October 17, 2023

6:00 p.m.

Hybrid Meeting

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 for September 19, 2023 3
4. ADOPTION OF AGENDA
5. GENERAL BUSINESS
 - 5.a Case Number 11-23 - 1036 Kramer Court (Continued from September 19, 2023) 11

At the hearing a request by the property owner, Abu Satar Bin Abdul Bashir, for the following Single-Family Dwelling Variances, for property zoned Original Aurora Low-Density Residential (MU-OA-R1): (1) To allow an additional 7 inches in front yard fence height which is 49 inches total; (2) To allow a reduction to the front setback of 12 inches resulting in a 6-inch setback; and (3) To allow a 50% visual permeability reduction for the front yard portion of the fence resulting in a completely opaque fence.
 - 5.b Case Number 12-23 - 12290 E Vassar Drive 56

At the hearing, a request by the property owner, Varya Fursova, for the following Single-Family Dwelling Variance, for property zoned Low-Density Single-Family Residential District (R-1): To allow an additional 2 feet in fence height along a portion of the rear property line.

6. OTHER BUSINESS

6.a Reminder - BOA meeting next month is Monday, November 20, 2023

6.b Discussion concerning the possible reappointments of the 3 current members whose present term has ended

6.c Discussion concerning the departure and replacement of the current Chairman of the Board of Adjustment and Appeals

7. ADJOURNMENT

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: September 19, 2023
Hearing Location: Virtual Public Hearing, held via WebEx
Case Manager: Stephen Gubrud

Board Members Present: Lynn Bittel - Chairman
Andris Berzins
Kari Gallo
Richard Palestro
Ron Swope

City Staff Present: Rachel Allen - Client Group Manager, Aurora City Attorney's Office
Lena McClelland – Attorney for Planning and Development Services
Brandon Cammarata – Planning Manager
Steve Timms- Planning Supervisor
Stephen Gubrud – City Planner
Steven Baptista - City Code Enforcement Officer
Manuel Dangerfield – City Code Enforcement Officer
Diane Webb - Project Coordinator

Case Number: 10-23 – 15295 E Ohio Avenue

Description:

- Request by the owner, Francisco Gallegos, for the following Single-Family Dwelling Variance: Requesting a variance from UDO code section 146-4.7.9.L.1 which states that new side and rear yard fences along arterial and collector streets may be a maximum of 6 feet in height. The applicant's property is located in the R-1 zone district and they request a variance to allow an additional 1 foot and 5 inches of height for a total fence height of 7 feet and 5 inches as measured from the exterior.

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 side yard fence with an additional 1 foot and 5 inches of height for a total fence height of 7 feet and 5 inches as measured from the exterior of the property.

Board Discussion at the Hearing:

Mr. Bittel stated he visited the site and asked which board members visited the site.

Ms. Gallo, Mr. Swope, and Mr. Palestro stated they did not visit the site. Mr. Berzins stated he visited the site.

Mr. Bittel noted that during his site visit, as you look from Chambers Rd. onto the subject property, the fence next to it is as high as the fence variance requested, so it would be a matching height.

Mr. Berzins asked if the request is for 7 feet and 5 inches for the side and rear yard. He questioned why it is the rear yard and not just a wing fence along the west side.

Stephen Gubrud, City Planner, replied that the fence goes into the rear yard area which is back behind the house.

Mr. Berzins asked if it is only the eastern-most plane.

Mr. Bittel added the fence portion in question is only on Chambers Rd.

Mr. Gubrud agreed with Mr. Berzins and Mr. Bittel and stated the fence does not extend westward across the applicant's property line.

Mr. Berzins asked for clarification that the variance would not be for the western fence or anything else.

Mr. Gubrud replied that Mr. Berzins was correct.

Mr. Palestro asked about the proximity of the fence to the sidewalk.

Mr. Gubrud replied that he did not have the measurements, but the fence is in the same location as the previous fence.

Mr. Bittel noted the fence is close but there is room to walk to on the sidewalk as he observed during his site visit.

Mr. Berzins agreed the distance matches the other fences along Chambers Rd.

Steve Timms, Planning Supervisor, added that the sidewalk on Chambers Rd. is wider because it is an arterial street.

Mr. Bittel asked if the board members had any more questions for the staff. There were none at the time.

Mr. Bittel called on the applicant to speak.

The applicant and homeowner, Francisco Gallegos, 15295 E Ohio Avenue, was available online. He thanked the board and city staff for reviewing his application. He stated safety and privacy were his main concerns in building the fence. He hoped that the variance request would be approved.

Mr. Berzins asked Mr. Gallegos if he intends to replace the fence between the current fence and the brick on the corner.

Mr. Gallegos responded that he plans to replace it in the future.

Mr. Berzins asked if he intends to make it the same height.

Mr. Gallegos replied it depends on whether the current variance request is approved. He wants to keep the entire fence the same height.

Mr. Bittel asked Mr. Gallegos if had any further input.

Mr. Gallegos referenced a site photo from the staff presentation which shows that the old fence and new fence are the same height because of the grade of his yard.

Mr. Berzins asked staff for the photo of the front wing fence that keeps coming forward, where it meets the brick, to see how far it extends.

Mr. Gubrud showed a photo to display the view requested.

Mr. Berzins noted it's about 15-20 feet between the end of Mr. Gallegos' fence and the brick structure.

Mr. Gubrud stated he did not know how the variance would apply to the front yard area because there are different restrictions for the front yard. The fence in question is the plane separating the side yard and the front yard.

Ms. Gallo noted the fence is an improvement both aesthetically and in terms of providing safety.

Mr. Berzins agreed.

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 hearing.

Board of Adjustment and Appeals Results

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

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: 1 (Seldin)

Abstaining: None

Case Number: 11-23 – 1036 Kramer Ct

Description:

Request by the owner, Abu Satar Bin Abdul Bashir, for the following Single-Family Dwelling Variances:

- Request #1: An adjustment to the requirements of UDO code section 146-4.7.9.L.1, which requires that front yard fences must be no taller than 42 inches. The applicant is requesting an additional 7 inches in front yard fence height, which is 49 inches in total.
- Request #2: An adjustment to the requirements of UDO code section 146-4.7.9.L.1, which states that front yard fences must be setback from the sidewalk by at least 18 inches. The applicant is requesting a 12-inch reduction to the front setback, resulting in an approximate 6-inch setback.
- Request #3: An adjustment to the requirements of UDO code section 146-4.7.9.L.2, which states that front yard fences must be at least 50% visually permeable. The applicant is requesting a closed-style fence that is 100% opaque.

Recommendation from staff to deny the three variances 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 (1) an additional 7 inches in front yard fence height which is 49 inches total; (2) a reduction to the front setback of 12 inches resulting in a 6-inch setback; and (3) a 50% visual permeability reduction for the front yard portion of the fence resulting in a completely opaque fence.

Board Discussion at the Hearing:

Mr. Bittel stated he visited the site and asked which board members visited the site.

Ms. Gallo, Mr. Swope, and Mr. Palestro stated they did not visit the site. Mr. Berzins stated he visited the site.

Mr. Berzins asked if the variance requests are for the entire front yard area and not just the area with the wooden fence.

Stephen Gubrud, City Planner, replied yes.

Mr. Bittel asked if the board members had any more questions for the staff. There were none at the time.

Mr. Bittel called on the applicant to speak.

The applicant, Abu Satar Bin Abdul Bashir, 1036 Kramer Court, attended the meeting in person. His daughter, Oksana, also attended in person. She spoke on her father's behalf and provided translation services. She requested to keep the fence as it is. She stated they are willing to move the front yard fence if necessary, but they cannot move a portion of it because of the safety of the kids.

Mr. Palestro asked to which part she was referring.

Oksana replied they would like to keep a part of the fence that shields the kids and protects them while in the yard.

Mr. Swope asked if the variance request is for the side fence.

General discussion ensued regarding the area being requested for variances.

Mr. Berzins asked if since the applicant must replace the chain-link fence, could they also move back the wooden fence as well since 18 inches is not too far?

Oksana stated concerns with privacy and problems with the neighbors as the reasons for building the fence.

Mr. Berzins pointed out in a photo from the staff presentation which portion of the fence is allowable and which portion is not within the code.

Mr. Swope noted that the fence suits the needs of the applicant's privacy and safety.

General discussion ensued regarding the neighborhood characteristics and the applicant's yard and fence.

Mr. Berzins asked what materials the applicant intends to use to replace the chain-link fence.

Oksana replied that the wooden fence was constructed to protect the kids from the street.

Mr. Berzins restated his question.

Oksana spoke with her father and stated they would move the chain-link fence back 18 inches and asked what materials would be allowed.

Mr. Timms, Planning Supervisor, replied that Mr. Gubrud has a list of approved fence materials that could be provided to the applicant.

Mr. Swope asked if the applicant installed the fence himself or if a company installed it.

Oksana replied they did the work themselves.

Mr. Berzins asked if code enforcement was involved.

Mr. Timms replied yes.

Oksana stated that her father noted problems with the neighbors taking pictures and videos of them and making comments when they go outside.

The board members reminded the applicant the issue with the neighbors is a civil matter and it is not being addressed at the meeting.

Mr. Berzins requested a 5-minute recess, which Mr. Bittel granted.

Mr. Bittel called the meeting back to order.

Lena McClelland, Attorney for Planning and Development Services, stated it might be best for the

board to continue the case to a date certain and obtain a translator for the applicant. She cited concerns about apparent communication difficulties throughout the meeting. Ms. McClelland stated she wants to ensure the applicant gets a fair hearing.

Mr. Bittel thanked her for the input.

General discussion ensued between the board members.

Public Comment Given at the Hearing:

A member of the public who attended in person spoke regarding neighborhood safety concerns with the fence. Other members of the public who attended in person and online did not make comment since the case was continued to October 17, 2023.

Mr. Timms informed the public in attendance that they would receive notification again when the case was continued so they could comment and present their evidence.

Board of Adjustment and Appeals Results

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

Move to continue the case to October 17, 2023, and obtain a translator for the applicant.

Action Taken: Continue case to October 17, 2023

Votes for the Continuance: 5

Votes against the Continuance: 0

Absent: 1 (Seldin)

Abstaining: None

Other Topics Discussed at the Hearing:

Mr. Berzins noted a correction to the draft minutes for the August 15, 2023, meeting. The minutes should state that Mr. Bittel requested the BOA packets be distributed to board members no less than 5 **business** days before the meeting.

Mr. Bittel agreed.

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

Move to accept the draft minutes for the August 15, 2023, meeting with the correction noted above.

Action Taken: Accept the draft minutes for August 15, 2023, with the noted correction

Votes for: 5

Votes against: 0

Absent: 1 (Seldin)

Abstaining: None

The board members in attendance conducted an interview for approximately 10 minutes with applicant, Javier Chavez, for one of the vacancies on the Board of Adjustment and Appeals.

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

Move to recommend to City Council the appointment of Javier Chavez as a member of the Board of Adjustment and Appeals.

Action Taken: Recommend the appointment of Javier Chavez

Votes for: 5

Votes against: 0

Absent: 1 (Seldin)

Abstaining: None

Mr. Bittel advised that a memo would be submitted to City Council with the board's recommendation.

General discussion ensued regarding item 7.a on the agenda and closing the meeting.

Rachel Allen, Client Group Manager, Aurora City Attorney's Office, advised the board to keep the meeting open to address all issues on the agenda. Lena McClelland, Attorney for Planning and Development Services agreed and referenced the Open Meetings Law.

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

Move to postpone item 7.a to an indefinite date until called up by the Chairman.

Action Taken: Postpone item 7.a until called up by the Chairman

Votes for: 5

Votes against: 0

Absent: 1 (Seldin)

Abstaining: None

Mr Berzins noted that the bylaws have not been changed since they moved from 5 members to 7 members. They still say it requires a 3-person vote and not a majority vote. He would like to make that change in the bylaws.

Ms. McClelland noted that according to the city code, changes in bylaws must be approved by City Council.

Mr. Berzins agreed and clarified that the board could make a recommendation to City Council.

Ms. McClelland agreed.

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

Move to request City Council to amend the bylaws from a 3-person vote to a majority of quorum vote.

Action Taken: Approve the request to amend the bylaws

Votes for: 5

Votes against: 0

Absent: 1 (Seldin)

Abstaining: None

Mr. Bittel entertained a motion to adjourn the meeting.

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

Move to adjourn the meeting.

Action Taken: Adjourn the meeting

Votes for: 5

Votes against: 0

Absent: 1 (Seldin)

Abstaining: None

The meeting adjourned at approximately 6:45 p.m.

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: October 12, 2023

Hearing Date: October 17, 2023

Subject: BOAA Case No. 11-23 – 1036 Kramer Ct

Notification: The Notice of Variance Request was mailed to abutting property owners on October 6, 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 property owner, Abu Satar Bin Abdul Bashir, for the following (3) Single-Family Dwelling Variances:

- Request #1: An adjustment to the requirements of UDO code section 146-4.7.9.L.1, which requires that front yard fences must be no taller than 42 inches. They are requesting an additional 7 inches in front yard fence height, which is 49 inches in total.
- Request #2: An adjustment to the requirements of UDO code section 146-4.7.9.L.1, which states that front yard fences must be setback from the sidewalk by at least 18 inches. The applicant is requesting a 12-inch reduction to the front setback, resulting in an approximate 6-inch setback.
- Request #3: An adjustment to the requirements of UDO code section 146-4.7.9.L.2, which states that front yard fences must be at least 50% visually permeable. The applicant is requesting a closed-style fence that is 100% opaque.

Background Information: The subject property is located at 1036 Kramer Ct. in the Havana Park neighborhood, within the Lydeva Heights #1 subdivision. The property is approximately 0.165 acres with an approximately 1,368 square foot primary residence, constructed in 1955 according to the Arapahoe County Assessor’s records. The subject property and surrounding neighborhood are primarily zoned OA-R-1 (Original Aurora Low Density Residential) and is made up of primarily single-family homes. The purpose of the OA-R-1 zone district is to promote and protect residential neighborhoods and improve the overall image and character of Original Aurora. The building form standards and permitted uses work together to promote desirable residential areas. These regulations shall reinforce the existing development patterns while also encouraging reinvestment and new types of housing. **(See Exhibit A – Vicinity Map).**

The applicant requests three variances for this case, all pertaining to an existing side and front yard fence. The first is to allow for a front yard fence that exceeds the maximum height of 42 inches by 7 inches,

resulting in an approximately 49-inch-high fence. The second is to allow for a front yard setback reduction of 12 inches, resulting in an approximate 6-inch setback from the back of the sidewalk. The third request is to allow for a 100% opaque, closed-style, fence in the front yard area. City code requires that front yard fences be no more than 50% opaque. The existing side and front yard fence was identified in the Notice of Violation which was issued to the property owner on July 5th of 2023.

The applicant has stated their reason for wishing to construct the fence was to create a safer environment for their children to play in the front yard. The applicant also states that the fence was built to create additional privacy between their property and the property directly to the south as the neighboring property has an entry/exit which directly faces the applicant's front yard. The closed style, wooden picket, fence extends into the side yard where it increases in height to approximately 72 inches which is the maximum height allowed within the side yard area. The homeowner has also erected a chain link style fence and gate in their front yard which extends into the side yard on the north side of the home. Chain link is not an allowable fence material within residential districts and therefore cannot qualify for a variance. The removal of the chain link fence will be handled by Code Enforcement and no discussion is needed by the Board. **(See Exhibit B– Application and Justification).**

Analysis: the UDO requirements for residential fences are in place to establish safe and visually appealing residences throughout the city. They also play a large role in creating a safe environment for motorists and pedestrians alike. The existing conditions on this property do not align with that intent as the existing setback encroachment may limit the space meant for pedestrians, bicyclists, and other right-of-way users to safely navigate the area. Although front yard fences do not require a permit staff always encourages homeowners to reach out to the City prior to the start of any construction projects to ensure that all codes and requirements are being met.

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 fence may present an adverse effect to the neighbor to the south as the overly tall, closed style, fence does share a lot line with said property.

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

Staff Analysis:

Staff finds that the proposed fence does not achieve an improved design as presented because it does not provide the features required by code to maintain a visually appealing residential neighborhood.

- b. **Consistency with Neighborhood Character**

Staff Analysis:

Staff finds that the proposed fence is not consistent with the character of the neighborhood as very few homes in the neighborhood have front yard fences and the majority of existing front yard fences are split rail style.

- c. **Compatibility with Adjacent Development**

Staff Analysis:

The proposed fence would not result in a design that is generally compatible with adjacent residential development as the closed style fence may create a visibility issue.

d. Impact on existing city infrastructure and public improvements

Staff Analysis:

The proposed fence may result in negative impacts on existing city infrastructure as sidewalks in this area are quite narrow and any encroachment may exacerbate this problem.

e. Internal efficiency of design

Staff Analysis:

The proposed fence would not result in an internal efficiency of design as it would encroach into the required front setback and is shared with the neighboring property.

f. Control of external effects

Staff Analysis:

The proposed fence does not control for certain external effects as it may adversely affect pedestrian traffic and the proposal does not provide mitigation for the lack of visual permeability or height.

Conclusion:

Based on the required findings of Code Section 146-5.4.4.B.3, staff finds the requested variances do not meet the criteria as proposed because:

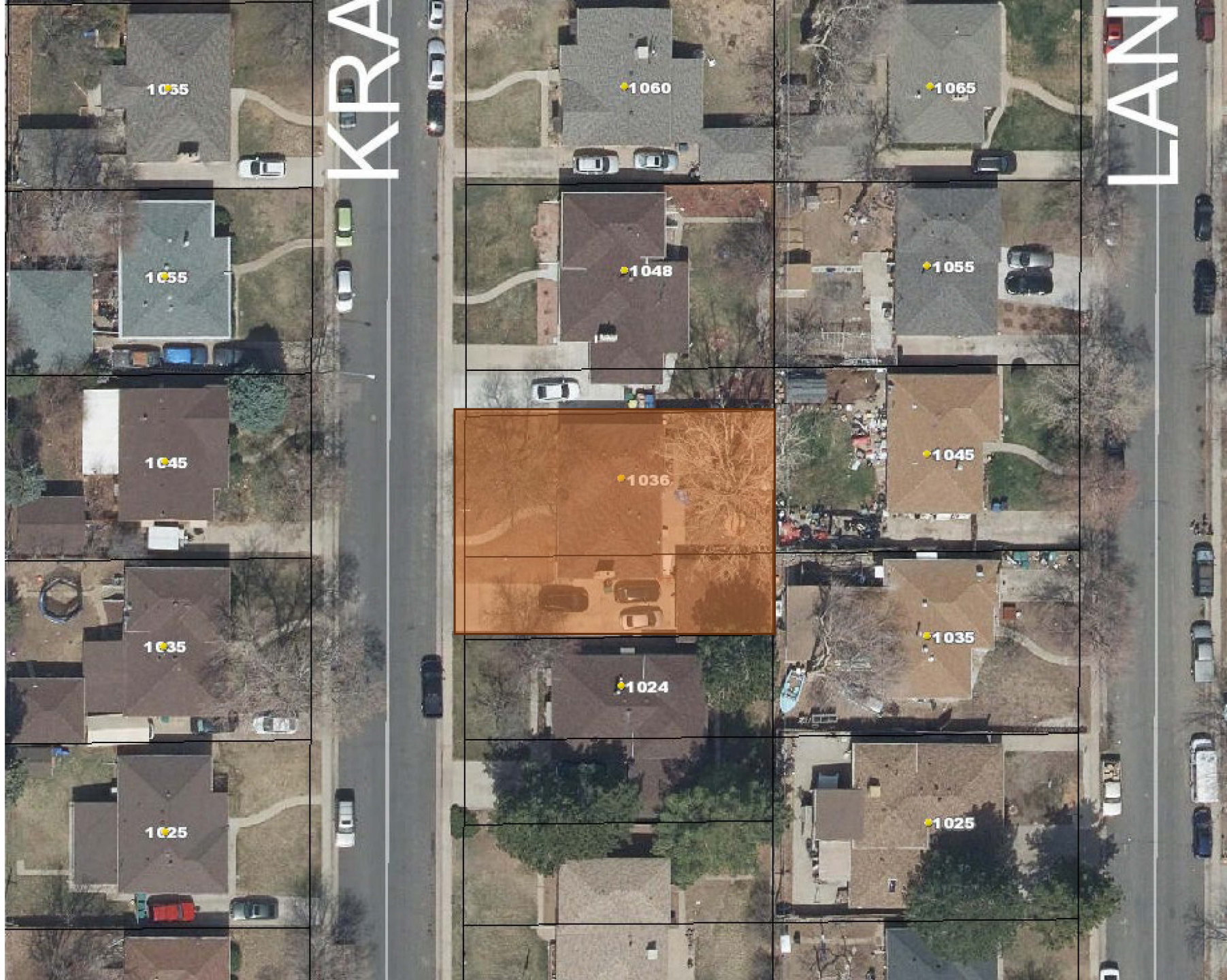
- They are not consistent with the character of the surrounding neighborhood;
- Would not result in an improved design that achieves internal efficiency to the site and;
- The proposals do not properly control for or mitigate external effects and may impact existing city infrastructure or any future public improvements.

Staff Recommendation:

Staff recommends **denial** of the proposed three 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
- Exhibit E – Evidence Provided by the Public





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: 1036 Kramer Ct Aurora Co 80010
Zone District _____

x Applicant

Name: Abu Sutar Bin Abdul bashir
Address: 1036 Kramer Ct Aurora Co 80010

Phone #: 303-409-9199 email Abdul Sutar 7728@gmail.com

Property Owner:

Name: Abu Sutar Bin Abdul bashir

Address: 1036 Kramer Ct Aurora Co 80010

Phone #: 303-409-9199 email Abu Sutar 7728@gmail.com

Signature 

Variance requested:

x Front Fence set back is less than 18 inches side
walk. Front / side fence is solid (not 50%) open
& over 42 inches in height.

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

Left Neighbor 1048 Kramer Ct Aurora CO 80010
Name: Unknown

Right neighbor 1024 Kramer Ct Aurora CO 80010
Name: unknown

Blank lines for additional property information.

City of Aurora

This is 1036 Kramer ct Aurora co 80010

I move to 1036 on January 6,2020 I like the area because I came to 1036 I talk to the old owner they said they neighbor are troubled maker that's why they are leaving 1036 they also said to me " for 4 month the neighbor will be nice to you and they will start being rude to you.

Because of the neighbor I am moving" after the old owner leave. The neighbor 1024 start being nice to me and saying the people who used to live at 1036 they are very rude and the people who live at 1024 said they were so happy that me and my family moved to 1036 I was happy to heard This. The 1024 neighbor they were so nice to us but then I don't know what happened they started being rude. I heard a lot of people left 1036 because of the 1024 neighbor being rude. They call the cops on my kid because they were outside the front yard playing. The police came and said where is the 2 years old child I said to police what happened? They said " your neighbor 1024 made a complaint. After I talk to the police they left the police was so rude to us too. When my kids go outside the 1024 neighbor let their dog come to my yard and scared my kids. My kids cry because of their my kids are scared of dogs. I said to 1024 neighbor to stop but they start laughing and say the F word to me

and to my older daughter. They always called the cops for everything my kids can't play outside. My kids are scared to go outside. The 1024 neighbor everyday they wake up in the morning and come to their front yard and clean their front yard and trow the trash on my driveway and I have to clean it. My kids are scared to stay at home they are scared to play outside. My 6 years old boy always have a nightmare and start crying I ask him what happened he said I saw the neighbor dogs bite me on my hand and I ask for help but the 1024 neighbor started laughing. My kids always have this kinds of nightmares. One time the neighbor said to my 17 years old daughter that she wear hijab because she look ugly and her hair is bad. My daughter start crying after hearing this from 1024 neighbor. I called the cops because of all of this but the cops say show the prof I did show the prof but they said they can't do anything so I planned to put the fence and I have put the fence after putting the fence my kids feel safe and they start playing outside and the neighbor can't see my family. Please help me and my family I really need this fence the way I put them I have put this fence for my kids safety after I got a paper from city of Aurora I said to my kids I have to change the fence my kids started crying to let the fence as it is. Please help me I want the fence the way I have put it.

EXHIBIT B



CITY OF AURORA
Neighborhood Support Division
15151 E. Alameda Pky 4th Floor
Aurora, CO 80012

Code Officer: Timothy #117 at 303-739-7571
Office: 303-739-7280 Fax: 303-739-7191
Email: tiknox@auroragov.org

Tim's Supervisor 3/739-7110

Breezy Mannes

1730693

303
-739 4110

Courtesy Notice

ADDRESS: 1036 N KRAMER CT AURORA 800104114

NAME:

Code Area

Section

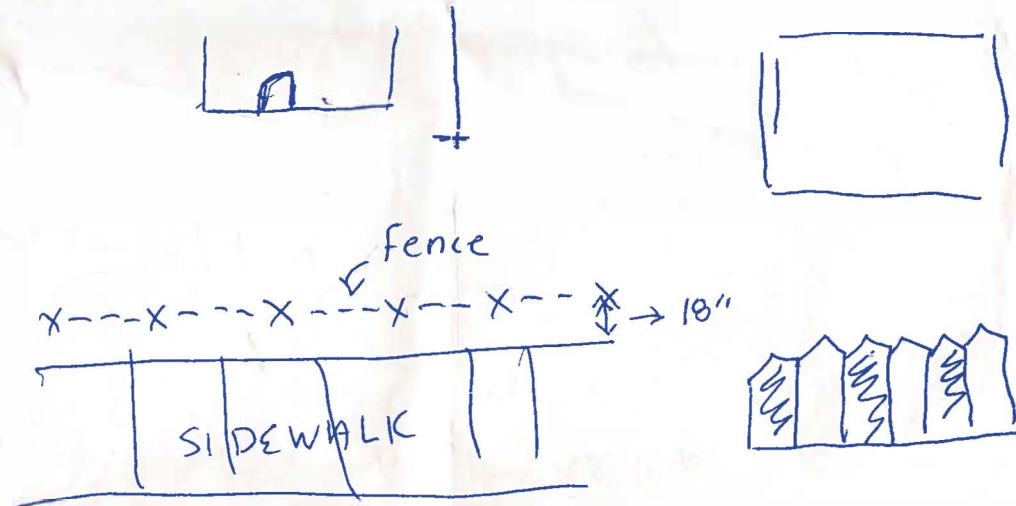
Fences	Fence Requirements 146-4.11.1 D 2
Fences	Fence Setback 146-4.7.9 L 1
Fences	Front Yard Req 146-4.7.9 L 1
Fences	Height Rest. 146-4.7.9 L 1

Officer Comments

IN THE NEXT 45 DAYS, PLEASE MAKE THE FOLLOWING CORRECTIONS TO THE FRONT AND SIDE YARD FENCE.

- PLEASE ENSURE THE SIDE YARD FENCE IS SET BACK FROM THE CURB AT LEAST 4 FEET. *18" ←*
- PLEASE ENSURE THAT THE SIDE YARD FENCE IS 50% OPEN, ALONG THE SIDE PORTION TOWARDS THE BACK YARD. A SIMPLE SOLUTION WOULD BE TO REMOVE EVERY OTHER PICKET
- PLEASE ENSURE THAT THE FENCE DOES NOT EXCEED 42 INCHES IN HEIGHT ALONG THE SIDE YARD.

I AM AWARE THAT THIS MAY TAKE TIME SO PLEASE KEEP OUR DEPARTMENT POSTED THROUGHOUT THE COURSE OF REPAIRS. THANK YOU



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 45 day(s). The property will be re-inspected on 09/03/2023.

DATE/TIME SERVED: July 20, 2023

IF YOU HAVE QUESTIONS OR NEED MORE INFORMATION PLEASE CALL CODE OFFICER: Timothy #117 at 303-739-7571

EXHIBIT B

JOSHUA HAWKINS
1035 LANSING ST
AURORA CO 80010

HUMBERTO & AMPARO MENCHACA
1045 LANSING ST
AURORA CO 80010

DANIEL MENDIOLA ET AL
1048 KRAMER CT
AURORA CO 80010

MATT & ANITA AVALOS
1024 KRAMER CT
AURORA CO 80010

WILLIAM COLLUM & KATHERINE
MCKENNA
1055 KRAMER CT
AURORA CO 80010

ROSE SABO
1045 KRAMER CT
AURORA CO 80010

MELQUISEDEC ZAPATA MORALES ET AL
1035 KRAMER CT
AURORA CO 80010

















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.

September 13, 2023

Planning Division
City of Aurora
15151 E Alameda Parkway, Suite 2300
Aurora, CO 80012

Dear Board of Adjustments and Appeals,

RE: Request for Single Family Dwelling Variances at 1036 Kramer Ct, Case Number 11-23

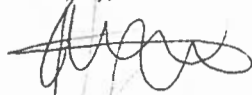
My name is Isabella Muturi Sauve. I reside and own the home at 1065 Kramer Ct and would like to object to the request to allow for a dwelling variance for the property at 1036 Kramer Ct as below:

- a. **Allow an additional 7 inches in the front yard fence to 49 inches.** There are no extenuating circumstances or need for the additional 7 inches. The homeowner should adhere to the required height of 42 inches as stipulated by the City of Aurora and not receive any preferential treatment.
- b. **Allow a reduction on the front setback of 12 inches, resulting in a sidewalk that is only 6 inches wide.** There are at least 10 children living on Kramer Ct who routinely use the sidewalks for leisure, including riding bikes and playing. Reducing the size of the sidewalk results means that the children will be forced to play on the street, dodging cars, including those belonging to Mr. Abdul Bashir's family and friends that routinely speed up and down the street. What is the justification for this compromise to our children's safety?
- c. **Allow a 50% visual permeability reduction on the front yard portion of the fence, resulting in a completely opaque fence.** Reduced visibility, in addition to an already reduced sidewalk makes an already dangerous situation even worse for children, the elderly and wheelchair bound neighbors. It means that neighbors will be unable to see a car backing out of Mr. Adul Bashir's driveway, onto the already reduced sidewalk. Would Mr. Adul Bashir be held liable for any injuries that may occur because of the reduced visibility? Homeowners typically install an opaque fence for privacy reasons. This is not true for the property as only one side of the fence is opaque, two sides have full visibility.

Notably, Mr. Adul Bashir did not apply for a zoning variance prior to installing the fence.

Mr. Adul Bashir is free to make any enhancements to his property as he sees fits. My request is that he adhere to the established Code (section 146-4.7.9.1.1) and uphold the integrity of our street as a place our children play safely, and all residents of Kramer Court, including the elderly and wheel-chair have safe and full access to the sidewalk.

Sincerely,



Isabella Muturi Sauve
1065 Kramer Ct
Aurora, CO 80010

Brenda Zapata Cardenas
720-965-1758
Melquisedec Zapata Morales
720-862-5118
1035 Kramer Ct. Aurora Co. 80010

September 13th, 2023

To whom it may concern:

I am writing this letter because our neighbors that reside at 1036 Kramer Ct. have built a fence that is not up to code with the city of Aurora Their fence is too close to the sidewalk making this very narrow for anyone that walks by, rides a bicycle etc. The fence as of right now is a safety hazard for everyone. I have two young daughters and it makes it impossible for us to walk together on the sidewalk. This is very concerning to us as our sidewalks are very narrow as it is, my daughters and or myself would not be able to ride a bike through the sidewalk without getting our handles stuck on the fence which can lead to injuries. We are asking if you can reconsider fixing your fence to be up to code with the city of Aurora so our sidewalks can safely be used.

Thank you.

Sincerely,

Brenda Zapata Cardenas



Melquisedc Zapata Morales



September 13th, 2023

To Whom It May Concern:

My name is Jessenia C. Estrada. I am 21 years old. I live with my parents, Jaime Estrada and Valentina Martinez at 1075 Kramer Ct. I am a girl with disabilities which I cannot walk and require a wheelchair for the rest of my life. I go out with my younger brothers and sister on a walk. I can no longer go on the sidewalk in front of 1036 Kramer Ct. because the fence is so close to the sidewalk. Before the fence was put up I was able to use the sidewalk. The setback area made it possible for me to use the sidewalk which is already narrow and now it is impossible for me to use the sidewalk on my block.

It is very difficult for anyone or myself with my disabilities to continue the outside activities that we are entitled too. Ever since July 4th my access to that area has been restricted. Neither of the fences, wood and chain link are safe. They should both be removed.

Jessenia C. Estrada

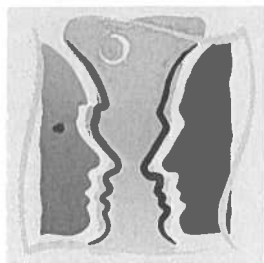
Jessenia.E

Jaime Estrada

Jaime Estrada

Valentina Martinez

VM



Find Solutions Mediation

A NONPROFIT ORGANIZATION PROVIDING
MEDIATION, CONFLICT RESOLUTION AND FACILITATION SERVICES

*Helping People Talk
to People*

Anita and Matt Avalos
1024 Kramer Court
Aurora, CO 80010

September 18, 2023

Dear Mrs. and Mr. Avalos:

This is to confirm that we made an attempt to get you, and your neighbors at 1036 Kramer Court, to mediation regarding some ongoing problems your households were experiencing with each other. You were willing to mediate, but your neighbors stopped responding to the mediator.

Due to mediation being a voluntary process, if one party is not willing to mediate, or does not respond, then we really don't have any further recourse. If the situation changes, we will be more than happy to provide mediation.

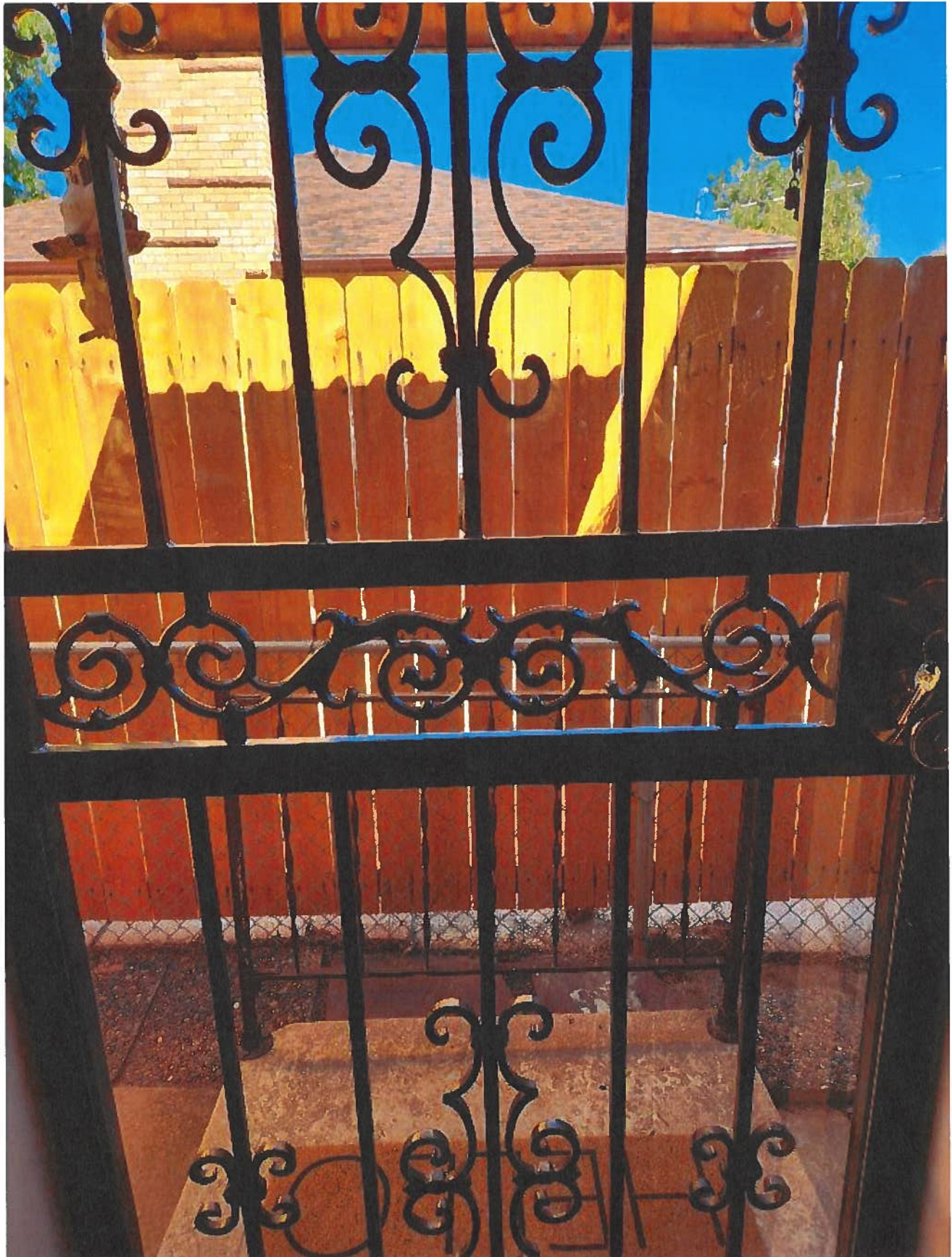
Please don't hesitate to contact me with any questions.

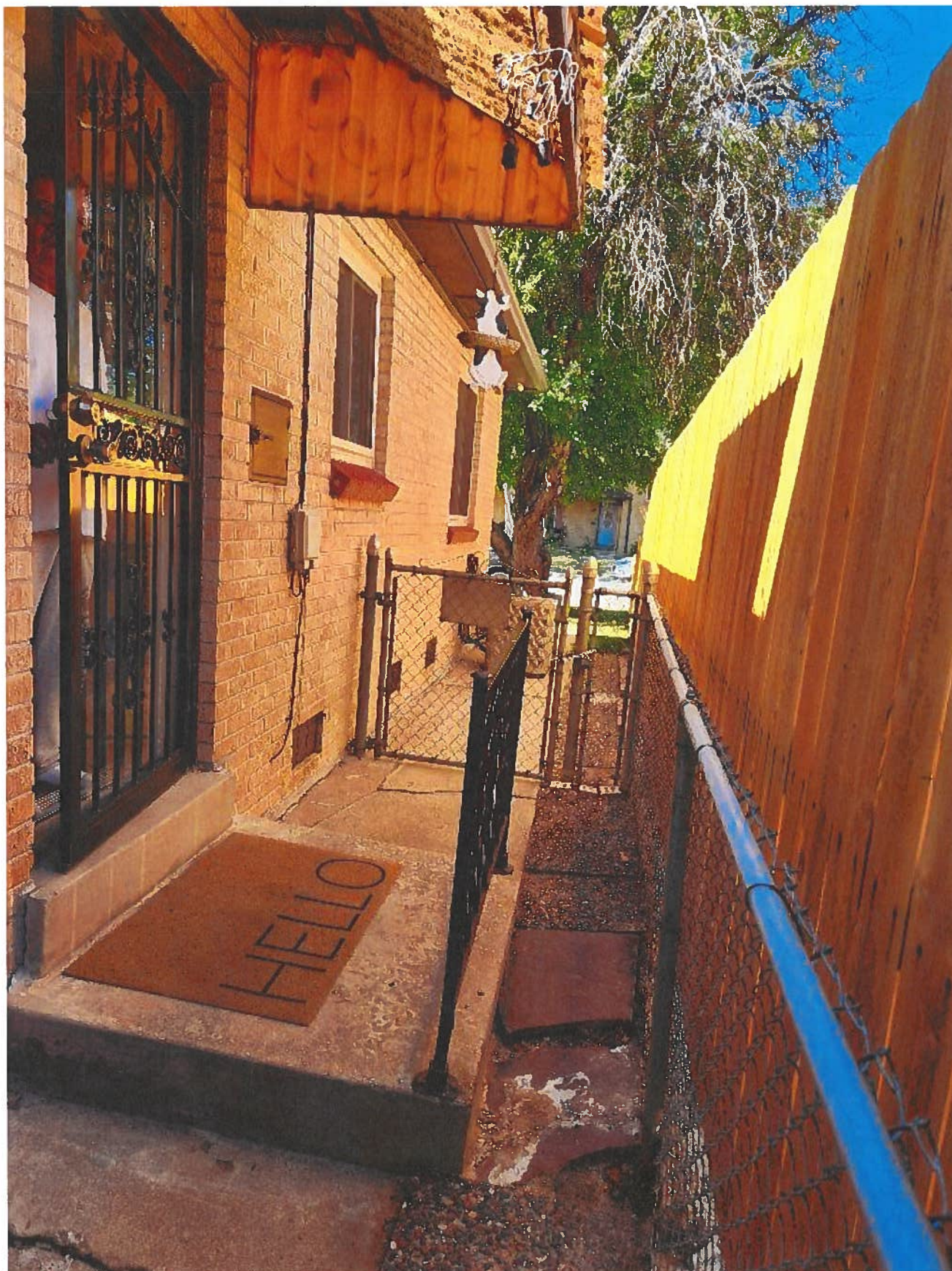
Sincerely yours,

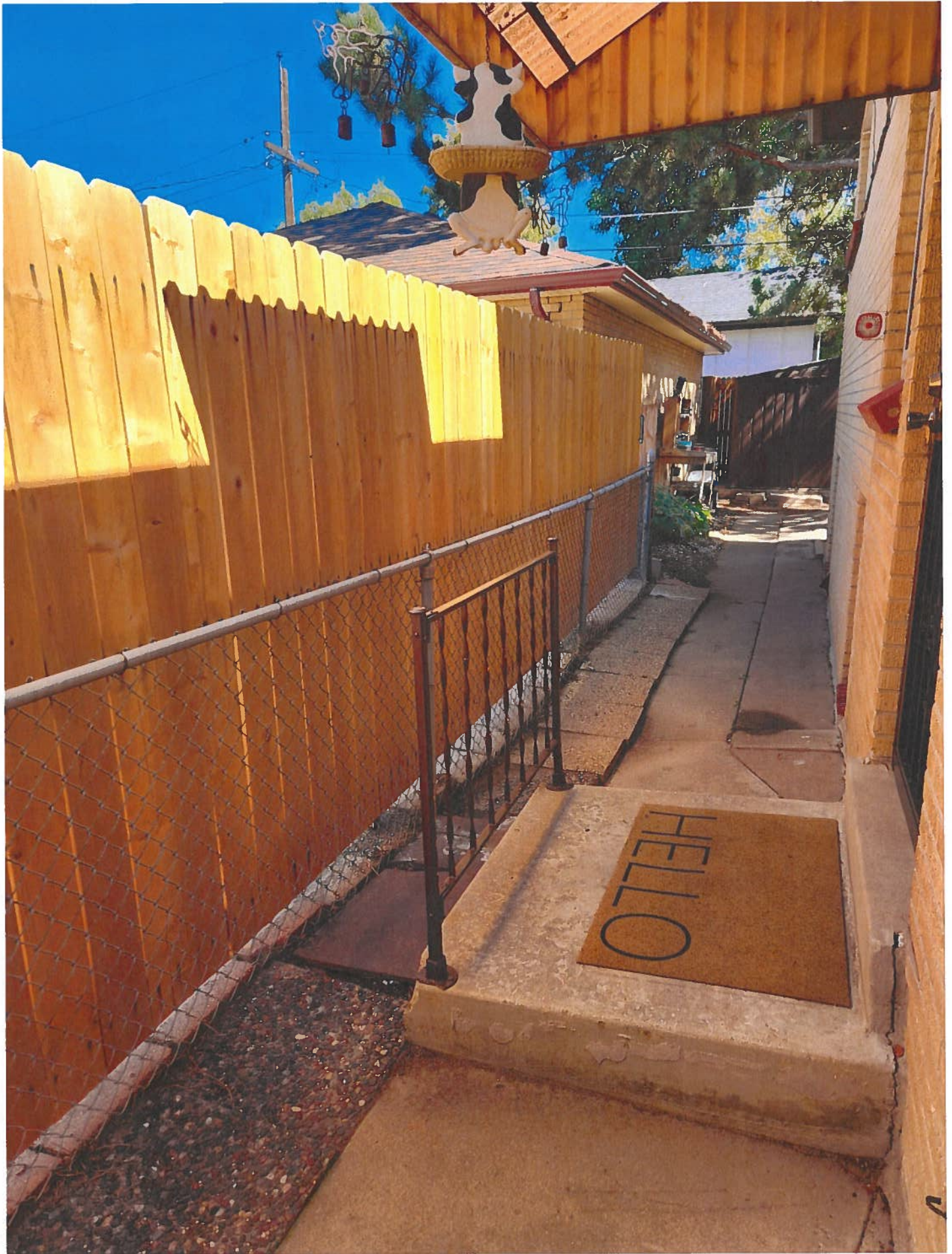
Sara Elletson

Sara Elletson
Program Coordinator
Find Solutions Mediation

Inside
View from our side door







12:27




5G

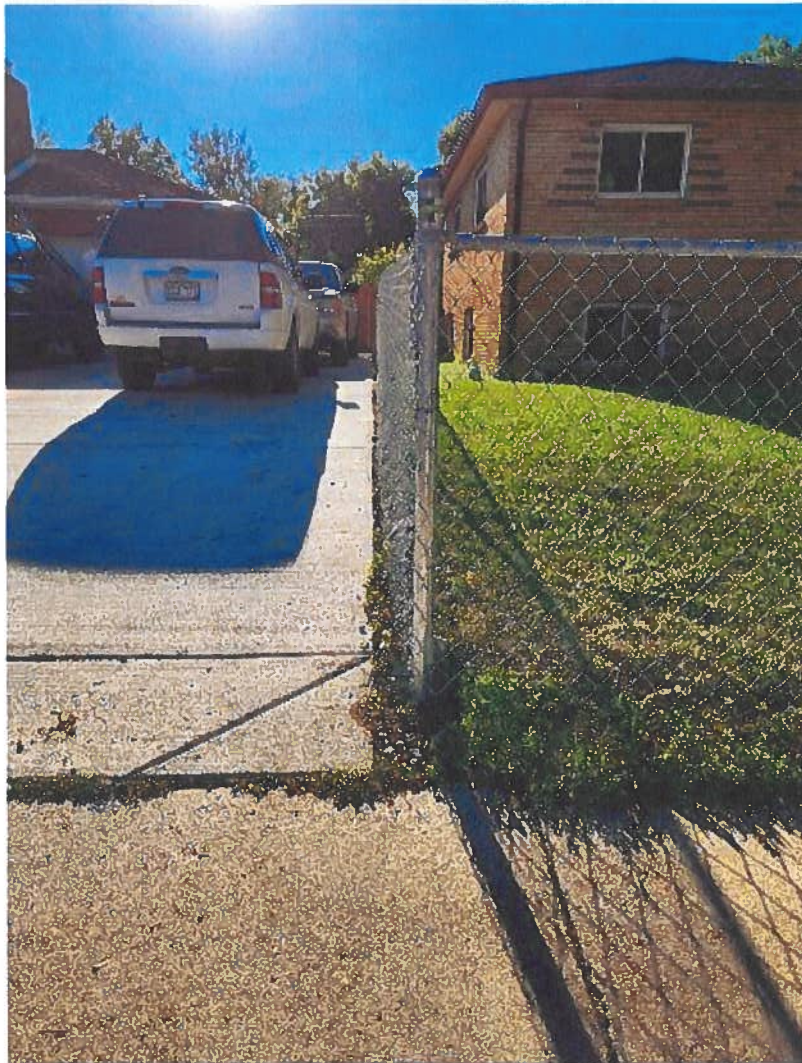
< 22 inches



12:24

5G

< Chain link fence on the side of 1048 Kramer Ct.   



12:24

5G



No gate here.



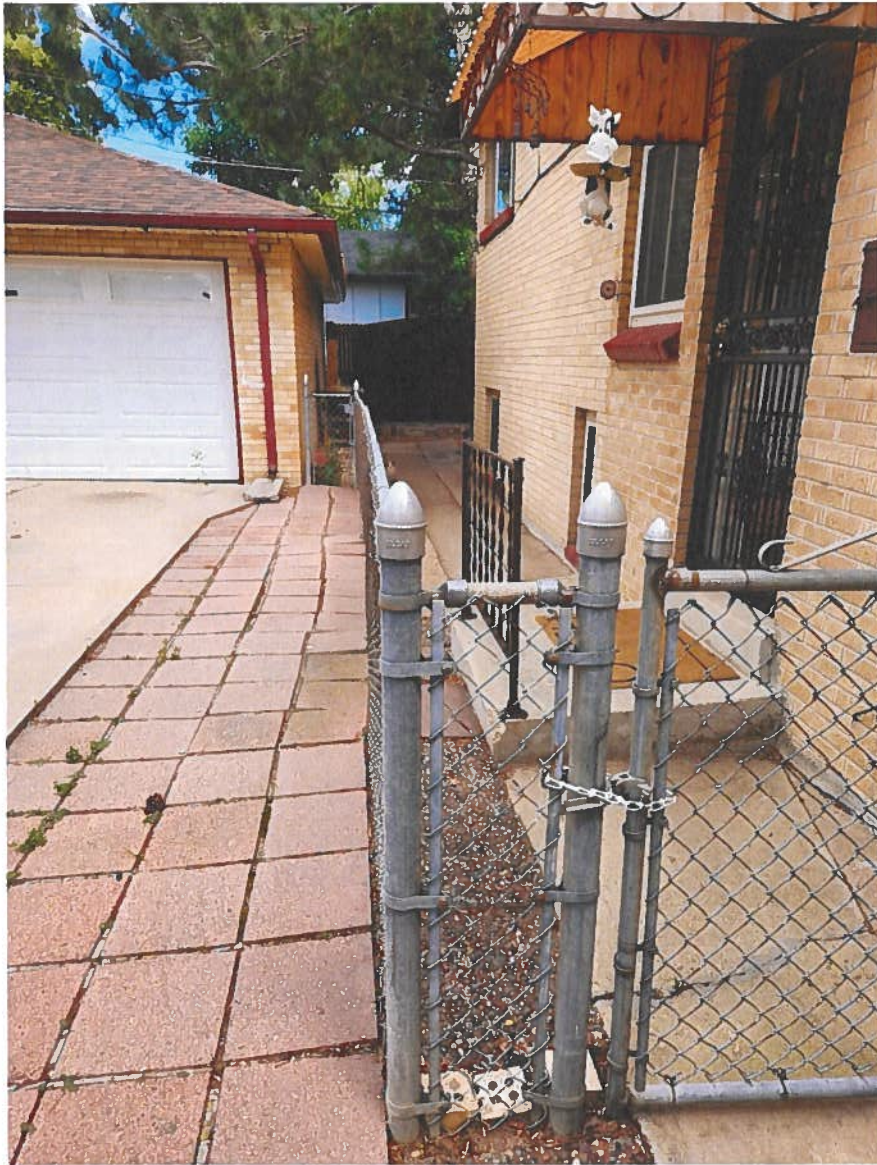
12:31

5G



Before Picture







Digging near gas meter





76" high

View of fence near our house

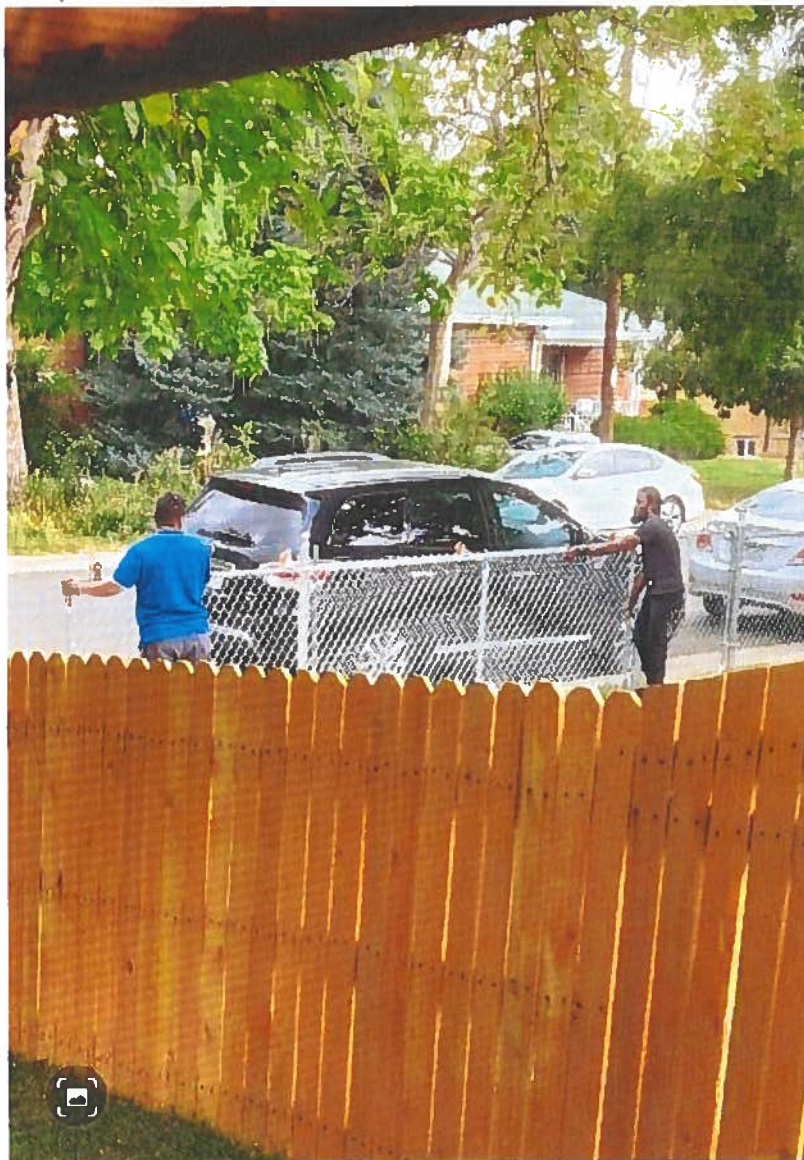
Blocks our windows



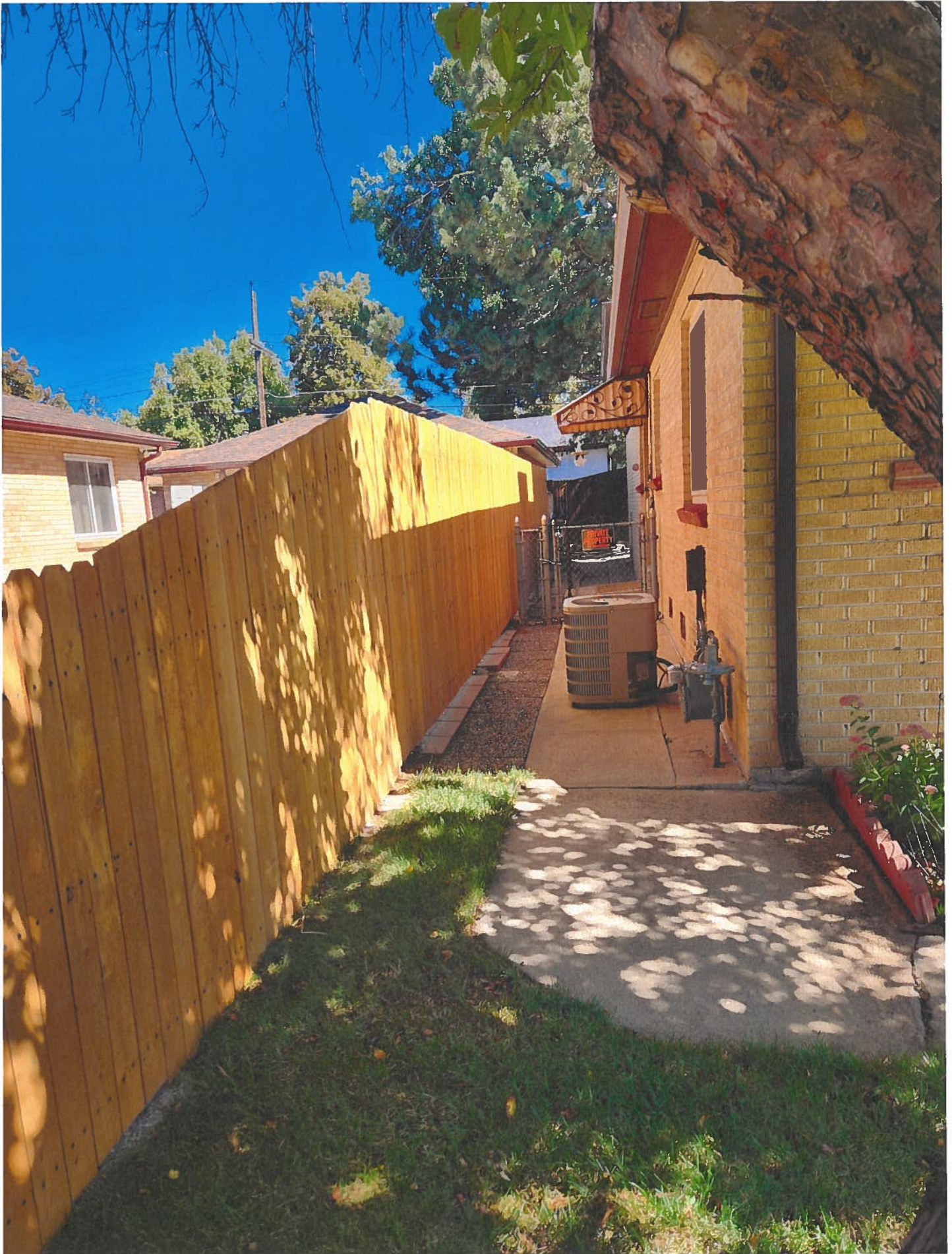
12:20 [messaging icons]

5G [signal strength icons]

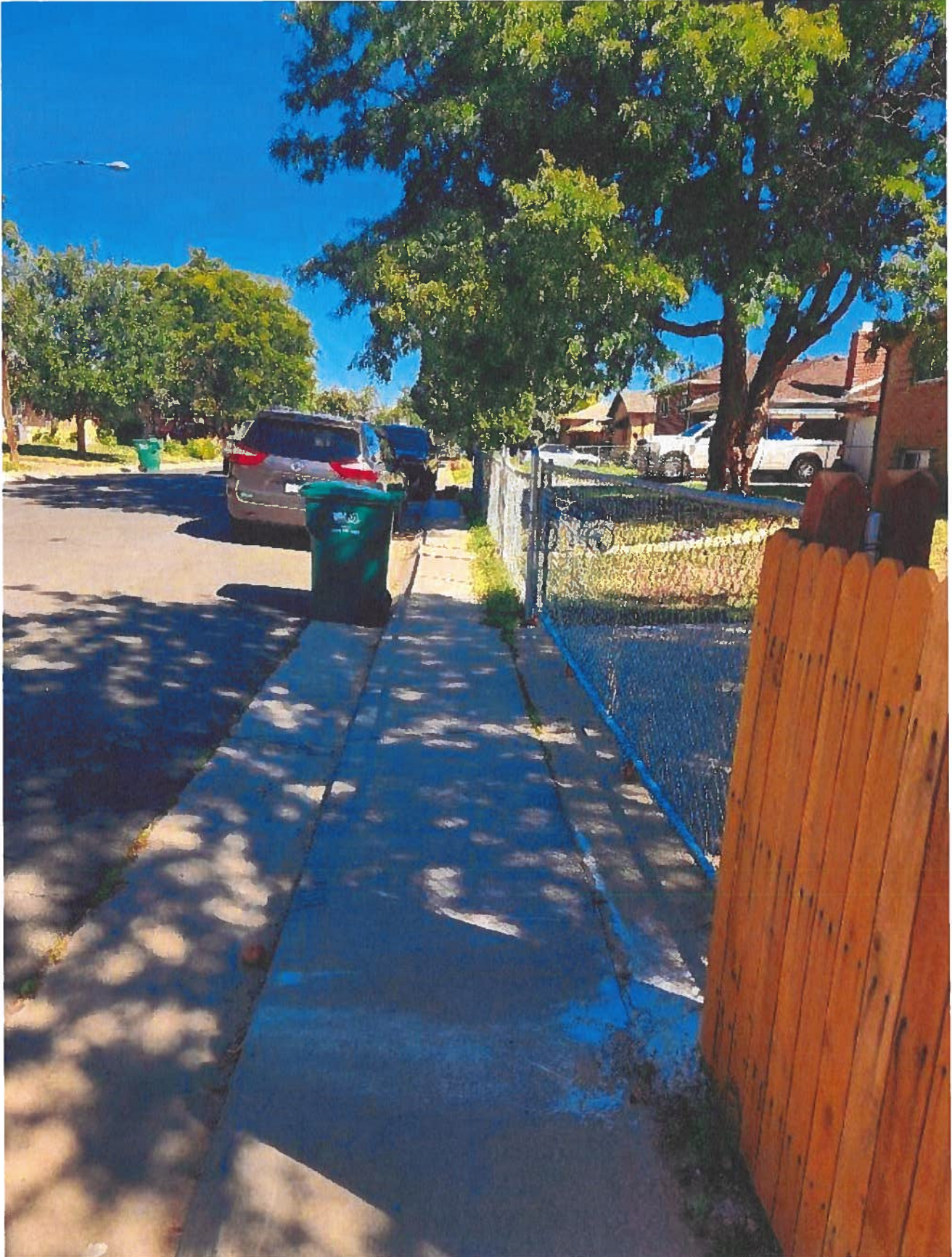
Putting up gate on Sept. 3 after notice already given







Gate is nonfunctional. No tracking for opening and closing.
51" high
Falls off every time.

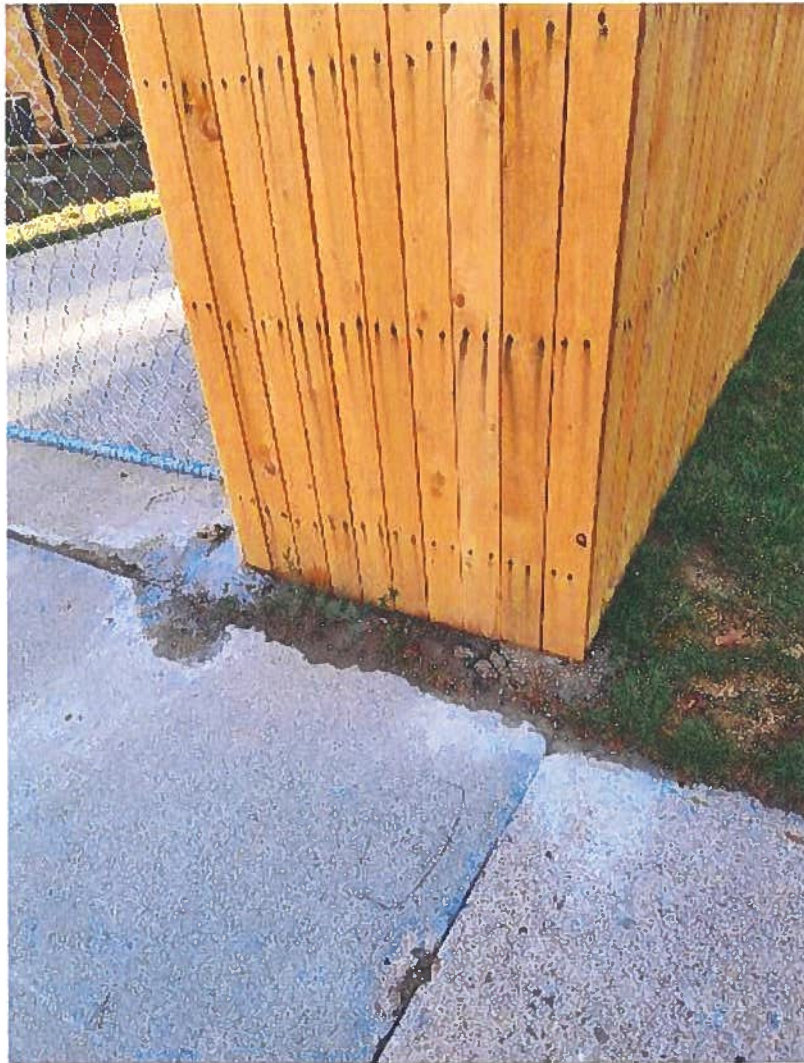


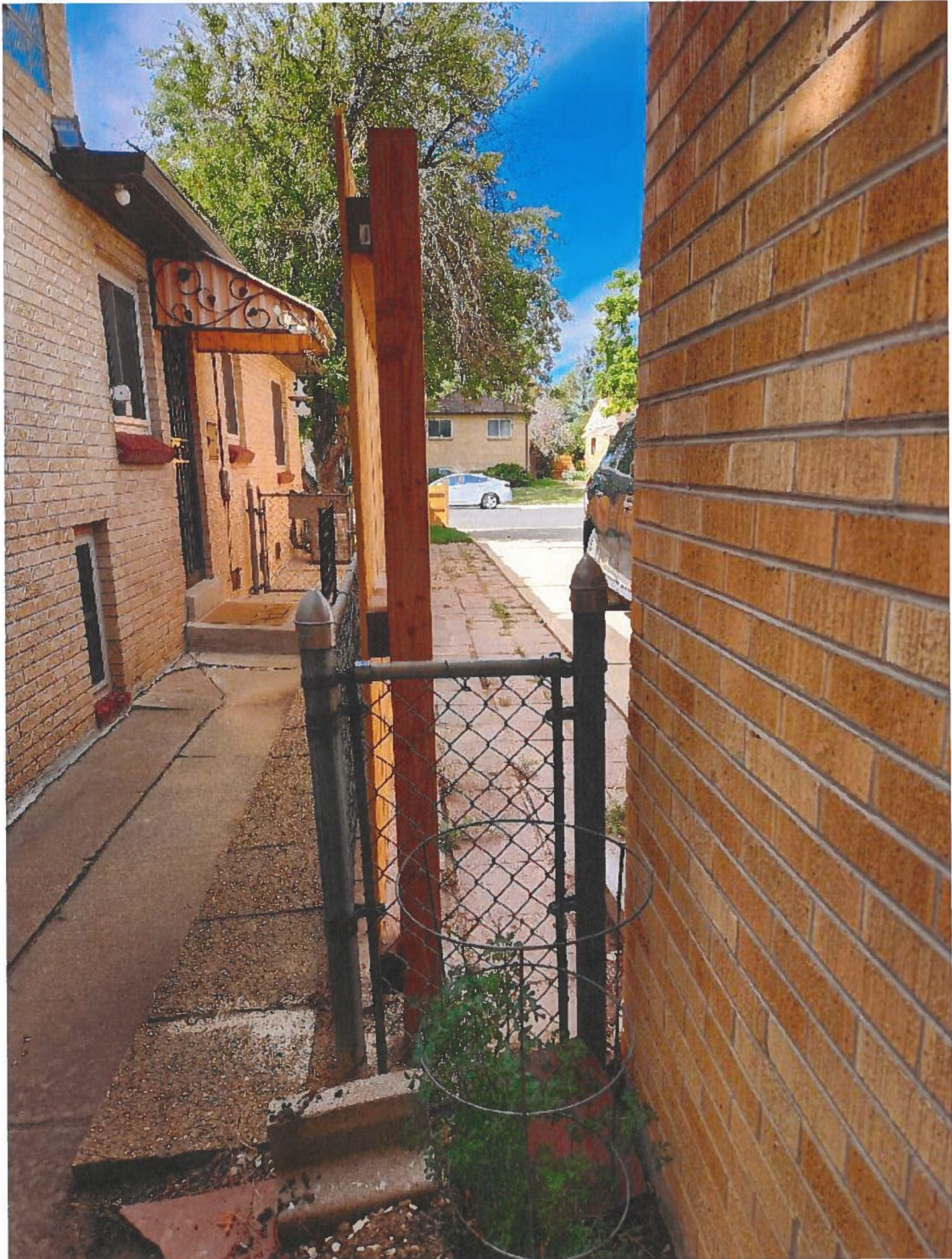
12:17

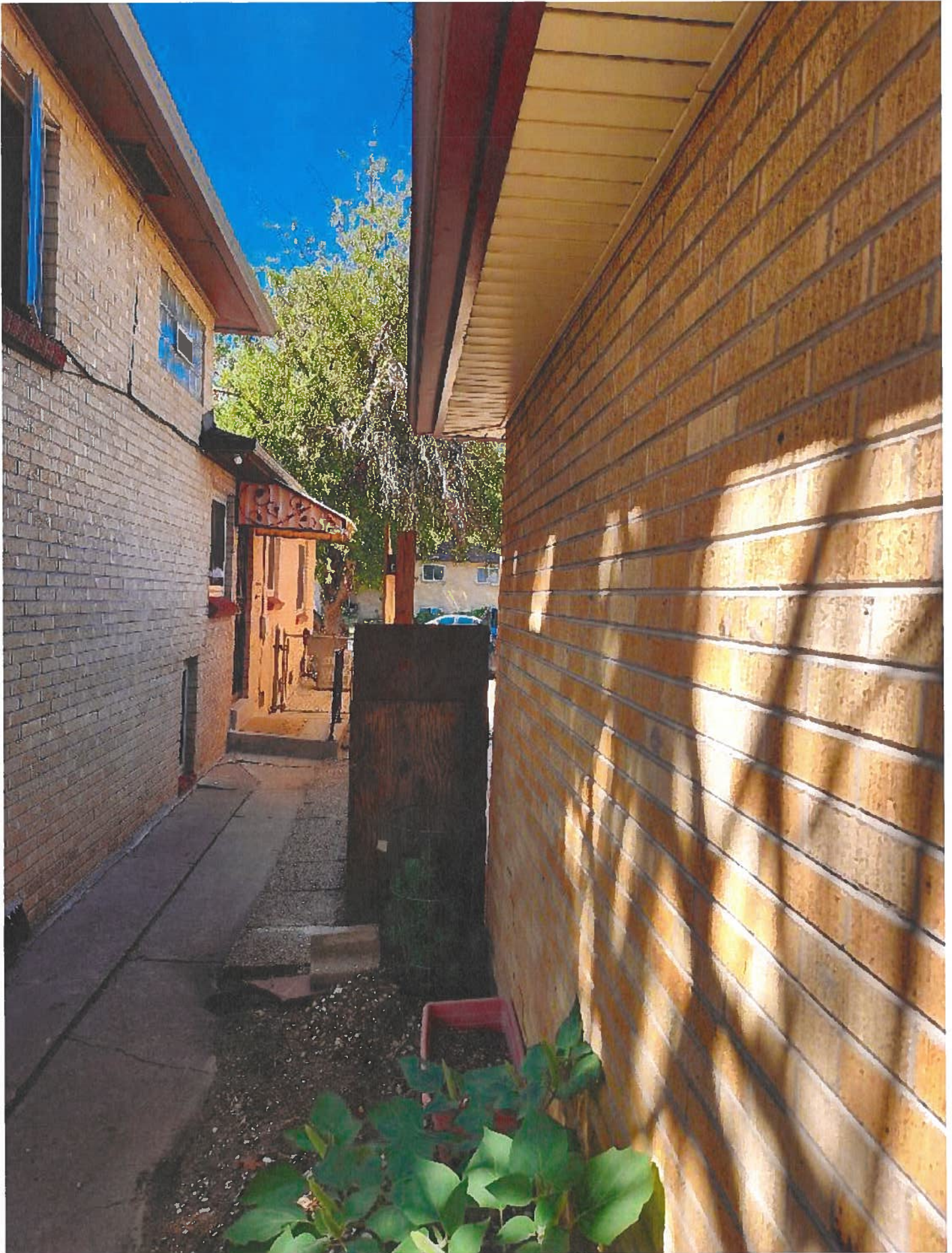
5G



Wooden Fence is like 4 inches from sidewalk

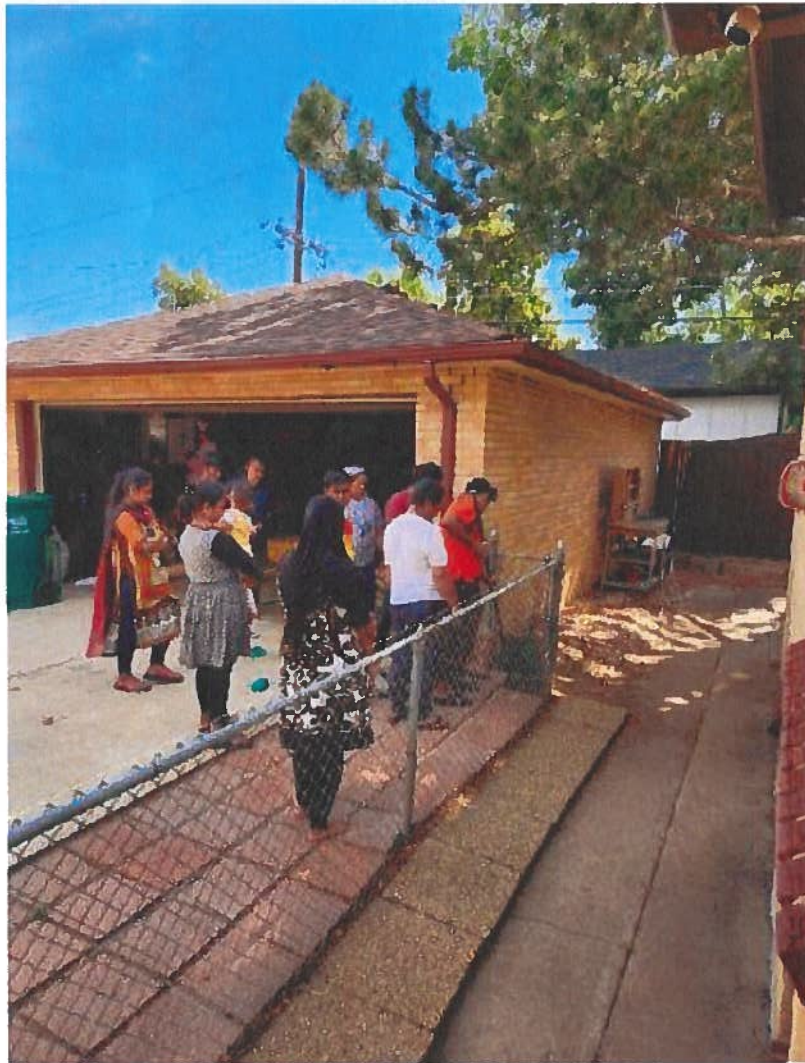






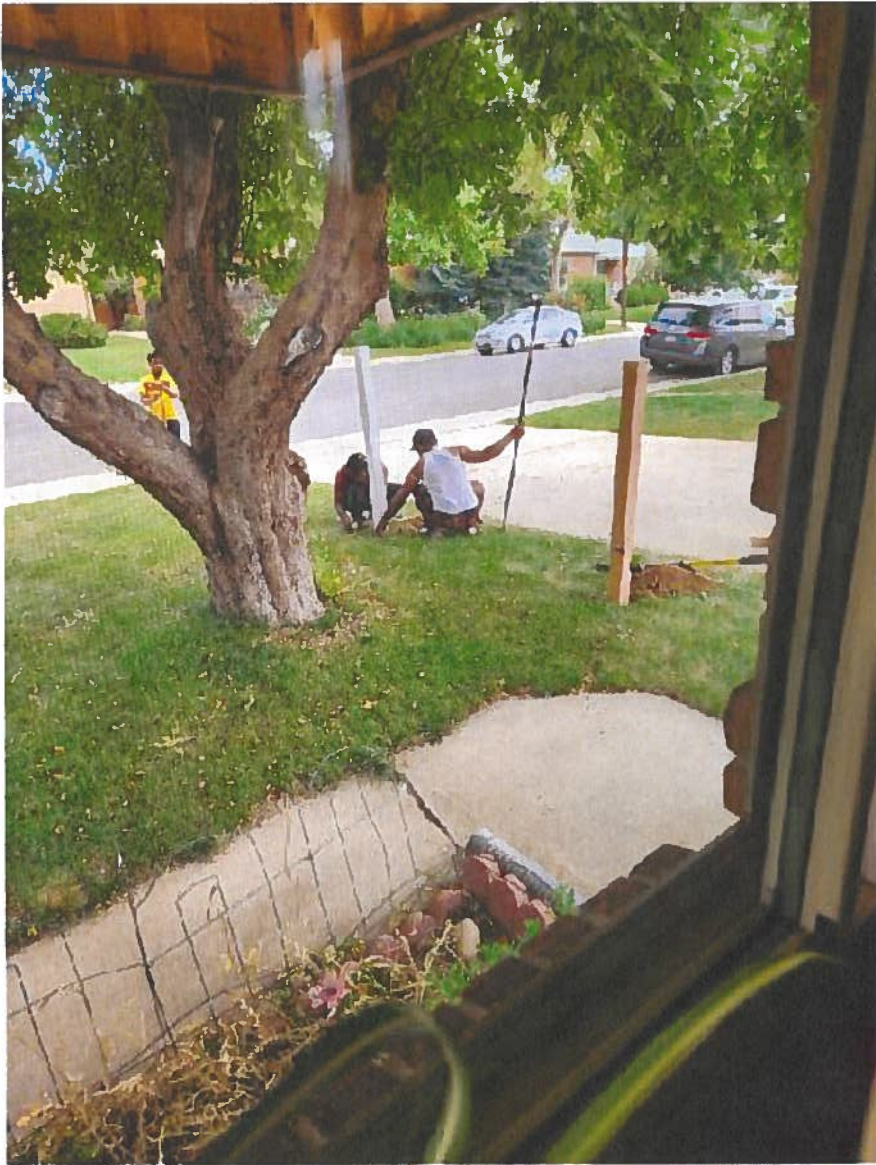
12:28

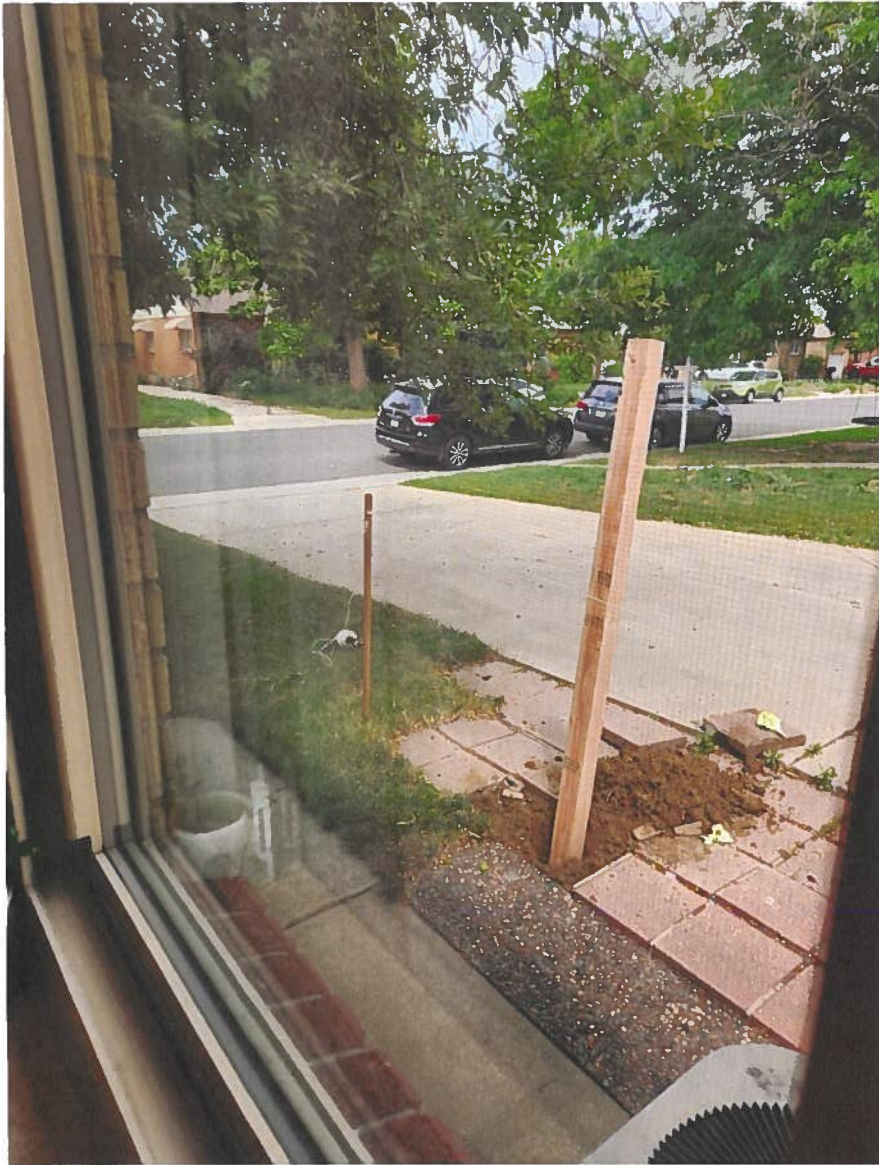
5G













**City of Aurora
Aurora Police Department**



Certificate of Appreciation

The Awards and Commendations Board
Of The Aurora Police Department Recognizes

Anita Avalos

In Aurora Police Department's District 1 there is a block that officers know well. On North Kramer Ct. we have had over 90 calls for service in the last year on their block. There are two neighbors that have lived here for many years and watched what was going on in their neighborhood, but instead of sitting back they became proactive and started working with Officer Tim King to try and stop the criminal activity on their street. Anita Avalos and Rose Sabo are constantly sending pictures, license plates and any other information that relates to these address to Officer King usually on a daily basis. Officer King has been able to identify either by past experiences or associates of drug dealers many of the people from these addresses. Previously APD has had marked units in the area watching the houses. Due to the proactive involvement of these neighbors marked units no longer run up and down the street, which has allowed for the suspects to walk around more freely, store stolen cars and harbor other wanted suspects. With the information provided from both Anita and Rose, Officer King has been able to arrest many suspects with warrants, recover stolen guns, remove drugs from the street and recovered stolen vehicles that the suspects try to hide in the garages at these locations. Anita lets Officer King know when the suspects leave so arrests can be made away from the residences. One recent arrest recovered a stolen vehicle and the suspect having 3 "no bond" warrants and another located and resulted in the arrest of a DOC escape suspect that was hiding out at those residences.

For all of her assistance in helping the Aurora Police Department fight problem locations that have resulted in over 30 arrests this year and being proactive in her community, Anita Avalos is hereby awarded the Aurora Police Department - Certificate of Appreciation-Citizens Award.

Lt. Michael McClelland, Chairman
APD Awards and Commendations Board

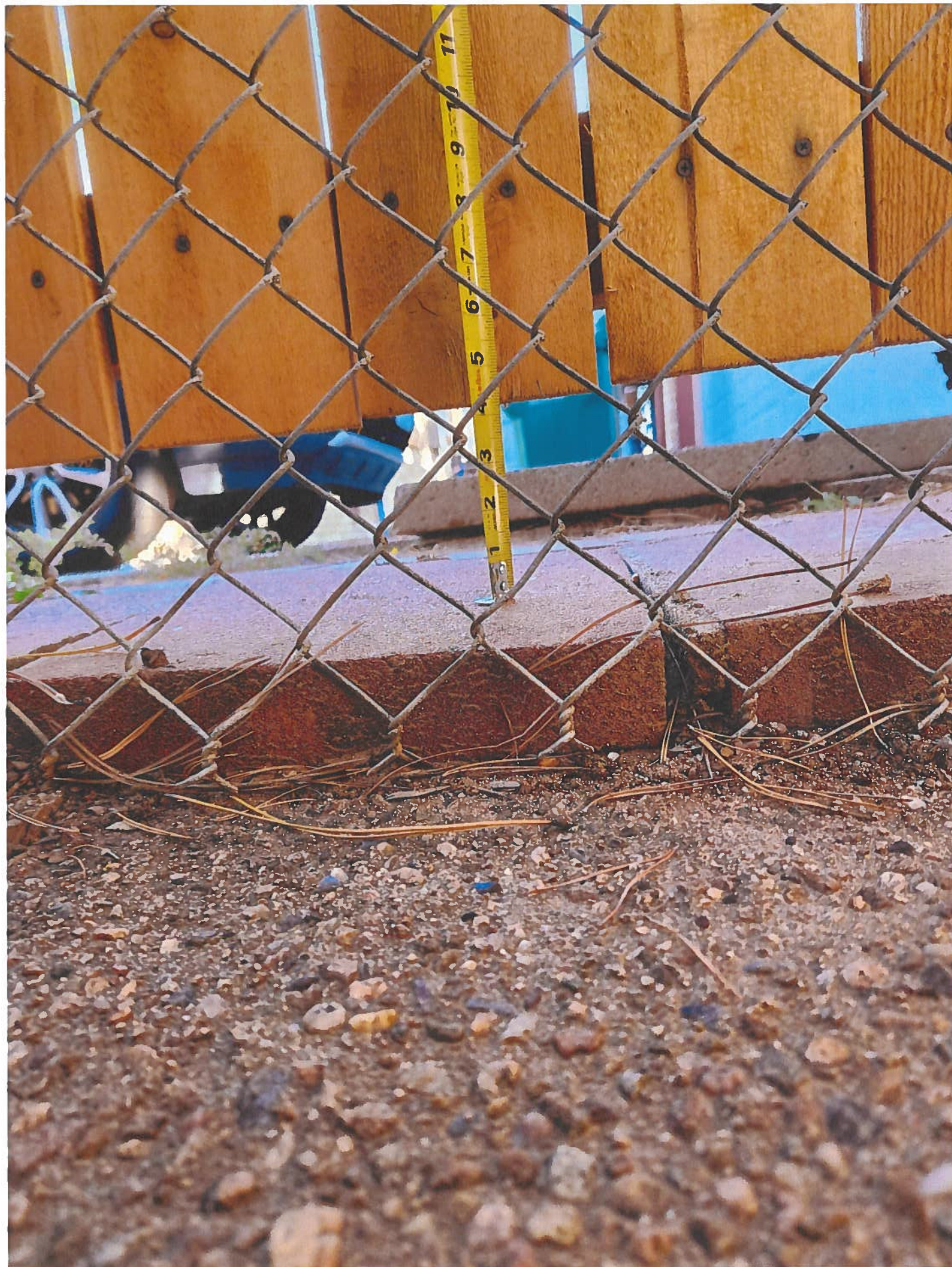
Nicholas J. Metz, Chief of Police

Additional Public Evidence for Case # 11-23 Presented at
Tuesday, October 17, 2023 Board of Adjustment and Appeals
Meeting

Wooden fence is higher than 6ft.

PUBLIC EVIDENCE - EXHIBIT A
76" high







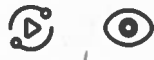
This is the dog they say the kids are scared of.

PUBLIC EVIDENCE - EXHIBIT C

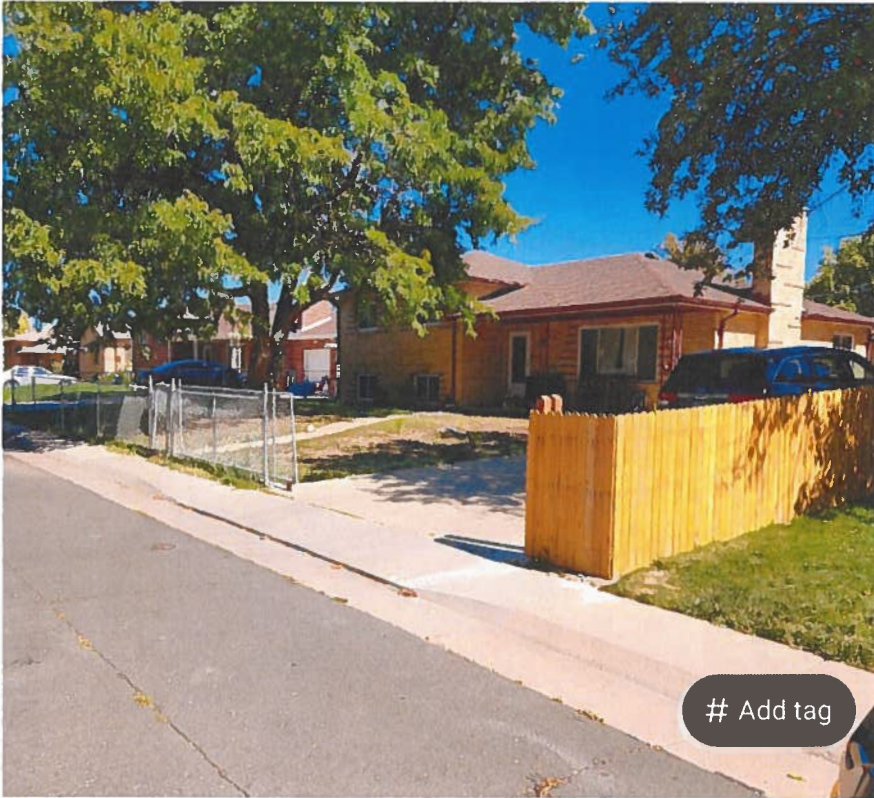
Dog is always inside only
when he goes potty he goes out.
The kids use to come and

pet the dog. Then they would
come and poke a stick thru
the fence to poke the dog.





Pictures of random days and times
gate was always opened.



September 21, 2023 12:23 PM

Edit

20230921_122352.jpg

/Internal storage/DCIM/Camera





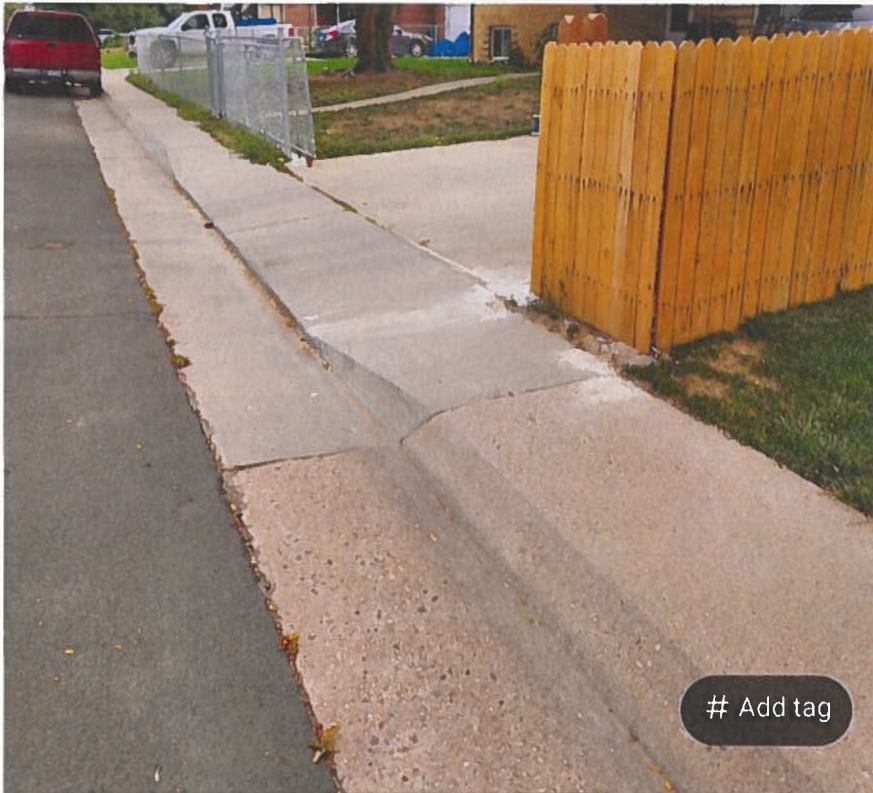
September 22, 2023 1:39 PM

Edit

20230922_133949.jpg

/Internal storage/DCIM/Camera





Add tag

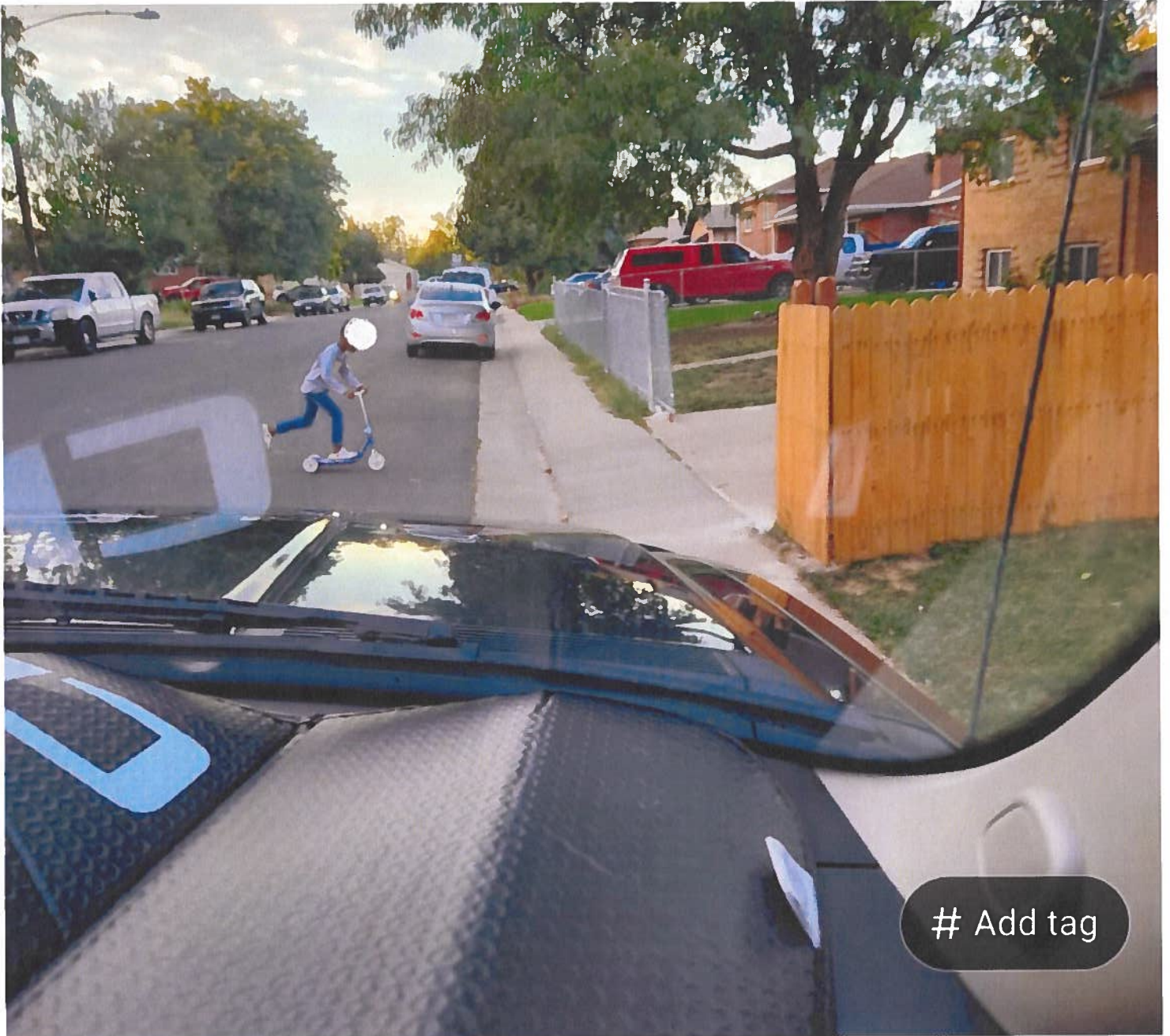
September 23, 2023 8:10 AM

Edit

20230923_081055.jpg

/Internal storage/DCIM/Camera



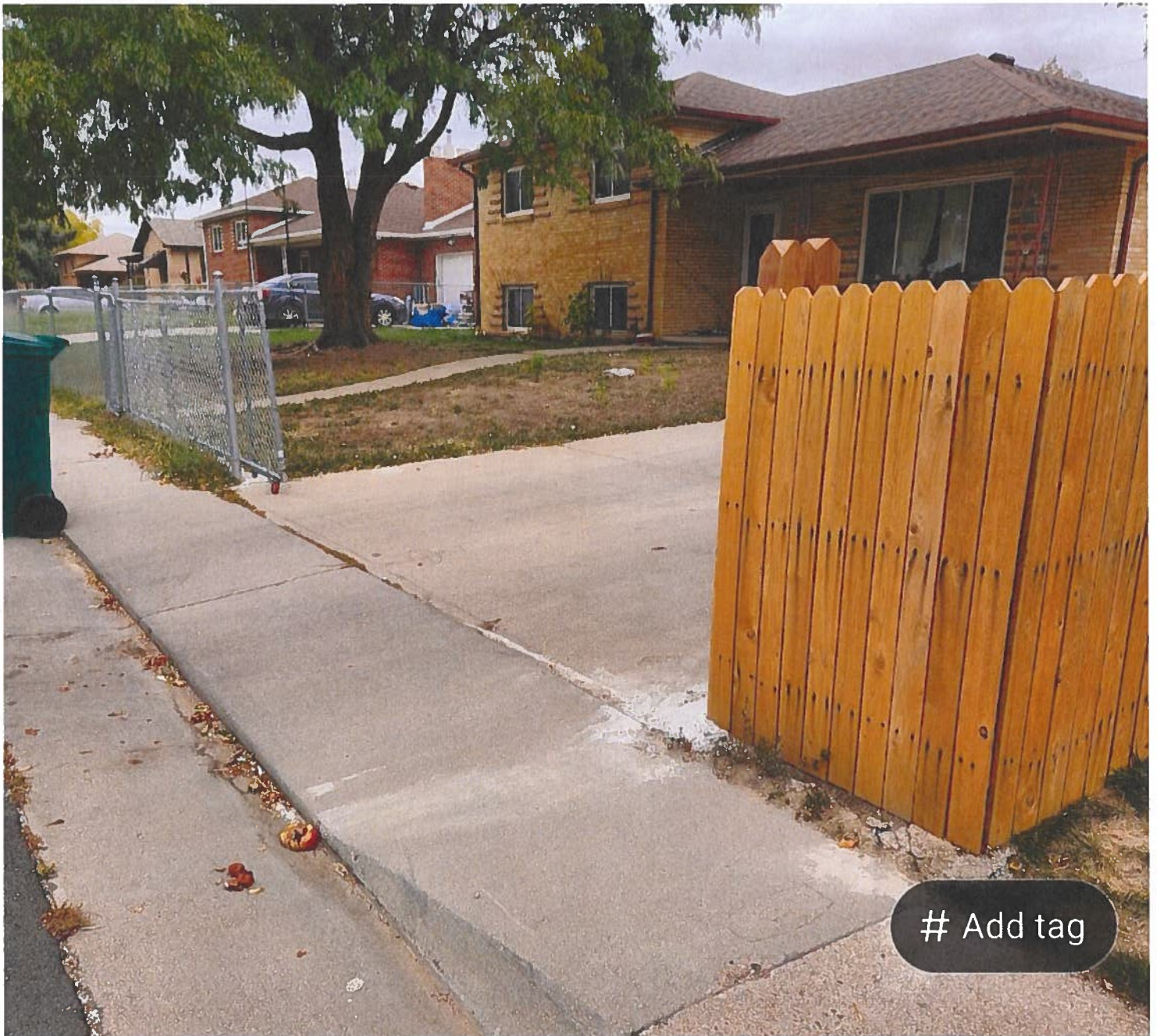


September 23, 2023 6:40 PM

Edit

20230923_184059.jpg

/Internal storage/DCIM/Camera

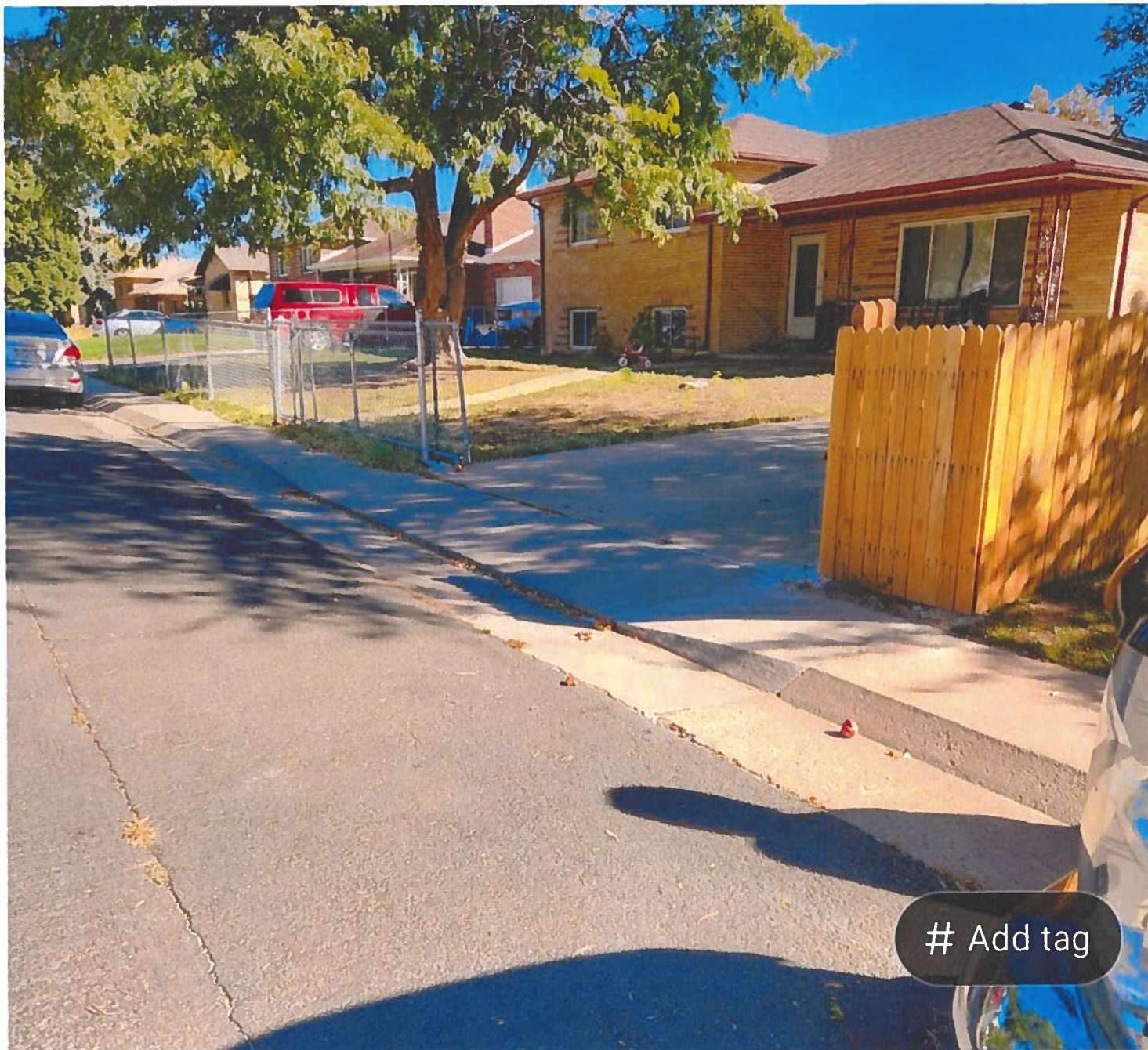


Add tag

October 6, 2023 1:16 PM

Edit

20231006_131655.jpg
/Internal storage/DCIM/Camera



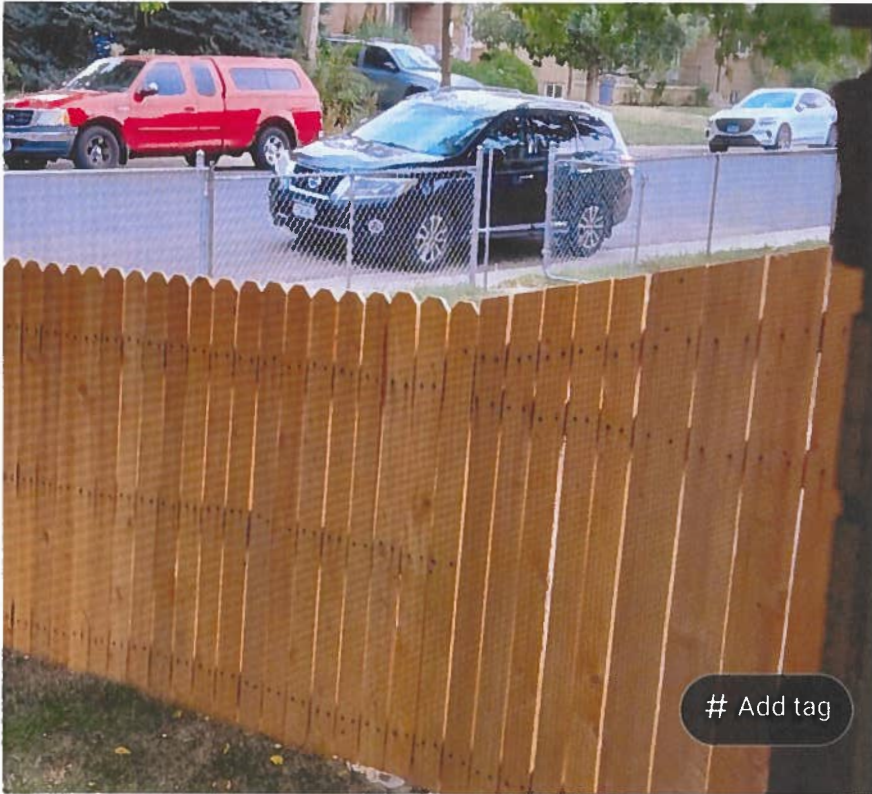
Add tag

October 7, 2023 10:21 AM

Edit

20231007_102114.jpg

/Internal storage/DCIM/Camera



Add tag

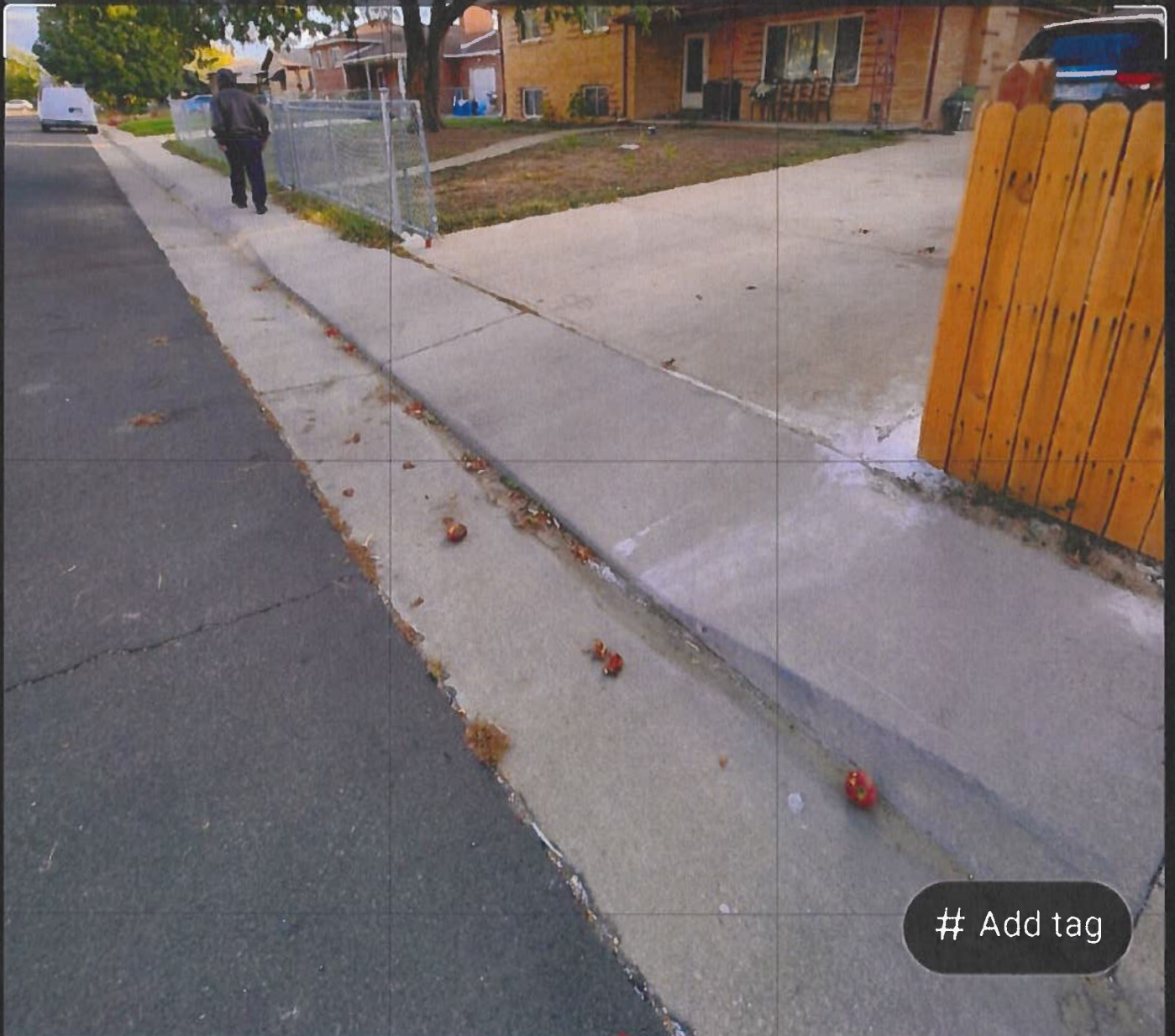
October 2, 2023 5:44 PM

Edit

20231002_174437.jpg

/Internal storage/DCIM/Camera





Add tag

October 4, 2023 7:55 AM

Edit

20231004_075520.jpg
/Internal storage/DCIM/Camera

September 19, 2023

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

RE: Case Number 11-23

Response to meeting regarding 1036 Kramer Ct.

I would first like to acknowledge the fact that the fence that was recently put in place at the address has not been utilized as stated by the residents. The children do not play in the yard as suggested. The children continue to play in the street riding scooters, bikes and skating, yelling and screaming as loud as possible. The children and occupants at this address are out in the yard and street as late as 2am on several occasions.

My home is diagonal from the resident in question. I have witnessed residents/owners coming and going from this resident speeding down the block. I have had conversation advising the drivers to slow down as there are children up and down the block, and nothing has changed – they continue to speed down the street – which puts the statement mentioned by the resident in question, as most times, it is their own guests/residents. I have come down the street to either leave or go to my home, and on 3 occasions, someone has backed out of the driveway very fast without looking and almost hitting my vehicle.

The residents at 1036 Kramer Ct. took it upon themselves to cut down the large tree in their back yard with limbs falling on power and cable lines shutting off power and cable for some homes in the neighborhood. Imagine the frustration for those of us who are assigned to work from home, needing these essentials. Appears they have done the same while erecting the fences – no conversation or notification.

I understand that every home has issues or may be difficult at some point. I have known the residents, Matt and Anita, since we moved on the block in 2018. We have all been friendly and assisting one another shovel snow, pickup tree limbs after a windstorm and helping others get stuck out of the snow, Neighbors. I cannot believe that Anita and Matt have done anything malicious to 1036 Kramer Ct. Taking pictures? I would assume to protect themselves.

The fences are not matching and are a definite eye soar to the block. The front fence is not being used as suggested – per stated by the resident.

I do hope you take these words into consideration when advising the resident to remove the fence.

Concerned Kramer Ct. Resident

1025 Kramer Ct.

From:
To: [Gubrud, Stephen](#)
Subject: Re: Anonymous Objection to BOA Case Number 12-23 allowing increase in height of fencing in Ptarmigan Park Home Owners Assoc.
Date: Tuesday, October 17, 2023 10:08:53 AM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Thank you for responding, Stephen. Yes, you may quote me but please quote below

See below,

“As a homeowner at Ptarmigan Park and having seen this non-approved (by HOA) taller fence, I do not agree that this taller fence should be approved”.

Sent from my iPhone

On Oct 17, 2023, at 9:24 AM, Gubrud, Stephen <sgubrud@auroragov.org> wrote:

Thank you ,

I have received your objection and will present your statement anonymously, are you okay with me quoting your email verbatim minus your name, email address etc.?

Thank you,

Our [Zoning Navigator](#) tool simplifies the site selection process and shows you where your project is permitted.

Stephen Gubrud

Planner I

Planning & Development Services | City of Aurora

Office 303.739.7217 | Direct Line 303.739.7209

[<image001.png>](#)

[<image002.png>](#)

[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [AuroraTV.org](#)

From:

Sent: Tuesday, October 17, 2023 9:12 AM



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

Worth Discovering • auroragov.org

MEMORANDUM

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: October 12, 2023

Hearing Date: October 17, 2023

Subject: BOAA Case No. 12-23 – 12290 E Vassar Dr.

Notification: The Notice of Variance Request was mailed to abutting property owners on October 6, 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 owner, Varya Fursova, for the following Single-Family Dwelling Variance:

- Requesting a variance from UDO code section 146-4.7.9.L.1 which states that rear yard fences may be a maximum of 6 feet in height. The applicant's property is located in the R-1 zone district and they request a variance to allow an additional 2 feet in rear fence height for a total of 8 feet along the approximately 64-foot length of the rear lot line.

Background Information: The subject property is located at 12290 E Vassar Dr. in the Heather Ridge neighborhood, within the East Iliff Meadows #1 Subdivision. The property is approximately 0.165 acres with an approximately 2,851 square foot primary residence, constructed in 1980 according to the Arapahoe 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. 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 a variance to allow for an existing, approximately 8-foot tall, rear yard fence which exceeds the UDO fence height limit of 6 feet. The existing non-compliant fence was identified in the Notice of Violation which was issued to the property owner on June 26th 2023.23. Previously the applicant had an approximately 6-foot tall, solid wood, fence along this property line. The previous fence was replaced due to its dilapidated nature and the new fence occupies the same location and meets all other city code requirements. Prior to the replacement the applicant contacted the HOA who advised her to work with the neighboring property owner to the south, upon consulting this neighbor they agreed that a higher fence would be ideal for privacy reasons. When HOA members viewed the fence after it had been constructed,

they advised the homeowner to contact the city as it clearly exceeded city code requirements. The applicant has stated one of their reasons for rebuilding the fence at this increased height is to enhance the safety and privacy of the property, the previous conditions allowed the applicant to see entirely into the neighbor's rear yard from their patio area and vice-versa. (See Exhibit B– Application and Justification). The remaining sides of the property contain an allowed 6-foot high privacy fence.

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. The newly constructed fence meets this intent by increasing the security and privacy of the homeowner's property while enhancing the visual appeal of the fence itself. Furthermore, this proposal does result in an improved design by replacing the previously deteriorating fence which did not properly serve its function. The new fence will have no significant impact on surrounding properties, existing city infrastructure, or any planned improvements for the area.

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 fence does not present a significant 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:

Staff finds that the proposed fence does achieve an improved design as presented because it would better fulfill the intent of a rear yard fence to screen a portion of the yard and enhances the overall visual appeal of the property.

b. Consistency with Neighborhood Character

Staff Analysis:

Staff finds that the proposed fence is not necessarily consistent with the character of the neighborhood as properties with fences exceeding 6 feet in height are rare in the area.

c. Compatibility with Adjacent Development

Staff Analysis:

The proposed fence would not result in a design that is generally compatible with adjacent residential development. Some degree of risk has been mitigated, however, through coordinating the design with the property owner who is most greatly impacted by the structure.

d. Impact on existing city infrastructure and public improvements

Staff Analysis:

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

e. Internal efficiency of design

Staff Analysis:

The proposed fence would result in an internal efficiency of design as it would not cause any significant impact to surrounding property owners and would provide enhanced privacy for the applicant and neighbor to the south.

f. Control of external effects

Staff Analysis:

The proposed fence would control for any external effects as it would not place any undue burden on the surrounding residential properties or the public realm and has been coordinated in conjunction with the property owner who shares the rear lot/fence line.

Conclusion:

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

- It 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 proposal 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 variance 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



E VASSAR DR

E VILLANOVA DR



CASE # _____

APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE

ADDRESS OF PROPERTY AFFECTED: 12290 E Vassar Dr. Aurora, CO 80014

Zone District _____ 12291 E Villanova Drive, Aurora, CO 80014
R-1 Low Density Single-Family Residential.

Applicant Name: Varvara Fursova


Address: 12290 E Vassar Dr, Aurora, CO 80014

Phone #: 720 639 0752 email world.linguas@hotmail.com

Property Owner: Name: Varvara Fursova

Address: 12290 E Vassar Dr, Aurora, CO 80014

Phone #: 720 639 0752 email world.linguas@hotmail.com

Signature  _____

Variance requested: Request to allow an 8-foot fence on the back of the backyard.

The above request does not conform to Section(s) 146-4.7.9.L of the Aurora City Code, which requires residential fence to be at 6 foot.

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

12291 East Villanova Drive, Aurora, CO, 80014	Daniel Gay
_____	_____
_____	_____
_____	_____
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JOSEPH & GEORGIA GLENN
12280 E VASSAR DR
AURORA CO 80014

LORI & BOB MARQUEZ TRUST
12299 E VASSAR DR
AURORA CO 80014

CORNELIUS & CHIEKO GILMER
12303 E VILLANOVA DR
AURORA CO 80014

LARRY & GAYE HOFFMAN
12302 E VASSAR DR
AURORA CO 80014

ALAN & CAROL BRAUTIGAM TRUST
12289 E VASSAR DR
AURORA CO 80014

DANIEL MICHAEL GAY
12291 E VILLANOVA DR
AURORA CO 80014

KENNETH DOBROVOINY ET AL
12281 E VILLANOVA DR
AURORA CO 80014

Dear Board of Adjustment and Appeals,

My name is Varvara Fursova, I am the homeowner of the property located at: 12290 E Vassar Dr, Aurora, CO 80014.

Reaching out to you regarding the Courtesy Notice that I have received from the City of Aurora. Officer comments of the notice state the following:

All fences taller than 6 feet require a city of aurora building permit during installation. Please obtain a building permit for areas of your new fence that are taller than 6 feet.

The property will be re-inspected on 07/18/23.

I would like to sincerely apologize for my failure to comply with the code of City of Aurora.

In May 2023, I reached out to my HOA board of Directors and requested permission to replace the fence, permission was granted. I did inform the HOA Board of Directors that the portion of the fence in my backyard has been a problem because the fence is so low, I have no privacy as I face the windows of my neighbor and he faces mine. The Board advised that I discuss the matter with the neighbor and find a solution. After discussing the matter with the neighbor, we agreed that an 8-foot fence will solve the issue. An 8-foot fence has been installed between my backyard and my neighbor's backyard; the rest of the fence is at 6 feet. Please see attached is the map showing my neighbor's house and mine.

I would like to inform you of the reasons I am kindly asking if you could please consider allowing me to keep the backyard fence at 8 feet.

Mental health consideration.

Having an 8-foot fence in the backyard I started spending time in my backyard, planting flowers, playing with my dog. I am no longer feeling exposed and have been enjoying my backyard.

Noise reduction

I no longer hear my neighbor behind the 8-foot fence nearly as much as I used to. Taller fence has made it much quieter.

Property Value.

Having more privacy in the backyard does increase property value. Right now, there is no issue of facing my neighbor's windows which makes my backyard much more private and my property much more attractive to potential buyers when I decide to sell the house.

No visibility from the street.

Being that the only portion of the fence is 8 foot is the one in the back of my backyard, it's not visible from the street of the HOA. You have to look over my front fence to be able to see 8-foot fence.

Thank you in advance for taking time to evaluate my application. I will comply with any of your decisions but feel it's important to let you know my story as something as simple as fence height can enormously impact someone's life.

Happy to answer any question you might have for me or provide any additional documents.

Along with my application I am attaching the following:

1. Map of the property
2. Letter from my neighbor Daniel Gay asking if you could please consider allowing to keep 8 foot fence.

Best regards,

Varvara Fursova

12290 E Vassar Drive,

Aurora, CO 80014.

World.linguas@hotmail.com

Cell number: 720-639-0752

Dear Board of Adjustment and Appeals,

I hope this message finds you well. My name is Daniel Gay, and I am writing regarding the 8 foot privacy fence recently installed on my property. I understand the importance of adhering to regulations while maintaining the harmony of the community. I request you consider the following reasons my family would like to keep the fence as is.

1. Basic privacy -

- Due to my property being slightly higher in elevation to our back neighbor, the large living room windows and sliding back doors look directly into each other's homes. There is no way with a 6 foot fence to have any semblance of privacy. This leads to being forced to keep all windows shutters and doors closed at all times.
- My wife is currently breastfeeding our baby and cannot open the window shutters or risk exposing herself to all back facing neighborhood windows.
- My 3 year old daughter is often playing in the backyard blow up pool and often takes off her swimsuit. Having the fence lowered would expose her nakedness to all back facing neighborhood windows.

2. Security -

- With the six foot fence my family are not able to turn on the back yard flood lights without blinding the back facing neighbors at night. With the current fence we are able to leave the light on with no light escaping beyond our property. This is in consideration of the other neighbors.
- Keeping the light on as well as the height of the fence prevents intruders . This includes racoons which have been a nuisance to both me and the family dog. Having the light on affords me the ability to make sure there are no intruders prior to letting him out at night.

3 Noise Reduction -

- The fence has significantly contributed to reducing external noise levels. This is beneficial for both my family and the neighboring homes. My young toddler is often running around the backyard and will occasionally scream in excitement or fright of bugs. With the previous fence we would keep her inside the majority of the day out of fear she is being too noisy. The current fence provides a greater area for her to explore and play outside while minimizing the impact on neighbors.

4 Aesthetics and Property Value -

- The 8-foot privacy fence is tastefully designed, blending seamlessly with the architecture of our home and enhancing its overall appeal. Moreover, well-maintained fences often add value to the property, benefiting the neighborhood as a whole.

5 Precedent in the Neighborhood

- There are already other homes with 7 and 8-foot fences within our community. Approval through the HOA structural committee was granted prior to installation.

6. Minimal Impact on Neighbors

- The fence has not caused any inconvenience or disturbance to our neighbors. In fact, we have received positive feedback from some neighbors who appreciate the added privacy and the increased aesthetic appeal. The vast majority of neighboring families are indifferent or appreciative of the newly constructed fence.

I fully recognize and appreciate the importance of adhering to zoning regulations and building codes. However, considering the merits listed above, I believe that granting the permission to keep the privacy fence will align with the unique circumstances of the property. Should you have any additional information or have any questions, please feel free to reach out to me at 303-549-8855 or via email at daniel.gay8409@gmail.com. I am more than willing to provide any further details that may assist in your evaluation process.

With warm regards,

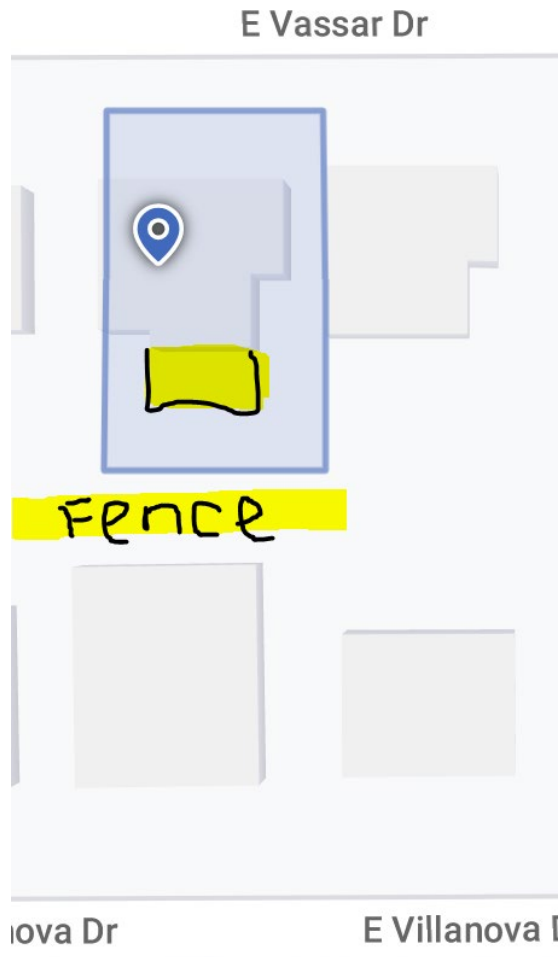
Daniel Gay
12291 East Villanova Drive
Aurora, CO 80014
daniel.gay8409@gmail.com
cell - 303-549-8855

Dear Board,

The map below shows my house at Vassar Dr and my neighbor's house at Villanova Dr.

The yellow mark surrounded with black line shows that my house had an expansion to it, and it sits much deeper into the lot.

I also marked the fence that doesn't meet the 6 foot requirement, the rest of the fence that I replaced is 6 foot.



















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.