



NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS MEETING

August 16, 2022
6:00pm

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

Individuals wishing to comment on an agenda item must register in advance by contacting Rachid Rabbaa at rrabbaa@auroragov.org or 303.739.7541. Registration ends at 5:00pm on Tuesday, August 16, 2022.

View or Listen Live

Click to join:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzBhNTA2NWUtZDI2MC00ZWY3LTkyYTAzNzY5NmQ4MmQyZTM5%40thread.v2/0?context=%7b%22Tid%22%3a%229cf07bc1-6fa2-4d49-bc93-7acced6cc8d7%22%2c%22Oid%22%3a%228c13aa2d-6f6c-49d0-8886-264a874181a7%22%7d

Call-in Participation

Call 720.650.7664
Access Code 332686501#

In-person Participation

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

Translation/Accessibility

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



AGENDA

Board of Adjustment and Appeals

Tuesday, August 16, 2022

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
 - 3.a. 06-21-2022 Draft Board of Adjustments and Appeals Meeting Minutes
4. ADOPTION OF AGENDA
5. GENERAL BUSINESS 6
 - 5.a. BOA Case No 06-22, 1141 Dayton Street

A request by the property owner, Iris Salguero, for the following Single-Family Dwelling Variance:

To the requirement of Code Section 146-4.6.5.C.2, which requires all driveways or parking surfaces located in the front yard shall not cover more than 40 percent of the total yard area.

5.b. BOA Case No 07-22, 1541 Clinton Street

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A request by the property owner, Alexis Lujan, for the following Single-Family Dwelling Variances:

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

This waiver would allow the applicant to build a new approximately 860 square foot detached garage in his backyard.

5.c. BOA Case No 08-22, 2366 South Lansing Street

35

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

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

The hearing will be conducted to review a request for a waiver to allow a 7.5 feet rear yard fence.

6. OTHER BUSINESS

7. ADJOURNMENT

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: June 21, 2022
Hearing Location: Virtual Public Hearing, held via WebEx
Case Manager(s): Rachid Rabbaa and Erik Gates

Board Members Present:

Gary Raisio
Lynn Bittel
Ron Swope
Richard Palestro
Marty Seldin
Kari Gallo

Case Number: 03-22 – 1559 South Lewiston Street

Description:

Request by the property owner, Sarah Cuellar, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.2.2 Table 4.2-1, which requires a side yard setback of five feet from the property line in the R-1 Residential Zone District in Subarea B. The applicant is requesting a waiver to allow a single-car garage addition to be located three feet from the side property line.

Recommendation from staff to approve the variance as requested.

Case Presentation Given at the Hearing:

Rachid Rabbaa, Planner, gave a presentation describing the applicant's request, the context of the neighborhood and the subject property, and an analysis of the request with respect to the Code Criteria of Approval. The applicant's request would allow the proposed garage addition to be located three feet from the side property line rather than the required five feet in an R-1 zone district

Commissioner Raisio requested staff clarify why work was not completed on the request for variance when the application was initially approved in 2006. Mr. Rabbaa indicated the applicant was unable to complete this work within the required time frame due to a death in the family.

The applicant, Sarah Cuellar, was available for questions.

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

Public Comment Given at the Hearing:

No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Commissioner Raisio and seconded by Commissioner Seldin.

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

- Does not have an adverse impact on adjacent properties;
- It results in an improved design;
- Is compatible with the character of the surrounding neighborhood and does not increase the density of the neighborhood;
- Achieves an excellent internal efficiency of design; and,
- Will achieve an internal efficiency of design.

Action Taken: Approved

Votes for the Waiver: 6

Votes against the Waiver: 0

Absent: 1

Abstaining: None

Case Number: 04-22 – 14124 E Florida Place

Description:

Request by the property owner, Mark Hanger, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.2.2 Table 4.2-1, which requires a front yard setback of 25-feet from the property line in an R-1 Residential Zone District. The applicant is requesting a waiver to construct a garage addition 20-feet from the property line.

Recommendation from staff to deny the variance as requested.

Case Presentation Given at the Hearing:

Erik Gates, Planner, 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 proposed 12' extension of the existing front load attached garage, 20-feet from the property line.

Commissioner Raisio requested clarification why staff recommended denial of the request for variance. Mr. Gates indicated denial was recommended because the variance was not found to be consistent with adjacent properties.

The applicant, Mark Hanger, gave a presentation. Mr. Hanger stressed that the request was consistent with code and expressed disagreement with staff's conclusion that the proposed addition would not be consistent with neighborhood character. Mr. Hanger contested that neighboring properties had comparable additions.

Commissioner Gallo requested the applicant clarify if the proposed addition would block the side walk to the front door. Mr. Hanger indicated it would not.

Commissioner Raisio requested the applicant indicate if neighbors were aware of the proposal and if

they had any objections. Mr. Hanger indicated having no contact with some neighbors to discuss the proposal. Others whom he is in contact with expressed no objections. Mr. Hanger also noted that public notice of the hearing was made.

Commissioner Swope asked the applicant to confirm if the side walk to the front door will be adjusted. Mr. Hanger indicated no.

Commissioner Seldin requested the applicant verify the proposed width of the requested addition. Mr. Hanger indicated the width would be identical to the existing garage.

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

Public Comment Given at the Hearing:

No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

A motion was made by Commissioner Palestro and seconded by Commissioner Seldin.

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

- It is consistent with the existing neighborhood character and adjacent properties

Action Taken:

Votes for the Waiver: 5

Votes against the Waiver: 1

Absent: 1

Abstaining: None

Other Topics Discussed at the Hearing:

No other topics were discussed.

Minutes from the May hearing were presented to the board, but no move was made to approve the minutes.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Rachid Rabbaa

Lynn Bittel, Chairman

Rachid Rabbaa, City of Aurora



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

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MEMORANDUM

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

From: Erik Gates, Planner I

Date: August 12, 2022

Hearing Date: August 16, 2022

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

Notification: The Notice of Variance Request was mailed to abutting property owners on August 5th, 2022, and a notice of virtual public hearing sign was posted on the property on the same day in accordance with Code.

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

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

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

The applicant is requesting a variance keep a recently installed a 28 ft wide driveway/parking lot in the front yard to provide parking spaces for the two existing units that are present in the primary structure. Prior to the installation of the non-compliant driveway, there was no improved parking

surface in the front yard, however it appears a small strip of land on the north end of the property was used for parking. The applicant has argued that this driveway will improve the safety of the neighborhood by reducing the need for on-street parking. The applicant has also stated that the property value of the home has significantly increased with two months of renovations that include this new driveway. **(Exhibit B – Application and Justification)**

Analysis:

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

The applicant’s existing front yard is approximately 2,750 sf, and the non-compliant driveway occupies approximately 1,540 sf, or 56% of the total front yard area. For reference, the adjacent property to the north has a driveway covering approximately 40% of their front yard. However, most of the properties on the block retain the historical parking pattern with primarily parking in the rear and a limited width driveway in the front, if at all.

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

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

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

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

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

a. Improved Design

Staff Analysis: This does not appear to be an improved design compared to parking in the rear of the property.

b. Consistency with Neighborhood Character

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

c. Compatibility with Adjacent Development

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

d. Impact on existing city infrastructure and public improvements

Staff Analysis: This proposal unnecessarily removes at least two on-street parking spaces from the street.

e. Internal efficiency of design

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

f. Control of external effects

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

Conclusion:

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

- It does not result in an improved design for the property,
- It is not compatible with adjacent development,
- It unnecessarily reduces on-street parking.
- It results in a less efficient design, and

Staff Recommendation:

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

ATTACHMENTS:

Exhibit A – Vicinity Map

Exhibit B – Application and Justification

Exhibit C – Site Photos

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

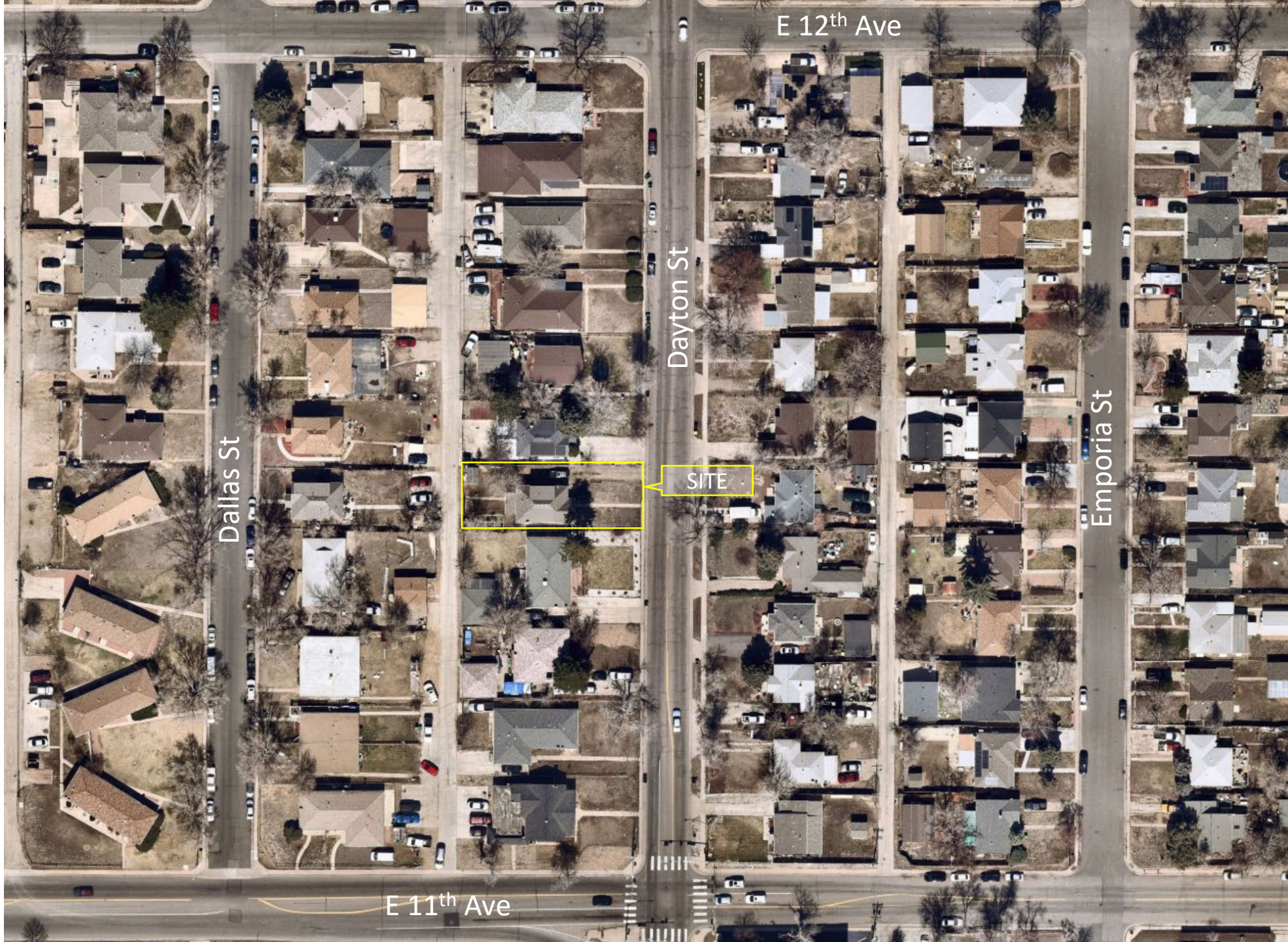


Exhibit A – Vicinity Map



PLANNING DEPARTMENT

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

CASE # 06-22

BOARD OF ADJUSTMENT & APPEALS
CITY OF AURORA
APPLICATION FOR VARIANCE

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

HEARING DATE: 08/16/2022

CLOSING DATE:



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

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


CASE # 06-22

APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE

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

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

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

Signature  7/8/2022

Variance requested:

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

The above request does not conform to Section(s) 146-2.4.4.1.e of the Aurora City Code, which requires that off-street parking only be located behind the dwelling in all MU-OA zone districts. If there is no alley, then from the street via a driveway which does not exceed 10 feet in width.

07/09/2022

Dear Board of Adjustment & City of Aurora,

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

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

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

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

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

Yours truly,



Iris Salguero

CASE # _____

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

ABUTTING PROPERTY ADDRESS:

NAME & ADDRESS OF PROPERTY OWNER

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

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

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

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

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

Matthew Steelmon
1150 Dayton St
Aurora, CO 80010

Jose Aguilar
1133 Dayton St
Aurora, CO 80010

Shane Oltmanns
1154 Dayton St
Aurora, CO 80010

RONALD L RODRIGUEZ
14144 E FLORIDA PL
AURORA, CO 80012

Marta Gonzales
1160 Dayton St
Aurora, CO 80010

Brian Lucero
1132 Dallas St
Aurora, CO 80010

SPL Capital LLC
PO Box 4941
Greenwood Village, CO 80155

Brian Cheek
4800 Hale Pkwy
Denver, CO 80220

14124



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

Courtesy Notice

ADDRESS: 1141 N DAYTON ST AURORA 80010

NAME:

Code Area

Section

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

Officer Comments

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

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

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

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

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

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

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

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

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

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

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

DATE/TIME SERVED: July 07, 2022

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



B. Single-Family Dwelling Variance

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

1. Applicability

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

1. Procedure

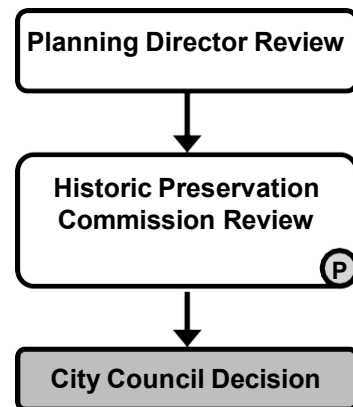
- a. Planning Director shall review the application and forward a recommendation to the Board of Adjustment and Appeals pursuant to all applicable provisions of Section 146-5.3 (Common Procedures).
- b. The Board of Adjustment and Appeals shall conduct a public hearing on the application and shall make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

2. Criteria for Approval

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

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

**Historic
Landmark/District
Adjustment**



(P) Indicates Public Hearing Required



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

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MEMORANDUM

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

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

Date: August 08, 2022

Hearing Date: August 16, 2022

Subject: BOAA Case No. 07-22– 1541 Clinton Street

Notification: The Notice of Variance Request was mailed to abutting property owners on August 5, 2022, and a notice of virtual public hearing sign was posted on the property on the same day in accordance with Code.

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

- An adjustment to the requirement of 146-4.2.3.F.1.c, which states that an accessory building in a residential zone may not exceed 450 square feet or 50 percent of the gross floor area of the principal building, whichever is greater.

Background Information: The subject property is located a half block north of Colfax Avenue at 1541 Clinton Street in the North Aurora neighborhood. The property and surrounding neighborhood are consistent with the character of mixed-use areas in Original Aurora along Colfax, with a gridded network of streets, alleys, and a mix of single-family detached residences, small multifamily and commercial buildings. The property is zoned OA-MS (Original Aurora Main Street District), as is the surrounding neighborhood. **(See Exhibit A – Aerial Photo.)**

The applicant is requesting a variance to exceed the 450 square feet limit for an accessory building to be used as a garage to store materials and equipment. The proposed storage garage will be 960 square feet (24 X 40) and will be accessed from the existing alley. The proposed garage will be sited in the rear yard, with a side setback of 5 feet and a rear setback of 6 feet, which meets code requirements. **(See Exhibit B – Application and Justification).**

Analysis: The Unified Development Ordinance (UDO) allows for accessory buildings in residential zone districts to be no greater than 450 square feet or 50 percent of the gross floor area of the principal building, per Code Section 146-4.2.3.F.1.c. This requirement intends to ensure that residential areas remain primarily residential in character and that accessory structures remain minimal in their size and intensity in relation to the overall property and the primary residential structure. Other requirements include: (1) limiting the garage to the height of the principal building or 20 feet; (2) 5-foot minimum setbacks for the property lines (3 feet from the alley); (3) Occupy less than 50% of the back yard; and (4) Similar design and materials as the principal building.

The subject residence is a single-story home, approximately 1,700 square feet, according to the Adams County Assessor. A total of 850 square feet of accessory structures is permitted on site. The proposed garage exceeds this size limit by 110 square feet, or a 6.5 percent increase from the 50 percent limit permitted of the gross floor area of the principal building. The proposal will be required to meet the other applicable requirements. The building will occupy less than the 50% rear yard allowance. (**See Exhibit C – Building Plan**) The surrounding neighborhood is comprised of a mix of single-family detached residences on similarly sized lots, small multifamily, and commercial buildings. Detached garages are common in Single-Family neighborhoods throughout Original Aurora and are typically considered consistent with a medium-density community character.

Required Findings: According to Section 146-5.4.4.B.3 (**See Exhibit E**), the Board of Adjustment 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 and is consistent with the criteria as follows:***

Staff Analysis: As proposed, the variance would not pose an apparent adverse effect on adjacent properties. Staff has not received any comments from neighbors prior to writing this report.

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

- a. **Improved Design**

Staff Analysis: A four-car garage is an unusual design element for a residential use and small home. The proposed variance is a continuation of the design of the existing structure and does not improve or detract from the overall design of the site.

- b. **Consistency with Neighborhood Character**

Staff Analysis: This property is located 200 feet north of Colfax Avenue, and there are a variety of small-scale uses in the area and is consistent with the character of the neighborhood, with detached garages being common in Original Aurora Main Street areas.

c. Compatibility with Adjacent Development

Staff Analysis: The existing homes in the neighborhood predominately have detached garages, however, some detached garages can be found throughout the neighborhood and are a common pattern of development in single-family neighborhoods.

d. Impact on Existing City Infrastructure and Public Improvements

Staff Analysis: The proposal will be situated on the lot in a fashion that avoids existing easements, does not encroach unnecessarily on the property boundaries and does not require any additional access points to City rights of way. Therefore, no negative impacts on city infrastructure or public improvements are expected.

e. Internal Efficiency of Design

Staff Analysis: The proposal will achieve an internal efficiency of design.

f. Control of External Effects

Staff Analysis: The proposal is not expected to generate any external effects.

Conclusion:

Based on the required findings of Code Section 146-5.4.4.B.3, the staff finds the variance request to allow the proposed 960 square foot detached garage:

- Is consistent with the character of the neighborhood;
- Is compatible with adjacent development;
- Will not have a negative impact on existing city infrastructure or public improvements; and
- Will achieve an internal efficiency of design.

Staff Recommendation:

Staff recommends approval of the proposed variance for the reasons stated within this report.

ATTACHMENTS:

- Exhibit A – Vicinity Map
- Exhibit B – Variance Application & Justification
- Exhibit C – Building Plan
- Exhibit D – Site Photo
- Exhibit E – City Code Section 146-5.4.4.B.3 Single-Family Dwelling Variance.





PLANNING DEPARTMENT

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

CASE # _____

BOARD OF ADJUSTMENT & APPEALS
CITY OF AURORA
APPLICATION FOR VARIANCE

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

HEARING DATE: August 16, 2022

CLOSING DATE:



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

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

CASE # _____

**APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE**

ADDRESS OF PROPERTY AFFECTED: 1541 Clinton St

Zone District OA-MS

Applicant Name: Alexis Lujan


Address: 1882 Eisenhower Way Aurora, CO 80011

Phone #: 720-254-8996 email Lujaninvestmentgroup@gmail.com

Property Owner: Name: Lujan Investment Group

Address: 1901 Quintero St Aurora, CO 80011

Phone #: 720-254-9218 email Lujaninvestmentgroup@gmail.com

Signature  _____

Variance requested:

We would like to build a 24x40 detached garage to function as our warehouse for building
materials and garage for equipment.

The above request does not conform to Section(s) Article 146-4 of the Aurora City
Code, which requires a detached garage not to exceed 460 sqft and proposed structure is 960 sqft

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

1545 Clinton St Aurora, CO 80010

Elena Ross 1545
Clinton St Aurora CO 80010

Vacant Lot

Miguel Segovia (Segma LLC)
5650 W 1st Ave Lakewood, CO 80226

SEGMA LLC
5650 W 1st Ave
Lakewood, CO 80226

Elaine Ross
1545 Clinton Street
Aurora, CO 80010

Aurora Interchurch
1553 Clinton Street
AURORA, CO 80010

Hat Trick LLC
14310 Ivanhoe Street
Aurora, CO 80602

Orlando Martinez
1548 Chester Street
Aurora, CO 80010

Don B Owen Jr
2788 W 104th Pl
AURORA, CO 80234

Megan Nicolace
1568 Clinton Street
Aurora, CO 80010

Sean Christian Staggs
1560 Clinton St
Aurora, CO 80010

Meeks Family Holdings LLC
4155 Jewel St Apt 1002
Denver, CO 80249

Robert Jones
1530 Clinton Street
Aurora, CO 80010

Mary Zuloaga
1520 N Clinton Street
Aurora, CO 80010

COMMENTS

Scope:
Build New 40x24 Detached Garage

- All Work To Be Completed With
The Following Codes:
2015 International Residential Code
2015 IRC
2020 National Electric Code
2020 NEC

- Property Is zoned OA-MS



Exhibit c

Project Info



Lujan Investment Group
&
Home Improvement

REVISION TABLE	
NUMBER	DESCRIPTION

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

DRAWINGS PROVIDED BY:
ALEXIS LUJAN
720-254-8996
AG9383@gmail.com

DATE:
6/2/22

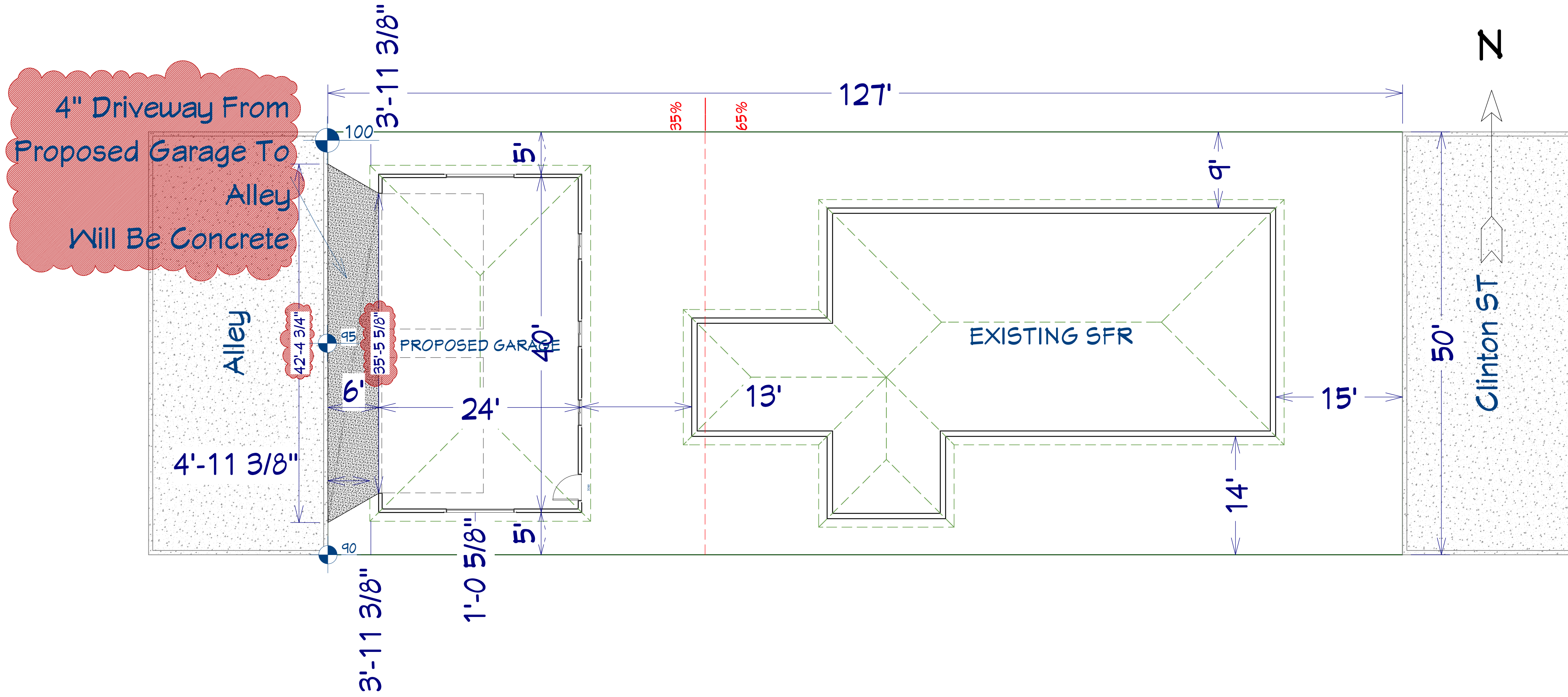
SCALE:

SHEET:
A-1

COMMENTS

Total Lot SQFT: 6,350
 Total House SQFT: 1,700
 Front Porch SQFT: 218
 Proposed Garage SQFT: 960

- Set Back From Alley: 6'
- Set Back From South Property Line: 5'
- Set Back From North Property Line: 5'
- Set Back From East Wall of SFR: 13'



Plot Plan



Lujan Investment Group
 &
 Home Improvement

REVISION TABLE	
NUMBER	DESCRIPTION

1541 Clinton St
 Aurora, CO 80010
 Lujan Investment Group 720-254-9218

DRAWINGS PROVIDED BY:
 ALEXIS LUJAN
 720-254-8996
 AG9383@gmail.com

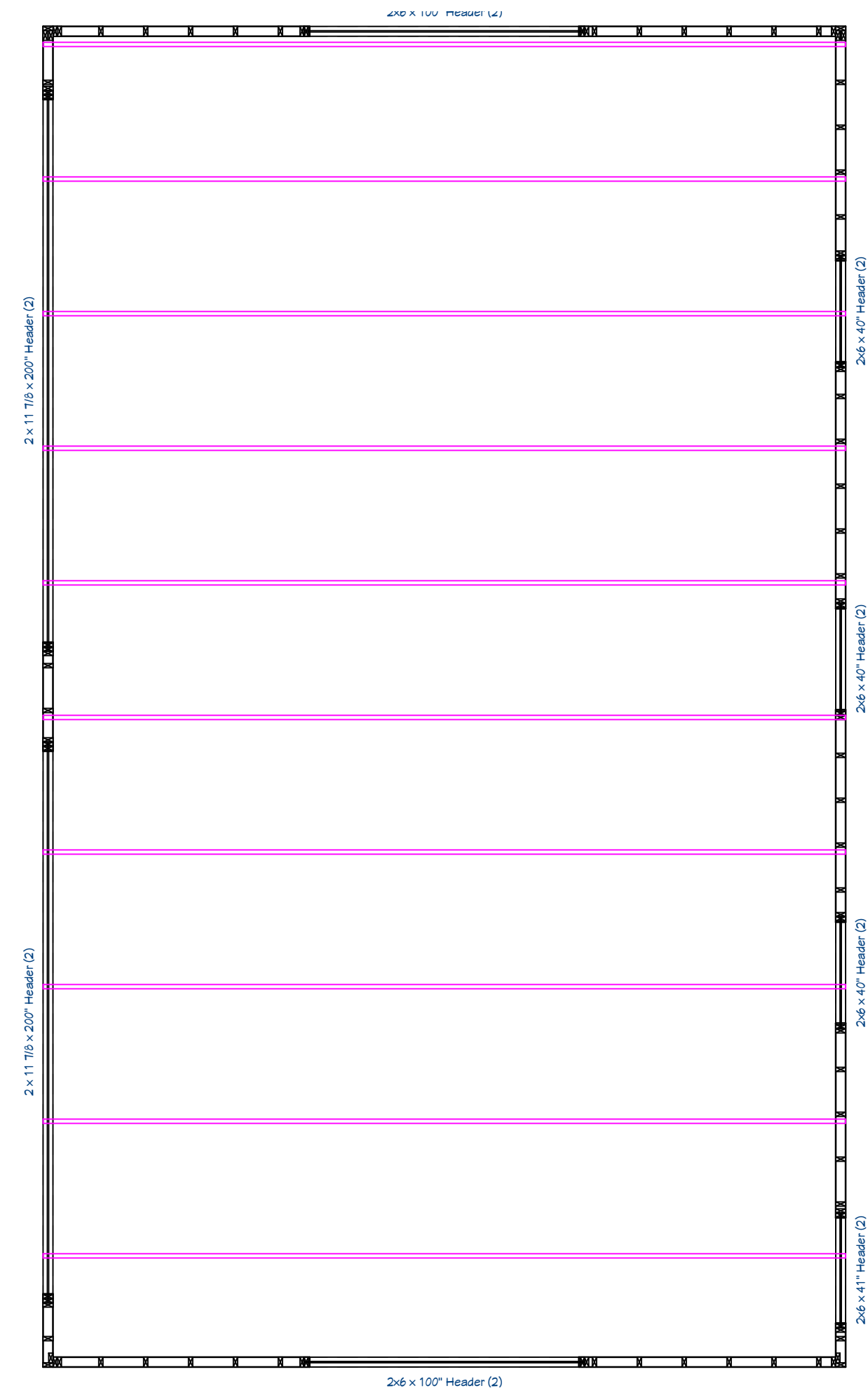
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 6/2/22

SCALE:
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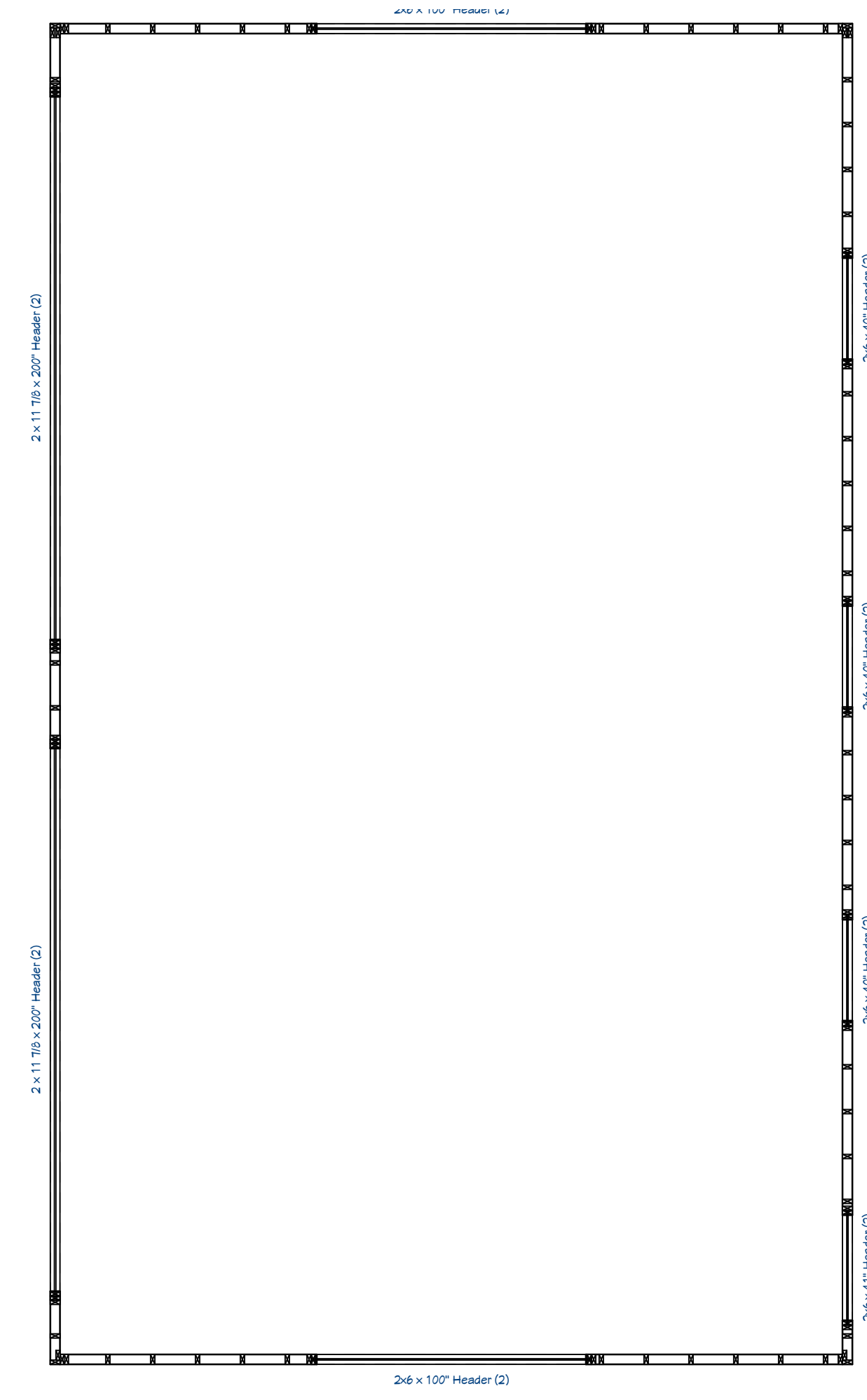
SHEET:
 A-2

COMMENTS

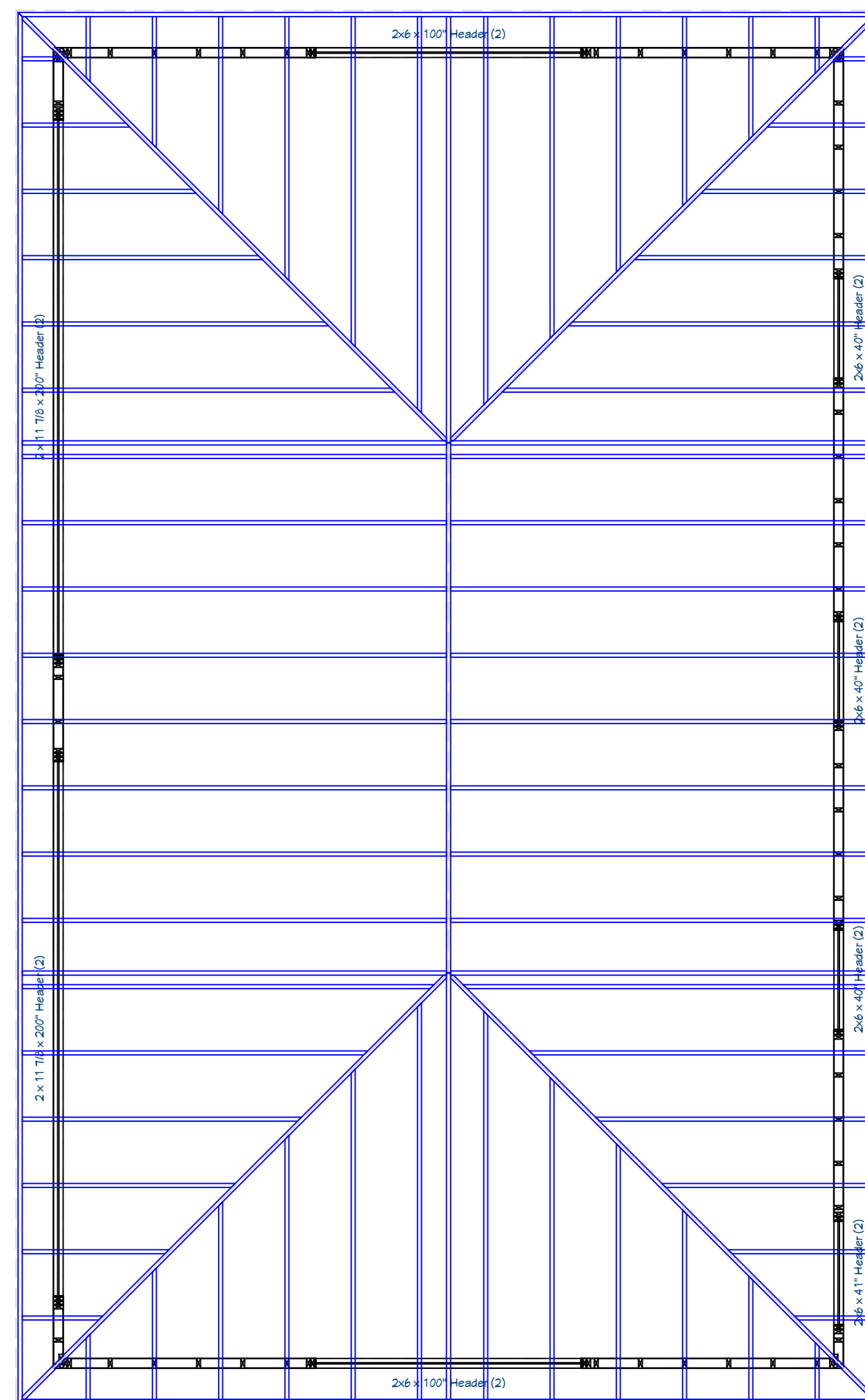
- All Exteriors Walls Will be framed with 2x4 fur lumber @ 16" OC
- Door and window headers will be (2) 2x6 w/ required trimmers
- Ridge will be 2x10
- Rafters will be 2x8 @ 24" OC
- Braces will be 2x6 @ 48" OC
- Overhead garage door will have (2) 2x12 header
- Rafters will be attached to top plates with the use of Simpson hurricane ties



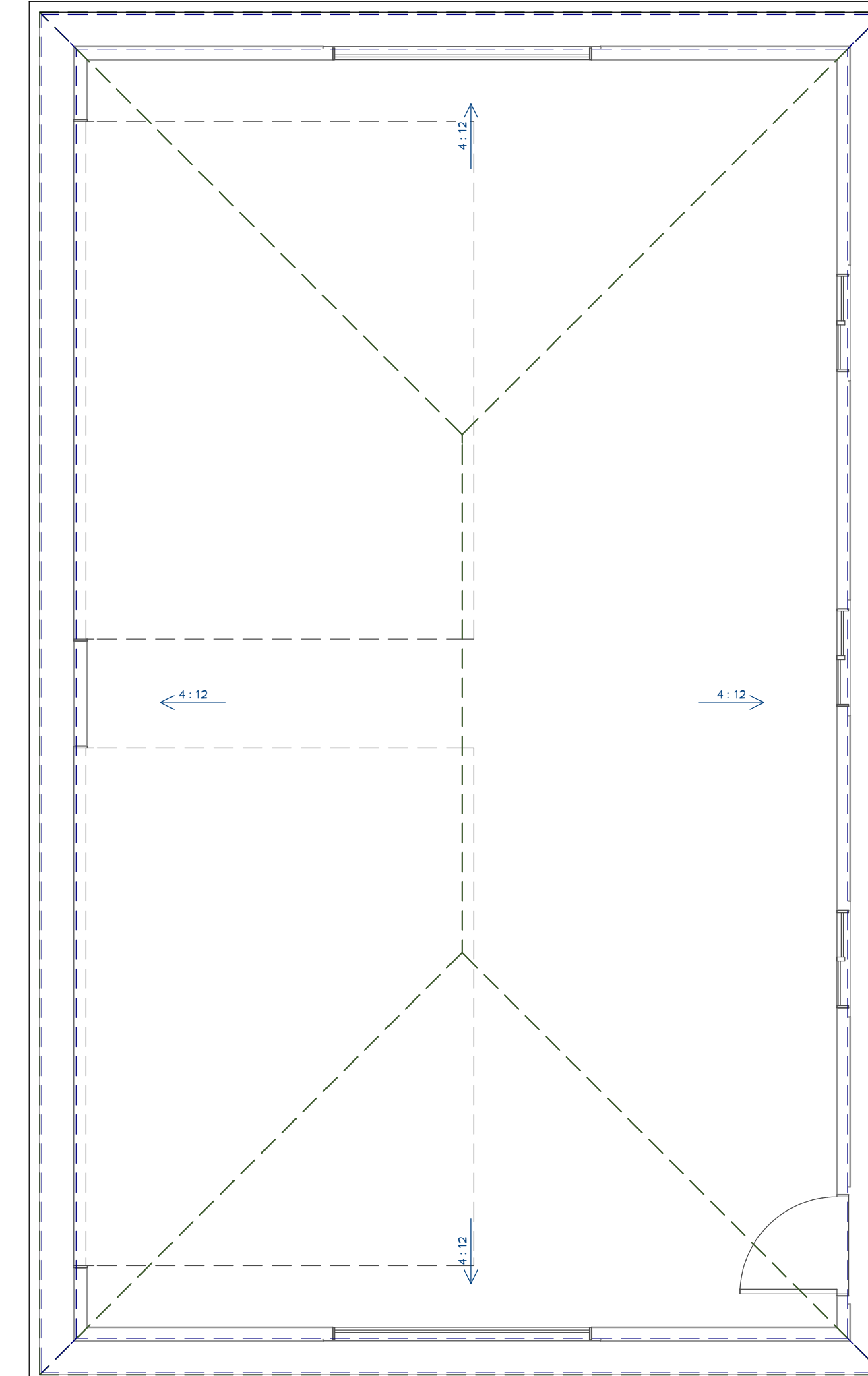
Framing, Ceiling Plan View



Framing, Floor Plan View



Framing, Roof Plan View



Roof Plan View

Framing/Roof



Lujan Investment Group
&
Home Improvement

REVISION TABLE		DESCRIPTION
NUMBER	DATE	REVISION BY

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

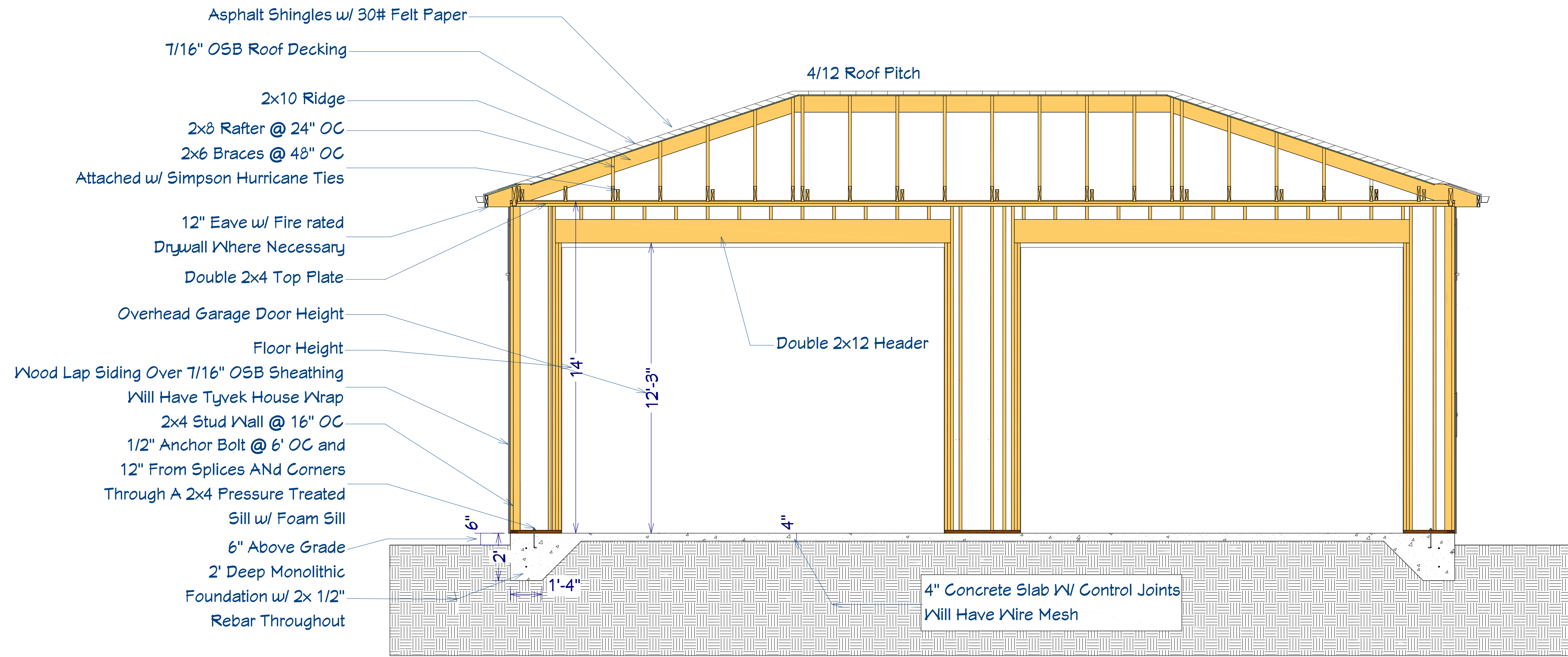
DRAWINGS PROVIDED BY:
ALEXIS LUJAN
720-254-8996
AG9383@gmail.com

DATE:
6/2/22

SCALE:
1/4" = 1'

SHEET:
A-3

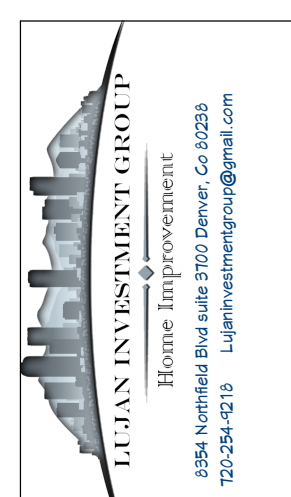
COMMENTS



Wall Detail

- Asphalt Shingles w/ 30# Felt Paper
- 7/16" OSB Roof Decking
- 2x10 Ridge
- 2x8 Rafter @ 24" OC
- 2x6 Braces @ 48" OC
- Attached w/ Simpson Hurricane Ties
- 12" Eave w/ Fire rated Drywall Where Necessary
- Double 2x4 Top Plate
- Overhead Garage Door Height
- Floor Height
- Wood Lap Siding Over 7/16" OSB Sheathing
- Will Have Tyvek House Wrap
- 2x4 Stud Wall @ 16" OC
- 1/2" Anchor Bolt @ 6' OC and 12" From Splices ANd Corners
- Through A 2x4 Pressure Treated Sill w/ Foam Sill
- 6" Above Grade
- 2' Deep Monolithic Foundation w/ 2x 1/2" Rebar Throughout

4" Concrete Slab w/ Control Joints
Will Have Wire Mesh



Lujan Investment Group
&
Home Improvement

REVISION TABLE	
NUMBER	DESCRIPTION

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

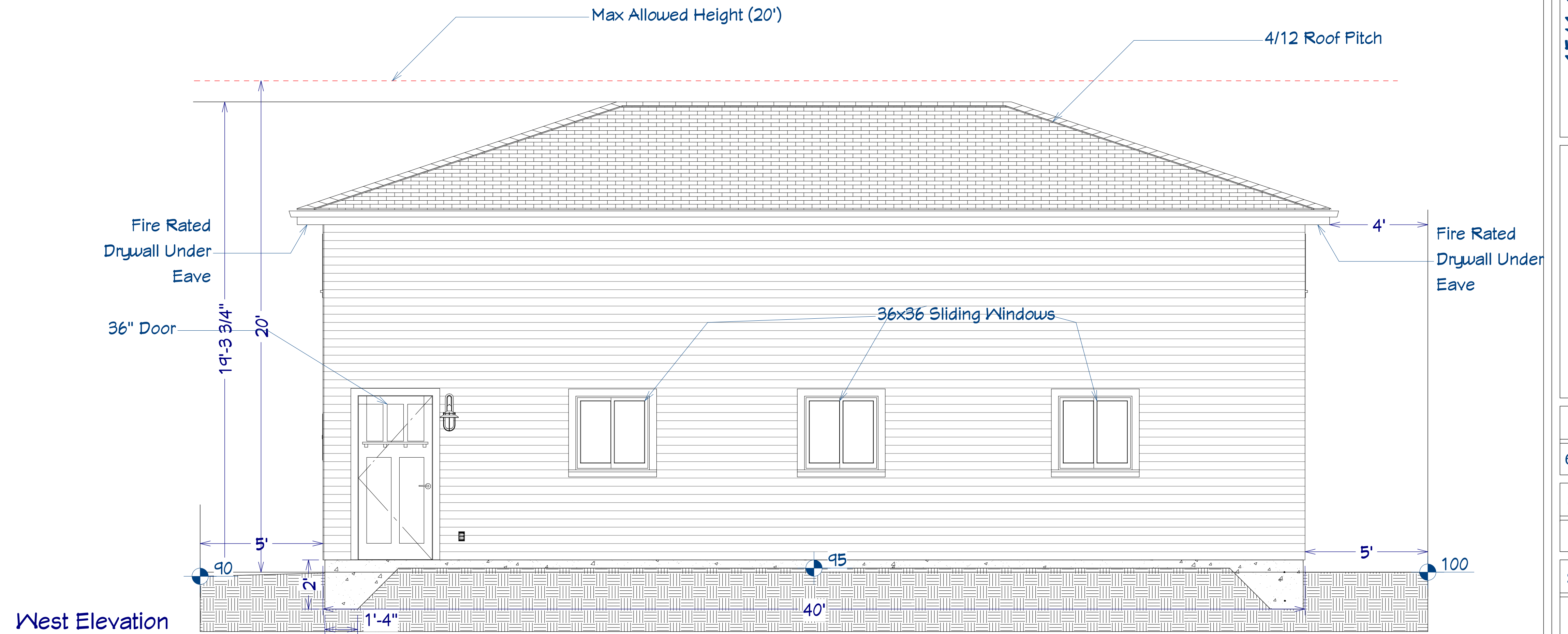
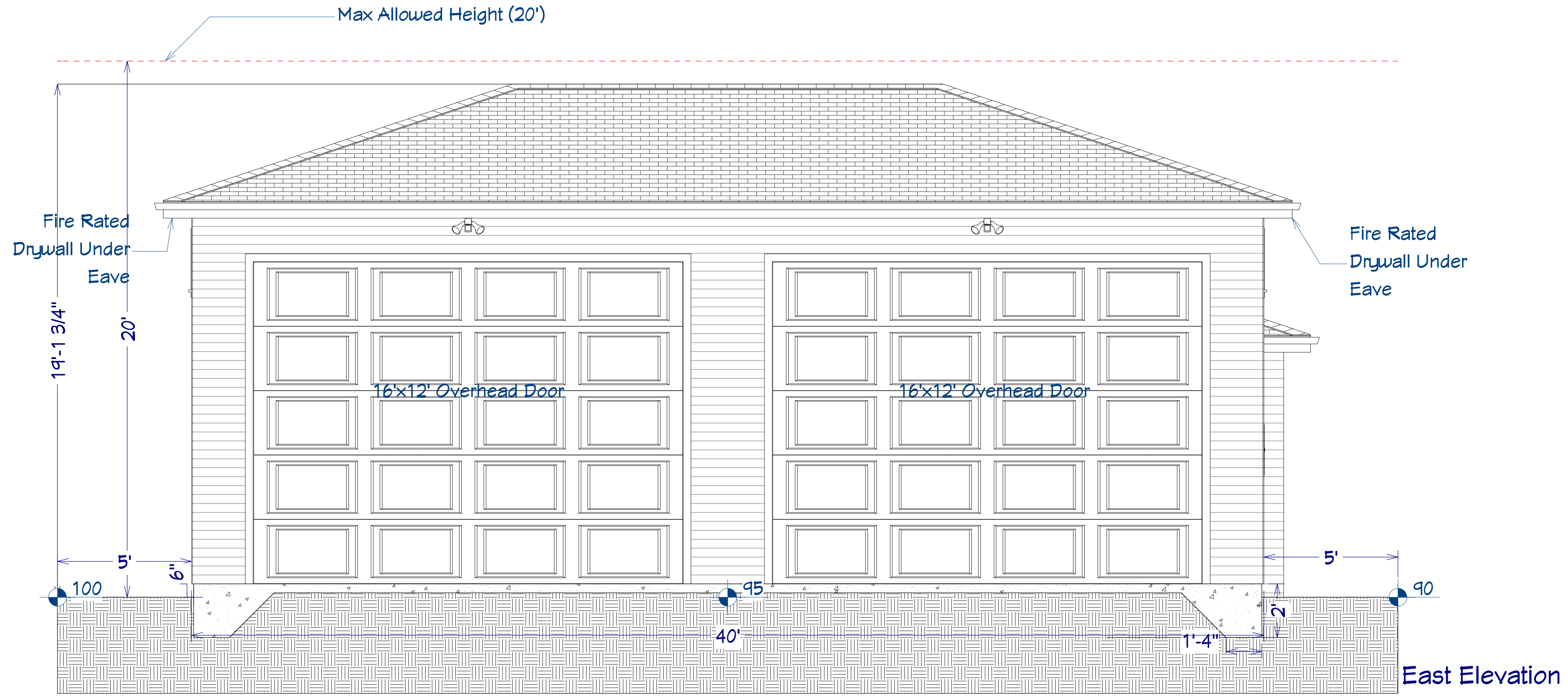
DRAWINGS PROVIDED BY:
ALEXIS LUJAN
720-254-8996
AG9383@gmail.com

DATE:
6/2/22

SCALE:
3/8" = 1'

SHEET:
A-4

COMMENTS



Section Views



Lujan Investment Group
&
Home Improvement

REVISION TABLE	
NUMBER	DESCRIPTION

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

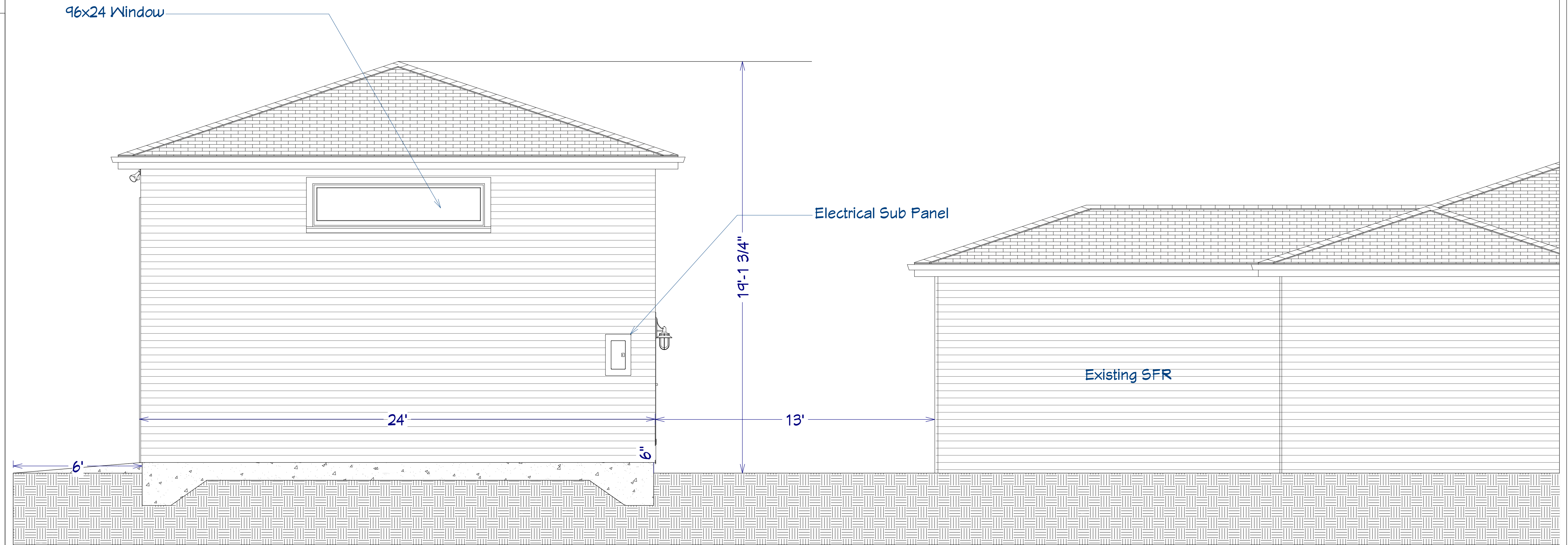
DRAWINGS PROVIDED BY:
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DATE:
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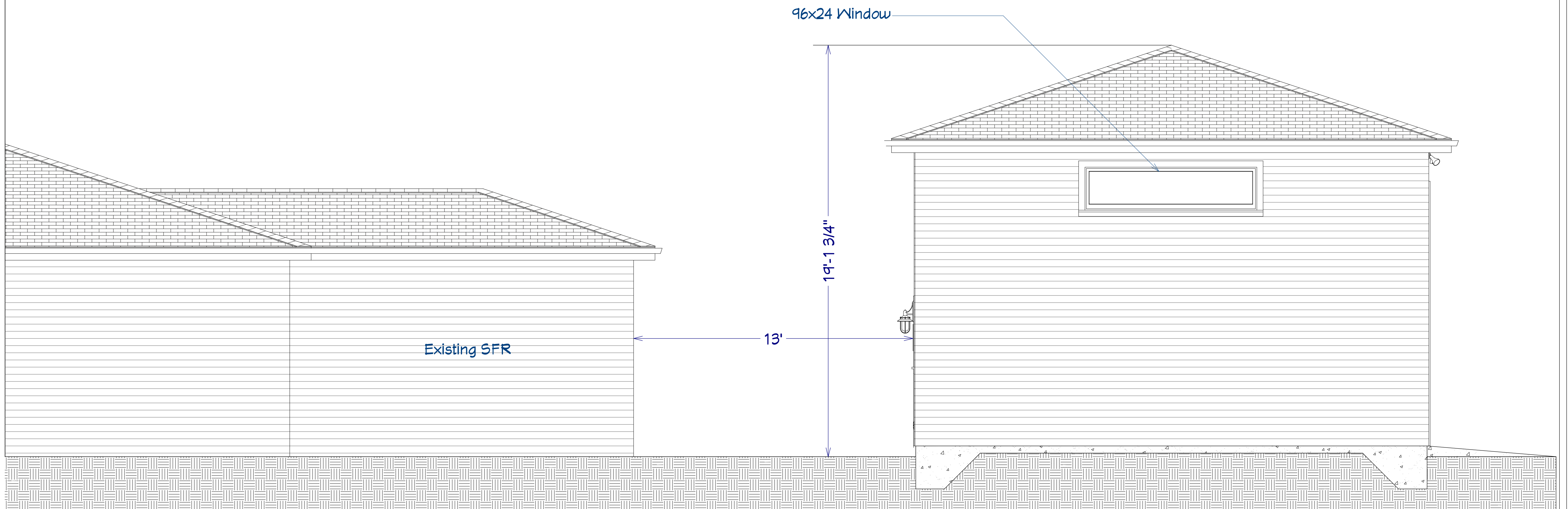
SCALE:
3/8" = 1'

SHEET:
A-5

COMMENTS



North Elevation



South Elevation

Section Views



Lujan Investment Group
&
Home Improvement

REVISION TABLE	
NUMBER	DESCRIPTION

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

DRAWINGS PROVIDED BY:
ALEXIS LUJAN
720-254-8996
AG9383@gmail.com

DATE:

6/2/22

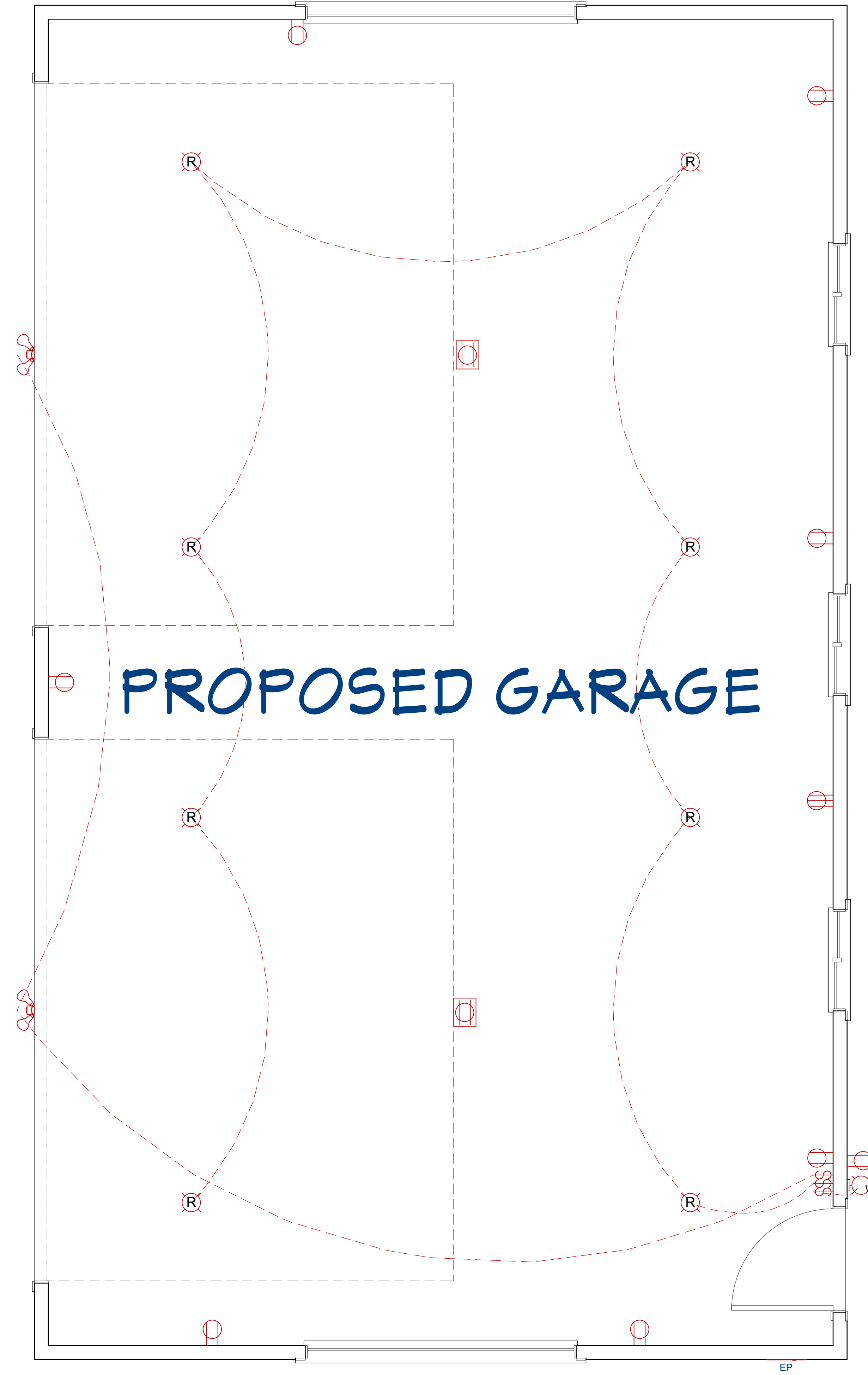
SCALE:

3/8" = 1'

SHEET:

A-6

COMMENTS



Electrical Plan

Electrical Plan View

REVISION TABLE		DESCRIPTION
NUMBER	DATE	REVISION

1541 Clinton St
Aurora, CO 80010
Lujan Investment Group 720-254-9218

DRAWINGS PROVIDED BY:
ALEXIS LUJAN
720-254-8996
AG9383@gmail.com

DATE:

6/2/22

SCALE:

1/2" = 1'

SHEET:

A-7

Lujan Investment Group
&
Home Improvement





B. Single-Family Dwelling Variance

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

1. Applicability

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

1. Procedure

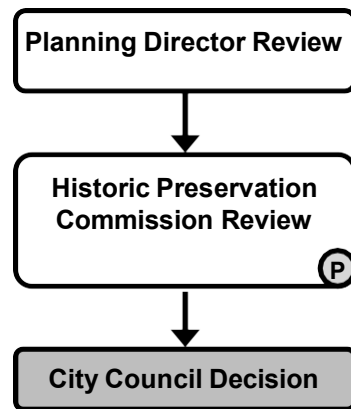
- a. Planning Director shall review the application and forward a recommendation to the Board of Adjustment and Appeals pursuant to all applicable provisions of Section 146-5.3 (Common Procedures).
- b. The Board of Adjustment and Appeals shall conduct a public hearing on the application and shall make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

2. Criteria for Approval

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

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

**Historic
Landmark/District
Adjustment**



(P) Indicates Public Hearing Required

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



MEMORANDUM

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

From: Rachid Rabbaa, Planner I, Board of Adjustment staff liaison

Date: August 08, 2022

Hearing Date: August 16, 2022

Subject: BOAA Case No. 08-22– 2366 S. Lansing Street.

Notification: The Notice of a Variance Request was mailed to abutting property owners on August 5, 2022 and a notice of virtual public hearing sign was posted on the property on the same day in accordance with Code.

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

- variance to the requirement of Section 146-4.7.9. L.1 – Table 4.7-4, which requires that rear-yard fences on residential properties not exceed 6 feet in height.

Background Information: The subject property is located at 2366 South Lansing Street in the Eastridge -Ptarmigan Park neighborhood. The property is approximately 0.24 acres and the primary residence on the property was constructed in 1970 per the Arapahoe County Assessor’s Office. The property and surrounding neighborhood are zoned R-1 Low Density Single-Family Residential District and is made up entirely of single-family homes. **See Exhibit A – Vicinity Map.**

The applicant has constructed a fence which is 7.5 feet in height along his rear property line. The applicant’s stated reason for this is privacy. The neighbors abutting the subject property in the back agree because their back-yard is elevated and they lack adequate privacy as well. **(See Exhibit B – Application).** The applicant subsequently increased the height of his rear yard fence along the rear property line from 6 feet to 7.5 feet in order to provide increased privacy. The neighbor in the back of the applicant residing at 2357 S Lima Street has submitted an email comment (included in Exhibit B) attesting to the applicant’s statements and voicing support for the 7.5-foot fence. The applicant was cited by Code Enforcement on June 14, 2022 for the 7.5-foot-tall fence.

Analysis: Across residential districts, the height of fences is limited to 6 feet in the rear and side yard of residential properties. One of the many reasons for this restriction is to provide a uniform standard for fence designs which allows residents and property owners to ensure the privacy and usability of their private open space, while not facilitating an image of the City of Aurora that appears closed off or uninviting. However, it has not been uncommon for property owners to request to exceed this height limit to ensure the safety and privacy of their property in extenuating circumstances, such as homes which back

up to arterial roads. The subject property is located mid-block and abuts the rear yard of another residential home, rather than an alley or street. South Lima Street, which is 1 block to the east of South Lansing Street, is also at a slightly higher elevation. These conditions create a situation where this fence is not readily visible from adjacent streets, despite the increased height.

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

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

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

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

a. Improved Design

Staff Analysis: The proposed variance allows the design to include an increased height which achieves the stated goals of the applicant.

b. Consistency with Neighborhood Character

Staff Analysis: The 7.5-foot fence is not consistent with the character of the surrounding single-family neighborhood.

c. Compatibility with Adjacent Development

Staff Analysis: The fence is not compatible with the heights of rear yard fences on surrounding properties.

d. Impact on existing city infrastructure and public improvements

Staff Analysis: The proposed variance will have no impact on existing city infrastructure or public improvements.

e. Internal efficiency of design

Staff Analysis: The proposed variance would allow the applicant to have additional privacy for their property and would thus achieve an internal efficiency of design.

f. Control of external effects

Staff Analysis: The proposal is not expected to generate any external effects.

Staff Recommendation:

Staff recommends **approval** of the proposed variance.

Conclusion:

Based on the required findings of Code Section 146-5.4.4.B.3, staff finds the variance request to Section 146-4.7.9.L.1 - Table 4.7-4, as requested:

- Does not have an adverse impact on adjacent properties;
- Will not have a negative impact on existing city infrastructure or public improvements; and
- Controls for any external effects.

ATTACHMENTS:

Exhibit A – Vicinity Map

Exhibit B – Application and Justification

Exhibit C – Site Photo

Exhibit D – City Code Section 146-5.4.4.B.3 - Single-Family Dwelling
Variance.





PLANNING DEPARTMENT

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

CASE # 08-22

BOARD OF ADJUSTMENT & APPEALS
CITY OF AURORA
APPLICATION FOR VARIANCE

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4. At the time of application submittal, a check for \$150.00, payable to the City of Aurora, will be required.
5. The Planning Department will prepare a public hearing sign for the applicant to post the property a minimum of ten days prior to the hearing. **(Do not remove the sign prior to the hearing.)** The sign must be posted through the entire hearing process.

HEARING DATE:
08-16-2022

CLOSING DATE:



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

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

CASE # 08-22

**APPLICATION TO THE BOARD OF ADJUSTMENT & APPEALS
VARIANCE**

ADDRESS OF PROPERTY AFFECTED: 2366 S. Lansing St. , Aurora, Colorado 80014

Zone District _____

Applicant	Name: <u>Artur Akkerman</u>
	Address: <u>2366 S. Lansing St. , Aurora, Colorado 80014</u>
	Phone #: <u>415.816.4788</u> email <u>artur25a@aol.com</u>
Property Owner:	Name: <u>Artur Akkerman</u>
	Address: <u>2366 S. Lansing St. , Aurora, Colorado 80014</u>
	Phone #: <u>415.816.4788</u> email <u>artur25a@aol.com</u>

Signature _____

Variance requested:

7.5 feet back fence, one side only for privacy. Neighbors in the back are in agreement since their yard is elevated and they don't have any privacy from us as well.

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



From: [Jenna Kile](#) >

To: [Artur Akkerman](#) >

Today at 8:43 PM

Fence

Art,

Ryan and I are very happy with the fence that has been installed between your property and 2357 S Lima St, Aurora, CO 80014 . With our property being uphill, it gives us both privacy.

Jennifer (Jenna) Kile



Larry Thrasher
2356 S Lansing St
Aurora, CO 80014

Victor Gonzales
2385 S Lansing St
Aurora, CO 80014

Darlene Jo Living Trust
2386 S Lansing St
Aurora, CO 80014

Michael Bucks
2375 S Lansing St
Aurora, CO 80014

Jennifer Kile
2357 S Lima St
AURORA, CO 80014

Stephen Benson
2365 S Lansing St
Aurora, CO 80014

Sandra Herrington
11291 E Wesley Ave
Aurora, CO 80014

Robyn Petty
2396 S Lansing St
Aurora, CO 80014

Morgan Shelton
11199 E Wesley Ave
AURORA, CO 80014

14124



S
LAN
S

20ft

+ 3,181,041.903 1,670,878.395 Feet

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

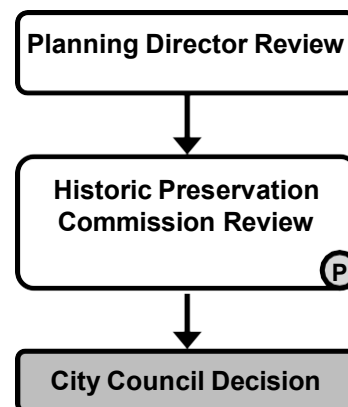
- a. Planning Director shall review the application and forward a recommendation to the Board of Adjustment and Appeals pursuant to all applicable provisions of Section 146-5.3 (Common Procedures).
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2. Criteria for Approval

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**Historic
Landmark/District
Adjustment**



(P) Indicates Public Hearing Required