NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS MEETING

November 15, 2022

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

Individuals wishing to comment on an agenda item must register in advance by contacting Rachid Rabbaa at rrabbaa@auroragov.org or 303.739.7541. Registration ends at noon on Monday, November 14, 2022.

View or Listen Live

Click to join: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTZkOWU2NTctMjU4Yi00ODAxLWFhNDYtNjE5OWZjNzA0ZTNi%40thread.v2/0?context=%7b%22Tid%22%3a%229cf07bc1-6fa2-4d49-bc93-7acced6cc8d7%22%2c%22Oid%22%3a%228c13aa2d-6f6c-49d0-8886-264a874181a7%22%7d

Call-in Participation

Call 720.388.8447
Access Code 154778600#

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.

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

AGENDA

Board of Adjustment and Appeals

Hybrid Meeting

Tuesday, November 15, 2022

6:00 p.m.

Aspen Room

Aurora Municipal Center

15151 E Alameda Pkwy, 2nd Floor

Aurora, CO 80012

Pages

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   3.a. Draft BOA Meeting Minutes 10.18.2022 2

4. ADOPTION OF AGENDA

5. GENERAL BUSINESS

   5.a. Case Number 10-22 - 2682 S Sable Way.docx

   A request by the property owner, Sonia Jarosz, for the following Single-Family Dwelling Variance(s): To allow 6-foot tall privacy fencing in the front yard that exceeds code requirements in height (42-inches in the front yard).

6. OTHER BUSINESS

7. ADJOURNMENT

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: October 18, 2022
Hearing Location: Hybrid meeting, held via Microsoft TEAMS with in-person at Aspen Room, Aurora Municipal Center, 15151 E Alameda Pkwy, Aurora CO, 80012, 2nd Floor
Case Manager(s): Rachid Rabbaa and Erik Gates

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

Board Members Absent Gary Raisio

Case Number: 06-22 – 1141 Dayton Street

Description:

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

- An adjustment to the requirement of Section146-2.4.4.I.2.e and 146-4.6.5.C.2.a.

Recommendation from staff to deny the variance as requested.

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request, the context of the neighborhood and the subject property, and an analysis of the request with respect to the Code Criteria of Approval. The applicant's request would allow a 1,540 square-foot parking pad in excess of code requirements in the front yard as opposed to the required alley access with a variance from Code Section(s) 146-2.4.4.I.2.e. and 146-4.6.5.C.2.a.

Commissioner Berzins requested clarification from staff on pictures submitted of the property, noting Google Maps Street View captures a before image of the site that differs slightly. Mr. Gates responded that the Google Maps image likely captures a curb cut.

Iris Salguero, the applicant, gave a presentation on the item. Ms. Salguero reviewed the condition of the property at purchase and the steps taken to renovate. She noted neighbors have been supportive of the changes made. Ms. Salguero disagreed with staff assessments that the driveway covers more than 40% of the yard.

Commissioner Berzins noted that both requests for variances being considered in this meeting are similar and that each property appears to have had an existing front yard driveway. Commissioner Berzins asked staff why the commission is being asked to request variances for front yard driveways.

Daniel Money, City Attorney, responded that within Original Aurora driveways were once allowed in the front yard. However, they are no longer allowed due to a code amendment made. These preexisting front yard driveways are considered legacy or nonconforming uses. A variance would need to be granted if the driveway in the front yard is changed from its original condition.

Mr. Gates agreed and noted that preexisting legal, nonconforming, uses cannot be expanded.

Commissioner Palestro noted that aesthetic changes to the property with the expansion of the driveway are an improvement.

Chairman Bittel asked the applicant how many cars are parked in the driveway at maximum.

Ms. Salguero responded five.

Mr. Gates noted that parking is not directly capped.

Chairman Bittel noted this is a rental property, with two families.

Commissioner Palestro disagreed with the staff assessment regarding the safety of alley versus front yard parking due to comparable impacts on traffic as residents back out.

Commissioner Berzins noted that it appears the water meter is encased in the driveway and asked the staff if there are any concerns with this. Mr. Gates responded no, not to his knowledge.

Commissioner Berzins asked the staff if the measurements of the surface lot included the walkway.

Mr. Gates responded, yes, it was included, and further noted that removing the dimensions of the walkway will unlikely make the area below 40%.

Commissioner Berzins commented that variances being requested in this case are to allow parking in the front yard and to allow an expansion of the surface parking lot in the front yard.

Public Comment Given at the Hearing:

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

Board of Adjustment and Appeals Results

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

Move to approve the variance request for front yard parking because:

- Improves design for the property;
- It is compatible with adjacent development;
- It reduces on-street parking; and
- It results in an efficient design.

Action Taken: Approved, with a condition
Votes for the Waiver: 6
Votes against the Waiver: 0
Absent:1
Abstaining: 0
Condition: A building permit and any required inspections must be received for the driveway.

Commissioner Gallo commented that the design is efficient. Commissioner Berzins and Chairman Bittel agreed.

Board of Adjustment and Appeals Results

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

Move to approve the variance request for the current size of the front yard parking with a condition that a permit and inspection be obtained pertaining to the encasement of the water meter because:

- Improves design for the property;
- It is compatible with adjacent development;
- It reduces on-street parking; and
- It results in an efficient design.

Action Taken: Approved
Votes for the Waiver: 6
Votes against the Waiver: 0
Absent:1
Abstaining: 0

Case Number: 09-22 – 1031 Elmira Street
Description:

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

- An adjustment to the requirement of Section 146-2.4.4.I.2.e.i and 146-4.6.5.C.2.a.

Recommendation from staff to deny the variance as requested.

Case Presentation Given at the Hearing:

Staff gave a presentation describing the applicant's request, the context of the neighborhood and the subject property, and an analysis of the request with respect to the Code Criteria of Approval. The applicant's request would allow an expansion of the driveway in the front yard that exceeds code requirements with a variance from Code Section(s) 146-2.4.4.I.2.e.i and 146-4.6.5.C.2.a.

Commissioner Berzins requested clarification from staff on access to the garage when front yard driveways are not allowed.

Mr. Rabbaa reviewed driveway access to the garage on the site.

Edna Chavira, the applicant, gave a presentation on the item. Ms. Chavira reviewed the reasoning for expanding the paved driveway including accommodating each vehicle for homeowners and improving safety.

Chairman Bittel commented that for safety and general improvement of the area, the proposed expansion of the driveway is optimal.

Commissioner Swope asked why the existing driveway would not be paved as a one-car driveway.

Chairman Bittel and Commissioner Seldin questioned the use of a one-lane driveway for four cars.

Board of Adjustment and Appeals Results

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

Move to approve the variance request for a driveway in the front yard because:

- Improves design for the property;
- It is compatible with adjacent development;
- It reduces on-street parking; and
- It results in an efficient design.

Action Taken: Approved
Votes for the Waiver: 6
Votes against the Waiver: 0
Absent:1
Abstaining: 0

Mr. Seldin questioned from images provided in the staff presentation how close the proposed driveway would be to the tree in the front yard.

Chairman Bittel noted the driveway appears that it would reach the paved walkway stones in the front yard.

Commissioner Berzins commented that this case is similar to prior cases considered in that there are questions pertaining to the proposed size of the new front yard driveway expansion and walkway access to the front door of the home.

General discussion pertaining to the proposed driveway expansion ensued.

Commissioner Berzins asked if the staff completed the measurements for the expansion.

Mr. Rabbaa responded no; the applicant completed the measurements.

Ms. Chavira stated her husband completed the measurements based on their needs to accommodate four-car parking and a walking path between cars to the home.

Commissioner Raisio asked the applicant if the mailman will be walking between cars to the front door to deliver mail.

Ms. Chavira responded that the mail carrier uses the pathway between cars to reach the home to deliver mail.

Chairman Bittel commented that a three-foot walkway would be more efficient for access to the front door.

General discussion ensued regarding the dimensions of the proposed driveway expansion.

Brandon Cammarata, Planning Division Manager, cautioned the commission that measurements are an estimate without requiring surveying, which is not cost-effective. Mr. Cammarata advised that should the commission wish to approve the concept; they may do so without adding conditions of approval.

Public Comment Given at the Hearing:
No members of the public were present at the virtual hearing.

Board of Adjustment and Appeals Results

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

Move to approve the variance request with one condition that it meets the building code to permit because the proposal:

- Improves design for the property;
- Is consistent with the neighborhood character;
- Using the alley for access to surface parking in the backyard is a less feasible option
- Reduces on-street parking

Action Taken: Approved, with a condition
Votes for the Waiver: 6
Votes against the Waiver: 0
Absent:1
Abstaining: 0
Condition: Must meet building code to permit.

Other Topics Discussed at the Hearing:

Minutes were presented for adoption from the August 16, 2022 hearing. Commissioner Berzins noted a typo in the minutes with to misspelling of a name. The minutes were adopted as amended to correct the error in name spelling.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Rachid Rabbaa

_____
Lynn Bittel, Chairman

_____
Rachid Rabbaa, City of Aurora