

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: August 16, 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
Gary Raisio
Lynn Bittel
Richard Palestro

Board Members Absent: Marty Seldin
Kari Gallo
Ron Swope

Commissioner Berzins objected to the adoption of the agenda as written. Commissioner Berzins posed a few questions to staff requesting clarification on code sections being considered for the requested adjustment for case number 06-22, 1141 Dayton Street. Brandon Cammarata, Planning Manager, replied that the evaluation of the request is per the code section indicated in the memorandum, an error was noted in the agenda.

Commissioner Berzins called for case number 06-22 to be deferred to a subsequent hearing due to discrepancies in the section noted in the agenda versus the memorandum. Motion passed to postpone the case to be heard on a subsequent hearing, at no cost to the applicant, pending clarification of information of the requested adjustment by staff.

Case Number: 07-22, 1541 Clinton Street

Description:

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

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

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 the applicant to build a new approximately 960-square-foot detached garage in his backyard.

Alex Lujan, the applicant, was available for questions. Commissioner Berzins requested clarification on why this case was brought for consideration given the condition of the property. Commissioner Berzins further requested confirmation no additional footprint would be added. Mr.

Lujan clarified the reasoning for this request and confirmed the footprint of the house would remain the same.

Commissioner Raiso cautioned the board is considering the addition requested not the condition of the property.

There was no further discussion of the case.

Public Comment Given at the Hearing:

No members of the public provided comments at the hearing.

Board of Adjustment and Appeals Results

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

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

- 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.

Action Taken: Approved

Votes for the Waiver: 4

Votes against the Waiver: 0

Absent: 3

Abstaining: None

Case Number: 08-22, 2366 South Lansing Street

Description:

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

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

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 the applicant to build a 7.5 feet rear yard fence.

Commissioner Berzins requested staff clarify which fencing is being considered on this property. Mr. Rabbaa responded the consideration is for back fencing.

Artur Akkerman, the applicant, gave a presentation of the item. Mr. Akkerman attested that approval was provided by adjacent property owners for the building of the fence. Mr. Akkerman also apologized, indicating no prior knowledge that such a height limit was in place.

There was no further discussion of the case.

Public Comment Given at the Hearing:

Jenna Kile and Elizabeth Divine, adjacent property owners, provided public comment, voicing support for Mr. Akkerman

Board of Adjustment and Appeals Results

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

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

Action Taken: Approved

Votes for the Waiver: 4

Votes against the Waiver: 0

Absent: 3

Abstaining: None

Other Topics Discussed at the Hearing:

Commissioner Palestro commented that it is appropriate for questions regarding staff reports to be posed before the meeting begins. Commissioner Berzins questioned the timing allowed for corrections to be made to staff reports prior to a meeting being held. Daniel Money, City Attorney, noted that it is not the responsibility of the board to note discrepancies in reports.

Minutes were presented for adoption from the June 21, 2022 hearing. Minutes were adopted as written. Commissioner Berzins abstained.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Rachid Rabbaa



Lynn Bitel, Chairman



Rachid Rabbaa, City of Aurora