

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: Rachid Rabba

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:

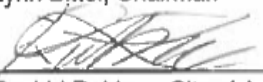
No other topics were discussed.

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