

Planning Department  
City of Aurora, Colorado

## **SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS**

BOA Hearing Date: April 19, 2022  
Hearing Location: Virtual Public Hearing, held via WebEx  
Case Manager: Rachid Rabba

Board Members Present: Andris Berzins  
Gary Raisio  
Lynn Bittel  
Ron Swope  
Richard Palestro  
Marty Seldin

**Case Number: 01-22 – 1910 Oakland St**

### **Description:**

Request by the property owner, Stephen Brunston, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 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. The applicant is requesting a variance to exceed 450 square feet limit for an accessory building to be used as a garage for the storage of oversized vehicles and the storage of tools. The proposed 2-vehicle garage will be 598 square feet and will be accessed from the exiting alley. The proposed garage will be sited in the rear yard, with a side setback of 6 feet and a rear setback of 6 feet, which meets code requirements.

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 proposed 598 square foot detached garage.

The applicant, Mr. Brunson, gave a presentation. The applicant proposed that approval of the variance would benefit the surrounding community by decreasing vehicle congestion on the street.

Mr. Seldin questioned the applicant, if any additional structures were on the property? The applicant indicated that one additional structure was on the property which would be removed to build the garage, in addition to part of fencing surrounding the property.

### **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 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: 6

Votes against the Waiver: 0

Absent: 1

Abstaining: None

**Case Number:** 02-22 – 1722 E 13<sup>th</sup> Ave

### **Description:**

Request by the property owner, Jose Hector Marquez (Cervantes), for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 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. The applicant is requesting a variance to exceed the 450 square foot limit for an accessory building to be used as a garage for the storage of agricultural tools and vehicles such as tractors. The proposed garage will be 1,950 square feet. The garage is proposed to be accessed from Richfield Street. The proposed garage will be sited in the rear yard, with a side setback of 10 feet and a rear setback of 10 feet, which meets code requirements.

Recommendation from staff to approve the variance as requested.

### **Case Presentation Given at the Hearing:**

Mr. Berzins requested staff and applicant provide additional information to the board on the variance. Information requested included square footage of the lot and all outbuildings and code applicable to the zoning designation of the property. Mr. Berzins proposed that the decision on the variance be postponed for one month until at which time the requested information could be provided to the board.

General discussion ensued.

Staff confirmed that the proposed structure would be 2491 square feet.

The applicant, Jose Hector Marquez (Cervantes), addressed questions from the board. Mr. Marquez (Cervantes) stated having received misinformation on building requirements pertaining to required size and height. The applicant confirmed some buildings on the property would also be removed.

**Public Comment Given at the Hearing:**

A member of the public expressed concern that the applicant's proposed structure would exceed size allowances by the City of Aurora.

**Board of Adjustment and Appeals Results**

A motion was made by Mr. Berzins and seconded by Mr. Seldin to delay the decision on the variance to allow the applicant and staff additional time to gather information for the board.

Move to approve that the hearing be postponed to May 17, 2022.

**Action Taken:** Approved

Votes for Motion: 6

Votes against Motion: 0

Absent: 1


Abstaining: None

**Other Topics Discussed at the Hearing:**

Mr. Berzins requested staff provide the board with agenda items at least one week before the hearing. Staff consented to provide notice in line with this request.

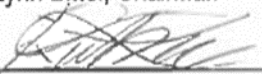
There were no new minutes presented for adoption at the April hearing.

**SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: RACHID RABBAA**



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Lynn Bittel, Chairman



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Rachid Rabbaa, City of Aurora