

Planning Department  
City of Aurora, Colorado

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

BOA Hearing Date: December 20, 2022

Hearing Location: Hybrid meeting, held via Webex and in-person at Aurora Municipal Center, Aspen Room, 15151 E Alameda Pkwy, Aurora CO, 80012.

Case Manager: Rachid Rabbaa

Board Members Present: Lynn Bittel (in-person)  
Kari Gallo (in-person)  
Richard Palestro (virtual)  
Andris Berzins (virtual)  
Gary Raisio (in-person)  
Marty Seldin (in-person)

**Case Number: 10-22 – 2682 S Sable Way**

### **Description:**

Request by the property owner, Sonia Jarosz, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of Section 146-4.7.9.L.1 Table 4.7-4, which requires that fences in the front yard of residential properties be limited to 42 inches in height.

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 up to a 6-foot privacy fence to extend 22 feet from the existing gate into the front yard on the adjacent side lot line)

Mr. Berzins asked the staff to confirm measurements from the front of the fence to the curve. Mr. Berzins noted, from images provided by the staff appear, that it appeared the distance was as far from the back fence as it is from the curb where the fence stops.

Mr. Rabbaa replied that the staff will locate the requested information.

Mr. Bittel asked Mr. Berzins to clarify the purpose of this question while the staff gathered the requested information for him.

Mr. Berzins replied that he wished to verify if the staff has a measurement because if the waiver is granted that the fence does not get moved farther forward than where the fence line currently is.

Mr. Seldin asked if this is a front yard fence or a side yard fence.

Mr. Rabbaa responded that this is a front yard fence.

Mr. Bittel noted that this is a front yard fence, on the sideline.

Mr. Berzins commented that this property is built at an angle backward.

Mr. Palestro stated that the location and design of this property are not typical of corner units in that it is built on a curve. Mr. Palestro noted the home to the right was built at an elevation in which it is higher than the subject property. Mr. Palestro voiced support for privacy concerns due to these factors.

Mr. Raisio reviewed the letter submitted by the applicant which notes the contractor for the property advised that the fence could be extended as long as it remained 50 feet from the street.

Mr. Rabbaa responded to Mr. Berzins question by providing the requested image of the property with measurements.

Mr. Berzins noted that it appears that the fencing extends 27 feet from the street.

Mr. Rabbaa confirmed that the fencing built extends 22 feet from the house and an additional 27 feet from the street. Mr. Rabbaa also noted that the case today is to consider the existing fencing built.

Sonia Jarosz, the applicant, was available for questions.

Mr. Seldin noted that the request for waiver indicates that this fencing is for privacy and security. Mr. Seldin commented that, at its current length, the fencing can be easily walked around into the front yard of the property. Mr. Seldin asked the applicant if they intend to extend their fencing to the sidewalk.

Ms. Jarosz responded that she would like to drop the fencing to the legal height and extend that fencing to the sidewalk to prevent her neighbor from driving through her yard to park next to his front door.

Mr. Raisio commented that legally the applicant can extend their fencing without an application for a waiver as long as that fencing is at the legal height.

General discussion ensued.

#### **Public Comment Given at the Hearing:**

Amy Scouting, a neighbor of the applicant, commented on the request for a waiver. Ms. Scouting stated that there is no negative impact of the fence on the neighbor or the plans to extend it at its legal height.

Shona Salazar, Code Enforcement Officer, commented on the request. Ms. Salazar voiced support for the request.

Tammie O'Brien, a neighbor of the applicant, voiced concerns about the property adjacent to the applicant. No comment was given on the applicant's request for a waiver.

Mr. Berzins asked the staff, if the applicant built an addition to the property, how far from the property line could they build. Mr. Berzins stated it was his understanding 25 feet is allowed from the curb.

Mr. Rabbaa confirmed that this is correct.

## **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, staff finds the Single-Family Dwelling Variance to Section 146-4.7.9.L.1 Table 4.7-4, and,

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

### **Action Taken:**

Votes for the Waiver: 6

Votes against the Waiver:

Absent: 1

Abstaining: None

### **Other Topics Discussed at the Hearing:**

Minutes were presented for adoption from the October 18, 2022, hearing. The minutes were approved unanimously.

Mr. Berzins asked staff to confirm when 2023 officer elections are to occur.

Mr. Rabbaa noted that staff would confirm when elections are to occur and provide that information to the board.

**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