

Planning Department
City of Aurora, Colorado

SUMMARY OF BOARD OF ADJUSTMENT AND APPEALS ACTIONS

BOA Hearing Date: January 17, 2023
Hearing Location: Virtual Public Hearing, held via Webex
Case Manager: Rachid Rabbaa

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

Case Number: 01-23 – 431 Iola Street

Description:

Request by the property owner, Erica Mendoza, 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 rear-yard fences on residential properties not exceed six-feet 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 an eight-foot-tall privacy fence in the rear-yard that exceeds code requirements in height.

Mr. Berzins asked if the variance was for only the rear-yard pictured in the staff report and presentation.

Mr. Rabbaa responded that was correct.

Ms. Mendoza, the applicant, was available for questions. Ms. Mendoza noted that there is a difference in the height of the fence at the property line versus the height of the sidewalk abutting the fence.

Mr. Berzins asked the applicant to clarify if there is a slope down to the fence from the sidewalk.

Ms. Mendoza responded yes, that is the case. Ms. Mendoza stated there is a slope of approximately two and ½ feet.

There was no further discussion of the case and no questions from other members of the Board.

Public Comment Given at the Hearing:

Don Lewis, a neighbor adjacent to the applicant at 421 Iola St, Aurora, CO 80010, commented on the case. Mr. Lewis noted that there is a slope down from the sidewalk to the fence at the property line. Mr. Lewis indicated that there have been incidents in which people have crossed over the fence into the property from the neighboring bus stop to shortcut through the neighborhood. Mr. Lewis expressed support for the eight-foot-tall fence due to traffic, security, and privacy concerns.

Board of Adjustment and Appeals Results

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

Move to approve the variance request because the proposal complies with the required findings of Code Section 146-4.7.6.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;
- Will allow safe use of the property and achieve efficiency of design: and,
- Controls for any external effects.

Action Taken: Approved

Votes for the Waiver: 7

Votes against the Waiver: 0

Absent: None

Abstaining: None

Other Topics Discussed at the Hearing:

Minutes were presented for adoption from the December 14, 2022, meeting. The minutes were approved unanimously by those present, with Mr. Berzins absent from the vote.


The Board held elections for Chair and Vice Chair. Mr. Raisio nominated Lynn Bittel as Board Chair and Mr. Swope seconded. The nomination was supported unanimously by those present, with Mr. Berzins absent from the vote for Chair. Ms. Gallo moved to nominate Andris Berzins, as Vice Chair, and Mr. Palestro seconded. The nomination was supported unanimously by the full board. The Board of Adjustments and Appeals will be chaired by Lynn Bittel, with Andris Berzins as Vice Chair, for the 2023 calendar year.

Mr. Berzins asked staff for a one-hour study session in the coming months for the board to review applicable codes, policies, and procedures for BOA. Dan Money, City Attorney, indicated that he will work with staff to arrange a study session.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Rachid Rabbaa



 Lynn Bittel, Chairman



 Rachid Rabbaa, City of Aurora