

Planning Department  
City of Aurora, Colorado

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

BOA Hearing Date: July 18, 2023  
Hearing Location: Hybrid Public Hearing, held via WebEx and in person  
Case Manager: Stephen Gubrud

Board Members Present: Lynn Bittel - Chairman  
Kari Gallo  
Marty Seldin  
Ron Swope  
Richard Palestro

City Staff Present: Brandon Cammarata - Manager of Planning  
Rachel Allen - City Attorney  
Stephen Gubrud - City Planner  
Diane Webb - Project Coordinator  
Carolee Thailing - City Code Enforcement Officer  
Andrew Playter - City Code Enforcement Officer

**Case Number: 09-23 – 2050 Kingston Street**

### **Description:**

Request by the property owner, David Tucker, for the following Single-Family Dwelling Variance:

- An adjustment to the requirement of UDO code section 146-2.4.4.1.2.e which states that off-street parking shall be located behind the dwelling and access to the parking shall be from an alley or, if there is no alley, then from the street via a driveway which does not exceed 10 feet in width up to the rear building line of the house.

Recommendation from staff to deny 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 expanded front yard parking in addition to the proposed rear yard parking area.

Ms. Gallo asked if the backyard is part of the variance request.

Stephen Gubrud, Case Manager, replied, no. The backyard is only being considered for additional parking if needed. The board does not need to vote on the backyard.

Mr. Palestro asked what percentage of turf would be left in the front yard.

Mr. Gubrud responded, approximately 60 percent of the turf would remain.

Mr. Palestro asked if the sidewalk would be modified.

Mr. Gubrud replied, yes. He displayed the building plans to further illustrate the proposed construction.

General discussion ensued regarding the size of the proposed front yard expansion compared to the current size.

Mr. Seldin noted the current width of the front driveway is 8 feet, and the applicant wants to increase it to 31 feet wide. He questioned how much of the 23-foot addition is included on the south end.

Mr. Gubrud replied that at the widest point on the north, it's about 13 feet, but it tapers around the curb cut.

Mr. Seldin concluded it's about 10 feet on the north and 10 feet on the south. He asked how much of the yard would be left between the south end of the applicant's proposed driveway and the north end of the neighbor's driveway, noting there would be minimal space between the two.

Mr. Gubrud replied there would be an approximately 2-foot setback which is in line with the code required for drainage purposes.

The applicant, David Tucker, 2050 N Kingston Street, Aurora, CO 80010, was available online for questions. He stated the proposed expansion to the north and south is about 8 feet on each side. The total driveway expansion would be about 24 feet. There are 2 feet between the expansion and property line, and his neighbor has the same expansion on his property. The proposed expansion would improve the design by channeling water away from the house. His neighbors should not be affected, and the design is compatible with other driveways in the neighborhood. He referenced pictures of other homes in the neighborhood. He noted his garage door opens out, so if a vehicle is in front of the door, the door is inaccessible. The expansion would allow Mr. Tucker to park on either side of the garage door while still having access to it. The expansion is a needed upgrade since he is trying to sell his house.

Mr. Seldin noted the application was for an expansion of 23 feet, but during the presentation, Mr. Tucker stated the expansion would be about 16 feet. Mr. Seldin asked the applicant to clarify which one was correct.

Mr. Gubrud referenced the plot plan that shows a combined 23-foot expansion.

General discussion ensued regarding the correct total for the expansion.

Mr. Bittel concluded the issue could be addressed by restricting the number of feet approved for the variance. Mr. Tucker and Mr. Gubrud could work out the details with the building department if the variance is approved.

Mr. Seldin asked the applicant about his stated plans to remodel the house and if he planned to change the garage from one-car to two-car.

Mr. Tucker stated he is not planning to change the garage but may change the door to a rollup.

General discussion ensued regarding methods to reduce flooding problems.

Mr. Bittel asked Mr. Tucker if he is running a business out of his home.

Mr. Tucker replied, no. His family has owned the home since 1968 and no renovations have been

completed since that time. Mr. Tucker intends to renovate the home to sell it and move to be with family. He is currently staying with family outside of D.C.

Mr. Swope asked if there is someone else living in the home currently.

Mr. Tucker replied that no one else lives in the home besides him. All the vehicles parked there belong to him.

Ms. Gallo asked if there were any comments from neighbors.

Mr. Gubrud stated none had been received.

Mr. Swope asked for clarification on the size of the intended expansion.

Mr. Gubrud stated the plot plan shows the proposed dimensions, but the plan still must be approved by the building division, so there is time to work out the details. The plot plan shows a maximum width of 12 ½ - 13 feet.

Mr. Bittel questioned the need for the large driveway if Mr. Tucker is planning to move. Mr. Bittel noted the backyard has adequate parking and a roll-up garage door would allow for more parking.

Mr. Tucker referenced a photo in the presentation that shows one of his vehicles parked sideways on the driveway because it is not large enough to accommodate multiple vehicles. He is also getting code violations for parking on the lawn.

General discussion ensued regarding the garage door and parking situation.

Ms. Gallo noted that 60 percent of the yard will remain after the proposed expansion. A double driveway is more practical, desirable, and secure than a single driveway.

Further discussion ensued regarding single vs double driveways.

Mr. Swope noted the expansion would not address the parking problems on the driveway if there were three cars parked there.

Mr. Tucker agreed, stating he could still park a car on either side of the garage if he could expand the driveway.

Board members concluded an expansion of 8 feet on each side would be allowable.

Mr. Bittel stated he had visited the site and asked which board members had also visited. Mr. Seldin and Mr. Palestro stated they had visited the home. Mr. Swope and Ms. Gallo stated they had not visited.

Mr. Bittel asked City of Aurora code enforcement officers, Andrew Playter and Carolee Thailing, who were both in attendance in person, if there was a limit to how much of the backyard could be cemented.

Ms. Thailing deferred to Mr. Gubrud who replied that the Planning Department will work with the applicant to allow extensive paving, but that Public Works would still need to review the plans.

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

**Public Comment Given at the Hearing:**

No members of the public gave comment at the virtual hearing.

**Board of Adjustment and Appeals Results**

A motion was made by Mr. Seldin and seconded by Ms. Gallo.

Move to approve the variance request to allow the existing driveway to be expanded no more than 24 feet in width, equally divided on the north and south sides, 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: 4

Votes against the Waiver: 1 (Swope)

Absent: 1 (Berzins)

Abstaining: None

**Other Topics Discussed at the Hearing:**

Draft Board of Adjustment and Appeals minutes from June 20, 2023, were approved unanimously by those present.

Mr. Bittel upheld Mr. Berzins' request to discuss the proposed BOA process improvements at the next meeting, due to Mr. Berzins' absence and to allow board members to review the proposed changes further.

SUMMARY OF PROCEEDINGS PREPARED AND SUBMITTED BY: Stephen Gubrud



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Lynn Bittel, Chairman



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Stephen Gubrud, City of Aurora