Minutes of the Board of Adjustment and Appeals of the City of Cherry Hills Village, Colorado
Held on Thursday, August 5, 2010, at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chairman Hoellen called the meeting to order at 6:30 p.m.

ROLL CALL

The following Board members were present: Chairman Earl Hoellen, Susan Struna, Jamie Seitz, and Mark Griffin.

The following Board members were absent: Suzy Love, and Dave Heller

Also present at the meeting were the following staff members: Rob Zuccaro, Community Development Director; Laurel Landsman, Community Development Clerk; and David Foster, Deputy City Attorney for the City of Cherry Hills Village, Colorado.

ELECTION OF CHAIR AND VICE-CHAIR

The election of Chair and Vice-Chair was postponed until a later meeting due to the absence of two board members.

APPROVAL OF MINUTES

Ms. Struna made a motion, seconded by Mr. Seitz, to accept the May 7, 2009 minutes as written. The motion passed unanimously.

PUBLIC HEARINGS:

Jarrel L. and Donna Sue Boatright, of 4 Blackmer Road, request for approval of a variance to allow a side-yard setback encroachment of 1.6 feet into the minimum 50-foot setback as outlined in Municipal Code Section 16-5-30(c)

Mr. Zuccaro said that Jarrel L. and Donna Sue Boatright, who reside at 4 Blackmer Road, are requesting the approval of a variance to allow a side-yard setback encroachment of 1.6 feet into the minimum 50-foot setback on the west side of the property. The variance has been requested due to a technical error on the plat and not because of any action of the applicants. Because of this error on the plat, once the minor lot adjustment is approved and recorded the house will be encroaching 1.6 feet into the 50-foot setback. For this reason the applicants are requesting approval of the variance prior to submittal of their Minor Lot Adjustment application. Once the variance has been approved, the minor lot adjustment may be considered for administrative approval by City staff.

Mr. Zuccaro said that in order for the Board to approve the variance, it must find that the variance request meets all criteria under Municipal Code Section 16-5-30(b)(1)-(9). He explained that staff has made a finding for each criterion in the staff memorandum.

Mr. Zuccaro said staff recommends approval of the requested variance with the condition that the applicant shall obtain City approval of the Minor Lot Adjustment application and fully execute and record the plat with the Arapahoe County Clerk and Recorder in accordance with all City procedures and requirements.

Chairman Hoellen asked if the Board had any questions for Mr. Zuccaro. There being none he opened the floor for the Public Hearing.

Daniel Sweetser, attorney for Mr. Boatright, said that when the plat was surveyed street frontage distances were designated for 4 and 6 Blackmer Road which caused the dividing lot line between the two properties to be incorrectly placed. He said that through this variance application and Minor Lot Adjustment they are trying to move the dividing lot line so that the lot configurations are what were originally intended. It was a prospective purchaser's surveyor that found the discrepancy in the lot line. The minor lot adjustment will bring the plat records into compliance with the original intent of the subdivision.

Dan Kalmes, with KMD, Inc., said that a survey in the 1960's delineated the angle of the line and he showed the Board members the survey plat explaining the line's placement. He said that one homeowner will lose a bit of property when the lot line is corrected and one will gain a bit. They are requesting the setback variance first so that when the new plat is recorded the house will not be illegally encroaching in the setback.

Chairman Hoellen asked if there were any other questions from the public. There being none he closed the Public Hearing portion of the meeting.

After a short discussion regarding the request, the Chairman said he would entertain a motion.

Deputy City Attorney Foster suggested placing a condition on the approval that the plat be finalized within six months of the approval date.

Mr. Seitz made a motion, seconded by Ms. Struna, to approve the request by Jarrel L. and Donna Sue Boatright of 4 Blackmer Road for a variance to allow a setback encroachment of 1.6 feet into the minimum 50-foot side setback with the condition that the applicants obtain City approval of the Minor Lot Adjustment application and fully execute and record the plat with the Arapahoe County Clerk and Recorder in accordance with all City procedures and requirements within six months of the approval of the variance.

The motion passed unanimously.

Chairman Hoellen said he wished to go on the record to thank Don Johnson for his many years of service to the Board.

Mr. Zuccaro brought the Board up to date on an application that has been put on hold.

ADJOURNMENT

The meeting adjourned at 6:56 pm.

Earl Hoellen, Chairman

Laurel Landsman, Community Development Clerk