

Minutes of the Board of Adjustment and Appeals of the City of Cherry Hills Village held on

Thursday, February 6, 2014 at 6:30 p.m.

At the Village Center

### **CALL TO ORDER**

Chair Love called the meeting to order at 6:30 p.m.

### **ROLL CALL**

Present at the meeting were the following members of the Board of Adjustment and Appeals: Chair Suzy Love, Vice Chair Jamie Seitz, Councilor Mark Griffin, and Board Member Kerry Sullivan.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director, City Attorney Linda Michow, and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Board Members Susan Struna and Earl Hoellen.

### **APPROVAL OF MINUTES**

Board Member Sullivan made a motion, which was seconded by Vice Chair Seitz, to accept the January 16, 2014 minutes as written.

The motion passed unanimously.

### **AGENDA ITEMS**

*Request by Brian and Chelsea Harding of 4300 South Lafayette Street for Approval of a Variance to Municipal Code Section 16-5-30(c) to Allow a Covered Porch Addition that Encroaches 37.6 Feet into the 75-Foot Front-Yard Setback and 21.5-Feet into the 50-Foot Side-Yard Setback for the R-1 Zone District.*

Chair Love stated that the first item on the agenda is item 4a, a request by Brian and Chelsea Harding of 4300 South Lafayette Street for Approval of a Variance to Municipal Code Section 16-5-30(c) to Allow a Covered Porch Addition that Encroaches 37.6 Feet into the 75-Foot Front-Yard Setback and 21.5-Feet into the 50-Foot Side-Yard Setback for the R-1 Zone District.

Chair Love continued that this item is scheduled for a public hearing before the Board. The purpose of the Board of Adjustment and Appeals is to consider variance requests and appeals of administrative decisions. In considering an application before it, the Board must hold a public hearing and will follow certain procedures in order to conduct a hearing that is fair, impartial and orderly. Copies of the Board's public hearing procedures are available on the table where the public signs in. Each speaker will be given 5 minutes to speak, and the applicant's primary representative will have up to 10 minutes to present the application. Subsequent speakers representing the applicant may speak for up to 5 minutes per speaker. The Board may ask questions of the applicant, staff or any other speaker at any time. A concurring vote of 4

members of the Board is necessary to reverse or modify any decision or determination of the City or to approve a variance application.

Mr. Zuccaro stated that staff is presenting a request by Brian and Chelsea Harding of 4300 South Lafayette Street for Approval of a Variance to Municipal Code Section 16-5-30(c) to Allow a Covered Porch Addition that Encroaches 37.6 Feet into the 75-Foot Front-Yard Setback and 21.5-Feet into the 50-Foot Side-Yard Setback for the R-1 Zone District.

Mr. Zuccaro presented an aerial view of the property and noted that Quincy Avenue is to the north of the property and Lafayette Street is to the west. He continued that while this property is in the R-1 zoning district, it is a nonconforming lot. Lots in the R-1 district are 2 ½ acres and the lot in question is .57 acres. The properties to the south and east of this lot are nonconforming as well.

Mr. Zuccaro stated that when the R-1 setback requirements are applied to a lot of .57 acres, there is a very small building envelope. He then displayed a site plan of the property, and notated that almost the entire existing home is not within the building envelope.

Mr. Zuccaro stated that records from Arapahoe County show that the existing home was built in 1940, which is prior to Cherry Hills Village being incorporated. This lot is considered a legal nonconforming lot. He went on to say that this means that any existing structures can remain but any expansion will require a variance.

Mr. Zuccaro stated that he worked with the Hardings on their application. They completed their pre-application neighbor input meeting, posted a public notice, and provided photos of what the proposed porch will look like.

Municipal Code Section 13-3-50-(b) (1) through (9) outlines the approval criteria that the Board must use in determining whether or not to approve a variance request. For approval, the Board must find that the request meets all criteria. Staff finds that the limited building envelope of the lot, especially in relation to other lots in the R-1 zoning district, creates a hardship for the applicants. When considering the size of the lot is similar to those found in the R-4 zoning district, the proposed variance would meet the setback requirements were the home located on an R-4 lot. There is an email in support of the request, and staff has not received any other input. Staff recommends approval of the variance and has provided recommended findings for each of the approval criteria in the affirmative in Table 1 of the staff memorandum.

Board Member Sullivan asked what are the setback requirements in the R-4 zoning district.

Mr. Zuccaro replied that there are 25 ft. front and rear setbacks and 30 ft. total side setbacks in the R-4 district.

Board Member Sullivan asked if the home were built today would it be zoned R-4.

Mr. Zuccaro replied that if a lot of this size were to be annexed into the city currently, the city would apply R-4 criteria in regards to zoning.

Board Member Sullivan asked was the lot more representative of one found in R-4 as opposed to R-1.

Mr. Zuccaro stated that yes when staff was analyzing criteria, the R-4 zoning regulations were used as a guide.

Board Member Sullivan asked about the structure marked covered porch on the site plan.

Mr. Zuccaro stated that it is an existing structure.

Councilor Griffin asked for clarification between the gross and net acreage of the property.

Mr. Zuccaro stated that the net acreage of the property is .42 acres. The gross acreage is .57 acres, which includes the area to the center line of any adjacent streets.

Councilor Griffin asked where the aerial photo came from.

Mr. Zuccaro stated that it is a 2012 aerial photo from DRCOG, set at a 6 inch resolution.

Councilor Griffin stated that the quality of the photo is poor.

Chair Love asked if there were any other questions for staff. She asked the applicants to present their application.

Brian and Chelsea Harding, residents of 4300 S Lafayette St, said that they would like to add the porch addition to improve the façade of the house, as well as add outdoor living space. The house was originally sold as a scrape, but they decided to fix it up instead. Mr. Harding stated that many of the nearby homes enjoy covered porches. He continued that they have consulted with several general contractors and there are no other design alternatives.

Mrs. Harding stated that they love old homes and wanted to fix it up to improve the overall character of the neighborhood.

Board Member Sullivan asked what was the existing porch shown on the site plan.

Mr. Harding stated that it was a small 10 x 12 covered side porch.

Mrs. Harding stated that the additional porch will allow access to all three exterior doors, which are currently not accessible.

Councilor Griffin asked about the well right to the well indicated on the site plan.

Mr. Harding stated that the well is dry. At a later date, they would like to drill deeper but it is a cost prohibitive project now.

Councilor Griffin also stated that the neighbors who wrote in support of the variance are very kind.

Chair Love asked if the house were to be scraped, what size home could be built on the lot.

Mr. Zuccaro replied that the Board would have to determine the setbacks, and the size would ultimately be limited by the FAR.

Councilor Griffin stated that staff has found the applicants have met all the review criteria.

Board Member Sullivan made a motion to approve the request by Brian and Chelsea Harding of 4300 South Lafayette Street for Approval of a Variance to Municipal Code Section 16-5-30(c) to Allow a Covered Porch Addition that Encroaches 37.6 Feet into the 75-Foot Front-Yard Setback and 21.5-Feet into the 50-Foot Side-Yard Setback for the R-1 Zone District. The Board finds that the application complies with all approval criteria as outlined in the Table 1 of the February 6, 2014 staff memorandum.

Chair Love seconded the motion.

The following votes were recorded:

Suzy Love	yes
Jamie Seitz	yes
Mark Griffin	yes
Kerry Sullivan	yes

The motion passed unanimously.

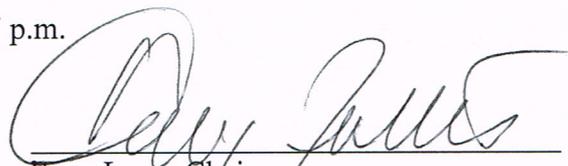
### **REPORTS**

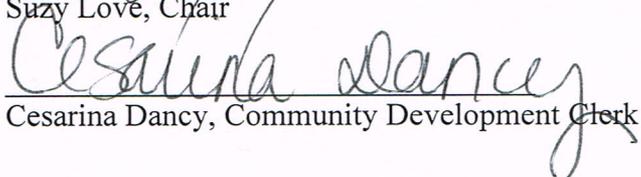
Chair Love asked if there were any other regular business items or reports.

Mr. Zuccaro replied no.

### **ADJOURNMENT**

The meeting was adjourned at 6:57 p.m.

  
Suzy Love, Chair

  
Cesarina Dancy, Community Development Clerk