

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

Thursday, August 7, 2014 at 6:30 p.m.

At the Village Center

### **CALL TO ORDER**

Board Member Hoellen 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: Councilor Mark Griffin, Board Member Kerry Sullivan, Board Member Jennifer Allen and Board Member Earl Hoellen.

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 Member Susan Struna and Board Member Bill Rapson.

### **ELECTION OF CHAIR AND VICE CHAIR**

Board Member Hoellen made a motion, which was seconded by Board Member Allen, to nominate Board Member Sullivan for the position of Chair of the Board of Adjustment and Appeals. The motion passed unanimously.

Chair Sullivan made a motion, which was seconded by Board Member Allen, to nominate Board Member Struna for the position of Vice-Chair of the Board of Adjustment and Appeals. The motion passed unanimously.

### **APPROVAL OF MINUTES**

Chair Sullivan made a motion, to accept the June 5, 2014 minutes as written.

The motion passed unanimously.

### **AGENDA ITEMS**

*Request by Harvest Bible Chapel, 3651 South Colorado Boulevard, for a Variance to Municipal Code Section 16-5-30(c) to Allow Enclosure of an Existing Covered Entry that Encroaches Approximately 72 Feet into the 200-Foot R-1 Zone District Setback for Public Buildings.*

Mr. Zuccaro stated that Staff is presenting a request by Harvest Bible Chapel for a variance to allow an encroachment of approximately 72 feet into the 200-foot setback requirement for public buildings in the R-1 zone district. He continued that the proposal is to enclose an existing covered entry that will extend the existing lobby approximately 10 feet to the northeast.

Mr. Zuccaro displayed a vicinity map of the church and surrounding properties. He noted that currently the building is setback 137.86 from the property corner nearest to the addition, 366.85 feet from the east, 57 feet from the south, 148.72 feet from the west, and 281.81 feet from the north property boundaries.

Mr. Zuccaro stated that in 2005, the church underwent a major renovation that included a reconfiguration of the building footprint. He continued that this was approved by City Council as part of an Expanded Use Permit. He stated that when this permit was approved, the existing setback encroachments were approved as well.

Chair Sullivan asked Mr. Zuccaro to show the setbacks again.

Mr. Zuccaro displayed the vicinity map again.

Mr. Zuccaro stated that the church is planning to enclose an existing portion of the structure, and that the height would remain the same at 9 feet 8 inches.

Mr. Zuccaro stated that the staff analysis in Table 1 of the staff memo indicates that all criteria were found to be in the affirmative, and that staff is recommending approval. He continued to say that the applicant has met all notification requirements and that no comments have been received regarding the application.

Chair Sullivan asked if the 2005 renovation significantly altered the setbacks.

Mr. Zuccaro replied that the setbacks were already encroaching prior to the renovation.

Chair Sullivan asked if the Expanded Use Permit required for the 2005 renovation came before the BOAA.

Mr. Zuccaro replied that it did not, as City Council was able to approve the setback encroachment as part of the Expanded Use Permit application.

Board Member Allen asked if the covered entryway was part of the 2005 renovation.

Mr. Zuccaro replied he believed so but wasn't sure. He continued to say that the applicant could provide further detail regarding the original footprint of the building, as well as the way the footprint evolved over time.

Board Member Hoellen asked if the two other churches in the area have had to have variances granted in order to meet their setback requirements.

Mr. Zuccaro replied that yes they did have variances granted by City Council.

Board Member Hoellen stated that he agreed with all the findings in Table 1 with the exception of line two in criterion 1.

Chair Sullivan asked why the other churches were granted variances by City Council but this one is before the BOAA.

Mr. Zuccaro replied that this application would not need to go before City Council as the addition is less than 1,000 square feet. He continued that under the Expanded Use Permit criteria, only alterations greater than 1,000 square feet need to go through the Expanded Use Permit process.

Councilor Griffin asked Mr. Zuccaro if all nine criteria were found in the affirmative.

Mr. Zuccaro replied yes.

Chair Sullivan asked if there was any deference given to religious institutions in the code.

Mr. Zuccaro replied that there was nothing notated in the code regarding religious institutions. He continued that given the 200 foot setbacks, most buildings would have to have variances granted in order to develop over time, as buildings such as this often do.

Jim Kirk, pastor of Harvest Bible Chapel stated that they have been in the building since last year. He stated that the reason for asking for the variance is to allow for a more open foyer in the building, as they are already feeling space limitations in this area.

Johnny Lee, architect for the applicant, displayed a diagram showing the buildable area of the lot. He indicated that almost the entire existing area is encroaching in some way. He stated that new trends in church architecture allow for larger lobbies and common spaces, and that the current configuration is broken up into several small rooms.

Mr. Lee stated that this renovation would allow for the outdoors to flow indoors in a more cohesive way.

Mr. Lee stated that the proposed renovation would not change the exterior elevation. He continued to say that they would reuse or duplicate the existing exterior doors.

Board Member Allen asked when the existing entry was added to the building.

Mr. Lee replied that it was part of the 2005 renovation.

Board Member Allen asked if the outdoor area was going to be used as a gathering space and if so, had it been discussed with the neighbors.

Mr. Lee replied that it would not be used as an outdoor space any more than it is currently used. He continued that the idea was to give an indoor/outdoor feel to the space. He stated that the current building configuration provides shelter from neighboring properties. He stated that the church was not that far ahead in the planning process yet as to determine future uses of outdoor space.

Chair Sullivan closed the public portion of the meeting.

Board Member Hoellen stated that he would like the one line previously mentioned removed from criterion one.

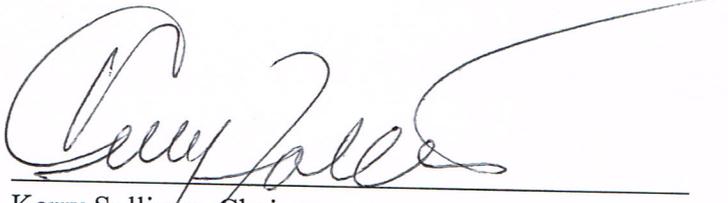
Ms. Michow stated that the motion to approve could include a statement to remove the sentence.

Board Member Hoellen made a motion, which was seconded by Board Member Allen, to approve the request by Harvest Bible Church for approval of a setback variance to allow enclosure of an existing covered entry that encroaches approximately 72 feet into the 200 foot R-1 Zone District setback for public buildings as proposed with the June 10, 2014 application, and adopting the staff's findings, with the elimination of criteria one, sentence two in Table 1 of the staff memorandum.

The motion passed unanimously.

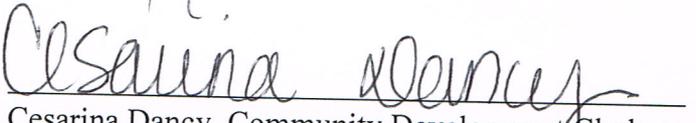
**ADJOURNMENT**

The meeting was adjourned at 6:58 p.m.



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Kerry Sullivan, Chairman



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Cesarina Dancy, Community Development Clerk