

Board of Adjustment Agenda

**October 19, 2016
City Hall, Council Chambers
749 Main Street
6:30 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
 - September 21, 2016
- V. Public Comments on Items Not on the Agenda
- VI. Regular :
 - **749 Wildrose Way – Variance Request** – A request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback requirements. **Case #16-027-VA – Continued from September 21, 2016**
 - Applicant & Owner: Greg Godec, 749 Wildrose Way
 - Case Manager: Scott Robinson, Senior Planner
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing and Board discussion and action
 - **2214 W Hecla Dr – Variance Request** – A request for a variance from the Takoda General Development Plan for relief from side setback requirements to allow a new pergola. **Case #16-038-VA**
 - Applicant & Owner: Keith & Mary Beth Rensberger, 2214 W Hecla Dr
 - Case Manager: Scott Robinson, Senior Planner
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing and Board discussion and action

➤ **826 Coal Creek Circle – Floodplain Development Permit Request –**
A request for a floodplain development permit to allow a 40,000 SF
addition to the existing building. **Case #16-033-FL – Continue to**
November 16, 2016 meeting

- Applicant: Davis Partnership Architects, Kevin Gzym
- Owner: TFG Coal Creek Property, LLC
- Case Manager: Scott Robinson, Planner II
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing and Board discussion and action

VII. Business Items tentatively scheduled for November 16, 2016

VIII. Staff Comments

IX. Board Comments

X. Discussion Items for Next Meeting November 16, 2016

XI. Adjourn

***Board of Adjustment
Meeting Minutes
September 21, 2016
City Hall, Council Chambers
749 Main Street
6:30 PM***

Call to Order: **Meseck** called the meeting to order at 6:30 PM.

Roll Call was taken and the following members were present:

Board Members Present:

Andrew Meseck, Chair
James Stuart
Gunnar Malmquist
Leslie Ewy (arrived at 6:40 pm)
Lowell Campbell
Alison Gorsevski

Board Members Absent:

Thomas DeJong

Staff Members Present:

Rob Zaccaro, Dir of Planning and Building Safety
Scott Robinson, Senior Planner
Susie Bye, Planning Clerk

Approval of Agenda:

Stuart moved and **Malmquist** seconded a motion to approve the amended agenda as prepared by staff. Motion passed by voice vote.

Campbell asks why **940 Caledonia Street** is on the September 21, 2016 agenda. He says he thought the issue was decided at the last meeting.

Meseck says **940 Caledonia Street** was discussed, there was a motion and a vote, another long lengthy discussion, and the decision was to continue it until September.

Campbell says he thought we voted and there was a decision by the vote.

Robinson says there was a motion to approve, the motion failed by a 3-1 vote, there was a motion to continue to the September meeting, and that motion was approved by a 3-1 vote.

Approval of Minutes:

Campbell says after we voted on **940 Caledonia Street**, I was asked the question if I would be willing to discuss the merits of the case. I do not see that in the minutes.

Meseck says it is written on page 6 of the August 17, 2016 minutes, the middle paragraph.

Robinson says it is on page 6, **Malmquist** asks "if **Campbell** is confused on the criteria and if perhaps we can discuss them further? **Campbell** says he is open to discussion."

Malmquist moved and **Campbell** seconded the motion to approve the August 17, 2016 minutes. Motion passed by voice vote.

Public Comments on Items not on the Agenda: None

Regular Business:

- **749 Wildrose Way – Variance Request** – A request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback requirements. **Case #16-027-VA – Continued from August 17, 2016**
 - Applicant & Owner: Greg Godec, 749 Wildrose Way
 - Case Manager: Scott Robinson, Senior Planner

- **940 Caledonia St – Variance Request** – A request for a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) for relief from front and rear setback and maximum floor area requirements to allow additions to the existing house. **Case #16-022-VA – Continued from August 17, 2016**
 - Applicant & Owner: Gary Doty, 940 Caledonia St
 - Case Manager: Scott Robinson, Senior Planner

Meseck reviewed the procedures for the meeting; opened the public hearing; and stated there are six criteria which must be met for the board to approve a variance request. **Meseck** then stated copies of the criteria are located on the table next to entryway. He asked for verification of proper public notice.

Robinson verified the application for **749 Wildrose Way** to be heard this evening is complete. It was posted in City Hall, Public Library, Recreation Center, the Courts and Police Building, and mailed to surrounding property owners on July 29, 2016. It was published in the Boulder Daily Camera on July 31, 2016. The property was posted on July 29, 2016. It was continued from the August meeting to the September meeting.

Robinson verified the application for **940 Caledonia Street** to be heard this evening is complete. It was posted in City Hall, Public Library, Recreation Center, the Courts and Police Building, and mailed to surrounding property owners on July 1, 2016. It was published in the Boulder Daily Camera on July 3, 2016. The property was posted on July 1, 2016. It was then continued from the July meeting to the August meeting, and then continued from the August meeting to the September meeting.

Malmquist moved and **Campbell** seconded a motion that all requirements for **940 Caledonia Street** have been satisfied and the application submitted by the applicants has been properly filed. Motion passed by unanimous voice vote.

Stuart moved and **Ewy** seconded a motion that all requirements for **749 Wildrose Way** have been satisfied and the application submitted by the applicants has been properly filed. Motion passed by unanimous voice vote.

Meseck asked if anyone at the hearing had any objections to the hearing procedures he had described and asked if there were any other preliminary matters that needed to be taken care of. None were heard.

Meseck asked for disclosures from the Board members for any site visits, ex parte communications, and any conflicts of interest or required disclosures on the application.

Disclosures:

Campbell visited **749 Wildrose Way**, has no ex parte communications, and has no conflicts of interest for the application. **Malmquist** did not revisit the property but did originally, has no ex parte communications, and has no conflicts of interest for the application. **Meseck** did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application.

Stuart did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application. **Gorsevski** did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application. **Ewy** did a site visit, has no ex parte communications, and has no conflicts of interest for the application.

Meseck stated that for the requested variance to be approved, five (5) of six (6) votes would need to be affirmative.

Meseck asked the applicants if they were ready to proceed with the hearing.

749 Wildrose Way – Variance Request

Applicant Presentation:

Greg Godec, 749 Wildrose Way, Louisville, CO

I am the property owner at **749 Wildrose Way** in Louisville. My intention tonight is to seek an extension based on new information I received late last week that Staff is recommending against this motion. My understanding up to that point was that it was likely to be recommended. I have been out of town up until this morning, so I have had no opportunity to do anything besides a preliminary conversation with counsel about my options, and to think about how I would further strengthen the case that I have for the variance request.

Meseck says I will open it up to the Board. If there are any bits of information or evidence that we are hoping to get tonight, we would have 30 days to look for it. There was some discussion about Xcel removing trees at a certain point in time due to interference with power lines. I hope to see if there is written documentation from Xcel to tell us what their requirements are for trees being replanted within the property line.

Godec says the information I have from Xcel in regard to that is that no deciduous trees are allowed in the property in the easement. This is a new policy instituted based on fires in the high mountain areas, and it is across the state, not specific to Louisville or Denver. They did give permission for the vines and the structure as it stands.

Malmquist says a continuance is a good idea since you have been out of town. If Staff is not recommending approval, this will give you some time to prepare.

Motion made by **Malmquist**, seconded by **Ewy** to continue **749 Wildrose Way** to the October 19, 2016 meeting. Motion passed by unanimous voice vote.

Meseck says emails regarding **749 Wildrose Way** will be entered at the next meeting since this item has been continued to the October meeting.

- **940 Caledonia St – Variance Request** – A request for a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) for relief from front and rear setback and maximum floor area requirements to allow additions to the existing house.

Case #16-022-VA – Continued from August 17, 2016

- Applicant & Owner: Gary Doty, 940 Caledonia St
- Case Manager: Scott Robinson, Senior Planner

Disclosures:

Campbell visited **940 Caledonia Street**, has no ex parte communications, and has no conflicts of interest for the application. **Malmquist** visited the property, has no ex parte communications, and has no conflicts of interest for the application. **Meseck** did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application. **Stuart** did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application. **Gorsevski** did not do a site visit, has no ex parte communications, and has no conflicts of

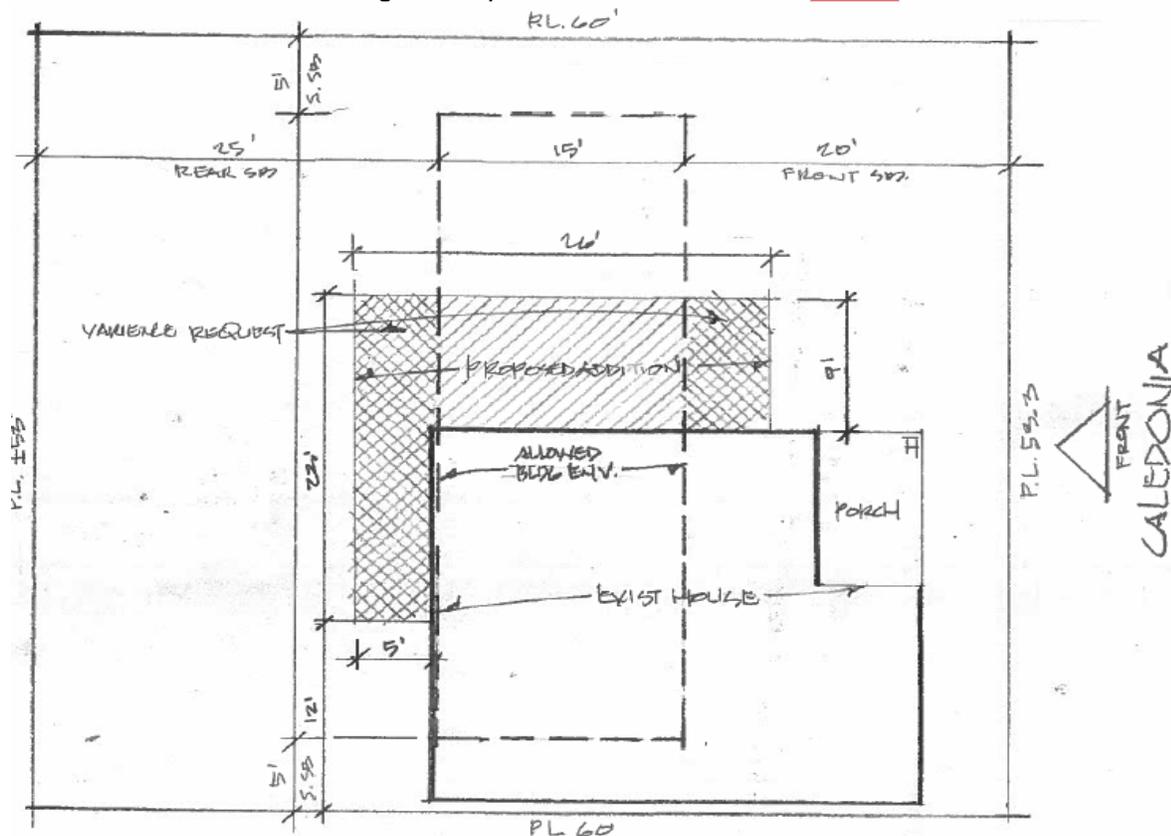
interest for the application. **Ewy** did not do a site visit, has no ex parte communications, and has no conflicts of interest for the application.

Staff Report of Facts and Issues:

This was discussed at the August meeting at which there was a motion to approve the variance as requested and the motion failed by a 3-1 vote with four members present. After further discussion among the Board, the Board voted to continue the request to the September meeting for further discussion and another vote.

OVERVIEW:

Request for variance from standards of Old Town Overlay Zone District to build an addition to the existing house at 940 Caledonia Street. Robinson shows slide with existing house, proposed addition, and allowed building envelope.



The applicant is requesting variances from both front and rear setback requirements as well as a variance from the maximum floor area allowed in the Old Town Overlay Zone District. Staff went through the criteria at the last meeting. In the Staff Report, Staff found all six criteria have been met and recommends approval.

Applicant Presentation: None.

Public Comment: None.

Closed Public Hearing and discussion by Commission:

Ewy makes motion to close public comment and move to Board discussion, seconded by **Stuart**. Motion passed by unanimous voice vote.

Meseck says I thought about this again for a month. I went through the criteria in detail and I have not changed my opinion. Many Old Town properties are fairly irregular, not in the orientation of the lot or the shape of the lot but where the buildings were put on lot. It can create some difficult hardships. Given the size of this lot, which I feel is not very common at all throughout town, you can see the footprint we are asking applicants to adhere to can be challenging to build any useful structure. I think the applicant has done a good job of trying to add onto the existing structure within the envelope provided. The encroachments are fairly minor and from the center out as opposed to from the property lines in. It will have minimal impact on the neighbors. There is little negative precedent from this going forward. I think Staff did a good job on this one and I recommend approval.

Stuart says I was not here for the discussion and Staff presentation, but I read everything in detail. I did Google maps to look at everything. It is such a small lot and such a small building. The modifications being requested are so modest. I agree with every one of the criteria. I find this well suits the kind of thing we want to encourage.

Ewy says over the month, I have also not changed my opinion in the matter. I feel the resulting building envelope from the Old Town Overlay is remarkably small and only 15' wide, which is not a viable buildable lot on its own. The variance requests are very modest. The applicant is going so far as to demolish an existing garage to offset their additional floor area being added to the site. I fully support this variance request.

Malmquist says I second all three of the Board members. I think the addition is very modest and is in keeping with what we are seeing in Old Town. It is a big improvement and is a huge help to the family of three, sometimes four. The amount of square footage they are ending up with is very a small footprint. I am in favor.

Campbell asks Staff a question. At the last meeting, I questioned the size of lots in Old Town. Did you get a chance to research that?

Robinson says I have not done any further research on the size of lots in Old Town.

Campbell says I did. The size of the lot at 913 LaFarge is 2800 sf, 821 LaFarge is 2950 sf, 817 LaFarge is 3195 sf, 815 LaFarge is 3072 sf, 809 LaFarge is 2901 sf, 745 LaFarge is 2972 sf, 738 Jefferson Street is 2966 sf, and 732 Jefferson Street is 3181 sf. All of those lots are smaller than this lot as described at the last meeting. I don't feel this lot qualifies under hardship 1 because this lot is larger than all the lots I have just mentioned. I don't think it qualifies as a hardship. What is the character of Old Town Louisville? It is small houses on small lots. I don't support the idea of rezoning the Old Town area through the use of variances. I believe the proposed structure is over development.

Stuart says while those lots are small, I think they are all potential variances. I think the rules set for 6000 and 7000 sf lots, the side margins to these tiny lots, are not correct. There could be a way to fix that, but right now the rules overly restrict people so they can't build anywhere. The only remedy I see is to look at variance potential. All of those lots you listed are in conflict and subject to unreasonable rules set for 6000 and 7000 sf lots.

Meseck says I understand the list of small lots and there are certainly others. It is not a surprise to me. What I see is the rectangular building envelope this property owner is held to, only a variance can help alleviate these issues. I think the applicant has done an admirable job of keeping things centered on the lot and not encroaching further on other property lines. We determined the applicant is 67' over the square footage of what's allowed. We are not looking at 400 sf or 1000 sf. We are within a couple tenths of a percent. They have done a good job of trying to meet that. The building envelope is unreasonable. If the other small lots come up before this Board, I would be inclined to lean toward variances provided that Staff approved them.

Gorsevski says while I appreciate there are multiple other small lots within the vicinity of this home, I would also note that the existing house is not in conformance with the City zoning laws. If we refuse to grant a variance in this instance, we would essentially be requiring them to scrape their house and re-start within that envelope. Regarding your point about the character

of the neighborhood, small houses on small lots, there is some value in encourage homeowners to preserve their existing home and make modifications to adapt those living conditions to moderate standards. That includes size.

Motion made by **Ewy** to approve **940 Caledonia St – Variance Request** – A request for a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) for relief from front and rear setback and maximum floor area requirements to allow additions to the existing house. **Case #16-022-VA**, seconded by **Malmquist**. Roll call vote.

Name	Vote
Andrew Meseck	Yes
James Stuart	Yes
Leslie Ewy	Yes
Gunnar Malmquist	Yes
Thomas DeJong	n/a
Lowell Campbell	No
Alison Gorsevski	Yes
Motion passed/failed:	Pass

Motion passes 5-1.

- **Resolution of Denial - 2252 Crown Circle – Variance Request** – A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from front and side setback and maximum lot coverage requirements to allow additions to the garage and second story. **Case #16-019-VA**
 - Applicant & Owner: Terry Nelson, 2252 Crown Circle
 - Representative: Patrick Hubbell, Summit Studio Architects
 - Case Manager: Scott Robinson, Senior Planner

Meseck says we need four votes tonight in order to move these resolutions forward. If we do not proceed with these resolutions, they will go back to the City Attorney's desk. They may not return or we may have guidance from him.

Robinson says at the June 15 meeting, there were two requests for variances that were denied. The City Attorney's recommendation was that the Board formalizes the denials in the form of a resolution. Staff has prepared resolutions for each request. Staff requests the Board approve them on the grounds that they accurately reflect the reasons for the denial. Staff requests that Board members who voted in favor of the variances vote tonight in favor of the denials as long as they feel they accurately reflect the reasons for the denial.

Malmquist says we are not voting to reopen the cases but are voting on that the case was properly heard and the denial conclusion. I went back and reviewed the cases since the last meeting and I can vote in good conscience.

Ewy makes a motion to approve **Resolution of Denial - 2252 Crown Circle – Variance Request** – A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from front and side setback and maximum lot coverage requirements to allow additions to the garage and second story. **Case #16-019-VA**, seconded by **Malmquist**. Motion passed by five voice votes. **Gorsevski** abstains.

- **Resolution of Denial - 346 McKinley Ct – Variance Request** – A request for a variance from the Dutch Creek planned unit development (PUD) for relief from the side setback requirement to allow an addition to the second story. **Case #16-020-VA**
 - Applicant & Owner: Rachel and Dan Fox, 346 McKinley Ct
 - Case Manager: Scott Robinson, Senior Planner

Ewy makes motion to approve **Resolution of Denial - 346 McKinley Ct – Variance Request** – A request for a variance from the Dutch Creek planned unit development (PUD) for relief from

the side setback requirement to allow an addition to the second story. **Case #16-020-VA**, seconded by **Malmquist**. Motion passed by five voice votes. **Gorsevski** abstains.

Business Items tentatively scheduled for October 19, 2016:

Robinson says we will see **749 Wildrose Way**. We have received another variance request. We have a flood plan development request.

Robinson welcomes **Alison Gorsevski** as a Board of Adjustment member.

Staff Comments:

Meseck says there is an item going before City Council regarding term limits for Board member. What is the status of that?

Robinson says there was some discussion at the CC meeting but no decision was made.

Rob Zuccaro, Planning and Building Safety Director, says CC did discuss this issue, decided to table the matter, and made no decision. It does not appear they will bring the item back for a final decision. They wish to go through the interview process this year and bring the issue up next year if they feel the interview and appointment process goes well.

Meseck asks if there is a grandfather status where everyone would start from square one. If you have been a Board member for ten years, you would be immediately term limited?

Zuccaro says they did not discuss how it would apply to current Board members. They discussed the terms for each Board and if you meet your term limit, how long before you can re-apply.

Meseck says if there are term limits for the BOA, we would lose members.

Campbell asks if BOA members applied for other Boards and if CC asked them to serve on the BOA.

Meseck says I do not know if individuals applied for other Boards.

Stuart says I first applied to the Liquor Board, but they suggested my skills would be better applied to the BOA. It has worked out quite well.

Meseck says there are different situations for each Board. This Board has been in good shape for the last couple of years, but we have had some meetings with attendance problems. Adding our seventh member, **Alison Gorsevski**, is very helpful to make our quorum.

Campbell says my experience tells me that few people even know there is a Board of Adjustment, and then don't understand what the Board does.

Board Comments: None.

Discussion Items for October 19, 2016 Meeting: None.

Adjourn:

Ewy moved and **Malmquist** seconded a motion to adjourn the meeting. Motion passed unanimously by voice vote. Meeting adjourned at 7:16 pm.

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
October 19, 2016

APPLICANT: Greg Godec, 749 Wildrose Way

OWNER: Same

STAFF PLANNER: Scott Robinson, Planner II

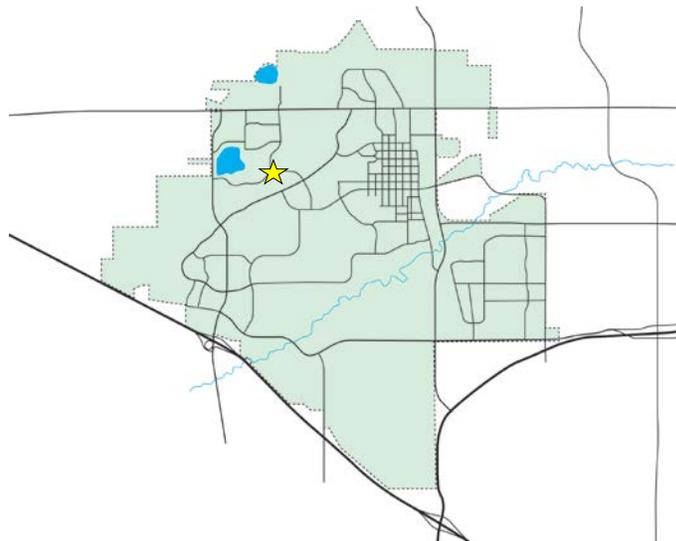
LOCATION: 749 Wildrose Way, Lot 1, Centennial 4 Subdivision

ZONING: Residential Estate (RE)

REQUEST: **Case #16-027-VA** – Request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback to permit a previously constructed pergola.

SUMMARY OF PROPOSAL:

The applicant, Greg Godec, requests an after-the-fact variance from the rear accessory structure setback requirement to allow for the permitting of a previously constructed pergola in the back yard at 749 Wildrose Way. The pergola posts sit 2.5 feet from the rear lot line and the rafters extend to within one foot of the rear lot line. The required rear accessory setback per section 17.16.030 of the LMC is 10 feet. This application was continued from the September 21 Board of Adjustment meeting at the applicant’s request. An updated letter from the applicant addressing the criteria and a document from XCEL Energy addressing trees near powerlines provided by the applicant are attached. Staff’s analysis and recommendation below are unchanged.



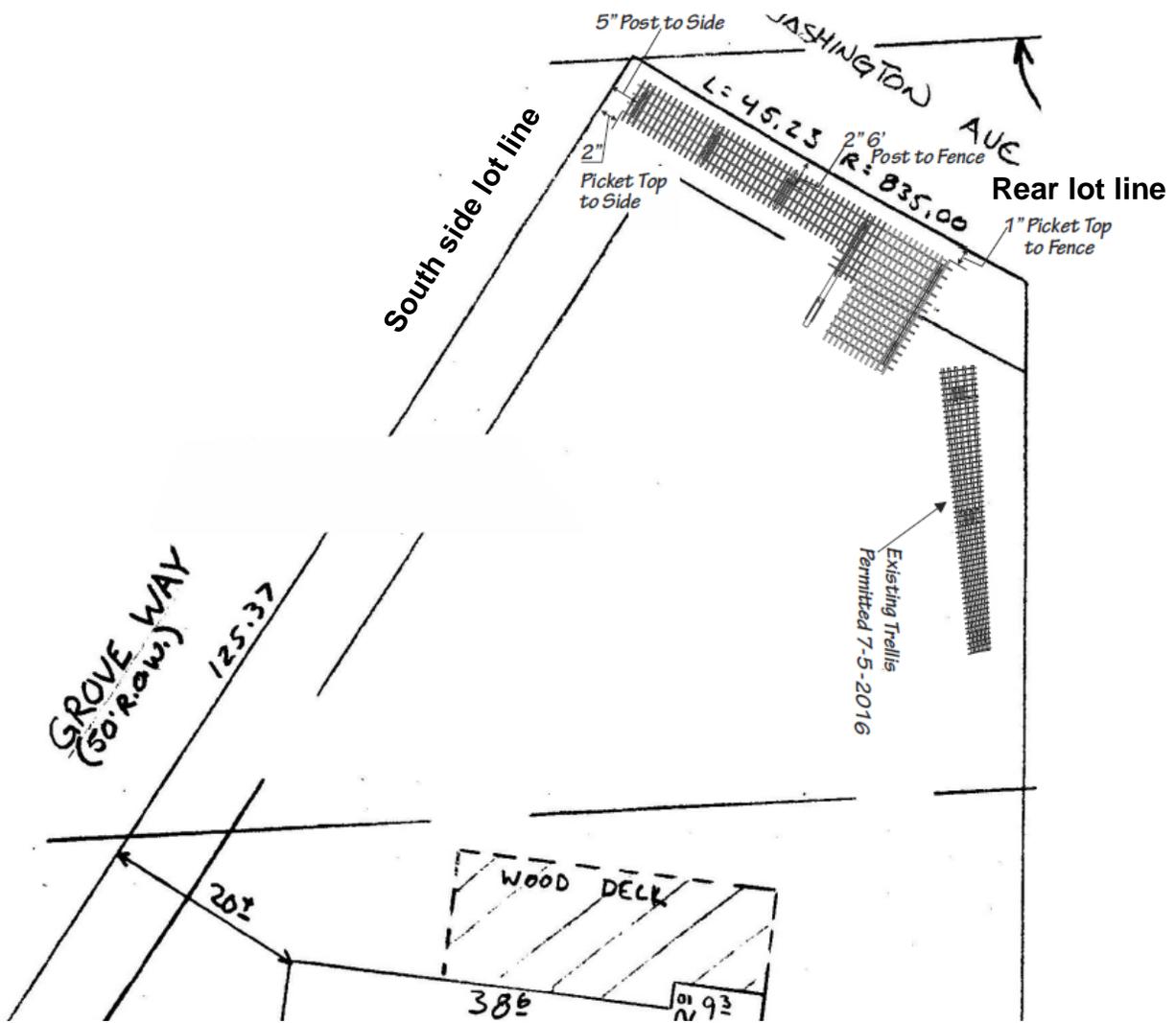


BACKGROUND:

The applicant requests a rear setback variance to allow for permitting of an existing pergola on his property located at 749 Wildrose Way in the Centennial 4 subdivision. The property is zoned Residential Estate (RE) and additionally governed by the Centennial 4 planned unit development (PUD).

The applicant has already constructed the pergola and is now seeking an after-the-fact variance to allow it to remain and be permitted. The pergola posts sit 2.5 feet from the rear lot line and the rafters extend to one foot from rear lot line. Section 17.16.030 governs rear setbacks of accessory structures and requires a minimum setback of 10 feet. The applicant is requesting a variance of nine feet on the rear setback.

The pergola complies with side setback and other applicable regulations. The minimum side setback per the Centennial 4 PUD is five feet, and section 17.16.050 of the LMC allows eaves to extend up to three feet into setbacks. The posts for the pergola are five feet from the south side lot line and the rafters extend to within two feet of the lot line, so comply with regulations.



The property sits at the corner of Washington Avenue and Grove Drive and, according to the applicant, the pergola is necessary to provide a buffer from the streets. There is an existing six-foot fence on the rear and side of the property, which is the maximum height allowed for a fence under the LMC. Although the request is for an after-the-fact variance and the pergola has already been constructed, the evaluation of the criteria and whether to approve or deny the variance are the same as if the pergola had not yet been constructed.



View of the property from the corner of Washington Ave and Grove Dr

REVIEW CRITERIA:

The BOA has authority to hear and decide, grant or deny this application for a variance from Section 17.16.030 of the LMC by the powers granted the BOA in Section 17.48.110 of the LMC. The BOA may grant a variance only if it makes findings that all of the criteria, as established under Section 17.48.110.B.1-6, have been satisfied, insofar as applicable:

The applicant has provided a written analysis of the variance criteria, which has been included in the BOA packet materials. Following is a staff review and analysis of the variance criteria.

- 1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

The property in question is not irregular in shape, nor are there unusual topographical conditions. It sits at the corner of two streets, which is also not unusual. However, the rear of the property is beneath the Xcel Energy high-voltage power lines which run through Louisville and is subject to an easement for such. However, staff does not consider the existence of an easement a physical condition of the lot. **Staff finds this criterion has not been met.**

- 2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.*

The majority of the Xcel power line runs through a dedicated right-of-way in Louisville, but there are a few other properties impacted by it. However, none of these properties sit at a corner similar to 749 Wildrose. Therefore, if the Board determines the easement constitutes an unusual physical condition, staff recommends finding that the condition does not exist throughout the neighborhood. If the Board agrees with staff's determination that

no unusual condition exists, then this criterion would not be met either. **Staff finds this criterion has not been met.**

3. *That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.*

According to the applicant, the Excel easement prevents the planting of trees and landscaping to provide a buffer from the street, and the pergola needs to be near the lot line to provide an adequate buffer. However, the property is already buffered by a six-foot fence, the maximum size fence allowed in residential areas. In addition, there is nothing about the lot that prevents the pergola from being constructed 10 feet from the lot line, in compliance with the requirements. **Staff finds this criterion has not been met.**

4. *That such unnecessary hardship has not been created by the applicant.*

The property was subdivided and the house was built with the Xcel easement in place in 1989. While staff does not find that there is an unnecessary hardship, if there is a hardship found by the Board, staff does not believe it was created by the applicant. **Staff finds this criterion has been met.**

5. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.*

The pergola is at the back of the lot, adjacent to an intersection. This makes it highly visible, but limits its impact on adjacent properties. In addition, there is a landscaped outlot separating the property from the intersection, which limits the impact of the structure on the sidewalk along Washington Ave. So while the pergola will be visible to cars and pedestrians passing by, staff believes it will not alter the character of the neighborhood or impact adjacent properties. **Staff finds this criterion has been met.**

6. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.*

According to the applicant, the pergola is necessary in the current location to provide an adequate buffer from the street. However, as mentioned above, there is nothing about the lot that would prevent the pergola from being constructed in compliance with the setbacks. **Staff finds this criterion has not been met.**

PUBLIC COMMENTS:

Public notice was mailed to all property owners within 500 feet of the subject property. At the time of this report's creation, staff has received several public comments in favor of the variance, which are attached. If additional comments are received prior to the hearing, that information will be presented at the hearing.

STAFF COMMENTS AND BOARD ACTION:

Staff finds criteria 1, 2, 3, and 6 in Section 17.48.110 of the LMC have not been met and therefore recommends denial of the rear accessory structure setback variance request.

The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request additional information if they feel it is needed for their proper consideration of the variance application. The Board will need to make a determination based on the application as it has been submitted. If the Board desires the applicant to make changes to the application that would affect the extent of the variance requested, staff recommends the Board continue the hearing to a later date.

The Board needs to find all six variance criteria, insofar as applicable, have been met for each request in order to grant approval of a variance. If the Board wishes to deny the variance request, staff recommends passing a motion denying the variance indicating which criteria for approval have not been met. If the Board determines that the variance meets all of the applicable criteria for approval, staff recommends passing a motion approving the variance request.

ATTACHMENT

1. Applicant Information
2. Site Plan
3. XCEL Tree Policy
4. Public comments

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: _____
 Contact: _____
 Address: _____

 Mailing Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

OWNER INFORMATION

Firm: _____
 Contact: Greg Godec
 Address: 749 Wildrose Way, Louisville, CO 80027
 Mailing Address: SAME
 Telephone: 720-272-0317
 Fax: _____
 Email: ggodec@yahoo.com

REPRESENTATIVE INFORMATION

Firm: _____
 Contact: _____
 Address: _____

 Mailing Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

PROPERTY INFORMATION

Common Address: 749 Wildrose Way
 Legal Description: Lot 1 Blk _____
 Subdivision Centennial 4
 Area: 11218 Sq. Ft.

TYPE (S) OF APPLICATION

- Annexation
- Zoning
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Subdivision Plat
- Preliminary Planned Unit Development (PUD)
- Final PUD
- Amended PUD
- Administrative PUD Amendment
- Special Review Use (SRU)
- SRU Amendment
- SRU Administrative Review
- Temporary Use Permit: _____
- CMRS Facility: _____
- Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

PROJECT INFORMATION

Summary: Building a trellis and pergola at the back of my property due to Ever Energy cutting down 5 mature trees that had been on the property line for 25 years

Current zoning: _____ Proposed zoning: _____

SIGNATURES & DATE

Applicant: _____
 Print: Greg Godec
 Owner: _____
 Print: Greg Godec
 Representative: _____
 Print: _____

CITY STAFF USE ONLY

- Fee paid: _____
- Check number: _____
- Date Received: _____

TO: Louisville Board of Adjustments

RE: 749 Wildrose Way, request for after the fact variance from side and back setback for a trellis and pergola.

1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

The unique physical situation on this lot was created this year when Excel Energy changed their policy on the easement at the back of the property and removed one mature aspen and three mature apple trees from the back property line. In addition they removed one Ash from the back northwest corner of my property. This has completely exposed the property to the noise and view of anyone on Washington driving or walking by and has impacted the desirability and value of the property.

2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

In this case, this is the only lot in the neighborhood impacted by the easement and tree remove to this extent, and so the unusual circumstance by definition exists.

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.

The current zoning requires a ten foot setback from the rear property line and five feet from the side property line. Due to the inability to plant trees on the property line complying with the setback requirement for the trellis and pergola would not address the hardship. In order to remedy the hardship the trellis and pergola need to be built close enough to the property line to enable vines and plant cover to provide some approximation of the privacy, noise abatement and aesthetic appeal of the property prior to the hardship. The trellis is 2" from the side property line and one foot from the rear property line.

4. That such unnecessary hardship has not been created by the applicant.
This situation was not created by the applicant.

5. That the variance, if granted, will not alter the essential character of the neighborhood or district the in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

If this variance is granted it will not alter the character of the neighborhood and will enhance the view of the corner from the street and trails adjacent to the property. This project will in no way impair the use or development of the adjoining property.

6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.

The requested variance is if granted is the minimum that will allow relief from the hardship and to allow a seamless visual transition along the property line.

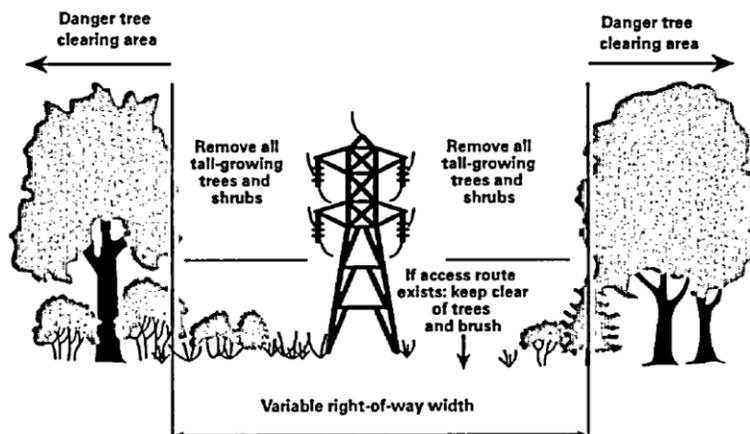
TO: Louisville Board of Adjustments

RE: 749 Wildrose Way, request for after the fact variance from the back setback for a trellis and pergola.

1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

Physical circumstances are defined as anything relating to the boundaries or physical attributes of a piece of property. In this case the physical nature of the circumstance is related to the area above the property, which upon review of standard and common practices in property law is always considered part of the property boundary, and rights associated with the fair use of that space and limitations imposed on that use due to the proximity of the high voltage power lines. Excel upgraded the high tension lines to 230KV a few years ago and implemented much more aggressive vegetation management rules. This year those rules required the removal of all trees directly under the transmission lines. I have included the Excel Notice of tree Removal which illustrates the rules and have inserted the relevant graphic from the Xcel Vegetation Management guide here for your review.

Cross-Section of Typical Transmission Right of Way



Unfortunately, this property is one of only two or three that are located directly under the lines and the only property where the lines are directly over the back edge of the property. The unique physical situation on this lot is that due to the physical restriction on tree and vegetation height I cannot plant trees or brush similar to all of the neighbors and consistent with the overall aesthetic of the location. Prior to this I had one mature aspen and three mature apple trees planted on the back property line and they were all removed. In addition they removed one Ash from the back northwest corner of my property. This has completely exposed the property to the noise and view of anyone on Washington

driving or walking by and has impacted the desirability and value of the property. His corner is also a bus stop for the junior high and high school and so sees exceptional traffic at least twice a day. While I understand the view of the city planner at our last meeting was that there was no physical circumstance or limitation present on this case, I believe that upon further review it should be clear that a limitation on the space directly above my property constitutes a unique physical circumstance and the board can have no choice but to consider this requirements met.

2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

In this case, this is the only lot in the neighborhood impacted by the easement and tree remove to this extent, and so the unusual circumstance by definition exists. Beyond that it appears that this may be the only lot in Louisville that has the lines directly over the back line of the property as most of the path is along a right of way.

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.

The current zoning requires a ten foot setback from the rear property line and five feet from the side property line. Due to the inability to plant trees on the property line complying with the setback requirement for the trellis and pergola would not address the hardship. In order to remedy the hardship the trellis and pergola need to be built close enough to the property line to enable vines and plant cover to provide some approximation of the privacy, noise abatement and aesthetic appeal of the property prior to the hardship. The trellis complies with the side setback and if placed ten feet into the yard would great a bizarre ten foot empty space at the back of the yard and would further detract from the aesthetic character of the corner. The existing fence, in alignment with all the fences along Washington in the neighborhood, is only four feet high and although I could clearly build a six foot fence, it would not be in alignment with the rest of the border fence and would create a clear lack of uniformity which is not desirable in a neighborhood of this type. This property is in a high traffic area and on the down slope side of an intersection so when cars are stopped on Grove facing Washington they are higher than my property and a six foot fence or pergola ten feet back in my yard would not provide an adequate barrier for their headlights. The trellis and pergola as they stand now provide a clean line and blend exceptionally well with the premium nature of these houses. As the vines grow onto them they will become a lush green part of the corner and create a smooth transition to trees farther in the yard which are all reasons why the idea of building a trellis and pergola like this in the middle of my yard is not in the best interest of Louisville and, based on the letters, and e-mails clearly not what anyone living in the neighborhood would like to see done. Please approve this requirement as the only reasonable option in this case.

4. That such unnecessary hardship has not been created by the applicant.

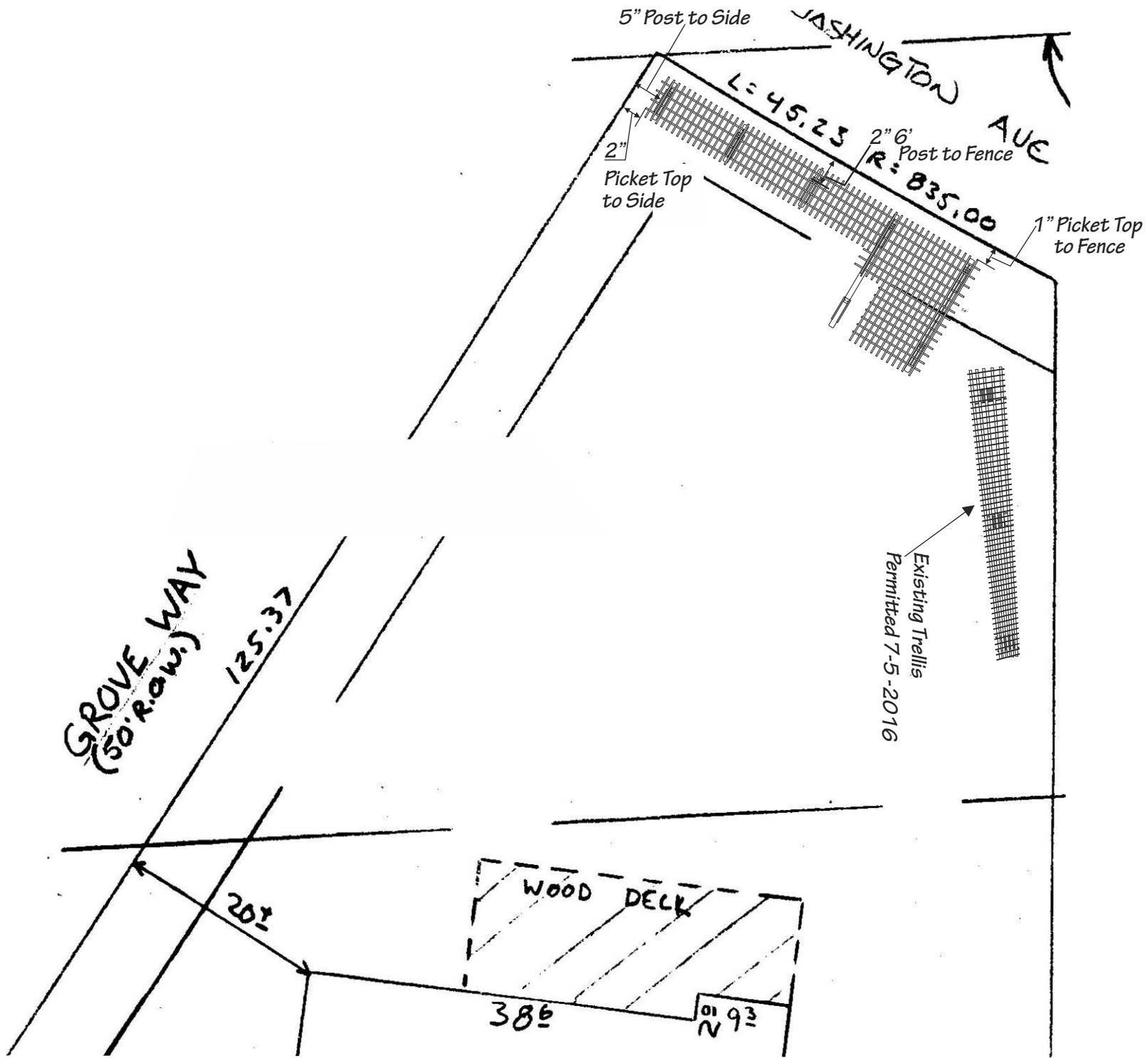
This situation was not created by the applicant.

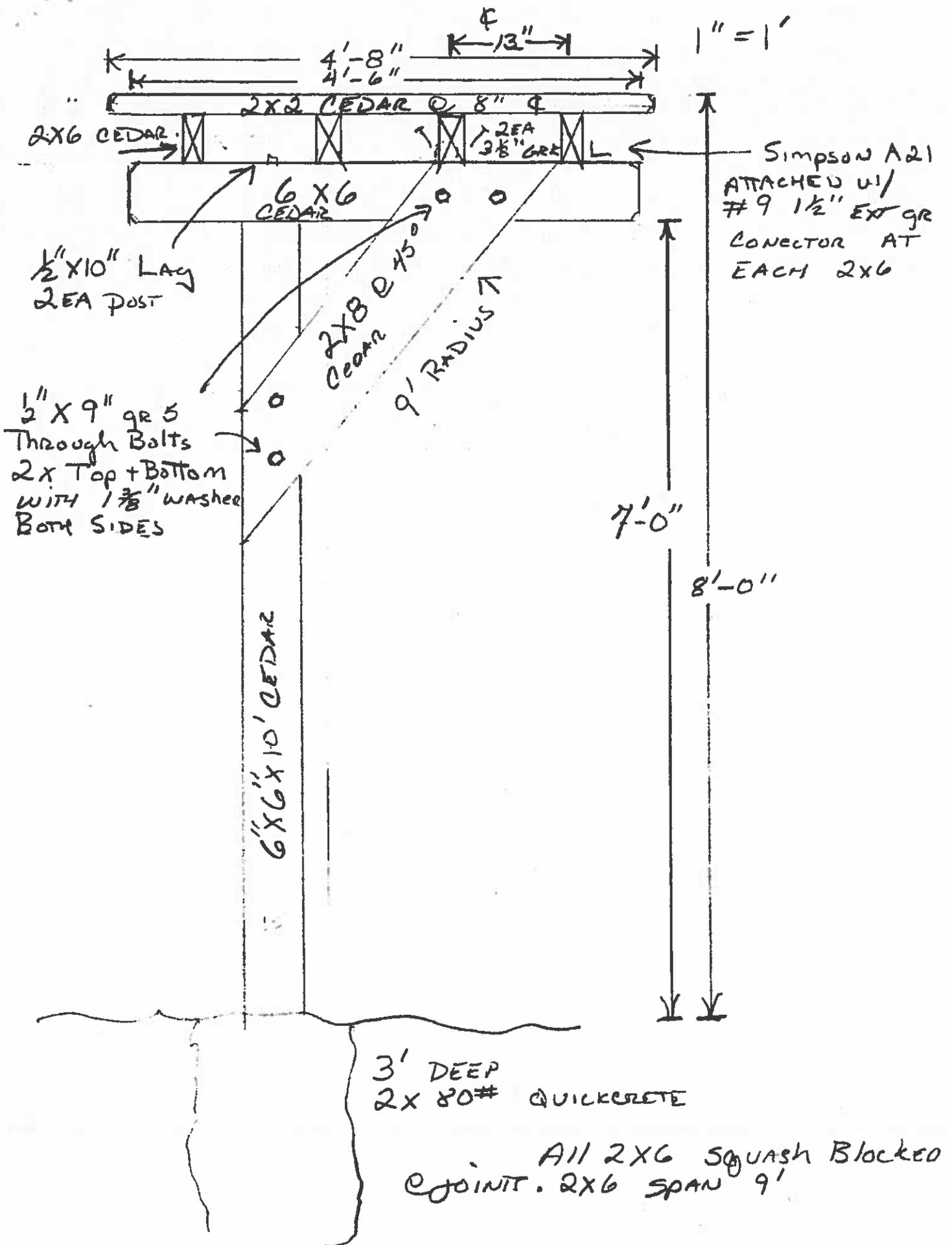
5. That the variance, if granted, will not alter the essential character of the neighborhood or district the in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

If this variance is granted it will not alter the character of the neighborhood and will enhance the view of the corner from the street and trails adjacent to the property. This project will in no way impair the use or development of the adjoining property.

6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.

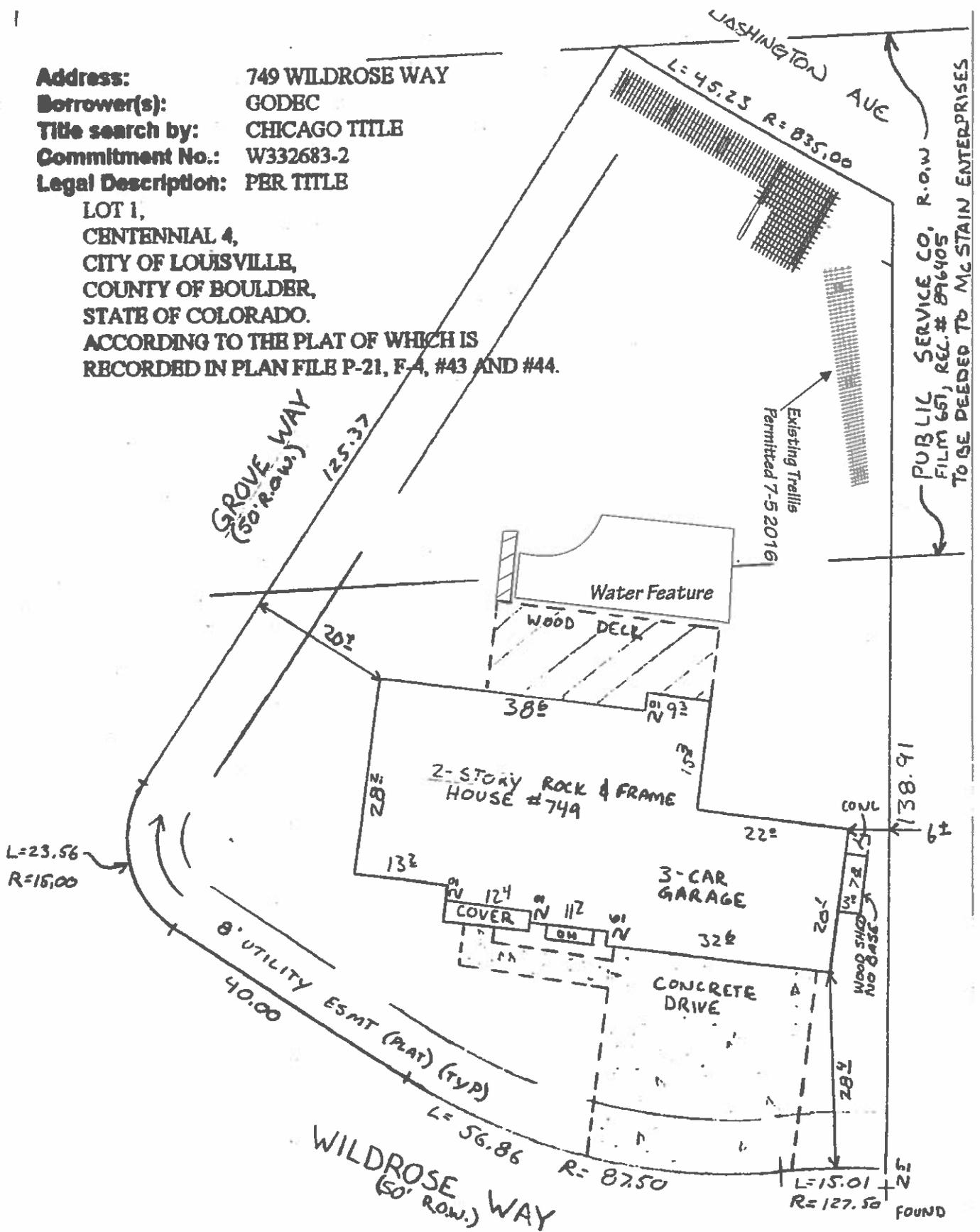
Please see item three (3) above. The requested variance if granted is the minimum that will allow relief from the hardship and to allow a seamless visual transition along the property line. Placing the trellis and pergola any farther into the yard will create an awkward and unsightly gap between the street and the property line. In addition there is a planter between this property and the road so the trellis and Pergola are already over ten feet from the sidewalk in most cases and in the center section are almost twenty feet from the corner. With an additional ten foot setback the structure would be an unreasonable and unsightly distance from the corner. We have searched our hearts, spent a lot of time driving and walking behind houses in Louisville and talked to dozens of neighbors that support the current structure and believe that this is the best and right decision for the board to make and is in compliance with the responsibility of the board to protect the character and aesthetic value of our community.

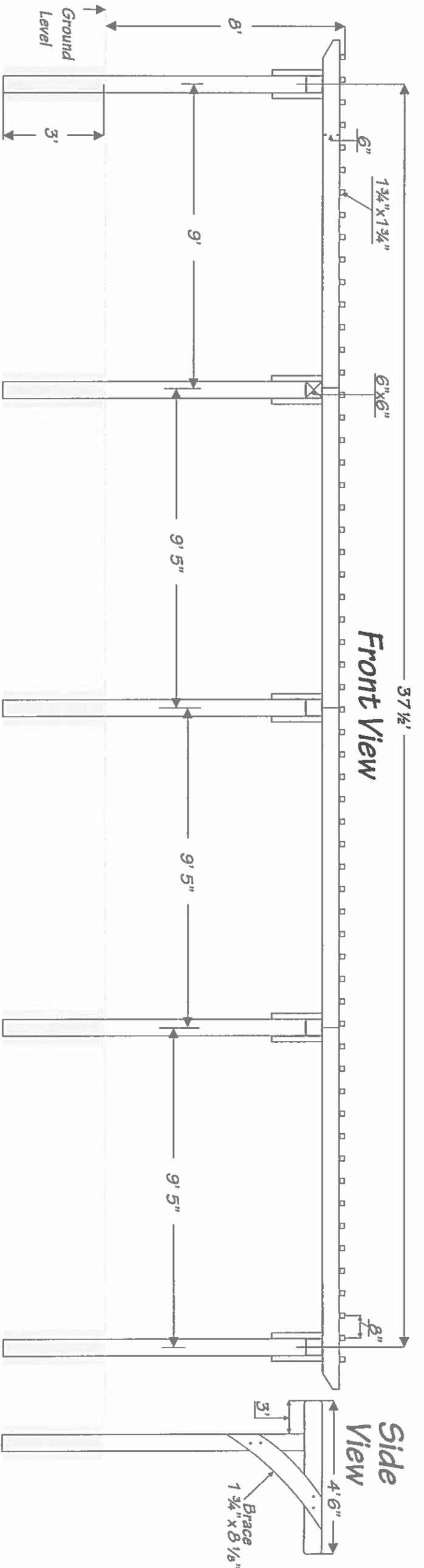




Address: 749 WILDROSE WAY
Borrower(s): GODEC
Title search by: CHICAGO TITLE
Commitment No.: W332683-2
Legal Description: PER TITLE

LOT 1,
 CENTENNIAL 4,
 CITY OF LOUISVILLE,
 COUNTY OF BOULDER,
 STATE OF COLORADO.
 ACCORDING TO THE PLAT OF WHICH IS
 RECORDED IN PLAN FILE P-21, F-4, #43 AND #44.

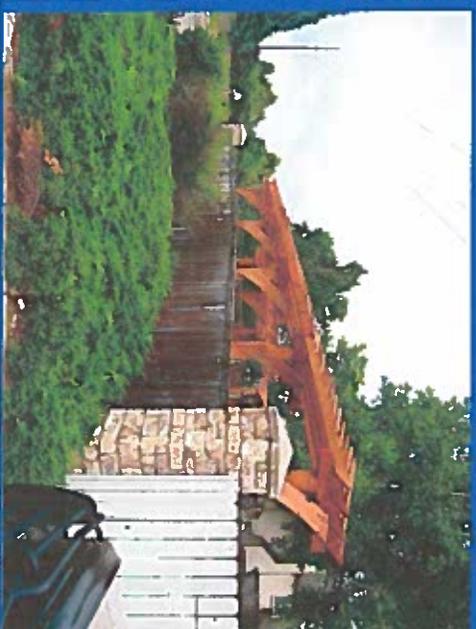
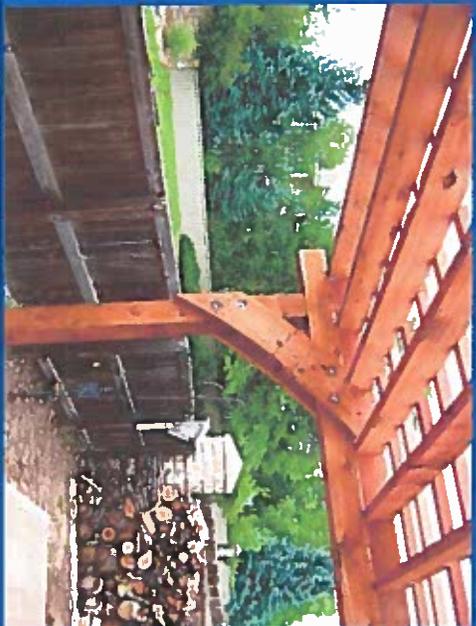
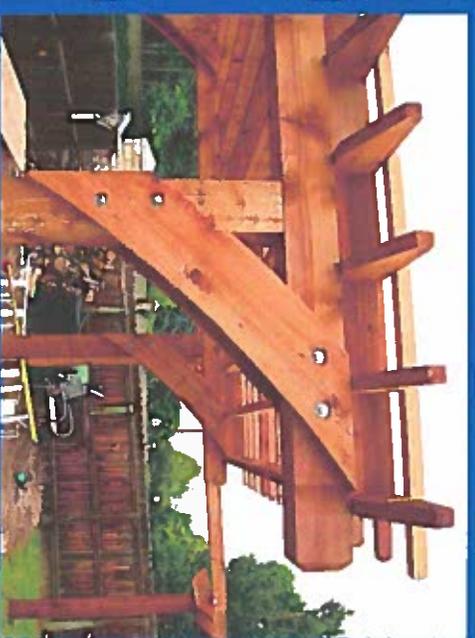
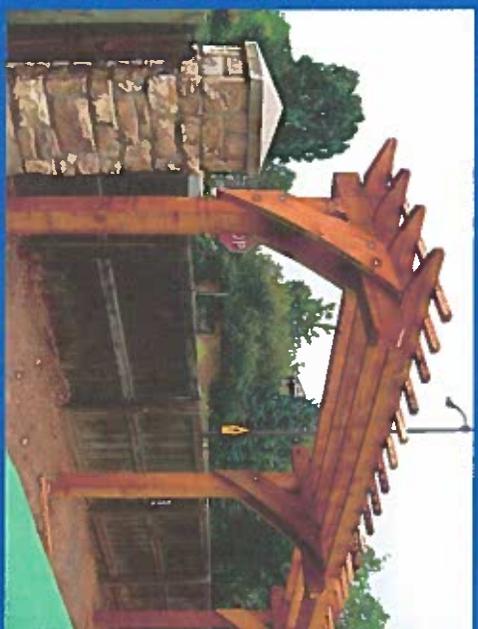
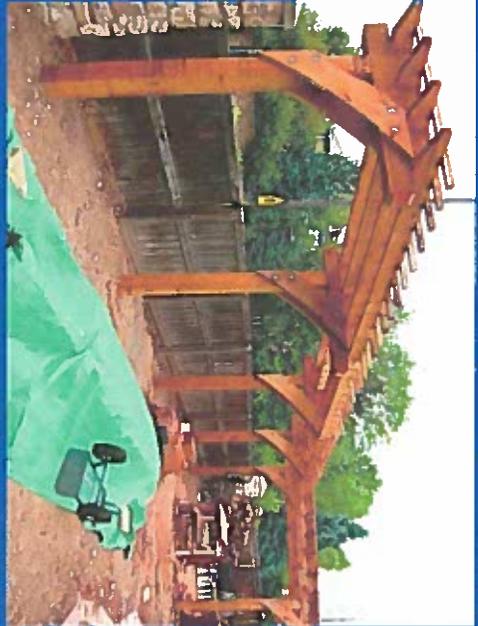




Top View

Fence and Pergola Project Information
 749 Wildrose Way
 June 2016

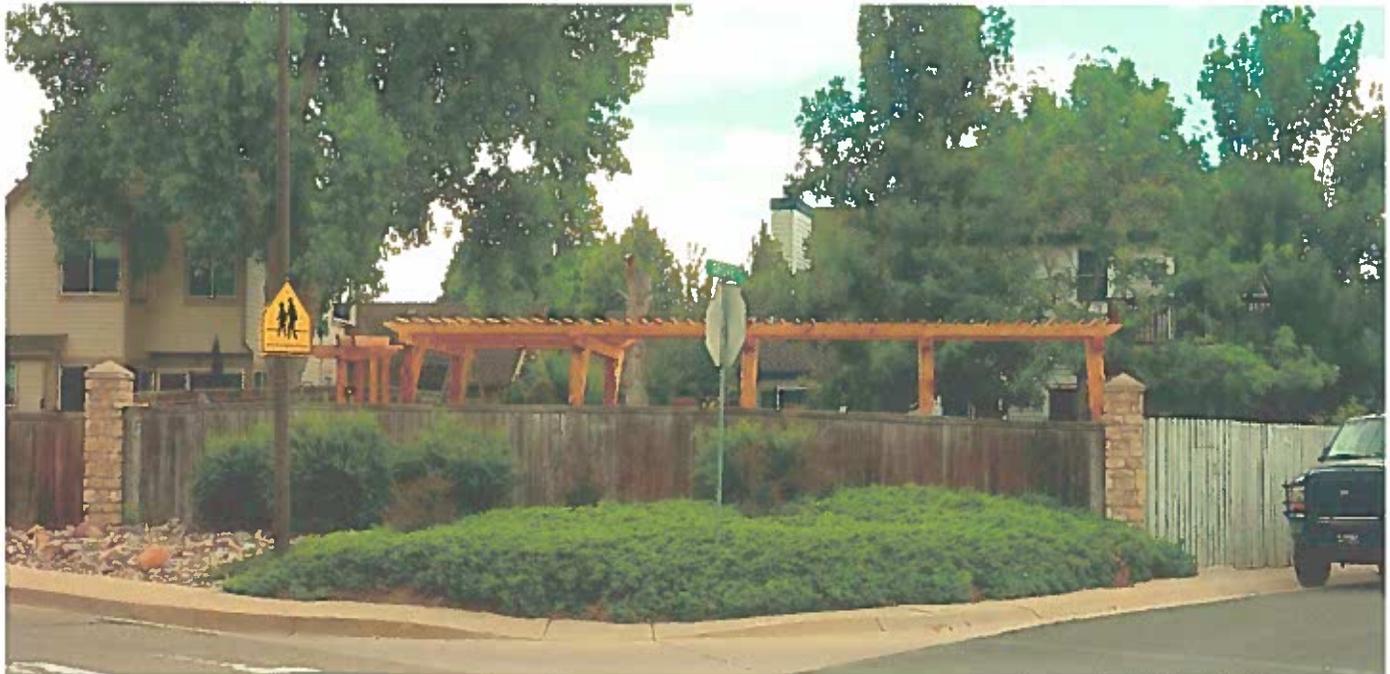
Fence and Pergola Pictures

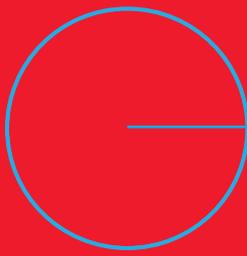


View from across the street prior to removal of tree by Excel.



New street view prior to grapes and vines covering the trellis.





NOTICE OF:

TREE REMOVAL

PLEASE READ CAREFULLY

Dear Property Owner,

Providing safe and reliable electric service, while complying with various government agencies' requirements, is our top priority. To do so, we routinely maintain vegetation along our right-of-way.

Employees from Xcel Energy's vegetation management contractor,

_____, will be working in your area in the coming weeks. They will perform routine maintenance, in accordance with our "Vegetation Management Guidelines" and common industry practices, on the transmission lines running through your property and adjacent properties.

One or more of your trees have been identified as needing to be completely removed to the ground. This is necessary due to the type of tree(s) and its proximity to the power line. Our contractors will cut the tree(s) as close to the ground as practical. The wood will be left on site, the limbs will be hauled away, and where applicable the stump(s) will be treated to prevent re-sprouting.

This service is provided at no cost to you to prevent outages caused by trees and to best ensure compliance with various government agencies' rules and regulations.

If you wish to discuss the necessary work please call

_____ at _____.

Otherwise expect crews to arrive within the coming days.

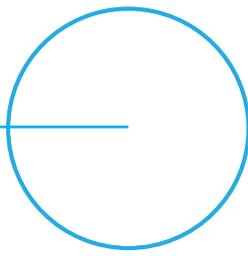
Thank you for your cooperation as we work to provide safe, reliable electrical power.

Sincerely,
Xcel Energy

Work Description:

Date : ___ / ___ / ___

Line # _____ State _____



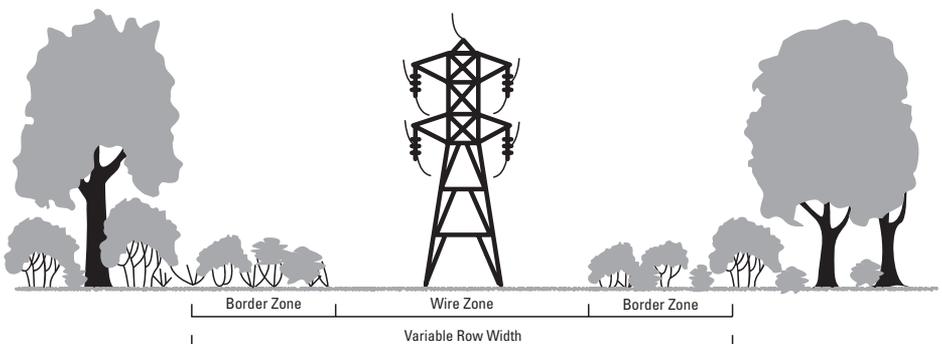
Please call and notify us if:

- You wish to discuss necessary tree removal
- You have a pet and/or locked gate, as we need a day's notice.
- You do not own the property.

NOTE: DO NOT attempt to prune or remove any tree that could come into close proximity with an energized conductor. It may be against the law and must be done by a qualified line clearance professional.

The primary objective of the transmission line clearance program is to keep transmission facilities clear of all incompatible trees, brush and other vegetation that could grow too close to conductors. This is accomplished by routine maintenance on each transmission circuit, including tree removal, pruning, mowing and herbicide application. Each transmission right-of-way (ROW) has an established maintenance cycle depending on the work required. Maintenance objectives include:

- Public and worker safety
- Compliance with regulatory and legal requirements
- Reliable electric service that allows for operational flexibility
- Environmental stewardship and habitat enhancement



Wherever feasible, the wire zone/border zone concept (Bramble and Byrnes) shall be integrated into the vegetation management program to allow for different types and heights of vegetation in the ROW. The International Society of Arboriculture's booklet titled "Best Management Practices—Integrated Vegetation Management" provides a good working summary of this concept. This concept differentiates between the wire zone directly under the conductors and the remaining border zone.

Generally, this concept allows for different, yet compatible, vegetation types in these separate zones.

- **Wire Zone:** Area directly underneath the conductor(s). Vegetation in the wire zone consists of low-growing forbs and grasses.
- **Border Zone:** Area that begins at the outside edge of the wire zone and extends to the edge of the easement. The border zone may contain additional low-growing woody plants and trees.
- The wire zone/border zone concept, as applied by Xcel Energy, does not require removal of tall-growing trees if, at maximum mature height, the tree would not come within the distances set forth in the "Minimum Clearance Guidelines", even if the tree were to fall toward the conductors.

Areas outside the border zone must be patrolled for hazard trees.

Scott Robinson

From: Greg Godec <ggodec@yahoo.com>
Sent: Monday, September 12, 2016 10:16 PM
To: Scott Robinson
Subject: Fwd: Save the pergola and leave it where it is

Here is another one.

Thx
gg

Begin forwarded message:

From: Dick Doerr <doerrd@hotmail.com>
Date: September 12, 2016 at 10:35:11 PM CDT
To: "ggodec@yahoo.com" <ggodec@yahoo.com>
Subject: **Save the pergola and leave it where it is**

Hello Greg,

We are your neighbors across the street on the corner, the stucco house with the tile roof (1020 Meadow Court). What a shame to (unnecessarily?) have cut down all those trees. A questionable policy, to be sure. We think the new pergola looks great just exactly where it is and will look even nicer once those grapevines start growing and covering it. We hope the Board of Adjustments will take this into consideration, leave it right where it is and NOT tear it down. So we will put in our "two cents worth" via this Email and also ask that the Board see fit to approve the current location of your attractive pergola. Good luck!

Charry-Doerr

Richard Doerr and Myriam

12 September 2016

Scott Robinson

From: Greg Godec <ggodec@yahoo.com>
Sent: Monday, September 12, 2016 10:17 PM
To: Scott Robinson
Subject: Fwd: Your Yard

And another one. :)

Begin forwarded message:

From: Donald Lowe <loweland51@gmail.com>
Date: September 12, 2016 at 10:57:59 PM CDT
To: ggodec@yahoo.com
Subject: Your Yard

Dear Greg,

As two people who, at minimum, look directly at your back fence every morning on our way to work, my husband and I want to let you know that we think your pergola and trellis are gorgeous and add to the beauty of our neighborhood. We live on Grove Court and almost always exit the Summerhill development by pulling out on to Washington. That means we are face-to-face with your structure regularly and we find it very attractive.

My husband and I support your request to the city for a variance. Moving that structure in 10 feet appears to set it in the center of your yard. Since your purpose is to regain some of the privacy stripped from you by Excel's mitigation, moving the structure defeats the purpose of the pergola.

We wish you success dealing with the City.

Sincerely,

Don and Patty Lowe
1170 Grove Court
Louisville, CO. 80027

Sent from my iPad

Scott Robinson

From: Steve McGrath <mcgrath.steve.p@gmail.com>
Sent: Tuesday, September 13, 2016 1:01 PM
To: Scott Robinson
Cc: ggodec@yahoo.com; Sue McGrath
Subject: Variance 749 Wildrose Way

I'm emailing to express my support for the variance request at 749 Wildrose Way. The proposed trellis and pergola will have no impact on the neighborhood and seem like a reasonable way for Greg Godec to recover a little shade and privacy in his back yard. The traffic zooming by on Washington Street will not be impacted either. Please approve this variance request as it comes before the Board of Adjustment.

Thanks

--

Steve McGrath
738 Wildrose Way
Louisville CO 80027

Scott Robinson

From: Michele Pelanne <michelepelanne@gmail.com>
Sent: Wednesday, September 07, 2016 2:49 PM
To: Scott Robinson
Subject: Variance Greg Godec

Hello,

I live at 741 Wildrose Way 2 doors north of Greg Godec's home. Those of us who have lived a in Louisville "before trees" understand how long it has taken to grow trees to a size that offer shade and privacy so I was dismayed when trees along Washington were cut even as I understood "the right" of public service to do so. Greg's beautiful apple trees could have never affected the power lines - not ever. That tells me that \$\$\$ was the driving motivator in these actions. The tree company gets paid per tree - they didn't care about the resident. Public service couldn't take the time (costs money) to review the "threat" of individual trees - they didn't care about residents. Louisville just held up it's hands and said "we can't do anything". Really? We have an arborist on staff who is so busy that issues about residential trees isn't on his bandwidth? What about the residents??? Who then offers any resistance against "the powers that be" concerning residential issues? That the trees under power lines on properties on the opposite side of Washington - tall trees, trees that can affect power lines, trees that have been trimmed because of their affect on the power lines - were not cut says something again about \$\$\$\$. What is up with that??? Some people are protected while others can not be? Had Louisville offered any informed resistance, perhaps we would not be having this discussion.

When the trees were cut, the view from my yard became an unobstructed view of the street sign in an otherwise lush area - awful. For Greg it was ten times as bad. His beautiful backyard might as well have no boundaries for the exposure that was created. Not only do I support Greg in his attempt to restore his backyard, but I consider the structures that he built to be beautiful and in keeping with other structures built on the fence line abutting Washington in yards like the ones pictured below... my yard. If we can not grow trees, then allow us to make the our yards more beautiful with structures that offer shade and privacy.

Please allow Greg Godec his variance.

Sincerely,
Michele Pelanne
741 Wildrose Way
Louisville
[303 661 0110](tel:3036610110)

Scott Robinson

From: Jim Taggart <jim.a.taggart@gmail.com>
Sent: Monday, September 12, 2016 6:45 PM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: Setback variance for Greg Godec and his trellis

Mr. Scott Robinson,

I am a neighbor (across Washington to the west) of Greg Godec and I want to support him in gaining a setback variance for his trellis construction.

Even though we have lived nearby for many years, I did not know or meet Greg until recently when he approached me in support of his setback variance effort. Please take this as a disinterested person's viewpoint, as that what it really is.

I am aware of Excel's action to remove many trees in the nearby area and I witnessed the removal of Greg's trees from my back yard. The trellis Greg has built is attractive now and it will be even more so when the vines he will plant grow and cover the trellis and pergola. Since the trellis is light (not massive like a building) I really think the appearance is nice as it is and Greg should be granted his variance request.

I strongly support the Board of Adjustments granting a variance to Greg for his trellis.

Jim Taggart

1168 Grove Ct.

Louisville, CO 80027

303-673-9756

Scott Robinson

From: Greg Godec <ggodec@yahoo.com>
Sent: Monday, September 12, 2016 7:28 PM
To: Scott Robinson
Subject: Fwd: Trellis project

FYI

Begin forwarded message:

From: Mark Wilcox <kerplunk2@yahoo.com>
Date: September 12, 2016 at 7:24:43 PM MDT
To: ggodec@yahoo.com
Subject: Trellis project

Greg,

We were heart broken for you when your beautiful trees were cut down. It has ruined the privacy of your yard and is a loss for our neighborhood.

Please know that we wholeheartedly support the trellis and pergola in their current location. Please add our names to the list of your neighbors that ask for a variance in this case.

Thank you to the city for their consideration.

Warm regards,

Katie and Mark Wilcox
729 Wildrose Way
Louisville Co

[Sent from Yahoo Mail for iPad](#)

Scott Robinson

From: Wendy Baumert <wendy.baumert@gmail.com>
Sent: Thursday, September 15, 2016 10:19 AM
To: ggodec@yahoo.com
Cc: Scott Robinson
Subject: In support of your beautiful trellis

Dear Greg,

As your next door neighbors, we wanted to express our 100% support for your trellis and pergola backyard beautifying project.

We love it!

Sorry we can't attend the hearing but we sincerely hope the variance is granted without any problem.

Best,

Wendy and Kevin Baumert

745 Wildrose

Scott Robinson

From: Barbara Holub <barbara.holub@comcast.net>
Sent: Wednesday, September 21, 2016 3:46 PM
To: Scott Robinson
Subject: 749 Wildrose Pergola

Dear Mr. Robinson,

I will not be able to attend tonight's Board of Adjustment meeting. So, I am taking this opportunity to voice my opinion on the request for variance at 749 Wildrose.

The structure in question is beautiful, and does seem fairly appropriate for the area. However, two things bother me:

1) The structure was built without a permit.

If the Board is to approve this structure as is, and without penalty, I think this is unfair to people who legally go through the permitting process, and it encourages people to build without a permit.

2) The structure was built out of code.

The structure is beautiful, and I too, would like to build a similar pergola with the same setback to my property lines. If the Board approves the Wildrose structure, I would like to request a variance for my property for the same reasons stated by the Wildrose owner.

Perhaps the Board could review setbacks for the entire city. I think what is fair for one owner should be fair for all. On the other hand, it seems to be a waste of resources to require this owner to tear down the structure.

My recommendation is that the Board approve this structure, but impose a significant fine, thus discouraging others from doing exactly what the Wildrose owner did. If the Board allows the structure to remain as is without penalty, I request the Board to change setbacks for all, perhaps taking into account housing density, lot size, adjacent streets, etc.

Respectfully,
Barbara Holub

Scott Robinson

From: Kevin Van Liere <kevin.vanliere@gmail.com>
Sent: Monday, September 26, 2016 8:08 AM
To: Scott Robinson
Subject: 749 Wildrose

Hi Scott,

I live in the neighborhood of 749 Wildrose. I am completely and strongly in support of the requested variance to shield the owners back yard from the heavy pedestrian and vehicle traffic. The trees that were cut down by Xcel makes the area look terrible and were really unnecessary. The owners changes actually bring back some life and good looks to the corner. The additional setback would be extremely wired.

Finally, the owners have been great for the neighborhood, offering the yard as a storage for stop signs for crossing guards to keep kids safe. They are good people and we should return the favor.

Regards,

Kevin
(720) 988-9535

Scott Robinson

From: John Kirk <jkirk652@yahoo.com>
Sent: Monday, September 19, 2016 4:17 PM
To: Scott Robinson
Subject: 749 Wildrose Way - Trellis/Pergola

Hi Scott,

My name is John Kirk and I live at 652 W. Pine St. Over the past few weeks I have come to appreciate the trellis and pergola constructed in the rear yard at 749 Wildrose Way. I do not believe the trellis presents any safety hazards and is in fact a visual enhancement to viewers from the adjacent intersection of Wildrose and Washington. It is my opinion the variance should be granted to allow the structures to remain.

John

Scott Robinson

From: APLacy <aplacy@comcast.net>
Sent: Tuesday, September 20, 2016 3:51 PM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: Variance Request for 749 Wildrose Way

Dear City of Louisville Planning and Homeowner Greg Godec:

We are writing **in favor of the Variance Request being sought for Mr. Godec's recently constructed Pergola and trellis.**

We live directly across from his property on the other side of Washington. We have also like many in power line easement been strongly affected by recent tree cutting to the extreme of removal. We appreciate Mr. Godec's effort to restore some source of privacy/protection to his backyard by constructing his structure. It is in good taste and will look nice once vines grow in. Not granting the variance puts the project at risk of not happening and lots of exposure for all .

Best of luck at the meeting.

Regards,

1150 Grove Ct. Louisville, CO

**LACYS
Andy & Priscilla**

Scott Robinson

From: Jeff Lazo <lazo@ucar.edu>
Sent: Monday, September 26, 2016 1:52 PM
To: Scott Robinson
Subject: Variance request at 749 Wildrose Way

Scott Robinson:

I am writing concerning the request for a variance for the property at 749 Wildrose Way. I live several blocks away on Arapahoe Avenue but drive or walk by this property almost daily and thus have noticed the issue with the trellis being installed at that location. Your contact information was provided in a flyer on the property.

The flyer asked people to contact you if we supported the potential variance but I am writing to indicate that I do not feel a variance should be allowed. I do sympathize with the owner's potential loss of privacy due to having to cut down trees under the power lines. That is an unfortunate reality of the location of that property but not reason for a variance that affects everyone else in the vicinity.

Basically I feel that the structure as partially constructed is an eyesore and significantly impacts the visual quality of the neighborhood. In my opinion, it considerably increases the feeling of "mass" at that corner and increases the feeling of density and crowding for the neighborhood overall. I would therefore oppose a variance as this I feel this has a significant negative impact on the neighborhood. The City codes are presumably designed to protect against such impacts.

In addition I am surprised (and in doubt) that the owner was not aware of the requirement to obtain planning approval and therefore am further opposed to permitting a variance. In my opinion it was almost certain from the ongoing work at that location that contractors were involved who surely would have informed the owner of the requirement for a permit. I also suspect given the number of mailings we receive from the City each year that any owner in Louisville is or should be aware that such construction would require a permit.

Sincerely,
Jeff Lazo

--

[Jeffrey K. Lazo, PhD.](#)

[Director – Societal Impacts Program \(SIP\)](#)

Weather Systems and Assessment Program (WSAP) / Research Applications Lab (RAL)

National Center for Atmospheric Research (NCAR)

Box 3000, Boulder, CO 80307

Office: 303-497-2857

Scott Robinson

From: Robert Lee <rlee@mymarketpartners.com>
Sent: Friday, September 16, 2016 11:22 AM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: Greg Godec Variance
Attachments: 20160915_165946.jpg

I am writing this in support of Greg Godec's trellis construction. The neighborhood was dealt a pretty tough blow when Xcel took out the trees not only in Greg's backyard but down Washington Ave. See attached.

This left a huge unsightly hole as we enter our neighborhood from Washington turning onto Grove. Basically we are now forced to look at the back of Greg's house while turning onto Grove. The rear of any house is not as attractive as the front.

Based on Xcel's policy it appears that every tree that get's planted by Greg will get cut down just about the time that it grows tall enough to cover the back of his house, so planting trees is not an alternative.

I think the trellis is built aesthetically pleasing and offers a fine compromise based on the situation caused by Xcel and the fact that the Xcel Right of Way cuts far into the back of Greg's yard.

Disallowing this solution will cause irreparable harm to the neighborhood's aesthetics by forcing a barren look while entering the neighborhood.

Robert Lee
715 Wildrose Way

720-220-7465 (direct)

Scott Robinson

From: Derk Norton <derk.norton@gmail.com>
Sent: Friday, September 23, 2016 1:27 PM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: Support for Variance at 749 Wildrose Way

Hi Scott,

I wanted to send you a quick email giving my support for the variance needed for the trellis and pergola on the back part of the property at 749 Wildrose Way. My wife and I walk by there nearly every day and really like the look of it, and we imagine that once the grape vines mature it will be a very beautiful addition to that corner. When Excel took down all of the trees along that corner and "topped" many more, it really made the area look bad. I am glad that Mr Godec is working to help improve the look of the neighborhood and think his efforts should be rewarded not punished. If you have any questions for me, please feel free to call me on my cell below.

Best regards,
Derk Norton
c) 303-817-0854

Scott Robinson

From: Lina Olinger <lina42669@gmail.com>
Sent: Sunday, September 18, 2016 8:44 AM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: Stalled trellis at 749 Wildrose Way

Dear Mr. Robinson:

This is to express my support to the stalled trellis and pergola recently built at 749 Wildrose Way. I understand it was built by the owner of the property to recover the privacy and green tall cover he used to have before Excel removed it.

I am very pleased to hear that Mr. Godec is planning for the trellis to be covered with vines and grapes, and that in my opinion will make the upgrade look even better.

I live a half a block from Mr. Godec and I go by the back of his house every time I go out of my house or back in it, so this view highly impacts me.

I hope we all are able to recover the green, lush and private character Mr. Godec's back fence used to offer the area.

Best regards,

Lina Olinger
1026 Meadow Ct
303-604-2348

Sent from my mobile device

Scott Robinson

From: Nancy Potter <npotter77@gmail.com>
Sent: Tuesday, September 20, 2016 3:05 PM
To: Scott Robinson
Cc: ggodec@yahoo.com
Subject: In support of 749 Wildrose Way/Greg Godec variance application; Hearing Sept. 21

Dear Mr. Robinson,

I am writing in support of the variance application made by Greg Godec with respect to the trellis and pergola that he would like to build along his backyard fence at 749 Wildrose Way in Louisville.

My family and I live across the street from Greg at 742 Wildrose Way. We walk and drive around the corner at Grove and Washington behind Greg's house many times every day, whether walking the dog, walking or biking with our daughter to school, or driving by since Washington is a direct route to S. Boulder Rd. from our house. The corner at Greg's backyard used to be a lovely green intersection with many well-tended, mature trees softening the fenceline and creating a really pretty, natural feature that enhanced the block and the neighborhood. When I walk down a sidewalk I really don't want to look directly into someone's backyard and house, and the trees and greenery were a beautiful screen. Unfortunately, as you may know, Xcel cut all of Greg's trees down, which quite frankly was upsetting, since they were lovely, old trees, and now it's just bare. We would love it if Greg were able to finish his trellis and pergola along the fence, knowing that he intends to grow vines and greenery up the trellis, since it will return some of the vegetation and screening to that corner. If he were to re-plant trees instead, it seems there's no guarantee that Xcel would not just come and cut them down again.

As best I'm aware, the purposes of an accessory structure setback restriction include to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees and for light and sunshine in the home, and to serve as filtration areas for storm water run-off. None of those purposes are affected here. There are no neighbors to the rear of Greg's house along the fence where the trellis and pergola would be. The trellis and pergola do not restrict room for trees and lawn (given that Xcel cut the trees down), or light to the home, or filtration/storm water run off. This is not an instance where someone is building a structure such as a garage or guesthouse right at the fenceline adjacent to another property. This is an open garden feature which borders a street. We hope that the City allows Greg to build it.

Thank you for your consideration and please feel free to contact me with any questions you may have.

Nancy Potter

742 Wildrose Way, Louisville

npotter77@gmail.com

Scott Robinson

From: Eugenia Szeto <eugenia.w.szeto@gmail.com>
Sent: Friday, September 23, 2016 2:34 PM
To: Scott Robinson
Cc: Greg Godec
Subject: Greg Godec's Variance Issue

Hello Mr. Robinson,

I would like to communicate my support of Greg Godec's application for a variance to his property at 749 Wildrose Way so that he may retain, and complete, the trellis and pergola structure in his backyard.

The trees that were removed by Excel removed all privacy for Greg from pedestrian and car traffic along Washington Avenue. I find his design for the trellis structure very esthetically pleasing; it enhances the neighborhood. I walk by his house almost every day and see his improvements to the landscape as true assets for everyone.

You might be aware already that only two houses away from Greg's is a garden that contains two structures that are immediately adjacent to the property line. So, a precedence has already been set for a similar type of structure.

I sincerely hope the City of Louisville's city planner will grant Greg this variance.

Thank you,
Eugenia Szeto

Scott Robinson

From: Greg Godec <ggodec@yahoo.com>
Sent: Monday, September 19, 2016 8:22 PM
To: Scott Robinson
Subject: Fwd: Trellis/Pergola

FYI

Begin forwarded message:

From: welchlt@comcast.net
Date: September 19, 2016 at 6:38:12 PM PDT
To: ggodec@yahoo.com
Subject: Trellis/Pergola

Hi Greg.

I'm really sorry that you're having to go through the process with the structure issue. I wasn't around when the trees were cut down but could definitely tell when it was done because it certainly left a huge open space to a once green area.

I personally have no problem with what you have added and think it's a great idea since the privacy you had was taken away, and it appears that you can't plant another tree in that place. I would think that since it doesn't infringe upon anyone backing up to your property (no one lives directly behind you), there could be an exception to the rule. And, maybe Xcel could help in the cost since they created that blank space.

I hope this works out for you and that the City of Louisville can understand why the structure fits that lot.

Thanks for sharing the info with the neighborhood and good luck to you!

Lisa Welch
920 Grove Dr.

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
October 19, 2016

APPLICANT: Keith & Mary Beth Rensberger, 2214 W Hecla Dr

OWNER: Same

STAFF PLANNER: Scott Robinson, Senior Planner

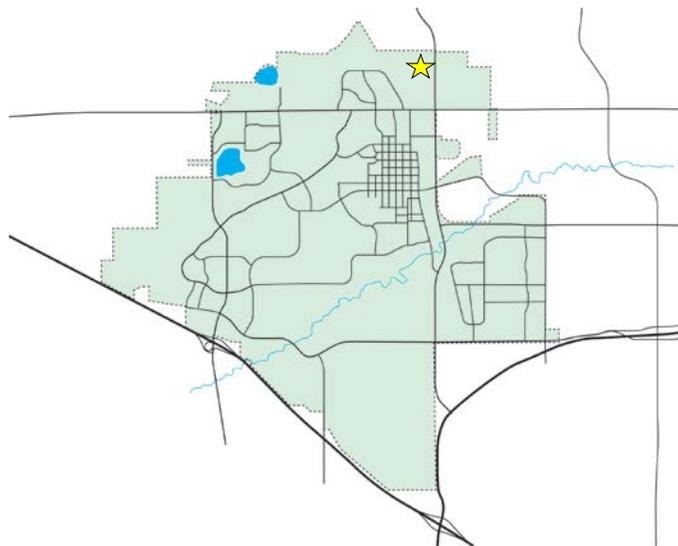
LOCATION: 2214 W Hecla Dr, Lot 1, Block 7, Takoda Subdivision

ZONING: Planned Community Zone District - Residential (PCZD-R)

REQUEST: **Case #16-038-VA** – A request for a variance from the Takoda General Development Plan for relief from side setback requirements to allow a new pergola.

SUMMARY OF PROPOSAL:

The applicants, Keith and Mary Beth Rensberger, request a variance from the side setback requirement to allow for the construction of a pergola in the south side yard at 2214 Hecla Dr. The pergola posts would sit approximately one foot from the south side lot line and the rafters would extend to the side lot line. The required side setback per the Takoda (Steel Ranch) general development plan is five feet. The house sits 9.5 feet from the side lot line.





BACKGROUND:

The applicants request a side setback variance to allow for a pergola on their property located at 2214 W Hecla Drive in the Takoda (Steel Ranch) subdivision. The property is zoned Planned Community Zone District – Residential (PCZD-R) and governed by the Takoda general development plan (GDP) and planned unit development (PUD).

The pergola posts would sit approximately one foot from the south side lot line and the rafters would extend to the side lot line. The Takoda GDP governs setbacks and requires a minimum side setback of five feet. The applicant is requesting a variance of five feet on the side setback. Section 17.28.240 of the Louisville Municipal Code grants the Board of Adjustment the power to grant variances to provisions of approved final development plans. The pergola complies with front and rear setback and other applicable regulations.

The property abuts the Lanterns development, currently under construction, to the south. A duplex building in the Lanterns development backs to the south side of 2214 Hecla. There is an existing six-foot fence separating the properties, which is the maximum height allowed for a fence under the LMC.



2214 Hecla on the left and the new Lanterns duplex on the right

REVIEW CRITERIA:

The BOA has authority to hear and decide, grant or deny this application for a variance from the Takoda GDP by the powers granted the BOA in Section 17.48.110 of the LMC. The BOA may grant a variance only if it makes findings that all of the criteria, as established under Section 17.48.110.B.1-6, have been satisfied, insofar as applicable:

The applicant has provided a written analysis of the variance criteria, which has been included in the BOA packet materials. Following is a staff review and analysis of the variance criteria.

- 1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

The property in question is not irregular in shape, nor are there unusual topographical conditions. The side yard abuts the rear of the adjacent property which is not standard, but also not uncommon. The setback requirements are the same as for all of the lots in this portion of Steel Ranch. **Staff finds this criterion has not been met.**

- 2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.*

The property in question is the only one in Steel Ranch for which the side lot line abuts the rear lot lines of the Lanterns subdivision. Therefore, if the Board determines the side lot line condition constitutes an unusual physical condition, staff recommends finding that the condition does not exist throughout the neighborhood. If the Board agrees with staff's determination that no unusual condition exists, then this criterion would not be met either. **Staff finds this criterion has not been met.**

3. *That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.*

The applicants could construct a pergola that complies with the five foot side setback. There is nothing about the side lot line abutting the rear lot line of the Lanterns that impacts the development of the property in question. The property is already buffered by a six-foot fence, the maximum size fence allowed in residential areas. **Staff finds this criterion has not been met.**

4. *That such unnecessary hardship has not been created by the applicant.*

The property was subdivided in 2010 and the house was built in place in 2012. The Lanterns subdivision was approved in 2014 and is currently under construction. While staff does not find that there is an unnecessary hardship, if there is a hardship found by the Board, staff does not believe it was created by the applicant. **Staff finds this criterion has been met.**

5. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.*

The pergola is on the side of the lot, near the front of the house. This makes it visible from the street, but it is unlikely to have an impact on the sidewalk. However, considering the proposed pergola would go to the lot line separating the property in question from the property to the south, it may have an impact on the adjacent property. **Staff finds this criterion has not been met.**

6. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.*

According to the applicant, the pergola is necessary in the current location to provide an adequate buffer from the adjacent property. However, as mentioned above, there is nothing about the lot that would prevent the pergola from being constructed in compliance with the setbacks. **Staff finds this criterion has not been met.**

PUBLIC COMMENTS:

Public notice was mailed to all property owners within 500 feet of the subject property. At the time of this report's creation, staff has received several public comments in favor of the variance, which are attached. If additional comments are received prior to the hearing, that information will be presented at the hearing.

STAFF COMMENTS AND BOARD ACTION:

Staff finds criteria 1, 2, 3, 5, and 6 in Section 17.48.110 of the LMC have not been met and therefore recommends denial of the side setback variance request.

The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request

additional information if they feel it is needed for their proper consideration of the variance application. The Board will need to make a determination based on the application as it has been submitted. If the Board desires the applicant to make changes to the application that would affect the extent of the variance requested, staff recommends the Board continue the hearing to a later date.

The Board needs to find all six variance criteria, insofar as applicable, have been met for each request in order to grant approval of a variance. If the Board wishes to deny the variance request, staff recommends passing a motion denying the variance indicating which criteria for approval have not been met. If the Board determines that the variance meets all of the applicable criteria for approval, staff recommends passing a motion approving the variance request.

ATTACHMENT

1. Applicant Information
2. Site Plan
3. Public comments

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: _____
 Contact: Keith & Mary Beth Rensberger
 Address: 2214 West Hecla Drive
Louisville 80027
 Mailing Address: same
 Telephone: 303-709-1620
 Fax: _____
 Email: Krensberger@comcast.net

OWNER INFORMATION

Firm: _____
 Contact: Keith + Mary Beth Rensberger
 Address: 2214 West Hecla Drive
Louisville 80027
 Mailing Address: same
 Telephone: 303-709-1620
 Fax: _____
 Email: Krensberger@comcast.net

REPRESENTATIVE INFORMATION

Firm: _____
 Contact: _____
 Address: _____
 Mailing Address: _____
 Telephone: _____
 Fax: _____
 Email: _____

PROPERTY INFORMATION

Common Address: _____
 Legal Description: Lot _____ Blk _____
 Subdivision _____
 Area: _____ Sq. Ft.

TYPE (S) OF APPLICATION

- Annexation
- Zoning
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Subdivision Plat
- Preliminary Planned Unit Development (PUD)
- Final PUD
- Amended PUD
- Administrative PUD Amendment
- Special Review Use (SRU)
- SRU Amendment
- SRU Administrative Review
- Temporary Use Permit: _____
- CMRS Facility: _____
- Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

PROJECT INFORMATION

Summary: Request variance related to 5' setback in order to add pergola to existing cement patio.

Current zoning: _____ Proposed zoning: _____

SIGNATURES & DATE

Applicant: Keith A Rensberger MB Rensberger
 Print: Keith A. Rensberger, Mary Beth Rensberger
 Owner: Keith A Rensberger MB Rensberger
 Print: Keith A Rensberger, Mary Beth Rensberger
 Representative: _____
 Print: _____

CITY STAFF USE ONLY

- Fee paid: _____
- Check number: _____
- Date Received: _____

2214 West Hecla Drive
Louisville, CO
September 8, 2016

Board of Adjustment
City of Louisville
749 Main Street
Louisville, CO 80027

Dear Board Members,

We are writing to request a public hearing for review of our application for a variance to the 5-foot setback rule, so that we can add a simple wooden pergola to our existing cement patio within fenced property at 2214 West Hecla Drive. We live in a patio home in Steel Ranch and are looking to make the small outdoor area more livable and private. The existing setback rule makes covering our outdoor dining space impractical, possibly dangerous, and unusable.

Essential Criteria to be met:

1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

- The property at 2214 West Hecla Drive is unique within the Steel Ranch Patio Homes, Phase I. It is at the southwest end of the 38-home development. (See attached Figure 1). At the time of purchase, the adjacent land to the south was undeveloped. It is now being developed into residential units. Two new properties align directly with the length of our home. Their north-side decks match our south-side outdoor living space.
- Our property is the only patio home in Steel Ranch which is adjacent to the new residential development, Lanterns at Steel Ranch.
- The new building is 1.5 stories high. Our home is 1 story. (See attached Figure 2)

2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

- All other patio homes in Phase I Steel Ranch, with any line of sight of the new homes, have a buffer zone of 55 feet (including landscaping, a two-lane alley and a parking lane). Our home has no physical separation from the new properties, except by a 6-foot boundary fence, installed by the builder. (See Figure 3)
- The new duplex next to our home has a 1.5 story elevation relative to our 1 story home. (Figures 4 and 5).
- Both units of the neighboring duplex have outdoor decks with elevated visibility of the entire length of our small outdoor space. (Figure 6)
- We have a 9.5 foot by 30 foot cement patio which is just outside our great room. This patio is small but significant outdoor living space for us. The sliding door from our great room to this area lends a fishbowl effect of our indoor living space to residents of the neighboring homes, where there is also a height advantage. A pergola would, to some extent, interrupt that direct line of sight of anyone on the upper level deck.

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the title (Louisville Zoning Code).

- The five foot setback rule would dictate that the supports for our pergola would need to be placed in the center of our shallow patio. It is only 9.5 feet deep. There would need to be three or four support posts to span the 30 foot length. Such placement of 6x6 inch posts would render the patio virtually unusable for outdoor dining and even safe movement. (Reference Figure 6)
- a four-foot pergola over a 9.5 foot patio is neither useful for us nor aesthetically pleasing for the neighborhood.

4. That such unnecessary hardship has not been created by the applicant.

- The development of the adjacent neighborhood was not within our scope of influence.
- The design of the adjacent home (1.5 story on their north side) was not within our scope of influence.

5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

- The design of the proposed pergola would be the same as we find throughout the existing patio homes and the new homes in The Lanterns. It will look like all the others in our two developments, with simple, straight lines and rough cedar construction.
- There will be a grassy area between the new homes' foundations and the boundary fence, which is not designed for foot or motorized traffic to pass. This grassy zone will be maintained by the HOA.
- The pergola will not impair the appropriate use or development of adjacent property, as that property is currently under construction and within weeks of completion. There will be no impact on the completion of the new homes or their residents' quality of life. Because of the elevation of the new homes, our pergola will not affect the views of the neighbors.
- The addition of this 9.5 x 30 foot pergola will not be a safety hazard to anyone, will not appear to be out of place, and will not alter the footprint of existing outdoor space in our small self-contained yard.

6. That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions of the title (Louisville zoning code) which are in question.

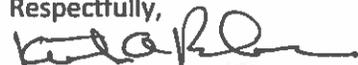
- The variance being requested is minimal in that it will have an open roof structure which will serve to protect only some visual privacy for both property owners. It will not be a sound barrier or have solid walls as if it were a separate room.
- We considered an attached retractable awning (eg" The Sunsetter") but do not believe that would help with our line of sight issue, as it would be used intermittently. The canvas shade would be a problem in the gusty winds which are so prevalent in Colorado. It would also not match the aesthetics of the neighborhood.
- The wooden pergola will maintain or improve the property values.

Also attached is an architect's rendering of the proposed pergola (See Figure 7), included for clarity. This rendering was done by the contractor who built our side deck, before the adjacent land was rezoned for residential. We are not proposing to have the wrought iron railing shown by the architect at that time.

***** PLEASE ALSO SEE ATTACHED, LETTERS FROM NEIGHBORS. *****

Thank you for considering our request.

Respectfully,



Mary Beth Rensberger
Keith and Mary Beth Rensberger

N ↑

FIGURE 1

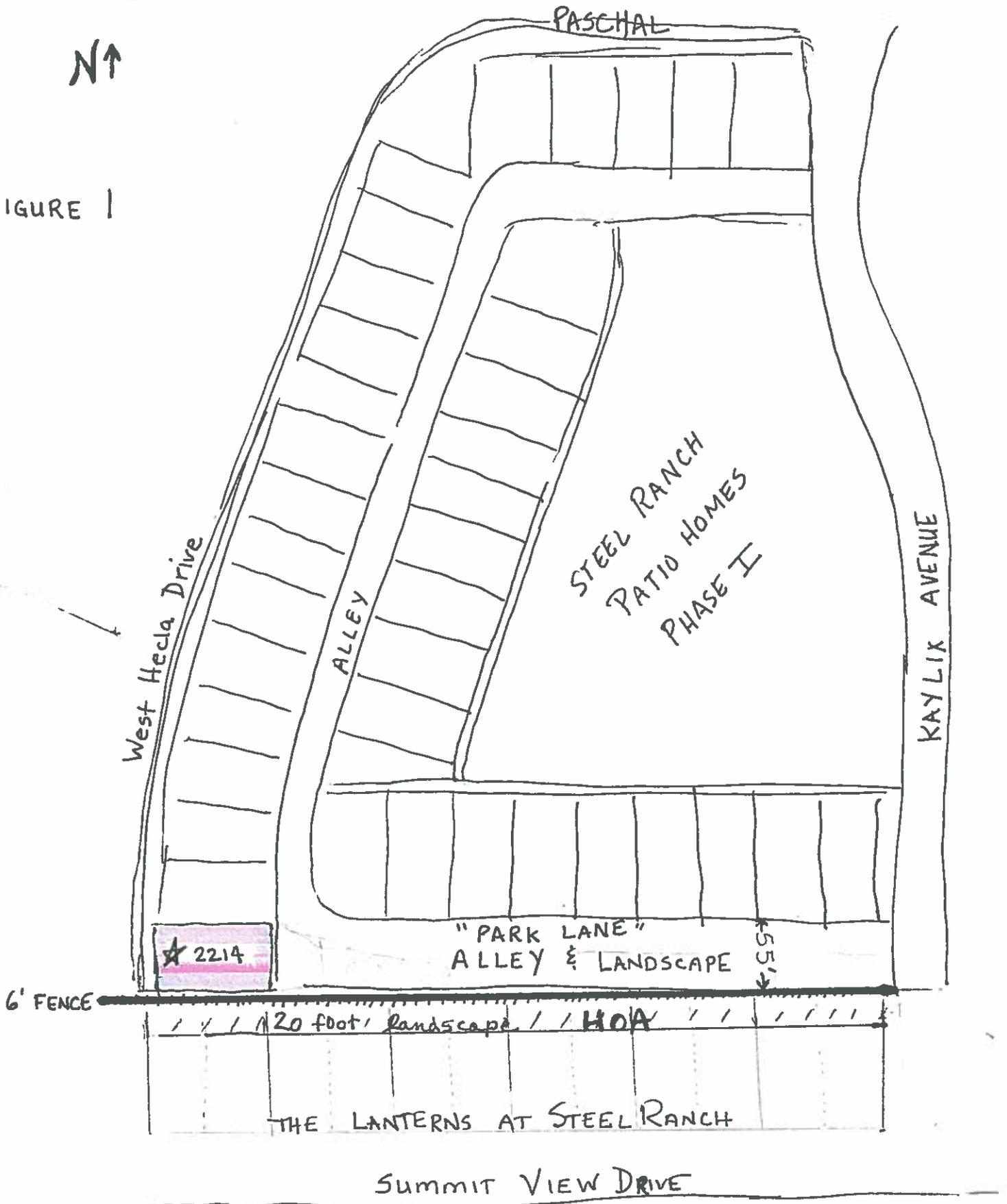
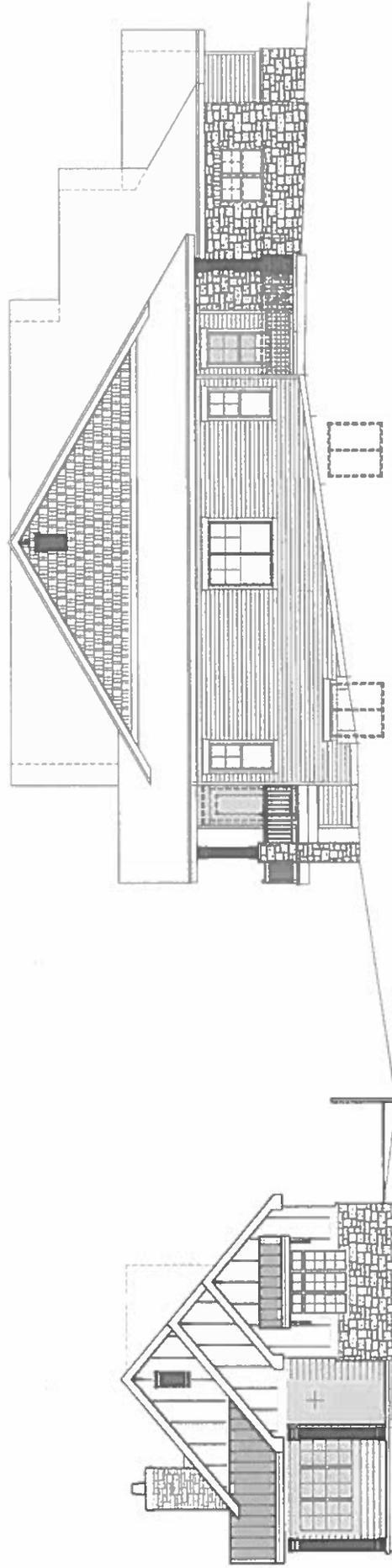


FIGURE 2

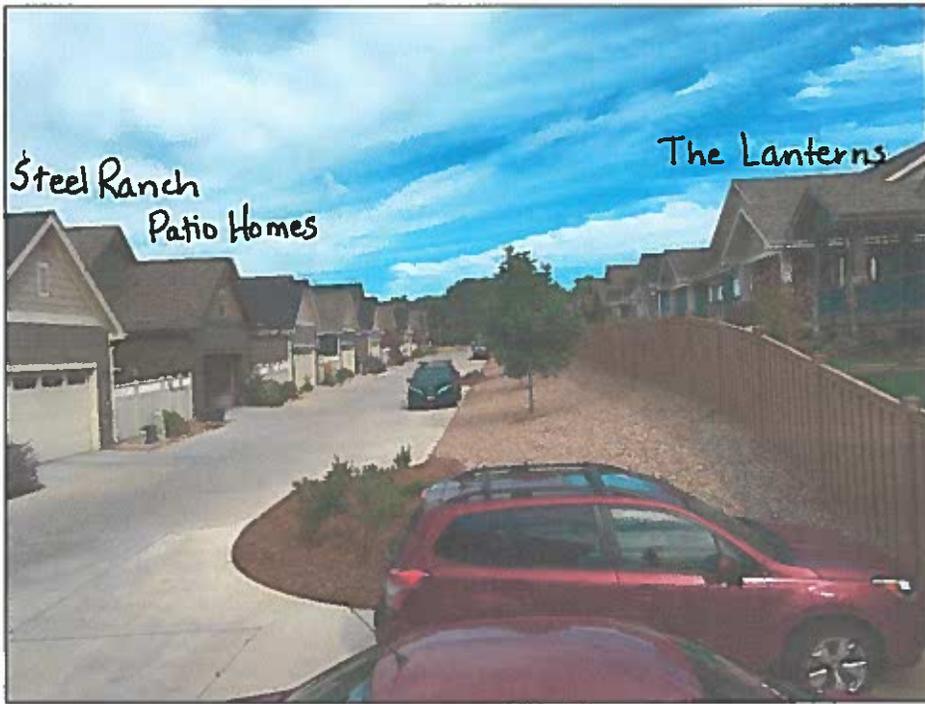
← N



2214 W. Hecta
Patio Home, Rensberger

New construction
1107 Summit View Drive

← N



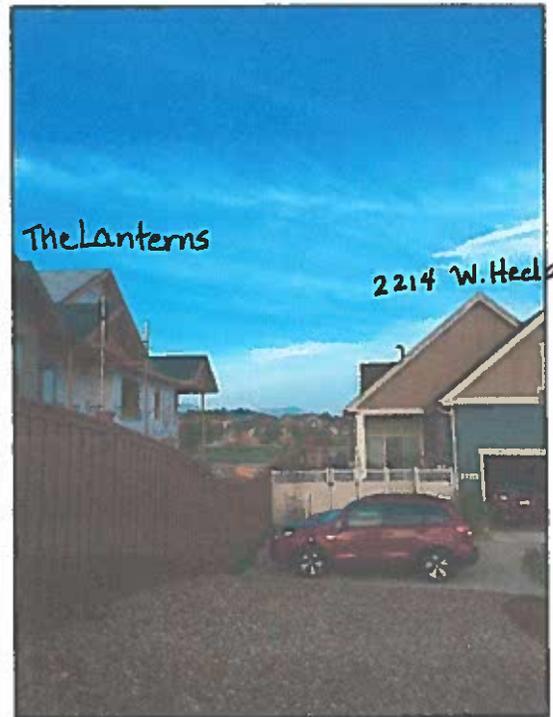
55-ft buffer zone between boundary fence and individual properties at Steel Ranch

Figure 3



← N

Figure 4



N →

Figure 5

FIGURE
6

Existing cement
patio

N →





FIGURE 7

Architect's rendering of proposed pergola.

(Before 6-ft fence and before development of The Lanterns.)



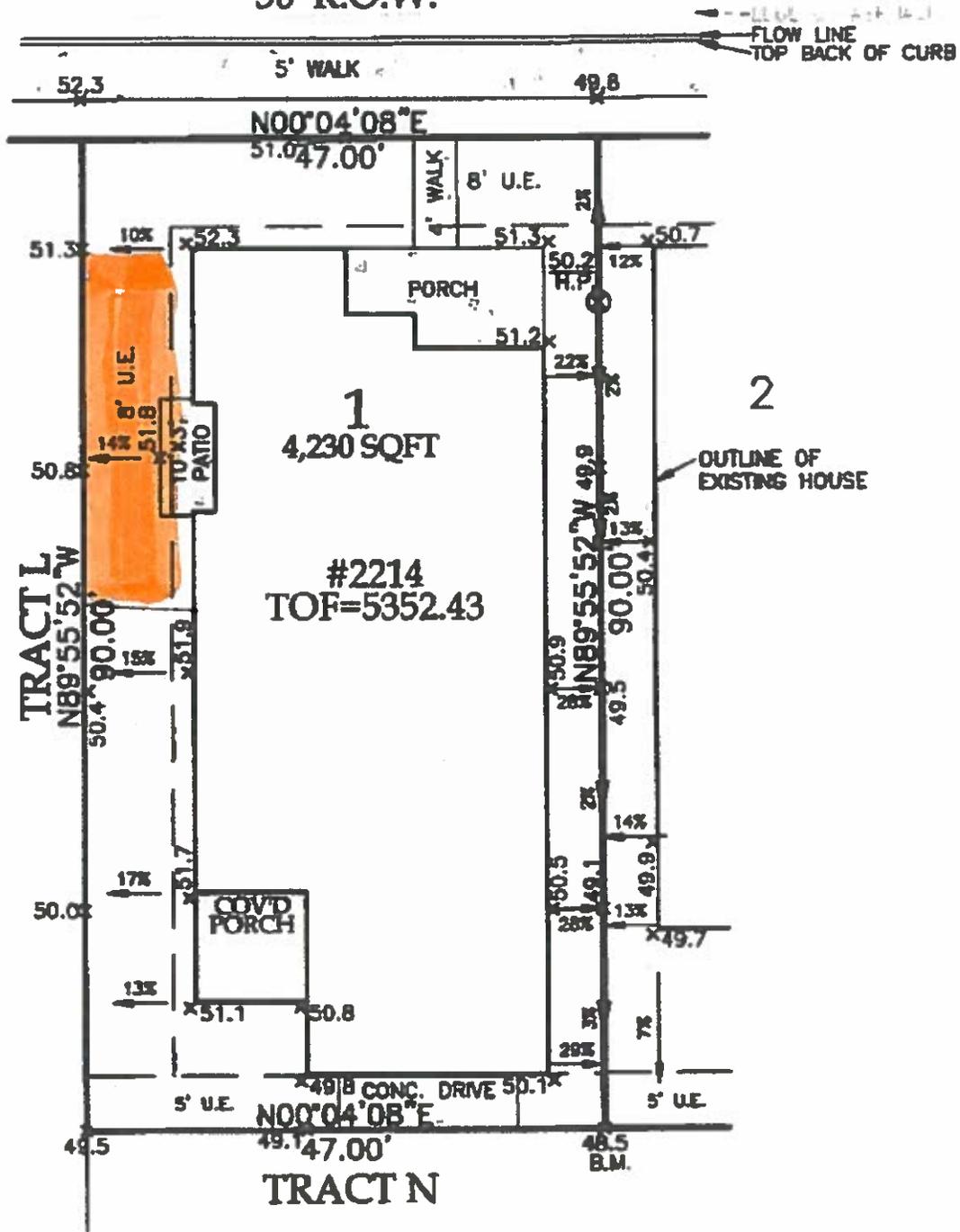
Please disregard the wrought iron railing; not part of



this proposal.

SITE PLAN
2214 W. Hecla Dr.

WEST HECLA DRIVE 50' R.O.W.



Michael Sinkey
VP - Special Projects
Boulder Creek Builders

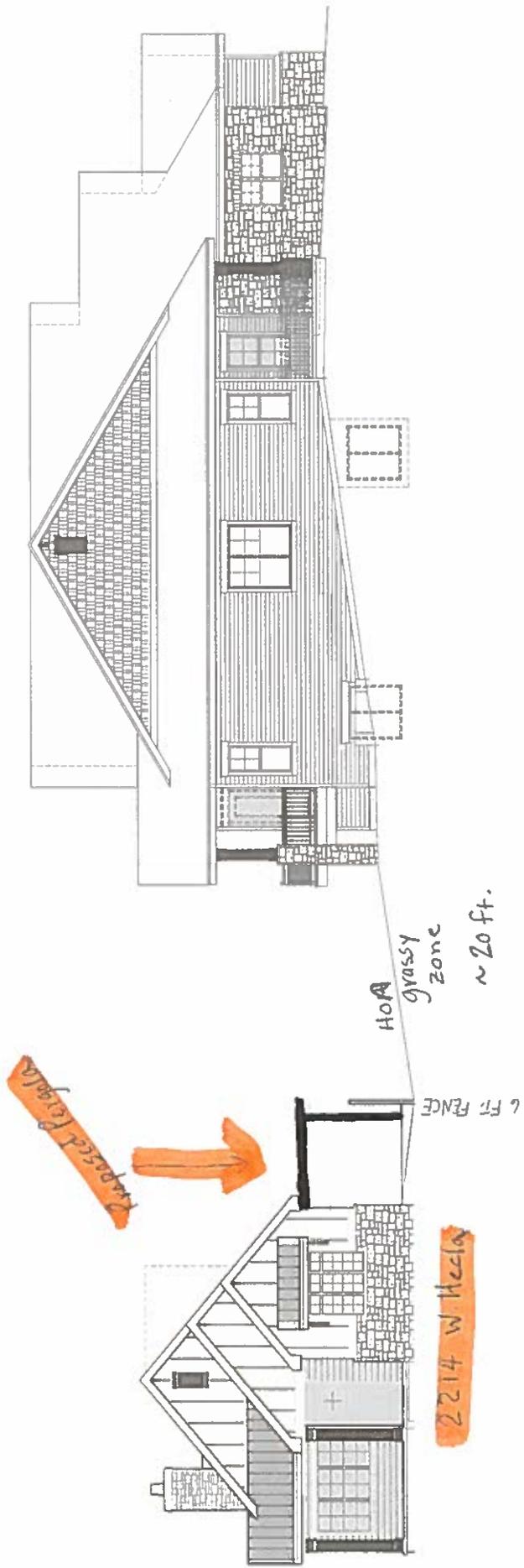


BOULDER CREEK
NEIGHBORHOODS

Architectural Elevations

2214 W. Hecla Drive

N
↓



On Sep 7, 2016 3:29 PM, "Gary Larson" <GaryLarson@q.com> wrote:

Louisville Board of Adjustment,

As a neighbor of Keith and Mary Beth Rensberger at 2214 West Hecla in Steel Ranch, living 4 houses East on Park Lane alley, I encourage the city to grant them a variance on a 5 foot setback for the proposed posts for their patio cover.

They have a unique lot within the 68 patio homes in Steel Ranch. Theirs is the only patio home whose patio is extremely shallow at only 9.5 feet to the property line, thus limiting any type of shade structure on their South-facing patio. The structure would be very compatible with existing patio covers in the neighborhood, and would not impact any of the other houses negatively.

Thank you for favorably considering their variance.

Sincerely,

Gary Larson

Gary Larson

2189 Park Lane

Louisville, CO 80027

E: GaryLarson@Q.com

C: 303.717.5555

From : David Lane <dalane4095@gmail.com>

Mon, Sep 12, 2016 06:41 AM

Subject : Re: letter to city re pergola, please

To : krensberger@comcast.net

To the Louisville Board of Adjustment,

I am writing this letter in support of the Pergola variance request at 2214 W. Hecla Dr. Having seen this property and the adjacent Steel Ranch Lantern properties, I see no reason why this would adversely affect any adjacent properties while at the same time providing a minimal level of privacy to the Rensberger property due to the significantly lower elevation of the Rensberger property. In closing, approval of this variance will have NO negative impact to me, nor my neighbors in Steel Ranch and Steel Ranch Lanterns developments.

Sincerely
David Lane
2264 W. Hecla Dr
Louisville, CO

On Wed, Sep 7, 2016 at 8:55 AM, Beth Sautins <beth.sautins@gmail.com> wrote:

Mary Beth,

Following is my endorsement of your variance request!

-Beth

Dear Board of Adjustment:

I am writing in support of a variance of the setback rule for the Rensberger's planned pergola over their patio.

This pergola will not negatively affect me or the neighborhood in any way. Many of us in the neighborhood (including myself) have pergolas, and I think they add to the overall look of the landscaping.

Feel free to contact me with any questions.

thanks,
Beth

Beth Sautins
2224 W Heda Dr, Louisville
303.351.2364

----- Forwarded message -----

From: "Michael Baker" <bakermiker@gmail.com>

Date: Sep 7, 2016 11:57 AM

Subject: Board of Adjustment

To: "Marybeth Rensberger" <mbrensberger@gmail.com>

Cc:

As neighbors to The Rensberger Residence of 2214 W. Heda in Louisville, CO, we have no objection to their set back variance request for a wooden pergola.

Thank you
The Baker Residence
2205 Park Lane
Louisville, CO

guilesfamily@aol.com <guilesfamily@aol.com>
To: mbrensberger@gmail.com

Wed, Sep 7, 2016 at 6:30 PM

To the Board of Adjustment,

We have no problems with the presence of any size pergola at the Rensberger home. The new buildings have left them with no privacy in their yard. There are several pergolas (including one at our home) in the neighborhood and would fit fine with the character of the neighborhood and allow them to have some semblance of privacy. An exception should be made to the 5-foot setback rule, so that they can have reasonable use of their patio/yard. We support the obtainment of a variance that would allow them to build a pergola on their property.

Best Regards,

Laurie and Joe Guiles
Steel Ranch
2258 Park Lane
Louisville

John and Barb Senger <jbsenger@gmail.com>
To: Marybeth Rensberger <mbrensberger@gmail.com>

Wed, Sep 7, 2016 at 12:48 PM

Marybeth and Keith,

I would strongly support your request for a variance for a 9.5 X 30 foot pergola. It is a unique circumstance and as your neighbor in Steel Ranch, I think common and practical sense should prevail over rigid setback rules as long as the pergola is similar to others in the Steel Ranch patio homes.

John Senger
2163 Park Lane

MEMORANDUM

To: Board of Adjustment Members

From: Department of Planning and Building Safety

Subject: Case No. 16-033-FL – 826 Coal Creek Circle

Date: **October 19, 2016**

The applicant has requested the hearing for the floodplain development permit request for 826 Coal Creek Circle (Case No. 16-033-FL) be continued so the applicant may revise the floodplain study based on staff comments. Staff recommends the Board adopt a motion to continue the hearing to the November 16, 2016 Board of Adjustment meeting.