

Board of Adjustment Agenda

**June 19, 2019
City Hall, Council Chambers
749 Main Street
5:30 PM**

- I. Board of Adjustment Training – 5:30 PM
- II. Call to Order – 6:30 PM
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of Minutes
 - May 15, 2019
- VI. Public Comments on Items Not on the Agenda
- VII. Regular :
 - **821 McKinley Avenue – Variance Request** - Request for a variance from Section 17.16.120 of the Louisville Municipal Code (LMC) Old Town Overlay maximum lot coverage standard of 30% to allow a patio cover resulting in a lot coverage of 32.1% **Case VAR-0209-2019 – Public Hearing**
 - Applicant: Stewart Architecture for Scott Berger
 - Case Manager: Lisa Ritchie, AICP
 - ✓ 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
 - **439 Walnut Lane – Variance Request** - Request for a variance from the Fischer Farms PUD to allow a patio cover with a roof pitch less than 6:12 **Case VAR-0215-2019 – Public Hearing**
 - Applicant: Mosaic Outdoor Living for Heather and James Kilcoyne
 - Case Manager: Lisa Ritchie, AICP
 - ✓ 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

VIII. Business Items tentatively scheduled for July 17, 2019

IX. Staff Comments

X. Board Comments

XI. Discussion Items for Next Meeting July 17, 2019

XII. Adjourn

Board of Adjustment Meeting Minutes

May 15, 2019

City Hall, Council Chambers

749 Main Street

6:30 PM

Call to Order: Leedy calls the meeting to order at 6:31 PM.

Roll Call is taken and the following members are present:

Board Members Present: Chair Jessica Leedy
Vice Chair Alison Gorsevski
James Stuart
Rob Levinson
Peter Briggs

Board Members Absent: John Ewy

Staff Members Present: Lisa Ritchie, Senior Planner
Elizabeth Schettler, Senior Administrative
Assistant

Approval of Agenda:

Stuart moves and **Briggs** seconds a motion to approve the May 15, 2019 agenda as prepared by Staff. Motion passes by voice vote.

Approval of Minutes:

Gorsevski moves **Stuart** seconds a motion to approve the April 17, 2019 minutes. Motion passes by voice vote.

Public Comments on Items not on the Agenda:

None heard.

Regular Business:

- 10050 Empire Road – Variance Request - Request for a variance from Section 17.16.120 of the Louisville Municipal Code (LMC) requirement to allow a fence up to 8 feet tall in a portion of the property at 10050 Empire Road. Case VAR-0210-2019 – Public Hearing.
 - Applicant: Eric Hiivala

City of Louisville

Department of Planning and Building Safety

749 Main Street Louisville CO 80027

303.335.4592 (phone) 303.335.4550 (fax) www.louisvilleco.gov

Leedy reviews the procedures for the meeting; opens the public hearing; and states there are six criteria which must be met for the board to approve a variance request.

Leedy states that for the requested variance to be approved, four (4) of the five (5) votes would need to be affirmative.

Leedy then states that copies of the criteria are located on the table next to entryway. He asks for verification of proper public notice.

Ritchie verifies the application to be heard this evening is complete, and was mailed to surrounding property owners on 04/26/19 published in the Boulder Daily Camera on 04/28/19 and the property was posted on 04/26/19.

Briggs moves and **Levinson** seconds a motion that all requirements have been satisfied and the application submitted by the applicants has been properly filed. Motion passes by unanimous voice vote.

Leedy asks if anyone at the hearing has any objections to the hearing procedures he described and asks if there were any other preliminary matters that needed to be taken care of. None are heard.

Conflict of Interest and Disclosure:

Leedy asks for disclosures from the board members for any site visits, ex parte communications, and any conflicts of interest or required disclosures on the application.

Stuart mentions that he brought a variance case to the Board of Adjustment 10 years ago with a similar request. He states that his variance case approval will not affect his opinion of this variance request.

The rest of the board members indicate they did not have any ex parte communications or any conflicts of interest for the application.

Leedy asks the applicants if they are ready to proceed with the hearing. The applicant(s) indicated they are ready to proceed with the hearing.

Staff Report of Facts and Issues:

Ritchie reviews the location of the property, provides a description of the context of the area and surrounding properties, and summarizes why the request is not supported by staff.

Staff Recommendations:

Staff finds that all six criteria in Municipal code Section 17.48.110 are not met and recommends the Board of Adjustment to deny the variance request.

Board Questions of Staff:

Stuart mentions that there is uniqueness in this property such as that it is on a hill whereas the east and south properties are not. Also, it is the only single family home along the highway that has no residential neighbors. He tells staff that there are other unique qualities that staff may have not considered when reviewing that criteria.

Briggs asks staff if there are other properties similar to this one.

Ritchie says that fence standards are the same. There is no variability for other properties that border higher speed roads

Briggs asks if the fence standards are the same throughout the city.

Ritchie says that they are all the same throughout the city.

Briggs asks when the homeowner bought the property.

Ritchie says the homeowner bought it in 2014.

Stuart mentions that he does not see the character of the neighborhood being affected by this fence.

Ritchie replies that the fence will not affect the industrial character but it can affect the open space feel.

Gorsevski asks when the conservation easements were placed

Ritchie says that in 1998, the general development plan established the conservation easement.

Levinson asks if the type of fence matters.

Ritchie says that there are other fences in the industrial area. The design for this industrial area is up to 10 feet but does not allow solid wood fences. She mentions that the applicant is most likely only interested in the solid wood fence design because it will provide the greatest noise reduction.

Applicant Presentation:

Applicant: Eric Hiivala, 10050 Empire Rd

Hiivala reviews the six variance criteria and provides the board his reasoning of why his request meets each of the criteria. He mentions that the traffic on the highway has increased, causing greater noise. The property is also very unique in that it is zoned commercial but it is a single family home. The proposed fence would not only serve for noise reduction, but it would provide privacy and safety for others and animals as well.

He mentions that Staff has proposed a four foot fence with landscaping in order to reduce the noise, but the four feet would not be a viable option for them because it would not be tall enough and they would still be able to view the highway from their house. He states that the final fence design has not been finalized yet, but mentions that his neighbor has a school bus in their yard for noise reduction and although he does not want to take that approach, he mentions it to give the board perspective that that is an option.

Board Questions of Applicant:

Stuart asks if he has considered berming.

Hiivala states that it would take approximately 60-80 truckloads of dirt to do it but there are drawbacks to berming such as that it is more costly than building the fence and it takes away the mountain view.

Briggs asks that when the property was purchased, did they consider the noise and how it would affect them living there.

Hiivala replies saying they thought they could handle the noise from the highway but it has just increased too greatly with the increase in traffic.

Briggs asks if he believes that adding the fence will increase the property's value.

Hiivala says that he believes the value of the home would increase and give more of a perception of privacy. He confesses that his family has considered moving from the home because of the road noise and currently has the house listed for sale. The reoccurring feedback from potential buyers is that the noise is a hindrance of buying the property. He states though that if the fence could be built at eight feet, this would give them more reason to stay at the property.

Ritchie reminds the board that an increase in the value of the property is not a part of the variance criteria.

Gorsevski asks how the four versus eight foot fence compares to the sound traveling and minimizing the noise.

Hiivala says that sound travels linear so if you can see the cars, you can hear the cars. He also mentions that the existing hills create a natural amphitheater for the noise.

Public Comment in Favor:

None heard.

Public Comment Against:

None heard.

Summary and request by Staff and Applicant:

None heard.

Closed Public Hearing and discussion by Board:

Stuart begins the discussion with stating that this variance request is not black and white. He believes the property is unique and that the request just barely meets each of the six criteria. He then argues in favor for each criteria:

1. The property is unique because the house is on a hill and it is commercially zoned although it is a single family house.
2. The property has a unique circumstance in that it is the only single family house in that commercially zoned area.
3. The property cannot be developed to its full potential because of the highway noise.
4. The owner did not cause the hardship because the owner did not create the noise and increase in traffic, which is increasing the road noise.
5. The fence will not be altering or changing the character of the neighborhood because it is in an industrial area.
6. The fence is straightforward, quick, and easy, although berming may be a better option.

Leedy agrees with Stuart's discussion of meeting the six variance criteria. She thinks that berming may not be the better design because of the dirt and dust it would cause, affecting others more so than the fence.

Briggs says that the owners are looking at short term solutions and because of this, his concern lies with the fact that the property is for sale as of right now. He sees that the property's long term future will be industrial instead of staying as a single family home and because of this, the fence is only a solution for a short period of time.

Stuart mentions that the fence would increase property value and preserve the mountain views for the property.

Briggs counters with saying that preserving the mountain views would not be a concern if it turns commercial or industrial.

Gorsevski mentions that the original design of the fence was to give the property more of a ranch like feel, which would be a design that does not fit in the existing commercial and industrial character in that area. She says that she does not necessarily know how to view the criteria regarding keeping the character of the neighborhood because she does not know which neighborhood to compare it to, residential or commercial.

Levinson agrees that this is a tough case. He sees that this property could be a unique circumstance because of its zoning but that it is the only criteria he could see the applicant meeting. He asks the question of what if the fence does not solve the noise problem.

Stuart asks staff if berming requires a permit.

Ritchie states that because berming is considered landscaping, no permit is required.

Briggs says he is opposed of the fence because he believes the applicant has other options that are better such as berming.

Leedy reopens the hearing to be public in order for the applicant to address the berming suggestion.

Hiivala comments on the berming and says that it may be possible on the east side of the property, however because of the hillside and slopes on the front of the property it is not a viable option.

The board and staff review whether the proposed request could be approved if the height of the fence was less than 8 but all agree that if the fence was between 4-6 feet, it would not block the sound enough to make the variance approval worth it.

Gorsevski mentions that she would be inclined to approve the request if the approval was contingent on the fence material, giving better assurance that the fence would actually be blocking some of the road noise.

Motion is made by **Stuart** to approve based on the findings of the board's discussion for 10050 Empire Road, a request for a variance from Section 17.16.120 of the Louisville Municipal Code (LMC) requirement to allow a fence up to 8 feet tall in a portion of the property at 10500 Empire Road with the condition that the fence's design is solid.

Motion is seconded by **Leedy**. Roll call vote.

Name	Vote
Jessica Leedy	Yes
Alison Gorsevski	Yes
James Stuart	Yes
Peter Briggs	No
Rob Levinson	No
Motion passed/failed:	Fail

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Motion fails: 3-2.

Motion is made by **Stuart** to deny the variance based on the findings of the board's discussion for 10050 Empire Road, a request for a variance to allow a fence up to 8 feet tall in a portion of the property at 10500 Empire Road with the condition that the fence's design is solid. Motion is seconded by **Briggs**. Roll call vote.

Name	Vote
Jessica Leedy	No
Alison Gorsevski	No
James Stuart	No
Peter Briggs	Yes
Rob Levinson	Yes
Motion passed/failed:	Pass

Motion passes 3-2.

Discussion Items:

None heard.

Business Items tentatively scheduled for June 19, 2019:

Ritchie mentions that there is a possibility for a variance request for the meeting in June. She will update them at a later time on that request. She also mentions that the board's ethical and procedural training with the City Attorney is coming up and recommends having the training before the June meeting takes place. The board agrees to the training time.

Staff Comments:

None heard.

Board Comments:

None heard.

Discussion Items for June 19, 2019 Meeting:

None heard.

Adjourn:

Briggs moves and **Levinson** seconds a motion to adjourn the meeting. Motion passes unanimously by voice vote. Meeting adjourns at 8:06 PM.

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
June 19, 2019

APPLICANT: Stewart Architecture

OWNER: Scott Berger

STAFF PLANNER: Lisa Ritchie, Senior Planner

LOCATION: 821 McKinley Ave; Lots 5, 6 & 7, Block 4, Louisville Heights

ZONING: Residential-Low (RL), Old Town Overlay

REQUEST: **Case #VAR-0209-2019** – A request for a variance from Section 17.12.050 of the Louisville Municipal Code Old Town Overlay maximum lot coverage standard of 30% to allow a patio cover resulting in a lot coverage of 32.1%



SUMMARY:

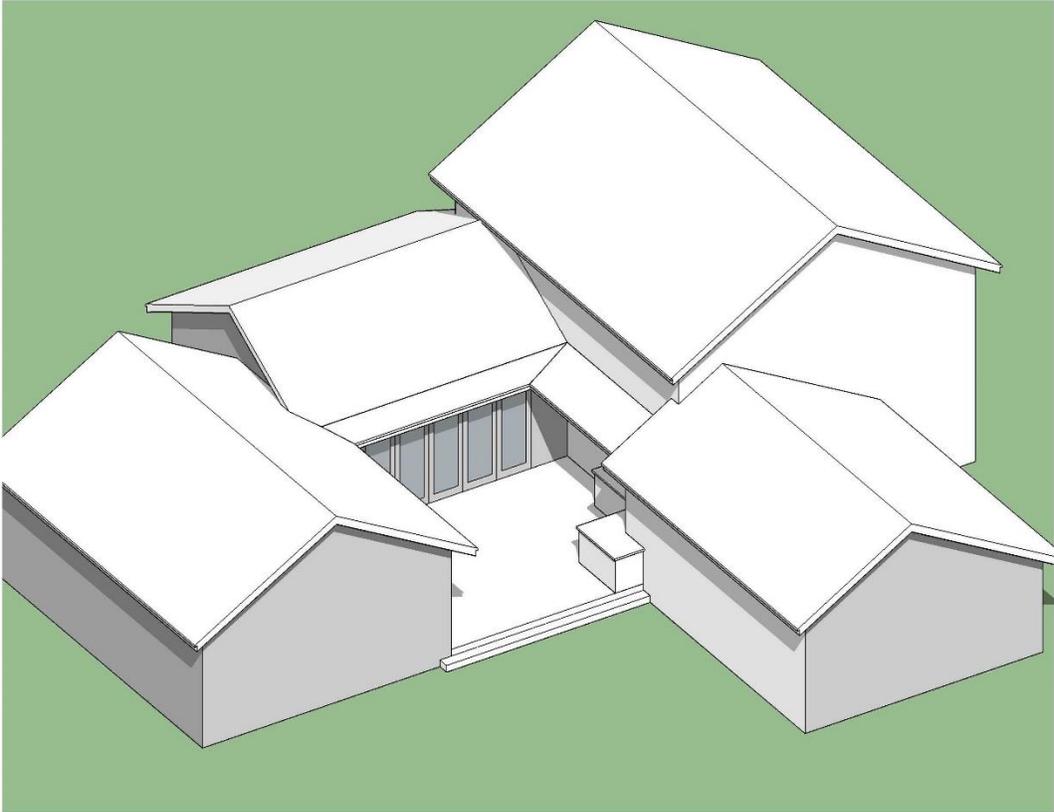
The applicant requests a variance from the Old Town Overlay maximum lot coverage standard of 30% to allow construction of a 201 sf patio cover in the rear yard resulting in a lot coverage of 32.1%.

BACKGROUND: The subject property is zoned Residential-Low (RL) and is located within the Old Town Overlay. The property is within the Louisville Heights subdivision and was platted in 1904. The existing home was constructed in 2012 with a 30% lot coverage.

Existing Conditions – 821 McKinley Ave







EXISTING 3D VIEW
NTS

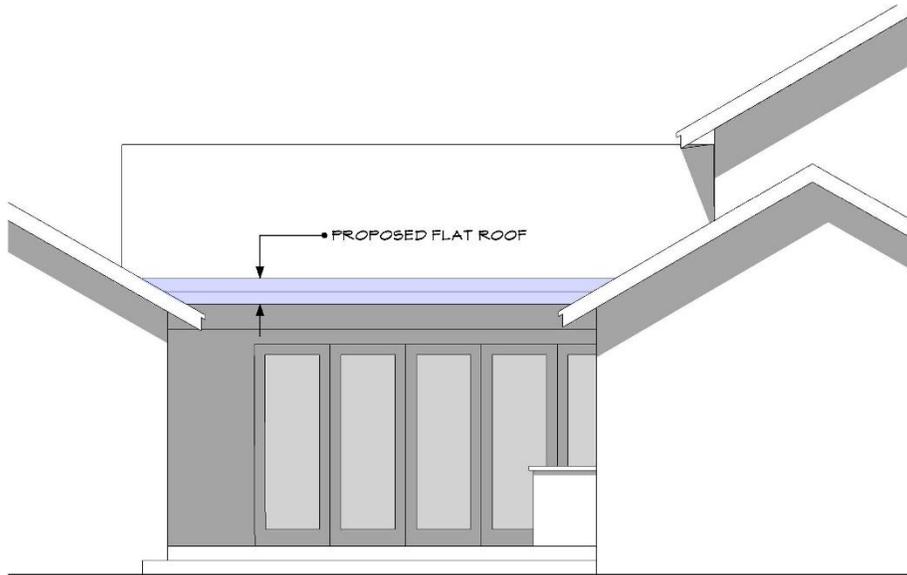
PROPOSAL

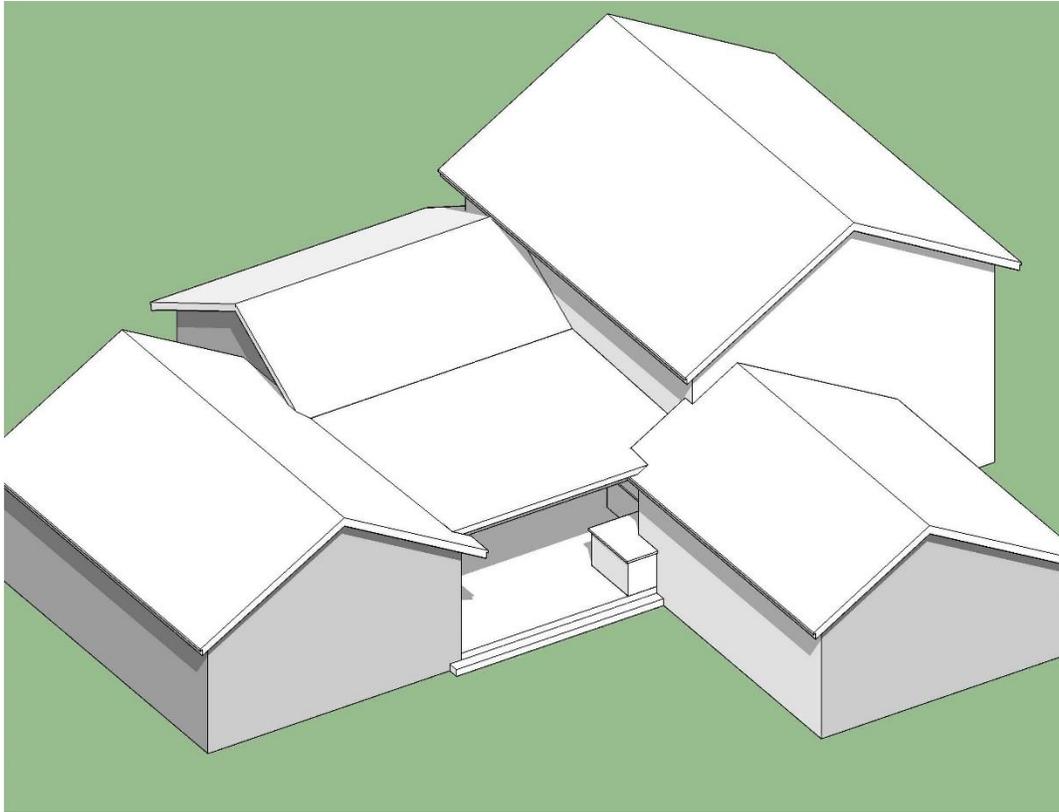
The request is to allow a new 201 sf patio cover off the rear of the home in the flagstone courtyard area. The patio cover will fill in the rectangular area above the raised area in the photos above. The courtyard is south facing, and the applicant desires coverage to provide protection from rain, snow and sun. The proposal exceeds the allowed maximum lot coverage for properties of this size in the Old Town Overlay. The subject lot is 9,325 sf in area, and the existing home has a lot coverage of 2,805 sf (30%) and the Old Town Overlay allows a maximum of 30% lot coverage, based on the table from the Old Town Overlay below. The proposal results in a 32.1% lot coverage.

Lot coverage. The maximum lot coverage (expressed as square feet of lot area or as a percentage of lot area) shall be as follows:

1. For a lot having a lot area of less than 4,000 square feet: 40 percent.
2. For a lot having a lot area of 4,000 to 5,999 square feet: 1,600 square feet or 37.5 percent, whichever is greater.
3. For a lot having a lot area of 6,000 to 6,999 square feet: 2,250 square feet or 35 percent, whichever is greater.
- 4. For a lot having a lot area greater than 7,000 square feet: 2,450 square feet or 30 percent, whichever is greater.**

Proposed Elevations





Comparison Area – Lot Coverage in the 800 block of McKinley Avenue

Staff compared the lot coverages in the 800 block of McKinley Avenue to understand the character and massing within this block.

Address	Lot Size	Existing Lot Coverage	Existing Lot Coverage %	Max. Allowed Lot Coverage
245 Spruce	6,231 SF	1,923 SF	30.8%	2,025 SF*
267 Spruce	6,232 SF	2,025 SF	32.5%	2,025 SF*
821 McKinley	9,375 SF	2,805 SF	30%	2,813 SF
839 McKinley	13,250 SF	2,568 SF	19%	3,975 SF
840 McKinley	7,000 SF	2,249 SF	32%	2,450 SF
832 McKinley	6,250 SF	1,063 SF	17%	2,250 SF
816 McKinley	6,250 SF	1,484 SF	24%	2,250 SF
301 Spruce St	15,625 SF	1,684 SF	11%	4,675 SF

*Maximum lot coverage per Louisville Heights Replat A



When using property information from the Boulder County Assessor, all properties within the 800 block of McKinley are within the maximum lot coverage allowance.

REVIEW CRITERIA:

The BOA has authority to grant or deny a variance request based on the review criteria found in Municipal Code Sections 17.48.110.B.1-6. Following is staff's analysis of the criteria with recommended findings on each.

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.*

Staff finds that there are no unique physical circumstances or conditions related to the property when considering a request for additional lot coverage. All lots within the block meet the lot coverage requirement, and the applicant's lot is not unique in lot size or in any other condition that would cause a development constraint related to lot coverage. The average lot size in the Louisville Heights subdivision is 8,877 square feet, and the subject lot is slightly larger at 9,325 square feet. The lot coverage allowances in the Old Town Overlay are graduated based on lot size in order to factor in variations in lot size throughout the Old Town area. The applicant states in the application letter that the shape of the house is a unique physical circumstance related to lot coverage. However, staff finds that, because lot coverage is a ratio of the structures on the lot to the lot area, that the shape of a structure would not be a relevant physical condition affecting development within the lot coverage standard. **Staff finds the proposal does not meet this criterion.**

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

As noted above, staff finds there are no unusual circumstances or conditions related to this variance request. The lot size complies with zoning, is in the typical range of the neighborhood, and the existing lot coverage meets the Old Town Overlay. **Staff finds the proposal does not meet this criterion.**

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.*

Staff finds that the property is already reasonably developed in conformity with the provisions of Title 17. The covered patio is not needed to reasonably develop the lot in a similar manner to other properties in the neighborhood. **Staff finds the proposal does not meet this criterion.**

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

Staff finds that an unnecessary hardship does not exist on the lot. **Staff finds the proposal does not meet this criterion**

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.*

Staff finds that the proposal will alter the essential character of the neighborhood by allowing a patio cover that results in a 32.1% lot coverage. There are no other properties on the block that violate the lot coverage standard, and no unique circumstances on this lot necessitating the additional lot coverage. Staff does note that the area is already partially enclosed limiting the visual impact of the massing to neighboring properties. **Staff finds the proposal does not meet this criterion.**

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.*

Staff finds that a variance is not necessary for reasonable development of the lot, and thus, no relief is necessary. In addition, although the applicant wishes to have a covered patio, they could install a pergola or other sunshade alleviating the need for a variance. **Staff finds the proposal does not meet this criterion.**

PUBLIC COMMENTS:

To date, two comments have been received from neighboring properties and are included as attachments.

STAFF RECOMMENDATION:

Staff finds the proposal does not meet the applicable variance criteria in Section 17.48.110 of the LMC, and therefore, recommends denial of the variance request.

BOARD ACTION:

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. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:

1. Application
2. Site Plan and Elevations
3. Public comments

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: Stewart Architecture
 Contact: Peter Stewart
 Address: 1132 Jefferson Ave.
Louisville CO 80027
 Mailing Address: _____
 Telephone: 303 - 665-6668
 Fax: _____
 Email: peter @ stewart-architecture.com

OWNER INFORMATION

Firm: _____
 Contact: Scott Berger
 Address: 821 McKinley Ave
Louisville, CO 80027
 Mailing Address: _____
 Telephone: _____
 Fax: _____
 Email: sberge1@icloud.com;

REPRESENTATIVE INFORMATION

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

PROPERTY INFORMATION

Common Address: 821 McKinley Ave
 Legal Description: Lot 5,6,7 Blk 4
 Subdivision Louisville Heights
 Area: 9,347 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 lot coverage of
3,005 SF (32.1%) where 2,805 SF (30%)
is allowed, in order to construct an open
patio cover.

Current zoning: RL Proposed zoning: _____

SIGNATURES & DATE

Applicant: 
 Print: Peter Stewart
 Owner: _____
 Print: _____
 Representative: _____
 Print: _____

CITY STAFF USE ONLY

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

April 17, 2019

Lisa Ritchie
 Senior Planner
 City of Louisville
 749 Main St
 Louisville CO 80027

RE: 821 McKinley Ave.
 Request for Lot Coverage Variance
 To allow lot coverage of 3,005 SF (32.1%) where 2,804 SF (30% is allowed).

Ms. Ritchie,

The property owners, Scott & Kathryn Berger, currently have an open air patio located on the rear and south side of their home. It is a courtyard of sorts partially surrounded by the home which screens the patio from view on all sides except the south. The owners are not able to fully enjoy the patio because it is uncovered and subject to overheating from the sun in the summer and it is also open to rain and snow. It is for this reason they are requesting a minor variance to allow them to cover their existing patio.

The existing house, including its covered front porch, covers 30% of the lot. The proposed patio cover would add another 201 SF of roof covering. In the Old Town Zone District maximum coverage for this size lot is 30%. Data for this lot:

Lot Size 9,347 SF x 30% = 2,804 SF maximum. This request allowing the 201 SF patio cover roof results in 3,005 SF coverage or 32.1% coverage. This is 201 SF or 7% more area of coverage than currently afforded under the Old Town zoning.

Table comparing existing coverage to proposed (in SF and %).

<i>Element</i>	<i>Existing</i>	<i>%</i>	<i>Proposed</i>	<i>%</i>	<i>Change</i>
Building (enclosed)	2,735	29.3%	2,735	29.3%	none
Open porches & Building	69	0.7%	270	2.9%	201
Total Building & Porches	2,804	30.0%	3,005	32.1%	2.6%

Reasons to approve this minor variance:

-) Is less than a 10% variance from the stipulated maximum. (3,005 SF of coverage rather than 2,804)

-) Will not be visible from any elevation except for the south.
-) Is open air and not enclosed. Does not increase visual massing or perceived bulk of the building (amount enclosed building coverage does not increase)
-) Building height of new is below existing roofs. – no increase
-) Does not reduce building setbacks on the property. (is within the existing setbacks)
-) Will not increase shadows on the property (no impact to neighbors)

Variance Technical Criteria

The following is a list of criteria followed by our response. **(R:)**

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;

R: The unique configuration of the existing house and patio location are such that covering the patio will essentially not be visible, will not add to building bulk, will not increase height, and does not affect setbacks.

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

R: These unusual circumstances are different from typical zoning lot coverage concerns where building mass and bulk affect and impact lots in the neighborhood.

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title;

R: The proposed patio cover is a reasonable type of development which will afford the property owners full use and enjoyment of their property. While it is possible to remove a portion of the existing structure, to allow for the covered patio we believe that would be unreasonable and unnecessary to meet the intent of the coverage code in limiting perceived mass and bulk of buildings.

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

R: These circumstances are the result of existing building and property.

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;

R: The open unenclosed patio cover will essentially not be visible, will not add to building bulk, will not increase height, does not affect setbacks, and will not result in any added building shadows. This is unique from other zoning lot coverage concerns where building mass and bulk affect the lot.

6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions on this title which are in question

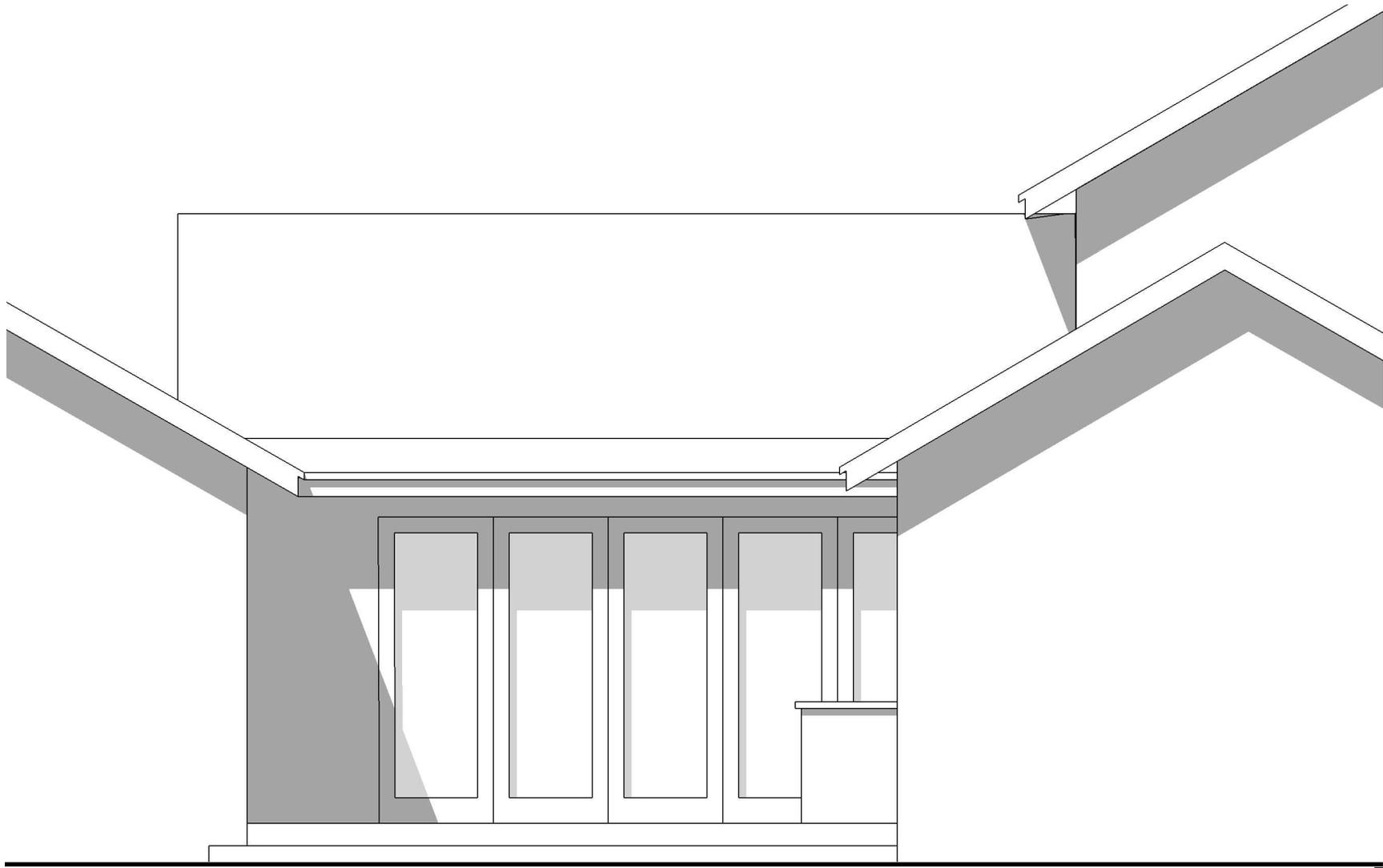
R: The proposed variance is minimal, less than the 10% maximum allowed for administrative Minor Impact Variances, and would allow the property owners a fuller use and enjoyment of their patio.

Thank you for your consideration of this proposed 201 SF, 7% Variance. Please let me know if you have any questions or need any additional information.

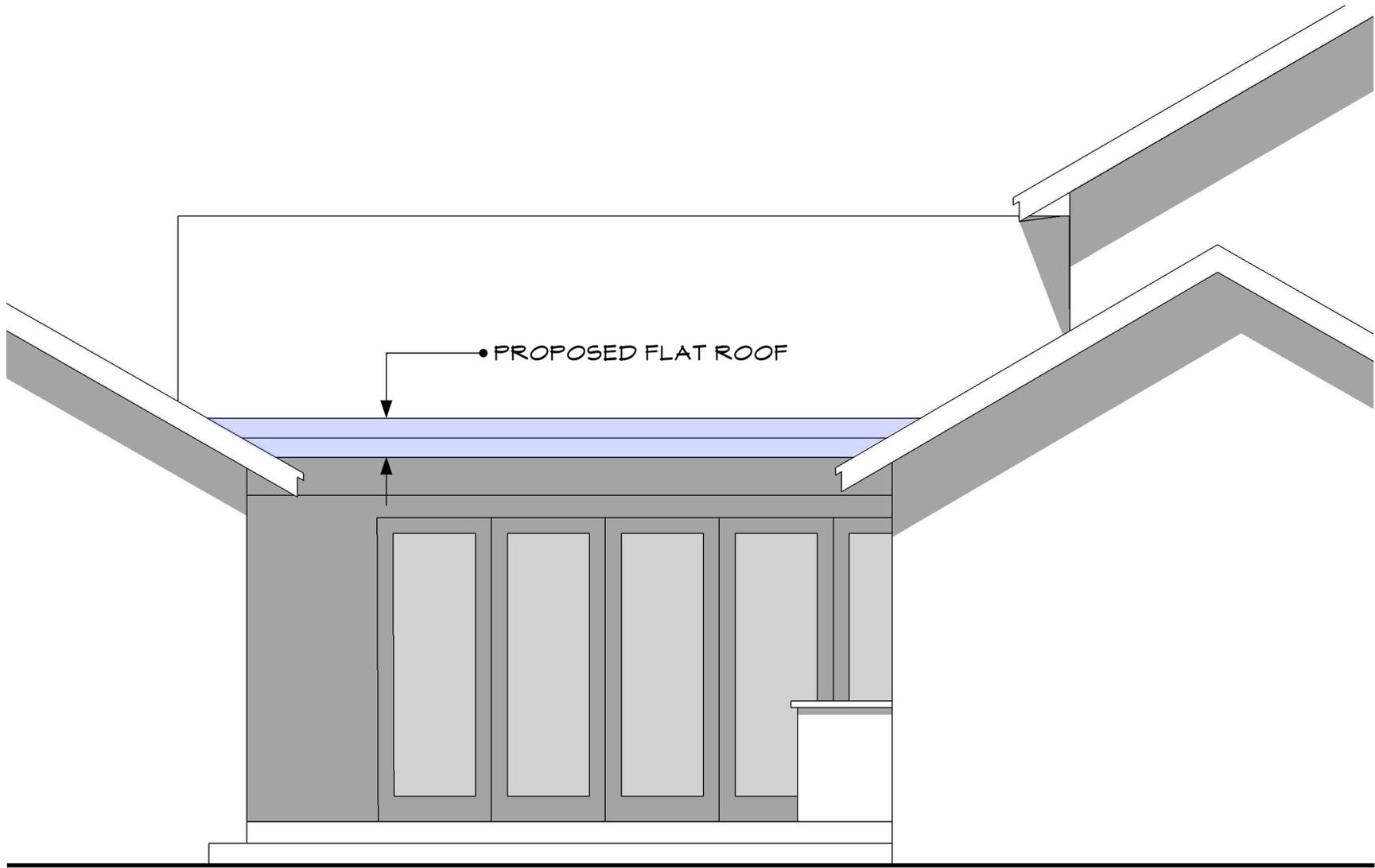
Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Stewart". The signature is stylized with a long horizontal line extending from the end of the name.

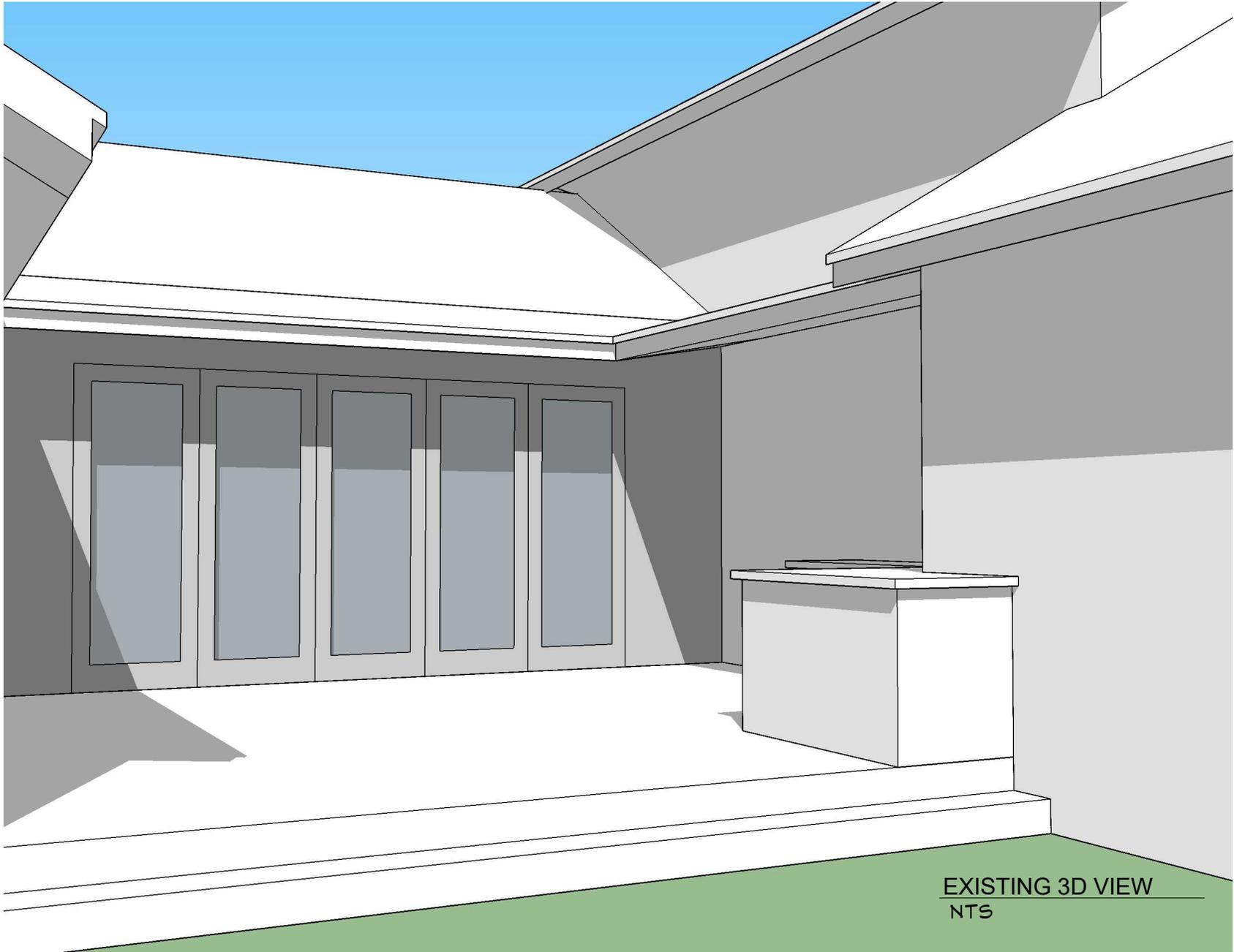
Peter Stewart, Project Representative



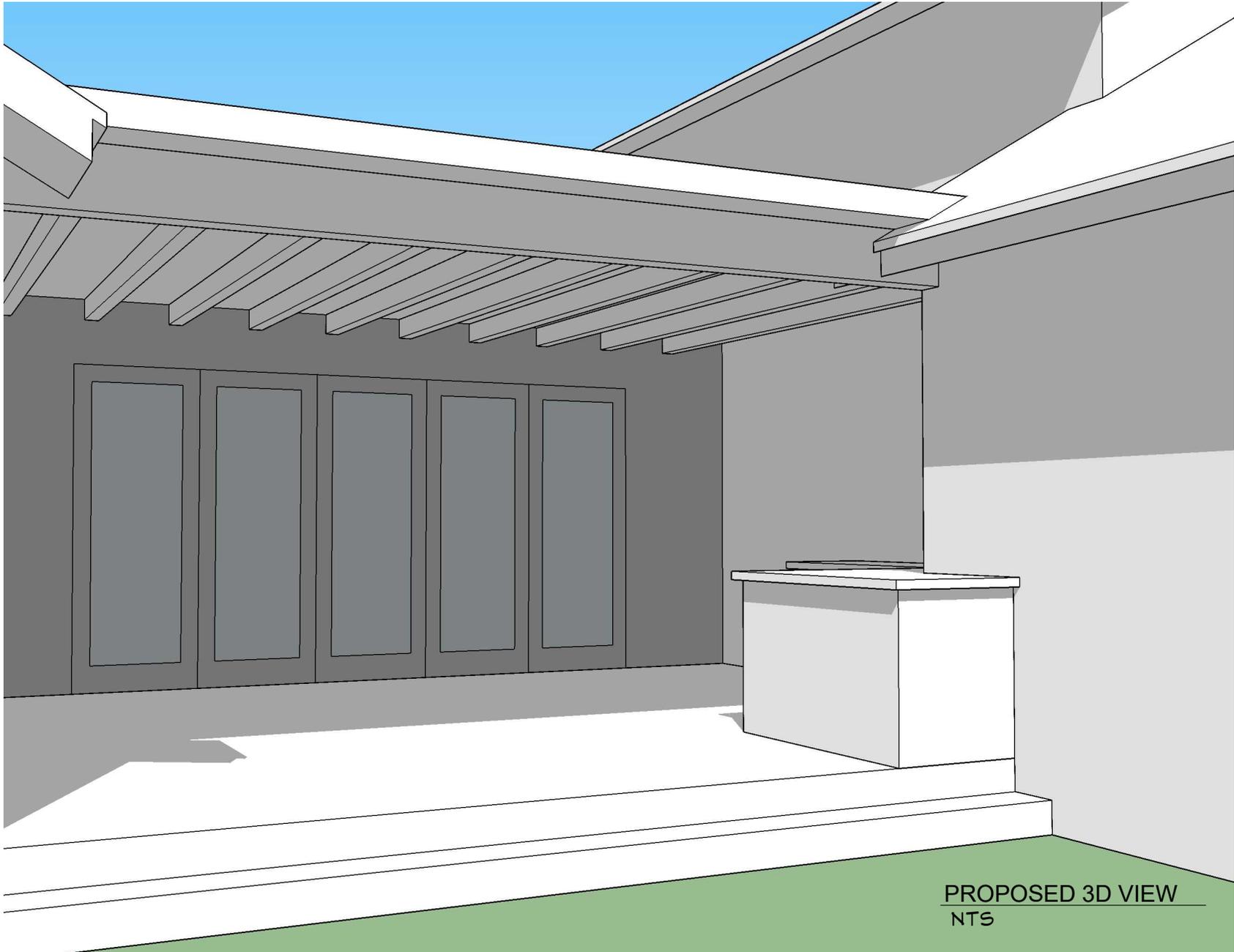
EXISTING ELEVATION
1/4" = 1'-0"



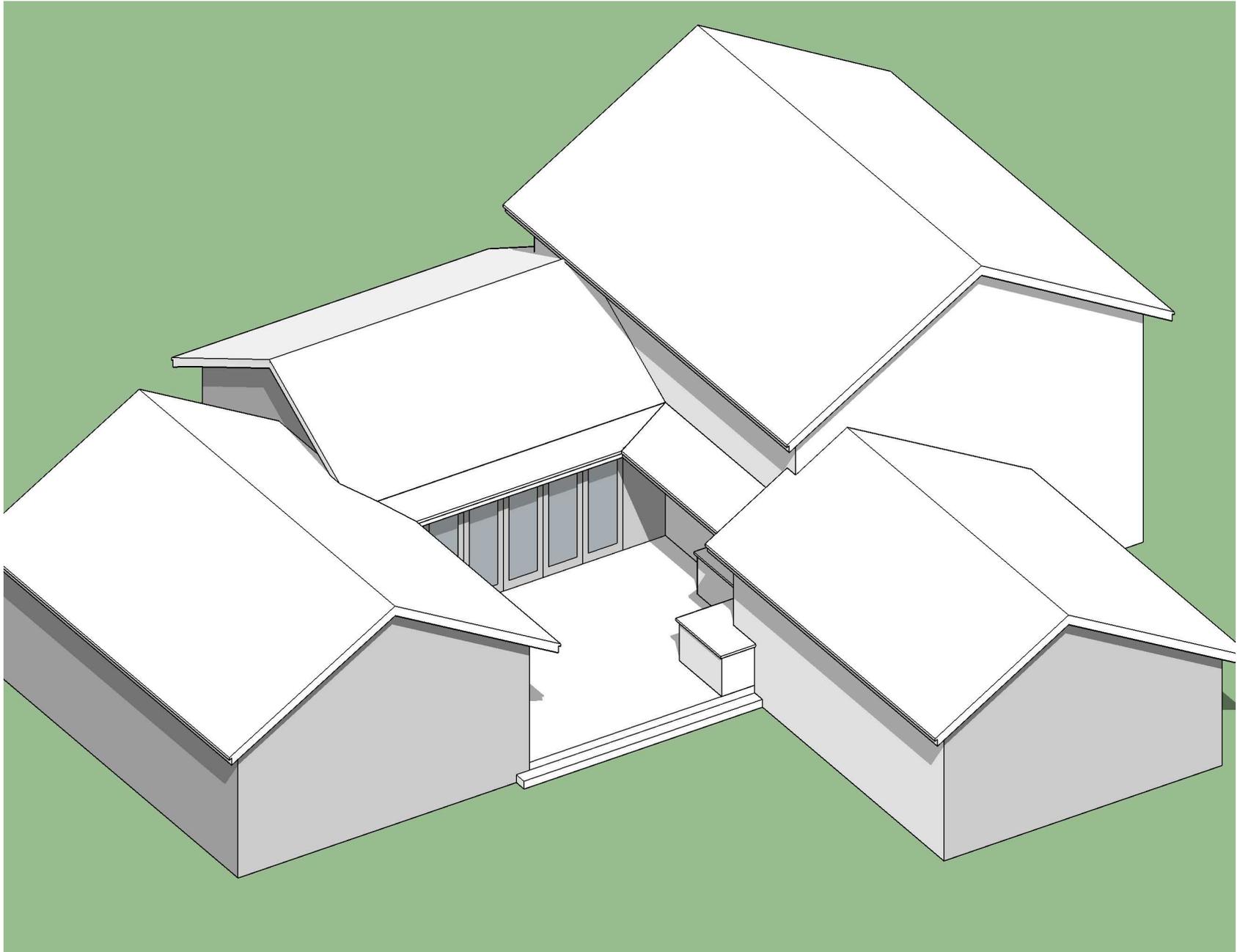
PROPOSED ELEVATION
1/4" = 1'-0"



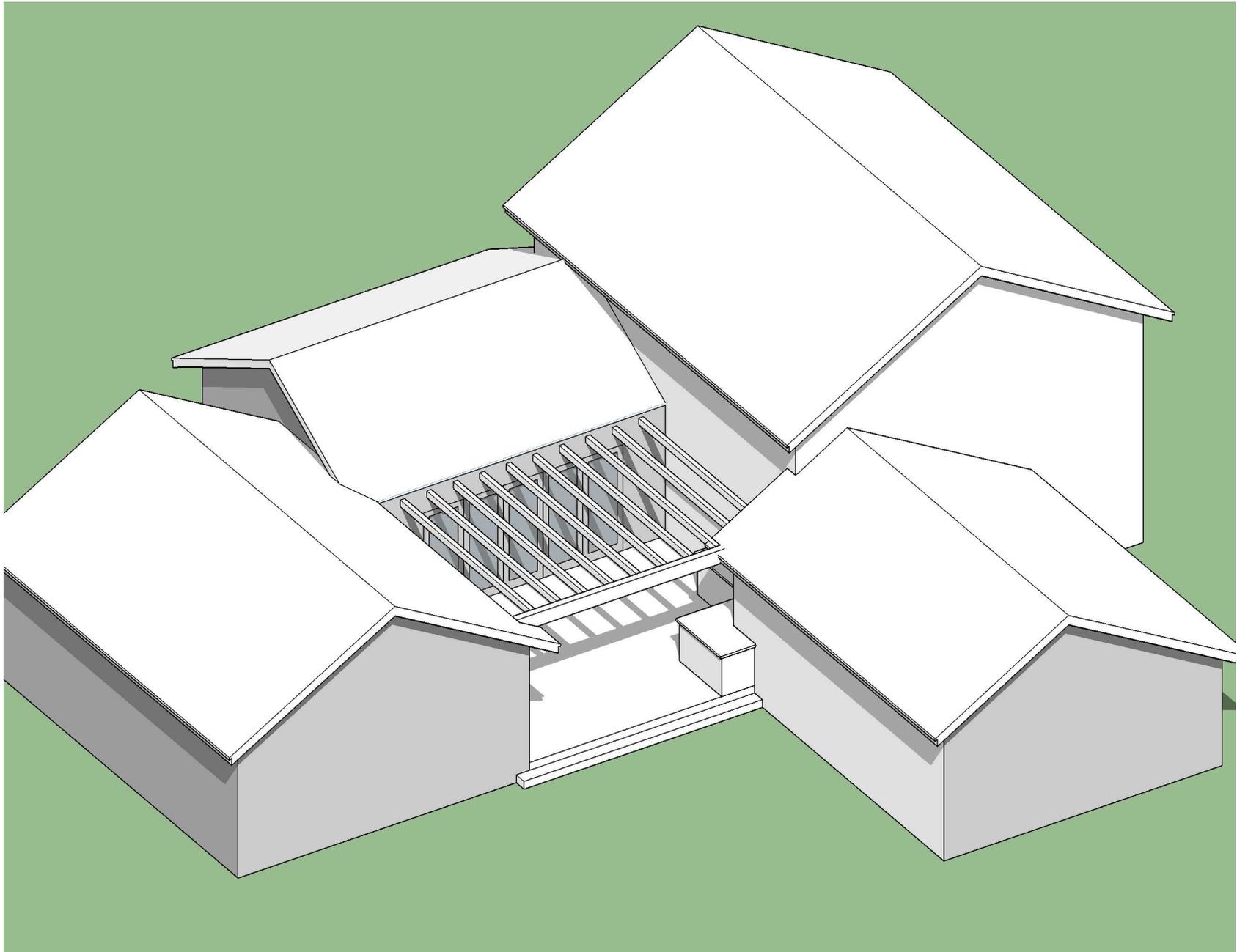
EXISTING 3D VIEW
NTS



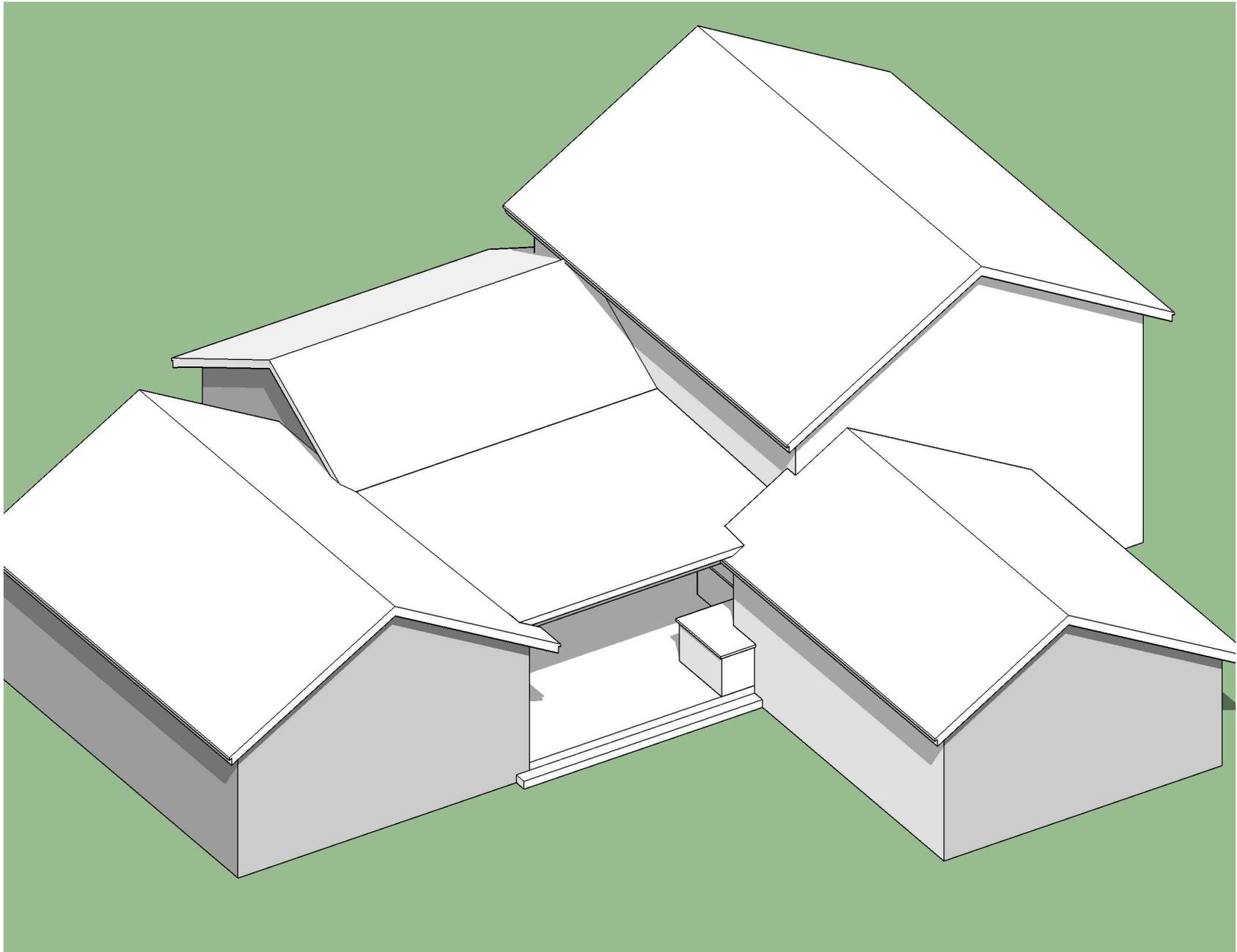
PROPOSED 3D VIEW
NTS



EXISTING 3D VIEW
NTS



PERGOLA 3D VIEW
NTS



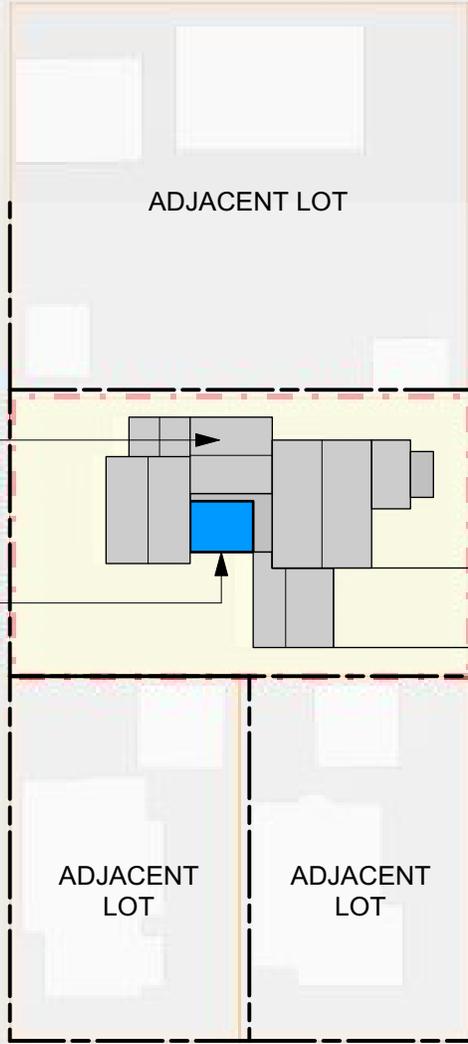
COVERED PATIO 3D VIEW
NTS

Walnut St

ADJACENT LOT

HOUSE
COVERAGE
2,728 SF

PROPOSED
PATIO COVER
250 SF



MCKINLEY AVENUE

ADJACENT
LOT

ADJACENT
LOT

W Spruce St

SPRUCE STREET

VICINITY PLAN

1"=50'-0"

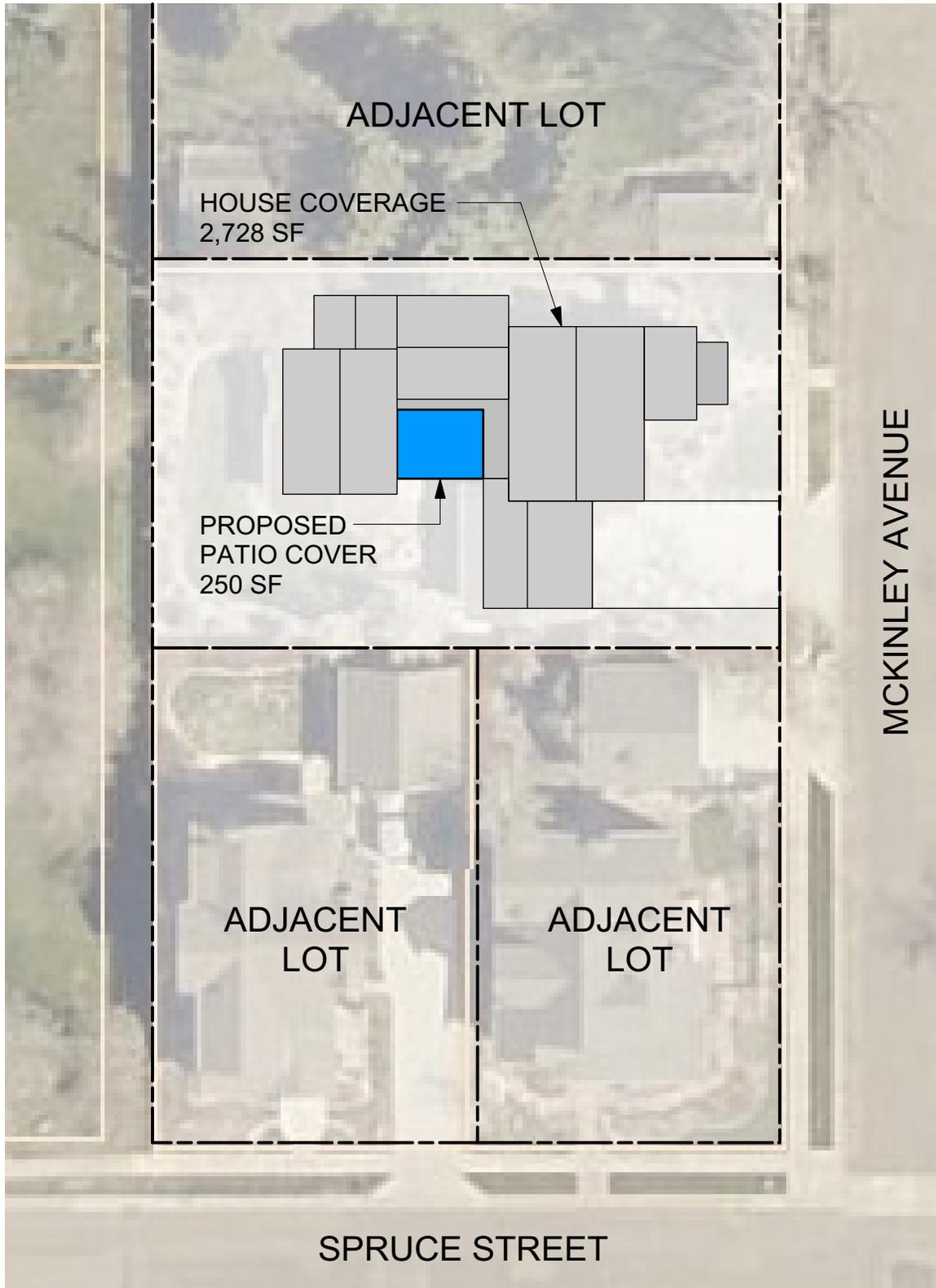


stewart

ARCHITECTURE
1132 JEFFERSON AVE.
LOUISVILLE, CO 80027
303. 665. 6668

Berger Residence
821 McKinley Ave.
Louisville, CO 80027

Variance Request
April 17, 2019



SITE PLAN
1"=30'-0"



Lisa Ritchie

From: norbecker13@aol.com
Sent: Thursday, April 25, 2019 9:43 PM
To: Lisa Ritchie
Cc: sberge1@icloud.com
Subject: 821 McKinley courtyard roof

Hello Lisa -

We live directly south of the Bergers' property at 821 McKinley Avenue. Scott came over and showed us the plans for the proposed courtyard roof, for which they are seeking a variance from the city. We have no objections to the proposed roof addition.

Thank you,

Tom Beck and Amy Norton
267 Spruce St.
303-665-2514

Lisa Ritchie

From: SCOTT BERGER <sberge1@icloud.com>
Sent: Friday, June 14, 2019 3:19 PM
To: Lisa Ritchie
Subject: Fwd: Project for Scott and KatyBerger

Lisa,

I got your email with the hearing packet today. This is a letter from my other neighbor to the south(west) of us. I think he used an incomplete email address for you originally. I only noticed now because it wasn't in the hearing packet.

Regards,

Scott Berger

Sent from my iPhone

Begin forwarded message:

From: Patrick Gilmore <gilmorepatrick81@yahoo.com>
Date: April 25, 2019 at 8:27:06 AM MDT
To: "lritchie@louisville.gov" <lritchie@louisville.gov>
Cc: "sberge1@icloud.com" <sberge1@icloud.com>
Subject: Project for Scott and KatyBerger

Lisa:

My name is Patrick Gilmore, I am a neighbor of Scott and Katy Berger of 821 McKinley Ave., here in Louisville. Scott stopped by yesterday and shared their plans/drawings to add on to their roof in their back yard. I am in support of them doing this addition and have no issue with them moving forward with this project.

If you have any questions or need anything additional from me, please don't hesitate to reach out, my Cell # is below.

Sincerely,

Patrick Gilmore
Cell # 1(419)450-4022

Lisa Ritchie

From: Felicity Selvoski
Sent: Monday, June 10, 2019 8:29 AM
To: Lisa Ritchie
Subject: FW: 821 McKinley Ave, Louisville

-----Original Message-----

From: Elizabeth Ryterski [mailto:elizabeth.ryterski@me.com]
Sent: Sunday, June 9, 2019 9:52 PM
To: Planning <planning@Louisvilleco.gov>
Cc: Eric & Elizabeth Ryterski <eric.ryterski@gmail.com>
Subject: 821 McKinley Ave, Louisville

We have no objection to the proposed variance at 821 McKinley.

Elizabeth & Eric Ryterski
941 Garfield Ave

**CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
June 19, 2019**

APPLICANT: Mosaic Outdoor Living
OWNER: Heather and James Kilcoyne
STAFF PLANNER: Lisa Ritchie, Senior Planner
LOCATION: 439 Walnut Lane; Lot 3, Fischer Farms
ZONING: Single Family – Estate (SF-E)
REQUEST: **Case #VAR-0202-2019** – Request for a variance from the Fischer Farms PUD to allow the construction of a patio cover with a roof pitch less than 6:12.



SUMMARY:

The applicant requests a variance from the Fischer Farms PUD requirement for a minimum 6:12 roof pitch to allow construction of a patio cover on the rear of the home with a 4:12 roof pitch.

BACKGROUND: The subject property is zoned Single Family – Estate (SF-E) and was platted in 2001. A PUD was also approved in 2001 that established development standards, including setbacks, lot coverage, height and the minimum roof pitch standard. The existing home was constructed in 2006. A portion of the home was constructed with roofs meeting the 6:12 minimum, while a portion was not. Staff did not identify a variance or other means in which this was permitted.

Existing Conditions – 439 Walnut Lane





PROPOSAL

The request is to allow a new patio cover off the rear of the home with a roof pitch that matches the other roof structures at the first floor level. The patio is west facing, and the applicants' desire a shaded area at the rear of the home. The proposal meets all other development standards, including lot coverage and setbacks. The reduced roof pitch request is less impactful to the views from the two second story windows in the area of the patio cover, and will match the existing roof lines.

Proposed Elevations





Comparison Area – Roof pitches in Fischer Farms

Staff located the roof truss plans in the building permit file for the subject property to verify that the existing roof pitches on the home include a mix of 6:12 and 4:12 roof pitches. Staff located roof plans for two other properties in the neighborhood. These homes appear to have been built to the 6:12 standard based on the plans in the file. However, upon visual inspection, staff believes that not all homes in the neighborhood were uniformly built to the 6:12 standard and there is a mix of actual roof pitches. The subject property's roof design is not noticeably different from other homes in the neighborhood.

REVIEW CRITERIA:

The BOA has authority to grant or deny a variance request based on the review criteria found in Municipal Code Sections 17.48.110.B.1-6. Following is staff's analysis of the criteria with recommended findings on each.

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.*

Staff finds that the construction of the home with the existing areas of roof with less than a 6:12 pitch is a unique circumstance peculiar to the affected property. Staff could not identify a rationale or specific approval for this circumstance, other than approval of the initial building permit. **Staff finds the proposal meets this criterion.**

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

While staff notes that it appears other homes in Fischer Farms were constructed with areas of roof with less than a 6:12 pitch, the specific circumstance of a 6:12 pitch on the upper roof and 4:12 pitch on the lower roof is unique to this home. A request for a first floor patio cover with the same roof pitch would be logical for this property based on the existing condition. **Staff finds the proposal meets this criterion.**

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.*

Staff finds that because of the existing window locations on the west elevation, constructing a patio cover with a 6:12 roof pitch is challenging. Additionally, the property is already developed with roofs with a 4:12 pitch, and requiring a 6:12 roof pitch in this location is inconsistent with the existing architecture of the home. Staff finds that requiring a roof with a 6:12 pitch in this location is unreasonable. **Staff finds the proposal meets this criterion.**

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

The City approved the PUD with the roof pitch standard in 2001, and permitted the construction of the existing home in 2006. The applicant is the original owner of the home, but is not responsible for the original approval of the building permit plans for this home with areas of roof with less than a 6:12 pitch. The applicants' purchased the property in 2004 from the subdivision developer and constructed the last home in the cul-de-sac. **Staff finds the proposal meets this criterion**

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.*

Staff finds that the proposal would not alter the essential character of the neighborhood by allowing a patio cover with a 4:12 roof pitch. This roof pitch is consistent with the other first floor roof areas, and is architecturally compatible with the home and surrounding neighborhood character. The patio cover complies with all other development standards, including lot coverage and setbacks, and will not impair the appropriate use or development of adjacent property. **Staff finds the proposal meets this criterion.**

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 request for a patio cover with a 4:12 roof pitch is the minimum variance that will afford relief. The request matches the existing roof pitches and does not ask for a variance beyond this existing condition. **Staff finds the proposal meets this criterion.**

PUBLIC COMMENTS:

To date, no public comments have been received.

STAFF RECOMMENDATION:

Staff finds the proposal meets all applicable variance criteria in Section 17.48.110 of the LMC, and therefore, recommends approval of the variance request.

BOARD ACTION:

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. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:

1. Application
2. Fischer Farms PUD
3. Site Plan and Elevations

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: Mosaic Outdoor Living
 Contact: Andy Hashman
 Address: 133 - D McCaskin Blvd
Louisville, CO 80027
 Mailing Address: _____
Same
 Telephone: 303-926-9292
 Fax: 303-926-1554
 Email: andy@mosaicmasterpieces.com

OWNER INFORMATION

Firm: _____
 Contact: Heather & James Kilcoyne
 Address: 439 Walnut Ln
Louisville, CO 80027
 Mailing Address: _____
Same
 Telephone: 720-289-1091
 Fax: _____
 Email: heatherkilcoyne@me.com

REPRESENTATIVE INFORMATION

Firm: _____
 Contact: _____
 Address: _____

 Mailing Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

PROPERTY INFORMATION

Common Address: 439 Walnut Ln
 Legal Description: Lot 3 Blk _____
 Subdivision Fischer Farms
 Area: 18,725 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 to obtain a variance to cover a patio with a roof less than 6:12 pitch.

Current zoning: _____ Proposed zoning: _____

SIGNATURES & DATE

Applicant: _____
 Print: ANDY HASHMAN
 Owner: Heather Kilcoyne
 Print: HEATHER KILCOYNE
 Representative: _____
 Print: _____

CITY STAFF USE ONLY

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



TWO PRESTIGIOUS NAMES...ONE GREAT COMPANY

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May 23, 2019

City of Louisville
Department of Planning and Building Safety
Board of Adjustment
749 Main Street
Louisville, CO 80027

To Whom It May Concern:

This is a request for a variance at Lot 3 Fischer Farms, commonly referred to as 439 Walnut Ln., Louisville, CO 80027. This variance would allow for a patio cover (roof) at a 4:12 pitch. Fischer Farms Final PUD states the minimum roof pitch for principal and accessory structures shall be 6:12.

The reason for this variance is to allow the homeowner to cover their patio with a roof that is aesthetically pleasing and does not block windows on the upper level.

Review criteria:

1. Unique circumstances exist: The existing roof is already less than 6:12. The existing roof is at a pitch of 4:12.
2. These unique circumstances do not exist throughout the neighborhood. Putting a patio cover on the home at 6:12 pitch will require the relocation of windows on the upper level of the home. This is the only west-facing home in the neighborhood without an existing patio cover.
3. Because the roof pitch of the home was built at 4:12, adding a 6:12 patio cover will not only block windows on the upper level, but will compromise the architectural style and aesthetic of the home.

MosaicMasterpieces.com

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SHOWROOM • BOULDER COUNTY 133D McCaslin Boulevard, Louisville, CO 80027 • 303.926.9292
SHOWROOM • COLORADO SPRINGS 3255 Austin Bluffs Parkway, Colorado Springs, CO 80918 • 719.573.6000

4. These unique circumstances have not been created by the applicant/homeowner.
5. The essential character of the neighborhood will not be altered. The covered patio is designed to aesthetically enhance the appearance of the home, specifically by respecting the existing architecture of the home and keeping in tune with the character of the neighborhood. Furthermore, the type of outdoor living space the covered patio will provide will increase the value of the home, in turn having additional positive impact on the neighborhood as a whole.
6. We are requesting a variance from the 6:12 roof pitch requirement by the Fischer Farms PUD. Allowing a 4:12 pitch patio cover is the least modification possible considering the design of the home and placement of windows.

I greatly appreciate your attention in this matter. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Hashman', with a long horizontal flourish extending to the right.

Andy Hashman

Designer

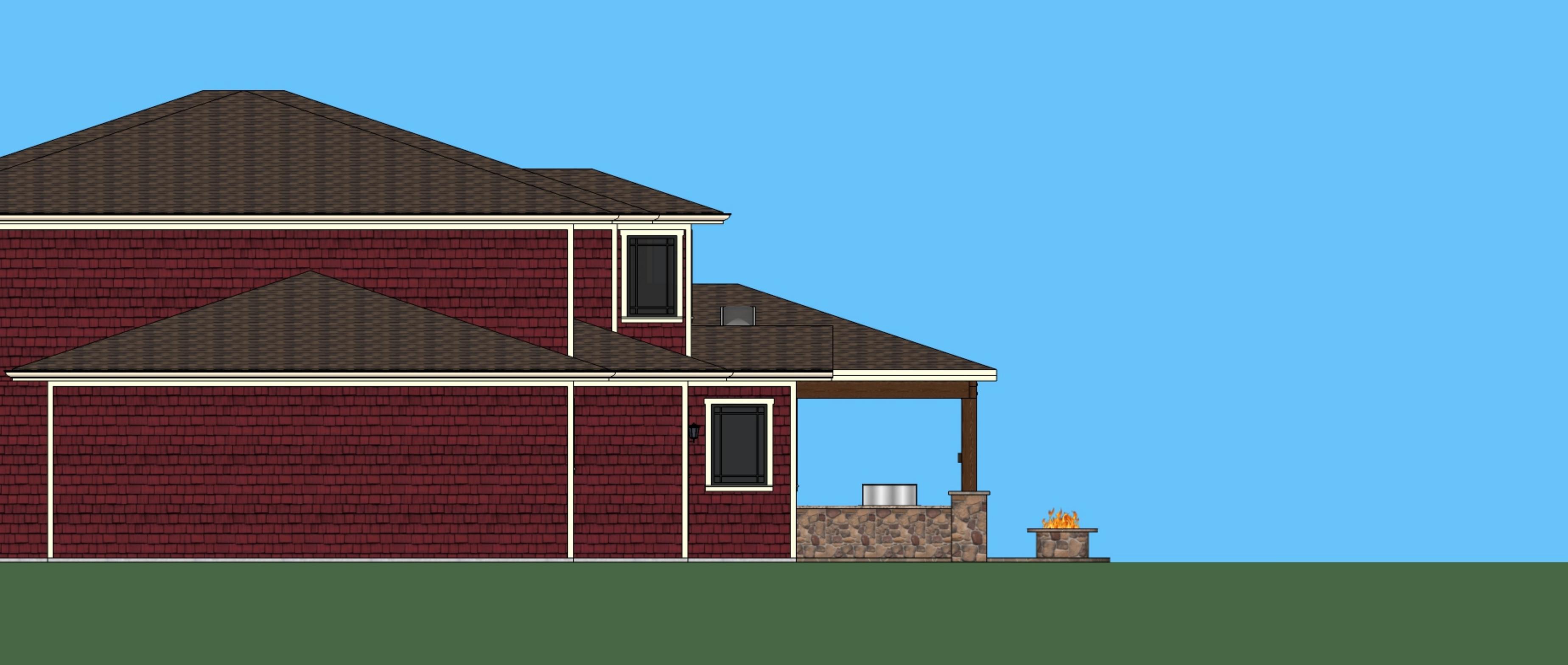
303-888-3869

Andy@MosaicMasterpieces.com













Property Line
S34°40'44"W
14.70'

Property Line S00°12'14"W 170.61'

Property Line N58°14'20"W 154.32'

44'-1" Driveway Length (NIP)

Setback

Contractor to verify final grading provides adequate drainage away from & around structure

Two-Story Single-Family Residence
(3,643 sf)

Covered Porch
(329 sf)

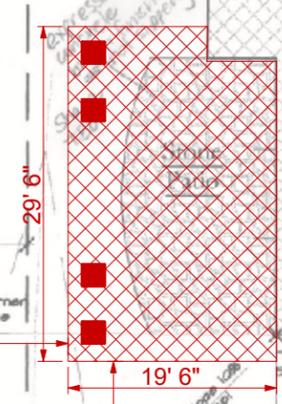
Garage
(844 sf)

WALNUT LANE

Property Line L=65.87'

Property Line N52°12'43"E 64.02'

Property Line N89°56'34"E 88.80'



Turkey tail
wheat field

25'-0" Rear
Setback

46'-10" House Corner
to Property Line

Verify location
of existing
retaining walls

29' 6"

28' 6"

19' 6"

40'

PROPOSED 4:12 HIP ROOF LOCATION

1/16"=1' 0"



Lot 3 - Site Plan
SCALE: 1" = 10'-0"