

# **Board of Adjustment**

## **Agenda**

**June 15, 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
  - March 16, 2016
- V. Public Comments on Items Not on the Agenda
- VI. Regular :
  - **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, 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
  - **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, 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. Discussion Items

- Proposed Expansion of the Recreation/Senior Center and Upgrades to Memory Square Pool
- Election of Officers

VIII. Business Items tentatively scheduled for July 20, 2016

IX. Staff Comments

X. Board Comments

XI. Discussion Items for Next Meeting July 20, 2016

XII. Adjourn

# ***Board of Adjustment***

## ***Meeting Minutes***

**March 16, 2016**

**City Hall, Council Chambers**

**749 Main Street**

**6:30 PM**

**Call to Order** – Chairman Meseck called the meeting to order at 6:35 PM.

**Roll Call** was taken and the following members were present:

|                        |   |
|------------------------|---|
| Board Members Present: | Andrew Meseck, Chairman<br>James Stuart<br>Leslie Ewy<br>Thomas DeJong<br>Lowell Campbell |
| Board Members Absent:  | Gunnar Malmquist  |
| Staff Members Present: | Scott Robinson, Planner II  |

### **Approval of Agenda:**

**Ewy** moved and **Stuart** seconded a motion to approve the March 16, 2016 agenda as prepared by Staff. Motion passed by voice vote.

### **Approval of Minutes:**

**Stuart** moved and **Ewy** seconded a motion to approve the February 17, 2016 minutes. Motion passed by voice vote.

### **Public Comments on Items not on the Agenda**

None heard.

### **Regular Business:**

- **175 Lois Drive – Variance Request** – A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from rear setback and maximum lot coverage requirements to allow additions to the front porch, rear deck, and second story.  
**Case #16-002-VA Continued from February 17, 2016 meeting**
  - Applicant & Owner: Phil Larson, 2090 Stony Hill Rd, Boulder
  - Representative: Kathleen Thorne, KTH Design
  - Case Manager: Scott Robinson, Planner II

**Robinson** says because this is a continuance, we do not need to review the procedures for the meeting.

**Meseck** discloses that I am the Chairman and apologize for missing last month's meeting. I did not have any ex parte contact, have no conflict of interest, and did no discreet site visit. I am aware of the property because I run by it often. I did take a long look at the materials online and listened to the audio of last month's meeting. I am aware of everything that took place and what was discussed.

**Robinson** summarizes. This is a request for variances from lot coverage and rear setback to expand the rear deck, make modifications to cantilevers, and cover the front porch. At the February meeting, the lot coverage request was approved to allow for the cantilever modifications, front porch cover, and lot coverage issues related to the rear porch. The rear setback issue was not resolved and continued to March meeting. There were questions about the criteria and how they are interpreted. Criterion #2 about the condition persists throughout the neighborhood was questioned. In the packet, there is an email dated March 9, 2016 from **Sam Light**, Louisville City Attorney, along with an attached letter he wrote on May 26, 2011 discussing how the criteria are addressed. There is additional information about Centennial Valley 3 subdivision and the size of the lots. At this point, the BOA can ask questions of Staff or the applicant, or continue discussion, then make a motion and vote.

Questions from Board to Staff:

**Meseck** says we can direct our questions to Staff and then give the applicant an opportunity to speak if they choice.

**Campbell** says he is puzzled by the letters from **Sam Light**, City Attorney. Who requested them because I don't remember the BOA discussing this request?

**Stuart** says the recent letter from **Sam Light** is a response to a request from **Robinson** regarding the six criteria interpretation. The second letter is the response to an email from Robinson's predecessor, **Gavin McMillan**, regarding the six criteria interpretation.

**Campbell** asks if the response was requested by Staff.

**Robinson** says I wrote an email to the City Attorney after the last BOA meeting. I was under the impression that you wanted more clarification from the City Attorney. I asked him for additional information and he responded with an email and also attached a previous letter from 2011.

**Campbell** asks if the City Attorney was satisfying a requirement per your request, or was he representing the Board? Is he representing the City or the Board?

**Robinson** says the City Attorney represents the City of Louisville.

**Campbell** asks who is the attorney representing the BOA?

**Robinson** says **Sam Light** is the attorney for the BOA.

**Campbell** asks if this is a conflict.

**Robinson** says the BOA is an entity of the City of Louisville. **Sam Light** is employed by City Council. He does not work for Staff; he works for City Council. Staff works for **Malcolm**

**Fleming**, the City Manager, who works for City Council. **Sam Light** represents the interests of the City.

**Campbell** says we often have different ideas. I was not clear if he represents the City, Staff, or the BOA. It seems like there is a difference.

**Robinson** says he represents the City. He protects the interests of the entire City. He does not work for Staff. He responds to how the City sees the six criteria interpreted.

**DeJong** says basically you have an attorney providing legal analysis of questions of law. What we had earlier were questions regarding interpretation of law. **Mr. Light** or one of his associates went through and provided the analysis of how the City of Louisville would interpret the law laid by the code.

**Campbell** says I was not clear on who he is representing. There is often a difference of opinion. **Robinson** says he is representing the City of Louisville. He is not defending a position I may have as Staff. We both act on behalf of the City and in the interest of the City.

**Ewy** says the BOA is a quasi-judicial board and it is important that he weigh in on our questions of legality.

**Stuart** says **Sam Light** is the arbitrator of how we interpret these rules. If we are not interpreting them correctly, he would be the one to say you can't do it that way. You have to do it this way. It has been consistently done with his concurrence for a long time.

**Campbell** says in some situations, the BOA has a separate attorney from the City's attorney.

**Robinson** says that is not the way it works here.

**Stuart** says on other boards I'm on (not the City), I have my own attorney. Not in Louisville.

**Meseck** says if there is confusion on our City Council's role and representation, my recommendation is we take that off Board. We have tried to clarify as best we can, but this is outside the scope to me. This is also outside the specific variance presented tonight. If we need to have this discussion, let's have it outside. We don't have our own specific counsel and none of the boards do. **Meseck** asks if there are further questions of Staff.

**Stuart** has no questions. **DeJong** has no questions. **Ewy** has no questions. **Meseck** has no questions. **Campbell** has no questions.

Presentation from Applicant:

**Phil Larson**, 2090 Stony Hill Rd, Boulder, CO

I am the owner of the property at 175 Lois Drive. I could not make it to the previous meeting. I am trying to rebuild this house so that every room in this house is serviceable. My mantra coming in here is to improve every single room in this house. It does not need to be bigger; it just needs to be better in some way. A deck should be the most used room on the house. I am trying to provide enough deck space even with the restrictions of setback. This was a bit of a surprise in buying the house. I want the ability to have a table and four chairs. I want to enjoy the beautiful view out the back of the house. The open space is a stunning view. I come from Boulder. The view is panoramic and a treasure. I hope to have a deck built that is a few feet bigger than what was there before. The previous deck was nonconforming. This has been a double surprise from the start. I appeal to your common sense and open mindedness that perhaps this deck is value added to the City of Louisville.

Questions from Board to the Applicant:

**Ewy** has no questions. **DeJong** has no questions. **Stuart** has no questions. **Meseck** has no questions.

**Campbell** asks do you intend to live in the house. You currently live in Boulder.

**Larson** says yes. I have lived in Boulder for 19 years in the same house. My wife of 34 years and I plan to live in the house.

Public Present in Favor of Application: None.

Public Present in Opposition of Application: None.

Staff Recommendation:

Staff believes the application meets the criteria and recommends approval.

**DeJong** has no comments. **Ewy** has no comments. **Stuart** has no comments.

**Campbell** says I am still curious about criterion #1 and unique hardship. Can Staff review that for me?

**Robinson** says

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.*

**Robinson** says Staff focuses on the setback issue and the shortness or shallowness of the lot. This is a fairly shallow lot especially compared with the other lots in the neighborhood. It is well below the average for the Centennial Valley 3 subdivision, in the lower 20% of lot depth. The house when originally built was placed to the rear on the lot and provided no room for a deck. Staff finds that the shallowness of the lot along with the location of the original house has created the hardship, preventing the construction of the deck.

Public Hearing Closed / Board Discussion:

**Meseck** says since I was not at the previous BOA meeting, I will say I listened to everything and read the minutes. Typically, when I look at a situation or any variance, once it gets through Staff and they make the recommendation (they checked all the boxes on the six criteria particularly in regard to uniqueness), I look at a couple of different things on my mental checklist. First, is it reasonable? This has been brought up in a number of different portions of the discussion. In my personal opinion, this is a pretty minor request. The space behind the home is a very large open space. There is a social trail behind it. We have over a quarter mile of space before we hit other homes. My feeling is even if someone is out in the open space, they would very likely not recognize a 2' or 3' difference in a deck. It would be imperceptible at that point. I have personal experience where I have owned a property that had a 7' balcony. I expanded it to 10'. It turned from a glorified walkway to a functional deck where you could sit on it with a table and chairs. 7' is too small to be usable. Secondly, I look at property values and improvements. Clearly, this is an improvement and not detrimentally impacting the neighbors. Third, how do the neighbors feel about it? There were a couple people who spoke, but no one specifically came and said the deck will negatively impact the use of our yard or the value of our property. I feel this is an improvement and makes the back yard more functional. Finally, I go back and look at the past voting record. I know I have voted on a number of setback issues that were very similar to this. They were reasonable as well and I approved them. It would have been a different story if you asked to put an in-ground pool into the setback or a large structure such as a shed up against the open space. The applicants have made a strong effort to do this with minimal impact to everyone while meeting all the criteria that are in place for a variance. Based on my past voting record, I could not in any way not support this moving forward. I also thought about safety. If you had a put a stairway down to your deck immediately out of your main living level, it is a safety issue. Keeping the deck at the main living level is an important aspect of safety.

**DeJong** says I will repeat something I stated at the last meeting. I find that **Scott Robinson** and Staff completed a thorough and reasoned analysis of the issues. I concur with their conclusions that the criterion were either met or were not applicable. There are no third parties or neighbors that have communicated any complaints or opposition regarding the proposed variance. Lastly, I find the proposed deck addition with limited extension into the setback is not unreasonable. I support the proposed variance to extend the deck into the existing setback.

**Ewy** says I feel it is a very modest addition to the home and there should be an expectation for usable living space outdoors. The deck was overly small to begin with and the request is a very modest deck by most suburban standards. I support the variance request.

**Stuart** says I find it is reasonable. I agree with **Robinson** in the way he assessed each of the criteria.

**Campbell** says I am still not convinced that this property has a unique hardship. It is not the smallest lot in the subdivision. I don't think it is unique. I would not support this because it doesn't meet criterion #1.

**Meseck** says in my brief research of it, it appears that the only other property similar to it is the property directly north. After that, the homes were set further into the neighborhood. I feel we are splitting hairs in saying one or two properties make something unique. I would err on the side that two homes in the entire subdivision like this make it a pretty unique condition. Some of the letters stated that it is not just this subdivision. Is it unique within Louisville? In most cases, people are able to build a reasonably-sized deck off their existing property.

Reopen public hearing:

**Larson** says I'd like to answer your question, **Mr. Campbell**, on hardship. If I were to follow the letter of the law as far as setbacks, the existing deck would be 2' to be legally built outside the patio door. That, to me, would be a hardship.

**Campbell** says I walked around the property. There is no deck there now.

**Meseck** says I assume it has been removed.

**Larson** says to fully answer the question, I received a signed letter from the acting director of building and planning saying that all matters have been approved, and your deck has been approved. Therefore, I took down the remnants of the deck, thinking that I needed to add some sheathing behind it versus the foam that was there. It was a fairly inferior deck. I was under a full understanding that this was approved until I had a conversation with **Scott** on Monday. He said the letter was actually in error. I am trying to do whatever is correct in Louisville. I want to build a nice place.

**Robinson** says I talked to **Mr. Larson** on Monday. There was a miscommunication. I stand by what was in the letter, but I understand how he could have been confused. The letter said the lot coverage variance was approved for the deck, the cantilevers, and the porch. It did not mention the rear setback. I should have been clearer when I sent out that letter in that it was just for the lot coverage issue. We still needed to go back for the setback.

**Campbell** asks **Mr. Larson** if the letter clearly stated that everything was approved.

**Larson** says it said "deck"; all items approved. I did not bring the letter with me. I am not trying to embarrass Staff. I understood it was approved so I took it down and recycled the materials.

**Stuart** says you did not need a demo permit to remove the deck.

**Robinson** says the language of the letter was that the lot coverage variance for the cantilevers, front porch, and rear deck had been approved. It did not mention any setback issues. I understand why there was confusion and apologize for not being clearer in my email. The variance approval letter I sent accurately represented what was approved at the February meeting.

Public Hearing Closed / Board Discussion:

**Stuart** made a motion to accept **175 Lois Drive–Variance Request** – A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from rear setback and maximum lot coverage requirements to allow additions to the front porch, rear deck, and second story, **Ewy** seconded the motion.

Roll Call Vote:

|                  |        |
|------------------|--------|
| James Stuart     | Yes    |
| Leslie Ewy       | Yes    |
| Gunnar Malmquist | Absent |
| Andrew Meseck    | Yes    |
| Thomas DeJong    | Yes    |
| Lowell Campbell  | No     |
| Motion passed:   | 4 to 5 |

Motion passes 4-1.

**Discussion Items:** Election of Officers, postponed to meeting when all six members are present.

**Business Items tentatively scheduled for April 20, 2016:**

**Robinson** stated currently there are no applications. Both **Stuart** and **Meseck** will be out of town on April 20, 2016.

**Staff Comments:** None heard.

**Board Comments:**

**Meseck** says there was a lot of discussion last month about issues and procedures. I took note of the comments from Board Member **Campbell** about introduction to the Board. I concur with that. I was in a very similar situation. I was brought on to be an alternate at one point, was told to show up to see how it runs, and my name was up on the dais and they needed me. I jumped in. I think it would be nice to have an introduction at some point for new members to get them up to speed. I don't know how far City Council would allow us to go.

**Ewy** says an orientation packet of the last minutes for the previous year's meetings might be helpful to see the tone and tenor and types of cases. I felt the same way when I started. Everyone knew each other and I just showed up and jumped in.

**DeJong** asks about Ethics Training. Is there a meeting scheduled?

**Robinson** says they have not been scheduled yet. I will send out an email once we get the dates for them. It will be in the next couple months. Ethics Training is every two years. Anyone is welcome to go. Open Government and Ethics packet is on line. The City Attorney runs the Ethics training.

**Campbell** asks **Robinson** if he was here when there were previous attorneys other than **Sam**.

**Robinson** says **Sam Light** has been the City Attorney for close to 20 years, since the late 1990s.

**Campbell** says he was a member of another legal firm.

**Robinson** says his firm has changed names a few times but it is basically the same firm. It was Light, Harrington, and Dawes, then Light, Kelly, and Dawes. His firm represents several cities in Colorado.

**Stuart** says he is the City Attorney for a number of other cities.

**Campbell** says I have lived in Louisville for 28 years. The City Attorney was **Susan Griffith** and I think **Sam** was part of her law firm. There was a lady named **Tammy Tenoye** who was the legal person behind the Ethics Code. I don't know if she is part of Sam's firm. She was the one who conducted all the meetings for the Board of Ethics.

**Robinson** says I am not familiar with her so I don't believe she is still with his firm.

**Adjourn:**

**Stuart** moved and **Ewy** seconded a motion to adjourn the meeting. Motion passed by voice vote. The meeting adjourned at 7:15 PM.

**CITY OF LOUISVILLE**  
**BOARD OF ADJUSTMENT**  
**STAFF REPORT**  
**June 15, 2016**

**APPLICANT:** Terry Nelson, 2252 Crown Cricle

**OWNER:** Same

**STAFF PLANNER:** Scott Robinson, Planner II

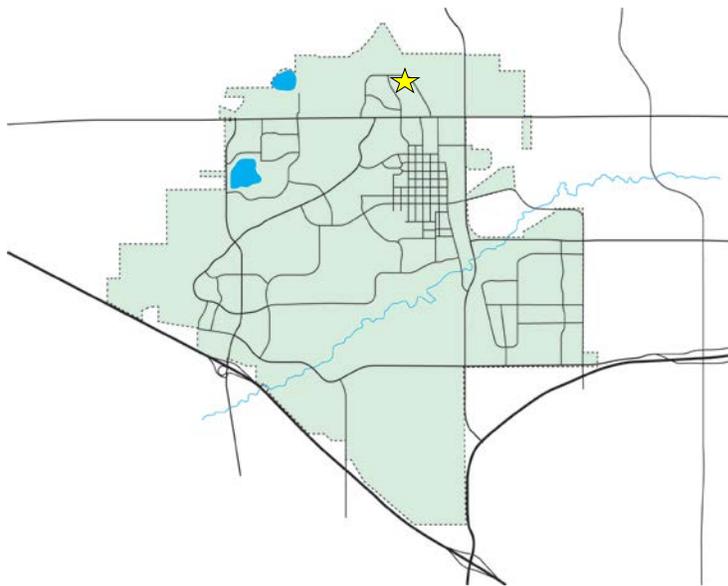
**LOCATION:** 2252 Crown Circle, Lot 146, Louisville North 1

**ZONING:** Residential Estate (RE)

**REQUEST:** **Case #16-019-VA** – 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.

**SUMMARY OF PROPOSAL:**

The applicant, Terry Nelson, requests variances to allow for additions to the sides and rear of the existing split-level home and a new back deck. The proposed changes would maintain the existing non-conforming front setback of 27 feet, reduce the north side setback from 10 feet to 9.5 feet and increase the lot coverage from 15% to 21.6%. The house is located at 2252 Crown Circle in the Louisville North 1 subdivision and is zoned Residential Estate (RE). The RE zone district requires a front setback of 30 feet, a side setback of 10 feet, and allows a maximum lot coverage of 20%.





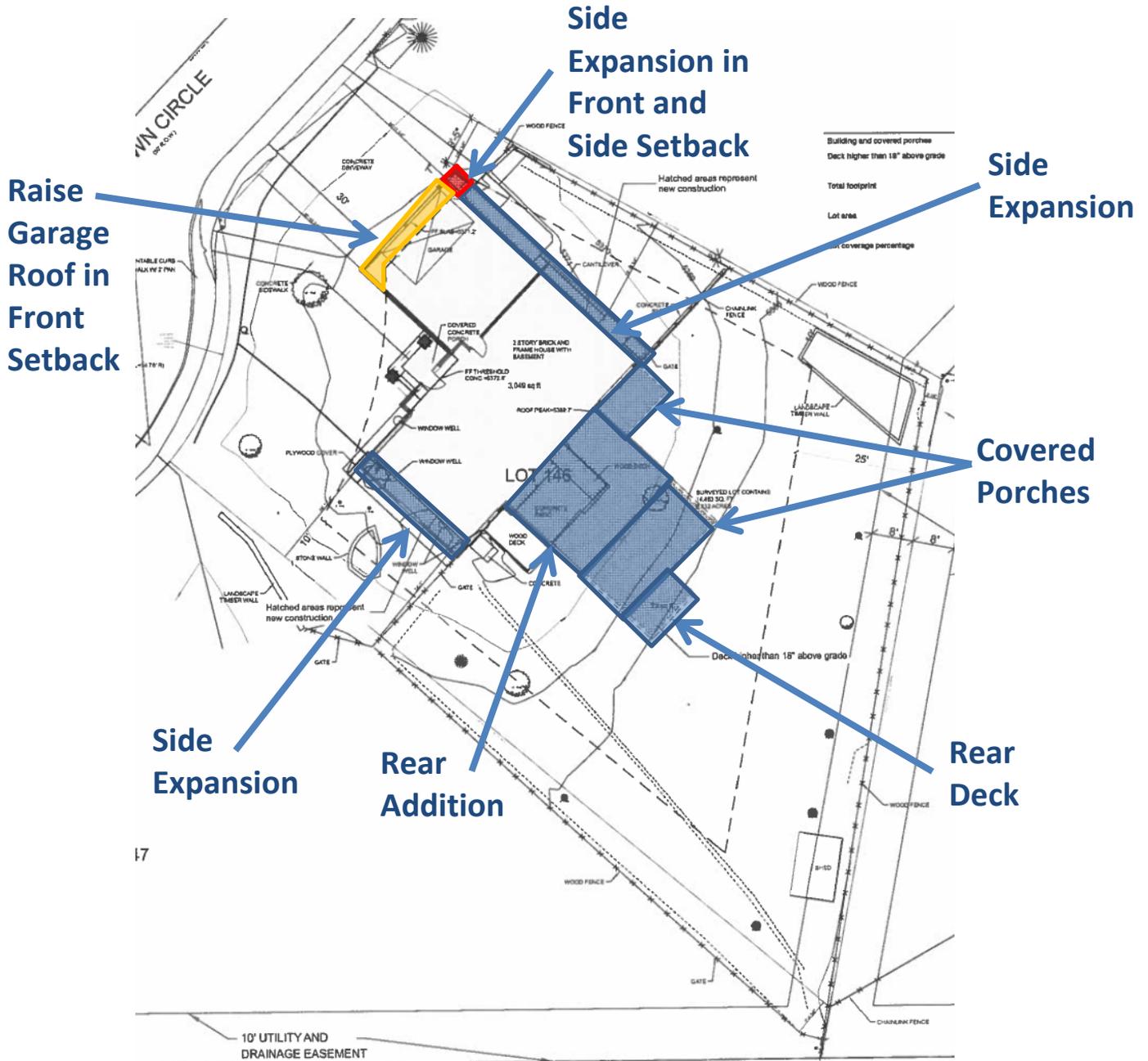
**BACKGROUND:**

The applicant requests front and side setback and lot coverage variances to allow for additional development of his property located at 2252 Crown Circle in the Louisville North 1 subdivision. There is no planned unit development for the subdivision, so it is governed by the Residential Estate zoning standards.

The proposed modifications comply with the required setbacks, except for the garage. The RE district requires a 30-foot front setback and 10-foot side setback. The existing garage is approximately 27 feet from the front lot line, three feet into the required setback, and 12 feet from the side lot line. The applicant proposes an addition on the side of the building in line with the existing front of the garage. The addition would have the same three-foot encroachment into the front setback as the garage, and encroach one-half foot into the side setback at the front of the property. Because the house sits at an angle to the side lot line, only a portion of the addition would violate the side setback. The applicant also requests to raise the roof of the garage, including the portion in the front setback, without adding any floor area.

The RE zone district allows a maximum lot coverage of 20 percent. 2252 Crown is 14,453 square feet, above the minimum lot size of 12,000 square feet in the RE zone district, and currently has a lot coverage of 15 percent. The applicant would like to construct additions on both sides of the house, and an addition, two covered patios, and a deck on the rear,

which would bring the lot coverage to 21.6 percent (3,122 square feet from 2,116 square feet currently). The deck is counted toward lot coverage because it is more than 30 inches above grade and the patios would be counted because they would be covered.



**REVIEW CRITERIA:**

The BOA has authority to hear and decide, grant or deny this application for a variance from Section 17.12.040 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.

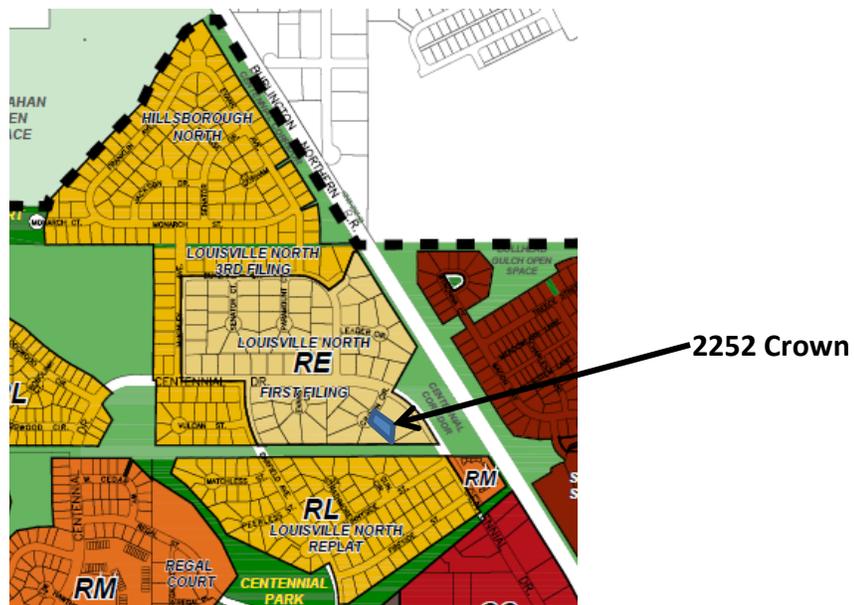
1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

**Setbacks:** The lot in question is irregularly shaped, being wider at the rear than at the front and with the cul-de-sac further impacting the front lot line. In addition, the front of the house currently encroaches into the front setback. **Staff finds this criterion has been met.**

**Lot Coverage:** The lot is 14,453 square feet, 2,453 square feet larger than the 12,000 square foot minimum lot size in the RE zone district. The lot is appropriately sized for the zoning, and the 20 percent maximum lot coverage is appropriate for lots of this size. The split-level design of the house somewhat limits the ability to build up within the 35 foot height limit, however staff does not find anything unusual about the lot with respect to lot coverage. **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.*

**Setbacks:** While many of the lots in the immediate area are also wedge-shaped, few of them have a similar impact on the front lot line from the cul-de-sac. Within the wider neighborhood, most lots are rectangular in shape. Staff cannot at this time determine the prevalence of front setback encroachments in the neighborhood. However, many properties in the wider neighborhood are zoned Residential Low Density (RL), which has a 25 foot front setback, instead of the 30 feet required in the RE zone district. **Staff finds this criterion has been met.**



Lot Coverage: The properties zoned RE in the surrounding neighborhood range from about 11,000 square feet to over 23,000 square feet. The average size is about 14,350 square feet, very similar to the size of the property in question. All of these properties have the same 20 percent maximum lot coverage. Of the properties in the wider neighborhood zoned RL, with a 30 percent maximum lot coverage, the average size is about 8,800 square feet. The property in question is of a similar size to those around it in the same zone district. **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.*

Setbacks: The applicant is requesting to expand the garage to make it more useable. Staff considers it reasonable to expand the garage in line with the existing front of the structure. Because for the wedge shape of the lot and the angle of the house, extending the garage results in the corner encroaching into the side setback as well. The increased height of the garage does not add any square footage. Staff finds all of these changes reasonable. **Staff finds this criterion has been met.**

Lot Coverage: The applicant is requesting additions to the sides and rear, as well as covered porches and a deck. While all of these additions may be reasonable, together they cover too much of the lot. Staff believes the property could be enjoyed while staying under the allowed lot coverage limit. **Staff finds this criterion has not been met.**

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

The existing house was built in 1975. The zoning in the area was changed in 1977, when the zoning code was updated and new zone districts were added. There is no evidence that the house was not built in conformance with the zoning in place at the time of construction. Therefore, staff considers the garage encroachment into the front yard legal non-conforming. The applicant purchased the home in 1992 and has not altered the garage location. **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.*

Setbacks: The proposed garage addition would maintain the existing front setback, not altering the character of the neighborhood. The side yard encroachment will leave the corner of the garage 9.5 feet from the lot line, and still over 20 feet from the adjacent house. Properties in the nearby RL zone district are allowed to go to within seven feet of the lot line. **Staff finds this criterion has been met.**

Lot Coverage: Most of the additions to the house would be in the back, and not visible from the street. They would still be a significant distance from adjacent properties, and a large portion of them would be open uses such as decks and covered patios. **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.*

The requested variances would allow only the proposed additions to be built and no further expansion of the building footprint or encroachment into the setbacks. **Staff finds this criterion has 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 had not received any public comment. If comments are received prior to the hearing, that information will be presented at the hearing.

#### **STAFF COMMENTS AND BOARD ACTION:**

Staff finds all applicable variance criteria in Section 17.48.110 of the LMC have been met with respect to the front and side setback variance requests and therefore recommends approval of those requests. Staff finds criteria 1, 2, and 3 in Section 17.48.110 of the LMC have not been met with respect to the lot coverage variance request and therefore recommends denial of that 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

**LAND USE APPLICATION**

**CASE NO.** 16-019-VA

**APPLICANT INFORMATION**

Firm: \_\_\_\_\_  
 Contact: Terry Nelson  
 Address: 2252 Crown Circle  
Louisville, Co  
 Mailing Address: Same  
 Telephone: 303-264-8912  
 Fax: \_\_\_\_\_  
 Email: tnelson@tristategt.org

**OWNER INFORMATION**

Firm: \_\_\_\_\_  
 Contact: Terry Nelson  
 Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**REPRESENTATIVE INFORMATION**

Firm: Summit Studio Architects  
 Contact: Patrick Hubbell  
 Address: 844 Main Street, Suite 102  
Louisville, CO  
 Mailing Address: Same  
 Telephone: 303-666-9100  
 Fax: \_\_\_\_\_  
 Email: patrick@summitstudioarchitects.com

**PROPERTY INFORMATION**

Common Address: 2252 Crown Circle  
Louisville, Co  
 Legal Description: Lot 146 Blk \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Area: 14,453 Sq. Ft.

**TYPE (S) OF APPLICATION**

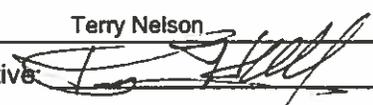
- Annexation
- Zoning
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Subdivision Plat
- Preliminary Planned Unit Development (PUD)
- Final PUD
- Amended PUD
- Administrative PUD Amendment
- Special Review Use (SRU)
- SRU Amendment
- SRU Administrative Review
- Temporary Use Permit: \_\_\_\_\_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

**PROJECT INFORMATION**

Summary: \_\_\_\_\_  
Remodel and addition to split level residence  
Half level above the main level is to be elevated  
to one full level above creating space underneath  
for new master bedroom suite. The garage is to  
be expanded and the wall and ceiling heights  
raised. There will also be a family room addition  
and a covered porch.

Current zoning: RE Proposed zoning: RE

**SIGNATURES & DATE**

Applicant: \_\_\_\_\_  
 Print: Terry Nelson  
 Owner: \_\_\_\_\_  
 Print: Terry Nelson  
 Representative:   
 Print: Patrick Hubbell

**CITY STAFF USE ONLY**

- Fee paid: \_\_\_\_\_
- Check number: \_\_\_\_\_
- Date Received: \_\_\_\_\_



# SUMMIT STUDIO

Architects

844 Main Street, Suite 102

Louisville, CO 80027

303-666-9100

[patrick@summitstudioarchitects.com](mailto:patrick@summitstudioarchitects.com)

## **NELSON RESIDENCE REMODEL ADDITION**

2252 Crown Circle, Louisville, Co

### **Description of Project:**

2252 Crown Circle is a split level home originally built in 1975. The Nelson's purchased the home in the early 90's. The Nelson's want to add a main level master suite, enlarge the garage and raise the ceiling, and add a new family room space. Currently to enter the house from the garage you have to descend a flight of stairs to the lower level then go back up a flight of stairs.

The proposed solution is to elevate the current bedroom level enough to build new space for the utility room and master suite on the same level as the living space.

### **Variance Request:**

The existing garage projects beyond the 30' front yard setback. The Nelson's would like a variance in order to extend the walls replace the garage door and re-build the roof. Additionally they would like to expand the garage by 3'-0" on the northeast side of the property. Because of the angle of the house relative to the property line this would put the corner of the garage 9'-5" from the property line to the stone veneer.

The Nelson's would also like a variance to do 21.6% lot coverage to incorporate all their programatic needs.

### **Criteria:**

1. The existing garage is located within the front setback. Reducing the size of the garage is not a good option since it would be too short for storage and vehicles. The front corner of the garage will be in the 10' side setback: however, this is the best design solution rather than stopping the new wall before the front of the garage or angling it.
2. We are not aware of any other properties with this particular issue in the neighborhood.
3. No modifications can be made to the garage without a variance since it is already in violation.
4. The house was built in 1975, the Nelson's purchased it in 1992. No alterations have been made during the Nelson's ownership.

5. This addition will not alter the essential character of the neighborhood as it is a condition that has existed for over 40 years.
6. The front of the garage will be exactly where it always has been so this is the minimum possible solution.



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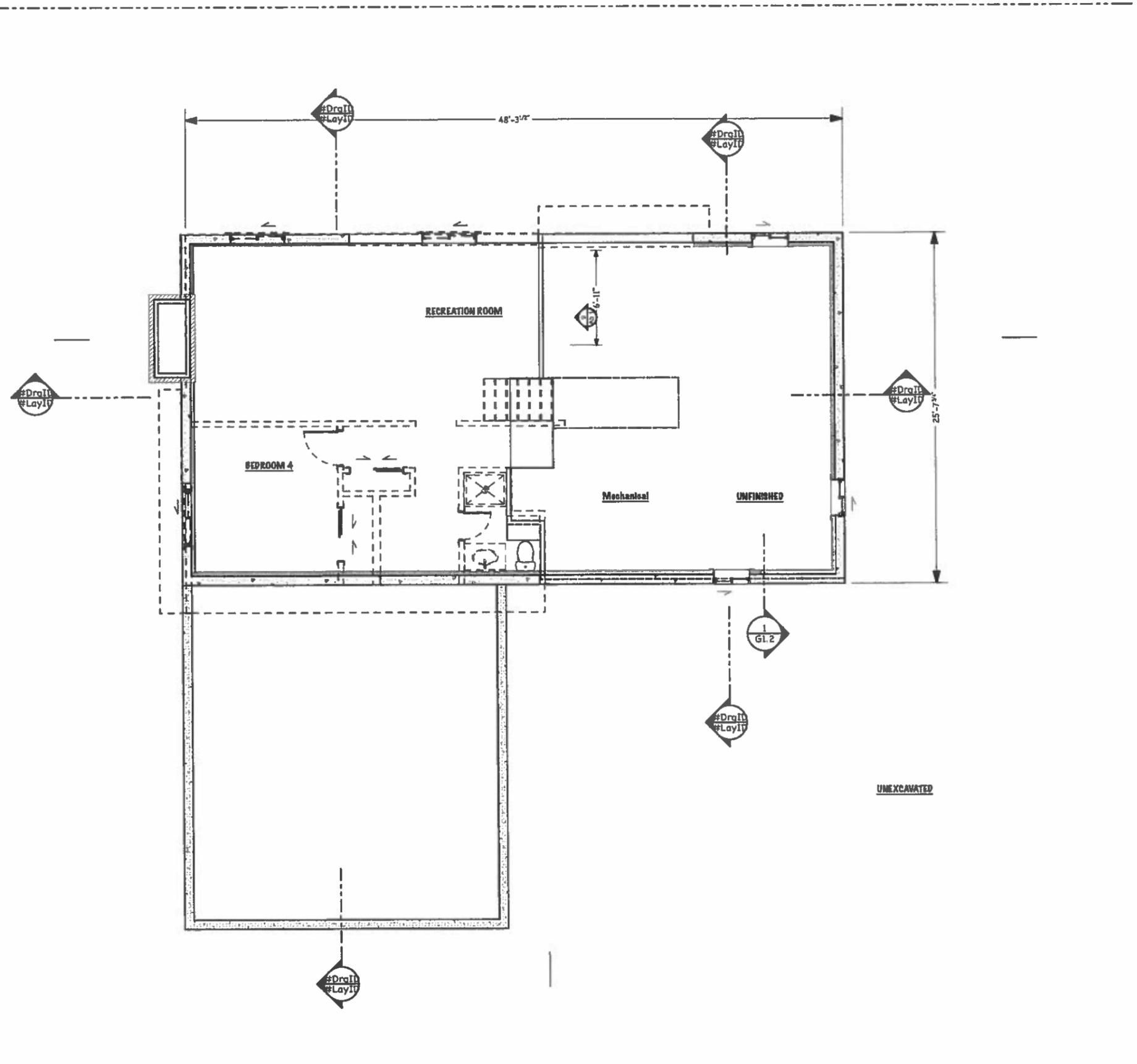
Patrick Hubbell, Summit Studio Architects, L.L.C.

5/20/2016

Date







**NOTES**

|   |   |
|---|---|
| 04.00<br>04.43_A  | <b>MASONRY</b><br>4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.   |
| 07.30<br>07.31_A  | <b>STEEP SLOPE ROOFING</b><br>Fiberglass reinforced asphalt composite shingle. 40 yr. minimum warranty.   |
| 07.40<br>07.46_G  | <b>ROOFING AND SIDING PANELS</b><br>Hard coat stucco. Portland cement scratch and brown coats on expanded metal lath on 3/8 in. min. drainage mesh on two layers grade D paper (or equivalent to 60 minute grade D paper)   |
| 08.20<br>08.20_A<br>08.20_B<br>08.20_C<br>08.20_D<br>08.20_E<br>08.20_F<br>08.20_G<br>08.20_H<br>08.20_I<br>08.20_J | <b>WINDOWS</b><br>Window manufacturer to be determined by bid.<br>Windows to be wood clad with anodized aluminum exterior cladding.<br>Windows to meet thermal efficiency and solar transmission requirements per Green Points Application or HERS raters specifications.<br>Window & patio door manufacturer to be selected by owner by bid process.<br>Windows shown are Generic; Sizes are approximate frame dimensions. Contractor shall coordinate rough opening sizes & other requirements w/ selected manufacturer. Install per manufacturers' Recommendations.<br>Verify & Coordinate window Egress Code requirements.<br>Provide tempered glass at all locations required by current codes & regulations. If in doubt, Contact Architect prior to Ordering.<br>G.C. shall coordinate materials & installation provided by various suppliers & subcontractors to ensure full compliance with code and energy code(s).<br>See Window schedule for head heights of windows.<br>Provide drip flashing at Window heads. |
| 09.90<br>09.91_H  | <b>PAINTING AND COATING</b><br>Acrylic top coat accent color to be selected by owner.   |

**1** LOWER LEVEL DEMOLITION  
SCALE 1/4" = 1'-0"

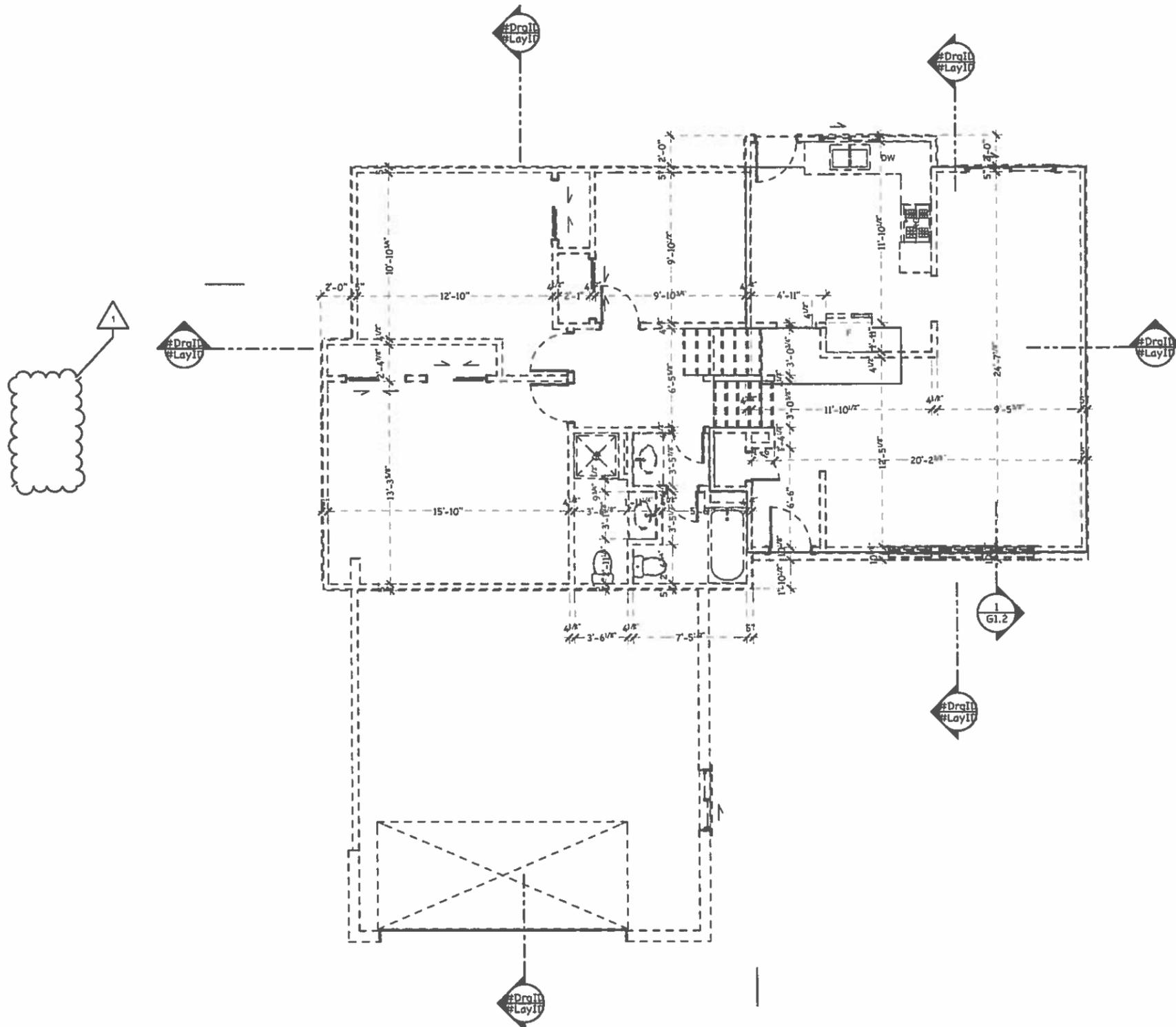


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# MAIN LEVEL DEMOLITION

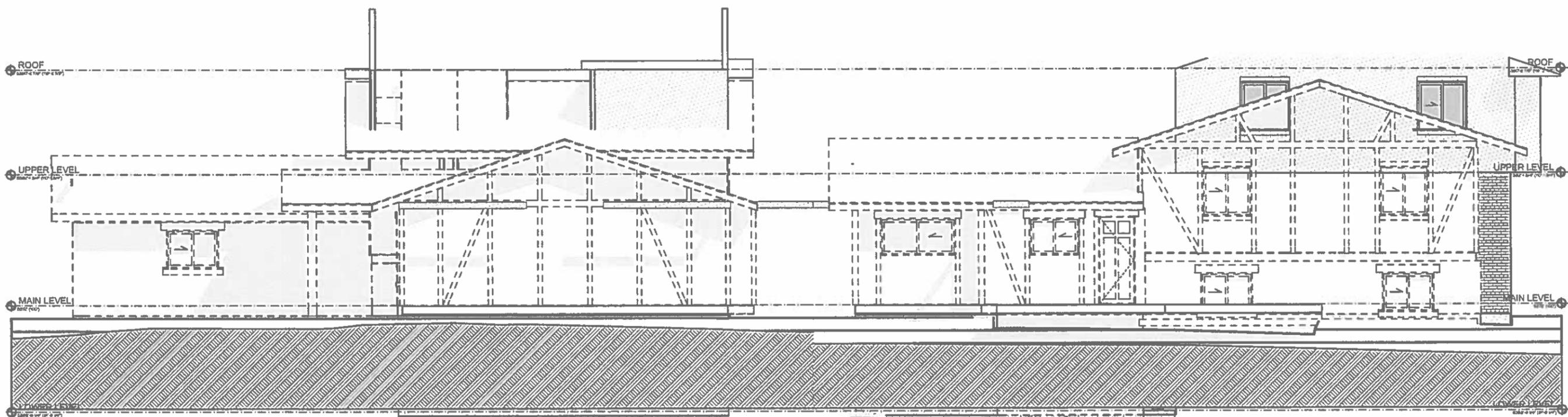
SCALE: 1/4" = 1'-0"



### Notes

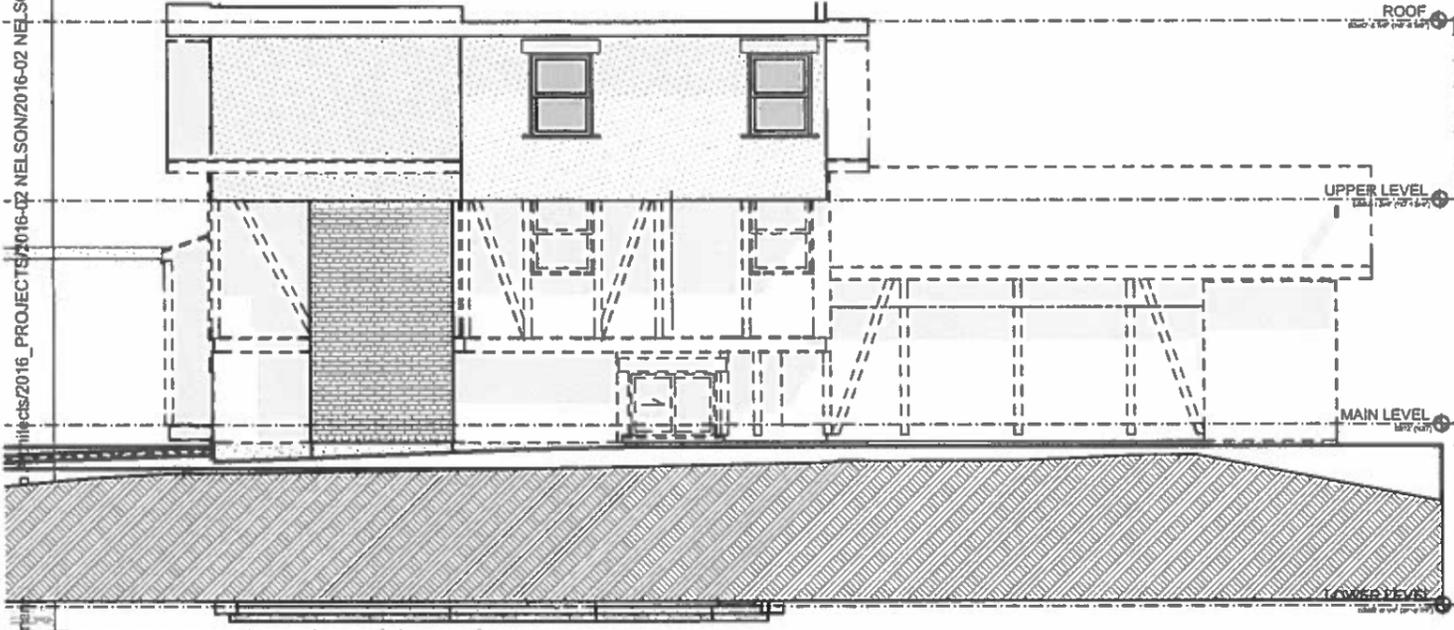
- 04.00 MASONRY  
04.00.01\_A 4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.  
04.00.02\_B Natural thin stone veneer to be selected by owner. Install per manufacturers instructions on metal lath over drainage mesh.
  - 06.40 ARCHITECTURAL WOODWORK  
06.00.01\_B Provide 36 in. high guardrail at all landings and floor openings >18 in. above adjacent floor level or grade  
06.00.02\_F Handrail shape and size per code, 34 in. min. height- 38 in. max. height above nosing. Picket or rail spacing per code.  
06.00.03\_G Handrail shape and size per code, 34 in. min. height- 38 in. max. height.
  - 09.00 FINISHES  
09.00.01\_C For tile installed on gyp crete topping, substrate should be cured and dry, prepare gyp crete with approved primer or sealant, install crack isolation membrane.
  - 10.00 FIREPLACES AND STOVES  
10.00.01\_A Install manufactured sealed gas fireplace to be installed without modification per manufacturers installation instructions. Vent through roof or wall as shown.  
10.00.02\_B Maintain clearance to combustibles  
10.00.03\_C Use only approved chimney with required supports, draft stops and termination cap per code and manufacturers installation instructions.  
10.00.04\_D Locate gas shut off per code
  - 11.00 EQUIPMENT  
11.00.01\_D Provide DRYERBOX with 4 in. smooth galvanized vent to exterior with damper and screen.
  - 22.00 PLUMBING  
22.00.01\_H Install hot and cold frost proof hose bibbs at exterior and garage locations as shown  
22.00.02\_K Floor drain. Drain to washed rock dry well at exterior.
- Exterior walls 2x8  
XVWVWV Structure: 2x6 @ 16 in. o.c. exterior wall- see typical wall detail for insulation where required. Exterior: Natural stone veneer on drainage mesh on min. 2 layers grade D paper or equivalent per code on 7/16 in. o.s.b sheathing. Interior: 5/8 in. gyp board on 4 mil. poly vapor barrier.

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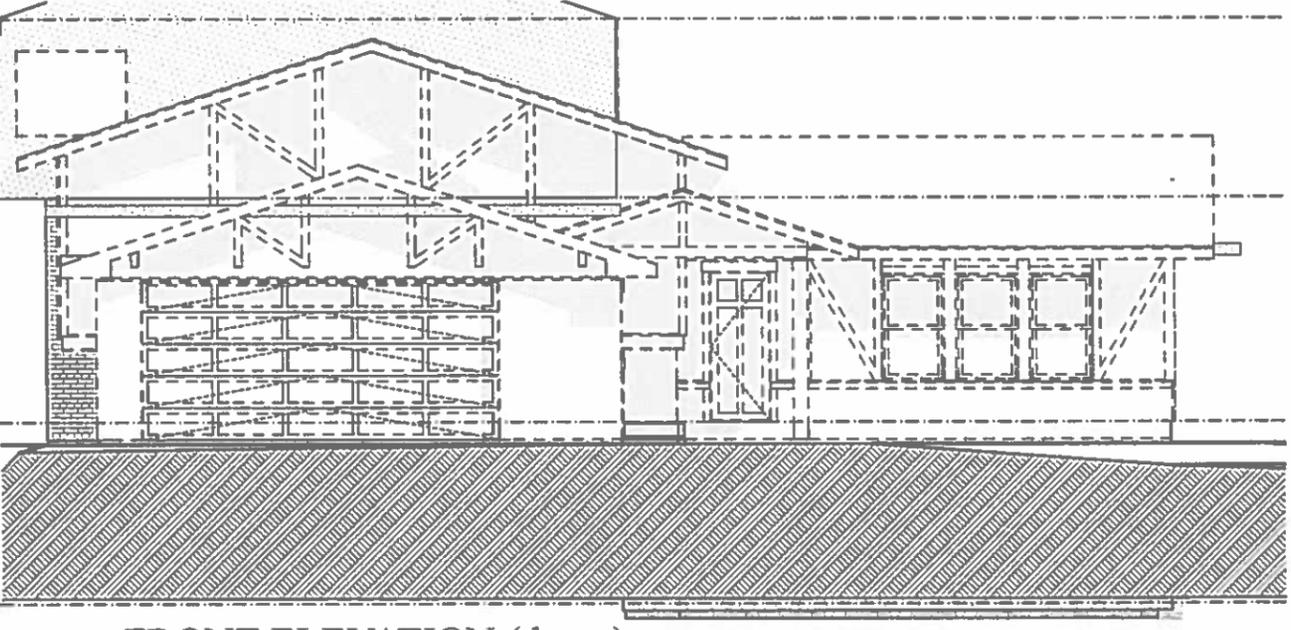


2 RIGHT ELEVATION (demo)  
SCALE: 1/4" = 1'-0"

4 REAR ELEVATION (demo)  
SCALE: 1/4" = 1'-0"



LEFT ELEVATION (demo)  
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION (demo)  
SCALE: 1/4" = 1'-0"

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VARIANCE APPLICATION 5/7/16 .....2016-02 NELSON.pln

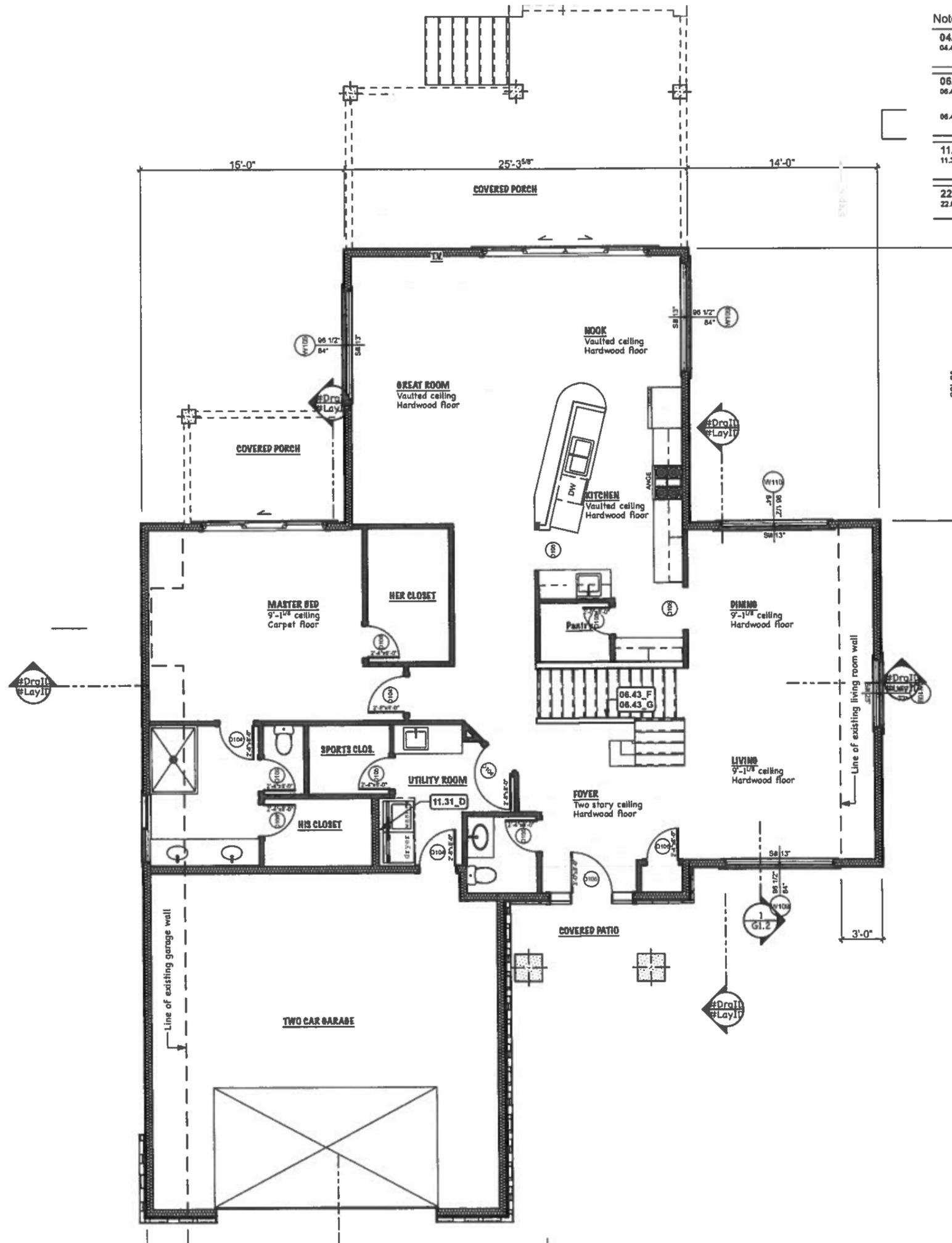
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Notes

- 04.00 MASONRY**  
04.43\_A 4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.
- 05.40 ARCHITECTURAL WOODWORK**  
06.43\_F Handrail shape and size per code, 34 in. min. height- 38 in. max. height above nosing. Picket or rail spacing per code.  
06.43\_G Handrail shape and size per code, 34 in. min. height- 38 in. max. height.
- 11.00 EQUIPMENT**  
11.31\_D Provide DRYERBOX with 4 in. smooth galvanized vent to exterior with damper and screen.
- 22.00 PLUMBING**  
22.00\_H Install hot and cold frost proof hose bibbs at exterior and garage locations as shown



1 MAIN LEVEL

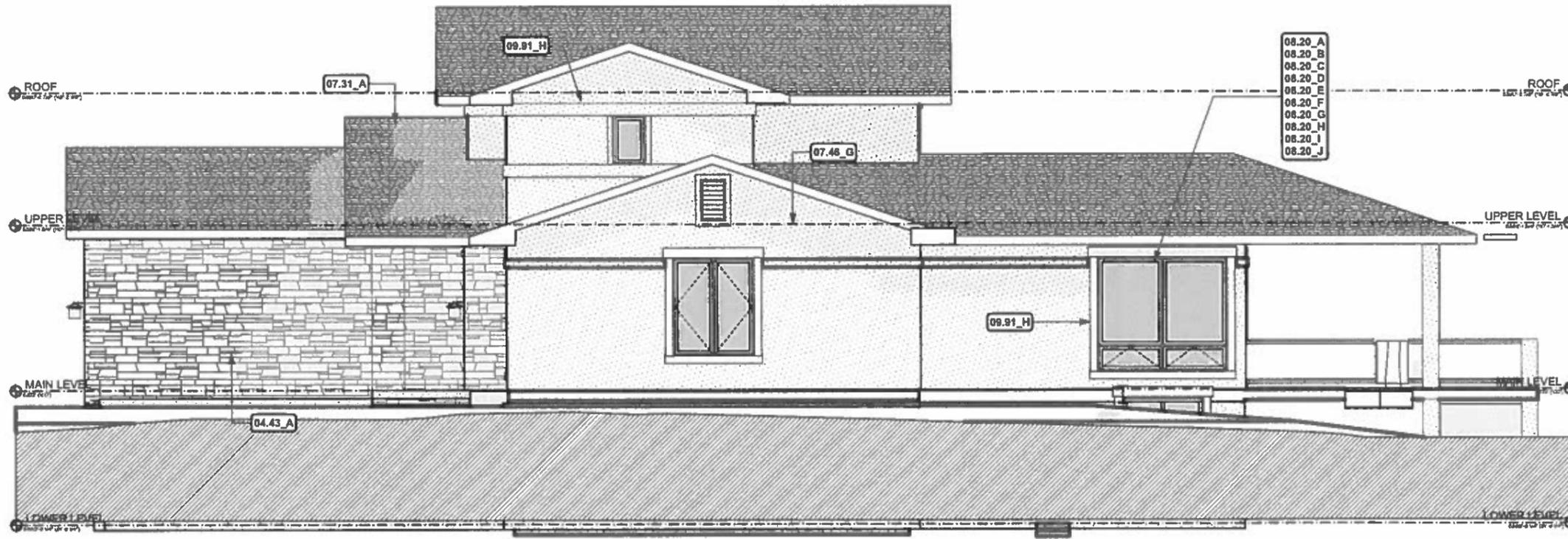
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Notes

- 04.00 MASONRY**  
04.43\_A 4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.
- 07.30 STEEP SLOPE ROOFING**  
07.31\_A Fiberglass reinforced asphalt composite shingle. 40 yr. minimum warranty.
- 07.40 ROOFING AND SIDING PANELS**  
07.46\_G Hard coat stucco. Portland cement scratch and brown coats on expanded metal lath on 3/8 in. min. drainage mesh on two layers grade D paper (or equivalent to 60 minute grade D paper)
- 08.20 WINDOWS**  
08.20\_A Window manufacturer to be determined by bid  
08.20\_B Windows to be wood clad with anodized aluminum exterior cladding.  
08.20\_C Windows to meet thermal efficiency and solar transmission requirements per Green Points Application or HERS raters specifications.  
08.20\_D Window & patio door manufacturer to be selected by owner by bid process.  
08.20\_E Windows shown are Generic. Sizes are approximate frame dimensions. Contractor shall coordinate rough opening sizes & other requirements w/ selected manufacturer. Install per manufacturers. Recommendations.  
08.20\_F Vary & Coordinate window Egress Code requirements.  
08.20\_G Provide tempered glass at all locations required by current codes & regulations. If in doubt, Contact Architect prior to Ordering.  
08.20\_H G.C. shall coordinate materials & installation provided by various suppliers & subcontractors to ensure full compliance with code and energy code(s)  
08.20\_I See Window schedule for head heights of windows.  
08.20\_J Provide drip flashing at Window heads.
- 09.90 PAINTING AND COATING**  
09.91\_H Acrylic top coat accent color to be selected by owner.



1 RIGHT ELEVATION (WEST)  
SCALE: 1/4" = 1'-0"



2 FRONT ELEVATION (NORTH)  
SCALE: 1/4" = 1'-0"

**Notes**

07.30 STEEP SLOPE ROOFING  
 07.31\_A 40 year composite shingles  
 Fiberglass reinforced asphalt composite shingle. 40 yr. minimum warranty.

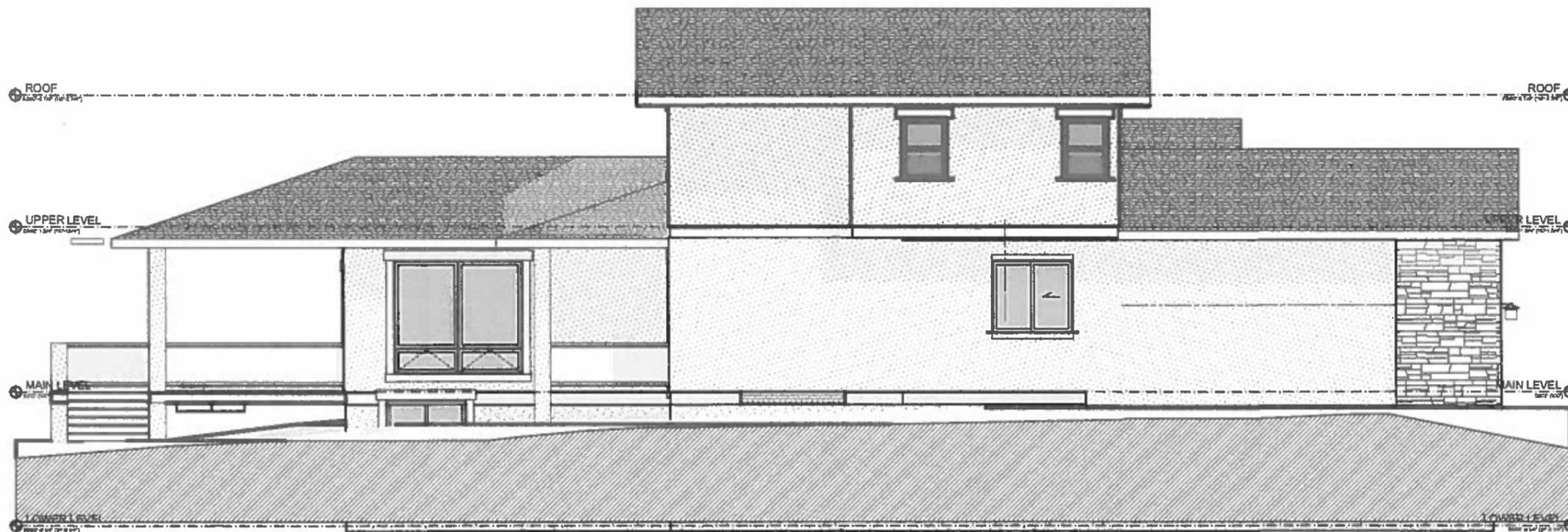
07.40 ROOFING AND SIDING PANELS  
 07.46\_G Stucco  
 Hard coat stucco. Portland cement scratch and brown coats on expanded metal lath on 3/8 in. min. drainage mesh on two layers grade D paper (or equivalent to 60 minute grade D paper)

08.20 WINDOWS  
 08.20\_A Window manufacturer  
 Window manufacturer to be determined by bid  
 08.20\_B Aluminum clad wood windows  
 Windows to be wood clad with anodized aluminum exterior cladding.  
 08.20\_C U value and SHGC  
 Windows to meet thermal efficiency and solar transmission requirements per Green Points Application or HERS raters specifications.  
 08.20\_D Owner to select window manufacturer  
 Window & patio door manufacturer to be selected by owner by bid process.  
 08.20\_E Generic sizes  
 Windows shown are Generic. Sizes are approximate frame dimensions.  
 Contractor shall coordinate rough opening sizes & other requirements w/ selected manufacturer install per manufacturers Recommendations.

08.20\_F Meet egress where required  
 Verify & Coordinate window Egress Code requirements  
 08.20\_G Tempered glazing  
 Provide tempered glass at all locations required by current codes & regulations. If in doubt, Contact Architect prior to Ordering.

08.20\_H G.C. to coordinate  
 G.C. shall coordinate materials & installation provided by various suppliers & subcontractors to ensure full compliance with code and energy code(s)  
 08.20\_I Head heights  
 See Window schedule for head heights of windows  
 08.20\_J Provide drip flashing  
 Provide drip flashing at Window heads.

09.90 PAINTING AND COATING  
 09.91\_H Accent stucco color  
 Acrylic top coat accent color to be selected by owner



3 LEFT ELEVATION (EAST)  
 SCALE: 1/4" = 1'-0"



1 3 REAR ELEVATION (SOUTH)  
 SCALE: 1/4" = 1'-0"

**CITY OF LOUISVILLE**  
**BOARD OF ADJUSTMENT**  
**STAFF REPORT**  
**June 15, 2016**

**APPLICANT:** Rachel and Dan Fox, 346 McKinley

**OWNER:** Same

**STAFF PLANNER:** Scott Robinson, Planner II

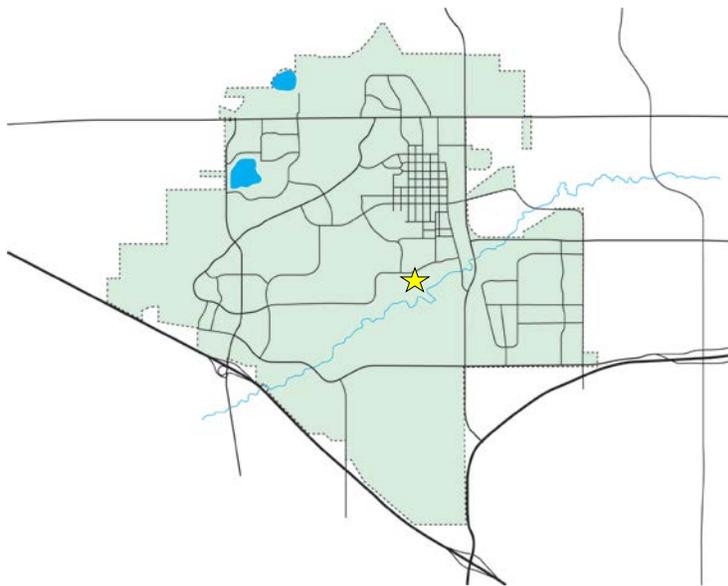
**LOCATION:** 346 S McKinley Ct, Lot 15, Block 4, Dutch Creek

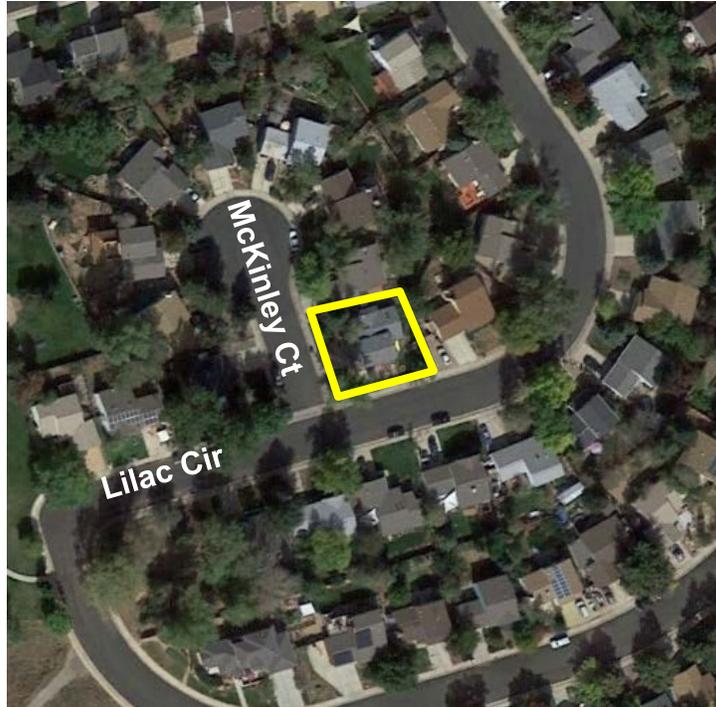
**ZONING:** Residential Low Density (RL)

**REQUEST:** **Case #16-020-VA** – 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.

**SUMMARY OF PROPOSAL:**

The applicants request a variance to allow for an addition to the south, street-facing side on the second floor of the existing house. The proposed changes would reduce the street side setback from 20 feet to 15 feet. The house is located at 346 S McKinley Ct in the Dutch Creek subdivision and is zoned Residential Low Density (RL). Setback requirements are defined by the Dutch Creek planned unit development, which requires 20 feet from side lot lines adjacent to a street.

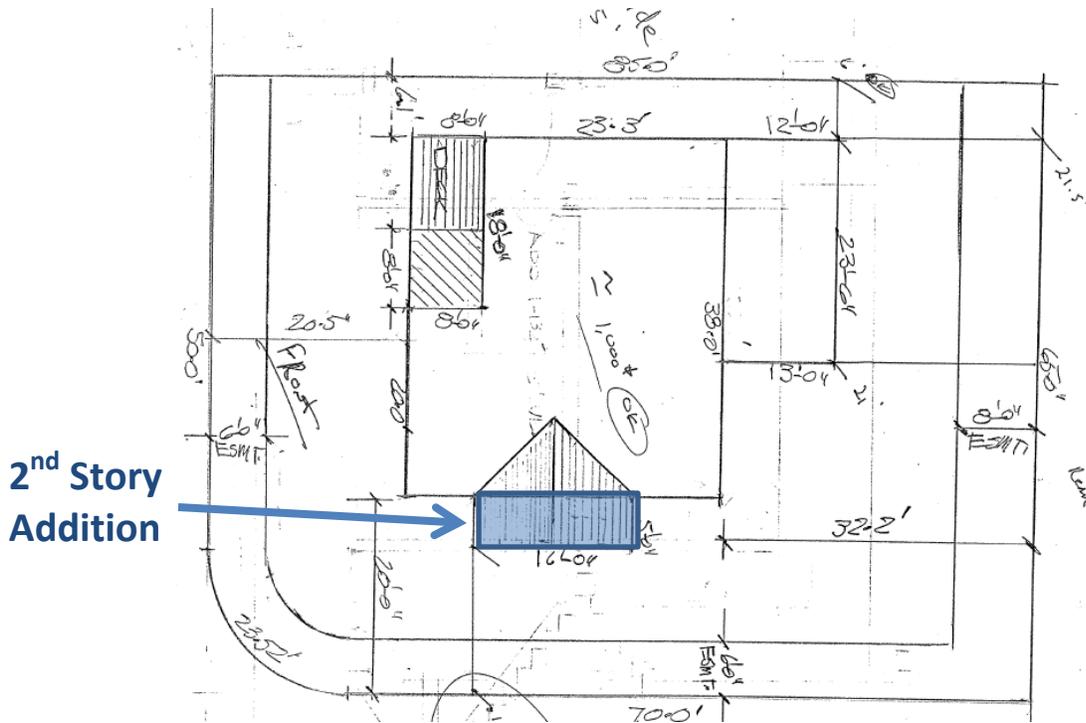




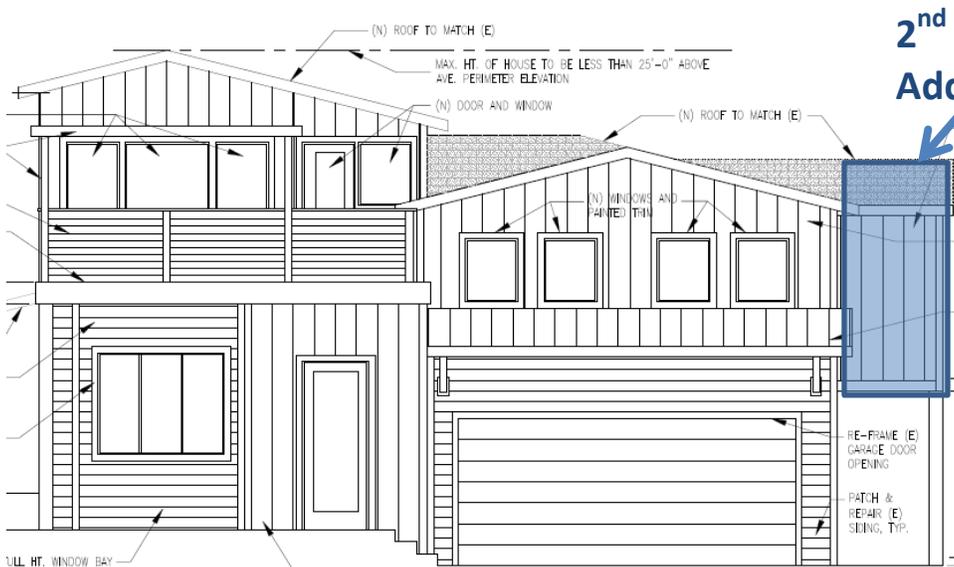
**BACKGROUND:**

The applicants request a side setback variance to allow for a second story addition at 346 McKinley Ct in the Dutch Creek subdivision. The Dutch Creek PUD regulates setbacks in the subdivision.

The proposed modifications comply with the zoning requirements, except for the second story addition. The Dutch Creek PUD requires a 20 foot setback from all street-facing property lines. The existing house is currently 20 feet from the south street-side lot line, compliant with the requirements. The applicant is proposing a second-story addition on the side of the building that would be 15 feet from the side lot line, extending five feet into the required setback. The addition would be supported by posts, and there would be no enclosed space under the addition.



**2<sup>nd</sup> Story Addition**



**2<sup>nd</sup> Story Addition**

*Front (west) elevation*

**REVIEW CRITERIA:**

The BOA has authority to hear and decide, grant or deny this application for a variance from Section 17.12.040 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 lot in question is rectangular in shape and similar in size to the other properties in Dutch Creek. It is smaller than the minimum allowed lot size for a corner lot in the Residential Low Density (RL) zone district, at 5,724 square feet compared to the required 8,000 square feet. It is also narrower than allowed in the RL zone district, at 65 feet compared to the required 70 feet. The standard interior lots in Dutch Creek are 55 feet wide, which allows 45 feet of developable width with two five foot side setbacks. The 65 foot width of the lot in question has 40 feet of developable width, with a 20 foot and a five foot setback. So while the lot is not extremely narrow, it is narrower than standard for a corner lot and has less developable area. **Staff finds this criterion has been met.**

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

Most lots in Dutch Creek are narrower than the lot in questions, but, as described above, have more area available for development. However, most other corner lots in the subdivision are of similar width and are faced with the same setback requirements as the lot in question. Therefore, for similarly situated lots in the subdivision, the same circumstances are present. **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 existing house is at or near the setback lines on both sides and the front, so any addition to those sides would encroach into the setback. However, there is available space on the rear of the house for an addition, and the applicant has not shown that the desired improvements could not be reconfigured to comply with the setback requirements. **Staff finds this criterion has not been met.**

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

The Dutch Creek subdivision was created in 1981 and the house was built in 1982 in conformance with the setback requirements. The hardship, if any, comes from the narrowness of the lot, which was created by the subdivision before the current owners bought the house. **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.*

While the addition would encroach into the setback, it is relatively small and, facing the street, would not significantly impact any adjacent properties. The area would remain a low-density single-family neighborhood. **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.*

The requested variances would allow only the proposed addition to be built and no further encroachment into the setbacks. **Staff finds this criterion has 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 had not received any public comment. If comments are received prior to the hearing, that information will be presented at the hearing.

#### **STAFF COMMENTS AND BOARD ACTION:**

Staff finds criteria 2 and 3 in Section 17.48.110 of the LMC have not been met and therefore recommends denial of the 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

**LAND USE APPLICATION**

CASE NO. 16-020-VA

**APPLICANT INFORMATION**

Firm: Rachel and Dan Fox  
 Contact: Rachel Fox  
 Address: 346 S McKinley Ct  
Louisville, CO 80027  
 Mailing Address: 346 S McKinley Ct  
Louisville, CO 80027  
 Telephone: 303-579-6362  
 Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**OWNER INFORMATION**

Firm: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**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: We have applied for a permit to renovate our home at 346 S McKinley Ct in the Dutch Creek neighborhood. After submitting our plans for permit, we learned a 78 sq ft portion of our plan encroaches on the setback guidelines for our neighborhood. We hope to have a variance granted so that we may move forward with the proposed project.  
 Current zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_

**SIGNATURES & DATE**

Applicant: Rachel Fox  
 Print: Rachel FOX  
 Owner: \_\_\_\_\_  
 Print: \_\_\_\_\_  
 Representative: \_\_\_\_\_  
 Print: \_\_\_\_\_

**CITY STAFF USE ONLY**

- Fee paid: \_\_\_\_\_
- Check number: \_\_\_\_\_
- Date Received: \_\_\_\_\_

## Application Rationale-Criteria Questions

Submitted from: Rachel and Dan Fox – 346 S. McKinley Court, Louisville, CO 80027

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 physical challenge presented to us, is the circumstance of a corner lot. Our house is subject to a 20 foot setback on two sides of the house. While we are not the only home in Dutch Creek to have the corner restrictions, our house is built on the property in such a way that three sides of our house have reached the setbacks. I believe our lot size is the same as other homes in the neighborhood, though much varies as the roads curve in the neighborhood, some home are on the curve of cul-du-sacs and some back to open space or parks.

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

While we are not the only home in Dutch Creek to have the corner restrictions, our house is placed on the property in such a way that three sides of our house have reached the setbacks. When looking around the Dutch Creek neighborhood, you can see that not all houses were build right on the setbacks. We noticed this when we started looking at other additions that have taken place in the neighborhood. There is a lot in our neighborhood for instance, with our same model, which was able to bump out over the front of the house within the current setback limits. Another house in our neighborhood, again our same model, which was recently renovated, was able to grow out to the side and out the back, in ways that we cannot, based on their position on a cul-du-sac.

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

While we were in the development and drawing phase of our project, our architect contacted the city to learn the specifications of the setback requirements. After her phone contact, we were excited to learn our side yard setback was only 15 feet. We knew that the original drawing of property showed a side set back of 20feet. My architect felt confident she learned the setback was only 15ft, as so she went back to the drawing board with a new idea.

The setback knowledge, we believed to be accurate, helped us get past a stuck point in the development process. Our hope, was to carve out 4 bedrooms on our existing second floor. We knew we could not build over the front of the house, beyond the existing garage. A few extra feet off of the front of the

home would have solved our minimum square footage room requirement. Going out beyond the garage would have infringed on existing setbacks, though it would have been the least expensive path forward. Our architect also explained that adding the same small amount of square footage to the back of the house would only enlarge a room versus allowing for a floor an additional room to be designed. In addition, a small bump out the back side of the house would not lend itself to a nice overall appeal to the home or the neighborhood. It would have looked funny and not provided the desired outcome.

While economic hardship is not a valid reason for granting a variance, we ask that you consider the financial perspective of our project. The cost of going back to the drawing board would have substantial consequences for our family. The cost of getting new structural engineering drawing would have substantial consequences. Our construction budget is limited. Adding the kind of square footage that would allow for a 4<sup>th</sup> bedroom floor plan, is beyond our budget capacity. All of these financial considerations combined, have the potential to delay or cancel our plans to remodel our home.

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

We truly believe we did not create the predicament we find ourselves in. We did not set out to find ways around the requirements. We put trust in our experienced architect and knew she was reading Louisville Codes and conferring with the city about building requirements for our neighborhood. Setbacks and elevations were critical parts of our conversations on how to best create a floor plan that would satisfy the purpose for our remodel and comply with city of Louisville requirements. We even changed our original roof line plan in our drawings because we learned it was set too high.

I am including a narrative from our architect Patty Phan, so that she could recount her understanding of the guidelines for building in Dutch Creek.

#### *From Patty Phan: Explanation for Design Direction*

I spoke to Scott Robinson the week of February 22 during schematic design to inquire about setup requirements for the renovation of 346 South McKinley Court. This call lead us to believe that an overhang into the side yard was code compliant.

I told Scott of our wish to have the second floor addition on the side yard of the house overhang the original foundation line. He looked up the address and confirmed that the setback is 15' rather than 20'. I asked if it was necessary to come into planning to review this once schematic design was near completion and he stated that it should not be necessary.

Based on this conversation, we proceeded with redesigning the second floor to incorporate the additional space. We then proceeded to bring in the structural engineer and completed the full permit set for the addition.

Not taking into consideration the considerate cost of redesign, to revise the overhang to be over the back yard rather than the side yard would create an inferior design because:

- 1) Two of the rooms will need to be significantly narrower, making them less usable
- 2) The back overhang would intrude over the exterior space that has been allocated for the first floor deck. This would significantly decrease the amount of usable outdoor space because the second floor is only a half level higher than the first floor

*Patty Phan, Designer*

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;

We are asking that we be granted permission to bump out the second floor of our house, 5 feet toward the street. This would require setting piers and placing posts to support the 5ft. The total square footage we are asking for is less than 100sqft. This pop out would not impair the 15ft arc necessary for traffic vision at the corner of our lot. It would not block a view for any houses near us, or create a different shadow pattern on the property behind our house or the two properties across the street from us. The over-all style for this pop out is in keeping with similar styles in the Dutch Creek Neighborhood.

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

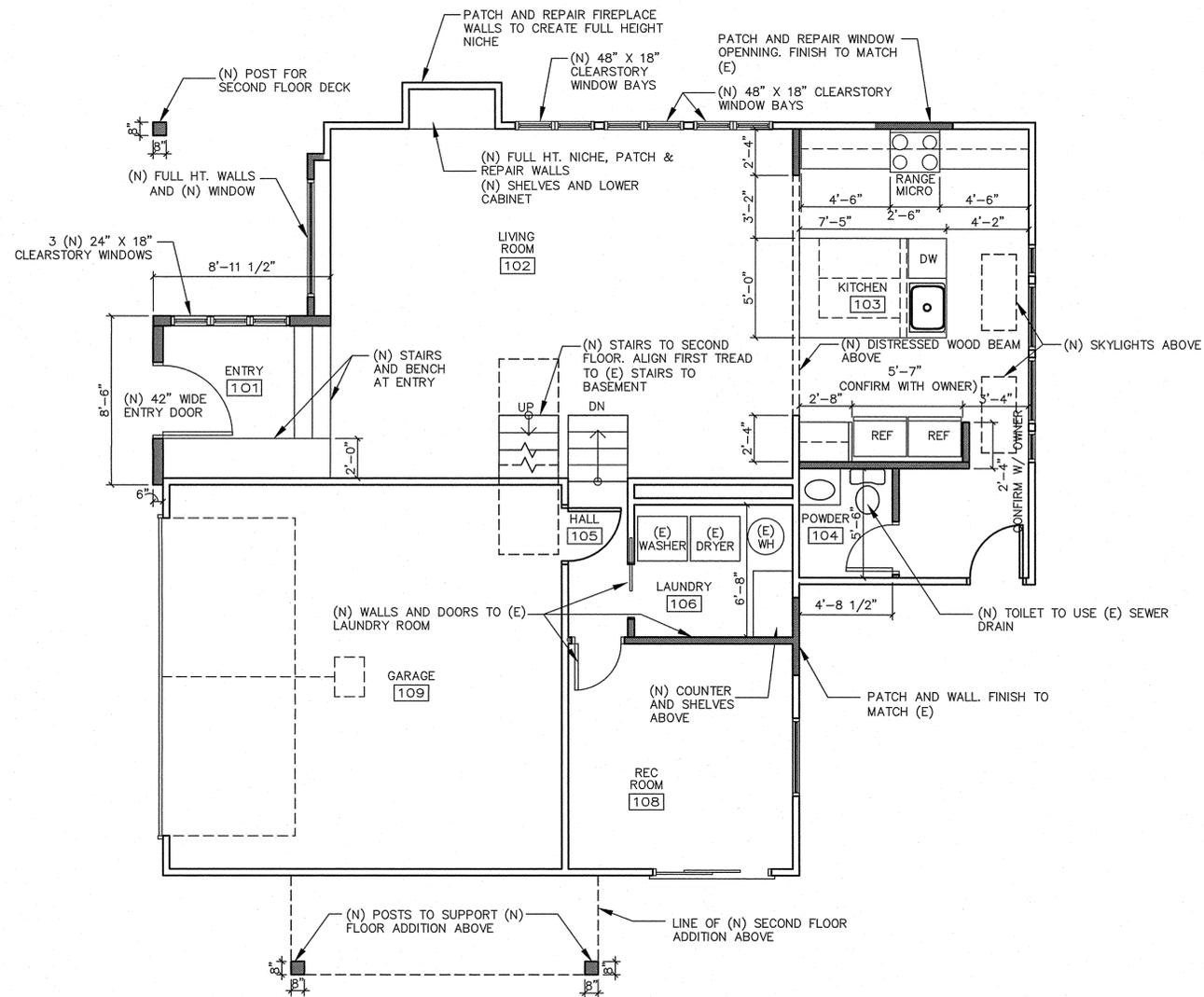
The total square footage that we seek to less than 100sqft. The pop out would come out 5ft into the setback area on the second floor of our home. The current setback is 20ft. We are asking for a variance for a 15ft setback in this section of our property.

We very much appreciate your time and consideration.

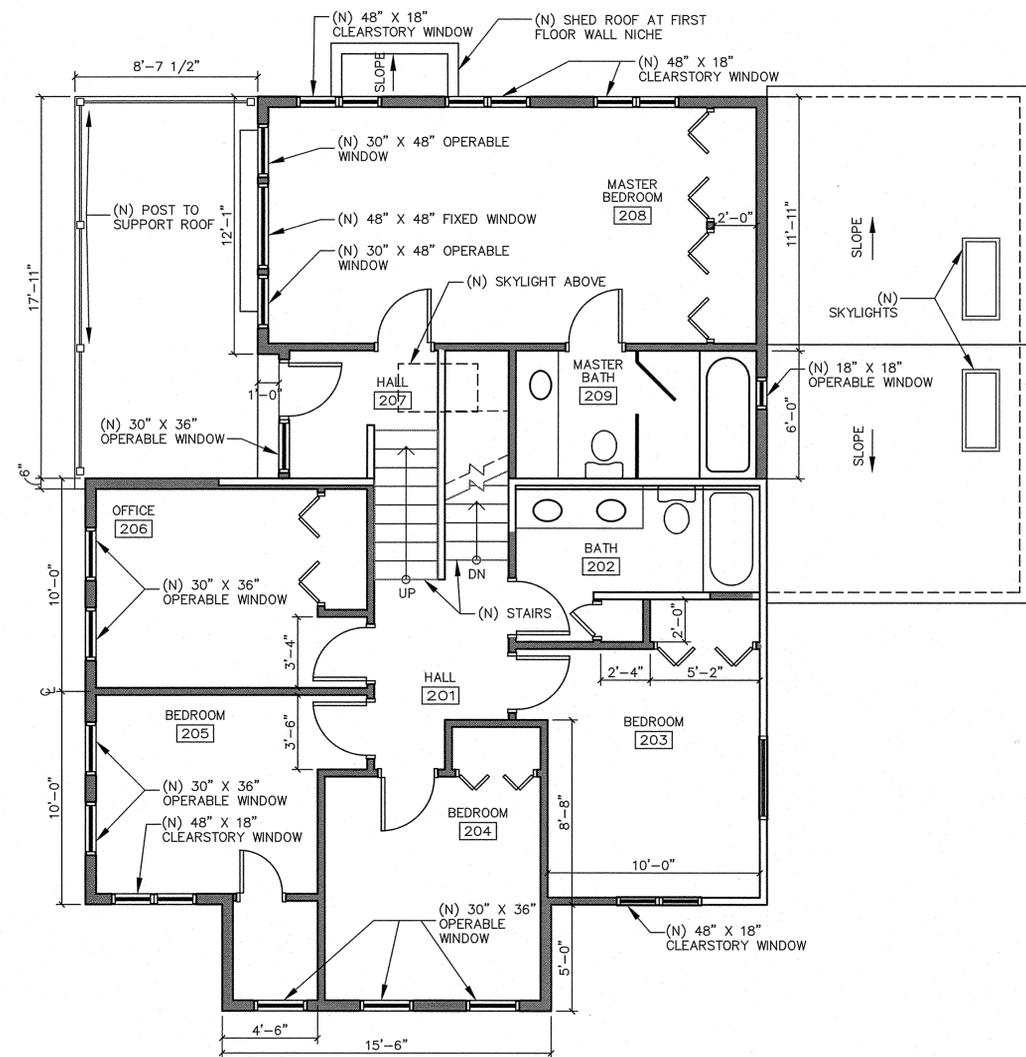
Sincerely,

Rachel and Dan Fox





1 FIRST FLOOR PLAN

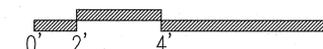


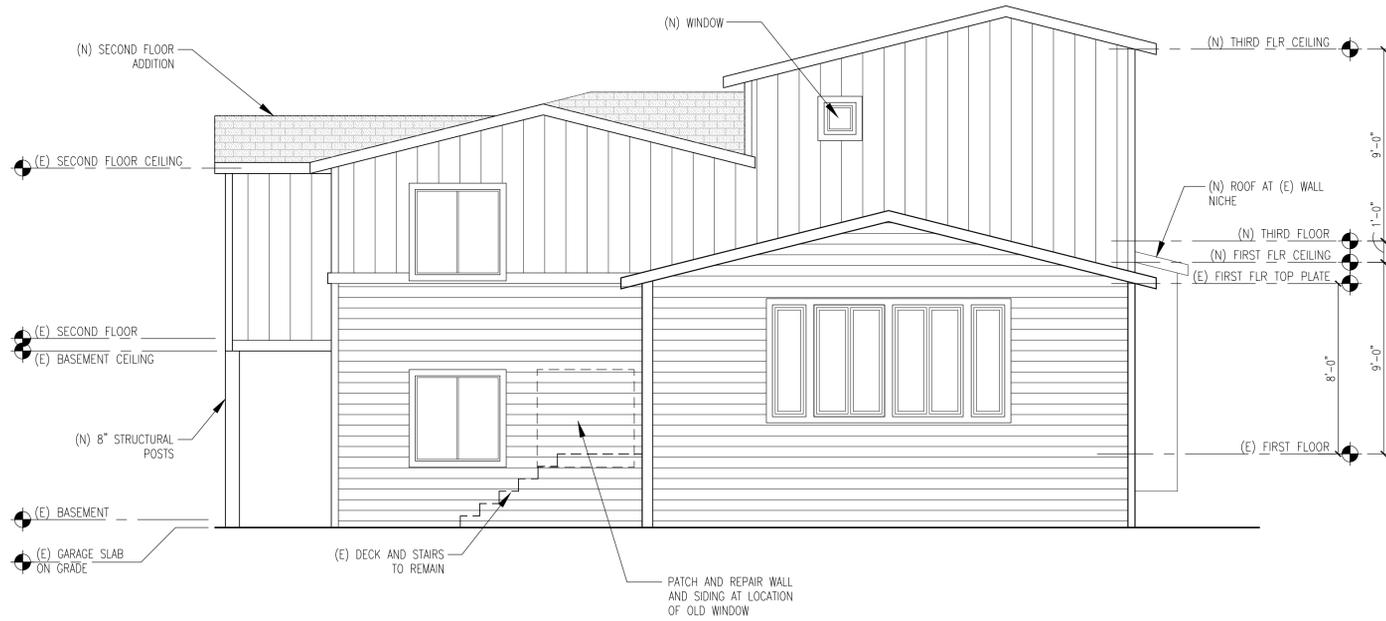
2 SECOND FLOOR PLAN

# FOX RESIDENCE: FLOOR PLANS

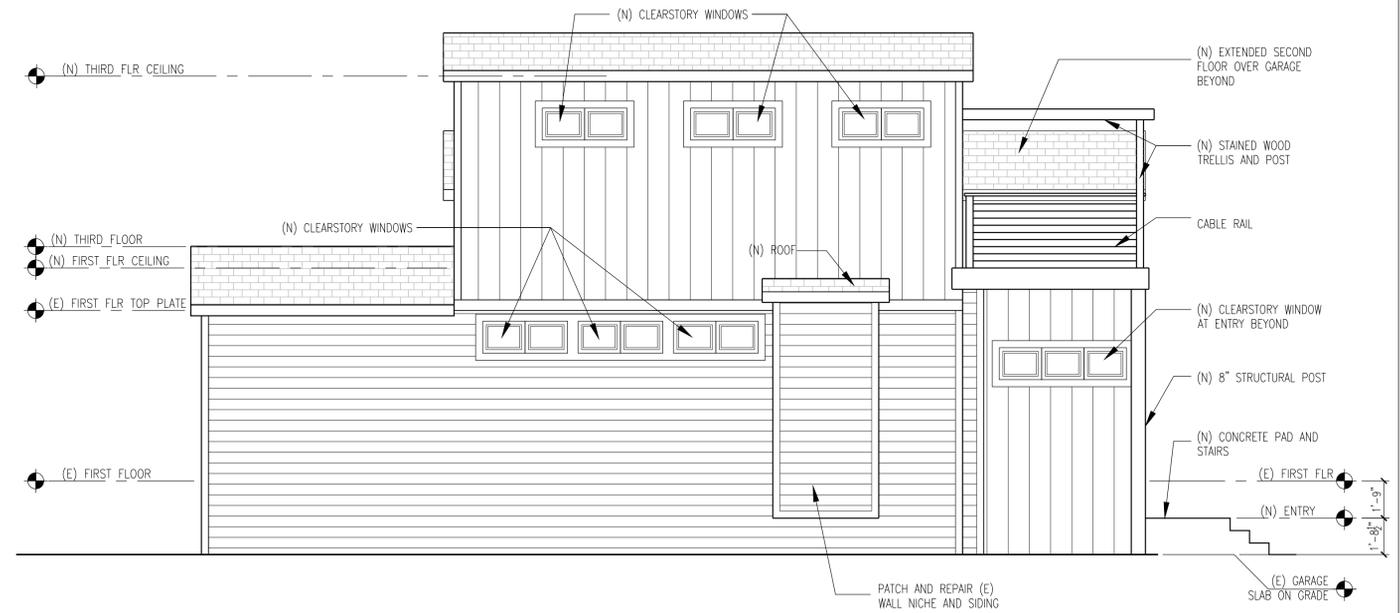
SCALE: 1/4" = 1'-0"

PROJECT NORTH

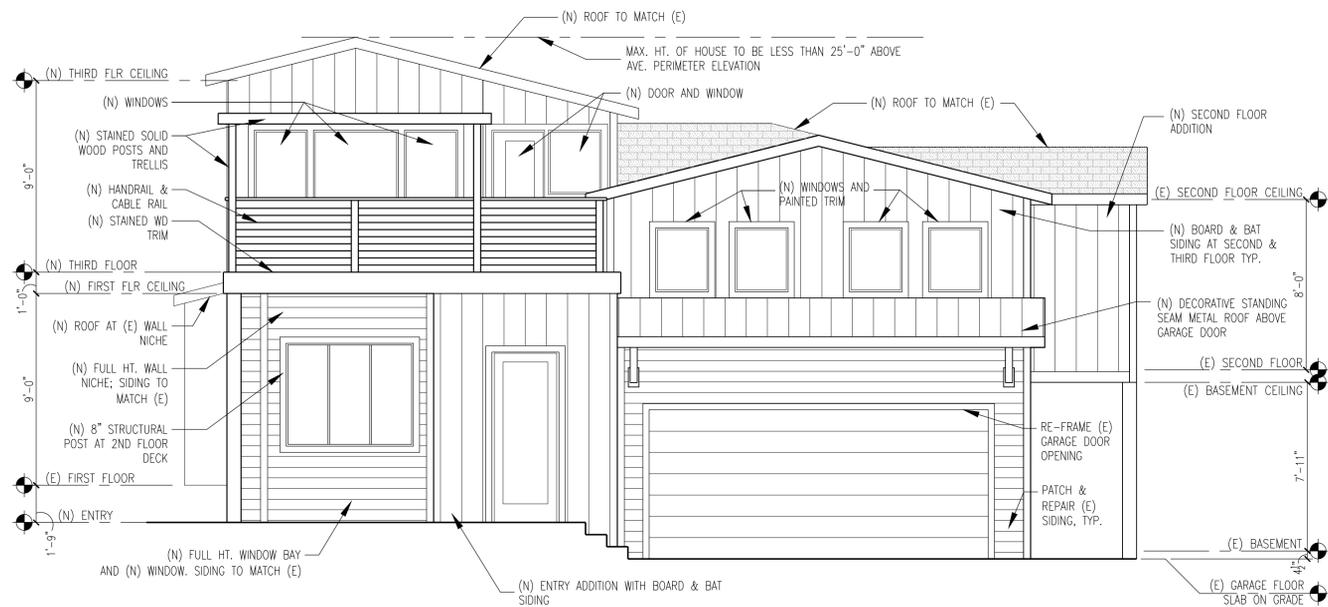




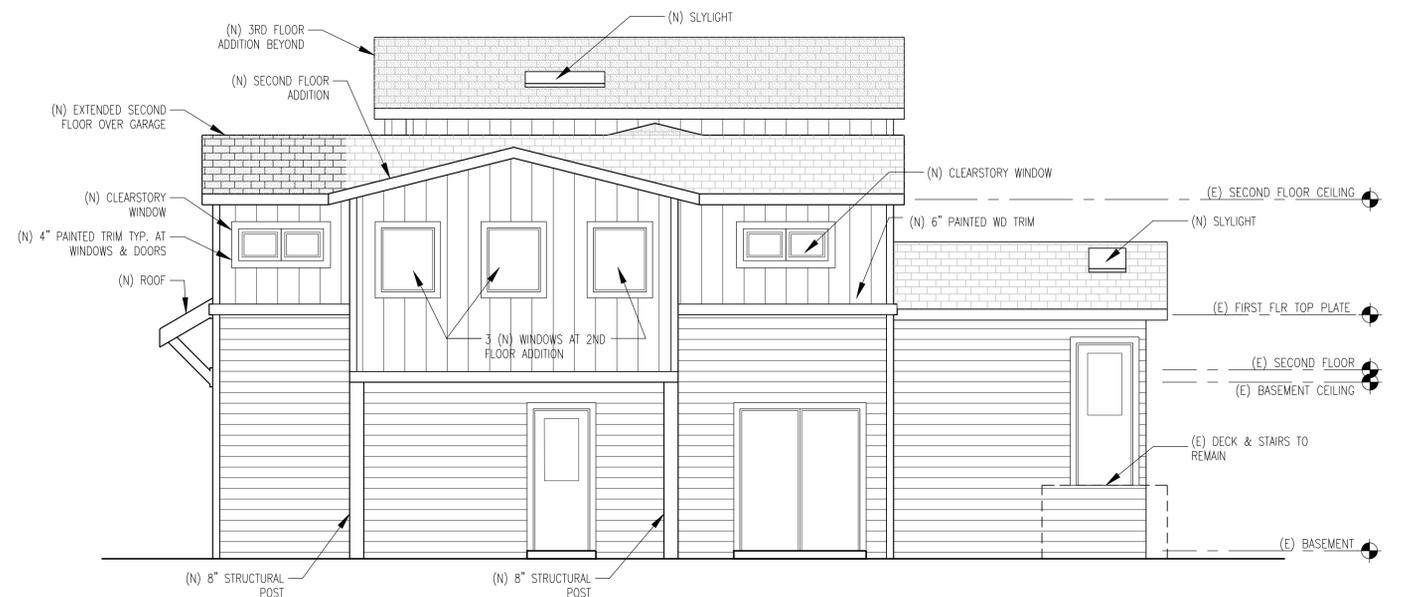
1 EAST ELEVATION



2 NORTH ELEVATION



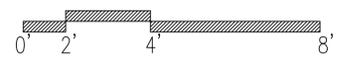
1 WEST ELEVATION



2 SOUTH ELEVATION

# FOX RESIDENCE: EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



# Recreation & Senior Center and Memory Square Improvements



## The process





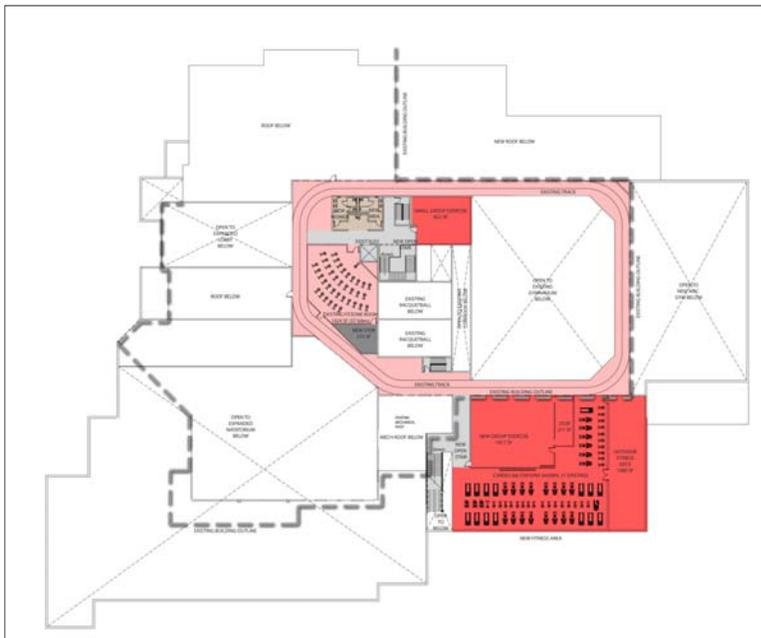
## **Why are improvements necessary?**

- Cardio and strength fitness space is small and overcrowded
- Limited recreational and leisure pool area
- Senior areas are shared with youth programs
- Locker rooms are too small and lack family change space
- The population for the City of Louisville has doubled since the facility was built.



## **Recreation/Senior Center Proposed Improvements**





Upper Level

- New Cardio Fitness Center
- New Group Exercise and Fit Zone
- Renovate Fit Zone into Spinning Studio
- Upper level restrooms
- Improve existing running track

|                       |            |
|-----------------------|------------|
| Total Upper Level:    | 16,346 sf  |
| Total New Upper Area: | 8,806 sf   |
| Total New Area:       | 46,486 sf  |
| Total Building Area:  | 103,486 sf |

## Proposed Improvements: Aquatics

Lap/Lesson/Exercise Pool



Warm Water Leisure Pool



Improvements to Existing Lap Pool



Current aquatics area: 11,785 sf

Proposed aquatics area: 24,850 sf

## Proposed Improvements: Deep Water Opportunity

Plunge Slide



Rope Swing



Climbing Wall



## Proposed Improvements: Outdoor Pool Deck

Large Door Openings



Seating Patio



Sprayground



# Proposed Improvements: Strength Fitness

## Free Weight / Strength Training



## Machine Circuit Training



Current fitness area: 1,670 sf  
Proposed fitness area: 4,700 sf

# Proposed Improvements: Cardio Fitness

## Cardio Fitness



Current cardio area: 1,670 sf  
Proposed cardio area: 5,195 sf

# Proposed Improvements: Group Exercise and Spinning Studio

## Aerobics / Group Exercise Fit Zone



## Spinning Studio



Current group exercise area: 1,600 sf

Proposed group exercise area: 4,500 sf

# Proposed Improvements: Turf Gymnasium

## Indoor Turf Gym and Activities



Current gymnasium: 9,230 sf

Proposed gymnasium: 15,245 sf

# Proposed Improvements: Senior Areas

New Lounge and Reception

Upgraded Meeting Rooms

New Catering Kitchen



Current senior area: 7,050 sf  
Proposed senior area: 10,783 sf

# Proposed Improvements: Youth Areas

Remodeled Child Sitting

Indoor Playground

New Youth Classrooms



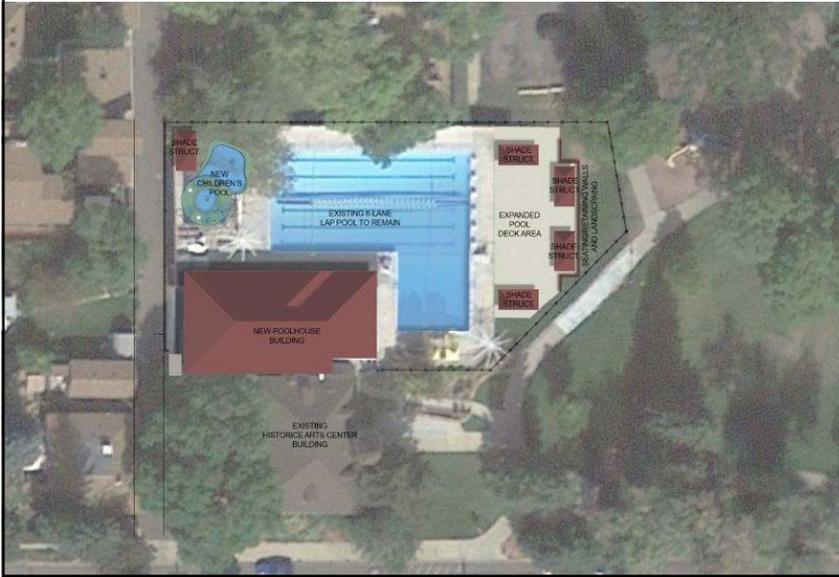
Current youth area: 1,920 sf  
Proposed youth area: 4,975 sf

## Square footage comparisons

| Program                            | Current Ft. <sup>2</sup> | Proposed Ft. <sup>2</sup> |
|------------------------------------|--------------------------|---------------------------|
| Fitness Center - Strength          | 1,670                    | 4,700                     |
| Fitness Center – Cardio/Plyometric | 1,680                    | 5,195                     |
| Group Exercise                     | 1,600                    | 4,500                     |
| Gymnasium                          | 9,230                    | 15,245                    |
| Aquatics                           | 11,785                   | 24,850                    |
| Senior Areas                       | 7,050                    | 10,783                    |
| Youth Areas                        | 1,920                    | 4,975                     |
| Administration                     | 1,391                    | 2,890                     |

## Memory Square Proposed Improvements

# Memory Square Site Improvements



- Redesigned Clubhouse
- Improved locker rooms
- Shade Structures
- Replace children's pool with new shallow pool and sprayground
- Improved deck and landscape

# Memory Square Clubhouse Plan



## Project Cost

## Estimated Cost of Improvements

| Category                   | Total Estimated Costs* |
|----------------------------|------------------------|
| Site Construction          | \$2,797,770            |
| New Additions              | \$20,619,877           |
| Existing Area Renovation   | \$3,458,642            |
| Memory Square Improvements | \$1,240,515            |

**Total project costs estimated at \$28 million to \$30 million**

**Operations & maintenance costs estimated at \$750,000 annually**

\* Estimate includes all costs for planning, design, engineering and construction

## Public Finance Considerations

- Property tax proposed to finance capital construction.
- A \$28 million project would amount to an annual increase of \$123 on a \$500,000 home, based on 2.50% interest rate for a 20-year bond.
- Annual operations and maintenance costs estimated at \$750,000 would be financed through a voter-approved sales tax of approximately 20 cents on every \$100 spent.
- The following schedule is an estimate of the additional property and sales taxes required to pay back various size debt issuances. The amounts will actually depend on interest rates, bond ratings, property valuations, etc.

## Public Finance Considerations

| Debt Amount  | Approx. Annual Debt Service | Sales Tax Rate to Pay Back Debt | Sales Tax on \$100 | Mill Levy to Pay Back Debt | Annual Property Tax Increase on \$500,000 Residence |
|--------------|-----------------------------|---------------------------------|--------------------|----------------------------|---|
| \$30 million | \$1,924,000                 | .673%                           | .67                | 3.32                       | \$132.03  |
| \$40 million | \$2,566,000                 | .898%                           | .90                | 4.42                       | \$176.08  |
| \$50 million | \$3,207,000                 | 1.123%                          | 1.12               | 5.53                       | \$220.07  |

## Next Steps

- Language is being drafted for the two ballot issues that must pass for this project to move forward. The first issue will ask voters to approve a sales tax increase to fund capital construction and the second issue will ask voters to approve a sales tax increase to fund annual operations & maintenance costs.
- If City Council moves forward with these two ballot measures, citizens will vote on them Nov. 8. **(Both measures must pass!)**



# View of New Recreation Center and Senior Entry

