City of Louisville
COLORADO • SINCE 1878

Board of Adjustment

Agenda

July 20, 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

- June 15, 2016

V. Public Comments on Items Not on the Agenda

VI. Regular :

- **940 Caledonia St – Variance Request –** A request for a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) for relief from front and rear setback and maximum floor area requirements to allow additions to the existing house. **Case #16-022-VA**
  - Applicant & Owner: Gary Doty, 940 Caledonia St
  - 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
- **Resolution of Denial - 2252 Crown Circle – Variance Request –** A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from front and side setback and maximum lot coverage requirements to allow additions to the garage and second story. **Case #16-019-VA**
  - Applicant & Owner: Terry Nelson, 2252 Crown Circle
  - Representative: Patrick Hubbell, Summit Studio Architects
  - Case Manager: Scott Robinson, Planner II
- **Resolution of Denial - 346 McKinley Ct – Variance Request –** A request for a variance from the Dutch Creek planned unit development

(PUD) for relief from the side setback requirement to allow an addition to the second story. **Case #16-020-VA**

- Applicant & Owner: Rachel and Dan Fox, 346 McKinley Ct
- Case Manager: Scott Robinson, Planner II

VII. Business Items tentatively scheduled for August 17, 2016
VIII. Staff Comments
IX. Board Comments
X. Discussion Items for Next Meeting August 17, 2016
XI. Adjourn

Board of Adjustment
Meeting Minutes
June 15, 2016
City Hall, Council Chambers
749 Main Street
6:30 PM

Call to Order – **Chairman Meseck** called the meeting to order at 6:33 PM.

Roll Call was taken and the following members were present:

Board Members Present:	Andrew Meseck, Chairman
	James Stuart
	Leslie Ewy
	Thomas DeJong
	Lowell Campbell
Board Members Absent:	Gunnar Malmquist
Staff Members Present:	Rob Zuccaro, Dir of Planning and Building Safety
	Scott Robinson, Planner II

Approval of Agenda:
Stuart moved and **DeJong** seconded a motion to approve the June 15, 2016 agenda as prepared by Staff. Motion passed by voice vote.

Approval of Minutes:
DeJong made a motion to approve the March 16, 2016 minutes and **Stuart** seconded the motion. Motion approved by voice vote.

Public Comments on Items not on the Agenda: None heard.

Regular Business:
Meseck says I am the Chairman of the Board of Adjustment for the City of Louisville. This is a hearing on applications for two variances filed with the Board. The first is Terry Nelson for 2252 Crown Circle and Rachel and Dan Fox for 346 McKinley Court.

Opening Comments of the Chairman:
The purpose of this hearing is to receive evidence and testimony in order to enable the Board to decide whether the variance application should be granted or denied.

This hearing is open to the public and is being electronically recorded. I ask that each person addressing the Board first identify yourself by name and address and whether you are a representative of any person or organization. I may limit testimony or questioning that is repetitive, cumulative, argumentative, or not pertinent to the issues, and may set a time limit on the length of testimony if I determine it to be necessary because of the number of persons signed up to testify.

The Board will not observe formal rules of evidence but may consider any matter which I conclude is reasonable reliable and calculated to aid the Board in reaching an accurate determination of the issue

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involved. Board members may question any person addressing the Board at any time. The attorney for the Board is not present at this hearing.

Procedure for Hearing:

The hearing will be conducted in the following order:

1. The Board will first receive a presentation by City Staff followed by any questions.
2. Next, the Board will receive a presentation by the Applicant followed by any questions.
3. The Board will then receive evidence or testimony from persons supporting the application, followed by any questions; and then receive evidence or testimony from persons opposing the application, followed by any questions.
4. The Applicant will then be allowed an opportunity to rebut or respond to any of the evidence or testimony presented and may be questioned on its rebuttal or response.
5. The Applicant and City Staff will then be asked to make a closing statement if they so desire.
6. Once all presentations, evidence, and testimony has been received, the public hearing will then be closed.
7. Following the conclusion of the public hearing, the Board will discuss the evidence presented here tonight. The Board may then either render its decision this evening or take the matter under advisement for further deliberations.
8. In order to approve a request for a variance, the affirmative vote of **four of the five** board members present will be necessary.

Matters to be considered by the Board:

In making its decision on the application, the Board will be acting in a quasi-judicial capacity and may grant a variance **only** if it finds that **all** of the applicable variance criteria have been satisfied. Copies of the variance criteria from City Code are available on the table next to the entryway. Persons speaking at tonight's hearing should focus their comments on whether or not these variance requirements are satisfied.

Determination of proper notice and application:

Before each of the Applicant's presentation, I will ask for certification of proper notice.

Meseck asks **Scott Robinson**, Staff Member, if we wish to do both applications now or separately?

Robinson says both applications were posted in City Hall, the Public Library, the Recreation Center, the Courts and Police Building, and mailed to surrounding property owners on May 27, 2016. They were published in the Daily Camera on May 29, 2016 and the properties were posted on May 27, 2016.

Meseck asks if anyone have any evidence to present to the Board that the applications, either, are not complete or that notice requirements have not been met?

I will need a motion from the Board moving that all notice requirements have been satisfied and that the applications have been properly filed. **Campbell** makes the motion with **DeJong** seconds the motion. Motion passes by voice vote.

Final matters prior to Staff's and Applications presentations:

Does any person have any objection to the hearing procedure I have described, or any objection to proceeding with the hearing tonight? If not, are there any other preliminary matters that need to be taken care of?

Finally, at this time, I will call for disclosure by the Board members on **2252 Crown Circle** of any site visits, any ex parte contact, any conflicts of interest, or other disclosures.

Campbell says I visited the site but had no ex parte contact and have any conflicts of interest.
DeJong says I have no conflicts, had no ex parte discussion, and did a preliminary site visit to see the property but did not enter the property.
Meseck says I did not visit the property, had no ex parte contact, and have no conflict of interest.
Stuart says I did a site visit, had no ex parte contact, and have no conflict of interest.
Ewy says I did not do a site visit, had no ex parte contact, and have no conflict of interest.

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- **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

Public Notice Certification:
Posted in City Hall, Public Library, Recreation Center, and the Courts and Police Building and mailed to surrounding property owners on May 27, 2016. Published in the Boulder Daily Camera on May 29, 2016. Property posted on May 27, 2106.

Staff Presentation of Facts and Issues:
Robinson presents from Power Point.

DESCRIPTION:
- Existing Home has a 14,453 SF lot, 2,116 SF home, 15% lot coverage
- Property located in Louisville North 1
- Zone residential estate (RE)
  - 12,000 SF minimum lot size
  - 20% maximum lot coverage
  - Minimum 30' front setback
  - Minimum 10' side setback

PROPOSAL:
- House built in 1975 and rezoned in 1977 to newly created residential estate zone district.
- Garage built 27' from front setback lot line, considered legal nonconforming. Applicant proposes to extend the north side of house about 3', in line with the existing garage front, continuing 27' setback to front lot line. The garage is 12' from side lot line, so extending it 3' would take it to 9.5' from side setback lot line.
- Other additions proposed to the rear and south with covered porches and decks.
- Enclosed addition on the back.
- The proposed additions will take the lot coverage from current 15% which complies with RE zone up to 21.6% which is over the 20% allowed in the RE zone district.

REVIEW CRITERIA: 17.48.110B.1
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.
   Setback: Irregular shape from cul-de-sac, legal non-conforming encroachment - Criterion is met.
   Lot Coverage: Lot exceeds minimum lot size - Criterion is not met.
2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.
   Setback: Most other lots are rectangular - Criterion is met.
   Lot Coverage: Most other lots are similar in size - *Criterion is not 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.
   Setback: Reasonable to expand garage in line with existing - Criterion is met.
   Lot Coverage: Lot can be utilized without exceeding lot coverage - Criterion is not met.

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4. That such unnecessary hardship has not been created by the applicant.
   House was built in 1975, RE zoning was applied in 1977 - Criterion is met for both requests.
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.
   Setback: Maintains existing front setback, substantial separation from adjacent house - Criterion is met.
   Lot Coverage: Most of addition is on the rear, not visible from the street - Criterion is 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.
   Variance would allow only requested additions - Criterion is met.

Staff recommendation:
Staff finds all 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.

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.

Question from Board to Staff:
Ewy asks with regard to the encroachment for the garage, I noted that the setback was measured to the space of the stone veneer. It appears there may be an eave or overhang that projects even farther. Does the PUD allow a certain overhang in the setbacks?
Robinson says the Louisville Municipal Code (LMC)allows eaves to encroach 3' into the setbacks.
Mesick asks about the dash line and if this is of any importance to the BOA within the interior of the yard?
Robinson says those are the setback lines.
Campbell asks if the lot coverage is 14,153 square feet.
Robinson says that is what the survey shows.

Presentation from Applicant:
Terry Nelson, 2252 Crown Circle, Louisville, CO
I am Terry Nelson and I thank you for considering our request. I am here with Donna, my wife. We came to Louisville in 1992 and moved into the house in November 1992. We like it here a lot. We don't want to leave. We have worked hard over the last 25 years and have put a little money aside. We talked about making some improvements to our property. We looked around town and the prices are pretty high. We went outside the City limits but a lot of things didn't fit for us. We have decided we really like living where we are. We like our neighbors. Everyone minds their own business and keeps an eye out for each other. There are seven houses in the cul-de-sac and three have been owned and occupied since before we moved in. The other three have long time residents, so there is little turnover in the neighborhood. We have nice big lots. Two or three months ago, we started looking around for an architect and eventually settled on Pat Hubbell, Summit Studio Architects. Last month, he informed us that, in meeting with Scott in the Planning department, we had a few things that needed addressing with a variance. Since the deadline to apply was the next day, we needed to get moving. If not, we would wait another 30 days. Pat prepared our application for us. Having gone through the first round of the comments and getting news back from Scott, I think in hindsight, we probably wish we had spent a little more time on the application. We think we have good reasons to be considered and under a little different interpretation of the lot coverage limit, taking a liberal view of the

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zoning regulations, we may be in compliance. There are things that are not in the application that are pertinent to what we are trying to accomplish. Donna and I are both in our mid 60s and will be retiring in a couple of years. I am an electrical engineer and travel a lot. Donna is the office manager for Centennial Valley Pediatrics and has been for a long time. Our children went to school here. We want to stay in the house as long as we can. We want to do some improvement to it. We have no desire to move into a retirement community. Our plan is more horizontal than vertical. We want to limit the stairs. We want to get the master and laundry on the first level. We intend to take the split level design and rework it to make a single story. We want to raise the three bedrooms up to a second story. Although we love the lot, we have never cared much for the house. The split level design is inefficient. We don't like the kitchen and I promised Donna in 1992 I would fix it. 25 years has gone by and I'm still alive. If we scale things back the way Scott describes the issues, we will have trouble finding the 300 extra square feet. We put a large foyer in the entry way that encroaches into the living room. The dining room is small so we ask to push the wall out 3'. We need big changes to the kitchen. The extension on the northwest side of 3' is necessary to make the master bedroom appropriately-sized. I am trying to grab a little square footage in the garage too. That's what is driving the horizontal dimensions of our improvements. The RE zone sets a minimum lot size at 12,000 square feet with a corresponding coverage limit of 20%. It seems that the real intent behind the zoning change in 1977 was to preserve uncovered space on these lots. If one were to consider 20% coverage, then it automatically means that 80% is uncovered. On a minimum size lot of 12,000, that is 9,600 sf uncovered. Our modifications are going to cover 3,122 sf but because our lot size is 14,453 sf, we will still have 11,331 uncovered sf after improvements have been made. This uncovered space nearly totals the total minimal lot size in our area. That is a reasonable consideration. These larger lots are unusual in Louisville. They are probably more suited for a larger home that some others being built. We ask you to look at the water conservation aspects. We have maintained this property with a nice lawn. We use less water now than we ever have. Every year, we see our water bills increase. In the hot summer months, we've seen our bills go over $600 per month. We are being asked to curtail our use to match folks who have smaller lots than we do. We receive letters comparing our use to that of our neighbors. Our rear fence neighbor has not lived in his house for three years and never waters his lawn. His usage calculates into what my use should be. This is not reasonable. We have neighbors in the cul-de-sac who are part-time residents. Our use is compared against theirs as well. We have four adults in the house. We have two children who are still at home; they would like to live in Louisville and they are trying to save down payments. The zoning was established in 1977 and a lot of things have changed in the City since then. The interpretation of these regulations needs to be holistic considering all of the factors. Given the City's increased desire to push for more density with the new developments such as Steel Ranch and other multifamily developments currently under construction, the City is asking existing residents to share the City's water resources with new residents. I have no facts to support this, but I have done some inspection but there hasn't been a lot of new development in our subdivision since we moved in in 1992. As far as I know, there are only three homes built. All three are on the next cul-de-sac to the west, Evans Circle. If you look at those two new homes built adjacent to Centennial Drive, entering that cul-de-sac, those are bigger houses. Those lots may be larger than ours, but I don't think so. I am suggesting that there has been some past practice allowing more lot coverage than is in the zoning regulations.

Questions from Board to Applicant:

Stuart asks did you look at what you would have to give up to conform to 20%. I get the impression it didn't look attractive to you. Do you have a Plan B?

Nelson says we are pushing out the living room and dining room side. The dining room has always been too small. We have a big family and they like to come for the holidays. We don't have any extra room. The living room is fine but the foyer will encroach into that space. Our electric and gas service meters are on that side of the house. It may become cost prohibitive to

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move those two elements. The kitchen needs renovation. We think expansion to the back has little impact on the neighbors because it's not visible from the street. We hold out hope that our variance will be approved. We talked to our neighbor who will be most impacted by our remodel. I believe they are satisfied with our proposed addition. We talked to all six residents in the cul-de-sac, showed them our plans, and asked if they had concerns. Most of them were favorable. I also went on Saturday to the Citizen Action Committee at Alfalfas. I gave the same talk and asked them if anyone had reservations about our proposal. I also asked Scott where he thought we could shrink the plan because we think it is reasonable.
Meseck asks what the square footage of the rear deck and the sum of the two covered porches is. Those seem to be the easiest places to address in terms of meeting the criteria mentioned earlier. We are only 300' away.
Robinson says they are not broken out.
Nelson says the large covered porch off the family room and kitchen is approximately 26' wide by 12', which is 312 sf. The rear deck which is uncovered is about 12' x 6', 72 sf. The covered porch against the master bedroom is about 12' x 10', 120 sf.
DeJong asks in regard to the proposed new deck on the eastern side of the property, it states that the deck is higher is 18" above grade. How high is it? If I understand correctly, if it is above 30", it is included in the lot coverage.
Nelson says I understand anything over 18" is included. If it is 30", then our application is incorrect. The property contours and I believe the top of that deck is 36" above the current grade.
DeJong asks what the construction materials of the new deck will be?
Nelson says we have not decided yet. When we found out about needing variances, we stopped our architect. We are already $6000 into the project. We want to get something definite before we play around with alternatives.
DeJong asks in regard to the southeastern corner of the home, there seems to be identification of an existing wood deck.
Nelson says when we moved in, there was a 12' x 10' concrete slab. I added 6' wooden extensions to both sides of the deck so it is now 24' wide x 10'.
DeJong asks if the proposed new construction off the eastern half of the house will cover the concrete portion.
Nelson says in order to put in a foundation, the existing deck has to come out. Counting the wooden additions, it is 240 square feet.
DeJong asks if the 240 sf are included in the calculation of the total lot coverage.
Nelson says I am 99% sure it is not included.
Campbell asks how would you describe your hardship.
Nelson says we are all getting old. I have had two knee surgeries and I get around pretty good, but it will not stay that way. My wife has had surgery. That is our hardship. This remodel proposal will help us get around the house.
Campbell asks about the base garage roof. How much higher are you planning to raise it?
Nelson says when we reframe this first level, we want to build 9' ceilings. We like big windows. This bottom story will be framed with 9'1" high ceilings. I would like to raise the garage up another foot so the eaves match. Part of the reason I'd like to add on to the side of the garage is to make it symmetric. Looking at my garage from the front, I have extra space on the right side, about 4.5'. On the left side, I have about 18". If I add 3' to the garage, it will have a nice symmetric opening. I want to raise the opening to 8' instead of the current 7' so my wife's car will fit in the garage. We've never had a car in the garage since we've owned that property. My neighbor directed across the street in the two-story house added a third car garage in 1991-1992, before we moved it. It has an 8' opening.
DeJong asks if there are any other egresses to the proposed new deck other than the covered porch on the east side.
Nelson says there will be a sliding glass door to the new deck. That is the only access to that portion.

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DeJong asks if there will be additional stairs or anything else.
Nelson says the stairs are included in the calculation for the lot coverage.
DeJong asks about the smaller covered porch, will there be egress to the outside.
Nelson says there will be a sliding door off the master bedroom to that porch, but there will be a banister around it.

Public Present in Favor of Application: None.

Public Present in Opposition of Application: None.

Emails entered into record: **Meseck** says we have four emails, all in favor of the application.
Stuart makes motion to enter emails into the record, **DeJong** seconds the motion. Motion passes by voice vote.

Public Hearing Closed / Board Discussion:
Stuart says I am swayed by the vacant lot argument, that there is enough extra space, but that is not sufficient. There are other things such as the lot size and shape and situation. Staff did the right thing in interpreting the code by the rules. When I look at the situation, I am of the mind that #1, #2, and #3 lot coverage could be passed for lot size. When I look at the 21.6% versus 20%, the lot is quite private and you can't see what he is doing. The neighbors don't mind and say they like it. All the changes are in the back where nobody can see them. It does not change the character of the neighborhood or change the value of anyone's properties. In sum, these sway me to not want to deny this. I am open to hear what everyone thinks.
DeJong says I am still a little confused with regard to the actual plan as presented. There appear to be two wood decks, one new and one existing. I don't know if the existing wood deck was included in the actual calculation shown on the plan. In overall appearances, I still believe there is some design flexibility associated with having two covered porches and the rear deck. I don't see a compelling reason to exceed the lot coverage limits. I think it would be a bad precedent to set to allow exceedance of lot coverage.
Meseck says I tend to agree as well. As far as the setbacks, I am convinced that the design in and of itself makes it critical to keep and encroach the slight amount. I have no issues with it. I am on the same side that we need to have some very compelling reasons to overcome what Staff has concluded with regard to lot coverage. There are some things in here that can be altered such as removing the rear deck from the lot coverage, and some covered porches that could be partially covered. We may be able to recover some square footage somewhere else. I know that the applicant has hit a good limit with regard to the architect, but knowing these things, some minor alterations might be made which would slide this into the 20%.
Campbell says my question about the hardship and the answer puzzles me because the hardship he described was personal in nature as opposed to having anything to do with the lot. It appears to me that Criterion #1 was not met because there is no real compelling reason for physical conditions not met. My question about the garage and the addition to the garage roof sounded like it had more to do with architecture than actually expanding it. I would be inclined to question whether the hardship criterion is met. It seems to me that some other modifications to these plans can be made. I recognize that the architect was employed to do these plans but I don't think he tried to make the plans comply with the setbacks.
Stuart says I understand the hardship to be, as you get old, you want to get rid of stairs and you want to spread sideways. He clearly could build the house up and not fight this problem at all. But he is not and that is the hardship. He is being forced because he knows he wants fewer stairs in this design, and it pushes him to the edge and slightly over. By the sum of this, I am inclined to think it is okay.
Ewy says I have a slightly different take. The garage widening and addition does not bother me. I realize there is a setback encroachment, but having a widened garage above what a 1970s design is would actually help from an aging-in-place condition. You can enter and exit your

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vehicle more appropriately and have more space to maneuver around the vehicle. I tend to agree with Chairman **Meseck** and Board Member **DeJong** on the fact that the setback encroachment, in and of itself, seems like a ½ foot is a minimum encroachment symmetrical to the garage and fits with the architecture. I do have concern on the lot coverage. It seems there could be some exterior modification that does not compromise your internal living areas. It looks like your covered porch is really close to 30" above ground level so there may be some modification to the ground or the porch itself that could put you in the territory of having the enlarged porch, and then back off the roof until you meet the 20% rule. I think you can achieve a lot of your design goals.
DeJong says that **Robinson** and Staff's analysis and reasoning are well founded and I find their conclusion to be thorough and correct.

Motion made by **DeJong** to approve variance request for **2252 Crown Circle** for relief from Section 17.12.040 of the Louisville Municipal Code (LMC) for front and side setback to allow additions to the garage and second story, seconded by **Ewy**. Roll call vote.

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

Motion passes 4-1. Setback variances approved.

Motion made by **DeJong** to approve the variance request for **2252 Crown Circle** for relief from Section 17.12.040 of the Louisville Municipal Code (LMC) for maximum lot coverage requirements to allow additions to the garage and second story, seconded by **Stuart**. Roll call vote.

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

Motion fails 1-4. Lot coverage variances not approved.

Break from 7:33 to 7:36 pm.

I will call for disclosure by the Board members on **346 McKinley Court** of any site visits, any ex parte contact, any conflicts of interest, or other disclosures.

Campbell says I drove by the property and looked at it from the street. I have no conflicts of interest.
DeJong says I have no conflicts, had no ex parte discussion, and did a site visit to see the property but did not enter the property.
Meseck says I did not visit the property, had no ex parte contact, and have no conflict of interest.
Stuart says I did a site visit, had no ex parte contact, and have no conflict of interest.
Ewy says I did not do a site visit, had no ex parte contact, and have no conflict of interest.

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- **346 McKinley Court – 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 Court
  - Case Manager: Scott Robinson, Planner II

Public Notice Certification:
Posted in City Hall, Public Library, Recreation Center, and the Courts and Police Building and mailed to surrounding property owners on May 27, 2016. Published in the Boulder Daily Camera on May 29, 2016. Property posted on May 27, 2106.

Staff Presentation of Facts and Issues:
Robinson presents from Power Point.

- Property located on McKinley Court at the corner of Lilac Circle and is a corner property.
- It is governed by the Dutch Creek Planned Unit Development (PUD) and is zoned residential low density (RL).
- The Dutch Creek PUD requires a 20' setback from all street property lines (front and street side property lines have the same 20' setback requirement).
- The Dutch Creek neighborhood is in south Louisville on the south side of Bella Vista.
- Proposed addition is on the south side of the house, facing Lilac Circle. It is a proposed second story addition. It would be supported by posts with no enclosed space in the first floor addition.

REVIEW CRITERIA: 17.48.110B.1

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.
   Lot is 10' narrower than the RL zone district allows - Criterion is met.
2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.
   Most corner lots in Dutch Creek are the same width - Criterion is not 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.
   There is room to expand to the rear of the lot - Criterion is not met.
4. That such unnecessary hardship has not been created by the applicant.
   Dutch Creek was platted in 1981 and the house was built in 1982, before the current owner - Criterion is 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.
   Proposed addition is small and would not impact adjacent properties - Criterion is 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.
   Would only allow requested encroachment - Criterion is met.

Staff Recommendation:
Staff finds criteria 2 and 3 in Section 17.48.110 of the LMC have not been and therefore recommends denial of the variance request.

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Question from Board to Staff:
Ewy asks if the PUD had any exclusion for side yards abutting a street and treat the front of the house differently than the side yard?
Robinson says the PUD language is 20' setback from the street property line. It treats the front and street side the same.
Ewy asks what the normal side yard setback would be in the neighborhood.
Robinson says the interior side is a 5' setback off the interior lot lines.
Ewy says if a variance is granted, does it reset the entire side yard setback or the side of the house abutting the street. Is it now reset to 15' and any development could happen in that 5' from now on?
Robinson says the variance allows the proposed addition. If they want to add additional square feet on that side, they would have to apply for a new variance.
Campbell asks where the existing addition is located, is it on the back?
Robinson says the existing addition is on the back and the proposed addition is on the side.

Presentation from Applicant:
Rachel Fox and **Dan Fox**, 346 McKinley Court, Louisville, CO
Charlotte Perry, contractor
I have a couple thoughts about the two criteria that the Staff feels we don't meet. Our corner lot is narrower than the other corner lots in Dutch Creek. It is news to us to learn that our lot is narrower than standard corner lots. Criterion #3 says we cannot reasonably develop the property in conformity with the provisions. We spent a lot of time with the designer looking at different ways to expand our property. You will see on our drawing that there was an addition when we purchased our house. One consideration was to build out over the addition which will maximize square footage but would be a more expensive way to attain the goals we want. I understand we can build out over our addition because it will not change our footprint. We feel that this will considerably block our neighbors from sunlight coming into their yard. Our whole reason for wanting to be in Dutch Creek is our neighbors. We tried to leave Dutch Creek last year and moved, but within a year, we came back. Even though we got a bigger house with more space, we did not have the neighbors. We are trying to find ways to accommodate our family in the space that we have. We have a pretty small house, approximately 1400 sf. We have four children. If we push out the back of the house the same amount of square footage that we are considering on the side, in working with the designer, it would not allow us to carve out four bedrooms. We don't want to move the bathroom because that would be an additional expense. Building out the back doesn't help us design-wise to gain the four bedrooms. We had a misunderstanding with our designer because in talking to the City, she thought we had a 15' setback on the side. There are three McKinleys in Louisville, and we submitted the plan this way because we thought we had the additional setback space to build out the 5' bump-out. In looking at the plan overall, pushing out this extra 5' on the second story will look nicer than building over the addition. We thought this would preserve the integrity of the neighborhood.
Dan Fox speaks. In looking at the overhead, the issue with Criterion #2 is that this condition does not exist throughout the neighborhood. There are few corners in Dutch Creek. There are a lot of rounded corners with extra wedges making bigger properties. We are the only corner in 50 houses around us. To me, I have an issue with the word "throughout" because this is not throughout the neighborhood. It is only in these occasional places where there is a cul-de-sac. Most of the roads have these wavy curved ways to turn to eliminate tight corners. In terms of Criterion #3, I think we are finding a reasonable way to develop that will work for our family since we have four kids and need four bedrooms in that area. The variance itself is not over the whole side of the house, so visually, it does not extend the corner, but just goes out a little bit on that side. We are trying to make minimal changes. The reason for all of this is that the house is so jammed. We are trying to get a few feet here and there to make this possible for our family.
Rachel Fox says we hope we are not asking for too much. We are trying to not block anyone's view. We are choosing a design to fit the look of the neighborhood.

DRAFT

Questions from Board to Applicant:
DeJong asks in regard to the submission made by the applicant, there are multiple pages. On page 4, there is an explanation for design direction from a Patty Phan. Second paragraph, first sentence, it says "have the second floor addition on the side yard of the house overhang the original foundation line." If I am to understand the original foundation line, the house was originally larger and was 5' into the setback at one time.
Rachel Fox says I asked Patty why she drew that way. When we first moved into the house, there was a wood deck on that side which I don't think was original to the house. I don't know the rules about decks and how far they can go out.
DeJong says what I am asking is, was there an original structure built into the setback that had to be removed.
Dan Fox says the balcony was in the setback originally. There are doors to the balcony from the bedroom.
DeJong says in your submission, the paragraph answering Criterion #2 says "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-de-sac." This is the same model of structure but it is not a corner lot.
Rachel Fox says it is in the opposite side of the cul-de-sac.
DeJong says that house had different setback criteria associated with that lot. As far as corner lots of similar orientation, we can only see one within this overhead now shown, across the street due south of your property. Within the Dutch Creek neighborhood, are there other corners of similar size and similar orientation?
Robinson says I don't know how many but there are others.
Dan Fox says there are others. To me, the word "throughout" means it is more than a tiny percentage. Because of the curved corners, there are no grid-like intersections.
DeJong clarifies there are other properties similarly situated like yours.
Campbell asks who designed this. Is she an architect?
Rachel Fox says Patty Phan was our original designer and architect. We did our final drawings with Elmer Horner, Littleton, CO.
Campbell says I am trying to picture if this happened in my neighborhood, what it would really look like with a second story that extends out. It's not cantilevered, but has posts to the ground. I have trouble with that.
Rachel Fox says that structure is starting to pop up a lot, perhaps not in Dutch Creek. I have seen them on Lincoln and Jefferson.
Dan Fox says this is our south facing area so there would be benefits for us.
Meseck says looking at the property to northeast, are those neighbors represented in the letters or those who want to speak tonight?
Rachel Fox says no.
Dan Fox says they would be worse off if we built what Staff has recommended. It would push towards their house.
Ewy says your neighbors near the 5' side yard setback; are they pretty close given the wedge that their lot is? Are they built close to the property line?
Rachel Fox says neighbors directly next door with houses that face the same direction, I believe they are 5' from the line. The house behind us has a garage that is probably right about that.
Ewy says by right, they could be 10' from a neighbor or with variance, 10' from the street.
Rachel Fox says I emailed all of our direct neighbors on the cul-de-sac and let them know what we are proposing and asked if they had any questions. Paul El Tabib from across the street is in support. The Jones/Kahn family wanted to be here as well.

Public Present in Favor of Application:
Eric Eisen, 322 Lilac Circle, Louisville, CO

DRAFT

I live directly to the south of this proposed project. I also own 310 Lilac Circle. I have known these neighbors for a long time and fully support their project. We have a great community over there and the fact that they came back is awesome. People who want to stay in these really small houses is a good thing for Louisville. I am a licensed contractor and I went to school for architecture and planning. The reason I am telling you this is that I have been looking at their space planning and I think this is a really good plan. From a cost perspective, I think the project could go out the window if this is denied and they have to go to east over the addition. It is a very small bump out and it doesn't have any safety effects for driving around the corner. I look at this side of the house every day. My mother lives in 310 Lilac Circle and she also approves of the idea. I think from a cost perspective and design perspective, this is a good design for them. They will be able to get what they need out of the use of the house.
DeJong says that as far as disclosure, you live across the street?
Eisen says I live on Lilac Circle, my mother lives next door, and we both face the proposed bump-out. We approve of this.
Jillena Eisen, 322 Lilac Circle, Louisville, CO
I want to echo what Rachel and Dan have said about the neighborhood, their reasons for being there, and for being long-time residents. This particular neighborhood is full of long-time residents. The neighbors they have behind them are our newest addition, Paul Latimer and Krista Eichten. Everyone around us has moved around sometimes from home to home, but it has become a tight community. To have Rachel and Dan return, even though they had a home of larger size, with four children, they knew they were making a choice of neighborhood over convenience. I know this project is important to them. Their sanity is important to me. Giving them a little more space in their home is an improvement for everyone. We anticipate being long time homeowners and residents in this neighborhood. I speak on behalf of Ann Eisen who lives next door to us. She told me to let you know of her support. Eric and I look out on that side of the house every day and I believe the proposed changes will be a clear enhancement, both practically and esthetically. I think it is a smart choice and reasonable use. They have a large family and frankly, with this lot size, a small backyard. To bump out to the back actually removes a significant portion of the backyard they have available to them. The trade-off of bumping out to the street side is the only people who will notice it on any day will be us. It will increase their ability for a bedroom and livable space in the house and it does not detract from their backyard, I think is a smart choice. I notice with Criterion #2, we have been discussing these corner lots and how they are smaller than the minimum. Whether there are a lot of them or a few of them, having that 55' versus 65' is already a pinch. I am not sure it makes sense to throw out the possibility of making more livable space simply because a long time ago, the corner lots all got shorted. This is a good plan for good people. It only adds to our neighborhood and keeps everybody happy.

Emails entered into the record:
Motion made by **Stuart** to enter a letter from **Bob and Erin Hansel** in support of the 346 McKinley Court variance, seconded by **DeJong**. Motion passed by voice vote.

Public Present in Opposition of Application: None.

Public Hearing Closed / Board Discussion:
Stuart says Staff did an excellent job. I am taken with the idea that the tight corner lot is not throughout the neighborhood. I am willing to think Criterion #2 is a pass because there is only a handful of these lots and not throughout the neighborhood. On Criterion #3, I can understand that this location is the right place to segregate another bedroom and the back side is not the right side. This seems like a compelling reason. To reasonably develop the lot, you need the extension there. I see Criterion #3 being passed. Besides that, it is a modest addition and the neighbors don't mind it.

DRAFT

Meseck says I am very sympathetic to what you are attempting to do with the design and to maintain the look of the house. I am sympathetic you don't want to encroach into the back yard, not only for the use of the yard but its impact on the neighbors. I am looking for some compelling argument. What Board Member **Stuart** said is very relevant. The discussion with Staff is it came down to this corner lot, which I think is a little bit unique and causes some difficult things in terms of design and extra space. Knowing how small these homes are, when they were built in Dutch Creek, and how unique of a neighborhood it is, I am inclined to be in favor of it.

DeJong says Staff's analysis was thorough and I believe the conclusions are correct. I understand the situation with regard to being a tight lot and needing space. I do find there are multiple corner lots in that neighborhood and to allow this encroachment into the side setback would be precedent for anyone within that neighborhood to step forth and say, "I deserve five more feet" and I would have no argument to say no. The five feet was given previously. From my personal point of view, the setback should stand at 20'.

Ewy says I have a different take on it. Second guessing the PUD, the 20' setback for front yards is set so a car can park in front of the garage without obstructing the sidewalk. I find it unusual that the PUD did not have any explicit language on what to do when you have a side yard abutting the street. I am compelled more to grant this variance because the house orientation is already set, we know where the garage is, and the 20' setback makes total sense for the front yard. They have looked at alternative design alternatives including not going vertically, by right, out of respect for their neighbors. With their neighbors' support, they have added a very modest addition to their house. It is just for this specific addition, and I am leaning towards granting the variance.

DeJong says I concur with exception of the neighbor across the street who can come in with a variance for the next round and wants to expand the house 5' to the east. I have no recourse to say no. I believe that 20' setback stands.

Stuart says we are not bound by precedence. Every case is its own case.

Ewy asks Staff if the PUD was done in phases, or one giant master Dutch Creek PUD? The concept of amending the PUD is arduous given the number of owners. I don't think this is going to be the only case over time given how small the lots are.

Robinson says there is one PUD and the subdivision was not built in phases.

Campbell says I am in agreement with Staff. Corner lots have a special situation everywhere in the City of Louisville. There are special provisions in the ordinance that deal with corner lots. They are unique, not only from the point of view of shoveling snow but in their setbacks. I am convinced that Staff has addressed the issues and probably will not be in support of it.

Motion made by **Stuart** to approve **346 McKinley Court – 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, seconded by **Ewy**.

Roll Call Vote:

Name	Vote
James Stuart	Yes
Leslie Ewy	Yes
Gunnar Malmquist	Absent
Andrew Meseck	Yes
Thomas DeJong	No
Lowell Campbell	No
Motion passed/failed:	Fail

Motion fails 3-2.

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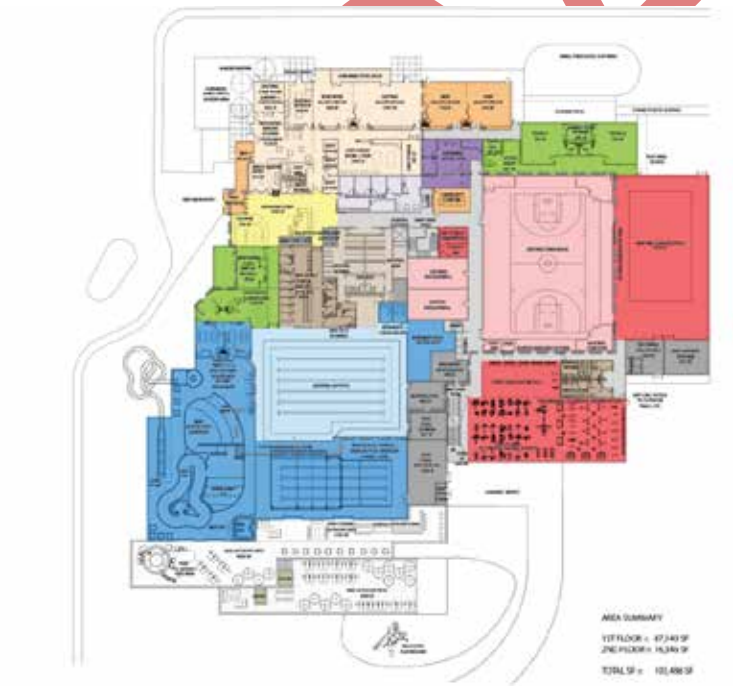
Discussion Items:

Proposed Expansion of the Recreation/Senior Center and Upgrades to Memory Square Pool
Allan Gill, Parks Project Manager
Linda Hodges, Recreation/Senior Center & Aquatics Task Force
City Council appointed a Recreation/Senior Center & Aquatics Task Force consisting of 17-18 members including Staff members. We have been working with consultants, Sink Combs Dethlefs, and GreenPlay LLC. Sink Combs Dethlefs is a notable architect firm and has similar projects across the nation. GreenPlay is another consultant but they deal more with feasibility-type studies and surveys.

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
- Expanded parking area
- New outdoor pool deck and patio
- Relocated playground
- New covered senior entry
- Landscaping improvements
- Trail Connections



First Floor Recreation/Senior Center Proposed Improvements
- New Leisure Pool
- New Lesson/Exercise/Lap Pool
- Senior Center Improvements
- New Youth Areas

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- New Fitness Center Addition
- New Turf Gymnasium MAC (multi-activity)
- New Family Locker/Change Room

Total Main Level	87,140 sf
Total New Main Area	37,677 sf
Total New Area	46,486 sf
Total Building Area	103,486 sf

Second Floor Recreation Proposed Improvements:

- 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

Square Footage Comparisons:

Program	Current Square Feet	Proposed Square Feet
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

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Memory Square Proposed Improvements

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

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 $500,000 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 homes, based on 2.5% interest rate for a 20-year bond.
- Annual operations and maintenance costs estimated at $500,000 would be financed through a voter-approved sales tax of approximately 20 cents on every $100 spend.
- 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.

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**	**0.673%**	**0.67**	**3.32**	**$132,03**
$40 million	**$2,566,000**	**0.898%**	**0.90**	**4.42**	**$176.08**
$50 million	**$3,207,000**	**1.123%**	**1.12**	**5.53**	**$220.07**

DRAFT

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 November. 8. (Both measures must pass)

Election of Officers for 2016

Motion made by **Stuart** to approve the officers for 2016 of Chairman, **Andrew Meseck** and Vice Chairman, **Thomas DeJong**, seconded by **Ewy**. Motion passed by voice vote.

Adjourn:

Meseck moved and **DeJong** seconded a motion to adjourn the meeting. Motion passed by voice vote. The meeting adjourned at 8:50 PM.

DRAFT

CITY OF LOUISVILLE

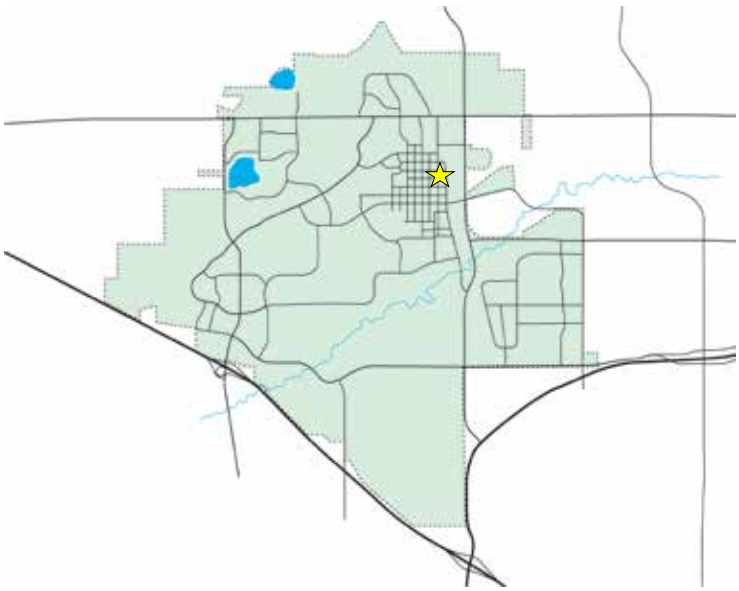
BOARD OF ADJUSTMENT

STAFF REPORT

July 20, 2016

APPLICANT:	Gary Doty, 940 Caledonia Street
OWNER:	Same
STAFF PLANNER:	Scott Robinson, Planner II
LOCATION:	940 Caledonia Street, Lot 2, Payne Subdivision
ZONING:	Residential Medium (RM) – Old Town Overlay
REQUEST:	**Case #16-022-VA –** Request for a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) for relief from front and rear setback and maximum floor area requirements to allow additions to the existing house.

SUMMARY OF PROPOSAL:
The applicant, Gary Doty, requests variances to allow for additions to the front, rear, and second story of the existing home at 940 Caledonia Street. The proposed addition would have a front setback of approximately 14.5 feet and a rear setback of approximately 20 feet. The proposed addition would also exceed the allowed maximum floor area by 67 square feet. The house is zoned Residential Medium (RM) and is subject to the Old Town Overlay Zone District standards.

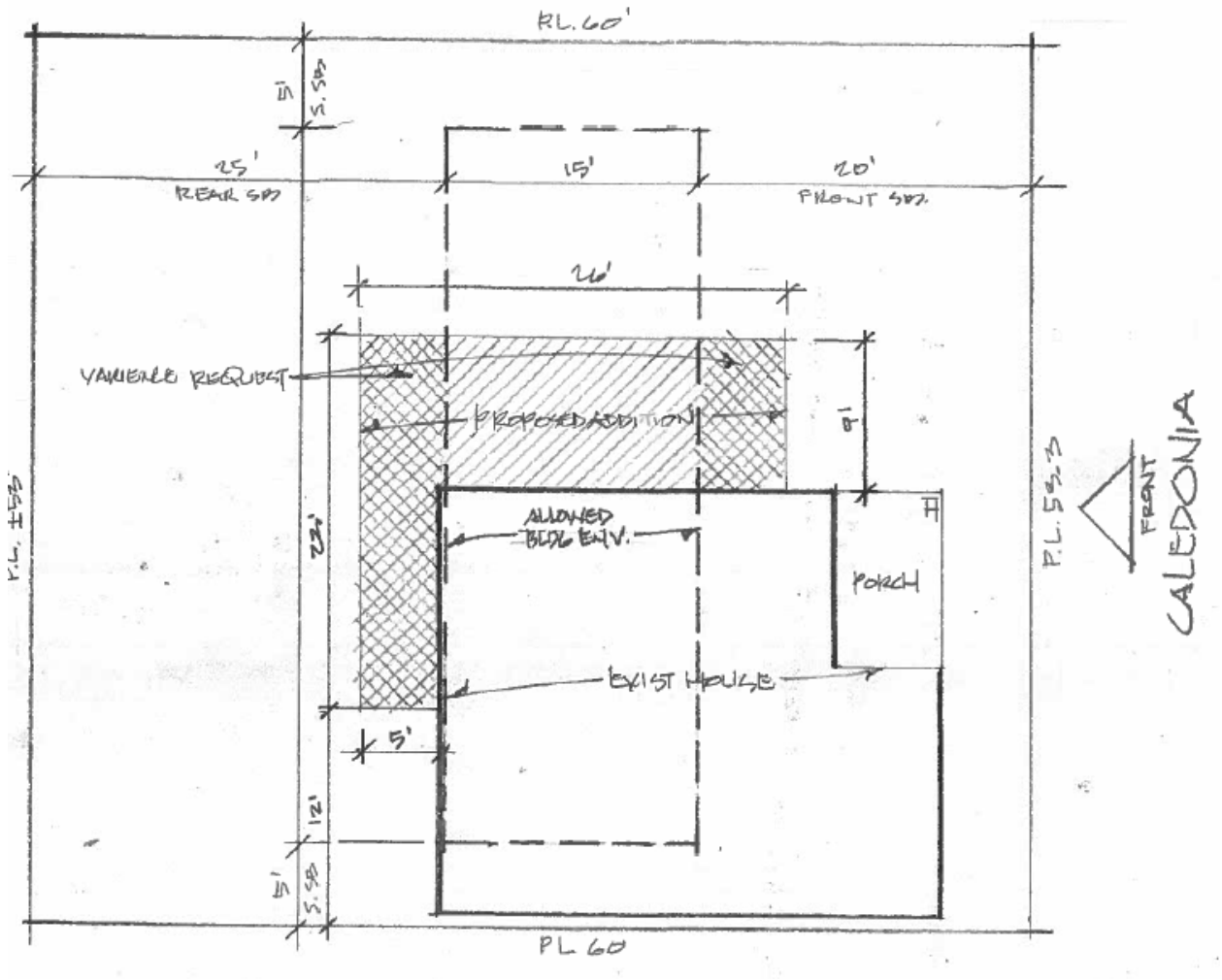


BACKGROUND:
The applicant requests front and rear setback and floor area variances to allow for additional development of his property located at 940 Caledonia Street in Old Town Louisville. The property is governed by the Old Town Overlay Zone District.

The property is 3,198 square feet, measuring 53 feet in width and 60 feet in depth. There is currently a 722 square foot house on the property. It sits approximately 5.5 feet from the front (north) lot line, 25 feet from the rear (south) lot line, one foot from the east side lot line, and 27 feet from the west side lot line. The applicable standards from the Old Town Overlay found in section 17.12.050 of the Louisville Municipal Code are as follows:

Front setback: 20 feet
Rear setback: 25 feet
Side setback: 5 feet
Maximum allowed floor area: 1,599 square feet

As the property is currently developed, it does not comply with the front and east side setbacks. The proposed two-story addition would be on the rear and west side of the existing house. It would encroach 5.5 feet into the front setback, and five feet into the rear setback. The addition would total 944 square feet, bringing the floor area to 1,666 square feet, or 67 square feet more than allowed. The proposed addition would comply with lot coverage and side setback requirements. The existing east side and front setback encroachments would not be brought into conformance.



REVIEW CRITERIA:
The BOA has authority to hear and decide, grant or deny this application for a variance from Section 17.12.050 of the LMC by the powers granted the BOA in Section 17.48.110 of the LMC. The BOA may grant a variance only if it makes findings that all of the criteria, as established under Section 17.48.110.B.1-6, have been satisfied, insofar as applicable:

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

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

The property in question is unusually small and shallow. The lot is 3,802 square feet smaller than the minimum lot size allowed in the RM zone district of 7,000 square feet. While there are no minimum standards for lot depth, 60 feet is unusually shallow. **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.*

940 Caledonia Street is one of the smallest and shallowest properties in Old Town. The standard lot in Old Town is 6,250 square feet, measuring 50 feet wide and 125 feet deep. There are a few lots in Old Town of similar dimensions to 940 Caledonia, but they are rare. **Staff finds this criterion has 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 20 foot front setback and 25 foot rear setback allow only 15 feet of the 60 foot lot depth to be used for building in compliance with the setback requirements. That is not enough space to construct a useable dwelling unit. The Old Town Overlay allows floor area ratios (FAR) to increase with smaller lot sized. Lots less than 4,000 square feet are allowed an FAR of 0.5, which would allow a 1,599 square foot structure on the property in question. A house of that size is small, but not necessarily unreasonably so. However, in order to make the proposed addition function with the existing house, the applicant is requesting an increase in the allowed floor area. Staff considers the proposed addition reasonable in size and location. **Staff finds this criterion has been met.**

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

The existing house was built in 1952, and the property was subdivided to create the current lot in 1982, both before the current owner bought the property. **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.*

With the proposed addition, the house would still be smaller than many other houses in Old Town. The addition would be further back from the front lot line than the existing house is, and the resulting rear setback of 20 feet would still be far enough away from the adjacent property to not impair development. **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 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 and therefore recommends approval of the front and rear setback and floor area variance requests.

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

City of Louisville
COLORADO • SINCE 1878

Department of Planning and Building Safety

749 Main Street • Louisville CO 80027 • 303.335.4592 • www.louisvilleco.gov

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: _____
Contact: GARY DOTY
Address: 940 CALEDONIA ST.
LOUISVILLE CO. 80027
Mailing Address: SAME AS ABOVE.
Telephone: 720-334-3861
Fax: _____
Email: _____

OWNER INFORMATION

Firm: _____
Contact: GARY DOTY
Address: 940 CALEDONIA ST.
LOUISVILLE, CO. 80027
Mailing Address: SAME AS. ABOVE
Telephone: 720-334-3861
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: ADDITION TO BE ADDED TO PROPERTY AT 940 CALEDONIA ST

Current zoning: _____ Proposed zoning: _____

SIGNATURES & DATE

Applicant: [signature]
Print: GARY DOTY
Owner: [signature]
Print: GARY DOTY
Representative: _____
Print: _____

CITY STAFF USE ONLY

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

June 15, 2016

Subject: Request for Variance

To: Louisville Planning Commission,

We have lived in Louisville for almost ten years now and were given the opportunity to buy the rental home we live in. The home is on a small lot that has been subdivided and could be the smallest in the area. The home is only approximately 722 sq. ft. which is less square footage than a lot of surrounding apartments in the area. I am requesting the Variances to be approved to expand the living space for my family of three. We have taken careful consideration to minimize the impact of our remodel as it applies to the setbacks and square footage ratio, the lot coverage criteria has been met and the setback variances are further back than the existing house setbacks are. The square foot ratio variance request applies to the second floor layout to allow the plan to function it also stays well behind the original house setback.

Thank you,

Gary Doty

Zoning Variance Request:

Subject Lot: 940 Caledonia St., Louisville, Co. 80027

Requesting a variance of 5 ft. (southern setback, back), 17 ft. (North setback, Front) and square foot ratio increase (67 ft.)

Justifications:

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.***

   Property is a split lot with a total area of 3198 which greatly reduces the ability to meet current setback requirements.

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

   Typical lot sizes are twice the size of our lot.

3. ***That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title 17.***

   The only area buildable by code is the West facing side of house, see drawing.

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

   The combination of a small lot size and the structure of the house is limiting the compliance with the setback regulations.

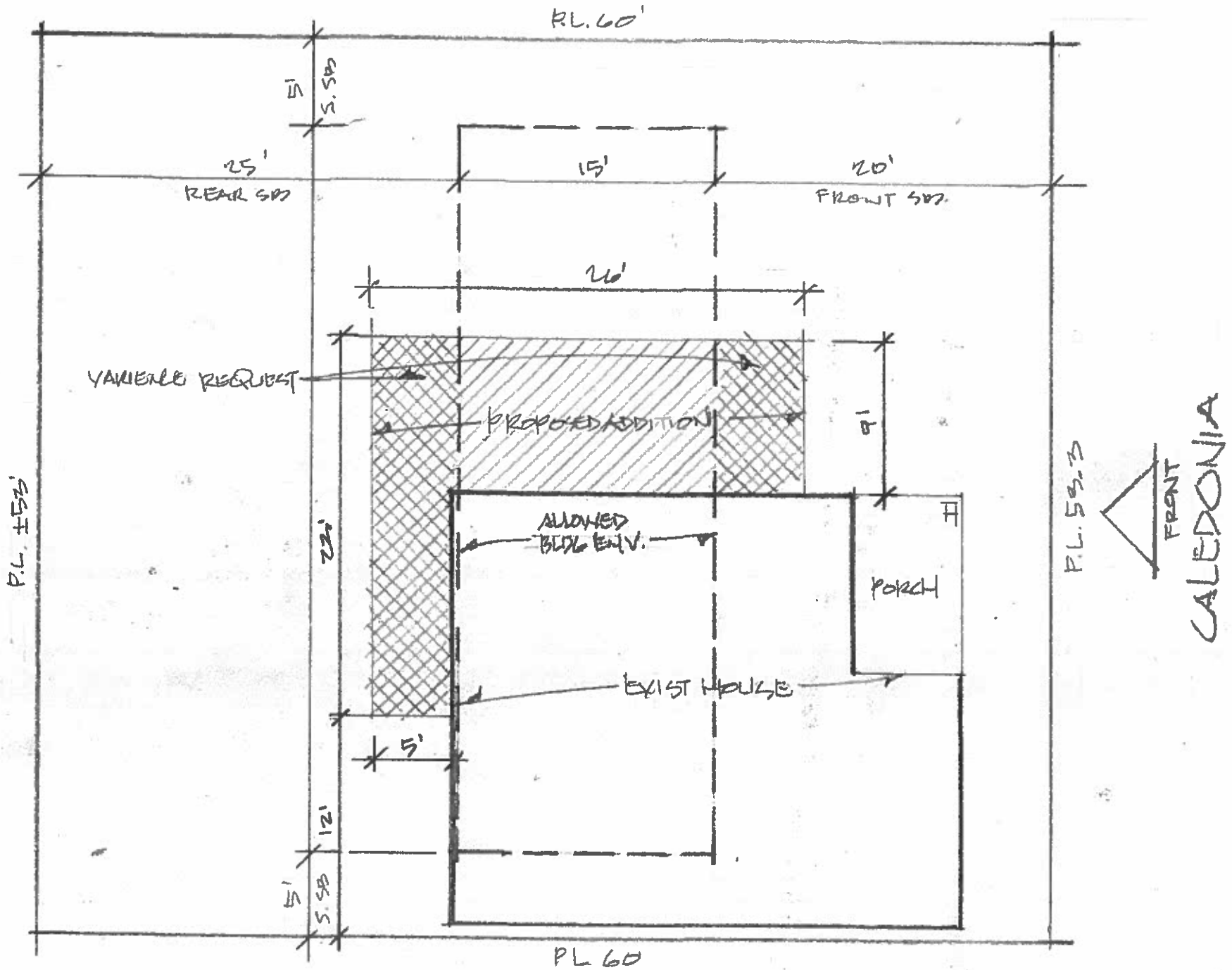
   The size of the house and the size of the lot inhibit the ability to upgrade the structure without a variance of the Front Setback, Rear Setback and square foot ratio.

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.***

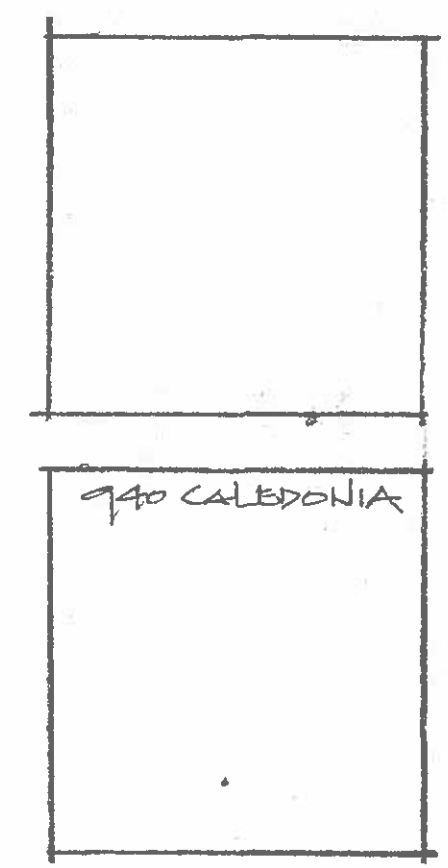
   If the variance were granted it would not alter the essential character of the neighborhood; the house is the only one on the South side of Caledonia Street facing north. Therefore if the proposed addition were to be located within the allowed setback variance request, it would not be any closer to the lot line than it already is. The rear setback would not interfere with any neighbors. The attached photo shows that there is not a dwelling behind the rear setback.

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 (?) of the (Louisville zoning code) that is in question.***

   The variance request for the property all fall within the existing house setbacks and will meet the lot coverage allowed of 40%.

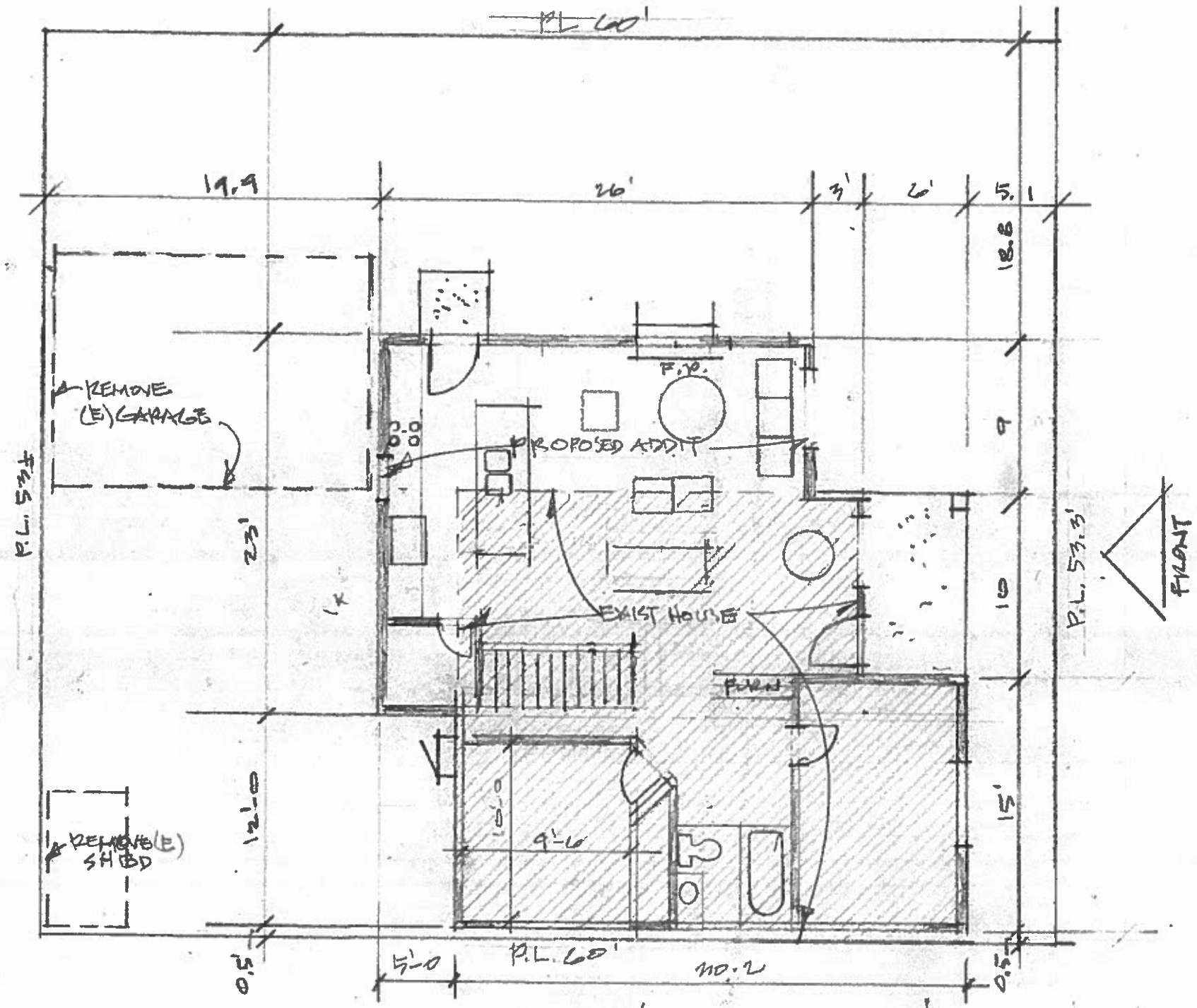


LOT AREA	3198 ☐
EXIST HOUSE	722
EXIST. PORCH	66
(E) COVERAGE	788
COV. ALLOW (40%)	1279
PROPOSED ADDIT.	
1ST FL	304 ☐
2ND FL	640
PROPOSED COV.	1092
TOTAL FL AREA	1666
F.A.R. RATIO (.5) =	1599
REQUEST F.A.R. VARIENCE	67 ☐



SITE PLAN

1/8" = 1'-0

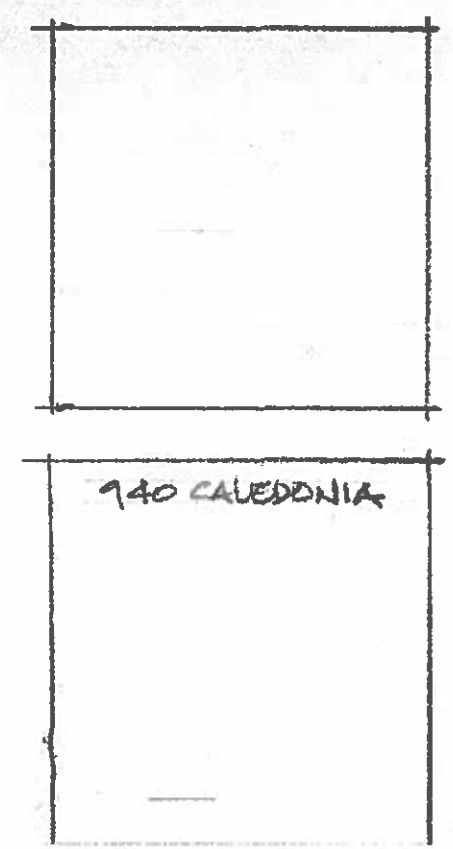


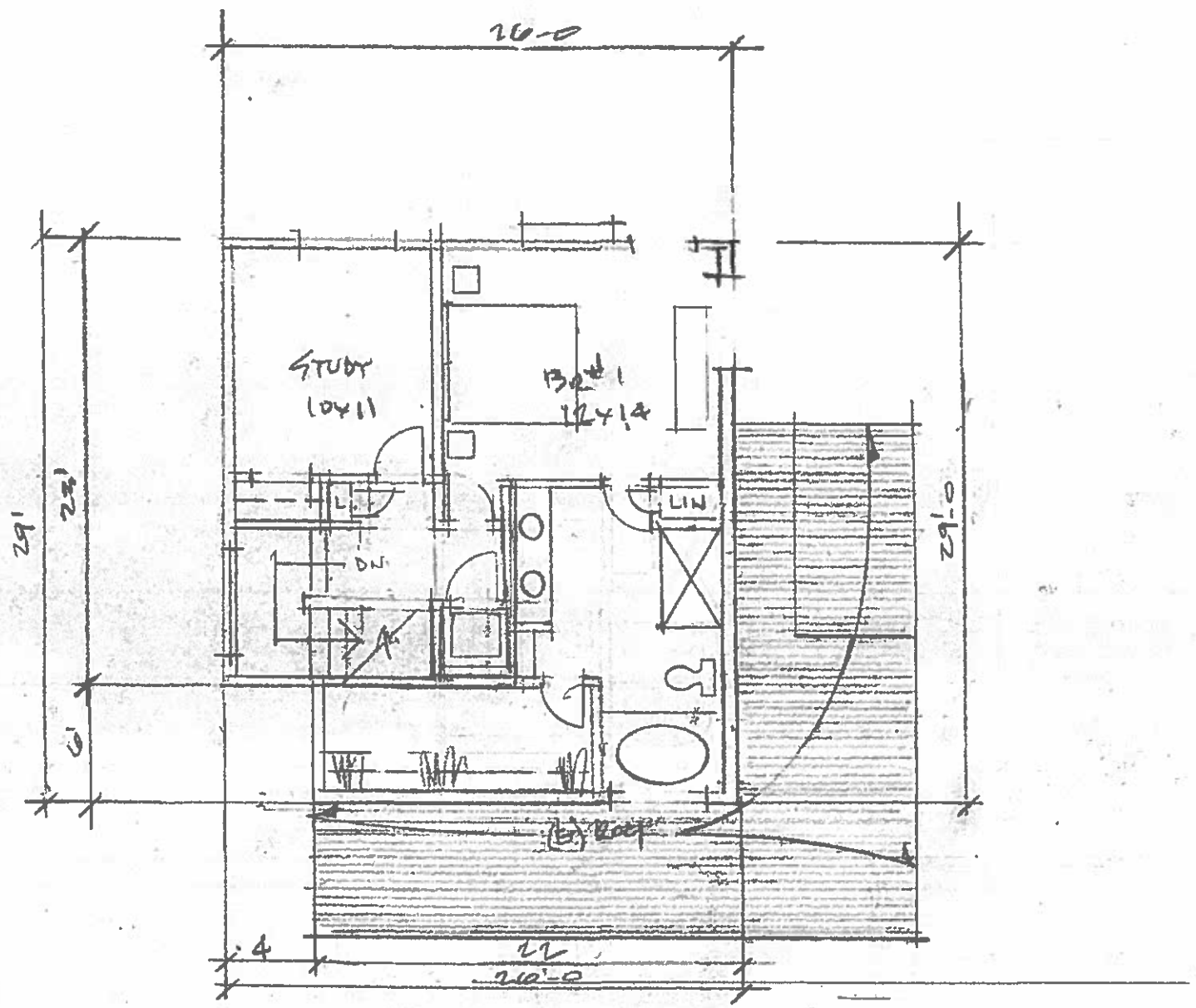
LOT AREA 3,198 ☐
EXIST HOUSE 722 ☐
EXIST PORCH 66
(E) COVERAGE 788
COV. ALLOW (40%) 1279
PROP ADDIT
1ST FL 304
2ND FL 640
PROPOS. COV. 1092
TOTAL FL. AREA 1666 (W/INCL PORCH)
FA RATIO .5 = 1599 ALLOWED
REQUEST F.A.R. VARIENCE FOR 67 ☐ (±4%)

SITE/1ST FL PLAN

1/8"=1'-0

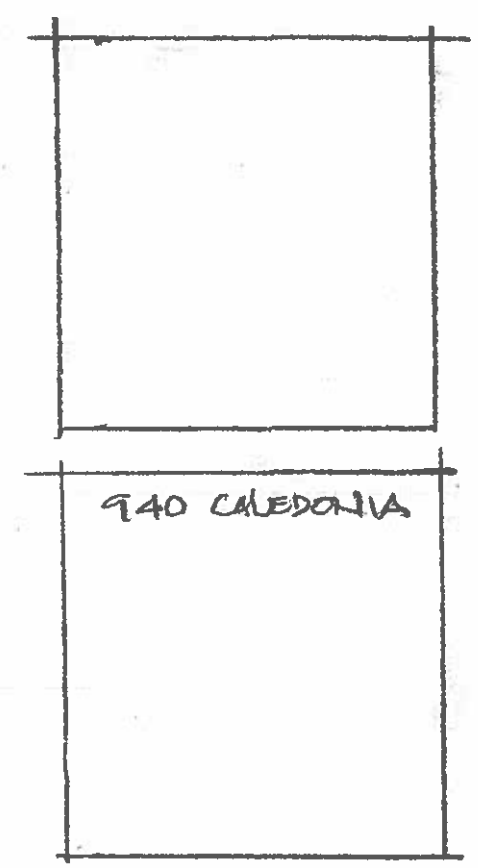
EXISTING 722 ☐
PROP ADDIT 304

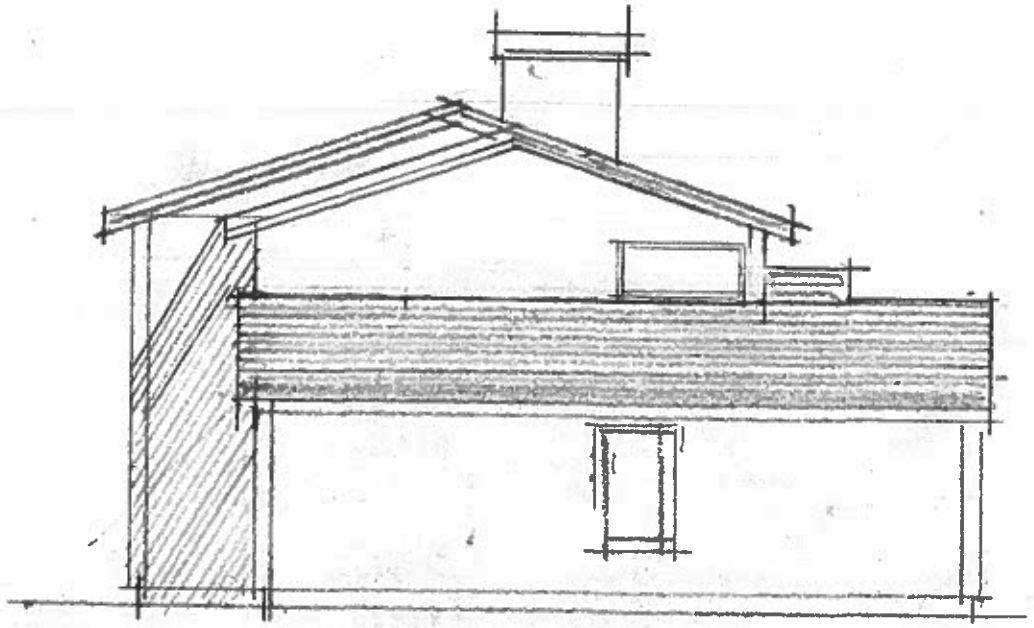




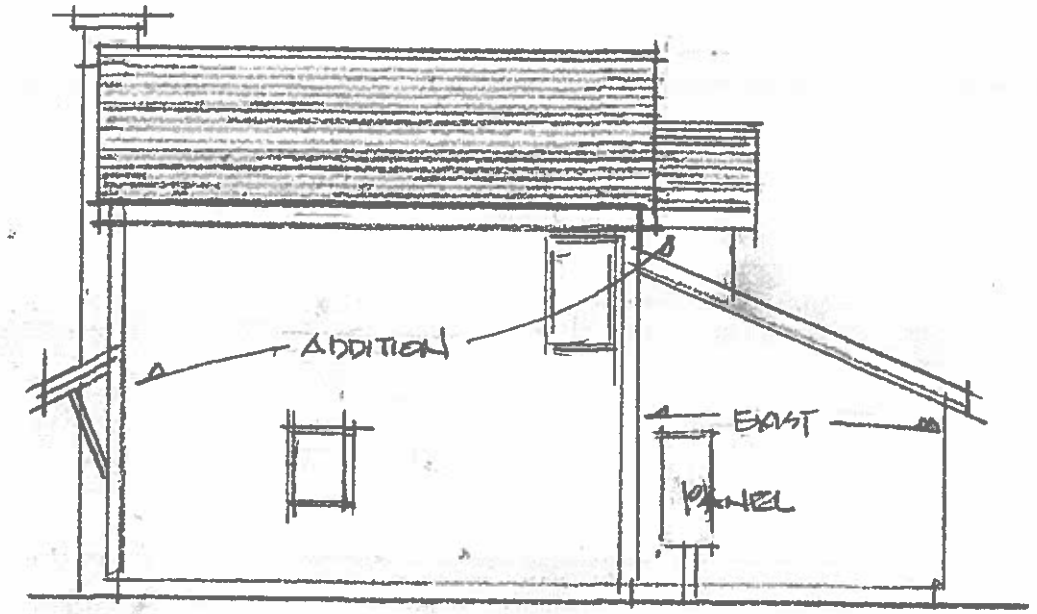
2ND FL. PLAN 6404

1/8"=1'-0

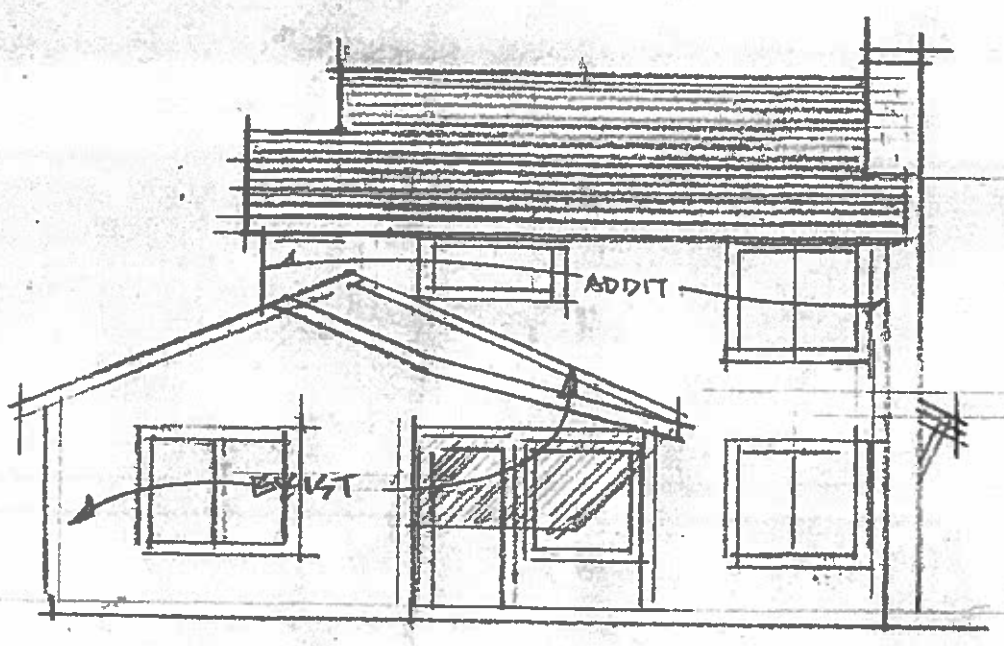




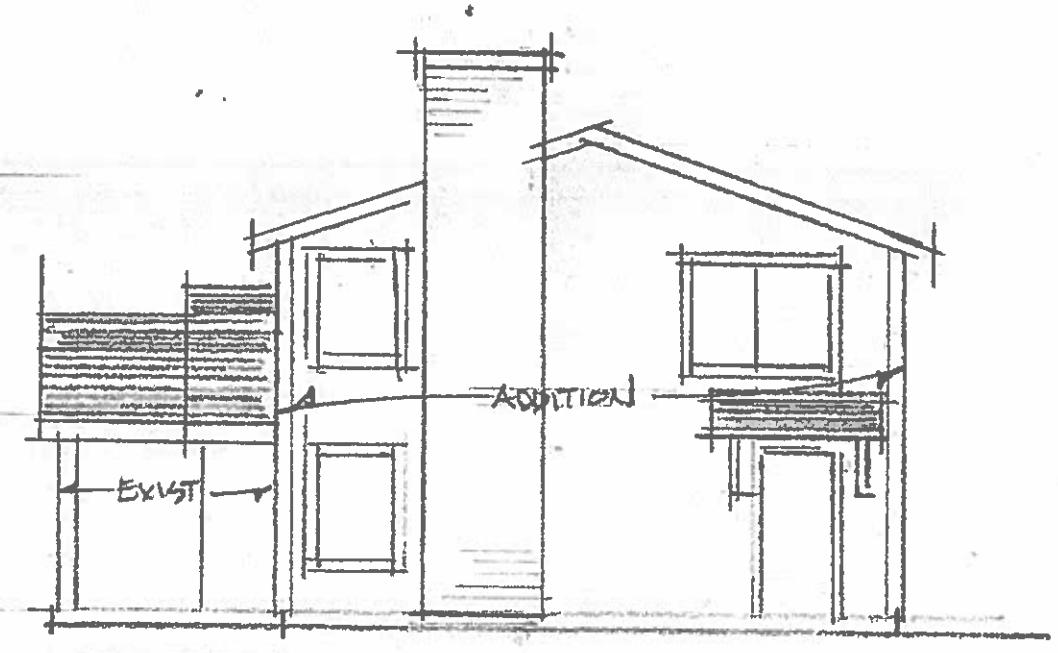
LEFT SIDE (ALLEY)
1/8"=1'-0



REAR
1/8"=1'-0



FRONT EL (CALEDONIA)
1/8"=1'-0



RIGHT SIDE
1/8"=1'-0

940 CALEDONIA.

CITY OF LOUISVILLE

BOARD OF ADJUSTMENT

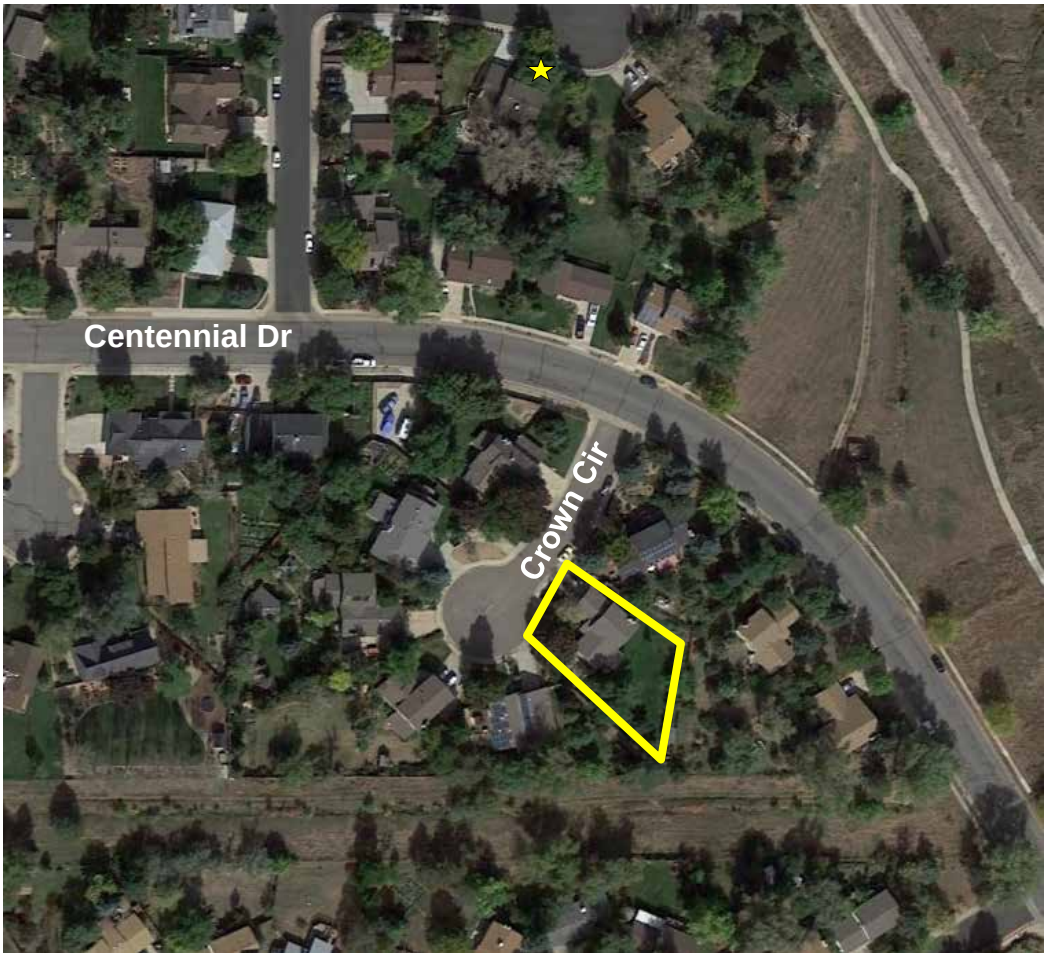
STAFF REPORT

July 20, 2016

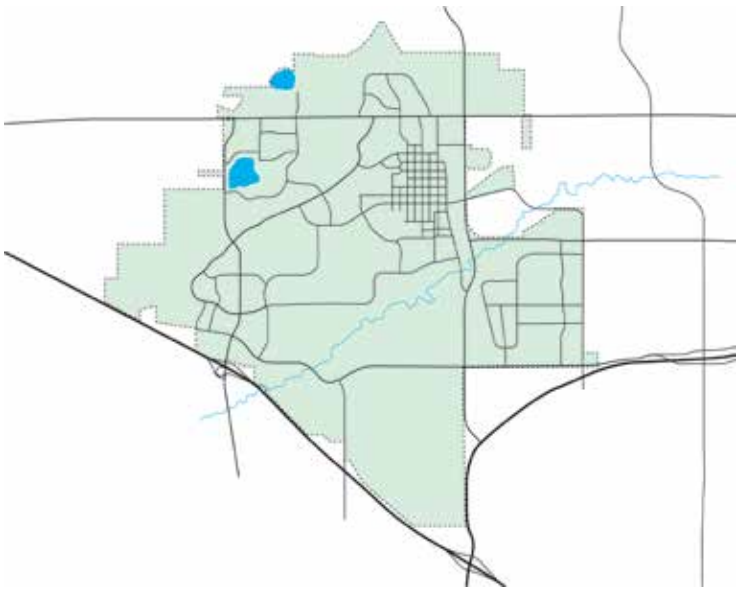
APPLICANT:	Terry Nelson, 2252 Crown Cricle
OWNER:	Same
STAFF PLANNER:	Scott Robinson, Planner II
LOCATION:	2252 Crown Circle, Lot 146, Louisville North 1
ZONING:	Residential Estate (RE)
REQUEST:	**Case #16-019-VA –** Request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for relief from front and side setback and maximum lot coverage requirements to allow additions to the garage and second story.

July 20, 2016 update:
At the June 15, 2016 Board of Adjustment meeting, the Board did not approve the applicant's request for a variance from the lot coverage limits of the Louisville Municipal Code. Staff now requests the Board approve a resolution of denial, formalizing the Board's findings and laying out the reasons for the denial. A draft resolution is attached below.

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:

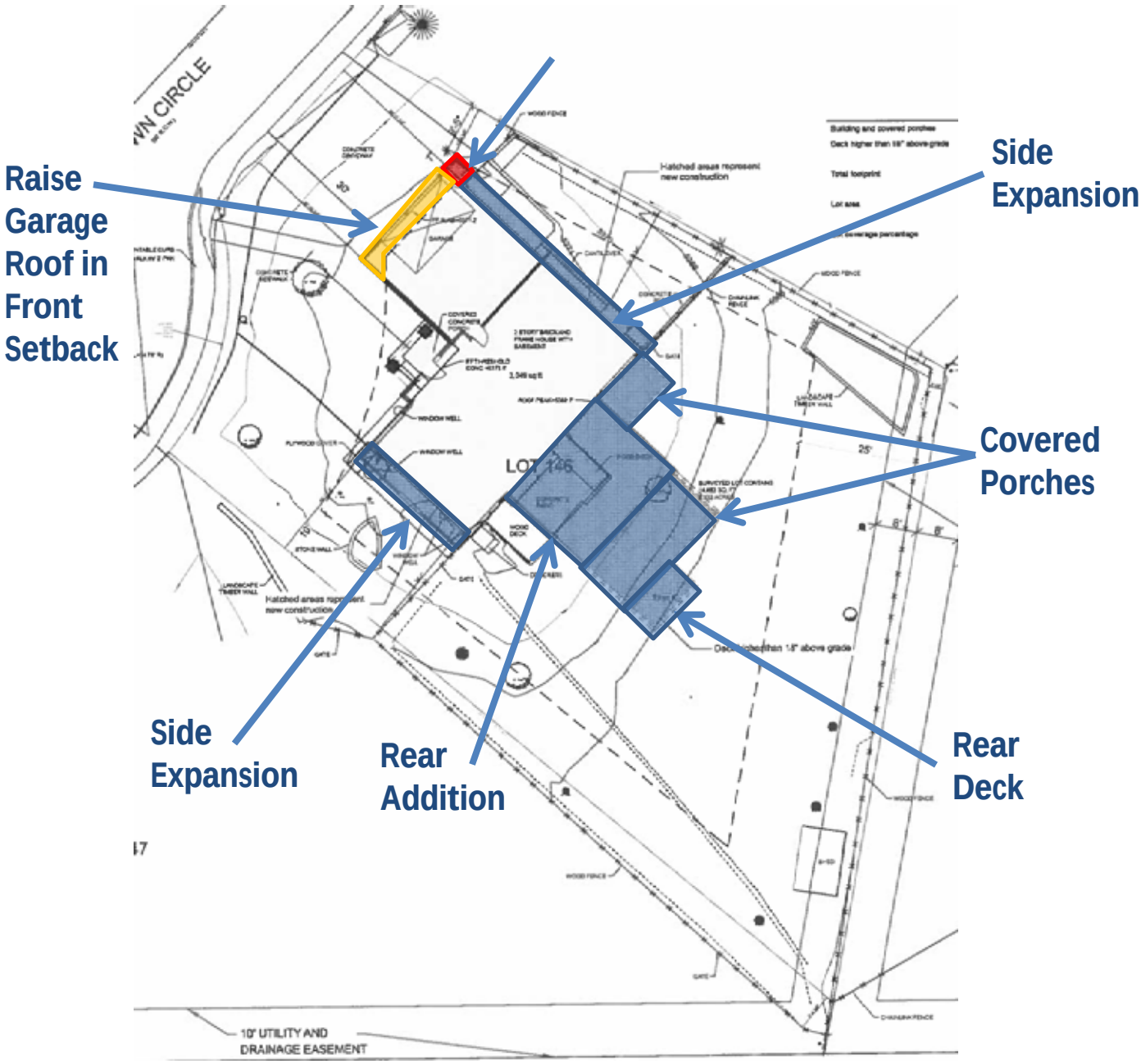


The applicant requests front and side setback and lot coverage variances to allow for additional development of his property located at 2252 Crown Circle in the Louisville North 1 subdivision. There is no planned unit development for the subdivision, so it is governed by the Residential Estate zoning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

Side Expansion in Front and Side Setback



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.

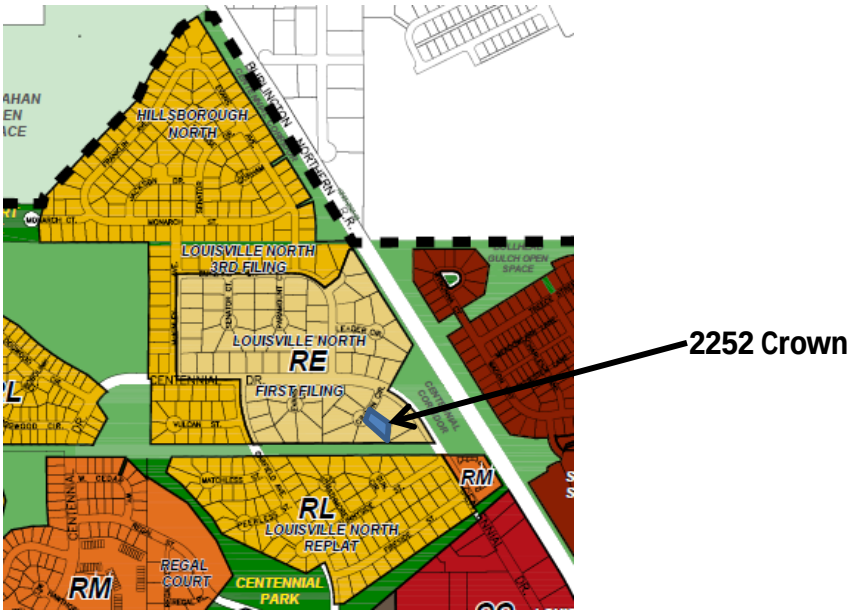
1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

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

RESOLUTION NO. 1
SERIES 2016

A RESOLUTION APPROVING IN PART AND DENYING IN PART A VARIANCE FOR RELIEF FROM FRONT AND SIDE YARD SETBACK AND LOT COVERAGE REQUIREMENTS TO ALLOW ADDITIONS TO THE HOUSE AT 2252 CROWN CIRCLE, LOT 146, LOUISVILLE NORTH FILING 1

WHEREAS, there has been submitted to the Louisville Board of Adjustment an application for approval of a variance for relief from front and side setback and lot coverage requirements to allow additions to the house at 2252 Crown Circle, Lot 146, Louisville North Filing 1; and

WHEREAS, the subject property is zoned Residential Estate (RE); and

WHEREAS, the Board of Adjustment held a properly noticed public hearing on June 15, 2016, where evidence and testimony were entered into the record, including without limitation the application and supporting materials, the Louisville Board of Adjustment Staff Report dated June 15, 2016 and all attachments included with such staff report, the City zoning ordinance set forth in title 17 of the Louisville Municipal Code, and additional written statements and other documents, as well as testimony from the staff and applicant; and

WHEREAS, the Board of Adjustment by this Resolution desires to set forth its findings, conclusions and ruling with respect to the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are incorporated herein.

Section 2. Based on the testimony of the witnesses and the documents and other evidence made a part of the record of the hearing before the Board of Adjustment, the Board of Adjustment finds as follows:

a. The application is for a variance for relief from front and side yard setback and lot coverage requirements to allow additions to the house at 2252 Crown Circle, Lot 146, Louisville North Filing 1. The property is owned by Terry and Donna Nelson. The applicant is Terry Nelson.

b. The property that is the subject of the application is zoned Residential Estate (RE) and is located in the Louisville North Filing 1 subdivision.

c. The project proposed by the applicant is required to comply with Louisville Municipal Code ("LMC") Section 17.12.040, Yard and Bulk requirements, which require minimum front yard setbacks of 40 feet, minimum side yard setbacks of 10 feet and maximum lot coverages of 20 percent in the RE zoning district.

d. The project proposed by the applicnat is requesting variances from the bulk and dimension standards established in LMC Section 17.12.040 to allow for a front

yard set back of 27 feet, a north side yard setback of 9.5 feet, and 21.6 percent lot coverage.

e. LMC Section 17.48.110. allows variances from the provisions of Title 17 of the LMC if the Board of Adjustment "makes findings that all of the following requirements, insofar as applicable, have been satisfied:

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;

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

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

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

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;

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 which are in question."

Section 3. Based on the foregoing findings and the evidence and testimony presented at the hearing, the Board of Adjustment hereby concludes that the request for front and side yard setback variances should be approved for the following reasons:

a. The requested front and side yard setback variances meet criteria 1-6 of Section 17.48.110 of the LMC. In particular, the Board of Adjustment concludes that the irregular shape of the lot, the angle of the house and existing legal non-conforming front setback prevent the reasonable development of the property and the proposed variances would be compatible with the essential character of the neighborhood.

Section 4. Based on the foregoing findings and the evidence and testimony presented at the hearing, the Board of Adjustment hereby concludes that the request for a lot coverage variance should be denied for the following reasons:

a. The requested lot coverage variance does not meet criteria 1, 2, and 3 of Section 17.48.110 of the LMC. In particular, the Board of Adjustment concludes that the property is not irregular in terms of size and could be reasonably developed in conformance with the established lot coverage limits for the zone district. In this regard, the Board of Adjustment finds that the lot is appropriately sized for the zoning; the 20 percent maximum lot coverages is appropriate for lots of this size; other houses in the neighborhood are able to meet the lot coverage limit; the existing house and garage constitute a reasonable development of the property for single-family residential use as allowed by applicable zoning; the proposed addition, covered porches and rear deck could be modified slightly to comply with applicable lot coverage limits; and the increase

to the maximum lot coverage limit requested in the application is not necessary for reasonable development of such residential use.

Section 5. In accordance with the above findings and conclusions, and based upon the evidence and testimony presented at the hearing, the Board of Adjustment of the City of Louisville hereby approves in part and denies in part the application for variances from front and side yard setback and lot coverage requirements to allow additions to the house at 2252 Crown Circle and legally described as Lot 146, Louisville North Filing 1, City of Louisville, State of Colorado as follows.

a. The request for a variance from LMC Section 17.12.040 to allow a 27 feet front yard setback where 30 feet is required is hereby approved.

b. The request for a variance from LMC Section 17.12.040 to allow a 9.5 feet north side yard setback where 10 feet is required is hereby approved.

c. The request for a variance from LMC Section 17.12.040 to allow 21.6 percent maximum lot coverage where 20 percent is required is hereby denied.

PASSED AND ADOPTED this 20th day of July, 2016.

By: _____
Andrew Meseck, Chairman
Board of Adjustment

Attest: _____
Thomas DeJong, Vice-Chair
Board of Adjustment

City of Louisville
COLORADO • SINCE 1878

Department of Planning and Building Safety

749 Main Street • Louisville CO 80027 • 303.335.4592 • www.louisvilleco.gov

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

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.

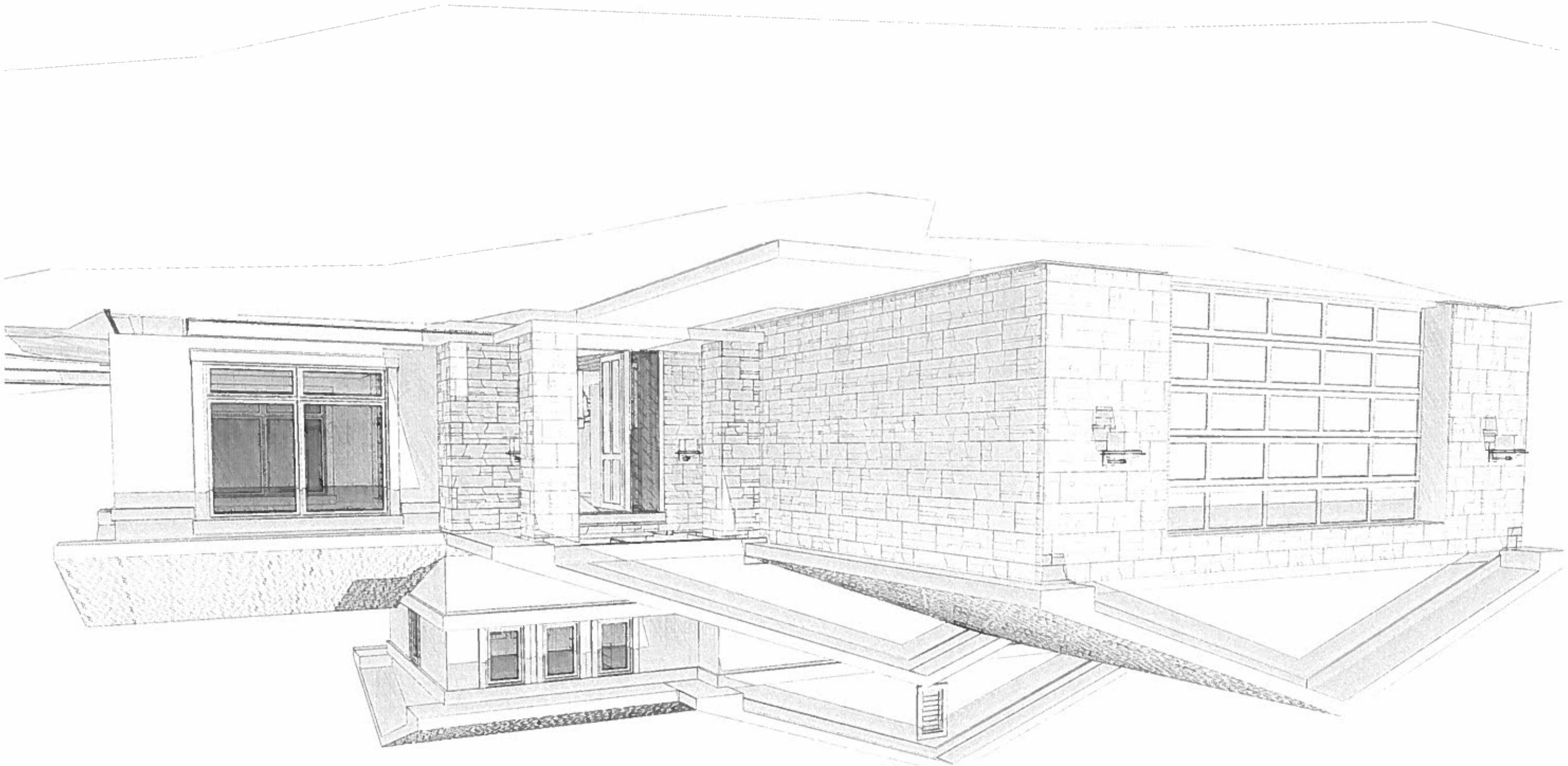
3. No modifications can be made to the garage without a variance since it is already in violation.

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.

Patrick Hubbell, Summit Studio Architects, L.L.C. — 5/20/2016 Date



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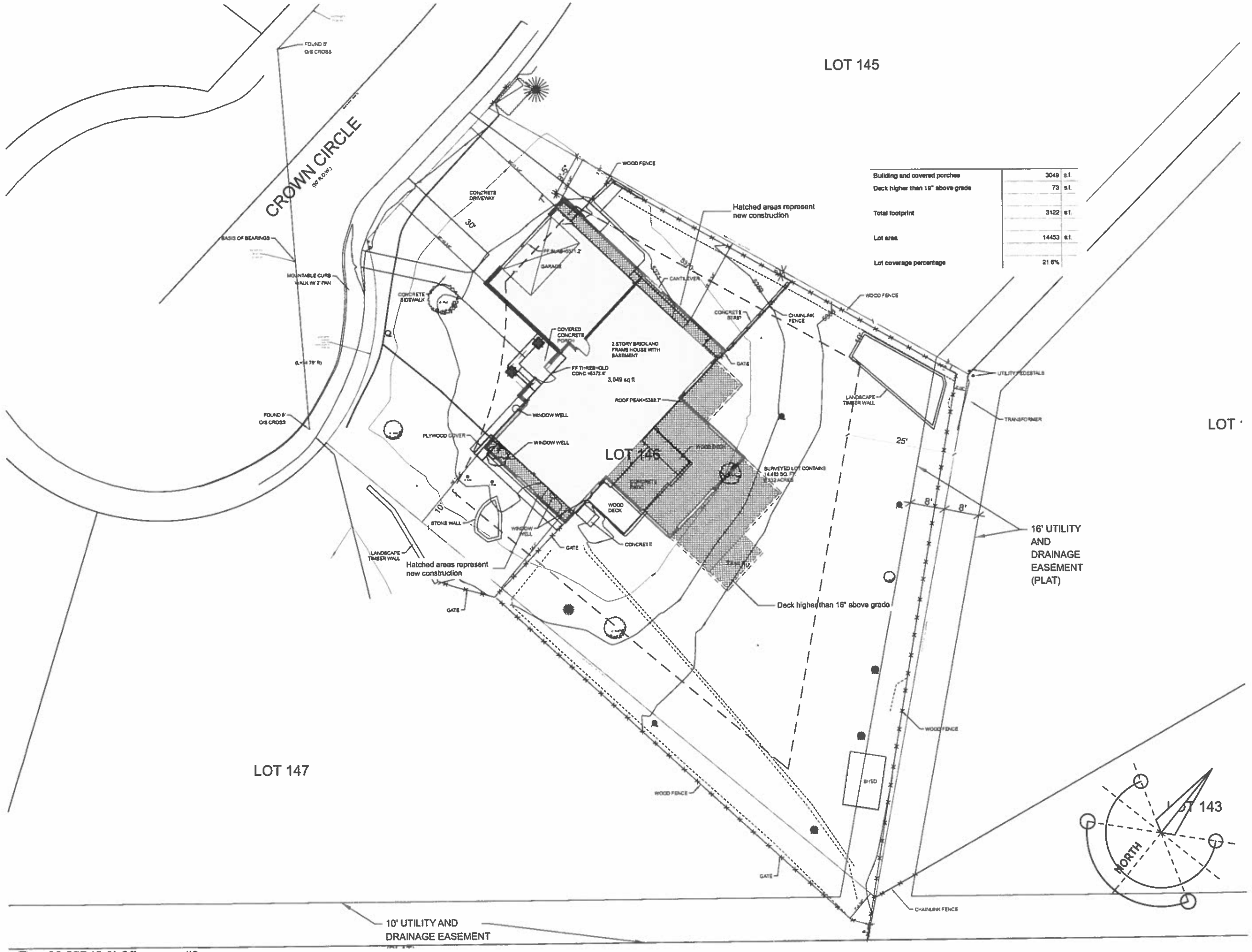

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SCALE: 1" = 10'

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

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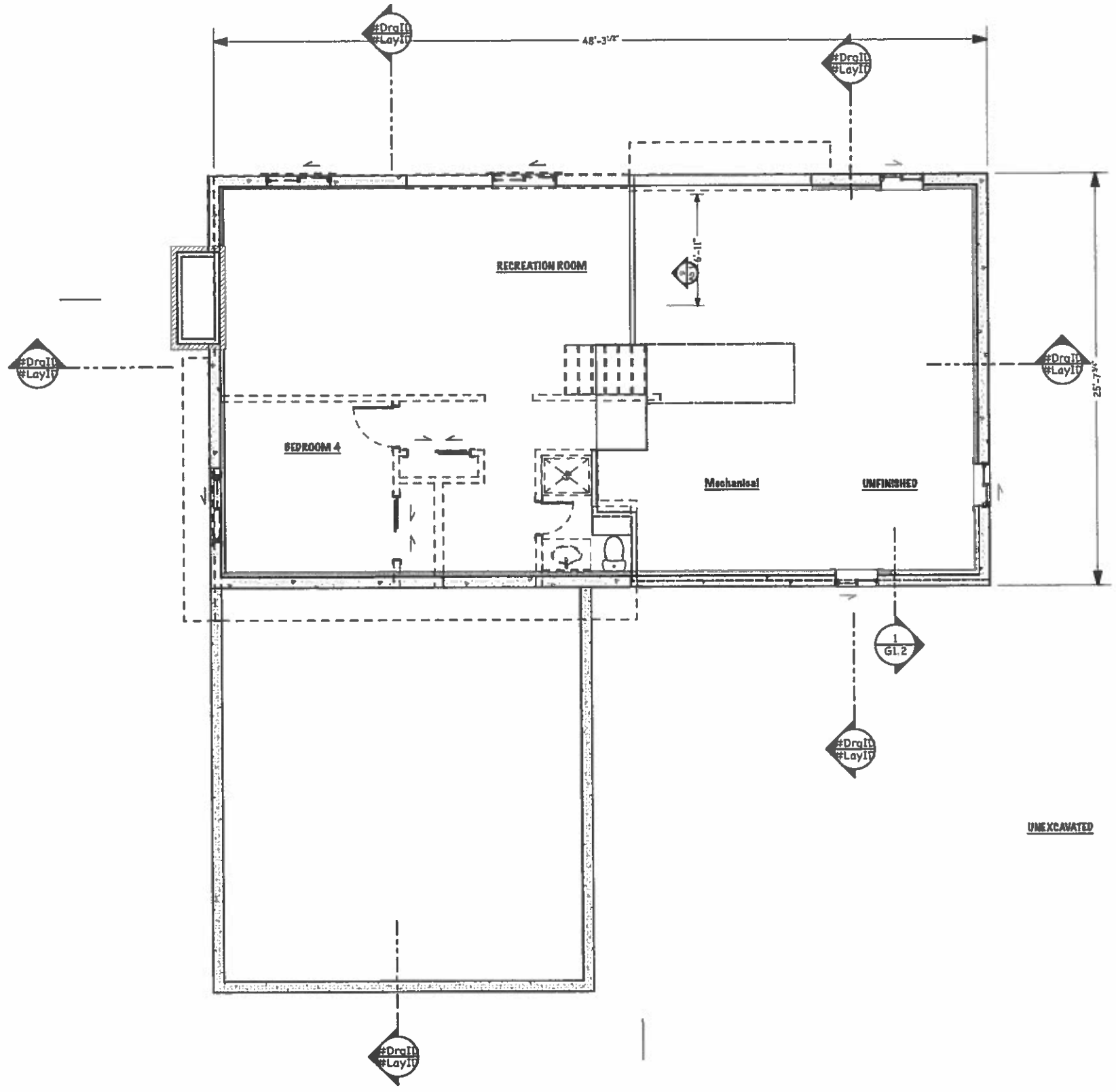

.1 LOWER LEVEL DEMOLITION

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

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	Verify & 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.

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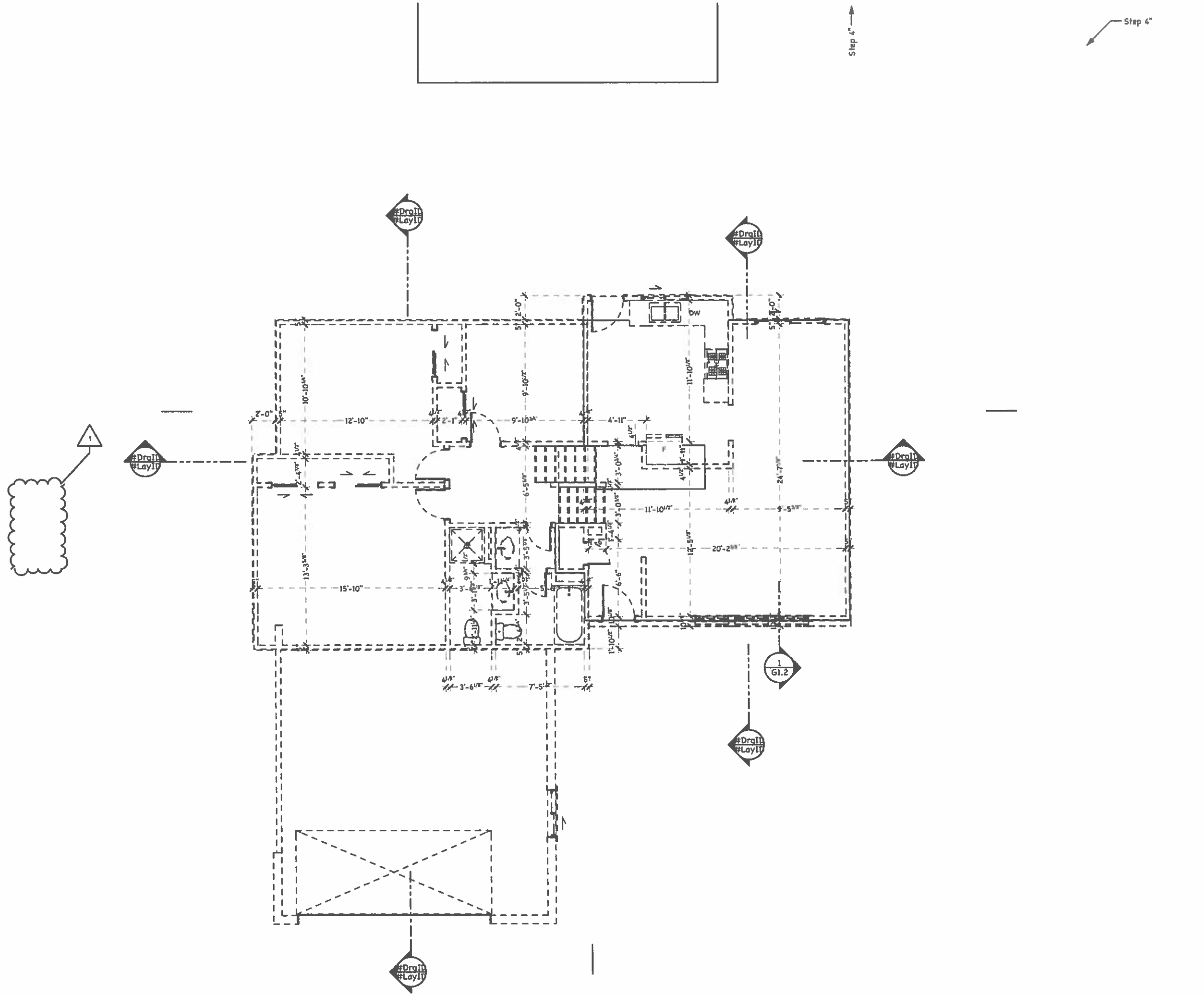

1 MAIN LEVEL DEMOLITION

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

Notes

04.00 MASONRY

04.00.4A_A 4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.

04.00.4B_B Natural thin stone veneer to be selected by owner. Install per manufacturers instructions on metal lath over drainage mesh.

06.40 ARCHITECTURAL WOODWORK

06.05.4B_B Provide 36 in. high guardrail at all landings and floor openings >18 in. above adjacent floor level or grade

06.05.4B_F Handrail shape and size per code, 34 in. min. height- 38 in. max. height above nosing. Picket or rail spacing per code.

06.05.4G_G Handrail shape and size per code, 34 in. min. height- 38 in. max. height.

09.00 FINISHES

09.00.30_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

10.21.34_A Install manufactured sealed gas fireplace to be installed without modification per manufacturers installation instructions. Vent through roof or wall as shown.

10.21.35_B Maintain clearance to combustibles

10.21.35_C Use only approved chimney with required supports, draft stops and termination cap per code and manufacturers installation instructions.

10.21.30_D Locate gas shut off per code

11.00 EQUIPMENT

11.21.30_D Provide DRYERBOX with 4 in. smooth galvanized vent to exterior with damper and screen.

22.00 PLUMBING

22.20.03_H Install hot and cold frost proof hose bibbs at exterior and garage locations as shown

22.20.05_K Floor drain. Drain to washed rock dry well at exterior.

Exterior walls 2x6

XWWALLS_SYSV 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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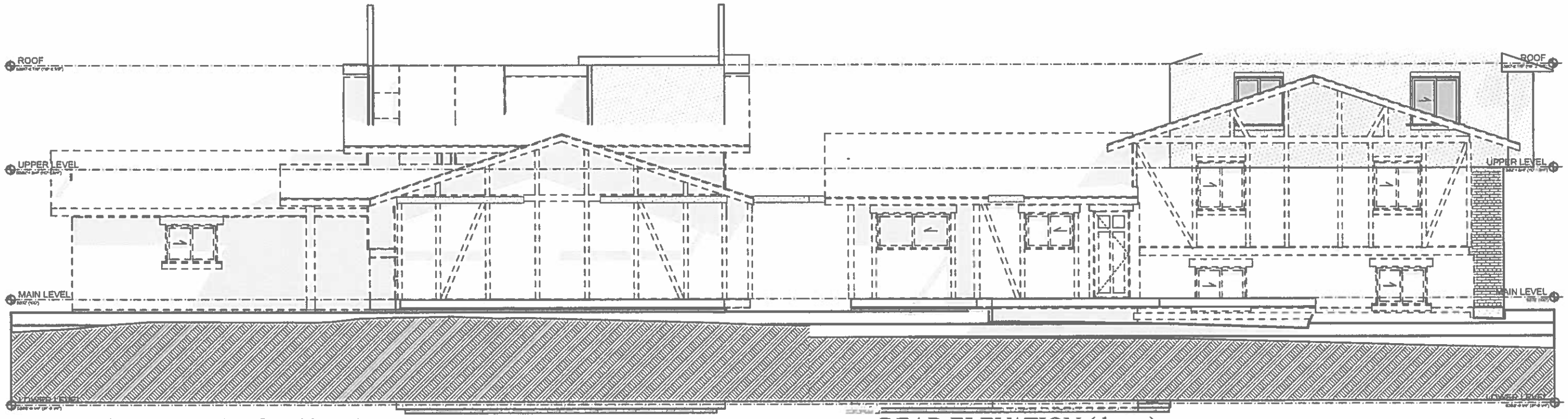
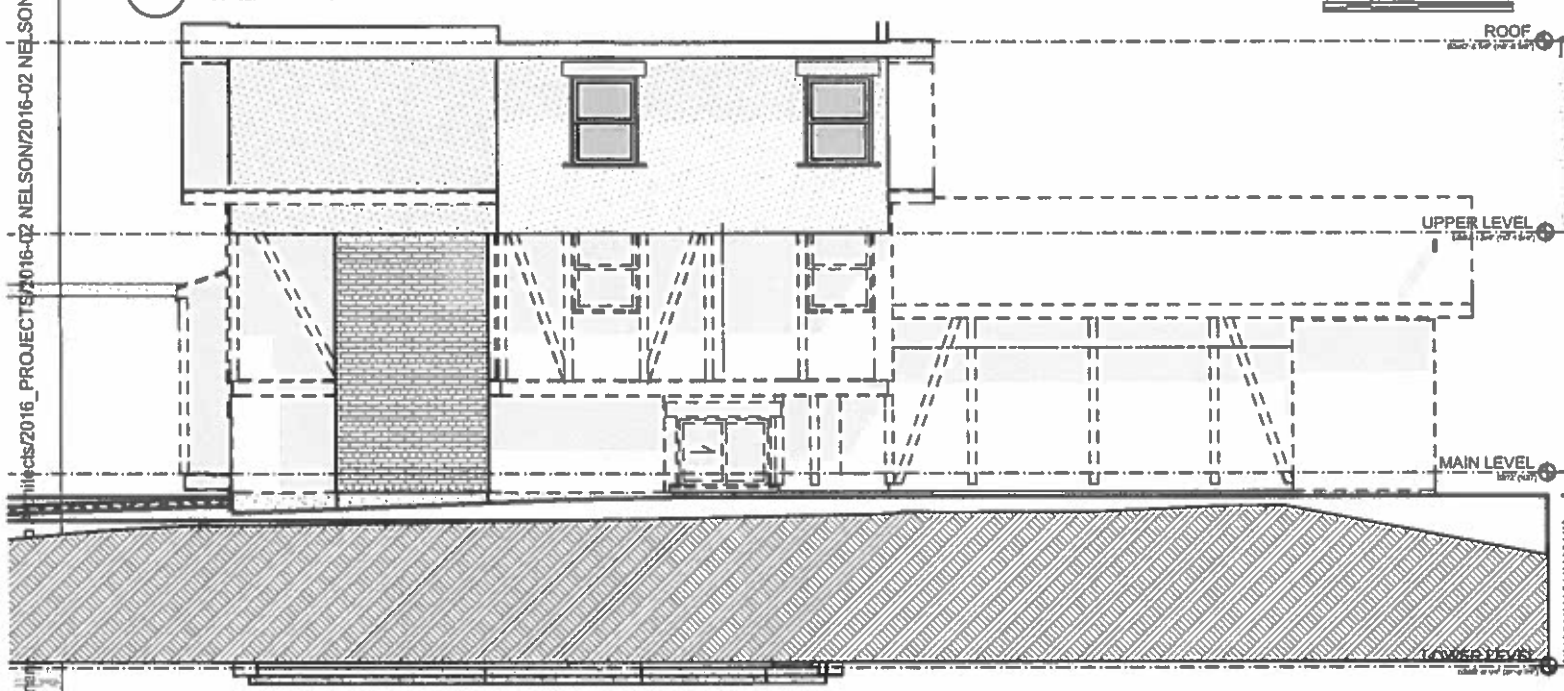
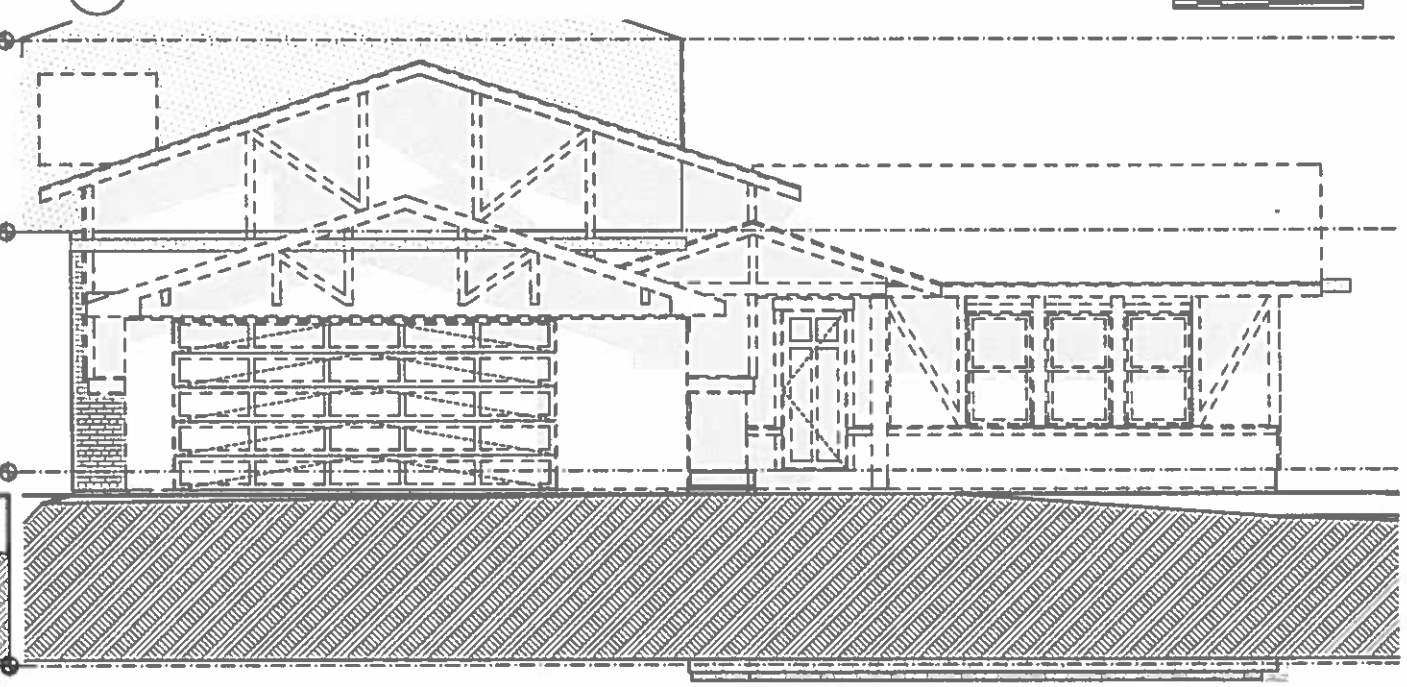


2 RIGHT ELEVATION (demo)
SCALE: 1/4" = 1'-0"

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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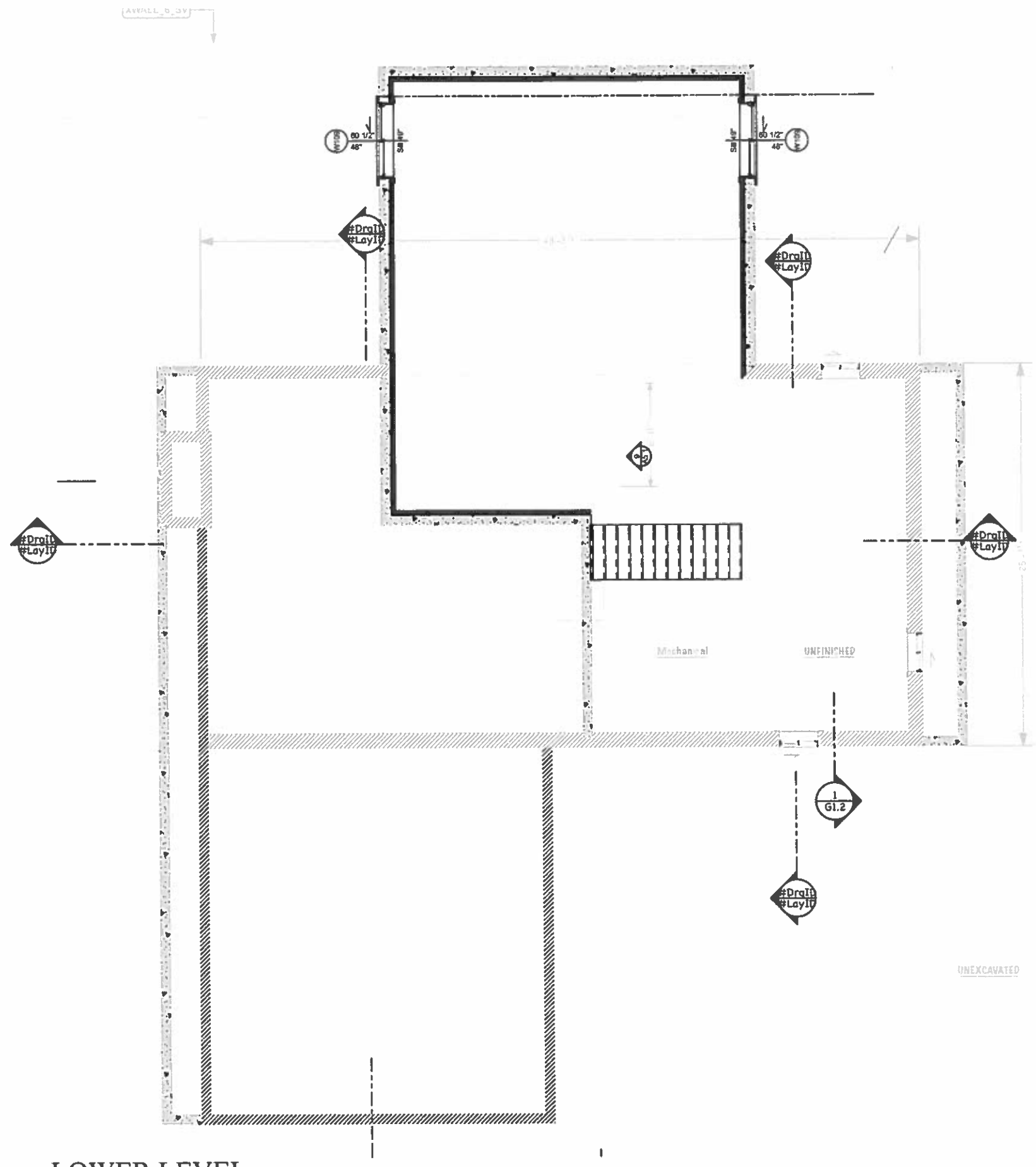
Notes

Exterior walls 2x6

XWALL_6_SSIructure: 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



1 LOWER LEVEL

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

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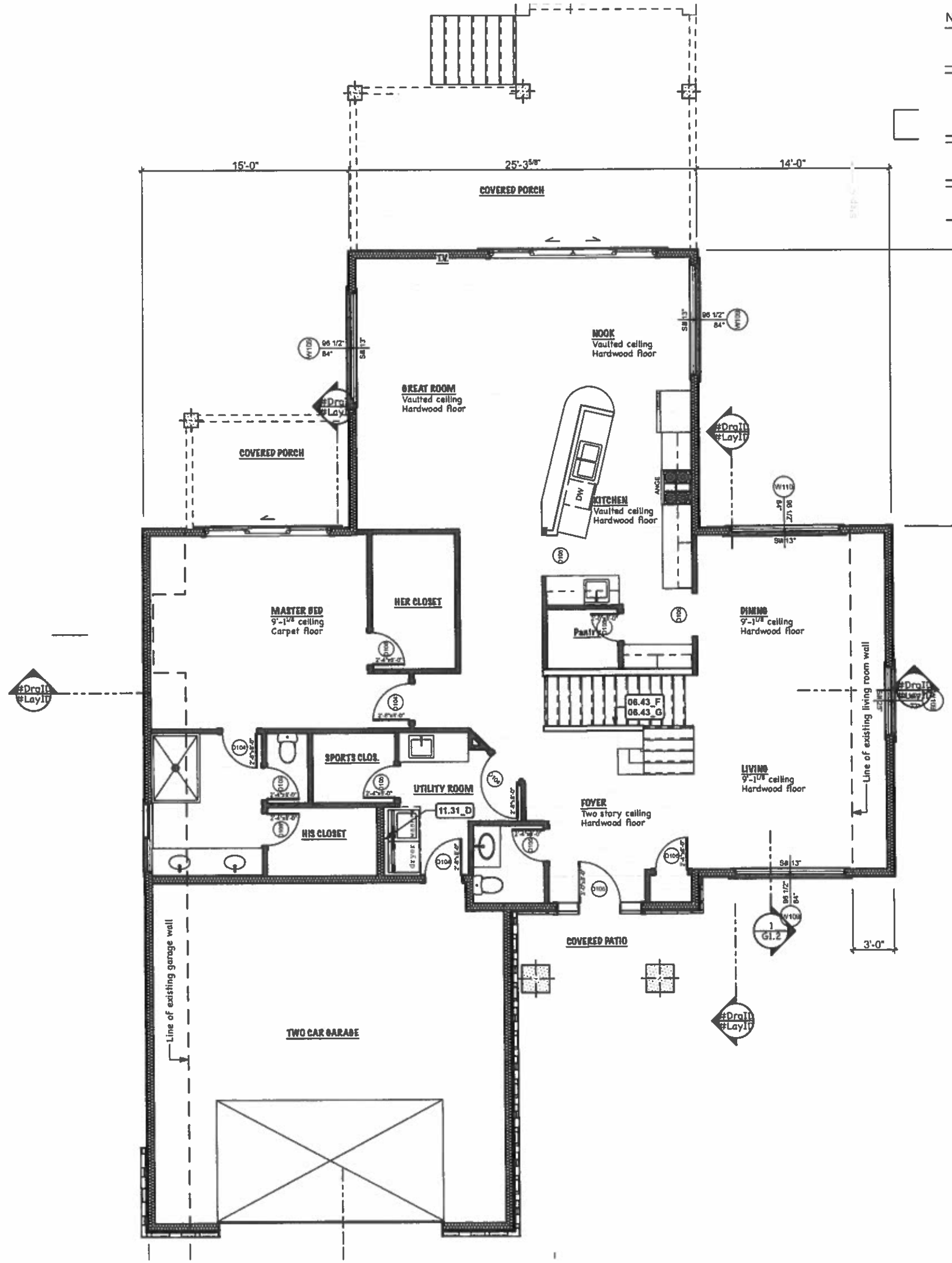

1 MAIN LEVEL

Notes

04.00	**MASONRY**
04.43_A	4 in. nominal natural stone veneer to be selected by owner. Install on drainage mesh.
06.40	**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

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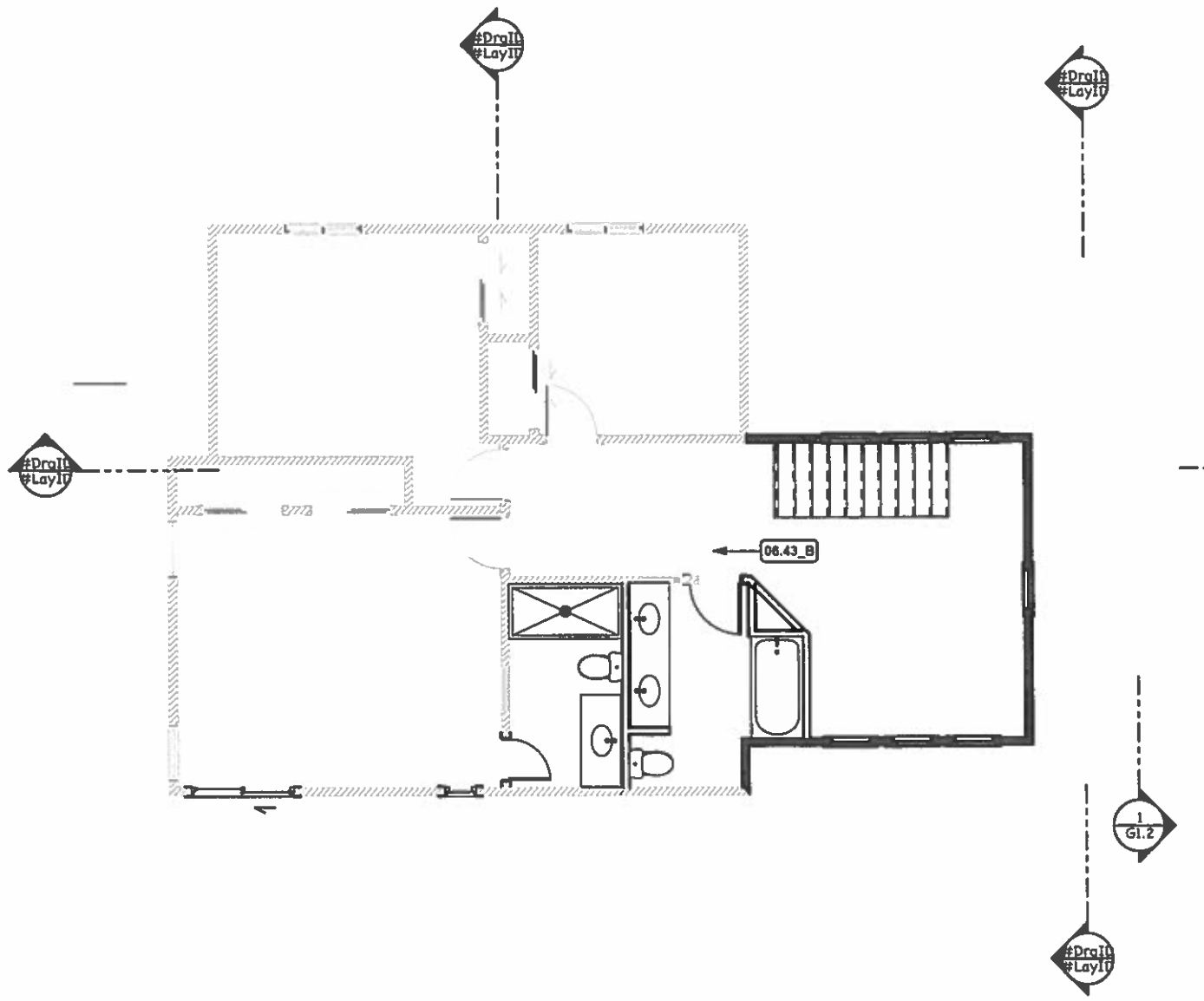
VARIANCE APPLICATION 5/ /16 .....2016-02 NELSON.pln

Notes

06.40 06.43_B	**ARCHITECTURAL WOODWORK** Provide 36 in. high guardrail at all landings and floor openings >18 in. above adjacent floor level or grade



1 UPPER LEVEL

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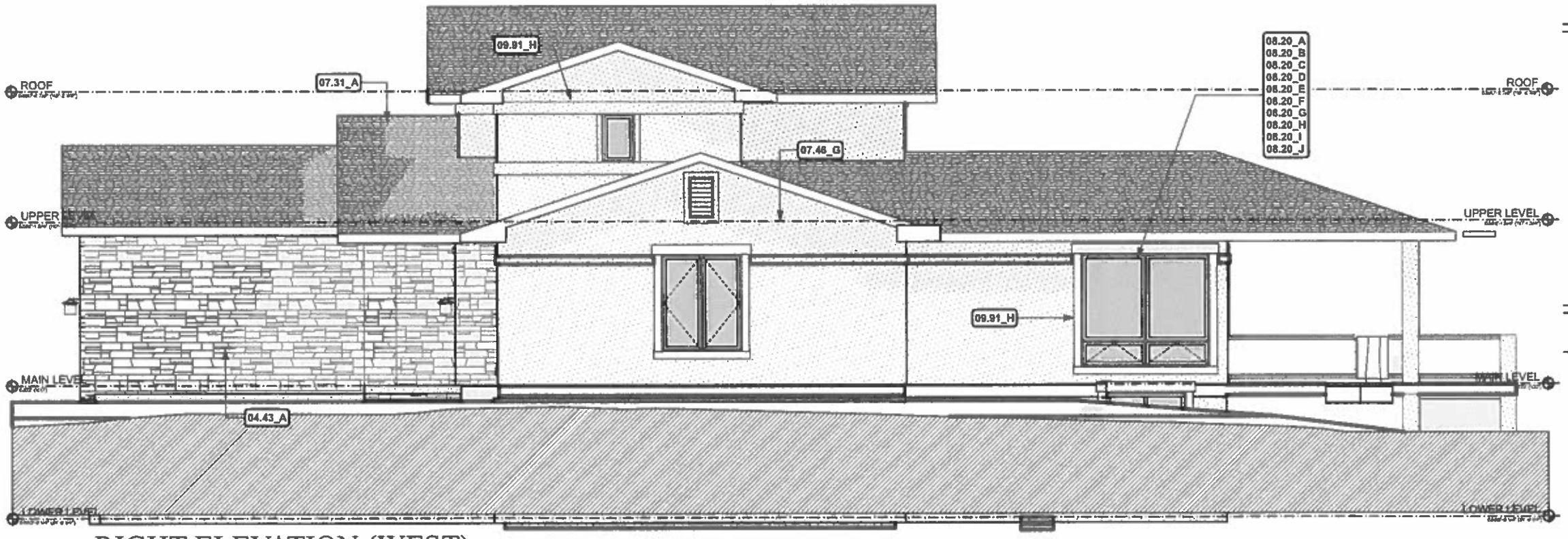
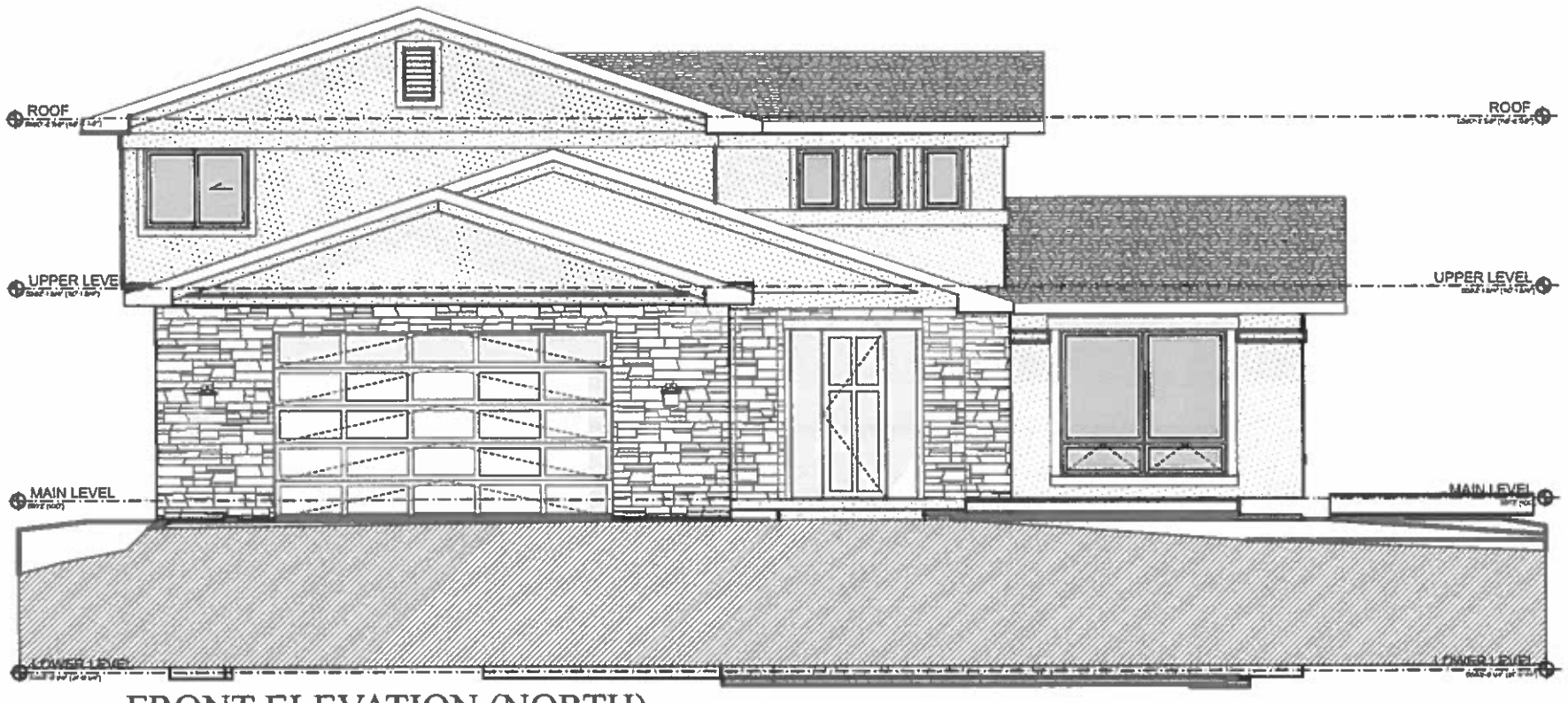


1 RIGHT ELEVATION (WEST)
SCALE: 1/4" = 1'-0"



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

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 Verify & 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.

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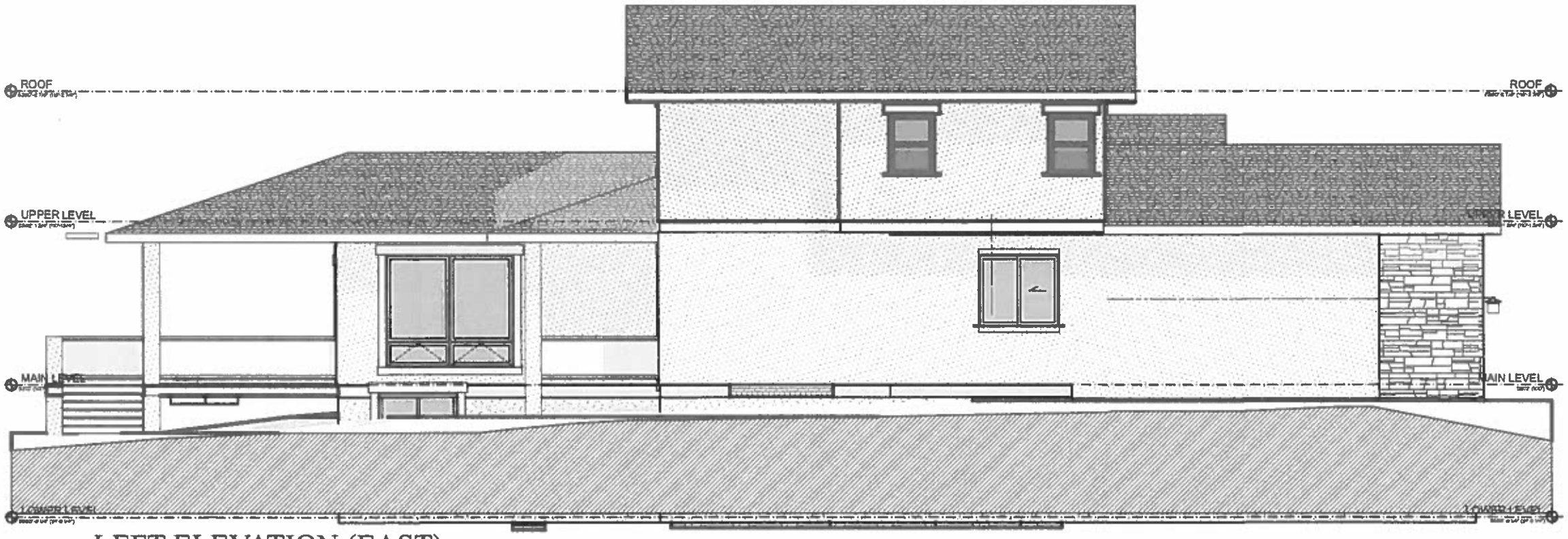
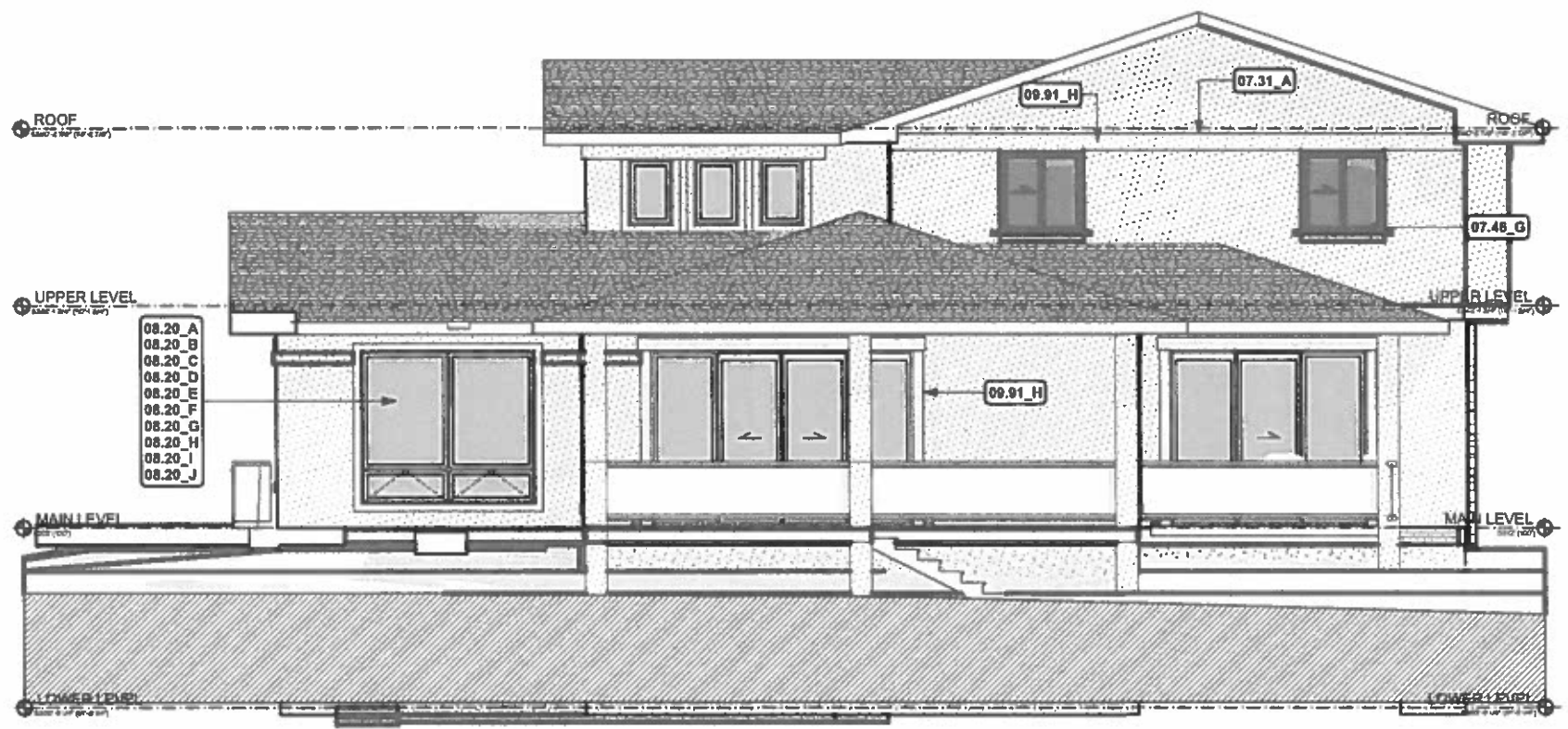


3 LEFT ELEVATION (EAST)
SCALE: 1/4" = 1'-0"



1 3 REAR ELEVATION (SOUTH)
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

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CITY OF LOUISVILLE

BOARD OF ADJUSTMENT

STAFF REPORT

July 20, 2016

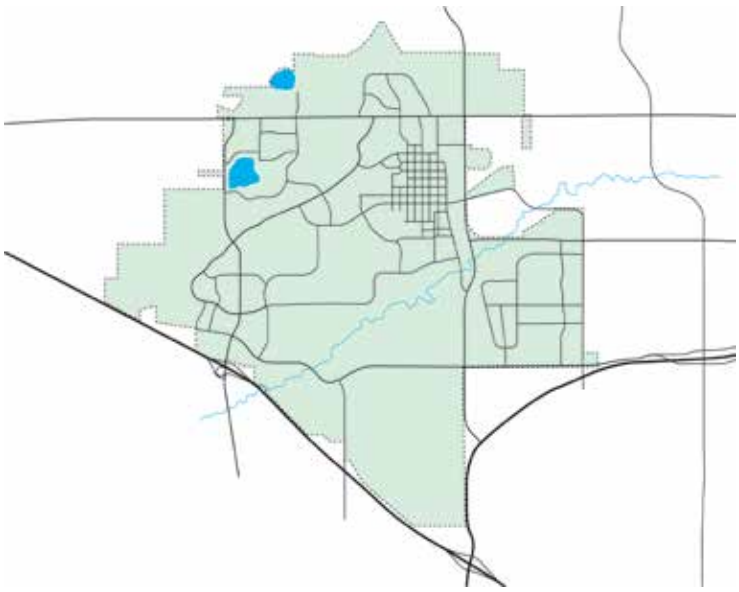
APPLICANT:	Rachel and Dan Fox, 346 McKinley
OWNER:	Same
STAFF PLANNER:	Scott Robinson, Planner II
LOCATION:	346 S McKinley Ct, Lot 15, Block 4, Dutch Creek
ZONING:	Residential Low Density (RL)
REQUEST:	**Case #16-020-VA –** Request for a variance from the Dutch Creek planned unit development (PUD) for relief from the side setback requirement to allow an addition to the second story.

July 20, 2016 update:
At the June 15, 2016 Board of Adjustment meeting, the Board did not approve the applicant's request for a variance from the street side setback requirements of the Dutch Creek PUD. Staff now requests the Board approve a resolution of denial, formalizing the Board's findings and laying out the reasons for the denial. A draft resolution is attached below.

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.

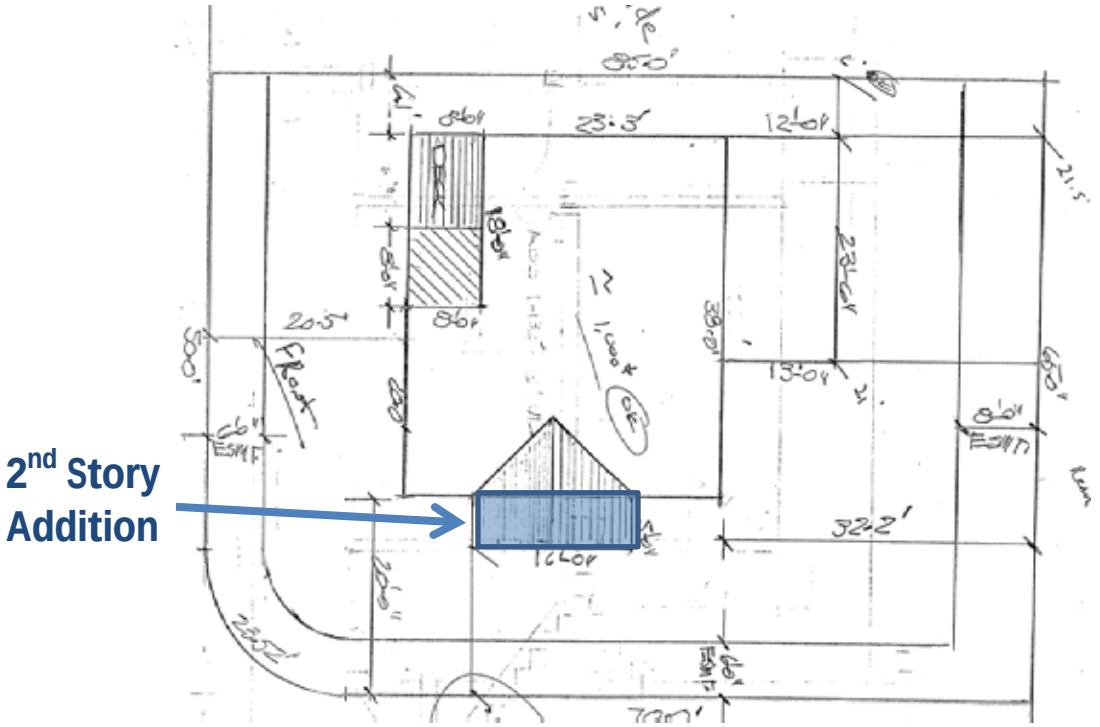
BACKGROUND:
The applicants request a side setback variance to allow for a second story addition at 346 McKinley Ct in the Dutch Creek subdivision. The Dutch Creek PUD regulates setbacks in the subdivision.

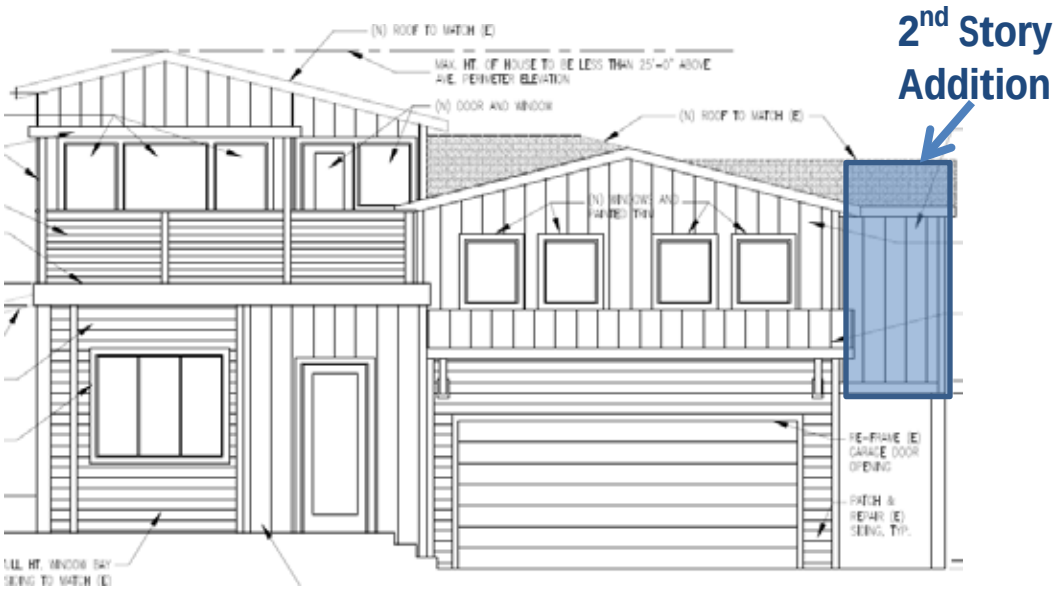
The proposed modifications comply with the zoning requirements, except for the second story addition. The Dutch Creek PUD requires a 20 foot setback from all street-facing



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.





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

RESOLUTION NO. 2
SERIES 2016

A RESOLUTION DENYING A VARIANCE FOR RELIEF FROM SIDE YARD SETBACK REQUIREMENTS TO ALLOW AN ADDITION TO THE HOUSE AT 346 S McKINLEY COURT, LOT 15, BLOCK 4, DUTCH CREEK

WHEREAS, there has been submitted to the Louisville Board of Adjustment an application for approval of a variance for relief from street-side yard setback requirements to allow an addition to the house at 346 S McKinley Court, Lot 15, Block 4, Dutch Creek; and

WHEREAS, the subject property is zoned Residential Low (RL); and

WHEREAS, the subject property is subject to the provisions of the Dutch Creek Planned Unit Development (PUD); and

WHEREAS, the Board of Adjustment held a properly noticed public hearing on June 15, 2016, where evidence and testimony were entered into the record, including without limitation the application and supporting materials, the Louisville Board of Adjustment Staff Report dated June 15, 2016 and all attachments included with such staff report, the City zoning ordinance set forth in title 17 of the Louisville Municipal Code, the Dutch Creek PUD, and additional written statements and other documents, as well as testimony from the staff and applicant; and

WHEREAS, the Board of Adjustment by this Resolution desires to set forth its findings, conclusions and ruling with respect to the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are incorporated herein.

Section 2. Based on the testimony of the witnesses and the documents and other evidence made a part of the record of the hearing before the Board of Adjustment, the Board of Adjustment finds as follows:

a. The application is for a variance for relief from street-side yard setback requirements to allow an addition to the house at 346 S McKinley Court, Lot 15, Block 4, Dutch Creek. The property is owned by Rachel and Dan Fox. The applicants are Rachel and Dan Fox.

b. The property that is the subject of the application is zoned Residential Low (RL) and is located in the Dutch Creek subdivision.

c. The project proposed by the applicant is required to comply with Louisville Municipal Code ("LMC") Section 17.12.040, Yard and Bulk requirements, and the Dutch Creek PUD, which require a minimum side yard setback of 20 feet from side lot lines adjacent to a street.

d. The project proposed by the applicant is requesting variances from the bulk and dimension standards established in the Dutch Creek PUD to allow for a south street-side yard setback of 15 feet.

e. LMC Sections 17.28.240 and 17.48.110. allow variances from the provisions of a PUD if the Board of Adjustment "makes findings that all of the following requirements, insofar as applicable, have been satisfied:

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;

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

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

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

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;

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 which are in question."

Section 3. Based on the foregoing findings and the evidence and testimony presented at the hearing, the Board of Adjustment hereby concludes that the request for a street-side yard setback variance should be denied for the following reasons:

a. The requested street-side yard setback variance does not meet criteria 2 and 3 of Section 17.48.110 of the LMC. In particular, the Board of Adjustment concludes that the property is similarly situated to other properties in the neighborhood and could be reasonably developed in conformance with the setback requirements for the Dutch Creek PUD. In this regard, the Board of Adjustment finds that most other corner lots in the Dutch Creek Subdivision are faced with the same setback requirements; the existing house constitutes a reasonable development of the property for single-family residential use as allowed by applicable zoning; the proposed addition could be modified or constructed at the back of the house in compliance with applicable setbacks; and the encroachments requested in the application are not necessary for reasonable development of such residential use.

Section 4. In accordance with the above findings and conclusions, and based upon the evidence and testimony presented at the hearing, the Board of Adjustment of the City of Louisville hereby denies the application for a variance from the Dutch Creek PUD to allow a 15 feet street-side yard side setback where 20 feet is required for the property located at 346 S McKinley Court and legally described as Lot 15, Block 4, Dutch Creek, City of Louisville, State of Colorado.

PASSED AND ADOPTED this 20th day of July, 2016.

By: _____
Andrew Meseck, Chairman
Board of Adjustment

Attest: _____
Thomas DeJong, Vice-Chair
Board of Adjustment

City of Louisville
COLORADO • SINCE 1878

Department of Planning and Building Safety

749 Main Street • Louisville CO 80027 • 303.335.4592 • www.louisvilleco.gov

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 4th 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.

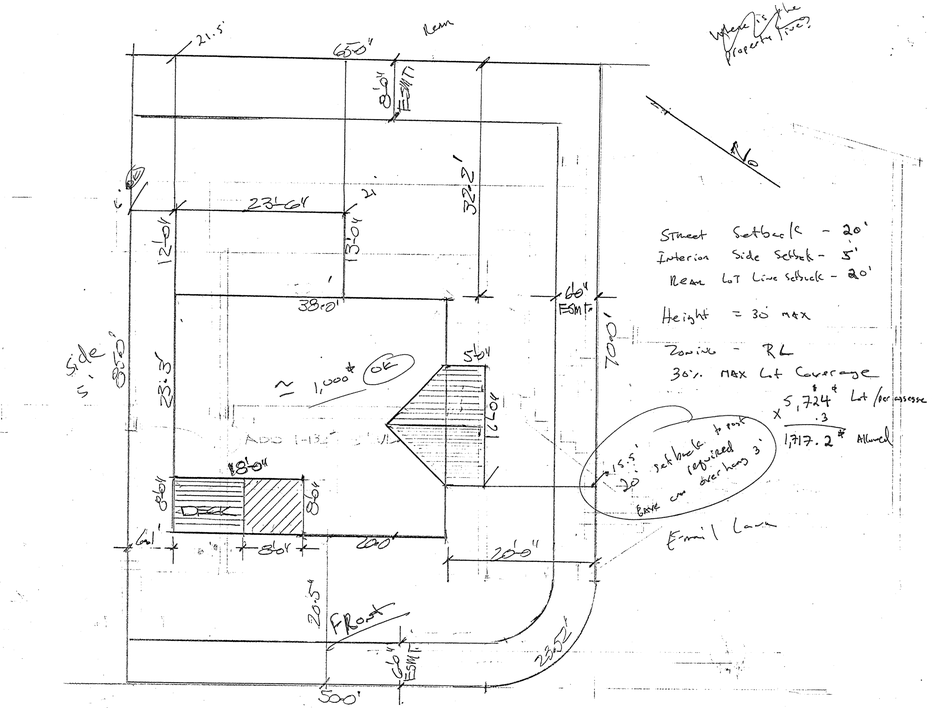
6. That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions of this title (Louisville zoning code) which are in question.

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.

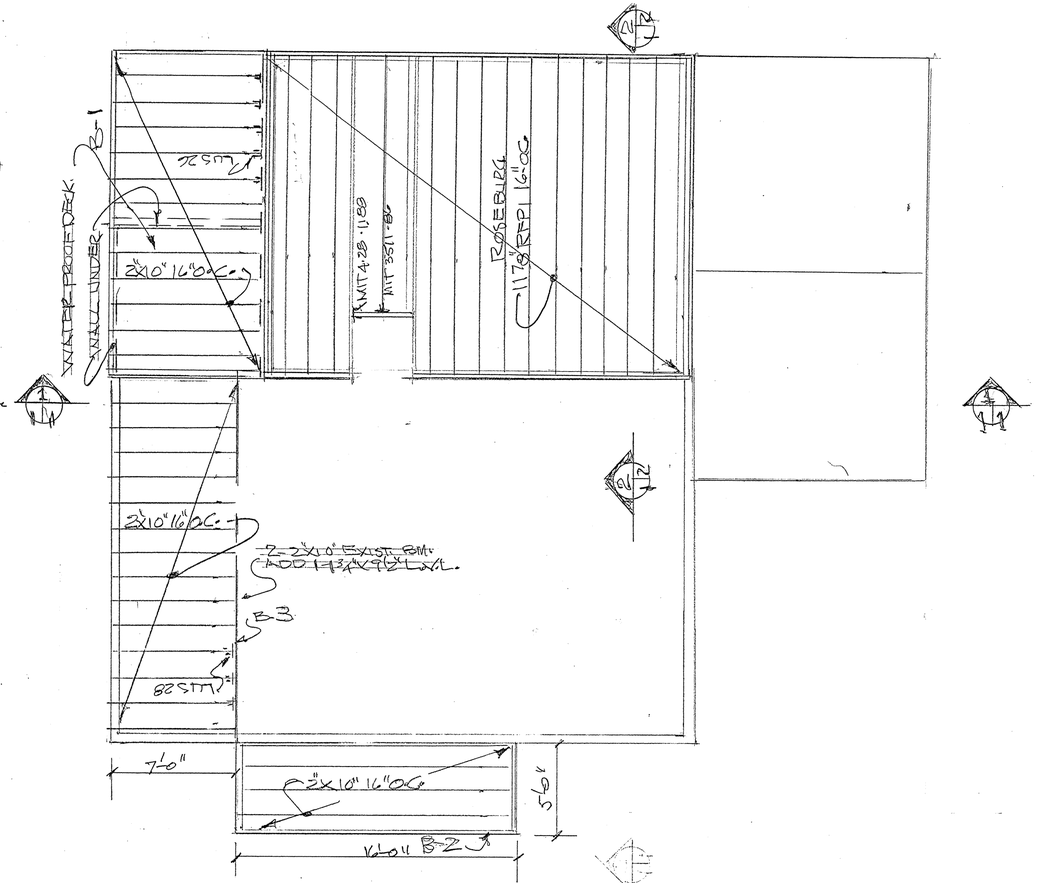
Sincerely,

Rachel and Dan Fox

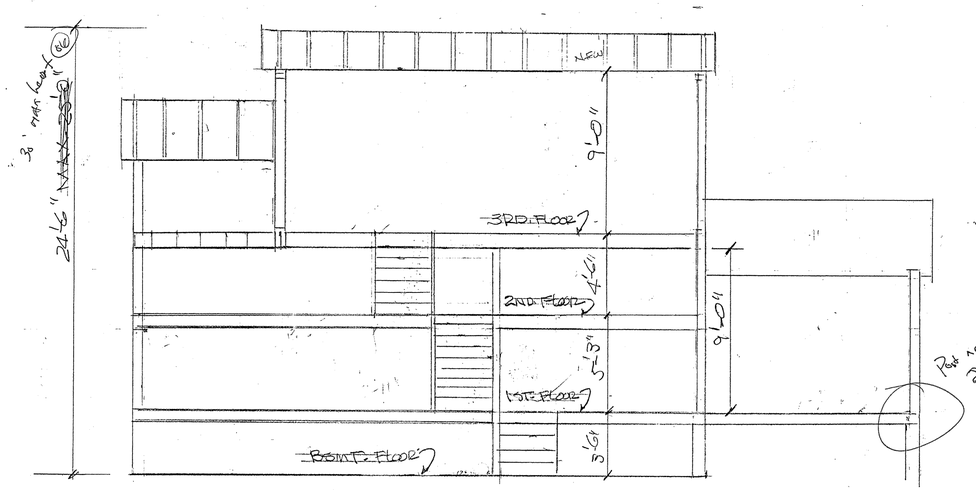


SITE PLAN
1"=10'0"

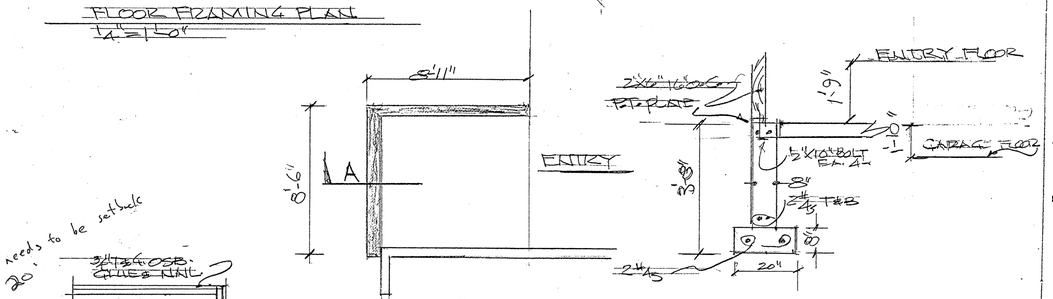
LOT 15, BLOCK 4, DUTCH CREEK SUBDIVISION
CITY OF LOUISVILLE, BOULDER CNTY, STATE OF COLO.



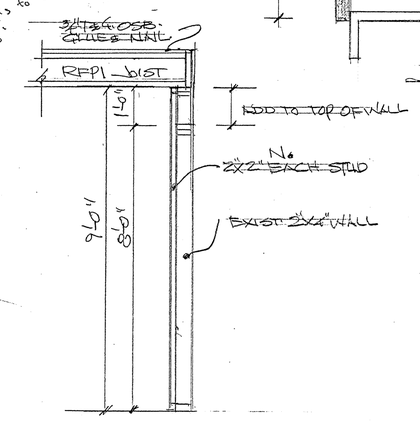
FLOOR FRAMING PLAN
1/4"=1'0"



SECTION
1/4"=1'0"



SECTION A
1/2"=1'0"



DETAIL 'NAIL TO WALL'
1/2"=1'0"

CODE ANALYSIS	
IRC 2012	
OCCUPANCY GROUP	R-3
OCCUPANT USE	DWELLING
TYPE OF CONST.	V-B
SEISMIC	B
ENERGY CODE	5
WIND SPEED 3 SECOND GUSTS	115 M.P.H
SNOW LOAD ROOF L.L.	30 PSF
FLOOR L.L. 40 P.S.F.	
PRE ENGINEERED ROOF TRUSSES	

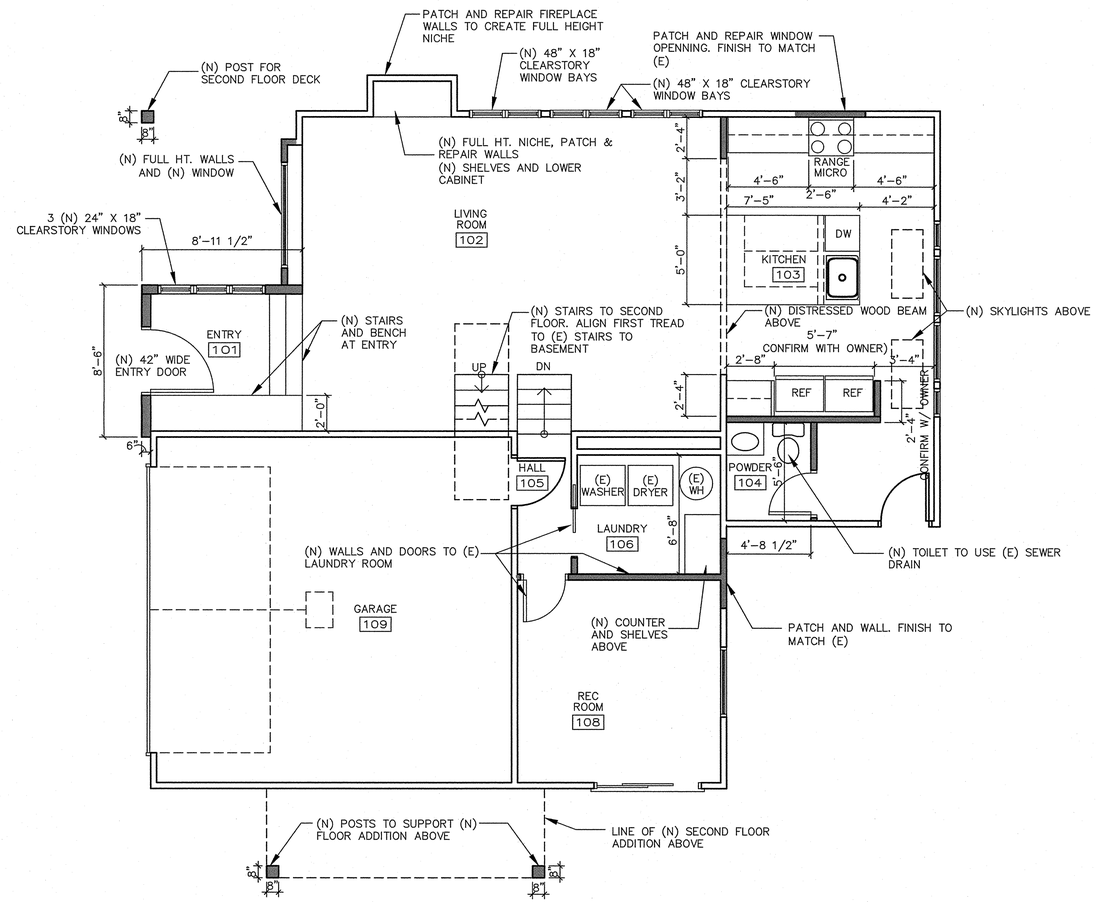
drawing by
elmer horner
8201 so. Santa fe. Drive
littleton; colo. 80120
303 797 4803

engineer
Ken Hickey struct. engineer
14405 weld county rd.12
Fort Lupton;co.80621
phone:(303)857-6490

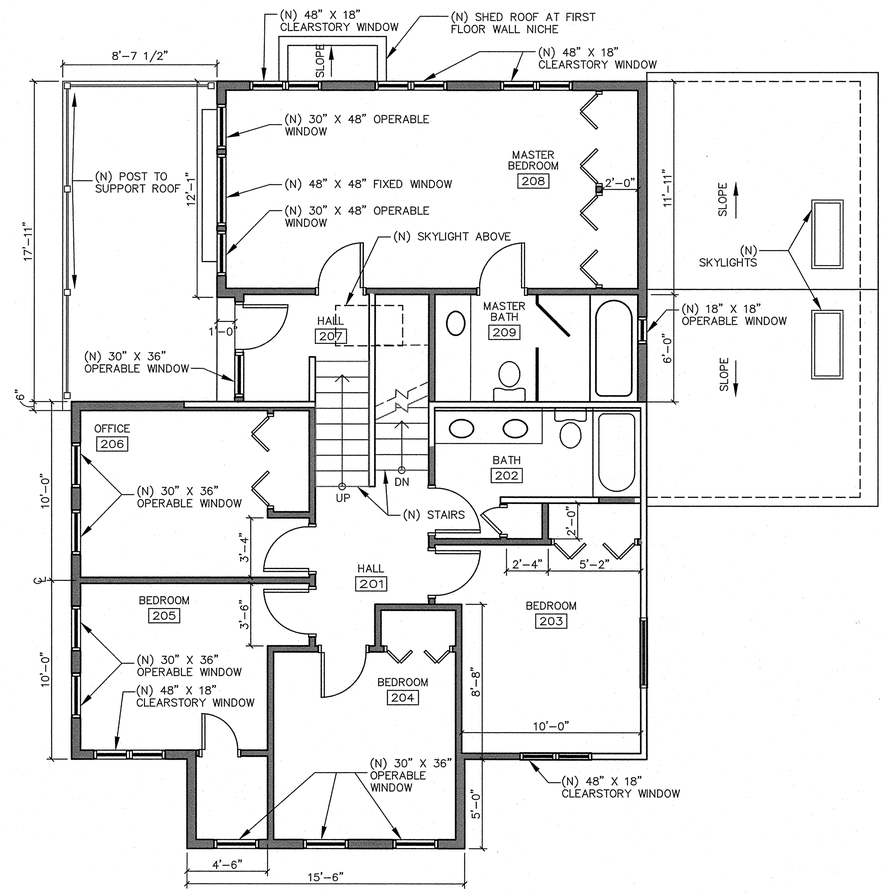
owner and project
FOX RESIDENCE
3416 SO. MCKINLEY CT
LOUISVILLE, CO. 80027

DATE 4-25-16
DN. BY E.H.

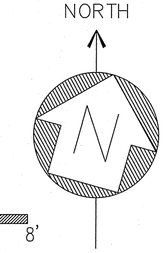
DWG. S-1
OF 2

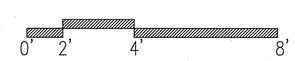


1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

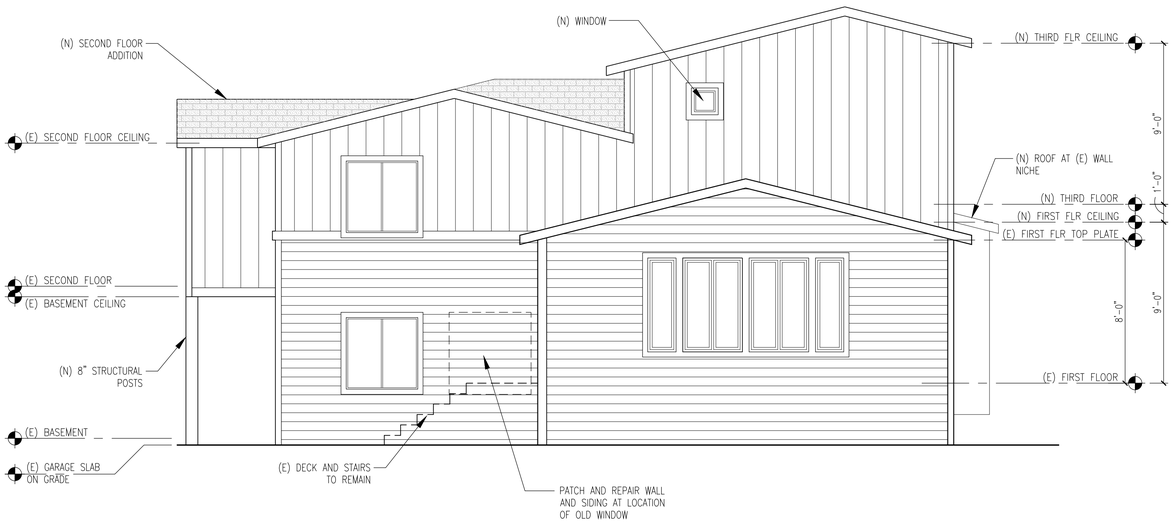




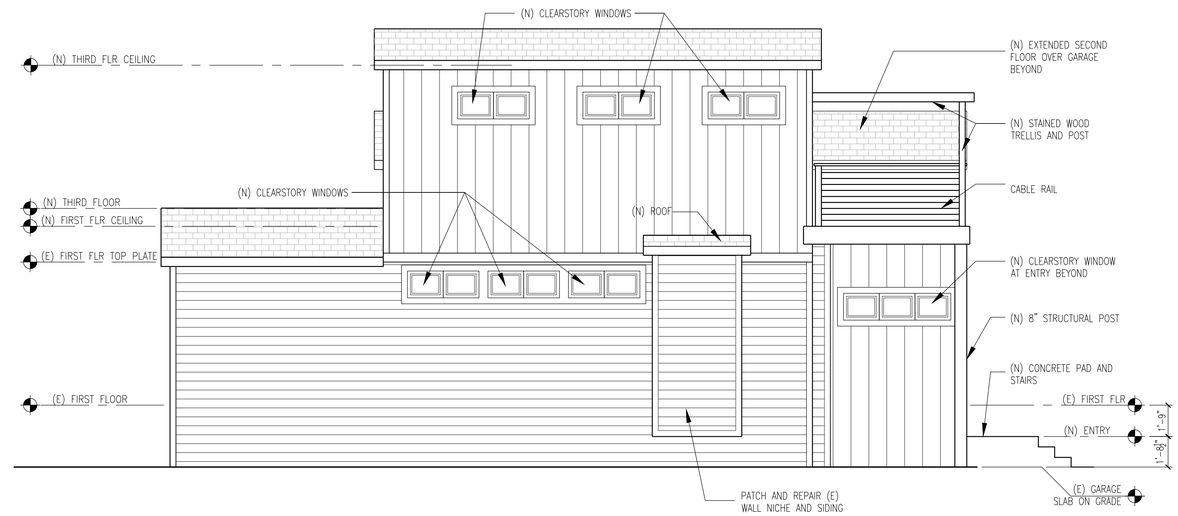
FOX RESIDENCE: FLOOR PLANS

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

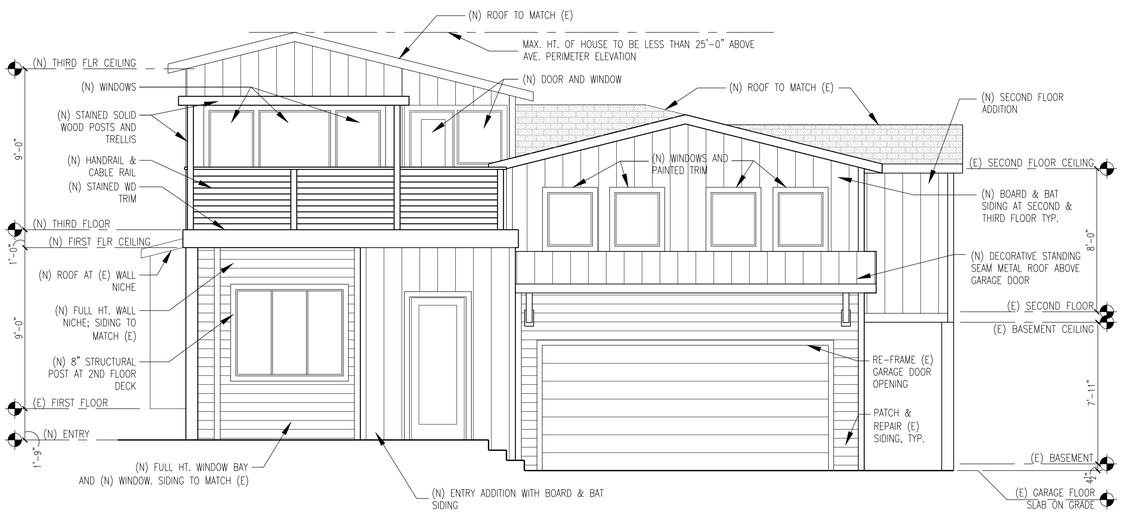
SHEET A101



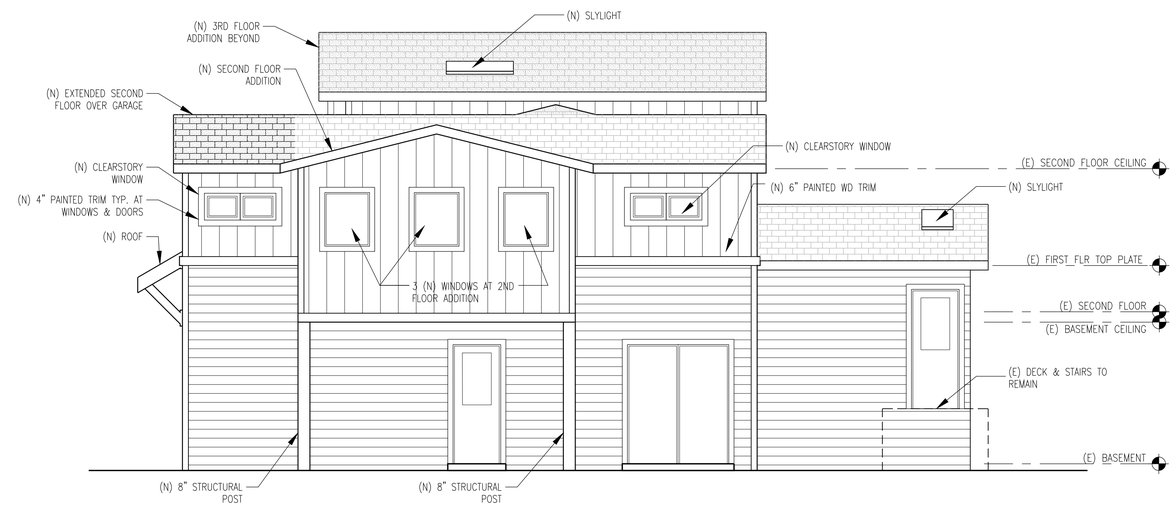
1 EAST ELEVATION



2 NORTH ELEVATION



1 WEST ELEVATION



2 SOUTH ELEVATION

FOX RESIDENCE: EXTERIOR ELEVATIONS

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

0' 2' 4' 8'

SHEET A201