

Board of Adjustment Agenda

**September 21, 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
 - August 17, 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 – Continued from August 17, 2016**
 - 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
 - **749 Wildrose Way – Variance Request** – A request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback requirements. **Case #16-027-VA – Continued from August 17, 2016**
 - Applicant & Owner: Greg Godec, 749 Wildrose Way
 - Case Manager: Scott Robinson, Planner II
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
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 - ✓ 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 October 19, 2016

VIII. Staff Comments

IX. Board Comments

X. Discussion Items for Next Meeting October 19, 2016

XI. Adjourn

**Board of Adjustment
Meeting Minutes
August 17, 2016
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order: 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, Chair Gunnar Malmquist Leslie Ewy Lowell Campbell |
| Board Members Absent: | James Stuart Thomas DeJong |
| Staff Members Present: | Scott Robinson, Planner II Susie Bye, Minutes Secretary |

Approval of Agenda:

Ewy made a motion to approve the August 17, 2016 agenda as prepared by Staff and Malmquist seconded the motion. Motion passed by voice vote.

Approval of Minutes:

Campbell made a motion to approve the June 15, 2016 minutes and July 20, 2016 minutes and Ewy seconded the motion. Motion passed by voice vote.

Public Comments on Items not on the Agenda: None

Regular Business:

- **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

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

Robinson verified the application was originally noticed for the July 20, 2016 meeting. It was posted in City Hall, Public Library, Rec Center, Courts and Police building and was mailed to surrounding property owners on July 1, 2016, and published in the Boulder Daily Camera on

July 3, 2016, and the property was posted on posted on July 1, 2016. It was continued from the July 20, 2016 to August 17, 2016 meeting.

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

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

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

All Board members indicated they did not have any ex parte communications or any conflicts of interest for the application.

Meseck stated that for the requested variance to be approved, all four (4) votes would need to be affirmative.

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

Conflict of Interest and Disclosure: None.

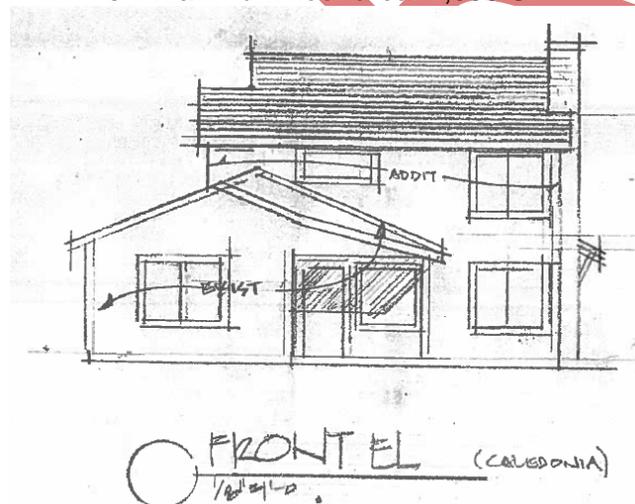
Public Notice Certification:

Posted in City Hall, Public Library, Recreation Center, and the Courts and Police Building on July 1, 2016. Mailed to surrounding property owners on July 1, 2016. Published in the Boulder Daily Camera on July 3, 2016. Property posted on July 1, 2016.

Staff Report of Facts and Issues:

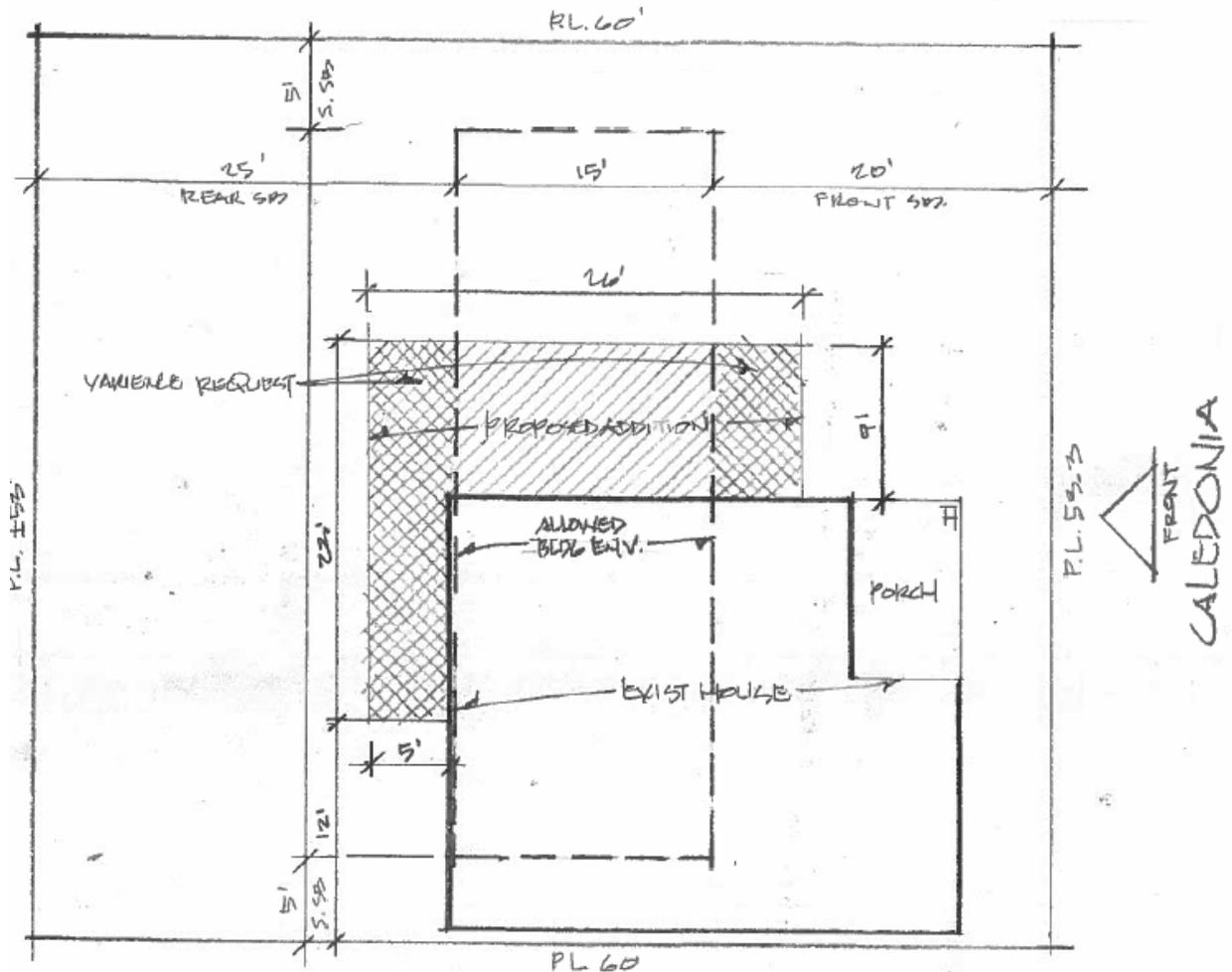
Robinson presented from Power Point:
Old Town Overlay

- RM zone district
 - Front setback: 20'
 - Rear setback: 25'
 - Side setback: 5'
 - Maximum floor area: 1,599 SF



LOCATION

- Located on Caledonia Street between Main Street, and Front Street
- Existing house on property sits within the front and side setbacks. The proposed addition would be set back from the front of the house and encroach 5' into required front setback and encroach 5' into the rear setback. It complies with the side setback requirements.
- Seen in the front elevation, it would be a two story addition and about 1,666 SF, about 67 SF above the maximum floor area allowed in the Old Town Overlay.



Criteria 17.48.110 B.1

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

Staff – Lot is 60 feet deep, which is unusually shallow, and 3,802 SF, which is unusually small - Criterion is met.

Criteria 17.48.110 B.2

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

Staff – The standard lot in Old Town is 125' deep and 6,250 SF - Criterion is met.

Criteria 17.48.110 B.3

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

Staff – Setbacks allow only 15 feet of developable depth, additional floor area needed to make addition work - Criterion is met.

Criteria 17.48.110 B.4

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

Staff – House was built in 1952 and lot was subdivided in 1982 - Criterion is met.

Criteria 17.48.110 B.5

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

Staff – Proposed addition is small and would not impact adjacent properties - Criterion is met.

Criteria 17.48.110 B.6

That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question. *Staff – Would only allow requested encroachment - Criterion is met.*

Staff Recommendations:

Staff recommends Board of Adjustments move to approve **940 Caledonia St – Variance #16-022-VA**, 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.

Board Questions of Staff:

Campbell asks when zoning was adopted in the City of Louisville.

Robinson says I don't know when the initial zoning code was adopted. The zoning was overhauled in 1976. The Old Town Overlay was adopted in the late 1980s.

Malmquist says I think initial zoning happened around 1987.

Applicant Presentation:

Gary Doty, 940 Caledonia Street, Louisville, CO

We tried to keep the addition pretty modest. When we first started, I knew the lot was pretty small. We tried to make the site plan as acceptable as we could. I have a structural engineer coming in based on the findings of this Board to go over everything else.

Board Questions of Applicant:

Malmquist asks if this is a scrape off and all new house or is it a modification of the existing structure.

Doty says it is a modification.

Malmquist says you are going from 722 SF to 1666 SF?

Doty says three people currently live in the house and my daughter is coming to CO to do an internship. It is pretty tight.

Meseck asks if there is a functional basement.

Doty says it is all crawl space. There is a structure on the lot that will come down which is part of the second story. The variance request for the 67 SF is for storage in the attic area.

Meseck asks how many bathrooms and bedrooms the new structure will be.

Doty says the new structure will be two bathrooms, three bedrooms, and a study upstairs.

Campbell asks when did you buy the property.

Doty says I bought the property three years ago from Wade Payne. I had been renting it for several years before that. I love Louisville so I bought it.

Ewy says I notice on your site plan that you are removing structures from the property in order to better comply with the floor area ratio requirements. You have a garage there.

Doty says that is the structure that has to come down. It is a good thing because the concrete is breaking up.

Meseck asks if the new design will have a garage or carport? **Doty** says it has off street parking.

Public Comment In Favor: None.

Public Comment Against: None.

Closed Public Hearing and discussion by Commission:

Malmquist says this is a great part of Louisville and you have been in there for many years and owned it for three years. I think it is in keeping with the character of Downtown. I drove down the alley and saw that you are basically on the alley, so you have no pre-existing setback as Scott briefed. It says one foot in the Staff Report but I thought it was more like inches. It looks attractive and looks fine.

Meseck says I think one of the nice things about this Board is you get to see some really interesting properties around town. This is one of the more unique ones. I didn't realize that there were some lots with 3,000 SF and structures basically on the property line. At least from my standpoint, going through all the criteria, I agree with Staff that they are all met. The small amount of overage on the square footage is the size of a large closet. Given the layout on this lot and the appropriateness of the design, I will be voting in favor of it.

Ewy says I did the math on the allowable building envelope, which is a footprint of only 645 SF if you built it per Overlay code. The modest house there now does not comply with that particular item. I am not concerned with the setbacks because of such a small building envelope. The portion that projects to the front on Caledonia Street is tucked well back of the existing porch. The rear addition is within 20' and is a reasonable setback to the yard. They are not trying to encroach the side yard at all. I feel the addition, while it encroaches into the setbacks, is a modest addition and is supportable for a variance for those encroachments. The second item is lot area coverage. These percentages were put in place assuming an overlay on a standard Old Town lot which is significantly larger. This is why we see large homes in the Old Town Area currently as they scrape the smaller and more modest homes. This modest addition exceeds the lot coverage and floor area ratio by 67 SF. I find that variance very supportable in light of the small lot. I am supporting both variances.

Campbell says I am not inclined to grant variances, maybe one out of ten. I am curious about other lots in Downtown Louisville and what their size is.

Robinson says a standard lot in Old Town is about 6,000 SF, generally 50' by 125' deep. There is a wide variety of that. We have some that are upwards of 12,000 to 14,000 SF. There are a few scattered around Old Town that are similar in size to this that were subdivided after the original plats were put in place.

Ewy says if I do my math correctly, 40% lot coverage on the larger lots allow a lot coverage of 2,500 SF for comparison.

Robinson says the way the Old Town Overlay works is it has different percentages based on size. They go down with the larger sizes.

Campbell says I am familiar with the Overlay and the reason it was adopted was it basically granted everybody in the Old Town District a variance. Everybody in Old Town has already received one variance. I am puzzled by the size of this lot versus other lots that I am familiar with and why this lot would be subject to a variance.

Ewy says I don't think every single lot in the Old Town Overlay was test fitted. It is possible that they didn't go through the entire map of Old Town and make sure everything complied. This home as existing is nonconforming, even with the Overlay.

Malmquist says that is the subject of the variances. Just driving down the alley, you'll see that if you modify one piece of that current structure, you will need a variance. It is not a fair and reasonable expectation to be able to keep that structure as is.

Campbell says I am having trouble with the drawings on what is existing and what is proposed.

Robinson says the dashed lines show what the existing building envelope would be to comply with the Old Town setbacks.

Ewy and **Meseck** discuss limitations to build a new home on the small lot.

Campbell asks if this lot was subdivided previously.

Robinson says when it was originally platted, it was the full width of the half block, from Main Street to the alley. In 1982, this back portion was subdivided off.

Robinson says we should ask the applicant if they wish the Board to vote on the variance request. The applicant needs to know that they will need unanimous four votes to move forward. We can move to vote tonight or continue it to next month when more Board members may be in attendance.

Doty says move to vote.

Meseck asks what options does the applicant have if the application is denied. Do they have an opportunity to rework and resubmit? What about costs on the applicant's part?

Robinson says they can make a request to waive application fees, which is up to the Planning Director. They can also appeal to District Court or they can move forward in compliance with zoning with building permits. They can apply for a new variance with a revised plan.

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

Case #16-022-VA, seconded by **Malmquist**. Roll call vote.

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

Motion denied 3-1.

Discussion continues. **Robinson** reads the Criterion 2 which **Campbell** says is the criterion the application does not meet in his view.

Malmquist asks what are our options? **Meseck** says **Robinson** listed them prior to the vote.

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

Meseck discusses Criterion 2 which states regarding unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

Campbell says I feel this property is not unique in the sense that it is of a particular size. It has been subdivided once and for some reason, it was subdivided and reduced to a small size.

Ewy says when it was subdivided in 1982 and without pulling that zoning code, we have to assume it was vetted by City Staff, went to Council for a subdivision, and met the criteria at that time for a subdivision. It was conforming at that point. The issue comes in because since it has been subdivided, the Old Town Overlay was applied this area. As I stated before, I don't think they did a lot test fit on every single existing home. They anticipate people coming in with lots that don't quite conform with the Overlay and say this is what has happened to my lot. It would be helpful for us as a group to step through and discuss more pointedly the criteria that are at issue. What we are dealing with tonight is not pre-1982, it is post Old Town Overlay.

Meseck asks how the lot being subdivided applies to the current applicant. This property was not subdivided during their ownership. To handicap them based on something done much further in the past is a bit of a stretch. I have concerns about that approach.

Malmquist says they are asking for a very small variance, about the size of a small closet. For what we have going on in Louisville, this is a modest change.

Ewy says there are two variances; one for relief from front and rear setback and one for relief from maximum floor area requirements to allow additions to the existing house. Are both of those variances not approvable given the criteria that you are citing?

Campbell says that there are other lots in the Old Town Area that are this size or smaller.

Ewy says those property owners can come in for variances. Will we limit this lot to being only a 15' x 43' home? That is the setback issue. That is an unreasonably narrow and restrictive building envelope. It yields a 645 SF footprint.

Meseck says I am concerned that the BOA's ability to approve variances could be questioned if this variance is not considered to meet the criteria. This is a rigid stance to take.

Malmquist says I could list multiple cases we have approved in the past that were much less relief.

Ewy says if we take this rigid a stance as a Board that nothing is approvable because nothing is unique, then we are useless as a Board.

Campbell says the Board's purpose isn't to grant variances. The Board's purpose is to rule on the criteria.

Ewy says, thus far from your history on the Board, you have granted a single variance and it was for the little porch. You are taking such a hard and rigid stance. It is almost polar opposite of someone freely granting variances at all times. As I've stated in the past, we have to go through vettings. Before these applicants can even come before our Board, the City Staff has to review the application to assure that they feel the criteria are being met. Our job is to weigh whether we feel it has been met as well. I understand you saying that this criterion has not been met, but it sounds like you will apply that on any variance that we possibly see.

Malmquist says that is not acceptable and I am embarrassed to have these people walk back to their house past all the mansions that have been approved up and down Old Town Louisville when all they are asking for is a little bit of relief from 722 SF for a family of three that will be a family of four.

Meseck asks a procedural issue. We made a conscious effort to bring up that we have only four members here tonight and it would require a unanimous vote. To Campbell he says, in the Board's best interest and certainly in the applicant's best interest, it would have been better to have "tipped your hat" a little stronger in terms of which way you were leaning so they had more opportunity to make a proper decision. It would have been a courtesy to the applicant.

Robinson says there has been a motion and a vote. The motion did not pass. In the past, we continue it to the next meeting for Resolution of Denial. An alternative may be for a motion to reopen the hearing for reconsideration with the applicant's consent and then continue it to a later date.

Campbell says hasn't the Board already made a decision?

Robinson says there has been a vote and the motion didn't pass. There hasn't been a final decision yet because there has been no approved motion. The issue hasn't been finally decided.

Meseck says we have had attendance issues. I'd like to give this an opportunity to be heard.

Robinson says the next BOA meeting is September 21. We can continue for reconsideration. The existing application can go forward. The applicant can modify the request and bring back a modified request at a future hearing. The applicant can pull the application altogether and resubmit.

Meseck asks **Doty** if he is comfortable with the Board continuing this until the September 21 meeting. **Doty** says yes.

Ewy makes a motion to continue **Case #16-022-VA, 940 Caledonia Street**, to the next scheduled hearing on September 21, 2016, **Malmquist** seconds. Voice vote taken. **Ewy**, **Meseck**, and **Malmquist** vote yes. **Campbell** votes no. Motion passes 3-1.

Meseck apologizes to **Doty** and thanks him for his time.

- **749 Wildrose Way – Variance Request** – A request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback requirements. **Case #16-027-VA – Continue to September 21, 2016**
 - Applicant & Owner: Greg Godec, 749 Wildrose Way

- Case Manager: Scott Robinson, Planner II

Motion made by **Malmquist** to continue **749 Wildrose Way – Variance Request, Case #16-027-VA** to September 21, 2016, seconded by **Ewy**. Motion passes 4-0.

Meseck discusses the Resolutions of Denial. Apparently the City Attorney recommends we do this consistently upon denial so there is a record.

Robinson says this is the recommendation from the City Attorney for anything denied from now on, that the Board approves a Resolution of Denial that formalizes and memorializes the decision in case there is any further proceeding such as court. The request is to look at them and make sure they reflect the reasons the application was denied. Staff requests that you vote to approve the Resolution of Denial as long as you feel it accurately reflects the reasons for the denial.

Malmquist says I was not present for these applications listed below. Am I allowed to vote? Should I vote in good conscience? Did we deny these in the previous meetings? Do we have the option of re-opening them? Is this the reason that the City Attorney is asking us to re-look at them? If that is the case, I would want to also wait until we have a further quorum and I am not willing to vote tonight.

Robinson says you do not have the option to re-open these because they have been advertised as Resolutions of Denial. Without the applicant's request to reopen then, I do not think we can go in that direction. To answer your first question, if you have reviewed the record from the June meeting when these were decided, I think you can vote. It is up to you if you feel comfortable voting on them.

Malmquist says essentially, I would be voting that I agree with the Denial. What happens if I don't agree?

Ewy says you are agreeing with the representation of what was discussed in the meeting and the record of denial. Not that if you agree with the denial.

Robinson says the Board made the decision at the June meeting and we are requesting that you approve this as a memorialization of that decision. You are not re-deciding the issue. It has already been decided and this is setting it into a resolution.

Ewy says I agree it is difficult if you didn't attend. I don't know if I would want to vote on cases I didn't attend.

Malmquist says I don't want my name on the record on these if they are something like we just discussed. I will not vote.

Robinson says if you are not comfortable voting and you will recuse yourself, then we don't have a quorum. These will come back at the next meeting.

- **Resolution of Denial - 2252 Crown Circle – Variance Request – Resolution 01, Series 2016.** 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. – **Continue to September 21, 2016**
 - Applicant & Owner: Terry Nelson, 2252 Crown Circle
 - Representative: Patrick Hubbell, Summit Studio Architects
 - Case Manager: Scott Robinson, Planner II
- **Resolution of Denial - 346 McKinley Court – Variance Request – Resolution 02, Series 2016.** 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. – **Continue to September 21, 2016**
 - Applicant & Owner: Rachel and Dan Fox, 346 McKinley Ct
 - Case Manager: Scott Robinson, Planner II

Business Items tentatively scheduled for September 21, 2016:

- **749 Wildrose Way – Variance Request** – A request for an after-the-fact variance from Section 17.16.030 of the Louisville Municipal Code (LMC) for relief from rear accessory setback requirements. **Case #16-027-VA**
 - Applicant & Owner: Greg Godec, 749 Wildrose Way
 - Case Manager: Scott Robinson, Planner II
- **Resolution of Denial - 2252 Crown Circle – Variance Request – Resolution 01, Series 2016.** 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.
 - Applicant & Owner: Terry Nelson, 2252 Crown Circle
 - Representative: Patrick Hubbell, Summit Studio Architects
 - Case Manager: Scott Robinson, Planner II
- **Resolution of Denial - 346 McKinley Court – Variance Request – Resolution 02, Series 2016.** 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.
 - Applicant & Owner: Rachel and Dan Fox, 346 McKinley Ct
 - Case Manager: Scott Robinson, Planner II
- **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

Staff Comments: There are no new applications at this time.

Board Comments:

Meseck says I have talked with **Robinson** and the **Mayor Muckle** about getting a seventh member or an alternate added in, especially knowing that we will be one short next month. Given our past history, it is probably more than that. Is there a time line for the procedure to get another person added? Do they need to interview with the City? Do they need to wait a period of time?

Robinson says they must be approved by City Council. Midterm appointments are handled with the Mayor interviewing a candidate and if he feels they should be appointed, he will make a recommendation to City Council. Once they are appointed, they can join the Board immediately. Council meetings are first and third Tuesdays.

Campbell asks what is the reason for this.

Ewy says we don't want to end up with four way votes.

Meseck says we have lost meetings because we did not have a quorum.

Robinson says there are supposed to be six regular members and an associate member of the Board. Currently, the associate member seat is vacant because Council did not appoint anyone to that seat in their latest round of appointments. We have been at minimum quorum recently and had no quorum last month. There is a request from some members of the Board that Council appoint someone to that associate seat.

Campbell says I am puzzled by members not showing up.

Meseck says our members have full time jobs and travel quite a bit as well as health issues.

Malmquist says it is a reflection of the summer season as well.

Campbell says I can fully understand that there are health issues. But I am puzzled by Members not showing up because of a job. Maybe, they should not have applied for the Board.

Ewy says we are on three year terms. I own my own business and this could be me in a couple months, that I make the choice between attending a meeting or making a deadline the next day. That is a hard call, but I know that if we have a full Board and I am the only one absent, it makes the decision a little easier. Tonight, I am very sick and I knew we would not have a quorum if I

didn't show up. We didn't have a quorum last month. It is not fair to the people of this community to have to wait months to be heard.

Campbell says I fully agree with you, that it is not fair to them. It is also not fair that people make application to the Board and then don't intend to attend.

Meseck says I don't think they don't intend to attend. I think life situations change. Sometimes, you simply don't know what your job will entail. You take on a different job. You can see how difficult it is to get people added to this Board. We have never asked for members to be added in the middle of a session.

Adjourn:

Malmquist moved and **Ewy** seconded a motion to adjourn the meeting. Motion passed by voice vote. Meeting adjourned at 7:34 pm.

DRAFT

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
September 21, 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. ***Continued from August 17, 2016***

September 21, 2016 Update:

The Board of Adjustment held a public hearing on this request at the August 17, 2016 meeting. After evidence and testimony was presented, a motion was made and seconded to approve the variance request. The motion failed, with a vote of 3-1, not achieving the required 4-0 vote for approval. The Board then approved a motion to continue the public hearing to the September 21, 2016 meeting to reconsider the matter. At this meeting, additional evidence and testimony may be entered into the record, and Board members absent from the August meeting may vote on the request if they have reviewed the record and determined they have adequate information to reach a decision. The staff report from the August 17 meeting follows below.

SUMMARY OF PROPOSAL:

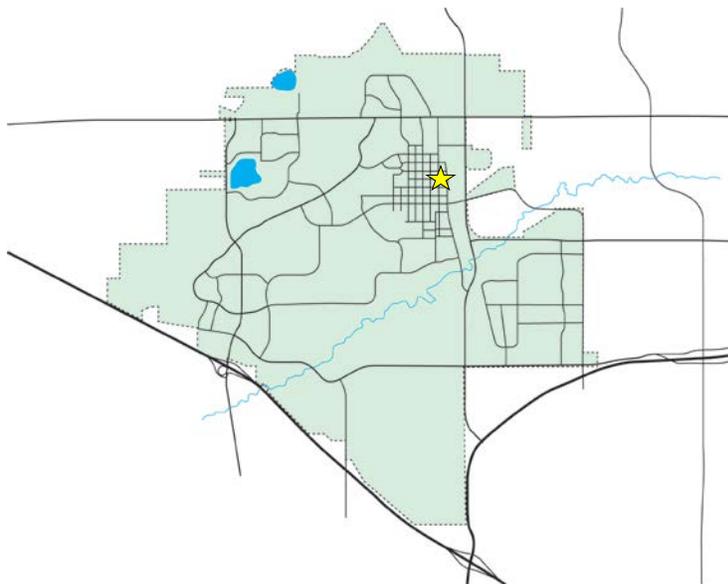
The applicant, Gary Doty, requests variances to allow for additions to the front, rear, and second story of the existing home at 940 Caledonia Street. The proposed addition would have a front setback of approximately 14.5 feet and a rear setback of approximately 20 feet. The proposed addition would also 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.

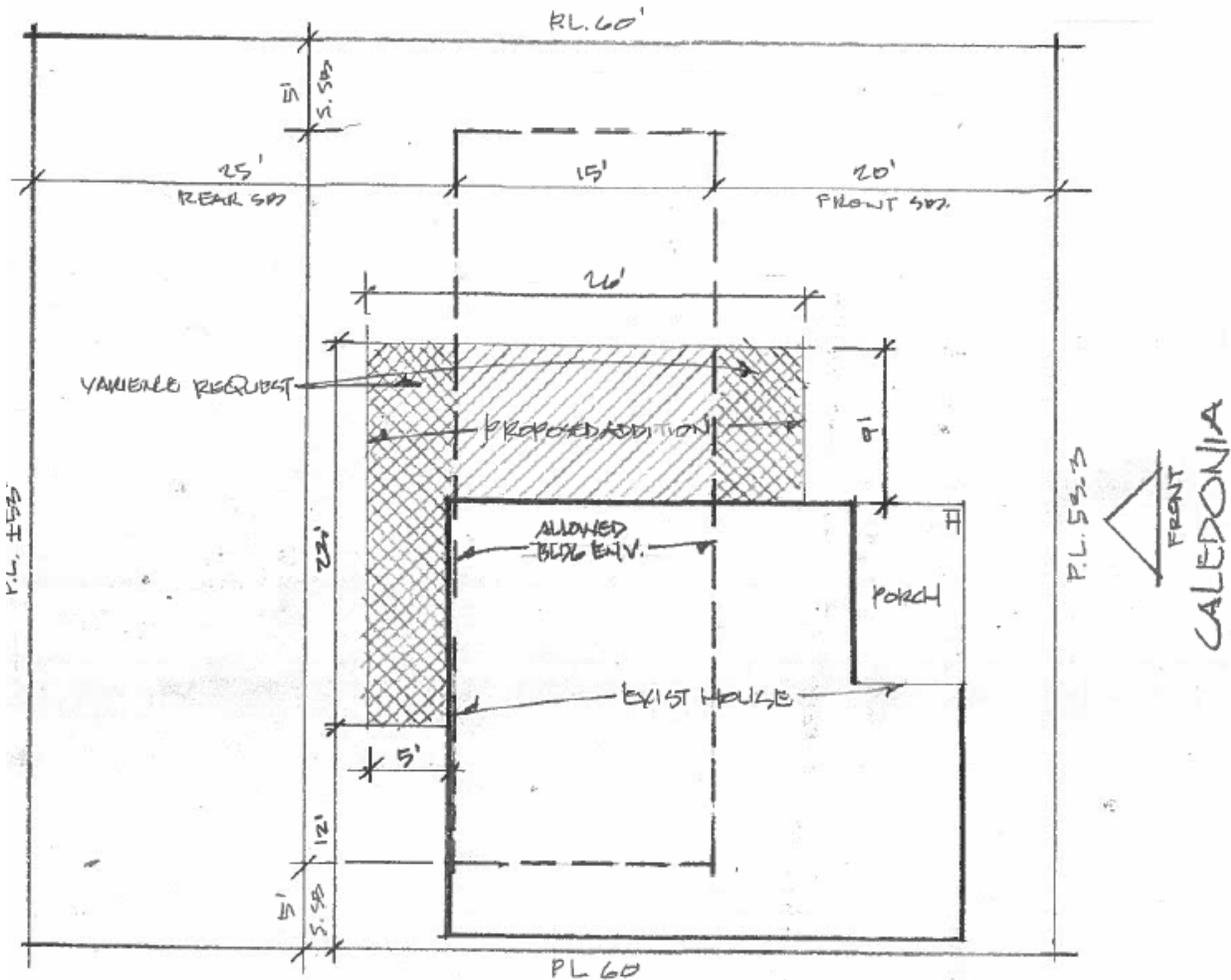
The property is 3,198 square feet, measuring 53 feet in width and 60 feet in depth. There is currently a 722 square foot house on the property. It sits approximately 5.5 feet from the front (north) lot line, 25 feet from the rear (south) lot line, one foot from the east side lot



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

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.

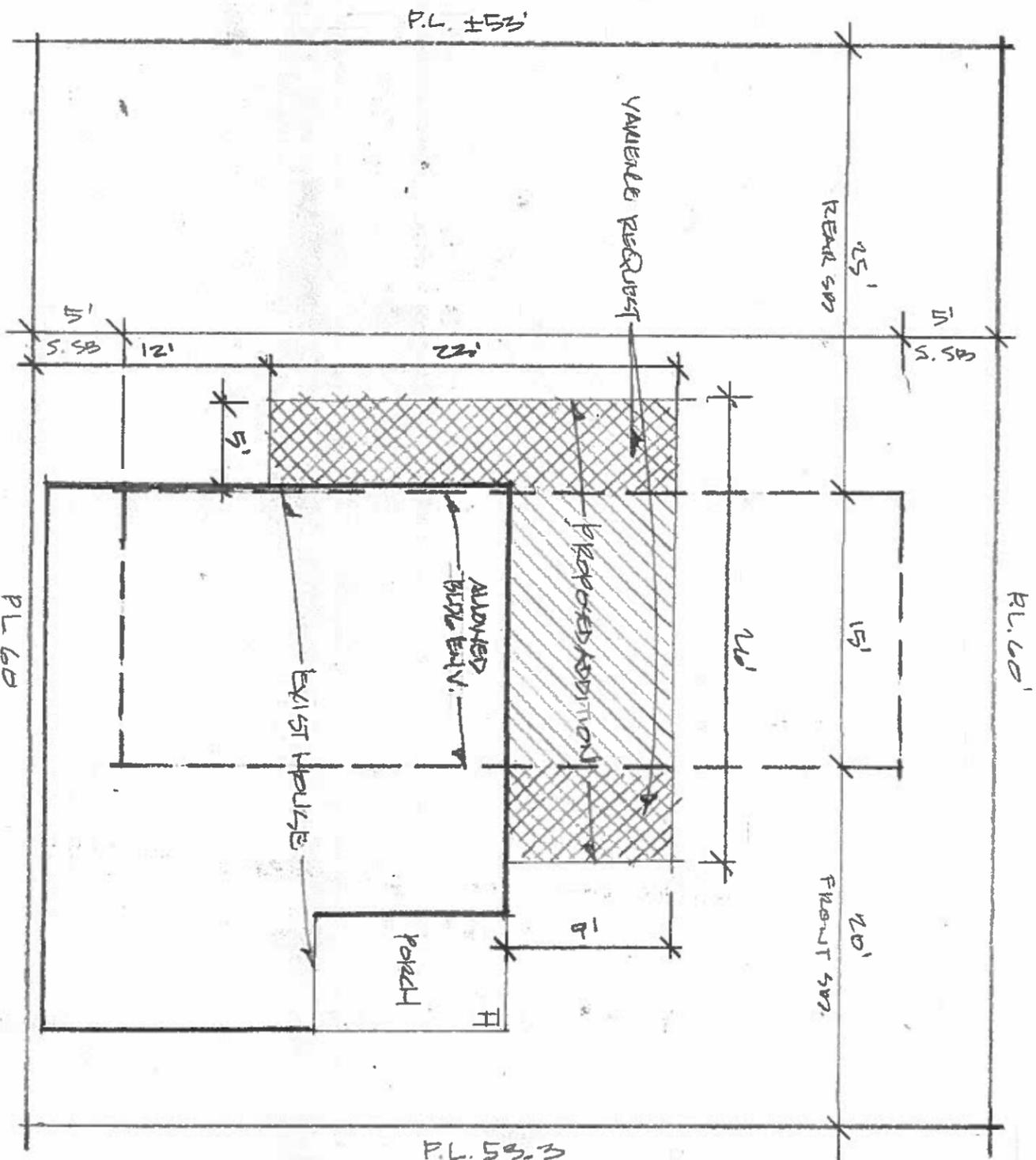
- 5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.***

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%.

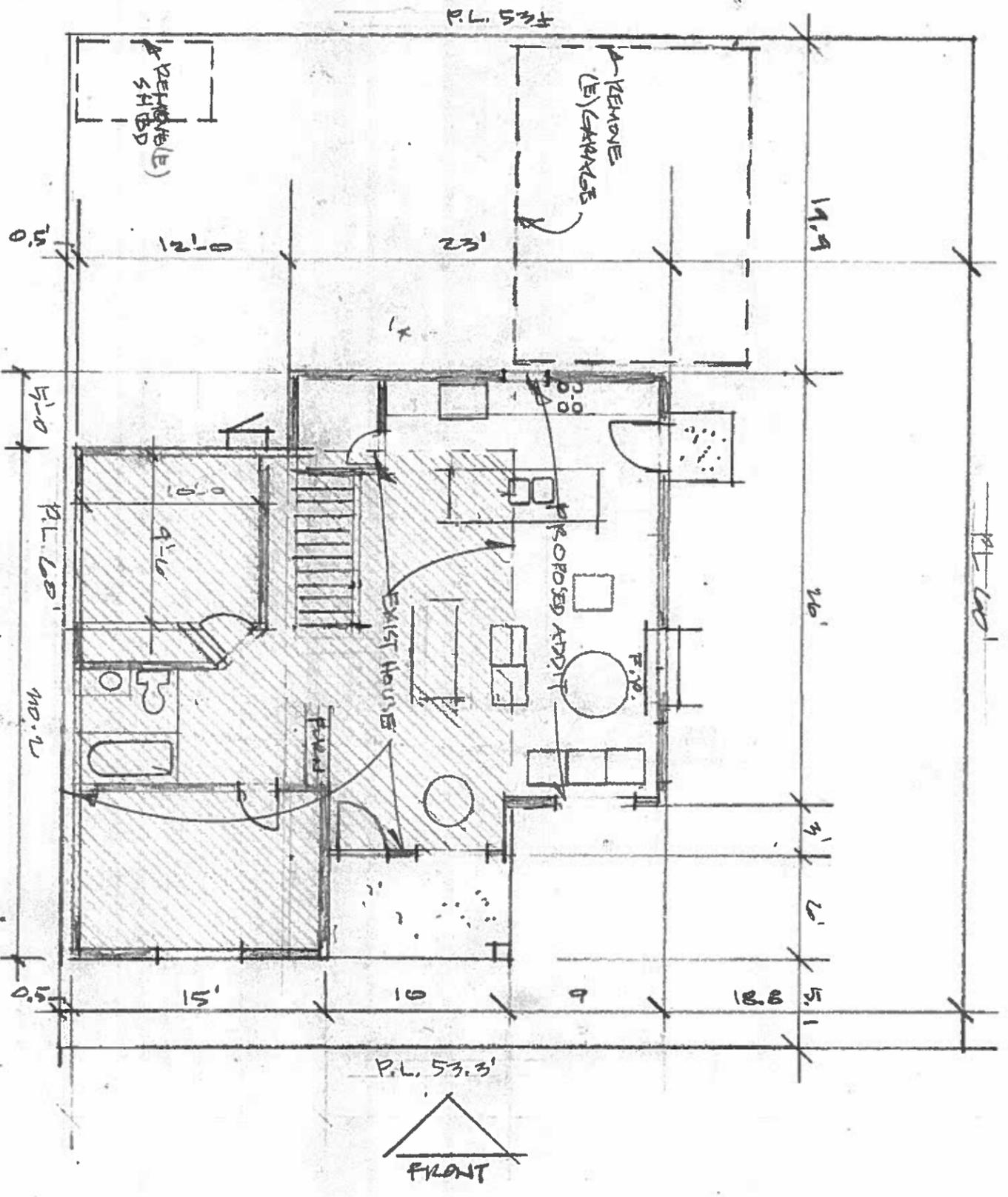


FRONT
CALEDONIA

SITE PLAN
1/8" = 1' = 0

| | |
|------------------|--------|
| LOT AREA | 3198.5 |
| EXIST HOUSE | 722 |
| EXIST. PORCH | .66 |
| (E) COVERAGE | 788 |
| COV. ALLOW (40%) | 1279 |
| PROPOSED ADDIT. | |
| 1st FL | 204 |
| 2nd FL | 640 |
| PROPOSED COV. | 1092 |
| TOTAL FL AREA | 1666 |
| F.A. RATIO (.5) | 1599 |
| REQUEST | |
| F.A.P. VARIABLE | 67 |

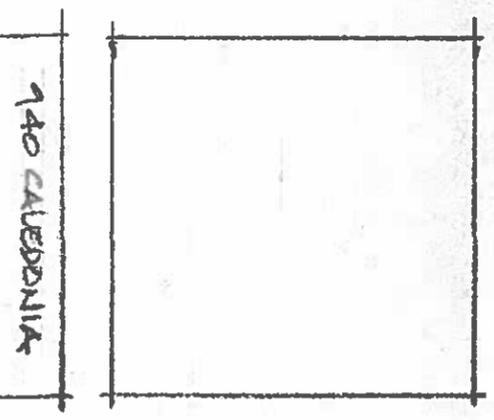
740 CALEDONIA

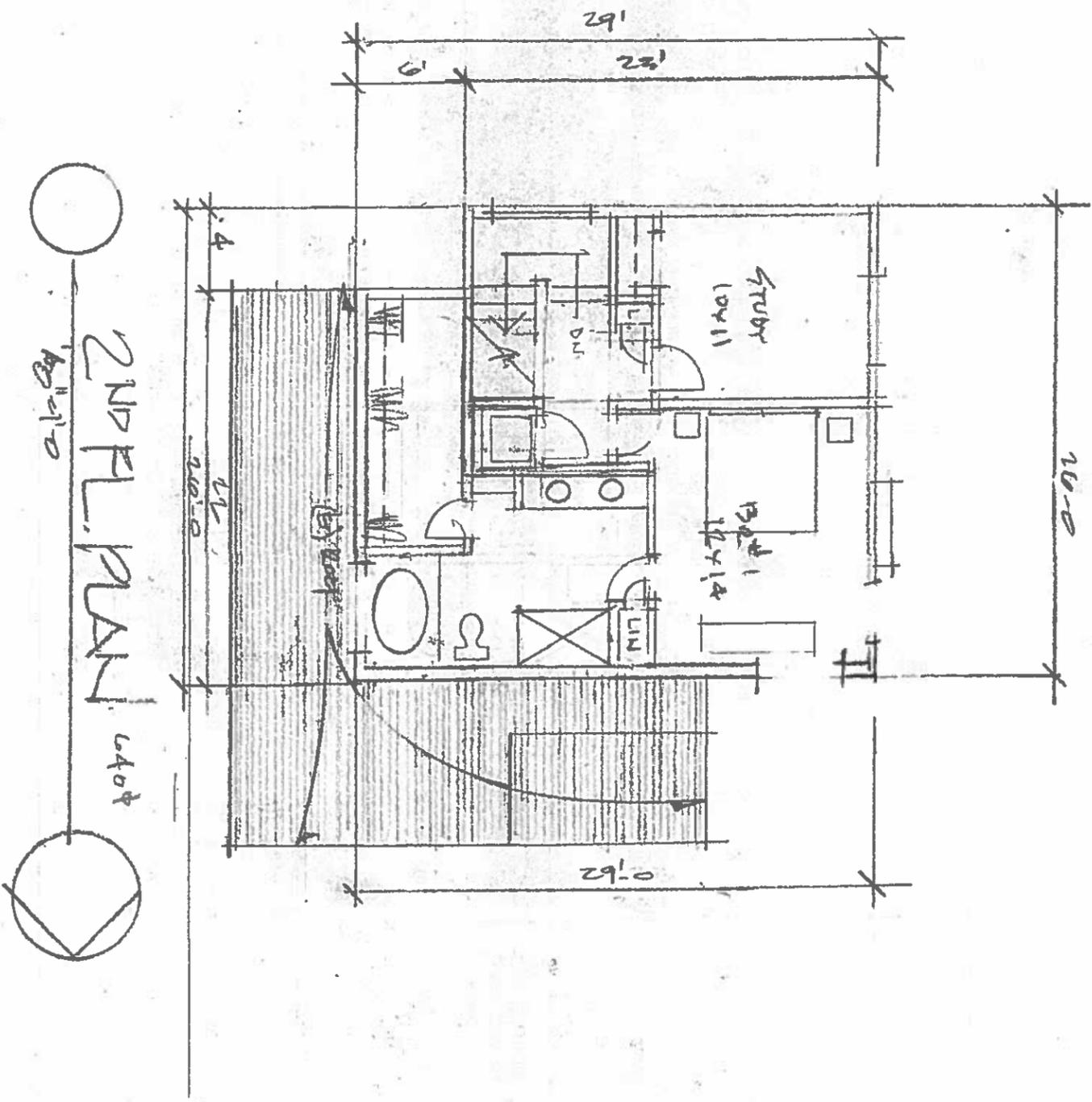


SITE / 1ST FL PLAN

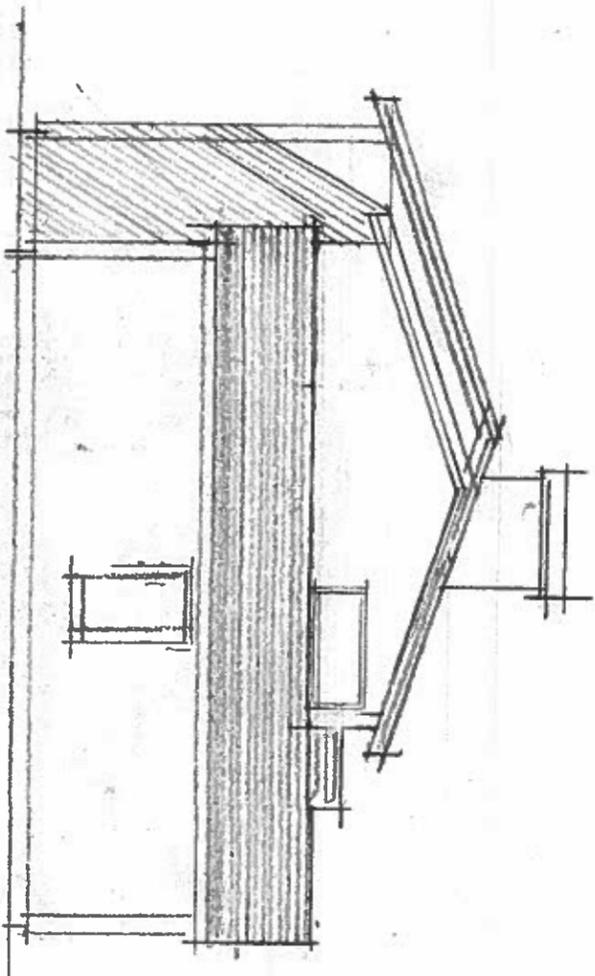
| | |
|------------------|----------------------------|
| LOT AREA | 2,198.8 sq ft |
| EXIST HOUSES | 722.8 sq ft |
| EXIST PORCH | 46 sq ft |
| (E) COVERED | 788 sq ft |
| CONVERSION (40%) | 1,279 sq ft |
| PROPOSED | |
| 1ST FL | 304 sq ft |
| 2ND FL | 640 sq ft |
| PROPOS. CONV. | 1,092 sq ft |
| TOTAL FL AREA | 1,680 sq ft (N/INCL PORCH) |
| FA VATIO .5 = | 1599 sq ft |
| REQUIRET FAR | 1599 sq ft |
| VALUENCE FAR | 674 sq ft (4%) |

EXISTING 722.8
PROPOSED 304

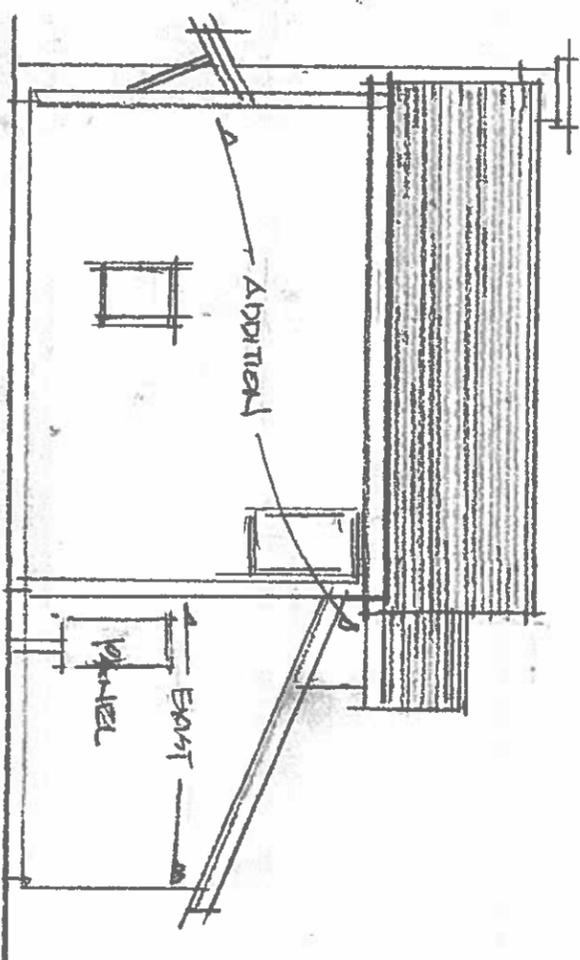




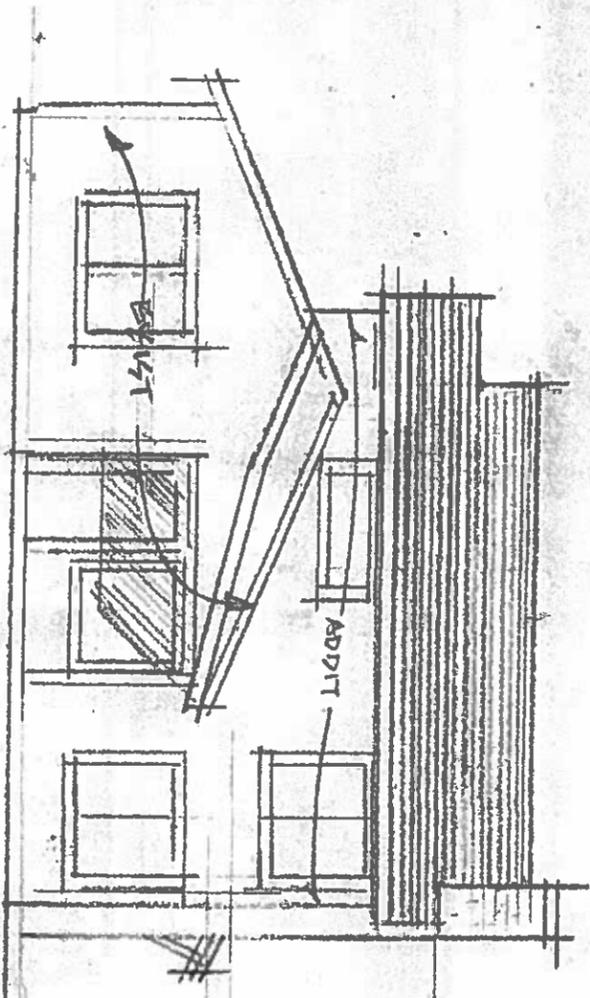
740 CALIFORNIA



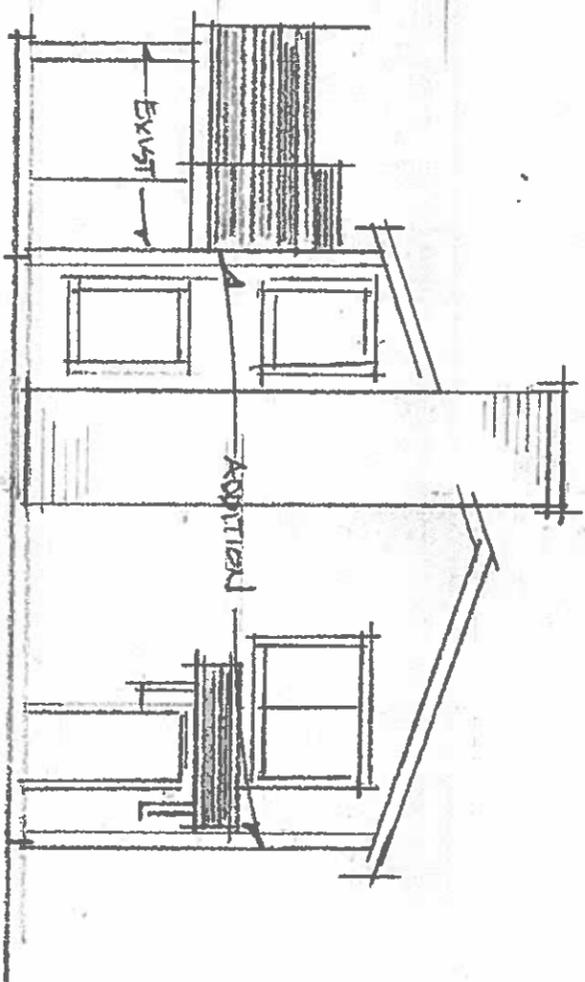
○ LEFT SIDE (ALBY)
1/8" = 1'-0"



○ REAR
1/8" = 1'-0"



○ FRONT ELEV. (CASSIDIA)
1/8" = 1'-0"



○ RIGHT SIDE
1/8" = 1'-0"

↑ TO CASSIDIA

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
September 21, 2016

APPLICANT: Greg Godec, 749 Wildrose Way

OWNER: Same

STAFF PLANNER: Scott Robinson, Planner II

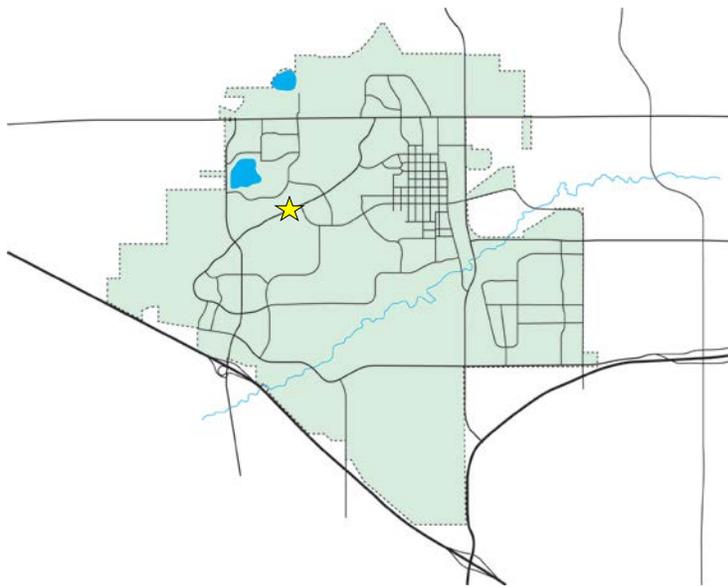
LOCATION: 749 Wildrose Way, Lot 1, Centennial 4 Subdivision

ZONING: Residential Estate (RE)

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

SUMMARY OF PROPOSAL:

The applicant, Greg Godec, requests an after-the-fact variance from the rear accessory structure setback requirement to allow for the permitting of a previously constructed pergola in the back yard at 749 Wildrose Way. The pergola posts sit 2.5 feet from the rear lot line and the rafters extend to within one foot of the rear lot line. The required rear accessory setback per section 17.16.030 of the LMC is 10 feet. This application was continued from the August 17 Board of Adjustment meeting at the applicant’s request.



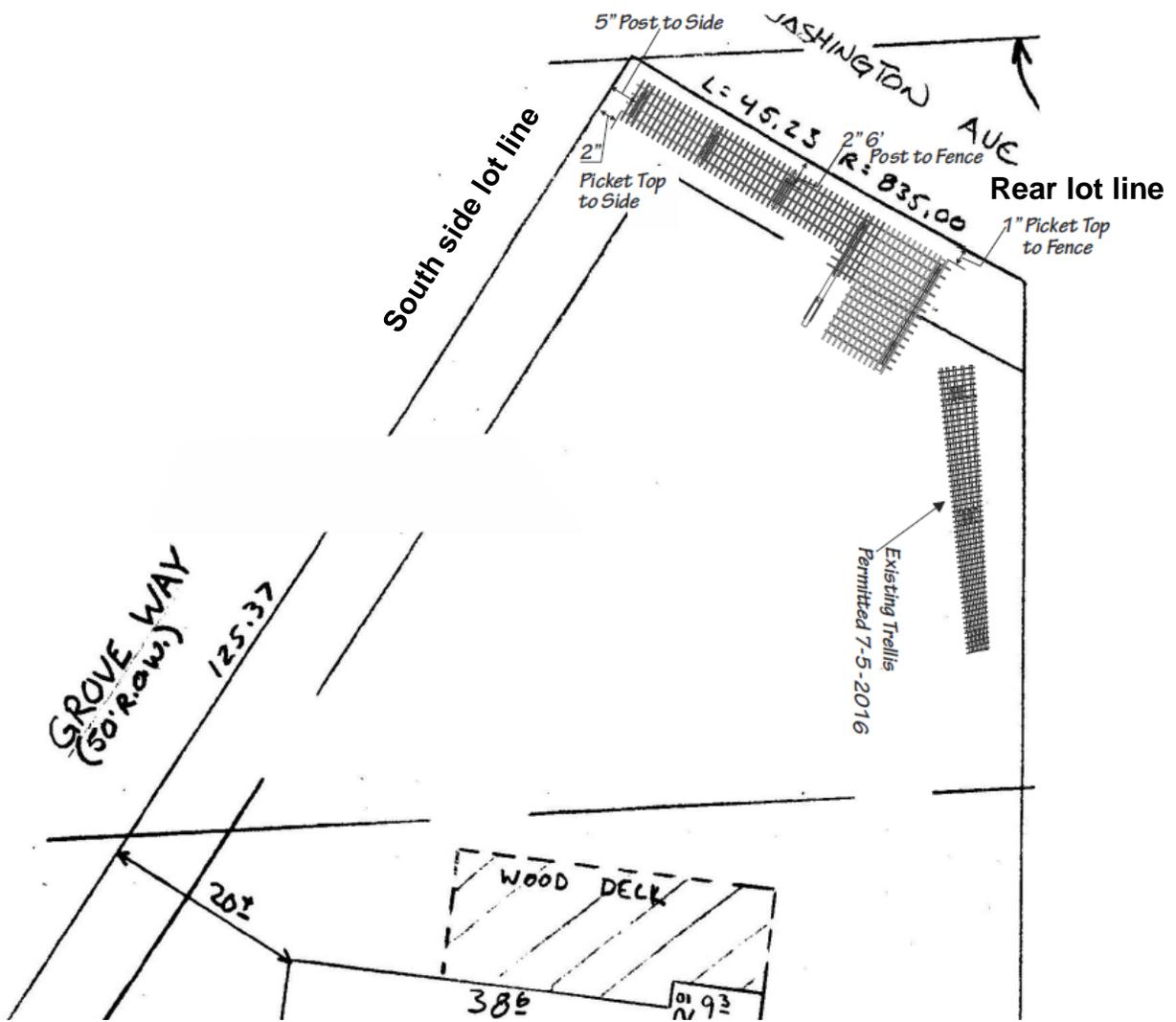


BACKGROUND:

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

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

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



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



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

REVIEW CRITERIA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS:

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

STAFF COMMENTS AND BOARD ACTION:

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

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

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

ATTACHMENT

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

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: _____
 Contact: _____
 Address: _____

 Mailing Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

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)

OWNER INFORMATION

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

PROJECT INFORMATION

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

Current zoning: _____ Proposed zoning: _____

REPRESENTATIVE INFORMATION

Firm: _____
 Contact: _____
 Address: _____

 Mailing Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

SIGNATURES & DATE

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

PROPERTY INFORMATION

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

CITY STAFF USE ONLY

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

TO: Louisville Board of Adjustments

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

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

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

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

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

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

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

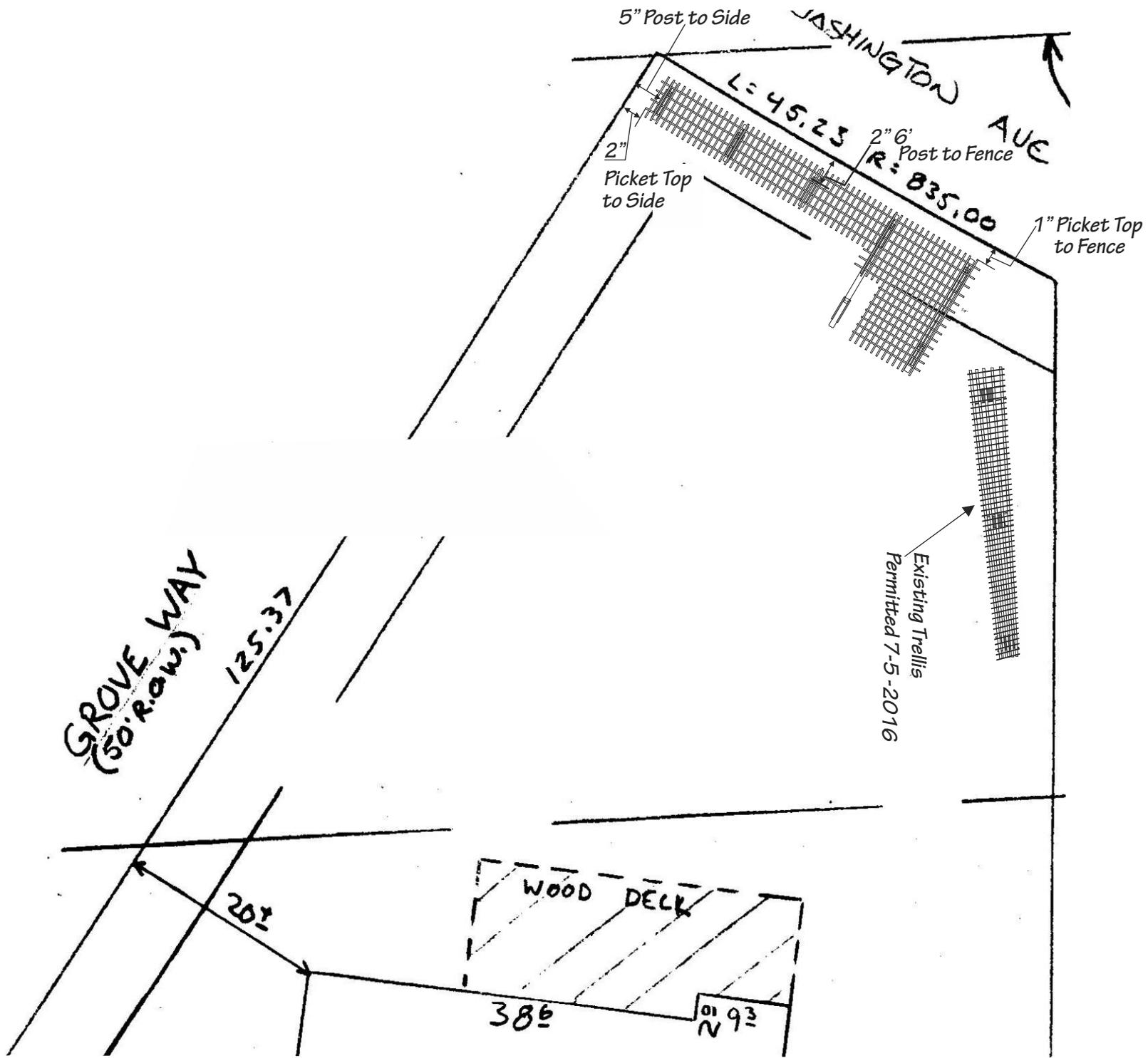
4. That such unnecessary hardship has not been created by the applicant.
This situation was not created by the applicant.

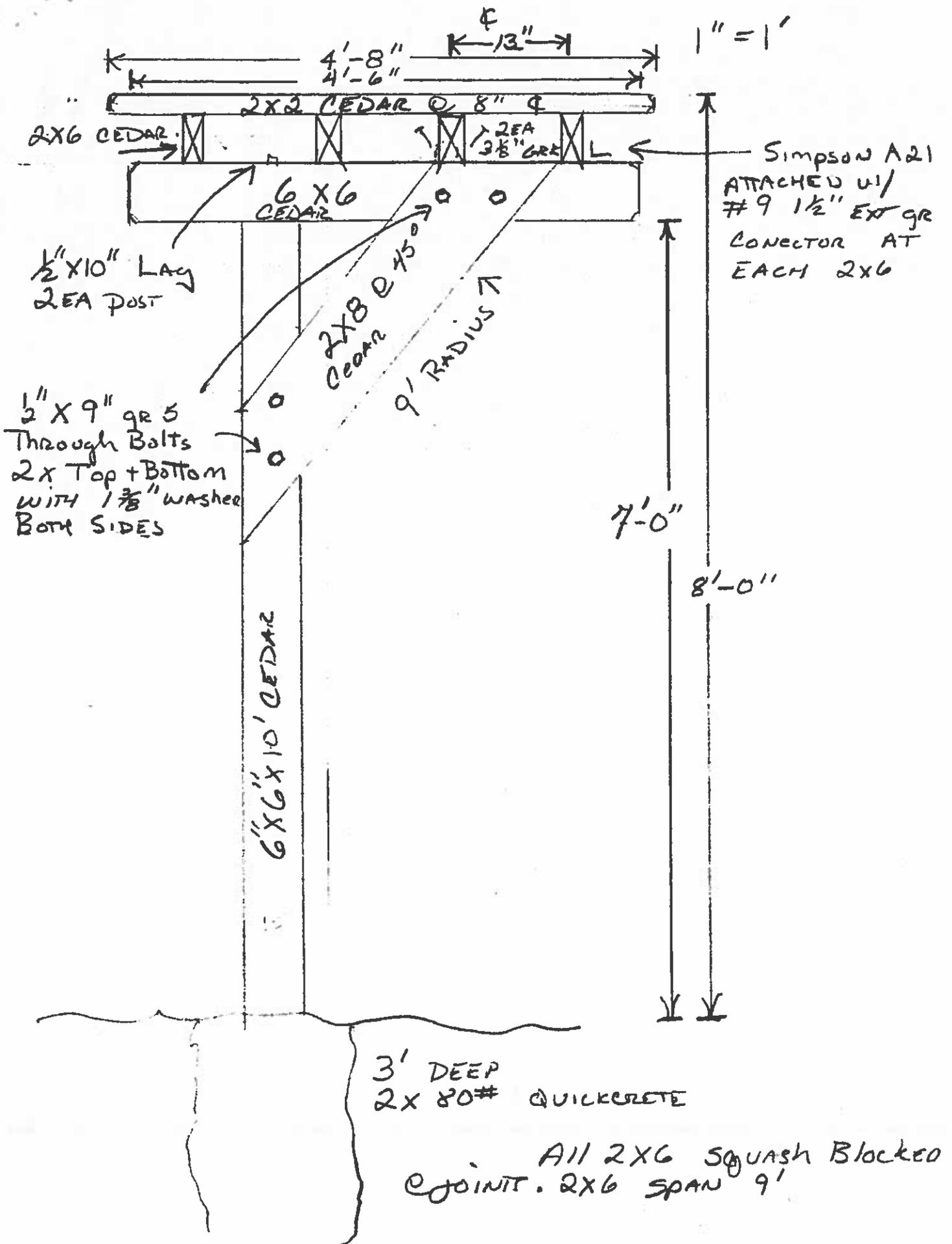
5. That the variance, if granted, will not alter the essential character of the neighborhood or district the in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

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

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

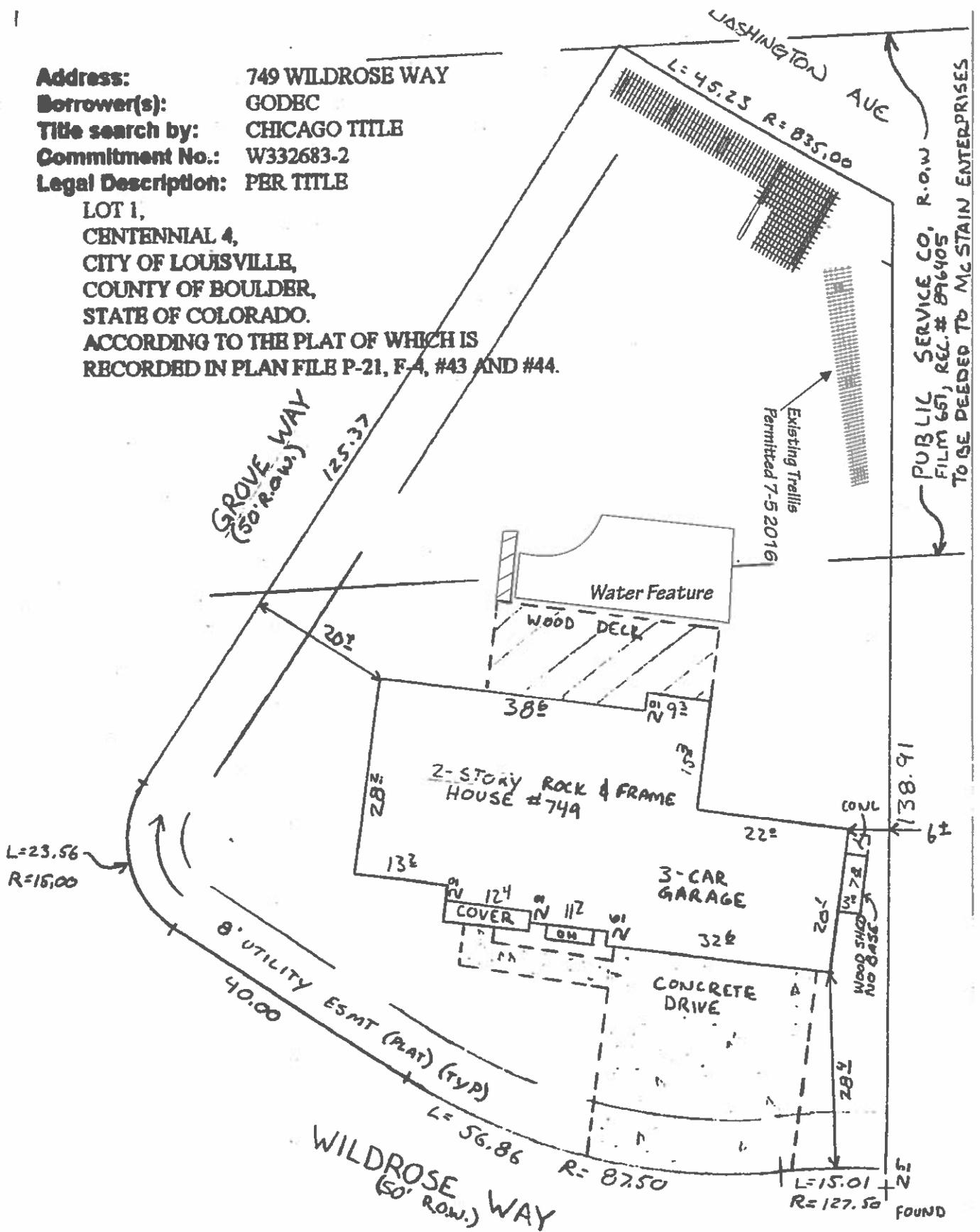
The requested variance is if granted is the minimum that will allow relief from the hardship and to allow a seamless visual transition along the property line.

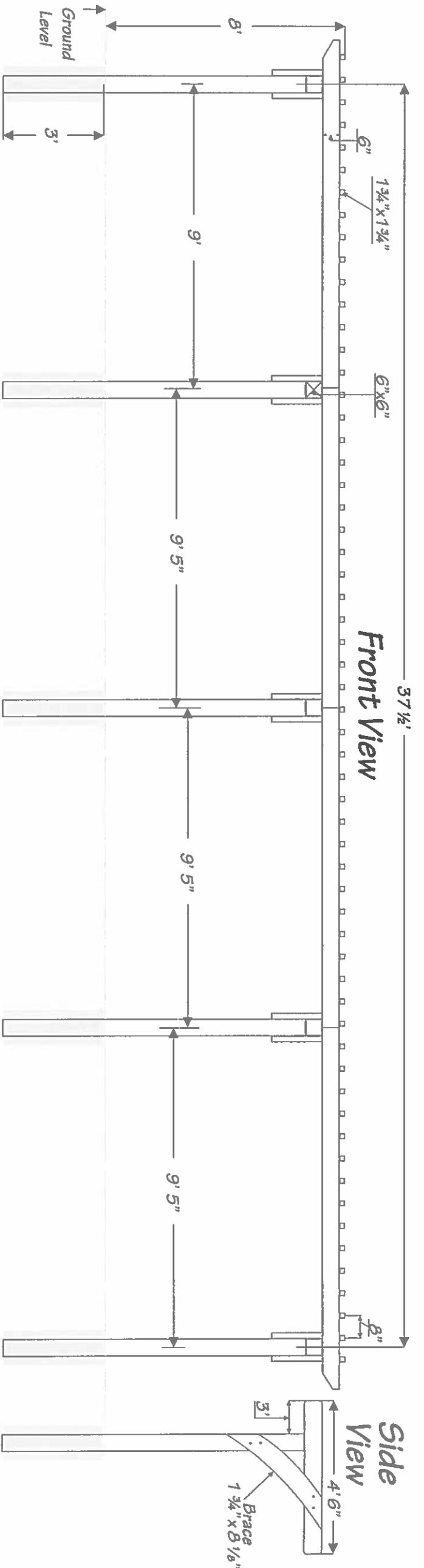




Address: 749 WILDROSE WAY
Borrower(s): GODEC
Title search by: CHICAGO TITLE
Commitment No.: W332683-2
Legal Description: PER TITLE

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





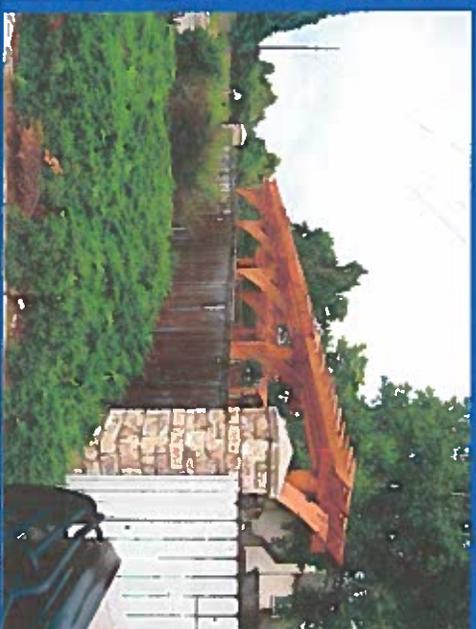
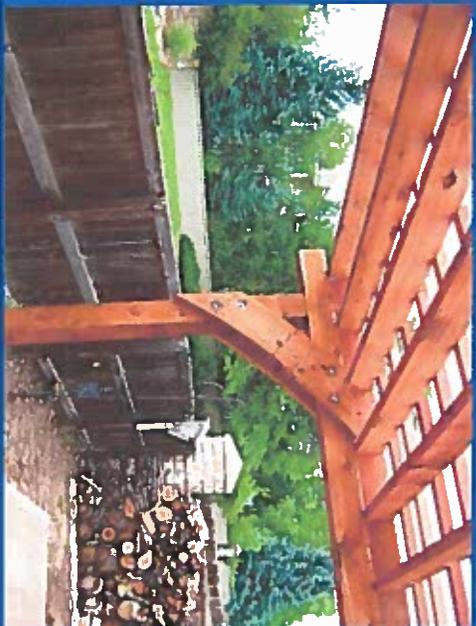
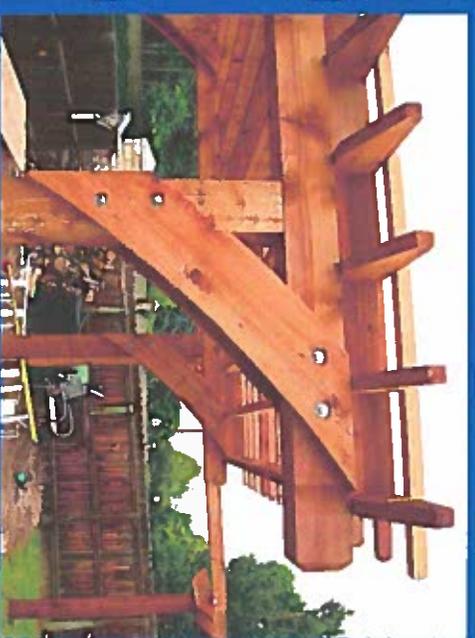
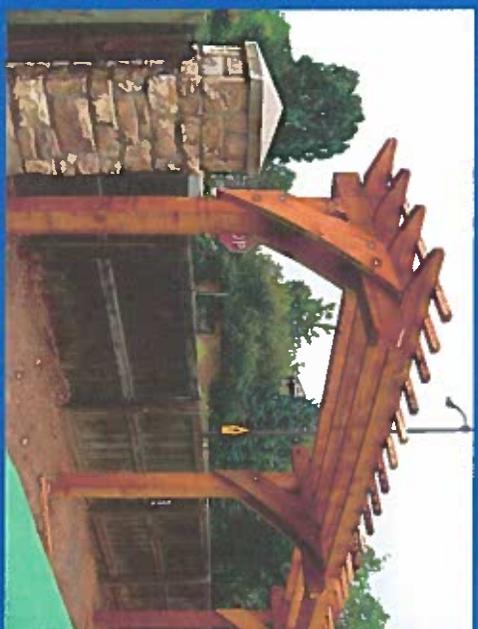
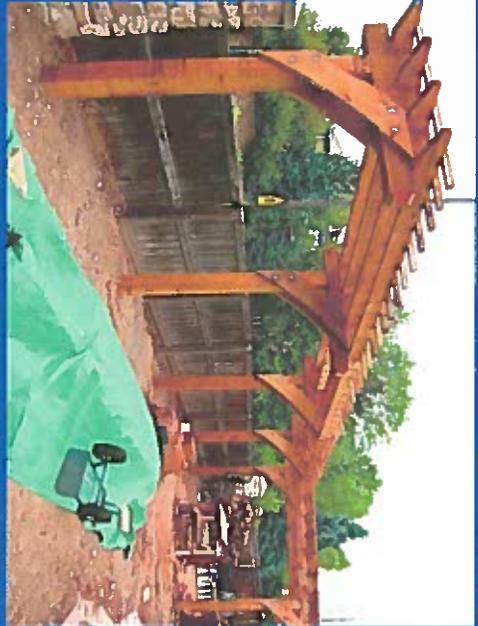
Front View

Side View

Top View

Fence and Pergola Project Information
 749 Wildrose Way
 June 2016

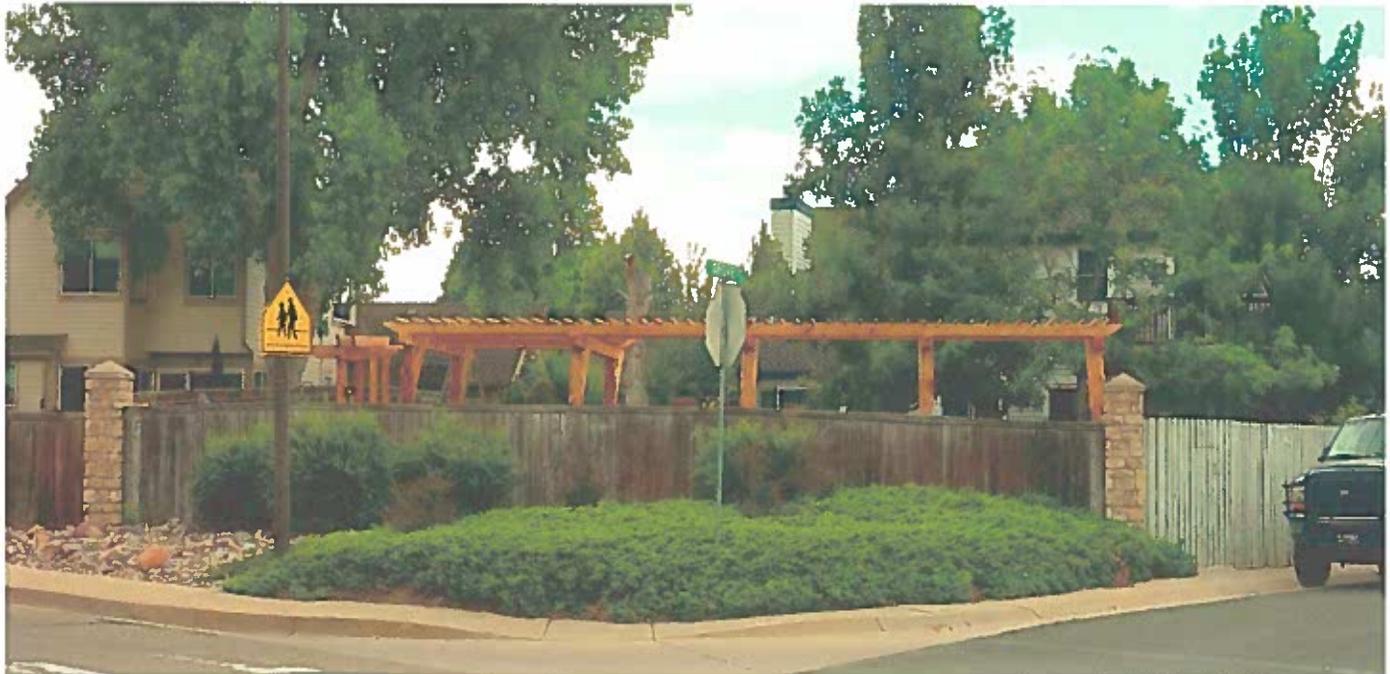
Fence and Pergola Pictures



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



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



Scott Robinson

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

Here is another one.

Thx
gg

Begin forwarded message:

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

Hello Greg,

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

Charry-Doerr

Richard Doerr and Myriam

12 September 2016

Scott Robinson

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

And another one. :)

Begin forwarded message:

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

Dear Greg,

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

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

We wish you success dealing with the City.

Sincerely,

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

Sent from my iPad

Scott Robinson

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

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

Thanks

--

Steve McGrath
738 Wildrose Way
Louisville CO 80027

Scott Robinson

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

Hello,

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

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

Please allow Greg Godec his variance.

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

Scott Robinson

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

Mr. Scott Robinson,

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

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

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

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

Jim Taggart

1168 Grove Ct.

Louisville, CO 80027

303-673-9756

Scott Robinson

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

FYI

Begin forwarded message:

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

Greg,

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

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

Thank you to the city for their consideration.

Warm regards,

Katie and Mark Wilcox
729 Wildrose Way
Louisville Co

[Sent from Yahoo Mail for iPad](#)

Scott Robinson

From: Renee Schiffhauer <renees@insuranceaai.com>
Sent: Wednesday, September 14, 2016 3:37 PM
To: Scott Robinson
Subject: Variance 749 Wildrose Way

Dear Scott and other Members of the Board of Adjustment:

This email is to express my support for the requested variance and proposed trellis and pergola at 749 Wildrose Way in Louisville. The requested structure looks nice and provides valuable shade which was lost when trees were required to be removed under the electric wires in the backyard. The structure does not in any way negatively affect the traffic on Washington or impede any views.

Thank you,

Renee and Peter Schiffhauer

639 W Pine Street

Louisville, CO 80027

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
September 21, 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.

September 21, 2016 update:

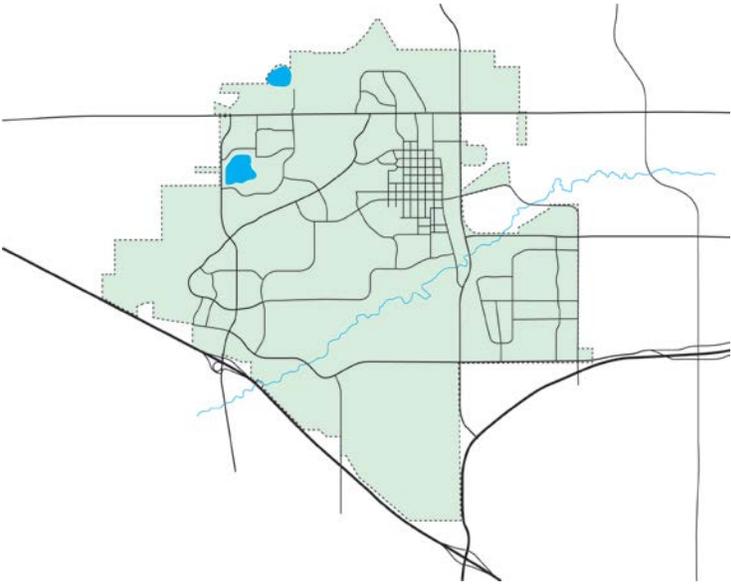
At the June 15, 2016 Board of Adjustment meeting, the Board did not approve the applicant's request for a variance from the lot coverage limits of the Louisville Municipal Code. Staff now requests the Board approve a resolution of denial, formalizing the Board's findings and laying out the reasons for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

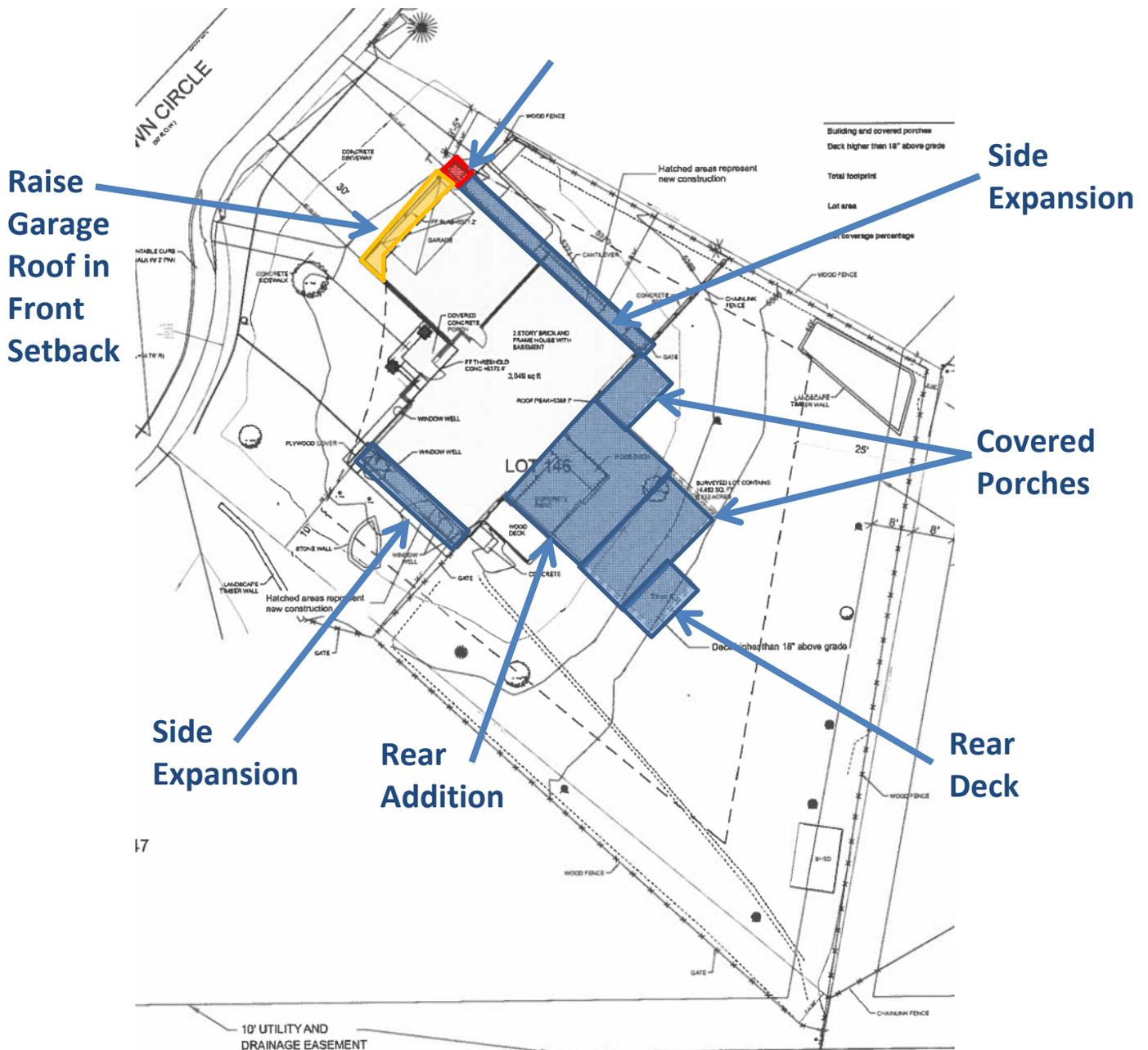


The applicant requests front and side setback and lot coverage variances to allow for additional development of his property located at 2252 Crown Circle in the Louisville North 1 subdivision. There is no planned unit development for the subdivision, so it is governed by the Residential Estate zoning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

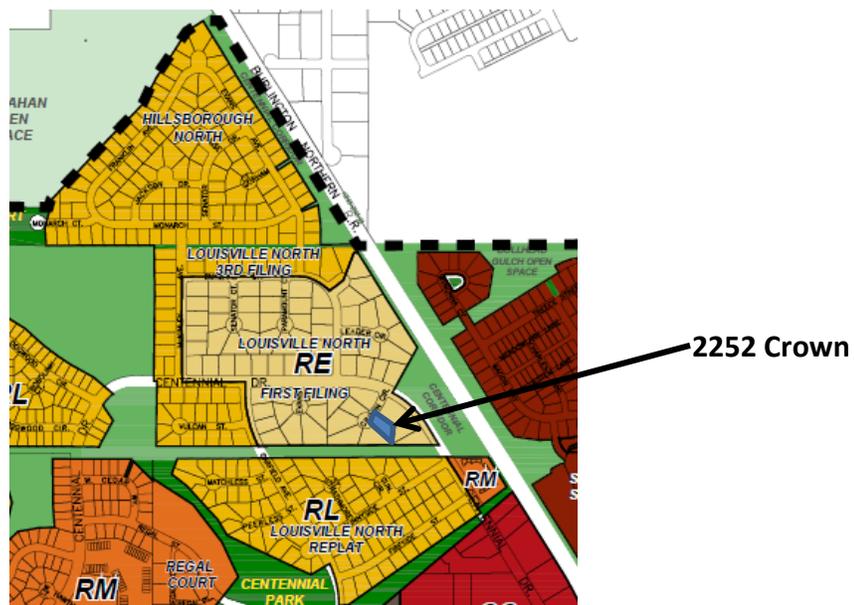
1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

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 applicant 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

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

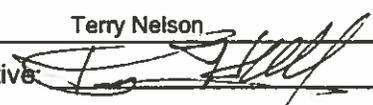
- Annexation
- Zoning
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Subdivision Plat
- Preliminary Planned Unit Development (PUD)
- Final PUD
- Amended PUD
- Administrative PUD Amendment
- Special Review Use (SRU)
- SRU Amendment
- SRU Administrative Review
- Temporary Use Permit: _____
- 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.

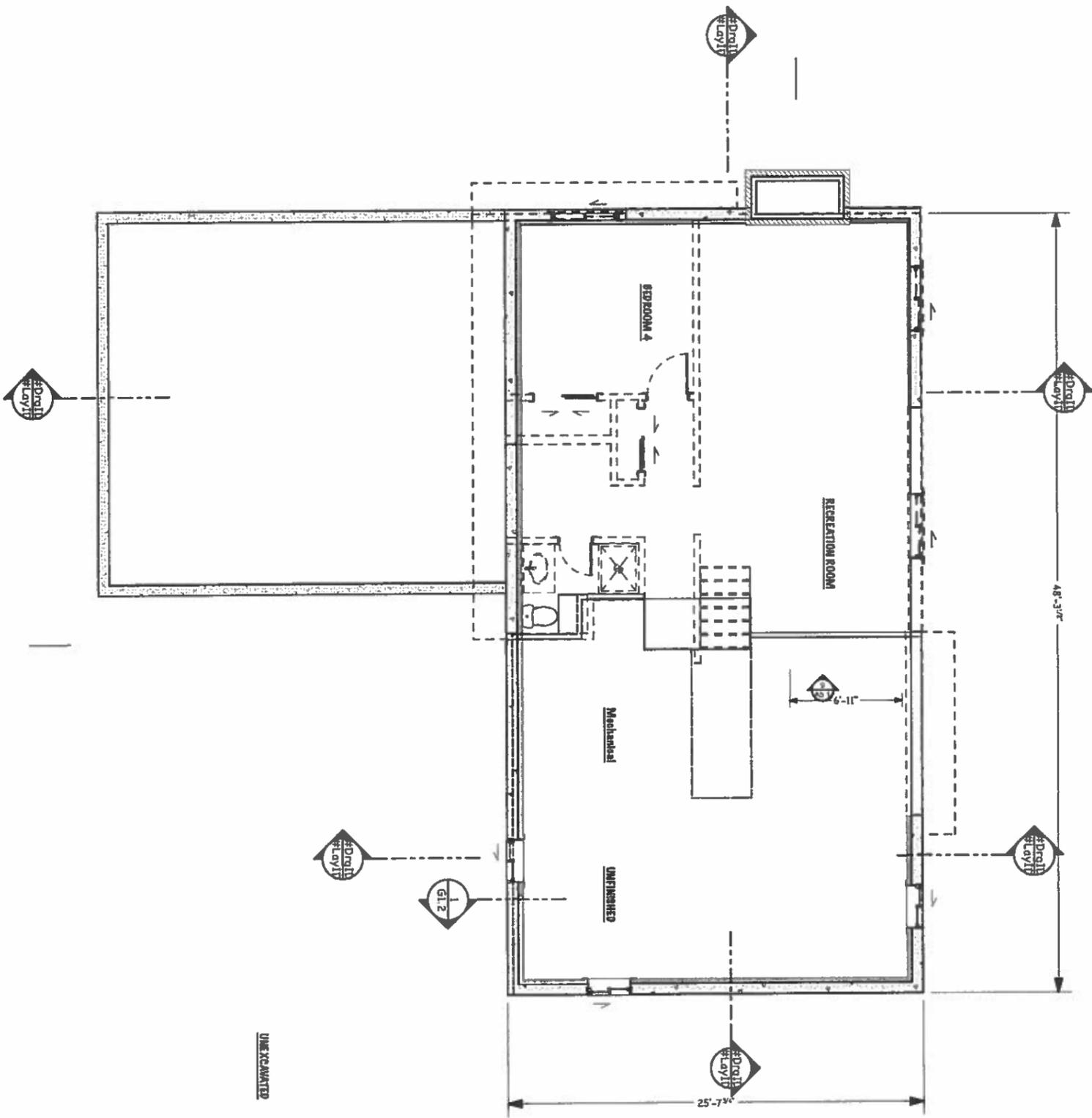


Patrick Hubbell, Summit Studio Architects, L.L.C.

5/20/2016

Date

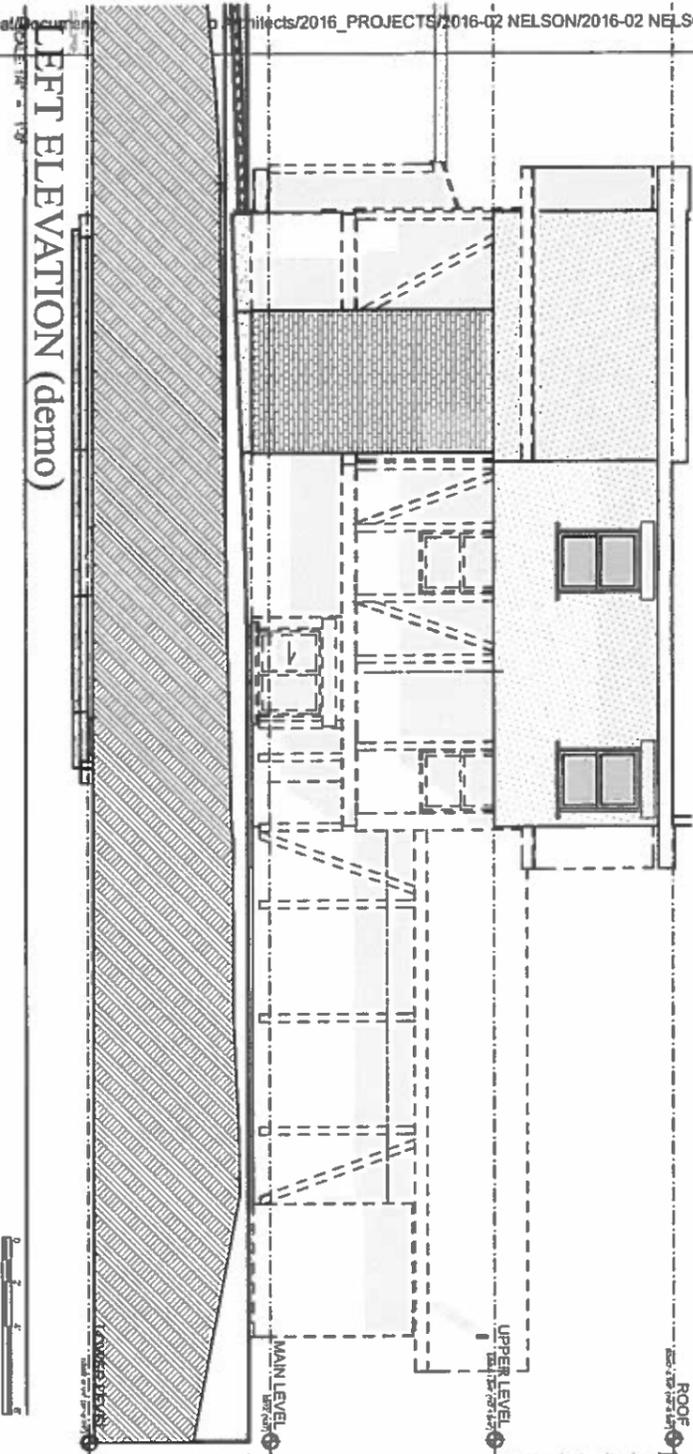
1 LOWER LEVEL DEMOLITION
SCALE 1/4" = 1'-0"



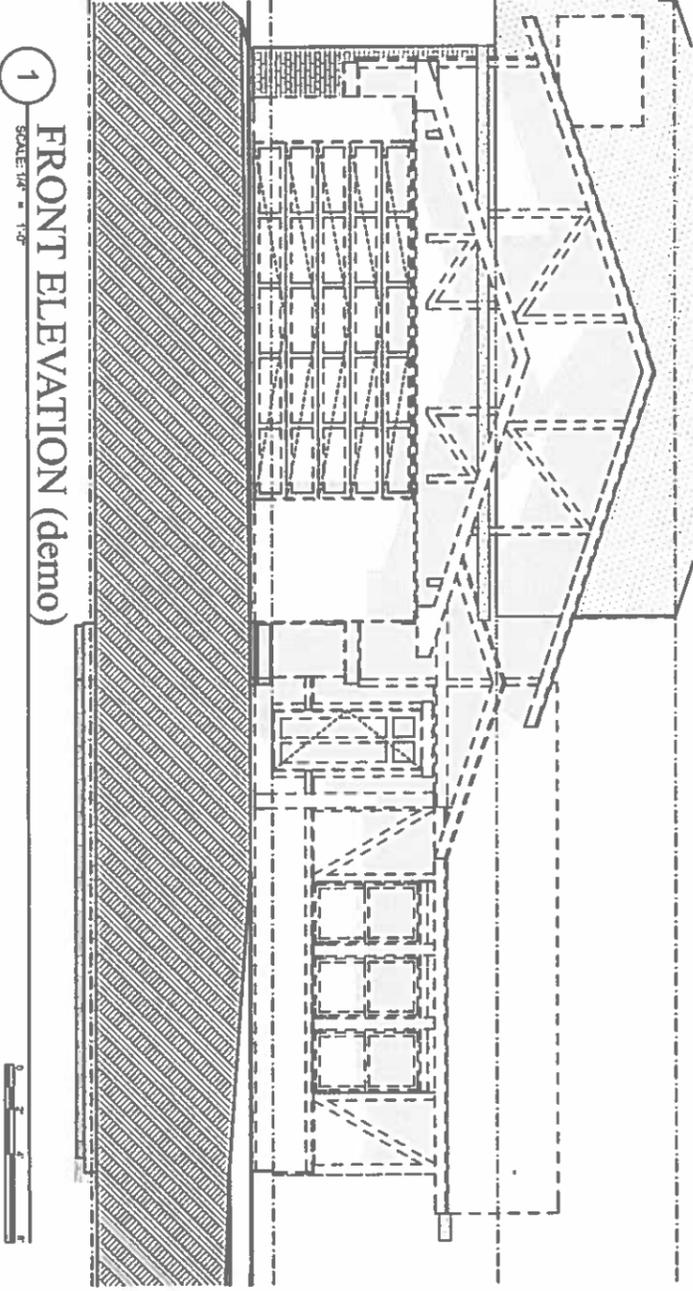
NOTES

- 04.00 MASONRY
4 in. nominal hollow clay masonry to be selected by owner. (Refer to drawings notes).
- 07.30 STEEP SLOPE ROOFING
Fiberglass reinforced asphalt composite single. 40 yr. minimum warranty.
- 07.40 ROOFING AND SIDING PANELS
Hard hat selected. Portland cement screed and trim, drainage mesh on two layers grade D paper (or equivalent to 60 mils grade D paper).
- 08.20 WINDOWS
Window manufacturer to be determined by bid. Windows to meet thermal efficiency and solar radiation control with selected aluminum transmission requirements per Green Points. Application of HERS rater specifications. Window & patio door manufacturer to be selected by owner. Bid process. Sizing and coordination with mechanical systems. Contractor shall coordinate rough opening sizes & other requirements w/ selected manufacturer. Install per manufacturer's recommendations. Verify & Coordinate window Egress Code requirements.
08.20.A Provide tempered glass at all locations required by code.
08.20.B Contact Architect prior to Ordering.
08.20.C G.C. shall coordinate materials & installation provided by various suppliers & subcontractors to ensure full compliance with code and energy code(s).
08.20.D See Window schedule for head heights of code(s).
08.20.E Provide drip flashing at Window heads.
- 08.90 PAINTING AND COATING
Acrylic top coat accent color to be selected by owner.

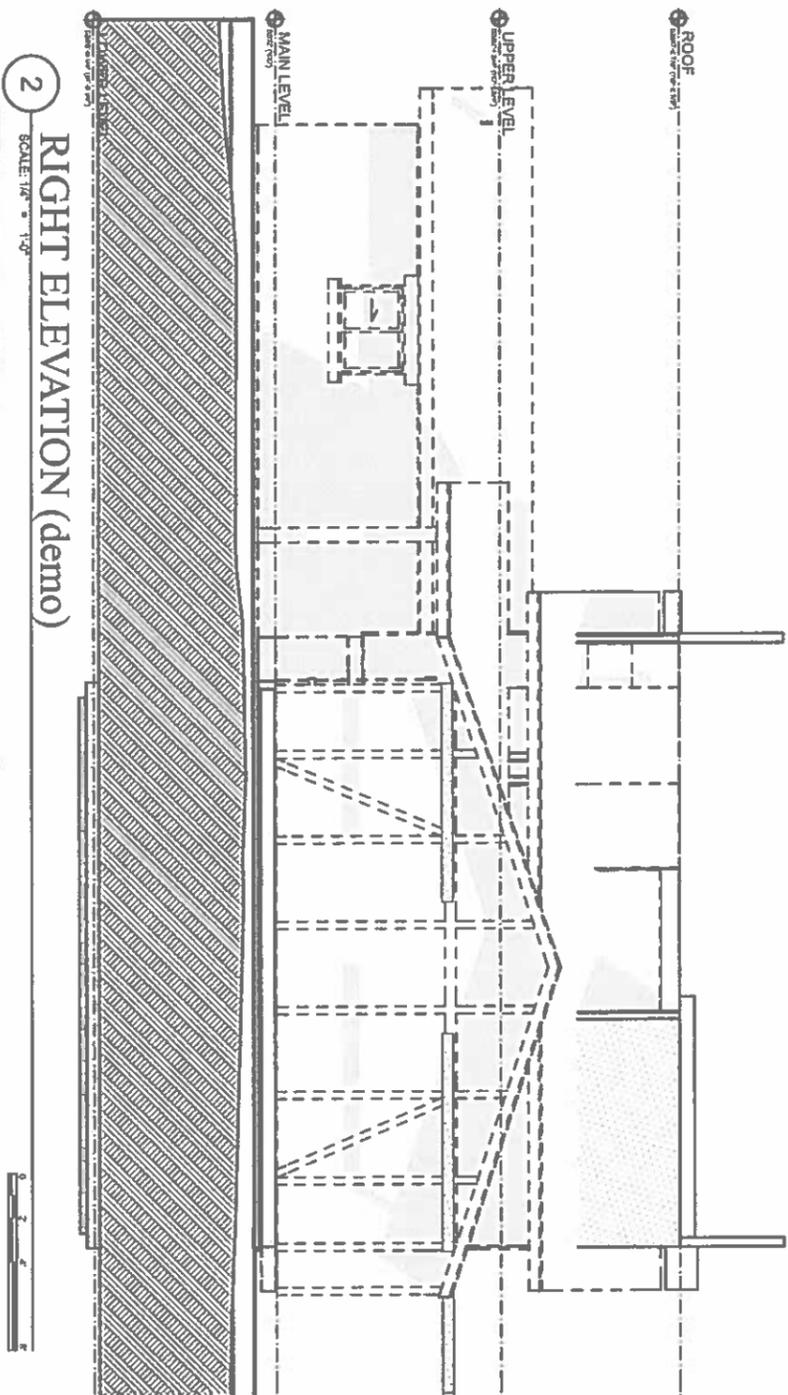
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DATE
BY



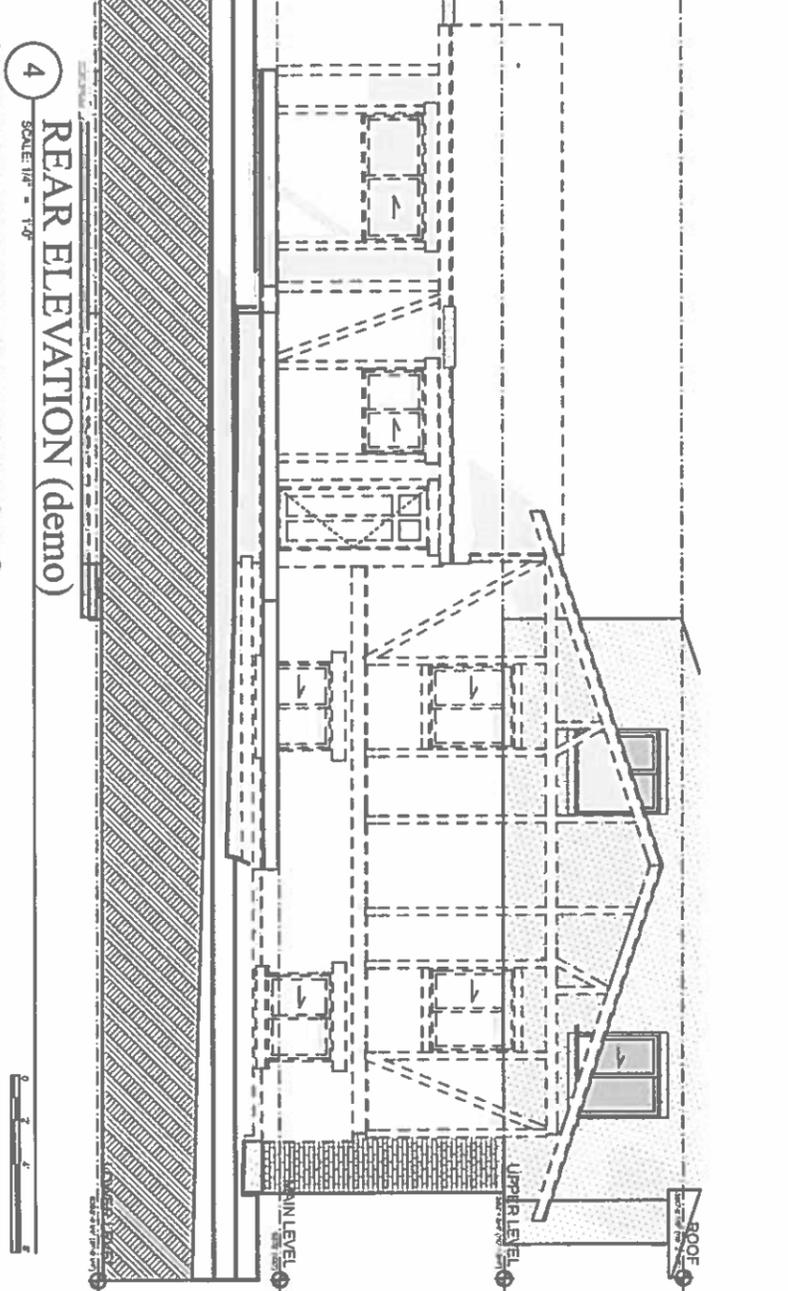
LEFT ELEVATION (demo)



FRONT ELEVATION (demo)



RIGHT ELEVATION (demo)



REAR ELEVATION (demo)

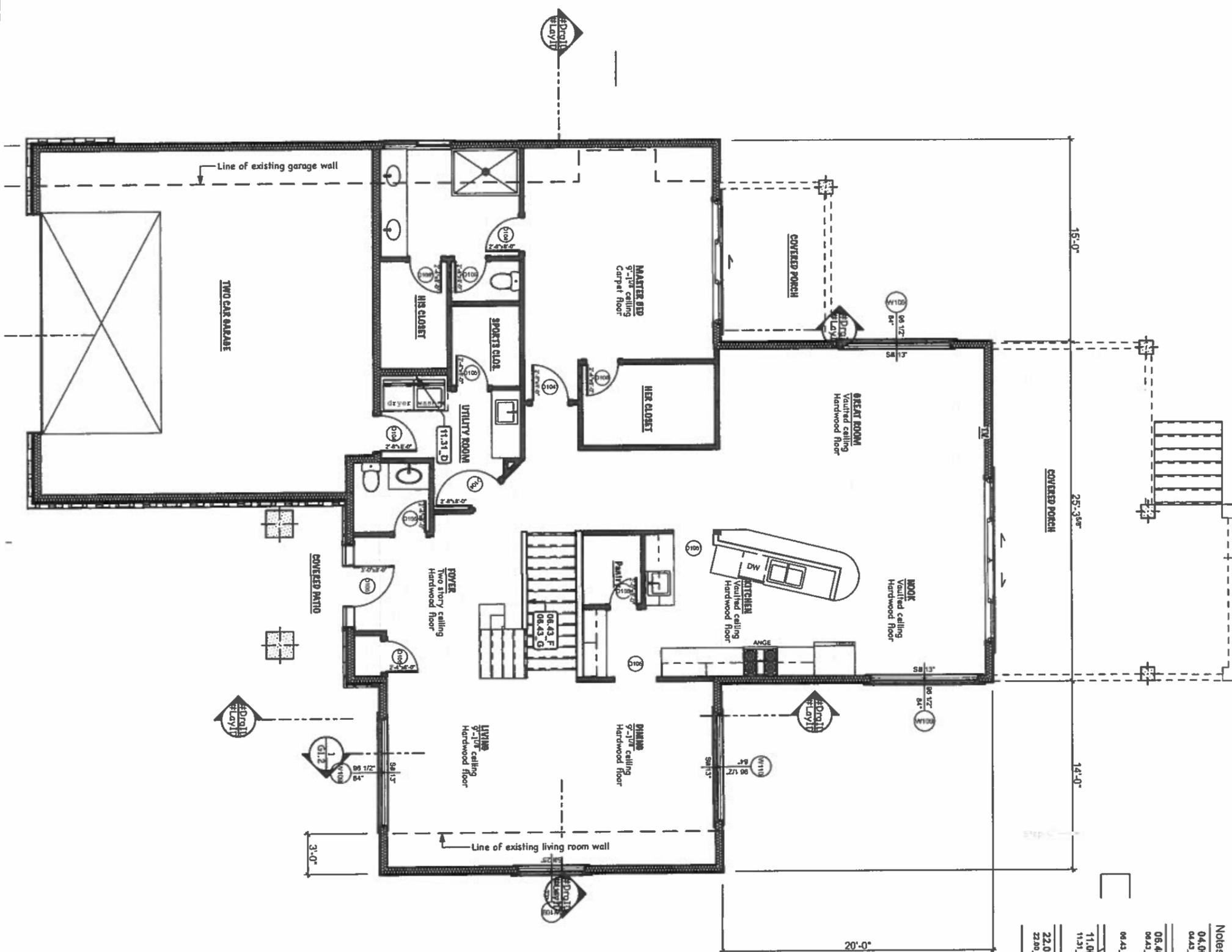
NOT FOR CONSTRUCTION

MARK DA

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MAIN LEVEL



- Notes**
- 04.00 MASONRY**
04.43 A 4 in. nominal natural stone veneer to be selected by owner. Install on drainage mat.
 - 06.40 ARCHITECTURAL WOODWORK**
06.43 F Handrail shape and size per code, 34 in. min. height - 36 in. max. height above nosing. Finish or rail spacing per code.
06.43 G Handrail shape and size per code, 34 in. min. height - 36 in. max. height.
 - 11.00 EQUIPMENT**
11.31 0 Provide DRYERBOX with 4 in. smooth galvanized vent to exterior with damper and screen.
 - 22.00 PLUMBING**
22.00 H Install hot and cold hot pot heat above at exterior and package locations as shown.

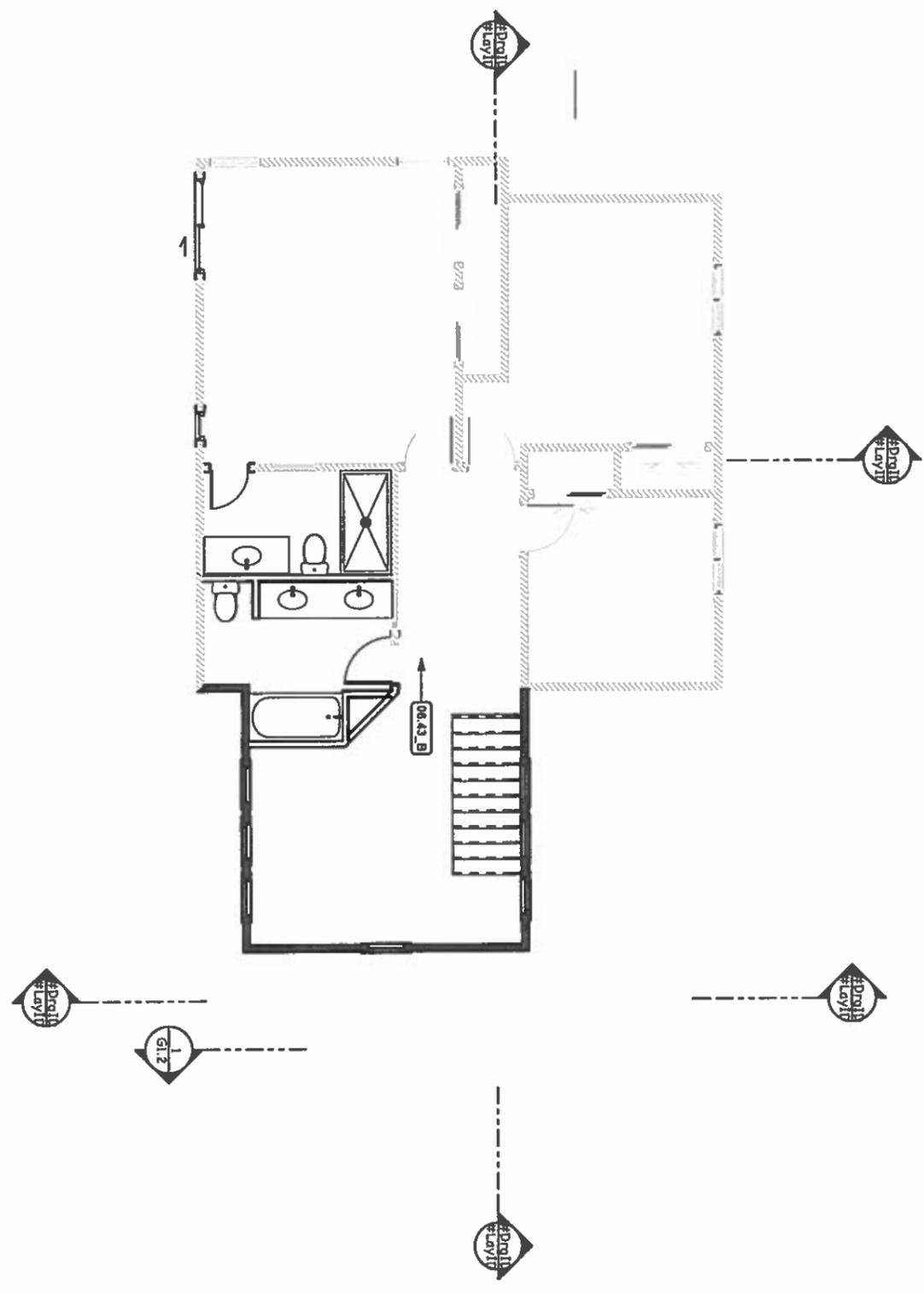
MARK DA
DATE
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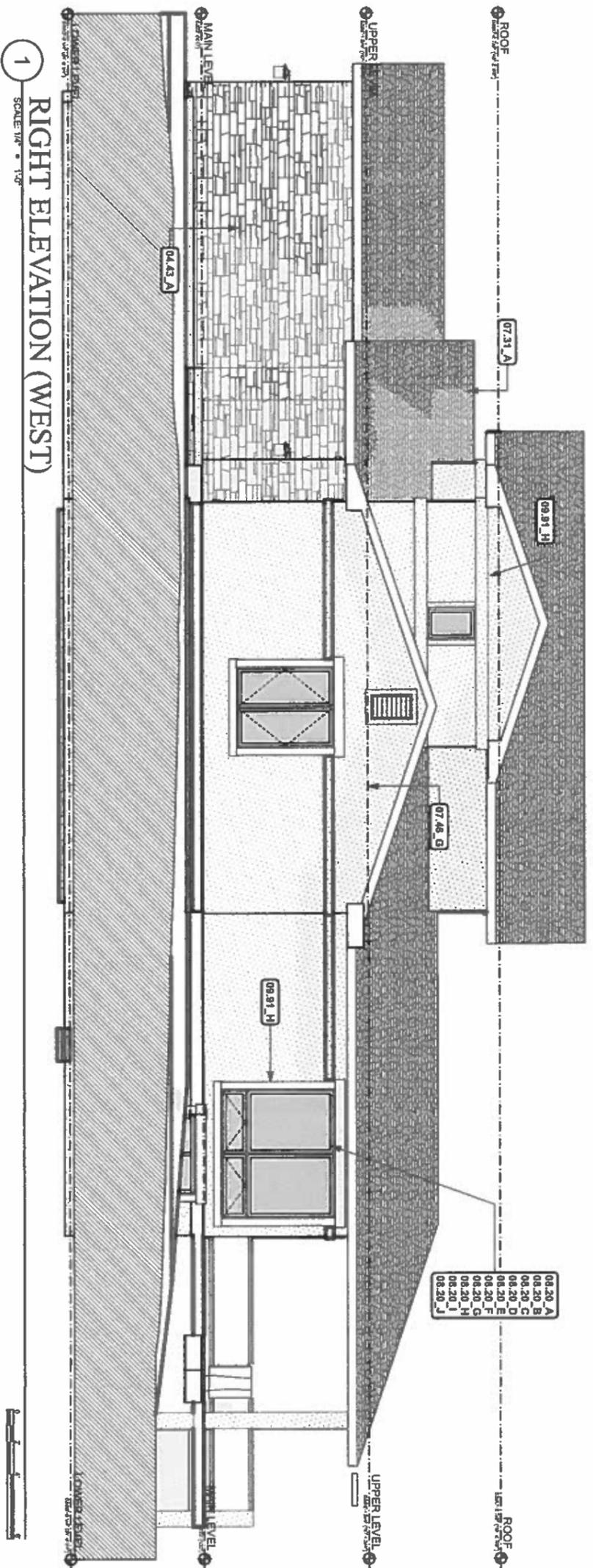
UPPER LEVEL



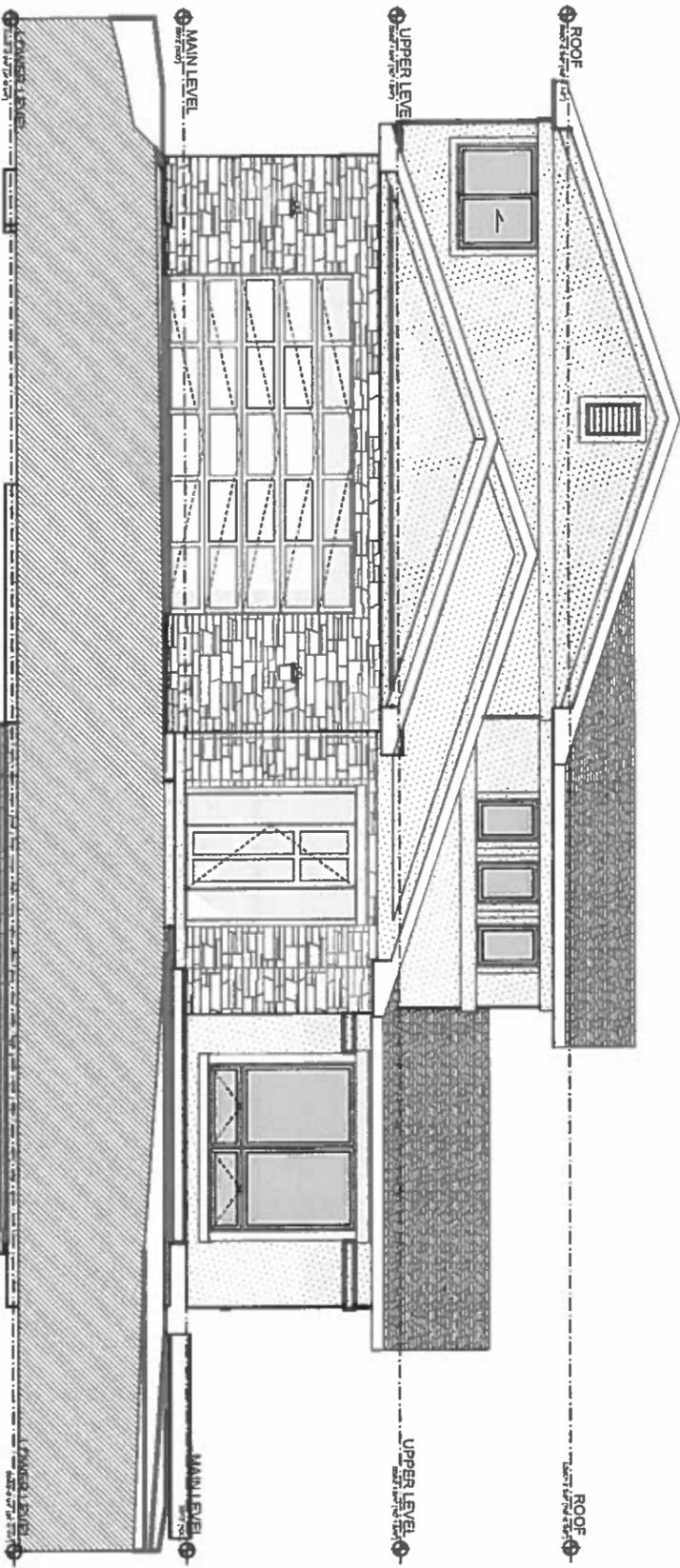
Notes
 06.40 ARCHITECTURAL WOODWORK
 06.43.B Provide 36 in. high quarters at all landings and door openings >18 in. above adjacent floor level or grade.

MARK DA
 11/18
 10/17
 UPI

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 These are
 preliminary
 drawings
 for
 information
 only. Any
 drawings
 created
 after
 this date
 shall be
 subject to
 the
 terms and
 conditions
 of the
 contract.



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

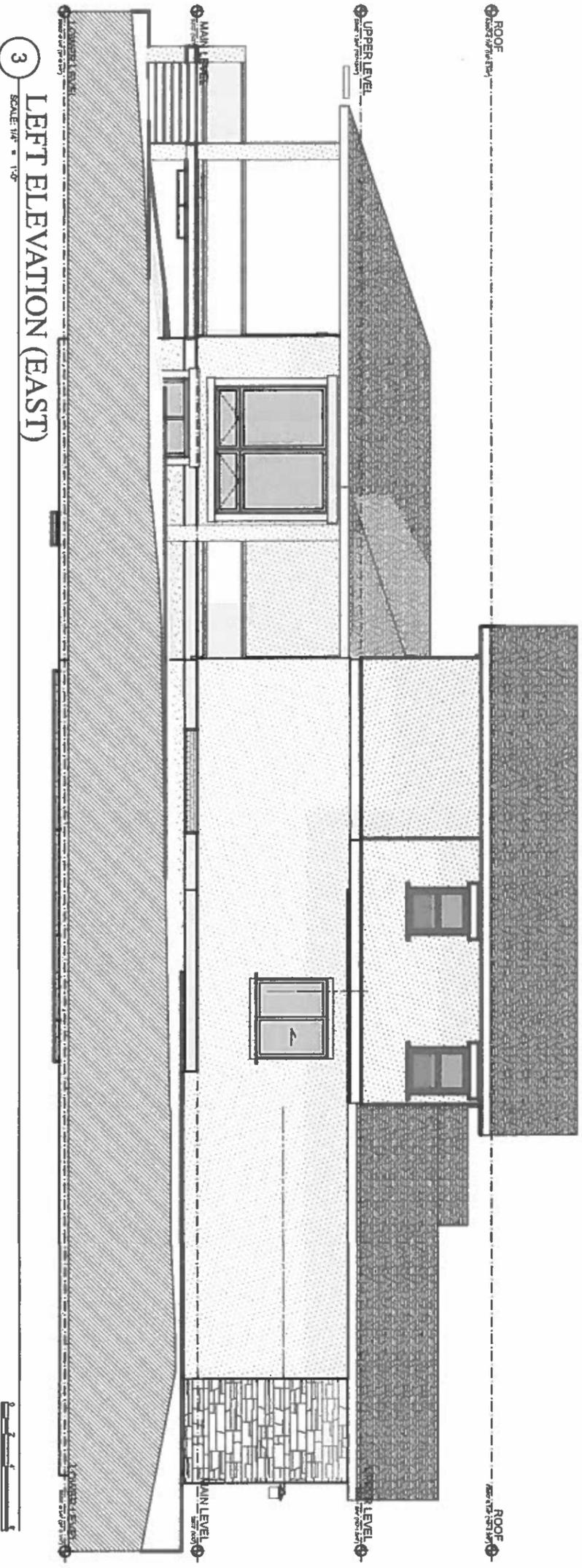


2 FRONT ELEVATION (NORTH)
SCALE: 1/4" = 1'-0"

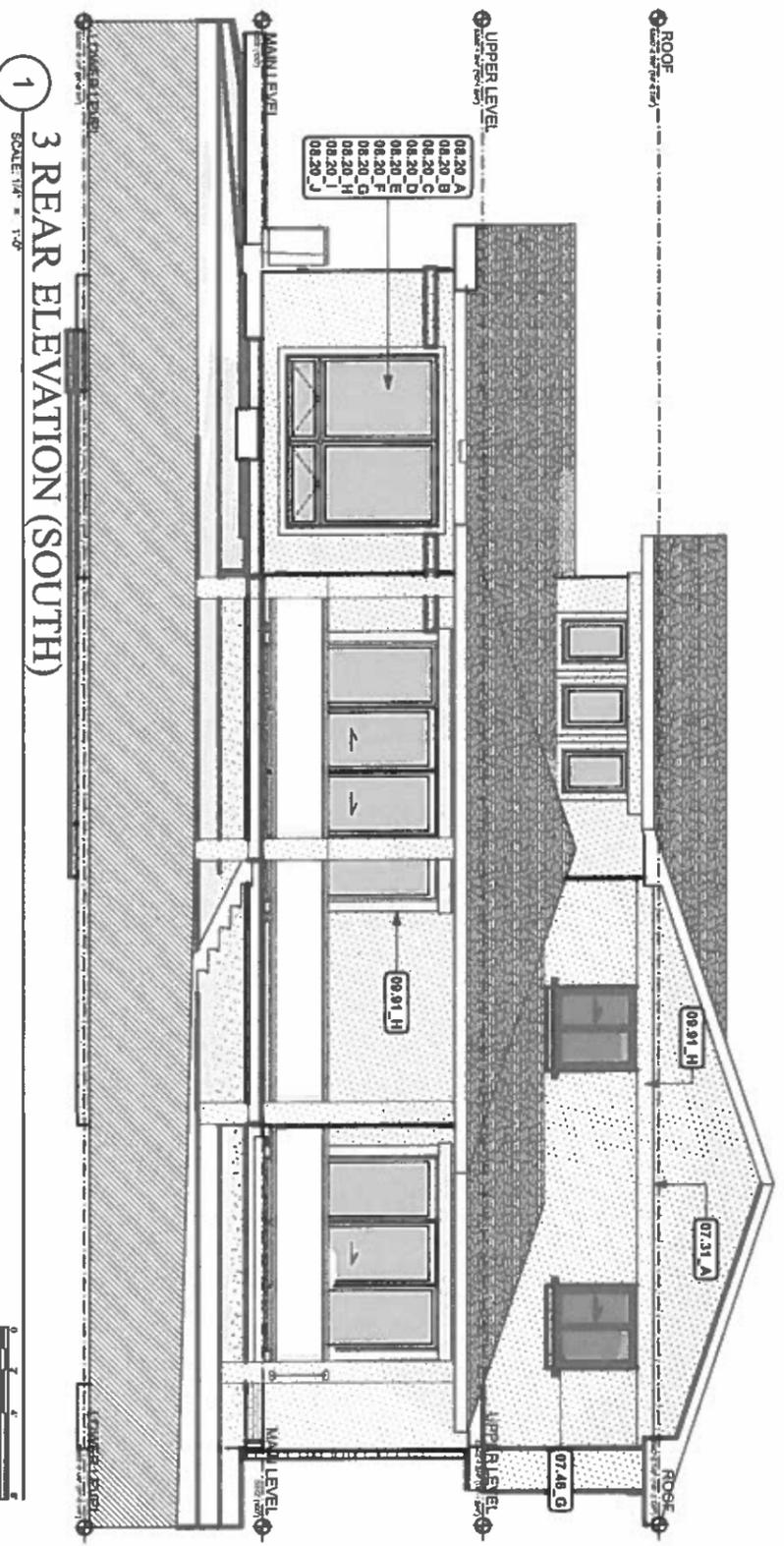
Notes

- 04.00 MASONRY
4 in. nominal natural stone veneer to be selected by owner, install on drainage mesh.
- 04.03 A
- 07.30 STEEP SLOPE ROOFING
Fireguard method asphalt composite shingle 40 yr. minimum warranty.
- 07.40 ROOFING AND SIDING PANELS
Hard coat stucco. Portland cement scratch and brown coat on upper levels with white D paper (or equivalent to 60 mils grade D paper).
- 08.20 WINDOWS
Window manufacturer to be determined by bid.
08.20 A Windows to be wood clad with anodized aluminum
08.20 B window cladding thermal efficiency and solar
08.20 C visualization requirements per Green Points
Application or HERS rating specifications.
08.20 D Window & patio door manufacturer to be selected
by owner by bid process.
08.20 E Windows storm are Generic. Storm are
appropriate frame dimensions. Contractor shall
requirements of selected manufacturer install per
08.20 F manufacturers. Recommendations.
Very & Coordinate window Egress Code
08.20 G requirements.
Provide tempered glass at all locations required
by current codes & regulations, if in duct.
08.20 H O.C. shall coordinate materials & installation
provided by various suppliers & subcontractors to
ensure full compliance with code and energy
code(s).
08.20 J See Window schedule for head heights of
windows.
Provide dry flashing at Window heads.
- 09.90 PAINTING AND COATING
09.91 J Acrylic top coat accent color to be selected by
owner.

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3 LEFT ELEVATION (EAST)
SCALE 1/8" = 1'-0"



1 3 REAR ELEVATION (SOUTH)
SCALE 1/8" = 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 Q 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 80 milule 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 rater's 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 manufacturer's Recommendations.
- 08.20 F Meet egress window required Ventry & 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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MARK DA
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CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
September 21, 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)

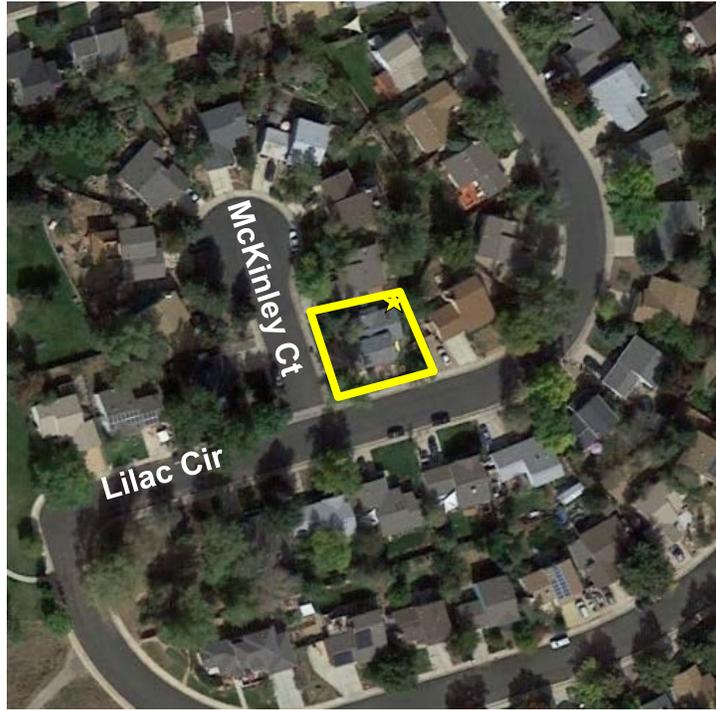
REQUEST: **Case #16-020-VA** – Request for a variance from the Dutch Creek planned unit development (PUD) for relief from the side setback requirement to allow an addition to the second story.

September 21, 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:

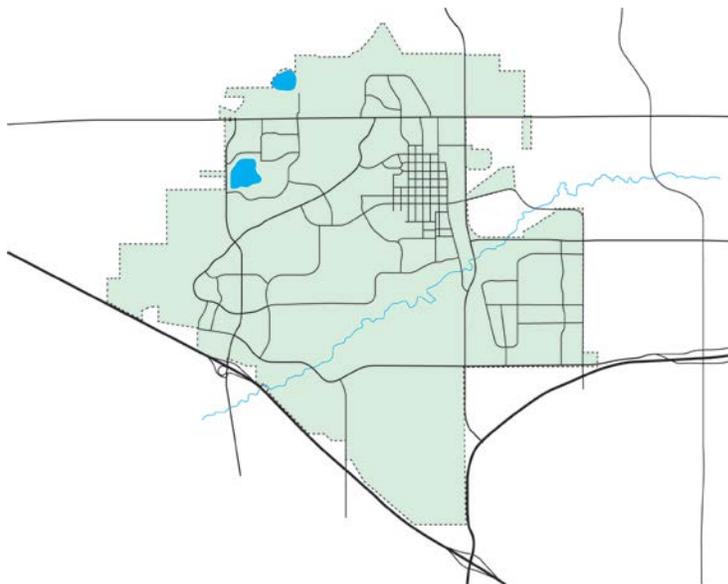
The applicants request a variance to allow for an addition to the south, street-facing side on the second floor of the existing house. The proposed changes would reduce the street side setback from 20 feet to 15 feet. The house is located at 346 S McKinley Ct in the Dutch Creek subdivision and is zoned 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:

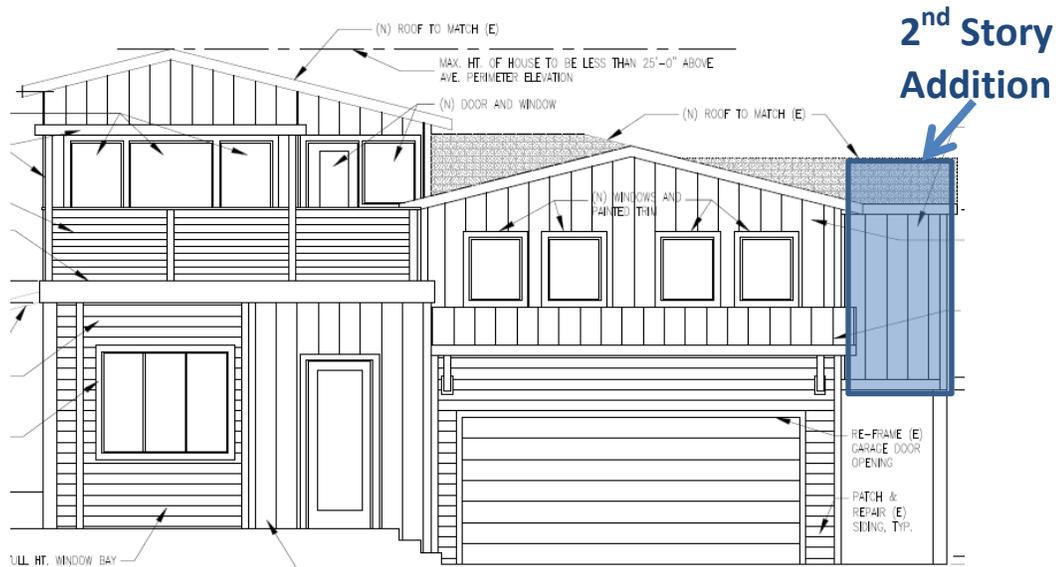
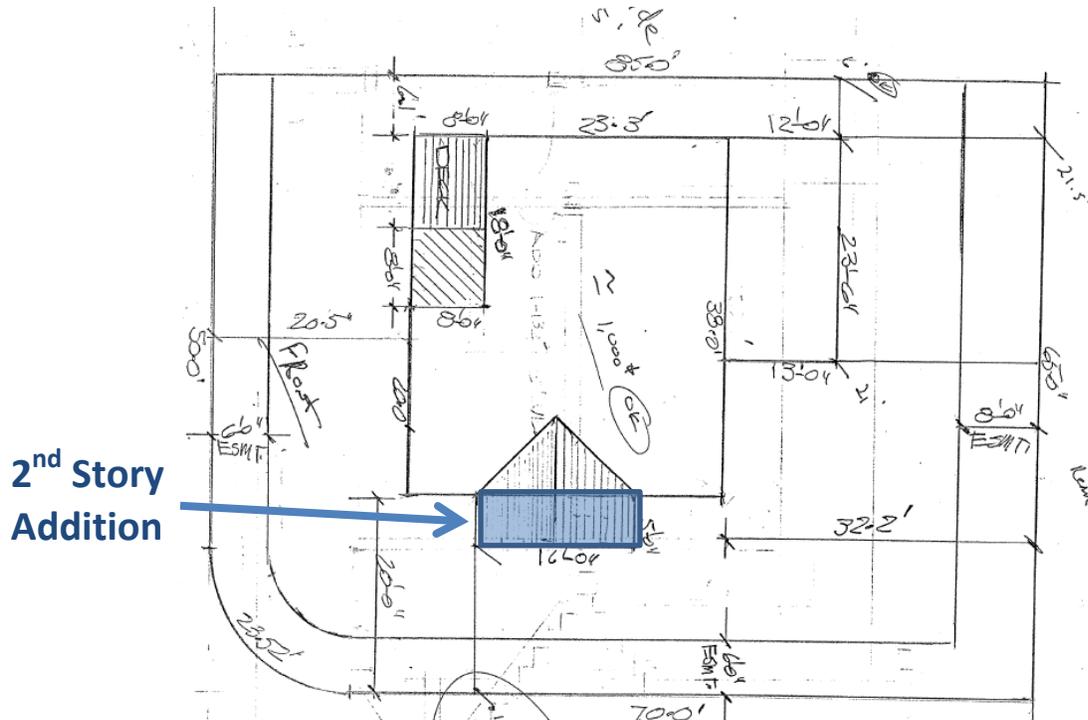
The applicants request a side setback variance to allow for a second story addition at 346 McKinley Ct in the Dutch Creek subdivision. The Dutch Creek PUD regulates setbacks in the subdivision.

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

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.

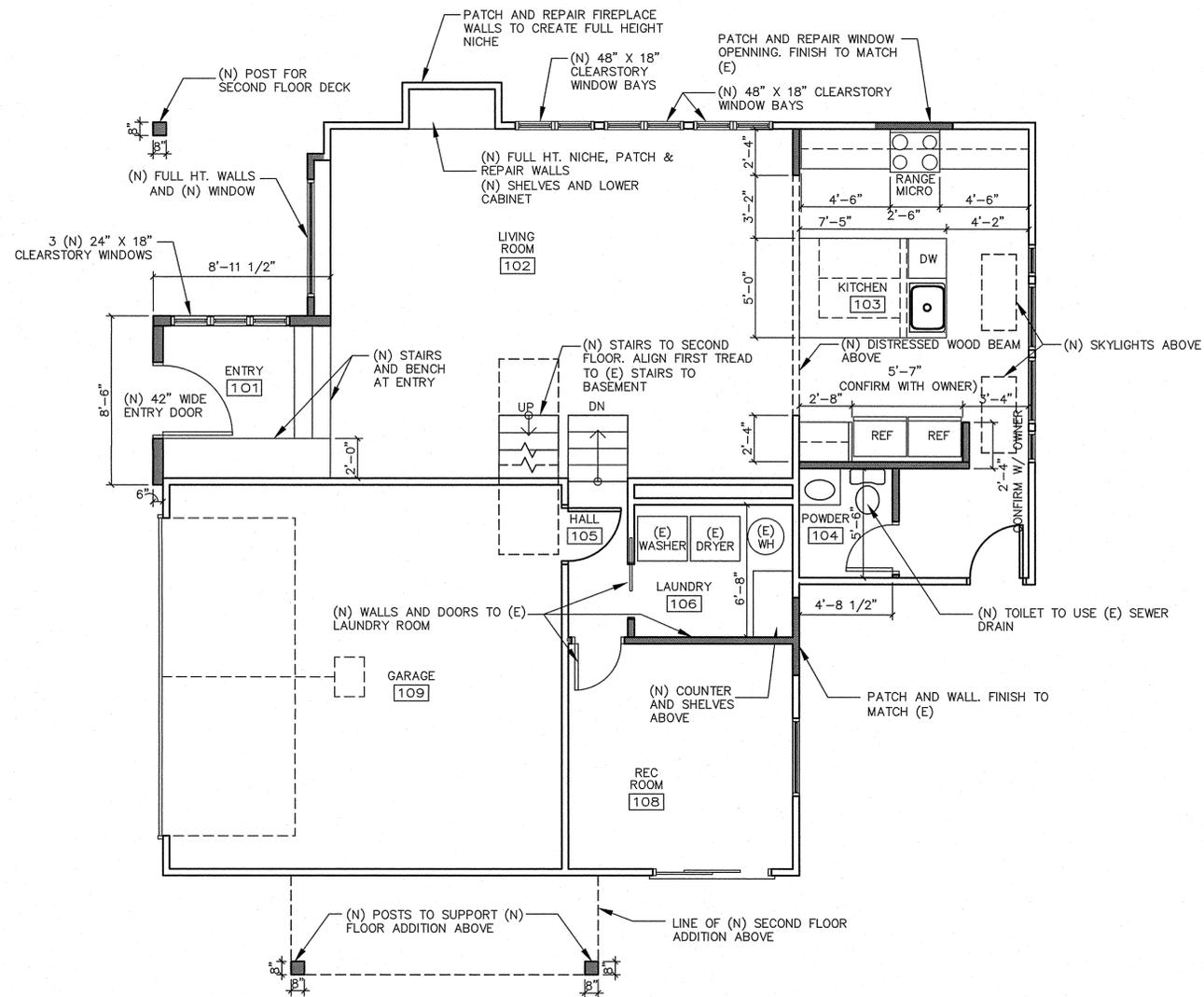
6. That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions of this title (Louisville zoning code) which are in question.

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.

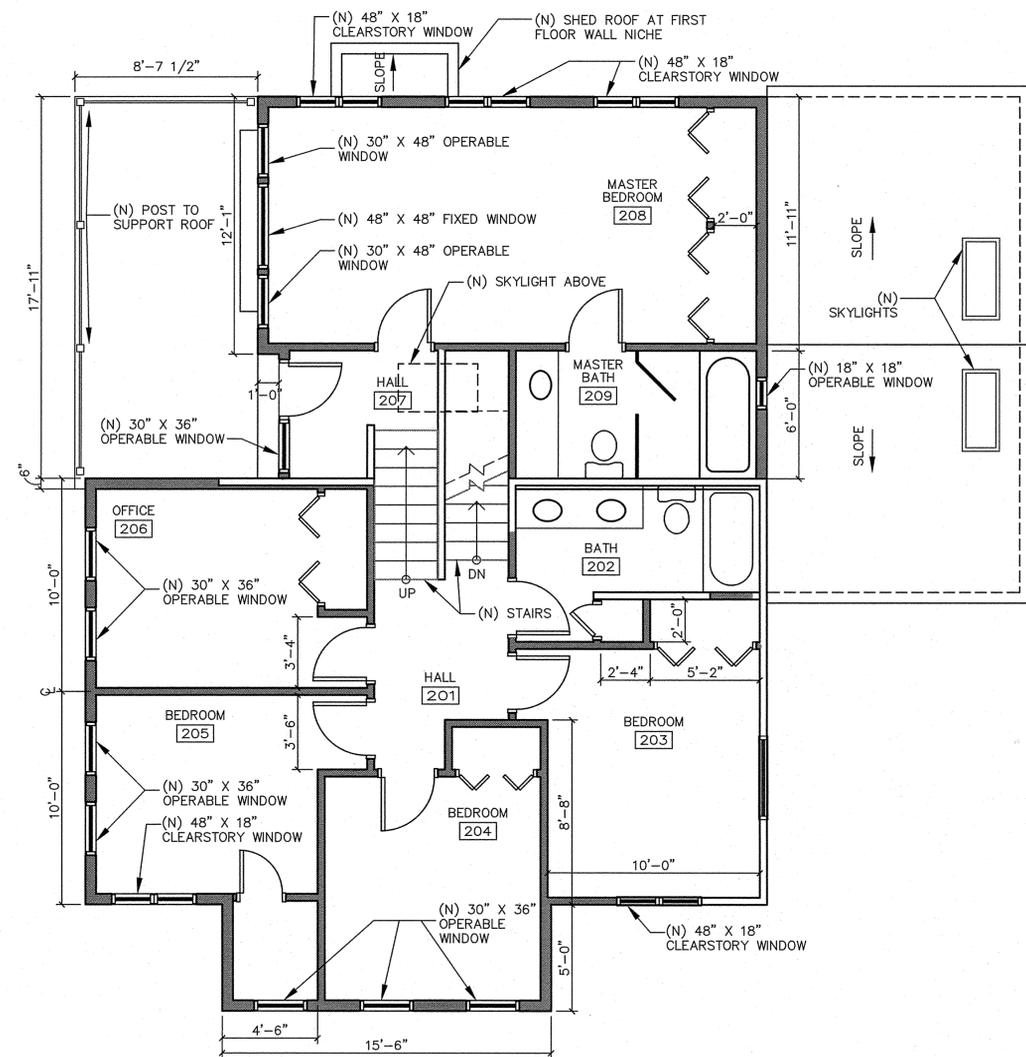
We very much appreciate your time and consideration.

Sincerely,

Rachel and Dan Fox



1 FIRST FLOOR PLAN

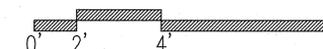


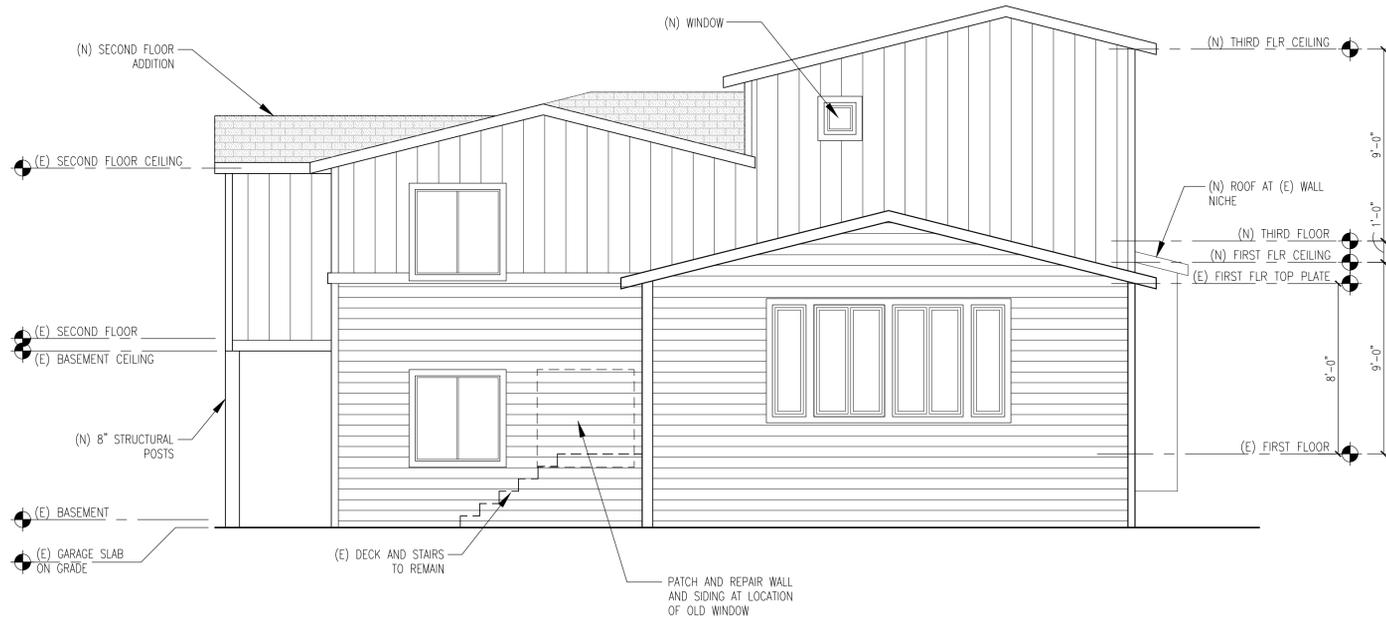
2 SECOND FLOOR PLAN

FOX RESIDENCE: FLOOR PLANS

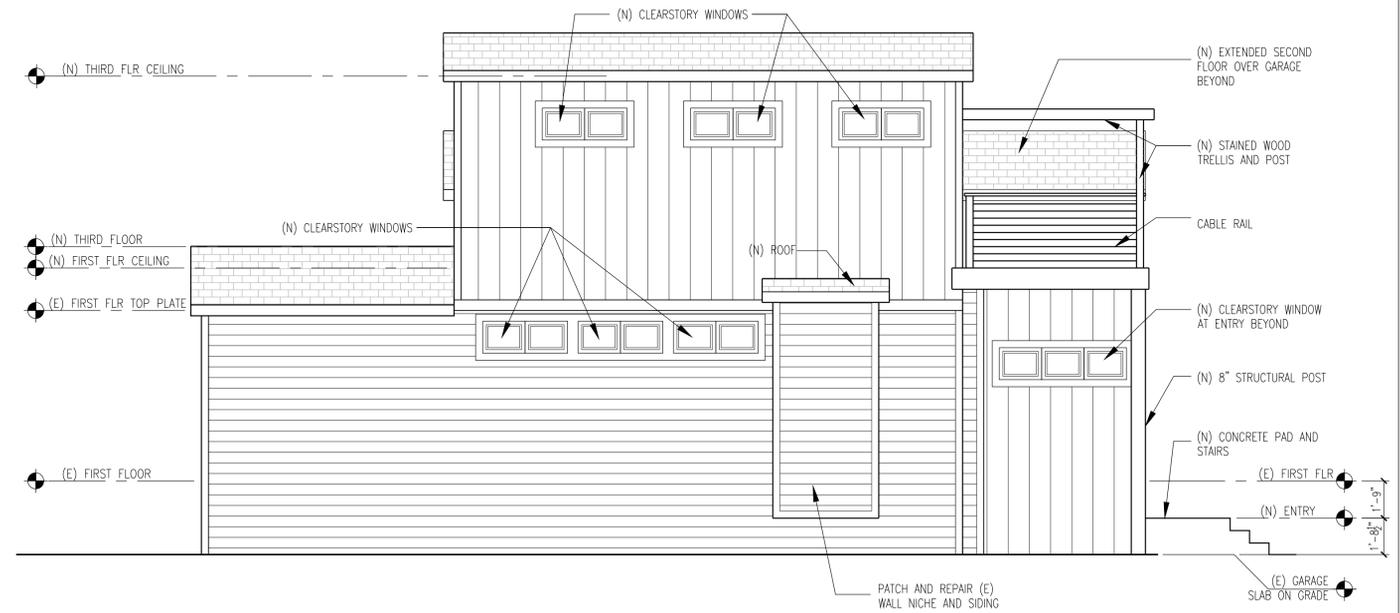
SCALE: 1/4" = 1'-0"

PROJECT NORTH

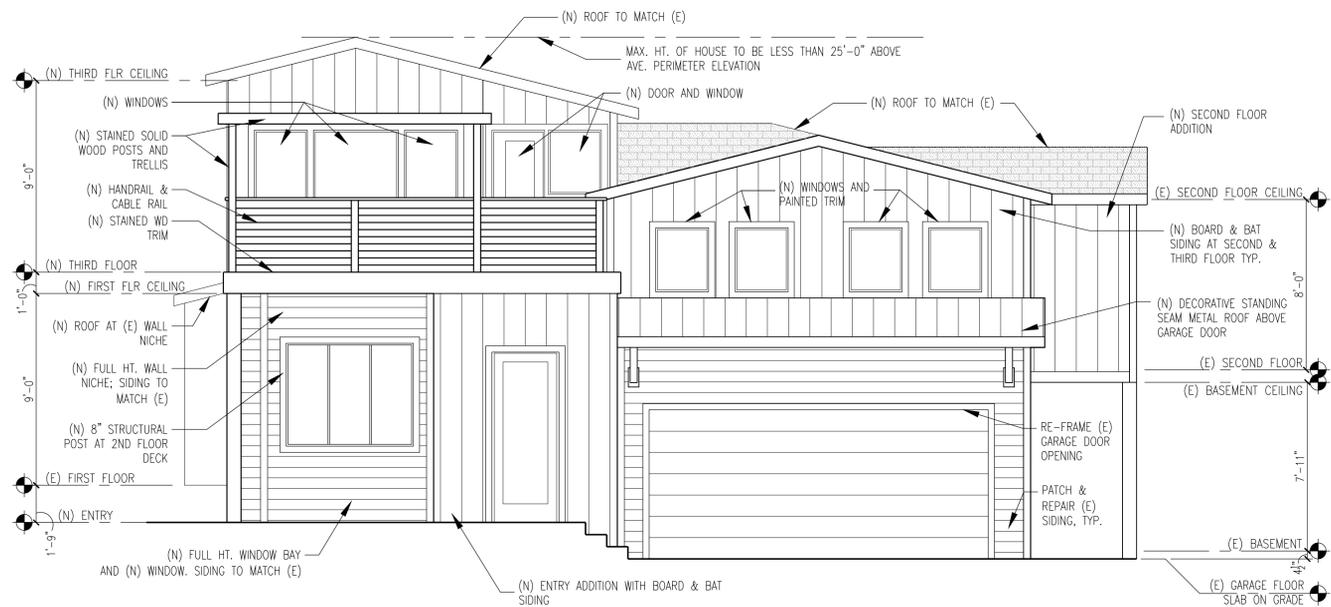




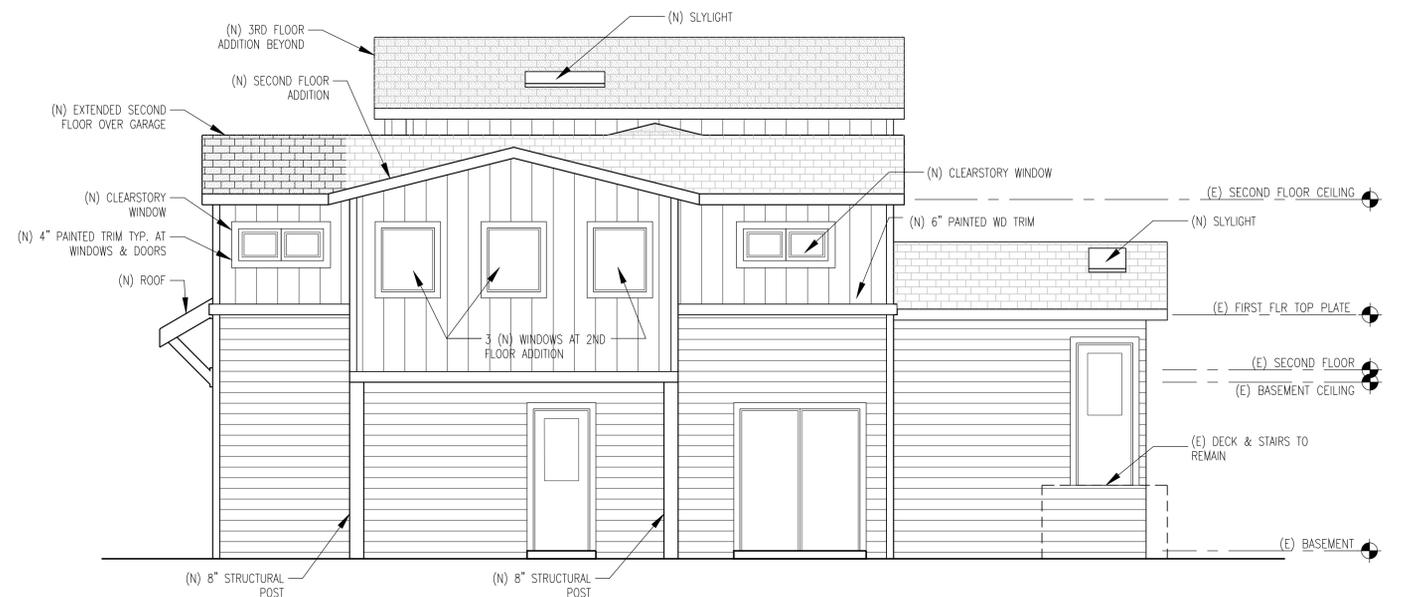
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

FOX RESIDENCE: EXTERIOR ELEVATIONS

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

