

Board of Adjustment Agenda

**February 19, 2020
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 21, 2019
- V. Public Comments on Items Not on the Agenda
- VI. Regular :
 - **940 McKinley Avenue – Variance Request** - Request for a variance from the Old Town Overlay maximum floor area standard of 2,799SF to allow 3,147SF; maximum lot coverage standard of 2,450SF to allow 2,526SF; rear setback standard of 25' to allow 20'6"; and side setback standard of 7' to allow 5'5", to allow an addition that connects the principal structure to the garage, and a new porch and deck.
Case VAR-0276-2020 – Public Hearing
 - Applicant: Red Pencil Architecture
 - Case Manager: Harry Brennan
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing and Board discussion and action
- VII. Discussion Items:
 - Election of Officers
 - 2020 Posting Locations
 - 2020 Meeting Dates
 - 2020 Open Government Pamphlet
- VIII. Business Items tentatively scheduled for March 18, 2020
- IX. Staff Comments

X. Board Comments

XI. Discussion Items for Next Meeting March 18, 2020

XII. Adjourn

Board of Adjustment Meeting Minutes

**August 21, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order: Leedy calls the meeting to order at 6:30 PM.

Roll Call is taken and the following members are present:

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

Board Members Absent:

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

Approval of Agenda:

Stuart moves and **Gorsevski** seconds a motion to approve the August 21, 2019 agenda as prepared by Staff. Motion passes by voice vote.

Approval of Minutes:

Stuart moves **Gorsevski** seconds a motion to approve the June 19, 2019 minutes. Motion passes by voice vote.

Public Comments on Items not on the Agenda:

None heard.

Regular Business:

- **327 W. Sycamore Lane (Case # VAR-0231-2019):** Request for a variance from the Sundance PUD to allow an addition above an existing nonconforming garage with a side setback of 1.6' feet and 0' feet.
 - *Applicant: Sobo Homes*

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

Leedy states that for the requested variance to be approved, five of the six votes would need to be affirmative.

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

Brennan verifies the application to be heard this evening is complete, and was mailed to surrounding property owners on August 2, 2019, published in the Boulder Daily Camera on August 4, 2019, and the property was posted on August 2, 2019.

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

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

Conflict of Interest and Disclosure:

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

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

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

Staff Report of Facts and Issues:

Brennan reviews the location of the property, summarizes the applicant's proposal, and presents staff's analysis of the six variance criteria.

Staff Recommendations:

Staff finds that all six criteria in Municipal code Section 17.48.110 are met and recommends the Board of Adjustment approval of the variance request.

Board Questions of Staff:

None heard.

Applicant Presentation:

Applicant: Charles Danforth, homeowner

Danforth display the blueprints to the board and reviews the proposed blueprints with them. He agrees with staff's report.

Board Questions of Applicant:

None heard.

Public Comment in Favor:

None heard.

Public Comment Against:

None heard.

Summary and request by Staff and Applicant:

None heard.

Closed Public Hearing and discussion by Board:

Stuart states he understands staff's report and believes all criterion are met. He believes the applicant's changes are very modest.

Briggs, Leedy, Gorsevski, Ewy, and Levinson agree with staff's recommendation as well.

Motion is made by **Stuart** to approve 327 W. Sycamore Lane's request for a variance from the Sundance PUD to allow an addition above an existing nonconforming garage with a side setback of 1.6' feet and 0' feet. Motion is seconded by **Briggs**. Roll call vote.

Name	Vote
Jessica Leedy	Yes
Alison Gorsevski	Yes
James Stuart	Yes
John Ewy	Yes
Peter Briggs	Yes
Rob Levinson	Yes
Motion passed/failed:	Pass

Motion passes 6-0.

Discussion Items:

None heard.

Business Items tentatively scheduled for September 18, 2019:

None heard.

Staff Comments:

Ritchie introduces Harry Brennan to the board and informs them that he will now be the city liaison for this board.

Board Comments:

None heard.

Discussion Items for September 18, 2019 Meeting:

None heard.

Adjourn:

Briggs moves and **Stuart** seconds a motion to adjourn the meeting. Motion passes unanimously by voice vote. Meeting adjourns at 6:55 PM.

DRAFT

CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
February 19, 2020

APPLICANT: Red Pencil Architecture

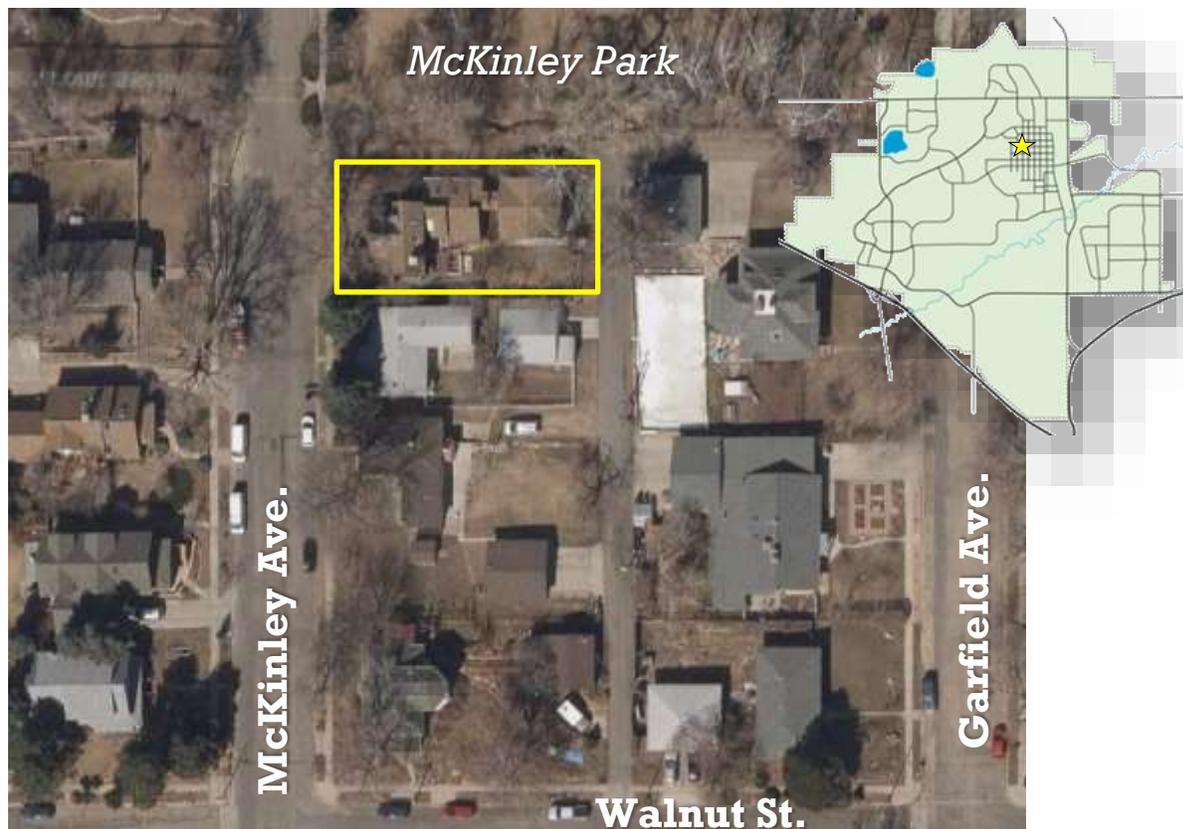
OWNER: James and Heather Crouch

STAFF PLANNER: Harry Brennan, Planner II

LOCATION: 940 McKinley Avenue; Lots 22-23-24 Less N 22 ft of Lot 24, Louisville Heights

ZONING: Residential Low Density (RL); Old Town Overlay

REQUEST: **Case #VAR-0276-2020** – Request for a variance from the Old Town Overlay maximum floor area standard of 2,799SF to allow 3,147SF; maximum lot coverage standard of 2,450SF to allow 2,526SF; rear setback standard of 25’ to allow 20’6”; and side setback standard of 7’ to allow 5’5”, to allow an addition that connects the principal structure to the garage, and a new porch and deck.



SUMMARY:

The applicant requests a variance from the Old Town Overlay requirements to allow construction of a new 239 square foot addition that would connect the existing principal (house) and accessory (garage) structures. The proposal also includes a new covered porch and deck. The applicant requests a variance from the following Old Town Overlay standards:

1. Floor area standard of **2,799** square feet to allow **3,147** square feet
2. Lot coverage standard of **2,450** square feet to allow **2,526** square feet
3. Rear setback standard of **25'** to allow **20'6"**
4. Side setback standard of **7'** to allow **5'5"**

BACKGROUND:

The property is located in the Louisville Heights subdivision, which the City approved in 1904. The house was originally built in 1940, with additions occurring in 1981 and 1984. The garage and breezeway were added in 1997/1998. City Council first established the Old Town Overlay Zone District in 1995. The floor area and lot coverage standards are the same today as they were in the original 1995 version of the Old Town Overlay regulations. When the previous owner built the garage in 1997, the building plans included only a "storage attic" on the second floor, which was not included in floor area calculations. Thus, 940 McKinley conformed to the lot coverage and floor area standards after the garage and breezeway were added in 1997/1998. At that time, the garage also conformed to the setback requirements for an accessory structure. At an unknown subsequent point in time, the storage attic above the garage was finished into a second-level bonus room. Staff did not find a building permit record for this work. With the finished bonus room, 940 McKinley currently exceeds the floor area standard by roughly 100 square feet. The applicants purchased the property in 2007.

Existing Conditions – 940 McKinley (Top: Oblique view from south; Bottom: View of the front of the house from McKinley Ave.)



Existing Conditions – 940 McKinley (Clockwise from top left: View of the south side of the house; View of the breezeway and garage from the south; View of the breezeway and garage from the north; View of the garage from the alleyway)



PROPOSAL:

The applicant desires to do a major remodel to the entire home. The work includes two distinct components that require approvals of variances to allow their construction. The first is to construct a new two-story, 239 square foot addition that would connect the house to the garage, replacing an existing unenclosed breezeway. The proposed addition is two-stories in order to allow direct access to the garage as well as the second story living space above the garage (without entering into the garage). This component of the proposal results in the requests for the rear and side setbacks due to the primary setback needing to be applied to the existing garage rather than the accessory setbacks since it is now fully attached and integrated with the main house. In addition, the new breezeway addition adds to the overage on lot coverage and floor area ratio.

The second component of the variance request includes a new covered front porch and a new deck. These features do not contribute to floor area or violate any setback requirements, but they do contribute to the overage in lot coverage.

Proposed Site Plan



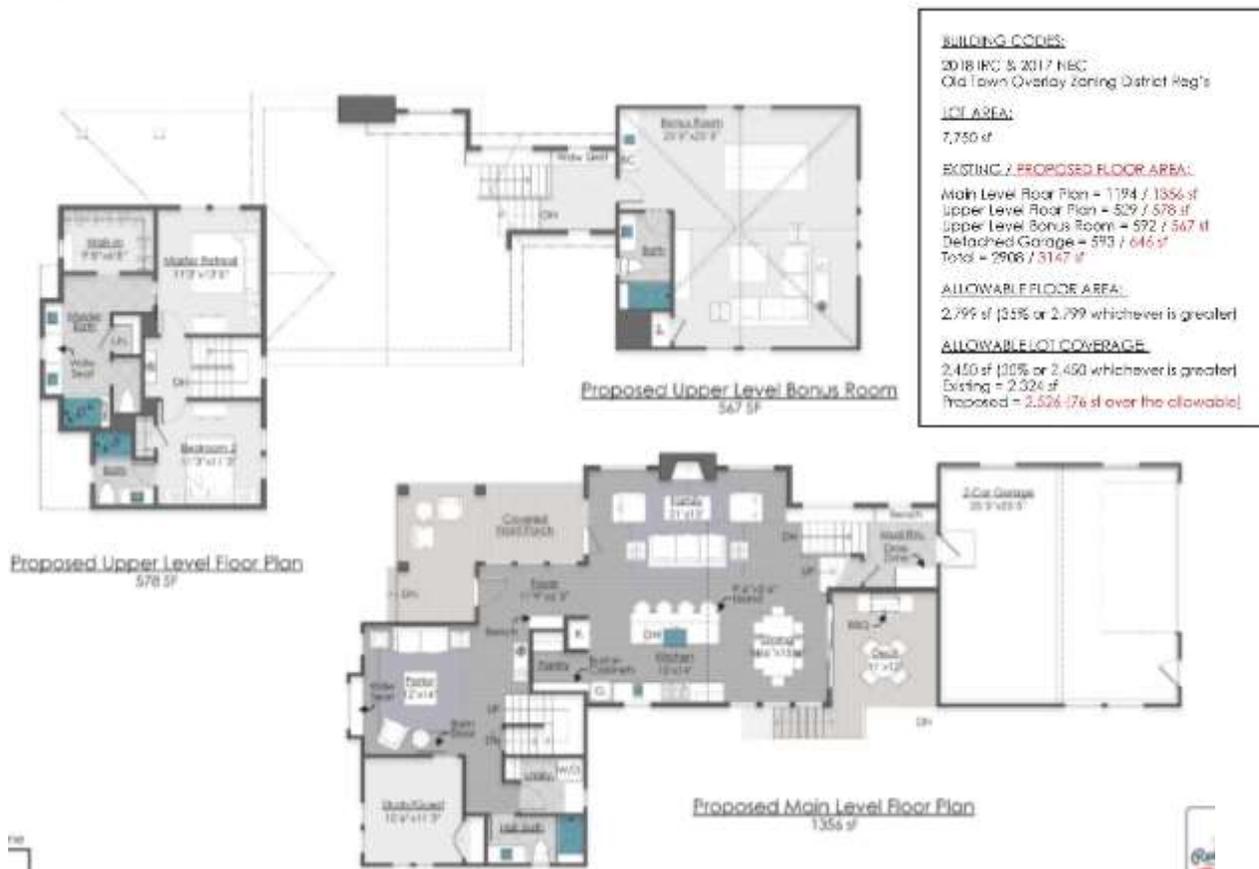
The following table summarizes the variance requests:

Standard	Required	Existing	Proposed	Associated Project Component
Rear Setback	25'-0" min	20'-6"	20'-6" (See note 1)	Addition
Side Setback	7'-0" min	5'-8"	5'-8" (See note 1)	Addition
Floor Area Ratio	2,799 SF max	2,908 SF	3,147 SF (+239 SF)	Addition
Lot Coverage	2,450 SF max	2,324 SF	2,371 SF (+47 SF) 2,479 SF (+155 SF) 2,526 SF (+202 SF)	Addition Porch & Deck Total (Addition, Porch & Deck)

1. The setbacks currently meet requirements for accessory structures. However, with the addition, the garage becomes a part of the principal structure, necessitating the variance request for setbacks.

Staff notes the existing front setback and north side setback are legally non-conforming, but no work is proposed in these areas that will alter these setbacks.

Proposed Elevations





Proposed Front (West) Elevation



Existing Front (West) Elevation



Proposed Left Side (North) Elevation



Existing Left Side (North) Elevation



Proposed Right Side (South) Elevation



Existing Right Side (South) Elevation

Comparison Area – Residential Low Density Zoned Properties in the Old Town Overlay

The Old Town Overlay standards use a tiered system based on lot size to determine allowances for lot coverage and floor area. The tiered system is summarized below. 940 McKinley falls into the 4th tier (largest lot size) for lot coverage and floor area.

- D. Lot coverage. The maximum lot coverage (expressed as square feet of lot area or as a percentage of lot area) shall be as follows:
1. For a lot having a lot area of less than 4,000 square feet: 40 percent.
 2. For a lot having a lot area of 4,000 to 5,999 square feet: 1,600 square feet or 37.5 percent, whichever is greater
 3. For a lot having a lot area of 6,000 to 6,999 square feet: 2,250 square feet or 35 percent, whichever is greater
 4. **For a lot having a lot area greater than 7,000 square feet: 2,450 square feet or 30 percent, whichever is greater**

- E. Floor area ratio. The maximum floor area ratio shall be as follows:
1. For a lot having a lot area of less than 4,000 square feet: 0.50
 2. For a lot having a lot area of 4,000 to 5,999 square feet: 0.45 or 1,999 square feet, whichever is greater
 3. For a lot having a lot area of 6,000 to 6,999 square feet: 0.40 or 2,699 square feet, whichever is greater
 4. **For a lot having a lot area greater than 7,000 square feet: 0.35 or 2,799 square feet, whichever is greater**

Staff analyzed lot sizes and FAR/coverage allowances among all properties in the Old Town Overlay that are zoned Residential Low Density (RL) to evaluate the relative uniqueness of 940 McKinley. The chart below summarizes the results of the analysis. 940 McKinley tracks closely with the average lot size, lot coverage allowance, and FAR allowance among all 361 RL properties in the Old Town Overlay. The majority of these 361 properties also have detached garages, which are typically located in the rear of lots, along alleys (where they exist). Because the tiered system for lot coverage and FAR in the Old Town Overlay provides a base allowance in each tier (e.g. .40 or 2,699 SF, whichever is greater), the relationship between lot size and lot coverage/FAR is not perfectly linear.

940 McKinley			
Lot Size	Lot Coverage Allowance	FAR Allowance	Detached Garage
7,750 SF	2,450 SF	2,799 SF	Yes
All 361 RL/Old Town Properties			
Average Lot Size	Average Lot Coverage Allowance	Average FAR Allowance	% with Detached Garages
7,687 SF	2,540 SF	2,994 SF	56%

REVIEW CRITERIA:

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

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

Staff finds that this property is within the typical range for lot width, depth, size, and shape when compared to other properties zoned Residential Low Density in the Old Town Overlay area. The property has a mild slope from front to back, but this slope has not greatly complicated development as evidenced by the structures that are already on the property.

Staff finds the proposal does not meet this criterion.

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

Staff finds that 940 McKinley is slightly over the average lot size when compared to other properties zoned RL in the Old Town Overlay, which results in a similar allowance for lot coverage and floor area. Further, the City designed the Old Town Overlay lot coverage and FAR tiers to allocate square footage to lots of varying sizes in a fair manner. In addition, the presence of the detached garage at 940 McKinley is not a unique circumstance, as 56% of RL properties in the Old Town Overlay have detached garages, many of which are located behind the house. **Staff finds the proposal does not meet this criterion.**

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

Staff finds that the RL zoning and Old Town Overlay regulations have allowed reasonable development on 940 McKinley and there are no unique physical circumstances or conditions. The property has already nearly maxed out its lot coverage allowance and has surpassed its FAR allowance. Interior renovations could improve the functionality of the house without making exterior expansions necessary. **Staff finds the proposal does not meet this criterion.**

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

Staff finds that there is no unique physical circumstances or conditions resulting in unnecessary hardship, as discussed with the previous criteria. Staff does note that the permit record indicates that all work, except the interior finish of the space above the attic, occurred prior to 1998, nearly ten years before the applicant purchased the property in 2007. At the time of permit, all work met the requirements of the Old Town Overlay. **Staff finds the proposal does not meet this criterion.**

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

Staff finds that the proposal would alter the essential character of the neighborhood. The key intent of the Old Town Overlay is to limit the mass and scale of residential construction in Downtown Louisville. With the addition, the property would exceed the FAR standard by 348 square feet, which is significant. The proposal, if constructed, would essentially result in a house that spans the length of nearly 90' of the 125' lot, and is much closer to the alley than the standards allow. While each of the components of the proposal (addition, deck, and porch) are relatively minor by themselves, the effect of the total construction creates greater mass and scale than what is appropriate for the neighborhood. **Staff finds the proposal does not meet this criterion.**

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

Staff finds that there is not unique physical circumstance or condition that requires relief. In addition, the connector addition could be reduced to one story and reduced in width while remaining functional. The covered porch and deck are not necessary for the functionality of the house and could be reduced in size or removed. **Staff finds the proposal does not meet this criterion.**

PUBLIC COMMENTS:

To date, staff have received comments supporting the request from all three of the neighboring properties. These comments are included as attachments.

STAFF RECOMMENDATION:

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

BOARD ACTION:

The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request additional information if they feel it is needed for their proper consideration of the variance application. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:

1. Application
2. Old Town Overlay Zone District Regulations
3. Public Comments

LAND USE APPLICATION

CASE NO. _____

<p>APPLICANT INFORMATION</p> <p>Firm: <u>RED PENCIL ARCHITECTURE</u></p> <p>Contact: <u>MARTY BEAUCHAMP</u></p> <p>Address: <u>1618 W WILLOW ST</u> <u>LOUISVILLE CO 80027</u></p> <p>Mailing Address: " " _____</p> <p>Telephone: <u>303.258.6400</u></p> <p>Fax: _____</p> <p>Email: <u>MARTY@REDPENCILARCHITECTURE.COM</u></p>
<p>OWNER INFORMATION</p> <p>Firm: _____</p> <p>Contact: _____</p> <p>Address: _____</p> <p>Mailing Address: _____</p> <p>Telephone: _____</p> <p>Fax: _____</p> <p>Email: _____</p>
<p>REPRESENTATIVE INFORMATION</p> <p>Firm: <u>SEE ABOVE</u></p> <p>Contact: _____</p> <p>Address: _____</p> <p>Mailing Address: _____</p> <p>Telephone: _____</p> <p>Fax: _____</p> <p>Email: _____</p>
<p>PROPERTY INFORMATION</p> <p>Common Address: <u>940 MCKINLEY AVE</u></p> <p>Legal Description: Lot _____ Blk _____</p> <p>Subdivision _____</p> <p>Area: <u>7750</u> Sq. Ft.</p>

<p>TYPE (S) OF APPLICATION</p> <p><input type="checkbox"/> Annexation</p> <p><input type="checkbox"/> Zoning</p> <p><input type="checkbox"/> Preliminary Subdivision Plat</p> <p><input type="checkbox"/> Final Subdivision Plat</p> <p><input type="checkbox"/> Minor Subdivision Plat</p> <p><input type="checkbox"/> Preliminary Planned Unit Development (PUD)</p> <p><input type="checkbox"/> Final PUD</p> <p><input type="checkbox"/> Amended PUD</p> <p><input type="checkbox"/> Administrative PUD Amendment</p> <p><input type="checkbox"/> Special Review Use (SRU)</p> <p><input type="checkbox"/> SRU Amendment</p> <p><input type="checkbox"/> SRU Administrative Review</p> <p><input type="checkbox"/> Temporary Use Permit: _____</p> <p><input type="checkbox"/> CMRS Facility: _____</p> <p><input checked="" type="checkbox"/> Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)</p>
<p>PROJECT INFORMATION</p> <p>Summary: <u>LIQUOR HOUSE RENOVATION WITH ADDITION TO ATTACH DETACHED GARAGE REQUEST VARIANCE SR: + REAR SETBACK - ADDITIONAL FLOOR AREA - ADDITIONAL LOT COVERAGE</u></p> <p>Current zoning: _____ Proposed zoning: _____</p>
<p>SIGNATURES & DATE</p> <p>Applicant: <u>JAMES & HEATHER CROUCH</u></p> <p>Print: _____</p> <p>Owner: <u>JAMES & HEATHER CROUCH</u></p> <p>Print: <u>[Signature]</u></p> <p>Representative: <u>RED PENCIL ARCHITECTURE</u></p> <p>Print: <u>MARTY BEAUCHAMP</u></p>
<p>CITY STAFF USE ONLY</p> <p><input type="checkbox"/> Fee paid: _____</p> <p><input type="checkbox"/> Check number: _____</p> <p><input type="checkbox"/> Date Received: _____</p>



726A Tenacity Drive
Prospect New Town
Longmont, CO 80504

January 31, 2020

Crouch Residence

940 McKinley Avenue
Louisville, CO 80027

LOT AREA: 7,750 sf

EXISTING FLOOR AREA:

Main Level Floor Plan	1194
Upper Level Floor Plan	529
Upper Bonus Room	592
Detached Garage	593
Total	2,908 sf

PROPOSED FLOOR AREA:

1356	(+162)
578	(+49)
567	(-25)
646	(+53)
3147 sf	(+239)

ALLOWED FLOOR AREA: 2,799 sf (35% or 2,799 whichever is greater)

EXISTING LOT COVERAGE:

House/Garage/Walkway	2074
Rear Deck/Covered Porch	250
Total	2,324 sf

PROPOSED LOT COVERAGE:

2148	(+74)
395	(+145)
2526	(+202)

ALLOWED LOT COVERAGE: 2,450 sf (30% or 2,450 whichever is greater)

940 McKinley Avenue is a unique property in that it is bordered by a public alley to the east, a public alley to the north, and obviously McKinley Avenue to the west. McKinley Park sits across the alley to the north and is buffered by a border of large mature trees. The property slopes approximately 6' from front to back.

The house has gone thru several additions/renovations over the years, all occurring prior to the current homeowners. These include a new pop-top to the front of the home, a split-level family room addition and a new detached garage. The floor plan is very dysfunctional, inefficient and impractical for todays lifestyle. The main level includes one bathroom which is in a secondary bedroom, and the family room is a half floor lower than the rest of the home. The upper level includes two bedrooms and a bathroom, however much of the master bedroom is unusable because of the low ceiling heights

and does not include a dedicated closet. The lower level is accessed by a dangerous non-conforming stair and only has 6'-9" ceiling heights. Finally, there is a detached oversized garage with a finished attic above off the back of the house. There is a modest roof structure currently connecting the garage to the home. Coming into the home from the garage, the homeowners must navigate 10 steps and 5 separate landings, half of which are outdoors.

Because the garage and attic space account for 41% (1185 sf) of the existing floor area, we are proposing to attach the garage to the home with a mudroom. By attaching the garage and reworking the existing floor elevations, the awkward series of steps into the home will be eliminated and the attic space over the garage can become better utilized and integrated directly with the new floor plan. The existing detached garage is 20'-6" off the rear property line (alley) and 5'-5" off the side property line. When the garage is attached to the home, it must meet the rear and side setback requirements of the primary structure which is 25'-0" and 7'-0". We are asking for a variance to allow the existing 20'-6" rear setback as well as the existing 5'-5" side setback.

Along with attaching the garage to the home, we are proposing a couple new dormers on the upper level to allow the existing space below the low ceilings to become usable. The proposed additions increase the floor area by 239 sf. We understand the existing floor area (2908 sf) is already over the allowable floor area of 2799 sf, however with so much floor area tied up in the detached garage and attic, attaching it to the home with a very modest addition would allow so much more flexibility to an otherwise inefficient home. We are asking for a variance to allow the additional 239 sf.

Finally, we are proposing to replace an existing 250 sf multi-level deck (recently removed) with a new 180 sf deck along with a new covered front porch. This would increase the lot coverage to 2526 sf when 2450 sf is allowed. We are asking for a variance to allow the increase in lot coverage. This is less than a 10% increase above the allowed and could qualify as a minor impact variance.

Variance Criteria

Under [Section 17.48.110](#), the Board of Adjustment has the power to hear and decide variances if all of the following criteria are met:

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

The fact that the previous homeowner built an oversized detached garage utilizing 41% of the allowable floor area creates a unique circumstance. Had the garage been built 42" further away from the rear property line, it could simply be attached to the home without requiring a setback variance.

The low ceilings at the upper level (2'-6" head height at the exterior walls of the master bedroom) are physically unique as there is much of the upper footprint that is unusable.

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

We believe the detached garage is the largest such structure in the Old Town District and accommodates the largest floor area percentage.

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

Because so much floor area is utilized in the detached garage, and because the existing home is so dysfunctional, the property cannot reasonably be developed or improved without attaching the garage and adding dormers to the upper level.

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

The inefficient layout (low ceilings, different floor elevations, awkward exterior steps) and the oversized detached garage were all created by the previous homeowner more than 35 years ago.

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;

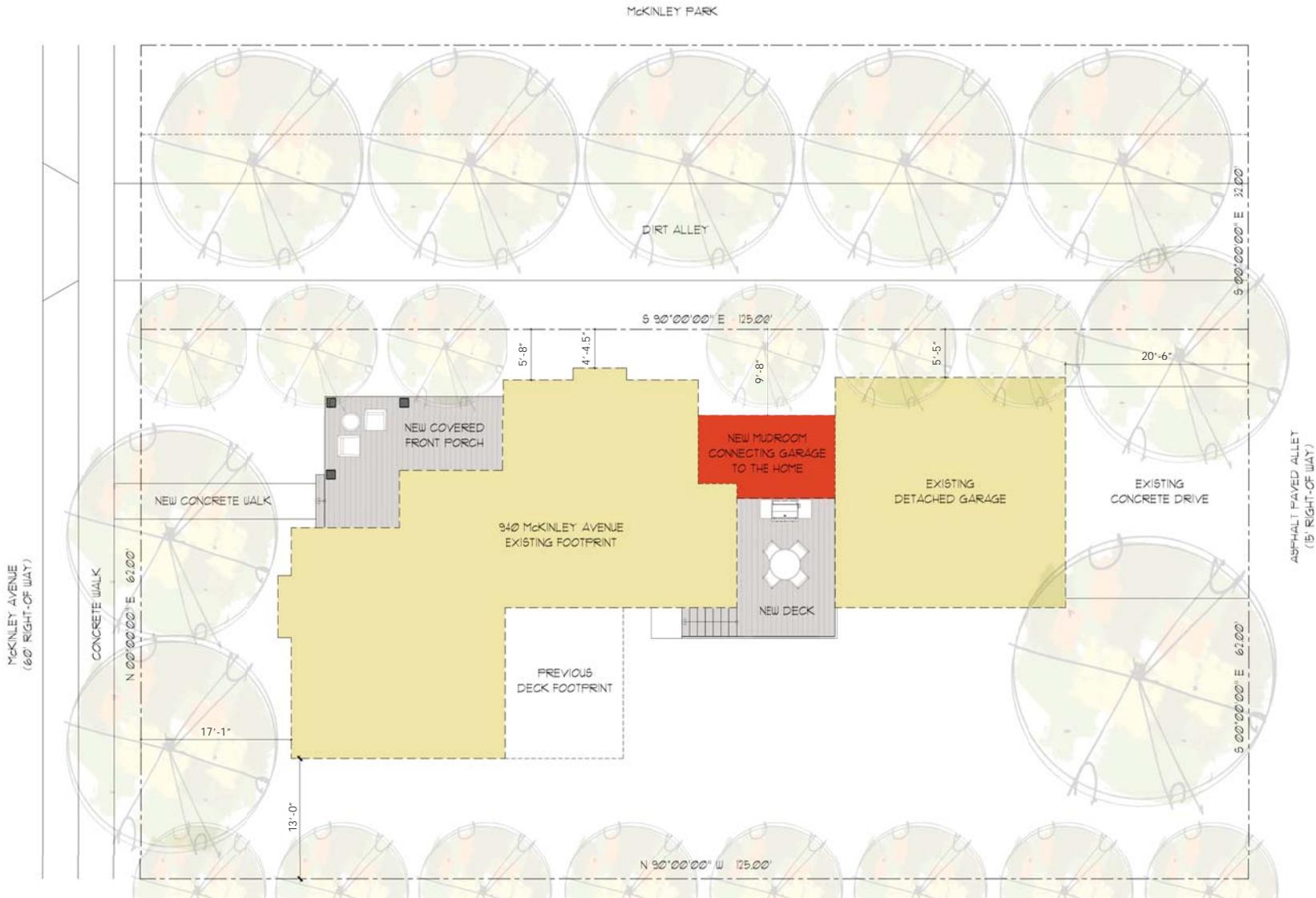
The proposed additions do not change the existing footprint of the home other than the new covered front porch. The proposed mudroom attaching the garage to the home is basically contained below an existing roof structure and will only be viewable from the neighbor to the south. The new covered front porch will only add to the character of the neighborhood. Part of the charm of Old Town is the pedestrian interaction with neighbors sitting on their front porch.

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

The rear setback is the minimum variance required as the detached garage has existed for over 35 years, 20'-6" off the rear property line. We are only asking to attach it to the home and not to increase its footprint.

The floor area is the minimum variance required as the distance between the garage and the house is a given. The width is the minimum required to accommodate a set of internal stairs up into the home along with an adjacent stair from the home up to the finished attic space above the garage.

The lot coverage is the minimum variance required to replace an old rear deck and add a usable covered front porch which also blends nicely with the new street façade of the home.



Scheme

A

940 McKinley Avenue

January 22, 2020

1" = 10'

Proposed Site Plan



©2020 Red Pencil Architecture, Ltd.



Proposed Front (West) Elevation



Existing Front (West) Elevation

Scheme



940 McKinley Avenue

January 22, 2020

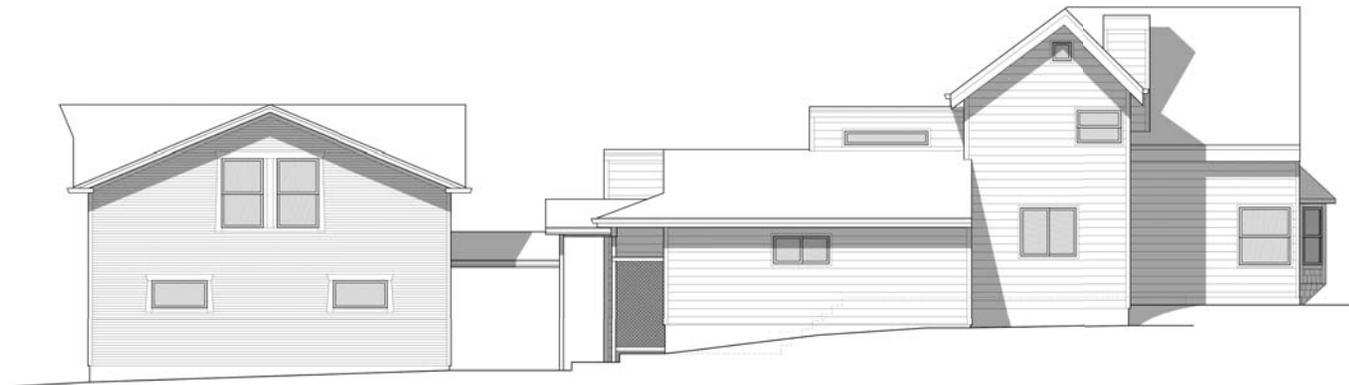
1/8"=1'



©2020 Red Pencil Architecture, Ltd.



Proposed Left Side (North) Elevation



Existing Left Side (North) Elevation

Scheme

A

940 McKinley Avenue

January 22, 2020

1/8"=1'



©2020 Red Pencil Architecture, Ltd.



Proposed Right Side (South) Elevation



Existing Right Side (South) Elevation

Scheme

A

940 McKinley Avenue

January 22, 2020

1/8"=1'



©2020 Red Pencil Architecture, Ltd.



Proposed Upper Level Floor Plan
578 SF

Proposed Upper Level Bonus Room
567 SF

BUILDING CODES:

2018 IRC & 2017 NEC
Old Town Overlay Zoning District Reg's

LOT AREA:

7,750 sf

EXISTING / PROPOSED FLOOR AREA:

Main Level Floor Plan = 1194 / 1356 sf
Upper Level Floor Plan = 529 / 578 sf
Upper Level Bonus Room = 592 / 567 sf
Detached Garage = 593 / 646 sf
Total = 2908 / 3147 sf

ALLOWABLE FLOOR AREA:

2,799 sf (35% or 2,799 whichever is greater)

ALLOWABLE LOT COVERAGE:

2,450 sf (30% or 2,450 whichever is greater)
Existing = 2,324 sf
Proposed = 2,526 (76 sf over the allowable)



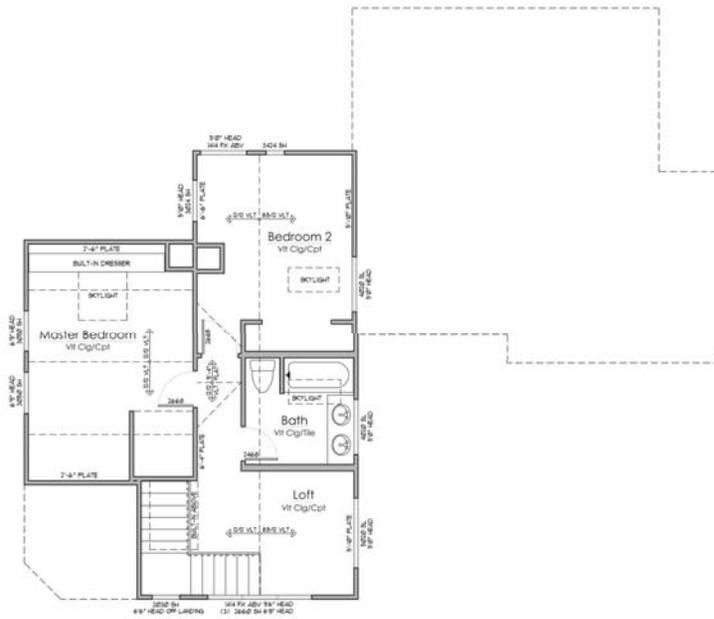
Proposed Main Level Floor Plan
1356 sf

Scheme

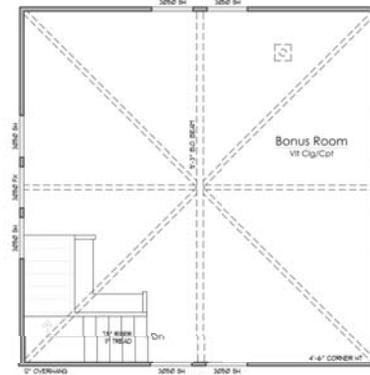


940 McKinley Avenue
January 22, 2020 1/8"=1'





Existing Upper Level Floor Plan
5529 SF



Exiting Upper Level Bonus Room
592 SF



Existing Main Level Floor Plan
1194 sf

BUILDING CODES:
2018 IRC & 2017 NEC
Old Town Overlay Zoning District Reg's

LOT AREA:
7,750 sf

EXISTING / PROPOSED FLOOR AREA:
Main Level Floor Plan = 1194 / 1356 sf
Upper Level Floor Plan = 529 / 578 sf
Upper Level Bonus Room = 592 / 567 sf
Detached Garage = 593 / 646 sf
Total = 2908 / 3147 sf

ALLOWABLE FLOOR AREA:
2,799 sf (35% or 2,799 whichever is greater)

ALLOWABLE LOT COVERAGE:
2,450 sf (30% or 2,450 whichever is greater)
Existing = 2,324 sf
Proposed = 2,526 (76 sf over the allowable)

Scheme



940 McKinley Avenue
January 22, 2020 1/8"=1'



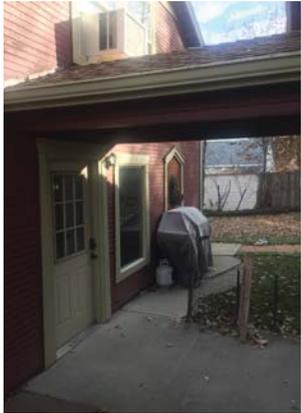
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Front view from McKinley Avenue



View from the North across McKinley Park



View of covered breezeway at Garage



View of Garage from rear alley



View of covered breezeway at home



View of covered breezeway connection



View of front of home



View of South side of home

Scheme



940 McKinley Avenue
January 22, 2020

Existing Site Imagery



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OLD TOWN OVERLAY ZONING DISTRICT REGULATIONS

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Old Town Overlay Zoning District Regulations

Sec. 17.12.050. Yard and bulk requirements; Old Town overlay district.

A. *Conflicting requirements.* Within the area designated on the zoning district map as the Old Town overlay district, the regulations of this section shall apply in addition to any other applicable section of this title. To the extent that a specific yard and bulk requirement set forth in this section establishes a standard or requirement which conflicts with a yard and bulk requirement set forth in any other applicable section of this title, the specific requirement of this section shall control.

B. *Building height.* The maximum building height for principal uses shall not exceed 27 feet.

C. *Design and Slope of Roof.*

1. 80 percent of the roof surface area of all roofs on each structure on a property must have a pitch of 6:12 or greater.
2. The roof pitch that constitutes more than 50 percent of the roof surface area shall be considered the existing roof pitch. Additions to existing homes where the existing roof pitch is less than 6:12 shall be exempt from the requirements of subsection C.1 of this section. Such additions shall continue the existing roof pitch, or may have a lesser roof pitch as long as no more than 20 percent of the entire structure, including addition, has a roof pitch less than the existing roof pitch.
3. Additions to existing homes which remove and rebuild 50 percent or more of the existing roof must meet the requirements of subsection C.1 of this section.
4. Structures under 120 square feet are exempt from the requirements of this subsection C.

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

1. For a lot having a lot area of less than 4,000 square feet: 40 percent.

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

E. *Floor area ratio.* For the purposes of this subsection, the term "floor area ratio" shall not include the floor area of basements if more than one-half of the vertical distance between the basement floor and ceiling is below the grade of the site, or the floor area of unenclosed porches, balconies, canopies, decks, or patios. The maximum floor area ratio shall be as follows:

1. For a lot having a lot area of less than 4,000 square feet: 0.50.
2. For a lot having a lot area of 4,000 to 5,999 square feet: 0.45 or 1,999 square feet, whichever is greater.
3. For a lot having a lot area of 6,000 to 6,999 square feet: 0.40 or 2,699 square feet, whichever is greater.
4. For a lot having a lot area greater than 7,000 square feet: 0.35 or 2,799 square feet, whichever is greater.

F. *Front yard setback.* The minimum front yard setback for principal uses shall be 20 feet unless reduced per section 17.16.080. The maximum front yard setback shall be the lesser of 25 feet or five feet plus the minimum front yard setback determined per section 17.16.080.

G. *Access and front setback requirements for garages.* Where a developed alley with a minimum right-of-way width of 15 feet, or a side street, adjoins a rear or side lot line of a lot, access to a garage or off-street parking space from a street adjoining a front lot line shall be prohibited. Where the only access available to a lot is from a street adjoining the front lot line, the minimum front yard setback for an attached or detached garage shall be not less than 20 feet greater than the setback between the front property line and the front building line of the dwelling.

H. *Street side yard setback.* The minimum side yard setback from a street for principal and accessory uses shall be as follows:

1. For a lot having a lot width less than 30 feet: Eight feet.
2. For a lot having a lot width of 30 to 60 feet: Ten feet.

3. For a lot having a lot width greater than 60 feet: 15 feet.

I. Interior side yard setback for principal uses. The minimum side yard setback from an interior lot line or platted alley for principal uses shall be as follows:

1. For a lot having a lot width less than 30 feet: Three feet.
2. For a lot having a lot width of 30 to 60 feet: Five feet.
3. For a lot having a lot width greater than 60 feet: Seven feet.

J. Interior side yard setback for accessory uses. The minimum side yard setback from an interior lot line or platted alley for accessory use shall be three feet.

K. Exceptions to front yard and side yard setbacks. The minimum front yard setback and the minimum side yard setback from a street may be reduced as follows:

1. A covered porch attached to a principal use may extend not more than six feet into the required front yard setback and the required side yard setback from a street.
2. An addition to an existing principal structure may extend into a required side yard setback provided all of the following conditions are met:
 - a. The resulting setback is not less than three feet;
 - b. The resulting sum of both side yard setbacks for a lot is equal to or greater than the sum of both required side yard setbacks for a lot; and
 - c. The resulting distance from any principal structure on an adjacent lot shall not be less than ten feet for lots having a lot width equal to or greater than 30 feet, and shall not be less than six feet for lots having a lot width less than 30 feet.

L. Rear yard setback. The rear yard setback shall be as follows:

1. The minimum rear yard setback for principal uses shall be 25 feet.
2. The minimum rear yard setback from a rear lot line for accessory uses shall be three feet except that there shall be no minimum rear yard setback from a rear lot line which is a common boundary line with a platted alley, provided, however, that garages with vehicle entrances facing an alley shall have a minimum rear yard setback of 20 feet from the

right-of-way line of the alley which is opposite the rear lot line forming the common boundary with the alley.

Sec. 17.12.055. Preservation zoning incentives; Old Town overlay district.

Background:

As properties are purchased and houses are remodeled, there appears to be a trend towards scraping the existing house of the lot to allow for a larger house that maximizes the development standards which is threatening the character of the Old Town District as well as the architectural integrity of the area. In response, the Historic Preservation Program offers zoning incentives that provide property owners more square footage and FAR in exchange for the retention of the street-facing façade of the home.

Louisville City Council adopted Ordinance No. 1519, Series 2007 which:

- 1) encourages and rewards the designation of properties as landmarks or districts.*
- 2) encourages and rewards building activities that preserve structures and features of historic architectural significance.*
- 3) encourages the preservation of houses and maintain the street level character of residential areas in the district.*

A. Notwithstanding the provisions of section 17.12.050 to the contrary, there shall be granted within the Old Town overlay district a lot coverage bonus and a floor area ratio bonus for preserving the street-facing facade or for obtaining a landmark designation pursuant to chapter 15.36 of this code. Such bonuses, referred to as the preservation bonus and the landmark bonus, shall be as set forth in subsection B of this section and shall be granted for qualifying projects as provided in subsection C of this section.

B. The preservation bonus and landmark bonus be as follows:

1. Table of Preservation and Landmark Bonuses

Lot Size	Existing Lot Coverage	Preservation Bonus Lot Coverage	Landmark Bonus Lot Coverage	Existing FAR	Preservation Bonus FAR	Landmark Bonus FAR
< 4000 sf	40%	45%	50%	.50	.55	.60
4000-5999 sf	37.5 % or 1600 sf	42.5%	47.5%	.45 or 1999 sf	.50	.55
6000-6999 sf	35 % or 2250 sf	40%	45%	.40 or 2699 sf	.45	.50
>7000 sf	30% or 2450 sf	35%	40%	.35 or 2799 sf	.40	.45

- 2. Additionally, for lots greater than 60 feet in width, the minimum side-yard interior setback requirement may be lowered to five feet and the minimum side-yard street setback requirement may be lowered to ten feet as a part of the preservation bonus.

3. Additionally, if the front setback on the property is nonconforming and foundation work is needed to obtain a preservation bonus or landmark bonus, then such work will not trigger the need to bring the nonconforming setback into compliance.
- C.** To qualify for a preservation bonus or a landmark bonus, the residential project for which such bonus is requested must meet each of the following requirements:
1. The house must be at least 50 years old.
 2. The project must save and preserve the full width of the front street-facing façade of the house as well a minimum amount of the original sidewalls or other features adjoining the front street-facing façade. Such minimum amount shall be 10 feet or 25 percent of the depth of the house, whichever is less, and the project must save and preserve all walls, porches, windows, and architectural elements located partially or entirely in such minimum footage.
 3. The project shall not include a new addition attaching to the front street-facing façade or to the preserved original wall or architectural elements.
 4. Any second story addition to an existing structure shall be set back 12 feet from the front wall of the existing front street-facing façade.
 5. The second floor square footage shall be no more than 75 percent of the total square footage of the lower floor.
 6. In order to obtain a landmark bonus, a landmark designation must also be obtained pursuant to the provisions of chapter 15.36 of this code. The landmark resolution must be adopted prior to granting of any landmark bonus.
- D.** Nothing in this section 17.12.055 affects the requirement to obtain a landmark alteration certificate for a project, when and to the extent required by chapter 15.36 of this code. The applicant for a landmark alteration certificate may request that any approved certificate include a preservation bonus or landmark bonus as authorized by this section.
- E.** The planning department shall administer the provisions of this section. Projects that qualify for a preservation bonus or landmark bonus shall be granted such bonus by administrative action of planning department, which grant shall be evidence by written instrument issued by the planning department and signed by the director of planning or his designee. Reference to an approved preservation bonus or landmark bonus may also be set forth in any landmark alteration certificate(s) or building permit(s).
- F.** Eligibility for, receipt of, or an interest in fully utilizing any preservation bonus or landmark bonus shall not constitute grounds for the granting of a variance from any other provision of this title.

Sec. 17.16.050. Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three feet into a required yard or into required open space as established by coverage standards.

Sec. 17.16.080. Exceptions to yard requirements.

The following exceptions to the front yard requirement for dwellings abutting local streets, not including collector or arterial streets, are authorized for a lot in any district:

- A. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
- B. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

Sec. 17.16.100. Vision clearance areas.

- A. A vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding 2 1/2 feet in height, measured from the top of the curb or existing grade, unless such structure or obstructions are more than 80 percent open.
- B. The minimum distance establishing the size of the vision clearance area shall be 30 feet, except that at intersections including an alley, the minimum distance shall be 15 feet.
- C. Vision clearance areas shall not be required at street intersections not including an alley in the area designated as the central business district, except with respect to fences and structures similar to fences. Vision clearance areas at intersections including an alley are required in the area designated as the central business district with respect to all the requirements of subsection A. The minimum distance establishing such vision clearance areas shall be 15 feet measured from the curb lines of the street and the right-of-way lines of the alley.
- D. Where a designated recreational trail intersects a street, there shall be a vision clearance area and the minimum distance establishing such area shall be 15 feet measured from the curb lines of the street and the edge of the trail.

Sec. 17.16.130. Principal buildings on the same lot.

No part of a principal building (including eaves and overhangs) shall be located closer than five feet to any other principal building on the same lot in residential zone districts.

Sec. 17.16.030. Accessory uses.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall also comply with the following limitations:

- A. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises.
- B. A guesthouse may be maintained in a residential district accessory to a dwelling provided such guesthouse is used for the occasional housing of guests of the occupants of the principal dwelling, and so long as such guesthouse is not used for commercial purposes and no charge is made for the use of such premises.
- C. The minimum rear yard setback from a rear lot line for accessory structures shall be ten feet. No part of an accessory building (including eaves and overhangs) shall be located any closer than five feet to any principal structure, either on the same lot or an adjacent lot, in residential zone districts. No part of an accessory building (including eaves and overhangs) shall be located any closer than ten feet to any principal structure, either on the same lot or an adjacent lot, in nonresidential zone districts.
- D. Accessory buildings on corner lots shall be set back from the side street a distance not less than that required for the principal building.
- E. Accessory structures and uses shall comply with the yard and bulk regulations applicable in the district in which they are located as set forth under chapters 17.12 and 17.13.

Helpful Definitions

Sec. 17.08.165. Floor area.

Floor area means the area included within the outside walls of a building or portion thereof including habitable tenant houses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.*

**This measurement shall not include the area within in a wall.*

Sec. 17.08.275. Lot coverage.

Lot coverage means the percentage of the total lot area available for bulk or buildings.

Sec. 17.08.045. Building height.

Building height means the vertical distance measured from grade to the highest point on the roof surface.

Sec. 17.08.035. Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

Sec. 17.08.550. Structure.

Structure means anything constructed or erected with a fixed location from the ground above grade, but does not include poles, lines, cables, or other transmission or other distribution facilities of public utilities.

Sec. 17.08.205. Grade (ground level).

Grade (ground level) means the average of the finished grade surface elevation measured at the highest and lowest exterior corners of a structure. If fill is added to raise the surface elevation at the structure by more than one foot, then grade is determined from the finished site grade level a distance of ten feet from the structure wall, or from the property line if the property line is closer than ten feet to the structure wall.

Underlying District Regulations

Existing lots of record that do not meet the regulations listed below are considered legally nonconforming. (Sec. 17.36.090)

	RL District	RM District
Minimum lot area (SF)'	7,000	7,000
Minimum lot area per dwelling unit (SF)	7,000	3,500
Minimum lot width (ft.)	70	60
Maximum height for accessory structure (ft.)	20	20

'8,000 SF for a corner lot

From: [gail.wetrogan](#)
To: [Harry Brennan](#)
Cc: [Heather Crouch](#)
Subject: Re: Requested Variances for Crouch residence 940 McKinley
Date: Thursday, January 23, 2020 3:28:41 PM

I am the property owner of 930 McKinley Ave, the next house south of the Crouch property. I have seen the plans for their proposed remodel including variances for lot coverage ratio, garage setback, and F.A.R. I have no objection to these variances being approved. I feel that the project, with these variances included, will be an asset to the neighborhood.

Gail Wetrogan
930 McKinley Ave
Louisville CO 80027

From: [Eric Ryterski](#)
To: [Harry Brennan](#)
Cc: [Elizabeth Ryterski](#); [Heather Crouch](#)
Subject: variance for 940 Mckinley Ave
Date: Friday, January 24, 2020 4:16:01 PM

To whom it may concern:

We live at 941 Garfield Ave, across the alley from James and Heather Crouch. After reviewing the plans for their home renovation, we are in full support of the project and the necessary variances.

Regards,
Eric and Elizabeth Ryterski
720-840-7224

From: [Jessie Kowalski](#)
To: [Harry Brennan](#)
Cc: [Gmail](#); [Ted Kowalski](#)
Subject: Variance for 940 McKinley Ave
Date: Friday, January 24, 2020 3:21:12 PM

To Whom it May Concern,

Ted and I are the property owners across the street from the Crouch residence. We completely support their remodel plans which include proposed variances for the lot coverage ratio, garage setback, and the floor area ratio. We have no objections whatsoever.

Sincerely,
Jessie and Ted Kowalski
945 McKinley Ave.
Louisville

MEMORANDUM

To: Board of Adjustment Members

From: Department of Planning and Building Safety

Subject: Election of Officers and Appointment of Secretary

Date: **February 19, 2020**

The Louisville Board of Adjustment (BOA) is required by its Bylaws to annually elect the following officers: Chair, Vice Chair and Secretary. The BOA shall also appoint a City Employee to serve as the Secretary of meeting minutes for the board.

The Bylaws do not establish a formal manner in which to establish officers. However, in the past, the officers and secretary have been elected / appointed either 1) at the first regular meeting in January, or 2) at the first meeting of the BOA after the effective date of appointment of new members of the BOA.

Board of Adjustment Action:

The BOA could either:

- 1) discuss and take action at this meeting or
- 2) accept nominations and letters of interest that could then be considered at the next BOA meeting

If the BOA wishes to submit letters of interest or letters of nomination in advance of the meeting, staff could include those in your packets for that meeting. We would need to receive those by end of business fifteen (15) days prior to the meeting in order to forward in your packets.

MEMORANDUM

To: Board of Adjustment Members

From: Department of Planning and Building Safety

Subject: Establish Official Locations for Posting of Public Notice

Date: February 19, 2020

State law requires that each year every municipal board or commission establish the location(s) where the notice of their public meetings will be posted. It is required the location be established at that body's first regular meeting of the year.

The City's Home Rule Charter requires that notice of City Council meetings be posted in four locations. The City Attorney and City Manager's office recommend that other boards and commissions follow the same public notice posting practice.

Consistent with that recommendation, staff is recommending the Board of Adjustment establish for the year 2020 the official locations for posting of Board of Adjustment agendas as follows:

- **The Lobby of City Hall, 749 Main Street**
- **The Louisville Public Library Bulletin Board, 951 Spruce Street**
- **The Louisville Recreation Center, 900 West Via Appia**
- **The Police / Municipal Court building, 992 Via Appia**
- **The City of Louisville website, www.LouisvilleCO.gov**

MEMORANDUM

To: Board of Adjustment Members

From: Department of Planning and Building Safety

Subject: 2020 Meeting Dates

Date: February 19, 2020

Regular meetings are held at 6:30 p.m. on the 3rd Wednesday of every month, as needed in Council Chambers, 2nd floor of City Hall (749 Main Street).

Month	Date
January	15
February	19
March	18
April	15
May	20
June	17
July	15
August	19
September	16
October	21
November	18
December	16

City of Louisville Open Government & Ethics Pamphlet 2020



City Clerk's Office
749 Main Street
Louisville CO 80027

www.LouisvilleCO.gov
303.335.4536

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Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:

- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available on DVD in the City Manager's Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City's website at www.LouisvilleCO.gov.
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City's website (www.LouisvilleCO.gov) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk's office and on the City's website (www.LouisvilleCO.gov).

Information about City activities and projects, as well as City Council decisions, is included in the *Community Update* newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at www.LouisvilleCO.gov, as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at CityCouncil@LouisvilleCO.gov.

Mayor's Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City's website (www.LouisvilleCO.gov).

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees
- Local Licensing Authority

- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Information about boards, as well as meeting agendas and schedules for each board, is available on the City’s web-site (www.LouisvilleCO.gov).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting and are posted at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Copies of complete meeting packets containing all agenda-related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk’s Office, City Hall, 749 Main Street
- City web site at www.LouisvilleCO.gov

Planning Commission

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission recommends, through a resolution, that the City Council accept or reject a proposal.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month. Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed, and occasionally Study Sessions are held.
- Regular meetings are broadcast live on Comcast Channel 8 and archived for viewing on the City’s web-site (www.LouisvilleCO.gov).

Open Government Training

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

Open Meetings

The City follows the Colorado Open Meetings Law (“Sunshine Law”) as well as additional open meet-

ings requirements found in the City’s Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a “public body” for ease of reference). Important open meetings rules and practices include the following:

Regular Meetings

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at www.LouisvilleCO.gov

Study Sessions

Study sessions are also open to the public. However, study sessions have a limited purpose:

- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings; If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- Like formal meetings, a written summary of each study session is prepared and is available on the City’s website.

Executive Sessions

The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City’s rules regarding executive sessions include the following:

Timing and Procedures

The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting.

No formal action of any type, and no informal or “straw” vote, may occur at any executive session. Rather, formal

actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

Authorized Topics

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

Ethics

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards

in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

The City's Code of Ethics (Sections 5-6 through 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

Conflicts of Interest

One of the most common ethical rules visited in the local government arena is the "conflict of interest rule." While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an "interest" that will be affected by his or her "official action," then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An "interest" is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an "interest" does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member's only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an "interest" does not include a stock interest of less than one percent of the company's outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain

degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, “official action” for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and “quasi-judicial” proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Contracts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member’s action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the “occasional nonpecuniary gift” of \$15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official’s or employee’s official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville’s Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a “revolving door” rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person’s employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City’s best interest.

Citizens are encouraged to contact the City Manager’s Office with any questions about the City’s Code of Ethics. A copy of the Code is available at the City’s website (www.LouisvilleCO.gov) and also from the Offices of the City Manager and City Clerk.

Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville's own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council's initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new

liquor licenses. Anyone may provide comments during these hearings.

Public Records

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City's public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk's Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City's website (www.LouisvilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy

Public participation is an essential element of the City's representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement

Inclusive not Exclusive - Everyone's participation is

welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

Voluntary Participation - The process will seek the support of those participants willing to invest the time necessary to make it work.

Purpose Driven - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

Time, Financial and Legal Constraints - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

Communication - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

Adaptability - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

Access to Information - The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

Access to Decision Making - The process will give participants the opportunity to influence decision making.

Respect for Diverse Interests - The process will foster respect for the diverse values, interests and knowledge of those involved.

Accountability - The process will reflect that participants are accountable to both their constituents and to the success of the process.

Evaluation - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding

Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2019

This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.

This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk's Office, 749 Main Street, Louisville, Colorado, and on the City's web site at www.LouisvilleCO.gov.

This pamphlet is also provided to every member of a public body (board or commission) at that body's first meeting each year.