

Board of Adjustment

**August 19, 2020
6:30 PM**

ELECTRONIC MEETING

This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:

- 1) *You can call in to:
+1 669 900 9128*

Webinar ID # 853 3721 3629

- 2) *You can log in via your computer. Please visit the City's website here to link to the meeting: <https://www.louisvilleco.gov/government/board-of-adjustment>*

The Board of Adjustment will accommodate public comments during the meeting. Anyone may also email comments to the board prior to the meeting at planning@louisvilleco.gov

For agenda item detail see the Staff Report and other supporting documents included in the complete meeting packet.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - June 17, 2020
5. Public Comment on Items Not on the Agenda
6. Regular :
 - **601 Johnson Street – Variance Request** - Request for a variance from the Johnson Meadows Planned Unit Development to allow a 10' rear setback where 20' is required to allow construction of a deck cover.
Case VAR-0314-2020 – Public Hearing
 - i. Applicant: Stewart Architecture

City of Louisville
Department of Planning and Building Safety
749 Main Street Louisville CO 80027
303.335.4592 (phone) 303.335.4550 (fax) www.louisvilleco.gov

Citizen Information

Persons with disabilities planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact Harry Brennan 303-335-4591. A forty-eight-hour notice is requested.

ii. Case Manager: Harry Brennan

1. Open Public Hearing
2. Opening Statement by Chair
3. Public Notice and Application Certification
4. Disclosures
5. Staff Presentation and Questions of staff
6. Applicant Presentation and Questions of applicant
7. Public Comment
8. Applicant discussion of public comment, if any
9. Closing statement by staff and applicant and Final questions by board
10. Close public hearing and Board discussion and action

7. Business Items Tentatively scheduled for the meeting on September 16, 2020:

- 1613 Jefferson Ave.
- 654 Columbine Ct.

8. Adjourn

9. Staff Comments

10. Board Comments

11. Adjourn

Board of Adjustment Meeting Minutes June 17, 2020 Electronic Meeting 6:30 PM

Call to Order: Leedy calls the meeting to order at 6:33 PM.

Roll Call is taken and the following members are present:

Board Members Present: Chair Jessica Leedy
Karen Cooper
James Stuart
Mark Koepke
Jonathan Mihaly
John Ewy

Board Members Absent:

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

Approval of Agenda:

Stuart moves and **Cooper** seconds a motion to approve the June 17, 2020 agenda as prepared by Staff. Motion passes by voice vote.

Approval of Minutes:

Stuart moves and **Mihaly** seconds a motion to approve the May 20, 2020 minutes. Motion passes by voice vote.

Public Comments on Items not on the Agenda:

None heard.

Regular Business:

- **104 Rose St (Case # VAR-0302-2020):** Request for a variance from the Residential-Low zone district standards to allow:
 - Front Setback of 18'-9" where 25'-0" is required
 - Rear Setback of 7'-0" where 25'-0" is required
 - Side Setback of 5'-2" where 7'-0" is required

- Lot Coverage of 40% where a maximum of 30% is allowed

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 (5) of the six (6) votes would need to be affirmative.

Ritchie verifies the application to be heard this evening is complete, and was mailed to surrounding property owners on May 29, 2020, published in the Boulder Daily Camera on May 31, 2020, and the property was posted on May 29, 2020.

Stuart moves and **Mihaly** 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. Cooper informs the board that she did visit the site.

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

Staff Report of Facts and Issues:

Ritchie 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 not met and recommends the Board of Adjustment denial of the variance request.

Board Questions of Staff:

Stuart asks if staff could tell him more about the purpose of the lot coverage requirement.

Ritchie says that lot coverage is an important factor for character in a residential neighborhood. 30% lot coverage allows reasonable development on a property. There is no floor area ratio requirement except for the Old Town Overlay. Lot coverage applies

space, distance between the homes, and reinforces the character of standalone residential properties.

Stuart states that it looks like most of what the applicant is requesting will be hidden away. He also mentions that he does not know how this proposal affects the character of the neighborhood if most of it will be hidden on the property.

Ritchie says that although she understands what Board Member Stuart is saying, it does not hinder the existing or any future homeowner from doing a second story addition on this existing footprint because there would be no need for additional lot coverage, so there would be no need for another variance. Once that footprint and lot coverage is established, there would be nothing limiting that next step for impact and that could be impactful to the neighborhood.

Ewy mentions that staff talked about the connection to the existing garage. If the applicant went with a breezeway instead, that would take care of the setback requirements. Would that do anything for the coverage requirements?

Ritchie says no, breezeways and covered areas are still subject to lot coverage. Staff views them, such as breezeways, as standalone structures even if they are unenclosed areas. We acknowledge that the entirety of the addition is within setbacks and that there is no additional encroachment. Our primary concern is related to the lot coverage.

Mihaly states that there is no floor area ratio requirement for this subdivision, correct?

Ritchie says that is correct. It is just setbacks, lot coverage, and height.

Mihaly asks that if the current owners could obtain the same amount of square footage if they did a second story addition.

Ritchie says that they could as long as it fits within the setback, the 35 foot height limit, and the lot coverage.

Mihaly asks for clarification on that if this proposal was approved, a future development could be made on top of the expanded footprint to make a very large house with a second story on that same expansion.

Ritchie says that is correct because there would be no additional impact to lot coverage or setbacks at that point. The second story where you have a nonconforming setback, they would have to keep that addition within those setbacks.

Stuart asks if it is possible for the board to add a condition that the existing and any future homeowners could not put a second addition on the home.

Ritchie says that while the answer to that question might be yes, it is extremely difficult to track over time conditions put on properties. Future city planners might not be aware of the condition and therefore might not catch that during the permitting process.

Zuccaro tells the board that if they are considering having a condition, that that would need to be a covenant that is recorded on the property that would limit it to a one-story. The covenant would not be allowed to be removed without some action by the city. It can get complicated, but that is one way of making sure the land and future property owners are aware of that restriction.

Koepke asks what the proposal is for the existing garage.

Ritchie says that the footprint will stay but informs the board that during the applicant's presentation, they will go into more detail of what they are doing for the inside footprint.

Mihaly asks that the applicant during their presentation state the plans for the garage in regards to its capacity and number of parking spots it will have. He also asks that they show what is existing now and what is proposed.

Applicant Presentation:

Kevin and Chelsea Blanchard, 104 Rose St

Blanchard reviews his background for the board, which includes his family and his history living in Louisville.

He then discusses the neighborhood. He mentions the following about the neighborhood:

- The neighborhood is more than just a single block
- The neighborhoods all have a uniform feel made up of primarily brick ranch homes. There are a handful of home expansions that have taken place, including popped tops and others that have pushed back.
- Rose Street is made up of exclusively single story brick ranch homes

He mentions that they have done some interior remodeling within the home to accommodate the needs for their family, but the existing square footage is no longer sufficient for their family. They have stated that they need the following:

- Sufficient bedrooms for the family
- A dining space with a large enough table for family and friends
- A front porch that allows for family/neighborhood socializing
- A mudroom for kids to store shoes/backpacks
- The ability to easily park two cars in a garage for safety purposes and to avoid possible hail damage

He discusses his options and the pros and cons for accommodating their family's growing needs:

- Pop-up to a second story
 - Pro: Keeps the backyard the same and does not require a variance
 - Con: Disrupts the feel of the neighborhood
- Add to the existing first floor footprint
 - Pro: Maintains the existing neighborhood feel
 - Con: Lose a lot of the backyard
- Keep the home as it is
 - Pro: No need to rent a second home during the project
 - Con: Already paid architects for drawing and wasting multiple individuals time
- Move out of Louisville
 - Pro: No need to rent a second home
 - Con: No longer near grandparents, lose out on Louisville schools, fewer visits to the downtown area, such as Sweet Cow

He reviews each criteria and discusses why their request meets each criteria:

- Criteria 1:

- The property was non-conforming at the time of their purchase. The garage and front porch resided within the allowable setbacks at the time of purchase.
- Criteria 2:
 - The garage is larger than most homes in the area. The garage overlaps with the footprint of the home, creating an unusual circumstance.
- Criteria 3:
 - The property is already non-conforming. It cannot be made conforming without taking things way. In order to conform to the existing municipal code, they would have to tear down and re-build the existing garage structure.
 - The garage takes up space of the area of the lot in comparison to the home. The proposal will correct the existing odd proportions.
 - They have put considerable effort into other design options and this is the most reasonable to renovate the property.
- Criteria 4:
 - The existing front porch and garage were in place prior to their purchase of the home. They purchased the property as non-conforming.
- Criteria 5:
 - They have gone to great length to ensure that they maintain the character of the neighborhood by staying at a single story.
 - They have worked with their architect to ensure that the street view of the home is minimally impacted.
- Criteria 6:
 - The changes are modest in nature. The house will not look larger from the curbside.
 - They are limiting the footprint where it is possible. Their kids will continue to share bedrooms.

He lastly reviews the voices of approval, which are approximately 12, and the single voice of dissent they have received.

Board Questions of Applicant:

Stuart states that the existing garage will house one car but asks if the other half will be made into livable space.

Blanchard says that there will be no livable space in the garage. The other half will be for storage.

Koepke asks staff how the surrounding neighborhood properties get to have a 40% lot coverage.

Ritchie says that when she was looking at those homes, most of them look like they are in the Old Town Overlay and, as the board knows, there are different zone district standards and some of them allow up to a 40% lot coverage. A 40% lot coverage though is reserved for 4,000 sq ft or smaller. It looks like in the applicant's presentation, they showed some inclusion of second floor space in the footprint or the square footage. Either way the zoning varies throughout the city. She mentions that she is not aware of any of those properties receiving variances. It is possible they got a variance but the Old

Town Overlay allows up to 40% lot coverage. As the lot gets bigger, the lot coverage ratio gets smaller.

Cooper discusses a rumor she heard about the neighborhood mentioned above. She heard that they were former miner's homes and that the intention of the neighborhood was to keep them as single story because they were historic and a single story keeps the overall original character of the neighborhood. Does the city have anything put in place in order to keep those properties single story because of them being former miner's homes?

Ritchie says she is not aware of any Plat or covenant requirement or anything legal that would restrict these homes to remain single stories. She agrees that it was probably the original sub dividers intention to preserve that. The standard for homes has gotten larger though then the typical homes built when mining still had a presence in Louisville. She mentions that the historic preservation ordinance is not included in the historic preservation framework. She points out that anything built prior to 1955 is subject to a historic preservation review by subject of age. However, that being said, a historic preservation landmark is eligible once the home is 50 years or older. It is possible that overtime these properties will want to be landmarked because of its age.

Zuccaro says that there is no city adopted policy or regulation for this neighborhood related to historic preservation character. The zoning could allow complete re-development in this neighborhood. Only in the Old Town Overlay could historic preservation come into play at some point. He thinks what Board Member Cooper described is what the city has in the Old Town Overlay zone district. There are no other neighborhoods in the city where we have those preservation policies.

Public Comment

Marilee O'Conner, 104 Barbara St

O'Conner says that the problem and biggest issue seems to regard the lot coverage. She wants to know what purpose of that lot coverage. She says it sounds like before, it had to do with the character of the neighborhood. A one-story home is maintaining the character of the neighborhood and that is what the applicant is proposing to keep. A single story home is more beneficial for a home and neighborhood and that is not just an opinion but is evidenced based.

Debbie Wood, 409 Lois Dr

Wood has lived in this subdivision her entire life. She had to get a variance, added a second addition, and did the same thing as the applicant is proposing to do to their garage. She supports them and wants them to be able to have a bigger house for their family and children. She mentions that her parents live in the same subdivision and have done a single story addition. She says it works well for the property and she encourages the board members to see it for themselves of how well it not only works for the property but for the neighborhood.

Tammy Gardner, 605 Lois Dr

Gardner says she has lived in this neighborhood for over 15 years. She wanted to live in this neighborhood because of its character and she supports the applicant's proposal. She feels like although they are expanding the footprint, it is not changing the character of the neighborhood. She respects them for trying to maintain the character of the neighborhood.

Kim Contini, 1057 Century Dr

Contini notes that the applicants wants to keep raising their family in this home and is in support of that. Their variance request is reasonable and enhances their quality of life. She asks the board to allow them to live in their dream. She supports their proposal.

Tanya Kouyoumdjian, 106 Rose St

Kouyoumdjian points out that she just recently bought her home in Louisville because she wanted a single story house and this neighborhood has that same character she was looking for. She does not think the look of the neighborhood will change because the design will be on the back of the property. Being at the back of property will keep it looking hidden. She hopes that the board will allow the applicants to add on to the back of their home.

Jodie Blanchard, 640 Sagebrush Dr

Blanchard mentions that the applicant went to elementary school with numerous families that lived in Louisville. The kids he went to school with no longer live in Louisville because they cannot afford it. The applicant's proposal would allow them to stay in this home. She mentions that she thinks people will start tearing down homes that are in this neighborhood if they cannot add on to their property. She gives credit to the applicant for wanting to maintain the house's character. She also points out that when the applicant showed homes that are in the Old Town Overlay zone district during their presentation, they only showed homes with main level footprints. They were not looking at the total square footage of the property.

Pam Foster, 107 Rose St

Foster says that the applicant has been very considerate of the existing architecture of the home and wanting to maintain that architecture. She does not think their design affects the character of the neighborhood. Modern families cannot fit into many of these homes in Louisville and this proposal would allow their family to stay at this location, where they have existing history in Louisville.

Summary and request by Staff and Applicant:

Blanchard expresses gratitude and thankfulness for all the public comment they have received.

Discussion by Board:

Stuart says that he is in agreement with all the assessments the applicant showed in their presentation. Regarding criteria one, the odd proportion of the large garage is an unusual circumstance and that leads to the rest of the changes that need to be made. A few more square feet is very useable and the proposed design does maintain the character of the neighborhood. He agrees with the applicant's discussion of meeting each criteria, with the additional point he mentions regarding the unique circumstance of the odd proportion of the garage. He says he will be voting for approval.

Ewy states two problems he has with this application. One is the fact that if this request is approved, the applicant could add on a second story to the home. He is unsure of how to mitigate that from happening. The second problem is the precedence that this sets for the neighborhood. The lots are quite big for this neighborhood and he is concerned this would allow bigger homes to be built in this neighborhood. At this moment, he wants to deny this request.

Koepke agrees with Board Member Stuart's discussion points but shares Board Member Ewy's concern. He asks staff if the board could approve a condition where this home could not add a second story.

Stuart also agrees that there should be a condition that would not allow this property to build a second story.

Zuccaro discusses how putting a condition on the variance approval can bring challenges to the property. An option for the board would be to create a condition on the resolution of the approval. That can be difficult to track through the permitting process though. Another option is to put a covenant on the property. The city does not want to be in the business in enforcing covenants on properties. A covenant is an option if that is acceptable to the applicant though.

Cooper says she thinks it is necessary to see if the city could create something legally that would prohibit this neighborhood from popping the tops from these homes. She would be in approval of having a covenant on this property that would not allow a second story to be built on the property.

Zuccaro says there is no policy in this neighborhood that would stop them from building second stories. There is no zoning overlay and no city adopted policy that would hinder these types of designs. He reminds the board that they are asked to review this against the adopted criteria and recommends that they focus on the criteria and how the proposal relates to the adopted criteria. He says that they can have conditions on an approval and thinks a condition put on the second story is appropriate.

Leedy asks Board Member Cooper if she is leaning in any particular way.

Cooper says that she is leaning in support of this request if there is a covenant on the property not allowing it to be made into a two story house.

Stuart agrees with staff's option of a condition rather than going through the avenue of a covenant.

Leedy asks staff if the covenant is just for the house and not the whole neighborhood.

Zuccaro says that that is correct, it only applies for this property. The board could make a condition to the approved resolution; however, the benefit of the covenant is that it adds an additional layer for any future property owners. Future owners would get a copy of that covenant when they receive their title work, so it would be easier for them to be aware of this restriction on the property.

Ewy asks if city staff could miss that documentation when future homeowners go through the permitting process. Can there be a deed restriction on the land that says it cannot have a second story on the property?

Ritchie says that she thinks Board Member Ewy is speaking to staff's concern on this. On a typical building permit application, staff does not look at title work. Staff can do their best to put notifications of this condition on this permit's existing and future documents, but it is not a guarantee that it will be caught during permitting process.

Ewy asks what the process would be for the property owner if staff did miss the condition during the permitting process. Would they have to tear down the construction work?

Ritchie says that is a possibility, but if the city has approved and issued the building permit, there is a possibility that the city could not revoke that permit.

Zuccaro says that he thinks a deed restriction and a covenant would function in a very similar manner. He says that he would focus on seeing if this variance request meets all the criteria needed in order to approve and if the board finds that that is conditional of prohibiting a second story on the property. If so, the city staff and the city attorney could work on creating a recorded development restriction on the property and maybe leave it a little more general so staff could work with the city's legal counsel on how to do it.

Leedy says she agrees with how the applicant approached the six criteria and plans to approve the variance. She is fine having added language that would prohibit a second story on the property.

Mihaly asks staff if the city has the mechanisms to implement a covenant or deed restriction.

Ritchie says yes, the city does have certain mechanisms in order to do this. If the city attorney had concerns with the condition or covenant, staff would bring this request back to the board to further discuss the subject.

Mihaly says he is in favor of voting for approval with the condition in play. He weighs heavily on the neighbor input and appreciates the applicant's attention to detail in trying to maintain the character of the neighborhood. He agrees that expanding the footprint on the lot is more in alignment with the character of the neighborhood than adding a second story.

Ewy discusses how he thinks down the road, future homeowners will pop the tops within this neighborhood because of the needed additional space. He mentions that he does not think the character of the neighborhood is really an issue because in future, most likely that character will change because of the needed additional square footage and the options to go about that. He does not think character is a big issue for him on this request and is still inclined to vote no.

Zuccaro presents an appropriate condition for a motion of approval. The board's approval is conditional of allowing a second story development, but it would not restrict this development if a future property owner scraped and rebuilt the home. The city staff and the property owner will work with the city attorney on a legal document that would also allow only a one story development to take place but would no longer be in affect if this house were scraped.

Cooper asks staff to clarify that if the home was scraped, there would not be another board meeting to approve if the second story would be allowed on the property.

Zuccaro says that the property owner would have to come back to the board in order to do that.

Ewy says that if the city attorney cannot come to an agreement, would that have to come back to the board?

Zuccaro says that staff would bring it back to the board and say that staff could not find that the condition could be met and then the board would redeliberate.

Blanchard says that he is willing to work with city staff and the city attorney to create a legal document that would satisfy the proposed condition made by Director Zuccaro.

Ewy says he would be in favor of approving this request.

Motion is made by **Stuart** to approve 104 Rose St's request for a variance from the Residential-Low zone district standards to allow:

- o Front Setback of 18'-9" where 25'-0" is required
- o Rear Setback of 7'-0" where 25'-0" is required
- o Side Setback of 5'-2" where 7'-0" is required
- o Lot Coverage of 40% where a maximum of 30% is allowed

with the condition that has been presented by Director Zuccaro. Motion is seconded by **Cooper**. Roll call vote.

Name	Vote
Karen Cooper	Yes
John Ewy	Yes
James Stuart	Yes
Mark Koepke	Yes
Jessica Leedy	Yes
Jonathan Mihaly	Yes
Motion passed/failed:	Pass

Motion passes 6-0.

Discussion Items:

None heard.

Business Items tentatively scheduled for July 15, 2020:

- None

Staff Comments:

None heard.

Board Comments:

None heard.

Discussion Items for July 15, 2020 Meeting:

None heard.

Adjourn:

Stuart moves and **Mihaly** seconds a motion to adjourn the meeting. Motion passes by voice vote. Meeting adjourns at 8:28 PM.

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

APPLICANT: Stewart Architecture

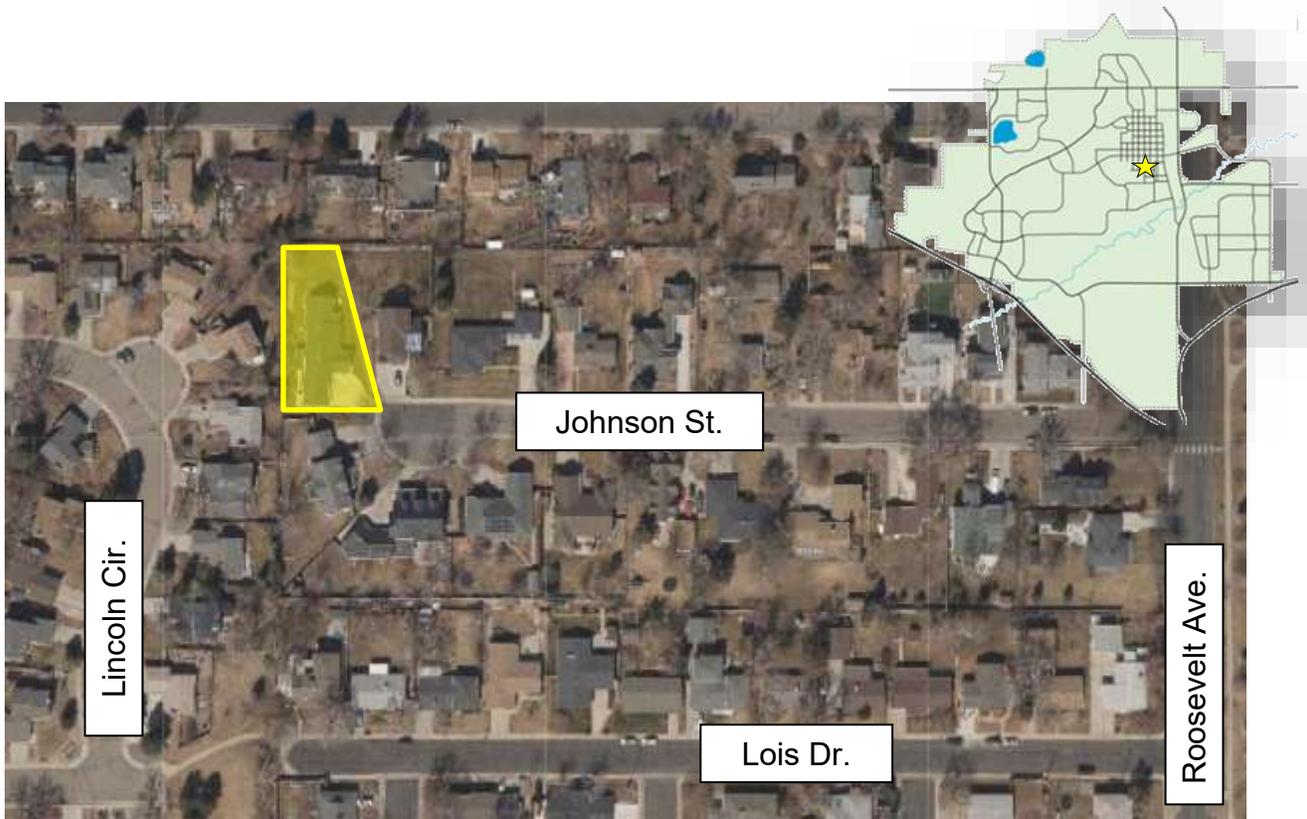
OWNER: Brian & Meredith Deneau

STAFF PLANNER: Harry Brennan, Planner II

LOCATION: 601 Johnson St.; Lot 2, Johnson Meadows

ZONING: Single Family Low Density (SF-LD); Johnson Meadow Planned Unit Development

REQUEST: **Case #VAR-0314-2020** – Request for a variance from the Johnson Meadows Planned Unit Development standard to allow a rear setback of 10’ where 20’ is required to allow the construction of a deck cover.



SUMMARY:

The applicant requests a variance from the Johnson Meadows PUD to construct a new 10'x20' cover over the back deck resulting in a 10' rear setback where 20' is required. The existing deck measures less than 30" in height from grade to the finish floor, and is thus exempt from setback requirements. The deck cover is subject to setback requirements, necessitating the variance request.

BACKGROUND:

The property is located in the Johnson Meadows subdivision, which the City approved in 1996. The house was built in 1997, at which point the existing deck was also constructed. This original deck measured less than 30" in height from grade to the finish floor, which exempted it from meeting the rear setback requirement of 20' minimum. Previous owners appear to have constructed a cover over the existing deck 10' into the rear setback without a building permit. In June 2020, the current homeowners submitted a building permit to replace the deck and non-conforming deck cover, necessitating the variance request.

EXISTING CONDITIONS – 601 Johnson Street

(The photos below show the previous deck cover that was built in the setback without a variance; the new deck cover will be the same size as the previous one)

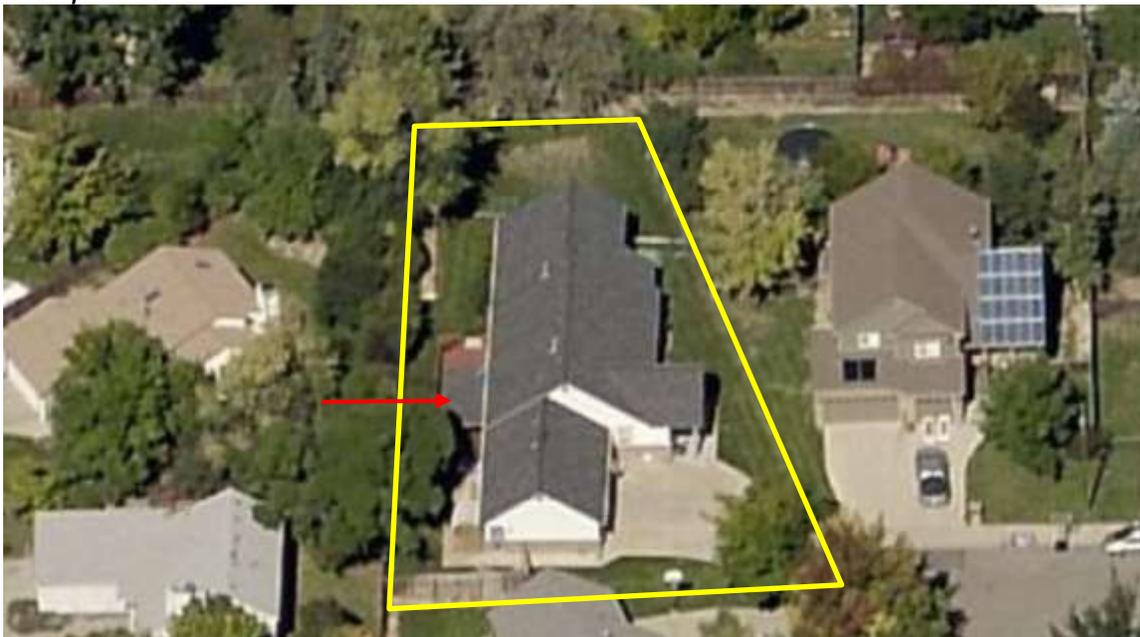
Oblique view from the north



Oblique view from the west



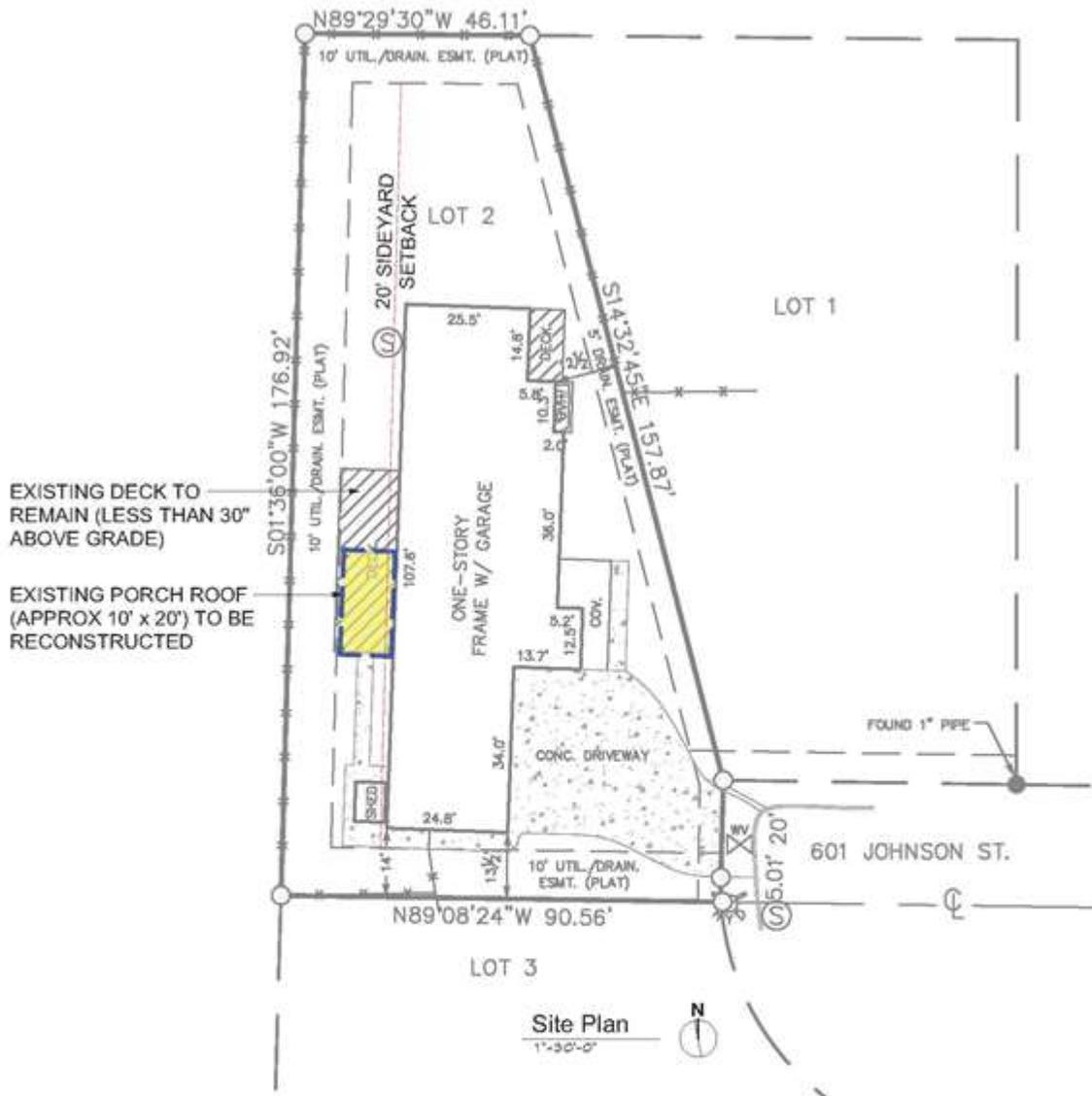
Oblique view from the south



PROPOSAL:

The applicant desires to construct a new cover over the existing rear deck at the same size and in same location as the previous unpermitted cover. The proposed cover is 10'x20' and extends into the 20' required rear setback by 10'. It would cover a portion of the rear deck which is less than 30" in height. This location is preferred on the property due to the existing interior configuration of the home and access to the deck, rather than relocation of the previous cover to a new, conforming location.

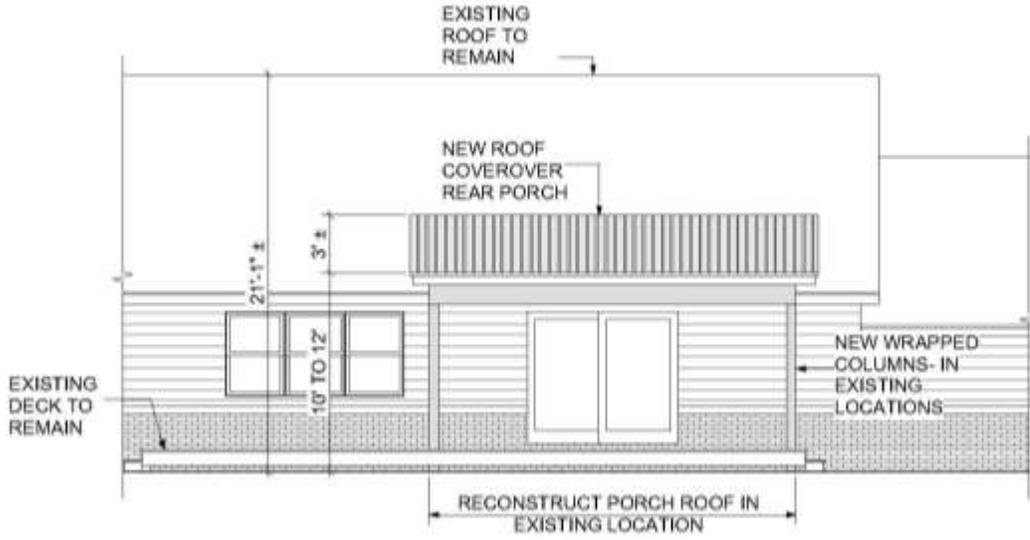
Proposed Site Plan



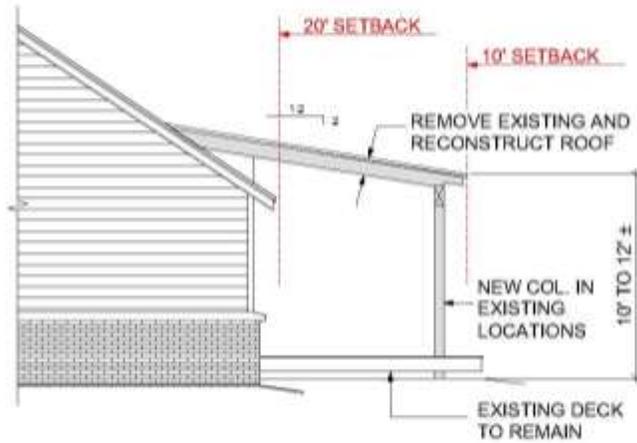
SITE PLAN

<p>stewart ARCHITECTS</p> <p>1132 JEFFERSON AVE LOUISVILLE, CO 80227 303.555.8458</p>	<p>DENEAU RESIDENCE</p> <p>601 Johnson Street Louisville, Colorado 80027</p>	<p>Variance Request July 22, 2020</p>
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Proposed Elevations

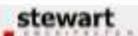


West Elevation
1/8" = 1'-0"



North Elevation
1/8" = 1'-0"

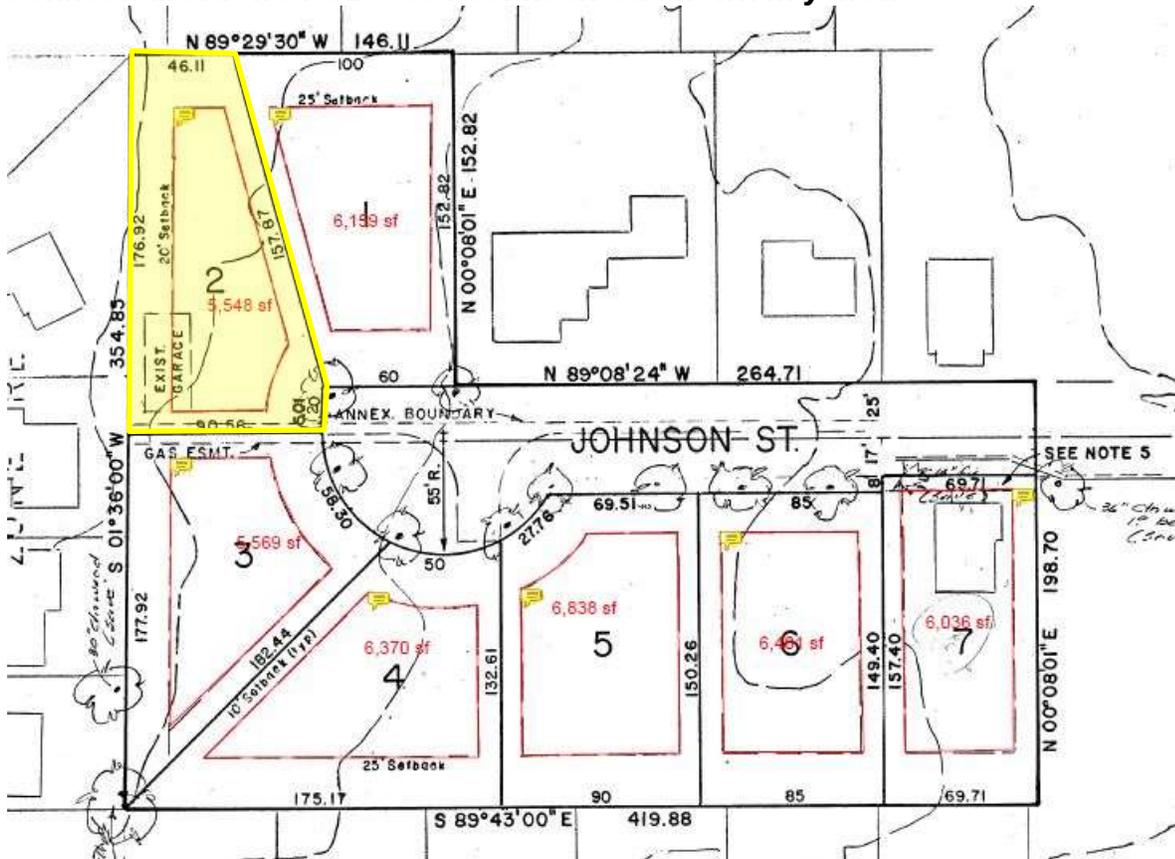
PROPOSED PATIO COVER

 1122 JEFFERSON AVE LOUISVILLE, CO 80527 303.546.9560	DENEAU RESIDENCE 601 Johnson Street Louisville, Colorado 80027	Variance Request July 22, 2020
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Analysis

601 Johnson St. is one of seven properties in the Johnson Meadows PUD. Three of the seven properties are essentially rectangular, while four (including 601 Johnson St.) are irregular shapes.

Johnson Meadows PUD – 601 Johnson St. shown in yellow



The table below summarizes the average depth (calculated by averaging the smallest and greatest depth dimensions), and the approximate buildable area for each of the seven lots in the Johnson Meadows PUD. 601 Johnson St. has the smallest buildable area, and is the shallowest lot in the PUD.

	Average Depth	Approx. Buildable Area
601 Johnson St.	68.3'	5,548SF
603 Johnson St.	152.8'	6,159SF
660 Johnson St.	136.5'	5,569SF
670 Johnson St.	157.5'	6,370SF
680 Johnson St.	141.5'	6,838SF
690 Johnson St.	149.8'	6,401SF
700 Johnson St.	157.4'	6,036SF

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 irregularly shaped and uniquely shallow when compared to other lots in the Johnson Meadows PUD. These conditions mean compliance with the PUD’s setback requirements is particularly difficult at 601 Johnson St. as it relates to rear setback conformance. **Staff finds the proposal meets this criterion.**

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

Staff finds that while other properties in the Johnson Meadows PUD are irregularly shaped, 601 Johnson St. is the most affected by irregular lot lines and the shallowness of the lot. Because of these conditions, 601 Johnson St. has the least depth in the PUD area which

complicates conformance with the rear setback requirement. **Staff finds the proposal meets this criterion.**

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

The shallowness of the lot has resulted in a home that is limited in depth and that already abuts the rear setback line. The shape of the lot limits any further reasonable improvements on the property, particularly on the west side with the rear setback. **Staff finds the proposal meets this criterion.**

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

Staff finds that the applicant did not create the hardship on this property. The hardship is inherent in the way the PUD setbacks apply to the platted dimensions of this property. Further, the current owners did not build the previous non-conforming deck cover. **Staff finds the proposal meets this criterion.**

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

Staff finds that the proposal would not alter the essential character of the neighborhood. The deck cover will not be visible from Johnson St. or be located unreasonably close to any neighboring property. The deck cover is modest in height (roughly 12'), which will limit the impact on the property directly to the west. For comparison, the applicant could construct an accessory structure in this location with a 10' setback, therefore the resulting impact on the neighboring property is similar. **Staff finds the proposal meets this criterion.**

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

Staff finds that the deck cover is a reasonable request in terms of the size of the deck cover, and the variance, if granted, will result in the least modification possible. **Staff finds the proposal meets this criterion.**

PUBLIC COMMENTS:

To date, staff have not received any public comments on this application.

STAFF RECOMMENDATION:

Staff finds the proposal meets the applicable variance criteria in Section 17.48.110 of the LMC, and therefore, 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. Johnson Meadows PUD

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: Stewart Architecture

Contact: Peter Stewart

Address: 1132 Jefferson Ave.
Louisville, CO 80027

Mailing Address: _____

Telephone: 303-6665-6668

Fax: _____

Email: petere@stewart-architecture.com

OWNER INFORMATION

Firm: _____

Contact: Brian & Meredith Deneau

Address: 101 Johnson Street

Mailing Address: Same As Above

Telephone: 317-556-6006

Fax: _____

Email: mjdeneau@earthlink.com

REPRESENTATIVE INFORMATION

Firm: _____

Contact: _____

Address: _____

Mailing Address: _____

Telephone: _____

Fax: _____

Email: _____

PROPERTY INFORMATION

Common Address: _____

Legal Description: Lot 2 Blk _____

Subdivision Johnson Meadows

Area: 12,145 Sq. Ft.

TYPE (S) OF APPLICATION

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

PROJECT INFORMATION

Summary: Request a setback variance to allow for a 10' interior side yard setback when 20' is required.

Current zoning: SFLD Proposed zoning: SFLD

SIGNATURES & DATE

Applicant: Peter Stewart

Print: Peter Stewart

Owner: Brian Deneau

Print: BRIAN DENEAU 7/21/2020

Representative: _____

Print: _____

CITY STAFF USE ONLY

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

ELECTRONIC LAND USE HEARING REQUEST CASE NO. _____

APPLICANT INFORMATION

Firm: STEWART ARCHITECTURE

Contact: Peter Stewart

Address: 1132 Jefferson Ave.
Louisville CO 80027

Mailing Address: _____

Telephone: 303-665-6668

Fax: _____

Email: peter@stewart-architecture.com

OWNER INFORMATION

Firm: _____

Contact: Brian & Meredith Deneau

Address: 601 Johnson

Mailing Address: _____

Telephone: 317-556-6006

Fax: _____

Email: mjdeneau@earthlink.com

REPRESENTATIVE INFORMATION

Firm: _____

Contact: _____

Address: _____

Mailing Address: _____

Telephone: _____

Fax: _____

Email: _____

PROPERTY INFORMATION

Common Address: 601 JOHNSON

Legal Description: Lot 2 Blk _____

Subdivision JOHNSON MEADOWS

Area: 12,145 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)

I hereby request the public hearing(s) on this application be scheduled to be conducted by Electronic Participation in accordance with the attached Resolution No. 30, Series 2020, as adopted by the City Council on April 7, 2020, if such hearing(s) can be scheduled during a time period when in-person meetings are not being held due to a health epidemic or pandemic. I acknowledge that holding a quasi-judicial hearing by Electronic Participation may present certain legal risks and involves an area of legal uncertainty, and that having this application heard at a meeting held by Electronic Participation is optional and undertaken at my own risk. I also understand that in-person meetings are preferred for quasi-judicial hearings, and that even if electronic hearing(s) are scheduled, this application will be heard at an in-person meeting if in-person meetings have resumed by the scheduled hearing date(s). I further agree to defend and indemnify the City of Louisville in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.

SIGNATURES & DATE

Applicant: Peter Stewart

Print: PETER STEWART

Owner: _____

Print: _____

Representative: _____

Print: _____

CITY STAFF USE ONLY

- Electronic Hearing Approved: _____
- Date(s) of Hearing(s): _____

July 22, 2020

Harry Brennan
Planner II
City of Louisville
749 Main St
Louisville CO 80027

RE: 601 Johnson Ave.
Request for Setback Variance
To allow a 10' interior side yard setback, for a patio cover, where 20' is required.

Mr. Brennan,

The property owners, Brian and Meredith Deneau, recently purchased the property at 601 Johnson. To the west side of the home, off their kitchen, is an existing patio cover, built within the side yard setback. This roof has been in place for at least 20 years. Unfortunately it is poorly constructed and in need of repair/ replacement. The Deneau's value the sun protection from the western evening sun and desire to reconstruct the roof to improve its construction quality and provide a bit more headroom.

This request is to allow the reconstruction of the roof in its current location and the same plan size as is existing (approx. 10 feet x 20 feet).

We believe the variance is necessitated because of the lot's unusual shape and approval would afford the Deneau's reasonable use and enjoyment of their property similar to other properties in the neighborhood.

Reasons to approve the variance:

- The proposed roof cover would replace the existing roof in both location and plan size and is constant with its historic use and would not change the character of the neighborhood.
- Is open 3-sides and not enclosed. Does not increase visual massing or perceived bulk of the building (amount enclosed building coverage does not increase)
- The increase in height is minimal and well below the existing house and garage roofs. – no increase
- The 10 feet side yard setback similar to adjacent properties: RE to the west is 10 feet and RL to the north and south is 7 feet.

Variance Technical Criteria

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

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

R: The unique configuration of the lot, long and narrow, poses an unusual condition within the surrounding neighborhood. The 20' interior side yard setback is also not typical throughout the surrounding neighborhoods.

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

R: The unusual lot shape creates a condition which is different from typical lots in the neighborhood. The two zone districts adjacent to this property, RE (west) and RL (north & south), have much smaller interior side yard setbacks, 10' and 7' respectively.

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

R: The proposed cover is a reasonable type of development which will afford the property owners full use and enjoyment of their property. Given the proximity of the existing house to the setback it would not be possible to reconstruct a permanent roof structure without a variance.

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

R: These circumstances are the result of existing building and property. Condition has been in existence for at least 20 years.

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

R: The open unenclosed patio cover will be the same area and location as it stands today. It will not add to building bulk and will not increase the overall building height. The variance would allow the property to be more aligned with interior side yard setback standards in adjacent neighborhoods.

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

R: The proposed variance is minimal. The proposed roof cover is to be reconstructed in the same location and to be the same size as currently exists. Approval of the variance would allow the property owners a fuller use and enjoyment of their patio.

Thank you for your consideration of this proposed 10' interior side yard variance. Please let me know if you have any questions or need any additional information.

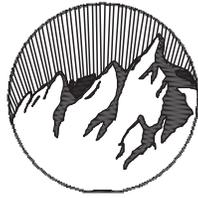
Sincerely,



Peter Stewart, Project Representative

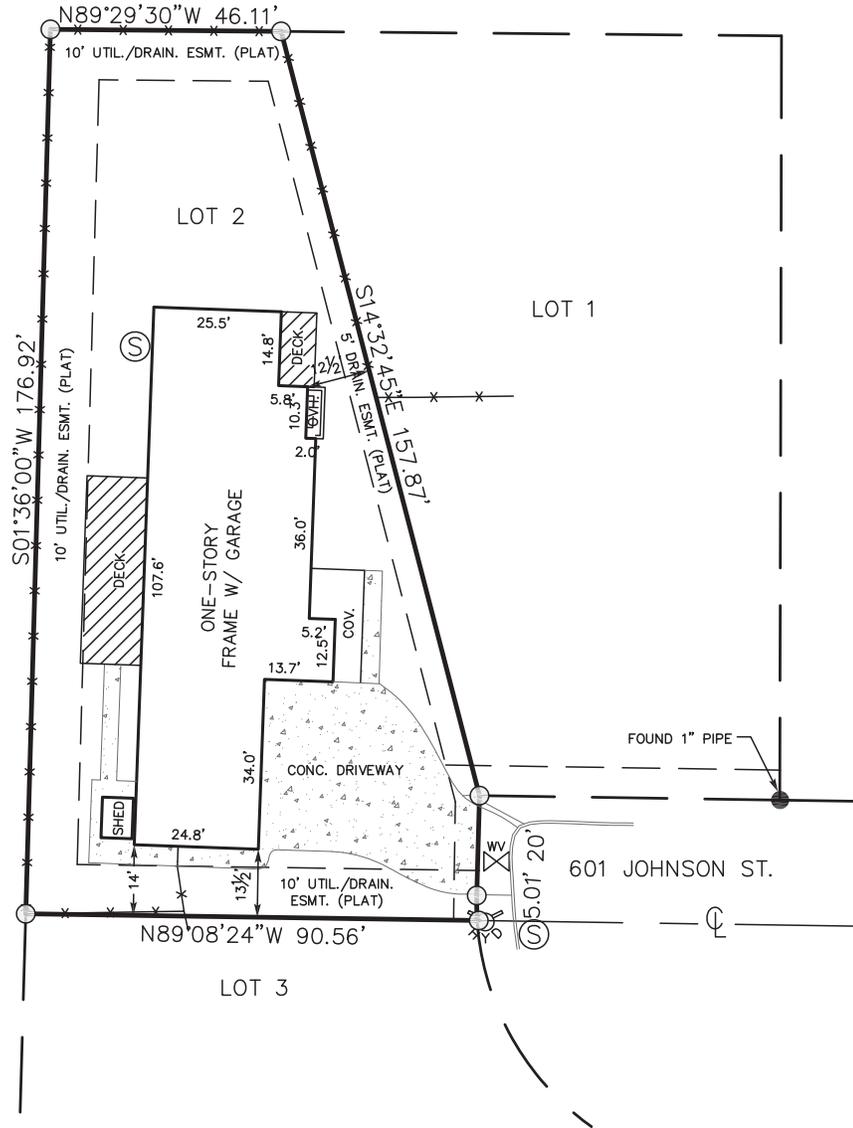
LEGAL DESCRIPTION
 (PROVIDED BY THE CLIENT)
 DEED RECORDED ON 7/31/2019 AT REC.
 NO. 3727203

LOT 2,
 JOHNSON MEADOWS SUBDIVISION,
 COUNTY OF BOULDER,
 STATE OF COLORADO.



Flatirons, Inc.
 Surveying, Engineering & Geomatics
 3825 IRIS AVE, Ste 395
 BOULDER, CO 80301
 PH: (303) 443-7001
 FAX: (303) 443-9830
 www.FlatironsInc.com

SCALE 1"=30'



Notes:

- 1- THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2- AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.



John B. Guyton, Colorado L.S. #16406

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for STEWART ARCHITECTURE, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. This certificate is valid only for use by STEWART ARCHITECTURE and describes the parcel's appearance on JULY 9, 2020. I further certify that the improvements on the above described parcel on this date, JULY 9, 2020, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

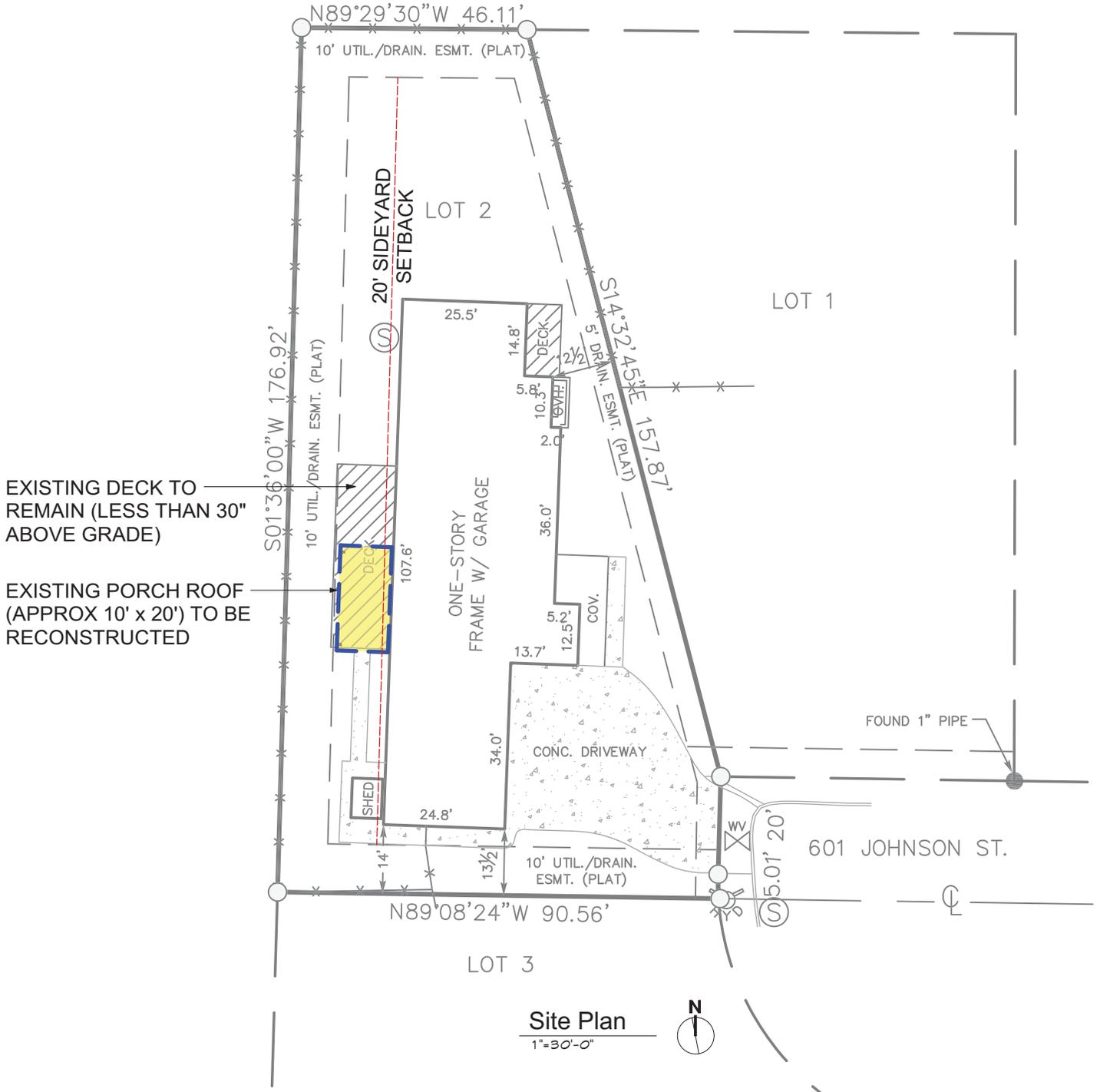
NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. the use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.

Flatirons No. 20-75154
 Drawn By: W. BECKETT

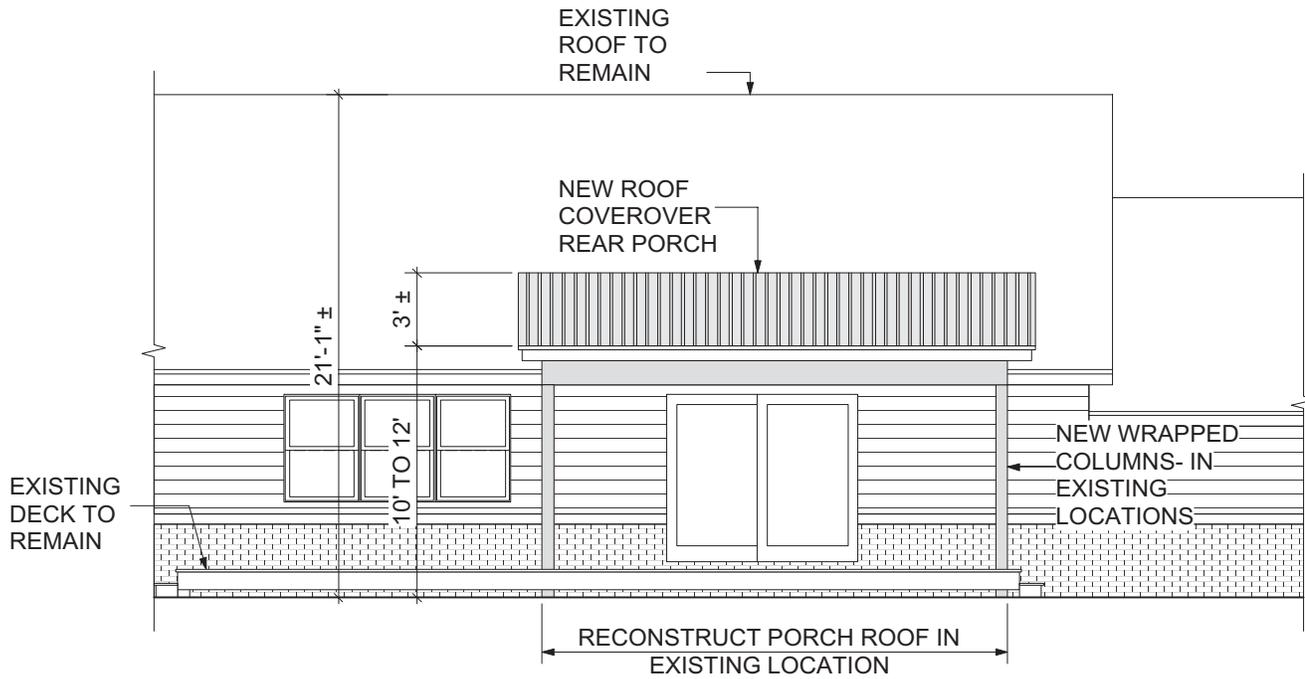
Title Co. No.

Borrower:

COPYRIGHT 2020 FLATIRONS, INC.

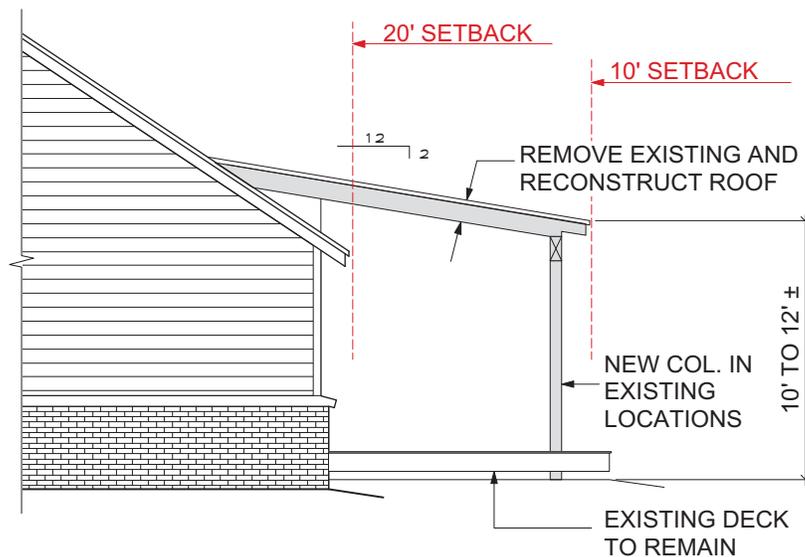


SITE PLAN



West Elevation

1/8"=1'-0"



North Elevation

1/8"=1'-0"

PROPOSED PATIO COVER

stewart
ARCHITECTURE

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

DENEAU RESIDENCE
601 Johnson Street
Louisville, Colorado 80027

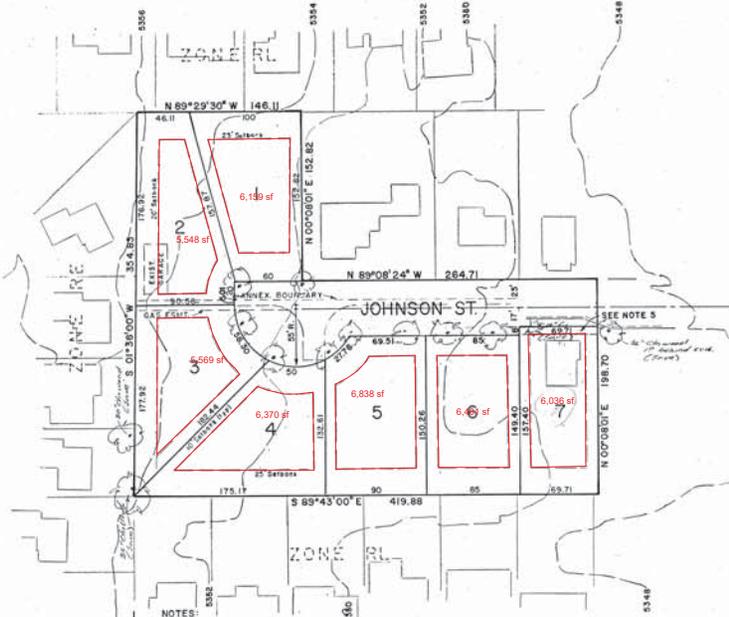
Variance Request
July 22, 2020



ZONING VICINITY

FINAL P.U.D. PLAN - SHEET 1 OF 2 JOHNSON MEADOWS SUBDIVISION

A TRACT OF LAND LYING IN THE NW 1/4, NE 1/4, SEC. 17, T.1S, R.69W, 6TH PM
CITY OF LOUISVILLE, BOULDER COUNTY, COLORADO



NOTES:

1. PLAN DATED MARCH 20, 1996
REVISED JUNE 28, 1996
2. AREA: 2.44 ACRES
3. DENSITY: 2.87 D.U./ACRE
ALL LOTS S.F. RESIDENTIAL
4. STREET TREES 2" CALIPER RED OAK
AT 40 FT AVG SPACING.
5. AN ADDITIONAL 8 FEET OF STREET
RIGHT OF WAY SHALL BE GRANTED BY
THE OWNERS OF LOT 7 IF THE EXISTING
HOME IS MOVED OR RAZED.

SCALE: 1 IN = 50 FT



NOTES:

6. NO DECIDUOUS TREES SHALL BE PLANTED
WITHIN FIVE FEET OR CONIFEROUS TREES
WITHIN TEN FEET OF A PUBLIC UTILITY OR
SIDEWALK.
7. NO CERTIFICATES OF OCCUPANCY WILL BE
ISSUED UNTIL CONSTRUCTION ACCEPTANCE
FOR PUBLIC IMPROVEMENTS IS GRANTED.
8. COTTONWOOD TREES ON SITE SHALL BE PRESERVED
DURING UTILITY AND HOME CONSTRUCTION.
9. PARKING ON STREET AND CURB-SAC MAY BE
RESTRICTED AT CITY'S DISCRETION.

LOT	ZONE	AREA
1	SFLD	12,204
2	SFLD	12,378
3	RL	12,750
4	RL	14,532
5	RL	13,256
6	RL	12,748
7	RL	10,946
AVG.	RL	12,688

DEVELOPMENT STANDARDS:

1. Lot coverage area for all lots shall be a maximum of 25% of the lot.
2. All lots shall have minimum side yard setbacks for primary and accessory use of ten (10) feet, with the exception of the existing garage on lot 2.
3. Lots 1, 2, 4, 5, 6, and 7 shall have a minimum rear yard setback of twenty five (25) feet.
4. The west setback for lots 2 and 3 shall be a minimum of twenty (20) feet, with the exception of the existing garage on lot 2.
5. Maximum building height for primary structures shall be thirty (30) feet, except for a maximum of two lots which shall be allowed a thirty-two (32) foot maximum height for primary structures, with a rear setback of 18 feet or greater.
6. Front yard setbacks shall be a minimum of twenty (20) feet with an allowance for encroachments of six (6) feet for an enclosed front porch. Front setbacks, including porch, could be a minimum of twenty (20) feet. All porches, other attached or detached, shall be set back a minimum of twenty five (25) feet from the front lot line.
7. Lot 7 will be exempted from the above and any redevelopment shall conform to the RL zoning development standards.
8. Front setback of 25 feet required for six foot privacy fences.

ARCHITECTURAL STANDARDS:

Houses shall be a variety of architectural styles. No two houses shall look the same or be mirror images of each other. Houses shall have varied, but complementary, color schemes. The exterior of the houses shall utilize different materials, i.e., stone, masonry, brick, block, plywood, aluminum, wood and/or combinations thereof. Builder will submit exterior elevations of all completed houses within the P.U.D. at time of building permit application to verify compliance of commitment to variety of architecture. There shall be a minimum of one of each of the following design: ranch, two story, story and a half.

PLANNING COMMISSION CERTIFICATE:

Approved this 9th day of July, 1996 by the Planning Commission of the City of Louisville, Colorado.
Barbara B... Chairman
James C. McAvoy Secretary

CITY COUNCIL CERTIFICATE:

Approved this 14th day of August, 1996 by the City Council of the City of Louisville, Colorado, Resolution No. 48, Series of 1996.
Tom Dawkins Mayor
[Signature] City Clerk

OWNERS OF RECORD:

Scott W. Kravker
Scott W. Kravker
700 Johnson Street
Louisville, CO 80027
Phone: (303)666-4905

Marianne M. Kravker
Marianne M. Kravker
700 Johnson Street
Louisville, CO 80027
Phone: (303)666-4905

David Kroutman
David Kroutman
4800 Baseline Road - Suite D-203
Boulder, CO 80503
Phone: (303)444-9185

State of Colorado SS
County Of Boulder

The foregoing instrument was acknowledged, subscribed and sworn before me by Scott W. Kravker and Marianne M. Kravker, this 6th day of September, 1996.

Witness my hand and official seal:

My commission expires: 9/1/97

State Of Colorado SS
County Of Boulder

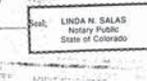


The foregoing instrument was acknowledged, subscribed and sworn before me by David Kroutman, this 27th day of August, 1996.

Witness my hand and official seal:

My commission expires: 5/1/97

State Of Colorado SS
County Of Boulder



PLAN PREPARED BY:

Bill & Assoc.
1728 16th St. - Suite 1
Boulder, CO 80502
Phone: (303)447-2315

David Kroutman
Kath L. Bill PE & LS
Colorado Reg. No. 12970



BOULDER COUNTY CLERK & RECORDER:

State Of Colorado SS
County Of Boulder

I hereby certify that this instrument was filed in my office at 2:04 o'clock P.M., this 9th day of September, 1996, and is recorded in Plan File # 97, Folder # Number 352, Fee \$ 22.00, Paid , Film No. 2154, Reception No. 26985.

Cherise Howard Recorder
[Signature] Deputy

DRAWING NUMBER

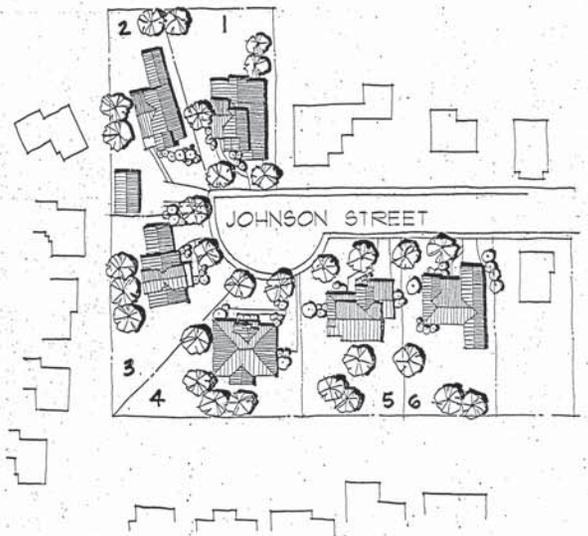
DRAWING NUMBER

DRAWING NUMBER

JOHNSON MEADOWS
SUBDIVISION
1



SOUTH SIDE OF STREET - PRELIMINARY ELEVATIONS
SCALE: 1/32" = 1'-0"



PROPOSED SITE PLAN
SCALE: 1" = 30'-0"

ARCHITECTURAL STANDARDS:
HOUSES SHALL BE OF A VARIETY OF ARCHITECTURAL STYLES. NO TWO HOUSES SHALL LOOK THE SAME OR BE FINNISH PHASES OF EACH OTHER. HOUSES SHALL HAVE DIFFERENT COLOR SCHEMES. THE EXTERIORS OF THE HOUSES SHALL UTILIZE DIFFERENT MATERIALS (E. STUCCO, STONE, BRICK, BLOCK, PLYWOOD, WOOD AND OR COMBINATIONS OF BUILDERS SHALL SUBMIT EXTERIOR ELEVATIONS OF ALL COMPLETED HOUSES WITHIN THE P.U.D. AT THE OR BUILDING PERMIT APPLICATION TO VERIFY COMPLIANCE OF COMMITMENT TO VARIETY OF ARCHITECTURE. THERE SHALL BE A MINIMUM OF ONE OF EACH OF THE FOLLOWING DESIGNS: MANOR, TWO STORY, AND STORY AND A HALF.

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JOHNSON MEADOWS SUBDIVISION
LOUISVILLE, COLORADO



FINAL P.U.D. PLAN SHEET 2 OF 2

Kreutzman Construction, Inc.
4800 BASELINE D-203
BOULDER, COLORADO 80303
303 444 - 9185

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

JOHNSON MEADOWS SUBDIVISION # 2