



**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA**

DATE: Thursday, February 12, 2015

TIME: Meeting to begin at 5 p.m.

PLACE: Council Chambers, 1777 Broadway, 2nd Floor

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE GIVEN BY THE CITY OF BOULDER, BOARD OF ZONING ADJUSTMENT, AT THE TIME AND PLACE SPECIFIED ABOVE. ALL PERSONS, IN FAVOR OF OR OPPOSED TO OR IN ANY MANNER INTERESTED IN ANY OF THE FOLLOWING VARIANCES FROM THE LAND USE REGULATIONS, TITLE 9, BOULDER REVISED CODE 1981; MAY ATTEND SUCH HEARING AND BE HEARD IF THEY SO DESIRE. (APPLICANT OR REPRESENTATIVE MUST APPEAR AT THE MEETING.)

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: [BOZ2014-00016](#)

Address: 735 Mapleton Avenue

Applicant: Marybeth Emerson

Setback Variance: As part of a proposal for an rear addition to an existing single family residence, the applicant is requesting a variance to the combined side yard setback requirements of the RL-1 zoning district. The resulting east side yard setback will be approximately 5.79 feet where 12.5 is required and 2.4 feet exists today. The resulting west side yard setback will be approximately 12.55 feet where 12.6 feet is required and 2.5 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The [December 11, 2014 BOZA minutes](#) are scheduled for approval.

B. Matters from the Board

C. Matters from the City Attorney

D. Matters from Planning and Development Services

4. ADJOURNMENT

For more information call Brian Holmes or Susan Meissner at 303-441-1880 or via e-mail holmesb@ci.boulder.co.us. Board packets are available at the Boulder Public Main Library's Reference Desk, or at the Planning Department reception area.

***** SEE REVERSED SIDE FOR MEETING GUIDELINES *****

**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES**

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

ACTION ITEMS

An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation.*
- Applicant presentation.* Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation.*

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the board meeting.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
- Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

*The Chairperson, subject to the board approval, may place a reasonable time limitation on presentations.



City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevop.net

BOZA VARIANCE APPLICATION

APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 735 MAPLETON
- Legal Description: Lot 42, 43 Block 3 Subdivision MAPLETON (Or attach description.)
- Existing Use of Property: SINGLE FAMILY RESIDENCE
- Description of proposal:
VARIANCE FOR NON-STANDARD CROSS EASEMENTS TOTALING LESS THAN 15' ON BOTH SIDES DUE TO 2'-6" EXISTING SETBACKS.

*Total floor area of existing building: <u>1894/680 BSMT</u>	*Total floor area proposed: <u>837/794 BSMT.</u>
*Building coverage existing: <u>1209</u>	*Building coverage proposed: <u>845</u>
*Building height existing: <u>26'-0"</u>	*Building height proposed: <u>23'-1"</u>

*See definitions in Section 9-16-1, B.R.C. 1981.

- ◆ Name of Owner: MARY BETH EMERSON
- Address: 535 MAPLETON Telephone: 720-394-1993
- City: BOULDER State: CO Zip Code: 80302 FAX: _____
- ◆ Name of Contact (if other than owner): DAVID WAUGH
- Address: PO BOX 498 Telephone: 720-494-7602
- City: NIWOT State: CO Zip Code: 80544 FAX: _____

BOZ 2014-00016

STAFF USE ONLY

Doc. No. _____ Date Filed _____ Zone _____ Hearing Date _____
 Application received by: JMG Date Fee Paid _____ Misc. Rect # _____

APPLICATION TYPES

- Setback, building separation, bulk plane, building coverage, porch setback and size, and side yard wall articulation
- Sign Variance
- Mobile Home Spacing Variance
- Size and parking setback requirements for accessory units
- Use of mobile homes for non-residential purposes
- Parking in landscaped front yard setback

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**4 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**4 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**4 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**4 copies**);
- Any other information pertinent to the request (**4 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

-Electronic files of all documents are greatly appreciated. If available, please submit them on a CD or thumb drive with your application.

NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date.

NOTE: SEE SECTION 9-2-3(I), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature David A. Way Date 1-21-15



CITY OF BOULDER

Planning and Development Services

1739 Broadway, third floor • P.O. Box 791, Boulder, Colorado 80306

Phone: 303-441-1880 • Fax: 303-441-3241

E-mail: plandevlop@bouldercolorado.gov • Web: www.boulderplandevlop.net

NOTICE TO APPLICANTS

Dear Applicant,

As you begin to prepare your "Variance Application," the Board of Zoning Adjustment would like to offer you some information and suggestions that we hope you will find helpful. (These comments are directed primarily to those seeking setback adjustments. If you are requesting another type of variance from the board, please contact Planning and Development Services.)

The Board of Zoning Adjustment is made up of five members who are appointed to five-year terms by the Boulder City Council. Our purpose is to grant or deny your application for a variance. Our rules and procedures require a positive vote of three members of the board in order for your application to be approved. If one member of the board is absent or removes himself or herself from the hearing, a vote of two in favor and two opposed has the same effect as denial. However, in this case, you are automatically entitled to present the application again at the next scheduled meeting.

Please also note that the board is not a policy-making board such as the City Council or Planning Board. The purpose of the Board of Zoning Adjustment is to implement policy. So, while we understand that there may be social/ economic/ political issues that you believe are relevant to your application, those issues are not part of the criteria by which your application will be judged.

Remember that you are asking the board to change the "standard" code requirements for you because of your unique situation. It is important for you to realize that the "burden of proof" lies with you, and that only if you are successful in convincing us that you have met the criteria, will you receive the variance that you are requesting. Please be as complete as you can in furnishing us the necessary information to properly consider your application. Depending on the complexity or scale of the project, you might consider providing information in addition to that required by the "Application Requirements." This additional information could include renderings (artistic-type drawings that are often in color), models, and written information as to the existing and proposed square footage of the structure.

Lastly, the board tries to maintain a relaxed, somewhat informal atmosphere. However, we are a quasi-judicial board, and our decisions are for all intents and purposes final, and the only appeal of our decision is in District Court, provided that appeal is filed within 30 days from the date of our decision. Also, you should keep in mind that if your request is denied because you have, in our opinion, failed to meet one of more of our criteria, you may not resubmit the same request for a variance for one year, unless it contains "substantial" revisions.

While you can be assured that we will give you and any other parties a full hearing, we occasionally must end discussion either when the discussion is not providing any new information or when practical time constraints require us to move on.

Planning and Development Services can provide you with additional information and input for the application. We suggest that you schedule a review of your application with the staff and allow yourself enough time to take their comments into account. The staff will let you know their recommendation to the board if you contact them 48 hours prior to the hearing time. Please do not contact board members prior to the meeting to discuss your case. We can only answer the most general procedural questions and are not permitted to discuss the specifics of your case.

We hope these comments are helpful in the preparation of your application.

Sincerely,
Board of Zoning Adjustment

Section 9-2-3 (d) B.R.C. (1981)

(d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the requirements of:

- (1) Setback and separation requirements listed in section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981;
- (2) The building coverage requirements of chapter 9-10, "Nonconformance Standards," B.R.C. 1981;
- (3) The spacing requirements for mobile homes of section 9-7-10, "Mobile Home Park Form and Bulk Standards," B.R.C. 1981;
- (4) The porch setback and size requirements of section 9-7-4, "Setback Encroachments for Front Porches," B.R.C. 1981;
- (5) The size and parking setback requirements for accessory units of subsection 9-6-3(a), B.R.C. 1981;
- (6) The total cumulative building coverage requirements for accessory buildings of section 9-7-8, "Accessory Buildings in Residential Zones," B.R.C. 1981;
- (7) The use of a mobile home for nonresidential purposes subject to the requirements of subsection 10-12-6(b), B.R.C. 1981;
- (8) The parking requirements of subsection 9-9-6(d), B.R.C. 1981, with regards to parking in landscaped front yard setbacks;
- (9) Sign code variances and appeals as permitted by subsection 9-9-21(s), B.R.C. 1981; and

In granting any variance, the board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this title.

BOZA VARIANCE CRITERIA

(h) CRITERIA FOR VARIANCES

The BOZA may grant a variance only if it finds that the application satisfies all of the applicable requirements of paragraph (1), (2), (3), or (4) of this Subsection and the requirements of paragraph (5) of this Subsection.

(1) Physical Conditions or Disability

- (A) There are:
 - (i) Unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or
 - (ii) There is a physical disability affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property; and
- (B) The unusual circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located; and
- (C) Because of such physical circumstances or conditions the property cannot reasonably be developed in conformity with the provisions of this chapter; and
- (D) Any unnecessary hardship has not been created by the applicant.

(2) Energy Conservation

- (A) The variance will permit construction of an addition to a building that was constructed on or before January 1, 1983;
- (B) The proposed addition will be an integral part of the structure of the building;
- (C) The proposed addition will qualify as a "solar energy system" as defined in Section 9-16, "Definitions," B.R.C. 1981, or will enable the owner of the building to reduce the net use of energy for heating or cooling purposes by a minimum of 10% over the course of a year of average weather conditions for the entire building; and
- (D) The costs of constructing any comparable addition within existing setback lines so as to achieve comparable energy purposes would be substantially greater than the cost of constructing the addition which is proposed for the variance.

(3) Solar Access

- (A)** The volume of that part of the lot in which buildings may be built consistent with this code has been reduced substantially as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981;
- (B)** The proposed building or object would not interfere with the basic solar access protection provided in Section 9-9-17, "Solar Access," B.R.C. 1981; and
- (C)** The volume of the proposed building to be built outside of the building setback lines for the lot will not exceed the amount by which the buildable volume has been reduced as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981.

(4) Designated Historic Property

The property could be reasonably developed in conformity with the provisions of this chapter, but the building has been designated as an individual landmark or recognized as a contributing building to a designated historic district. As part of the review of an alteration certificate pursuant to Chapter 9-11, "Historic Preservation," B.R.C. 1981, the approving authority has found that development in conforming locations on the lot or parcel would have an adverse impact upon the historic character of the individual landmark or the contributing building and the historic district, if a historic district is involved.

(5) Requirements for All Variance Approvals

- (A)** Would not alter the essential character of the neighborhood or district in which the lot is located;
- (B)** Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;
- (C)** Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title; and
- (D)** Would not conflict with the provisions of Section 9-9-17, "Solar Access," B.R.C.1981.

(i) FLOOR AREA VARIANCES FOR ACCESSORY DWELLING UNITS

The BOZA may grant a variance to the maximum floor area allowed for an accessory dwelling unit under Subsection 9-6-3(a) "Accessory Units," B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements:

- (1)** That the interior configuration of the house is arranged in such a manner that the space to be used as the accessory dwelling unit cannot feasibly be divided in conformance with the size requirements;
- (2)** That the variance, if granted, meets the essential intent of this title, and would be the minimum variance that would afford relief; and

- (3) That the strict application of the provisions at issue would impose an undue and unnecessary hardship on the individual and that such hardship has not been created by the applicant.

(j) **VARIANCES FOR PARKING SPACES IN FRONT YARD SETBACKS**

The BOZA may grant a variance to the requirements of Section 9-9-6, "Parking Standards," to allow a required parking space to be located within the front yard setback if it finds that the application satisfies all of the following requirements:

- (1) The dwelling unit was built in a RR-1, RR-2, RE, or RL-1 zoning district.
- (2) The dwelling unit originally had an attached carport or garage that met the off-street parking requirements at the time of initial development or, at the time of initial construction, an off-street parking space was not required and has not been provided;
- (3) The garage or carport was converted to living space prior to January 1, 2005;
- (4) The current property owner was not responsible for the conversion of the parking space to living area and can provide evidence as such;
- (5) A parking space in compliance with the parking regulations of Section 9-9-6 cannot reasonably be provided anywhere on the site due to the location of existing buildings, lack of alley access, or other unusual physical conditions;
- (6) Restoring the original garage or carport to a parking space would result in a significant economic hardship when comparing the cost of restoration to the cost of any other proposed improvements on the site; and
- (7) The proposed parking space to be located within the front yard setback space shall be paved, shall comply with Section 9-9-5, "Site Access Control," shall not be less than 9 feet in width or more than 16 feet in width, and shall not be less than 19 feet in length. No parking space shall encroach into a public right of way or obstruct a public sidewalk.

SIGN CODE VARIANCE CRITERIA

(Excerpt from Section 9-9-21(s), B.R.C. 1981)

(s) **APPEALS AND VARIANCES**

- (1) Any aggrieved person who contests an interpretation of this chapter which causes denial of a permit, or who believes a violation alleged in a notice of violation issued pursuant to paragraph 9-9-21(t)(2) or (3), B.R.C. 1981, to be factually or legally incorrect, may appeal the denial or notice of violation to the BOZA or Board of Building Appeals in a manner provided by either such board under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, or may, in the case of a denial, request that a variance be granted. An appeal from a denial and a request for a variance may be filed in the alternative.

- (A) An appeal from an interpretation which causes denial of a permit or from a notice alleging a violation of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, shall be filed with the BOZA.
 - (B) An appeal from any other interpretation alleging any other violation of this chapter shall be filed with the BOZA.
 - (C) An appellant shall file the appeal, request for variance, or both in the alternative with the BOZA within fifteen days from the date of notice of the denial or the date of service of the notice of violation. The appellant may request more time to file. If the appellant makes such request before the end of the time period and shows good cause therefore, the City Manager may extend for a reasonable period the time to file with either board.
- (2) No person may appeal to or request a variance from the BOZA if the person has displayed, constructed, erected, altered, or relocated a sign without a sign permit required by paragraph 9-9-21(b)(2), B.R.C. 1981. The boards have no jurisdiction to hear an appeal nor authority to grant any variance from the permit requirements of this chapter. But the BOZA has jurisdiction to hear an appeal of a notice of violation alleging violation of the permit requirements if the appeal is from the manager's interpretation that a permit is required, and the appellant's position is that the device is not a sign or that it is exempt from the permit requirements under Subsection 9-9-21(c), "Signs Exempt from Permits," B.R.C. 1981.
- (3) An applicant for an appeal or a variance under this Section shall pay the fee prescribed by Subsection 4-20-47(b), B.R.C. 1981.
- (4) Setbacks, spacing of freestanding and projecting signs, and sign noise limitations are the only requirements which the BOZA may vary. If an applicant requests that the BOZA grant such a variance, the board shall not grant a variance unless it finds that each of the following conditions exists:
- (A) There are special physical circumstances or physical conditions, including, without limitation, buildings, topography, vegetation, sign structures, or other physical features on adjacent properties or within the adjacent public right of way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area; or
 - (B) For variances from the noise limitations of subparagraph 9-9-21(b)(3)(L), "Sound," B.R.C. 1981, the proposed variance is temporary in duration (not to exceed 30 days) and consists of a temporary exhibition of auditory art; and
 - (C) The variance would be consistent with the purposes of this chapter and would not adversely affect the neighborhood in which the business or enterprise or exhibition to which the applicant desires to draw attention is located; and

- (D) The variance is the minimum one necessary to permit the applicant reasonably to draw attention to its business, enterprise, or exhibition.
- (5) If an applicant requests that the Board of Building Appeals approve alternate materials or methods of construction or modifications from the requirements of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, the board may approve the same under the standards and procedures provided in the city building code, Chapter 10-5, "Building Code," B.R.C. 1981.
- (6) Except as provided in Subsection (8) of this Section, the BOZA has no jurisdiction to hear a request for nor authority to grant a variance that would increase the maximum permitted sign area on a single property or building, or from the prohibitions of paragraph 9-9-21(b)(3), "Specific Signs Prohibited," B.R.C. 1981. But the BOZA has jurisdiction to hear an appeal of a permit denial or of a notice of violation alleging that a sign would exceed the maximum permitted sign area or is prohibited if the appellant's position is that the sign does not exceed such area or is not prohibited by such Subsection.
- (7) The BOZA or Board of Building Appeals may make any variance or alternate material or method approval or modification it grants subject to any reasonable conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purposes of this chapter.
- (8) The City Manager's denial or notice of violation becomes a final order of the BOZA or Board of Building Appeals if:
- (A) The applicant fails to appeal the manager's denial or order to the board within the prescribed time limit;
 - (B) The applicant fails to appeal the order of the board to a court of competent jurisdiction within the prescribed time limit; or
 - (C) A court of competent jurisdiction enters a final order and judgment upon an appeal filed from a decision of the board under this chapter.

Ordinance No. 5377 (1991).

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INSERT SIGN POSTING ACKNOWLEDGEMENT FORM
(SIGNACKN – IN LUR FOLDER)**

waugh & associates

architecture ◦ planning ◦ solar design

January 21, 2014

Planning and Development Services
City of Boulder
P.O. Box 791
Boulder, CO 80306-0791

RE: BOZA Variance Application
735 Mapleton
Marybeth Emerson

This application is being made to request a setback variance for both side yards of the above named project located at 735 Mapleton Ave. The home is a historic residence in the Mapleton Hill Historic District. The setback on one side yard is 2.4 feet while the setback on the other side is 2.5 feet. The owner is proposing to construct a one and a half story addition at the rear of the property that is 11'-6" from the property line on one side and 5'-0" from the property line on the other side, thus meeting the 15' setback criteria for the new construction, but not the combined setback requirements for new and old combined. There will be no additional encroachment into either existing setback, just that which has historically encroached on both side yard setbacks.

The existing residence is 1894 square feet on two levels above grade, and an 811 square foot basement. The addition will be 845 square feet on one level above grade with an 800 square foot garden level basement. The owner will be downsizing from her current residence at 535 Mapleton.

The combined setback variance is necessitated due to the existing setbacks that do not meet the required setbacks for the RL-1 zoning district. Where the requirement is for a combined setback of 15 feet, this property is 2.4 feet on one side, and 2.5 feet on the other side, for a combined setback of 4'-10". Because of the encroachment on both sides, in order to meet the combined total of 15 feet on each side, we would need to provide a new setback on one side of 12'-6 inches and 12'-7 inches on the other side, for a total of 25'-1", where the standard setback is 15 feet. We feel that this is an undue hardship that was created by the original historic home, which we are not allowed to alter. The site is further complicated by a sunken attached garage on the rear of the property that is also historic and must be preserved.

The lot is a standard lot that is 50 feet wide, but was built with a very broad frontage, at a time period well before established setback standards went into place.

CRITERIA FOR VARIANCES

Our request for a variance is based on criteria paragraphs (1) (4) and (5)

(1) Physical Conditions or Disability

(A) This property has an unusual circumstance, which is the width of the existing home being over 45 feet wide. Although the lot is fifty feet wide, with the existing side yard setback of 2'-5" on one side, and the existing setback on the other side of 2'-6", meeting standard setbacks would require 25 feet on the new addition instead of a standard 15 feet. We are currently proposing a total setback of 16'-6", which exceeds city standards.

(B) The unusual width of the home is not common throughout the neighborhood, where the standard lots in this zoning district are a minimum of 50 feet. It is apparent that the house predated standard setbacks, and the 2 ½ foot setbacks always existed.

(C) Because of the abnormal width of the historic house, the property cannot reasonably be developed in conformity with the provisions of the zoning code, since the original home never met the setback requirements when it was constructed. Unfortunately, the substandard setback occurs on both sides of the existing property, making it extremely difficult to meet combined setbacks on each side. This request does not alter either of the existing setbacks, as they must be historically maintained, thus we are asking for an alteration of the combined total setback ordinance. Although the legal buildable envelope would dictate a 15 foot combined setback, the new combined setback that we are required to provide due to the existing small setbacks would be 25 feet which seems excessive and unreasonable in relation to standard setback requirements. Being a historic home, we are obligated to maintain all existing walls, and are proposing a combined new construction setback total of 16' 9".

This property also has an attached subterranean historic garage projecting 16 feet beyond the rear of the house that complicates the ability to reasonably develop the property. In order to preserve the integrity of the stone walled structure, the Landmarks Board asked that we try to incorporate the existing garage sidewall into the structure of the addition, which dictates the side yard setback.

A setback variance will allow us to meet the combined 15 foot setback criteria that is standard throughout the city of Boulder.

(D) The unnecessary hardship was not created by the applicant, as the widely constructed house with its minimal setbacks were established previous to the applicant's purchase of the property. The applicant has worked diligently with the Landmarks Board in trying to preserve the character of the historic home.

(4) Designated Historic Property

The property could be reasonably developed in conformity with the provisions of the zoning code, but the building is designated a contributing building in a historic district, and to meet existing setbacks on the lot would have an adverse impact on the historic character of the house and the Mapleton Historic District. In order to meet the cross setback standards, it would have meant compromising the existing sunken garage that had been added to the rear of the house, which was also considered historic. It would have meant extending the new addition in a very long and narrow design, that the Landmarks Board felt was not in keeping with the Mapleton Hill Guidelines, as it would have been too dominate in relation to the Bungalow home. The other option would have been a two story design , which the board also rejected. The end result was a raised one level addition with a garden level below in order to minimize the addition size. We have gone to great effort to design an addition that is compatible with the existing character of the historic house. After three proposals to the Landmarks Board, we have finally achieved an acceptable design that meets the guidelines for the Mapleton Hill Historic district. The new addition will be compatible with, and respect the integrity of the historic structure, due to its compact one and one half story design.

(5) Requirements for All Variance Approvals

(A) This addition to the rear of the house would not alter the essential character of the neighborhood. This neighborhood consists of some moderately sized, quaint homes, such as this one, as well as many very large mansions. This home is actually quite small in relation to most of the surrounding houses.

(B) This addition would not substantially or permanently impair the reasonable use and enjoyment of adjacent property. This addition would meet current setbacks for both newly constructed side walls, while protecting the historic aspect of this home and the surrounding homes allowing for better use and enjoyment for both the applicants and neighbors.

(C) This would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this variance. Since the addition meets the required 15 foot setbacks of a standard development, this variance would only be acknowledging the existence of the historic setbacks.

Per Criteria (1) We are only asking for the right to meet the setback standards that are used throughout the city of Boulder, and not to be held to a higher standard due to the fallacies of the historic home. Since the addition meets the requirements for setbacks on a new project, we are not asking for any relief as it applies to the addition, but only that which is beyond our control, which is the existing setbacks. We also had the issue of protecting the existing subterranean garage that projected 16 feet beyond the house, without compromising it's integrity. This variance request is asking for minimal relief based on existing setbacks and the adjoining structure.

Per Criteria (4) In order to meet the 15 foot required setbacks we would have to design a two story plan, or design a long and narrow addition deep into the rear yard, both of which we proposed and were rejected by the Landmarks Board. They wanted the addition to have the most compact and minimal impact as possible. The result was a one story design with a garden level basement that blends very well with the existing bungalow. This variance request is the minimum that would afford relief in relation to the historic nature of this particular Mapleton Hill home.

The project meets all aspects of the compatible development guidelines, since the building coverage footprint is met, and the proposed addition does not exceed the FAR ratio based on the lot/house size, and meets the bulk plane. No variance is being requested for any of these city standards.

(D) This addition would not conflict with the provisions of Section 9-9-17, "Solar Access". The proposed addition will not cast a shadow beyond what is allowed for a twelve foot solar fence in the RL-1 zoning.

In conclusion, the applicant is asking for a very minimal setback variation, that has abnormally narrow setbacks. The size of the proposed addition is very compatible with the existing residence, and will maintain the "small home" character of the Mapleton Avenue Historic neighborhood. The enduring beauty of Mapleton Hill is created by the diversity of home styles, but it is also important to allow for improvements that are consistent with the Mapleton Hill guidelines, and for improvements that will maintain the desirability of modern living.

We respectfully ask for this variance approval.

Maximum Floor Area Ratio (FAR) and Building Coverage Worksheet

Applicants for new residential construction and additions in the RR-1, RR-2, RE, and RL-1 zoning districts, and applicants for new residential construction and additions for single family dwellings in the RL-2 and RMX-1 zoning districts, including both principal and accessory buildings, are required to complete and submit this worksheet with your building permit application.

Calculate the Maximum Floor Area and Building Coverage for your lot:

Zoning District	Lot Area	Maximum Floor Area (sf)	Maximum Building Coverage (sf)
RL-1	8500	3900	2750

Calculate the total Floor Area for your project:

Floor Area as Defined in 9-16-1, B.R.C. 1981			Amount of Floor Area that contributes to max FAR		
	Existing (sf)	Proposed (sf)	Total (sf)		
Level 1	1209	845	2054	Perimeter above 36"	53'/192 = .27
Level 2	685		685	High Volume Space (sf)	
Level 3 BSMT		435	435	High Volume Space (sf)	
Level 4				High Volume Space (sf)	
Accessory 1		336	336		
Accessory 2					
Accessory 3					
TOTAL	1894	1616	3510	FAR	:1

Calculate the total Building Coverage for your project:

Building Coverage as Defined in 9-16-1, BRC 1981			
	Existing (sf)	Proposed (sf)	Total (sf)
Principal	1209	845	2054
Accessory 1		336	336
Accessory 2	15	15	15
Accessory 3			
TOTAL	1224	1181	2405

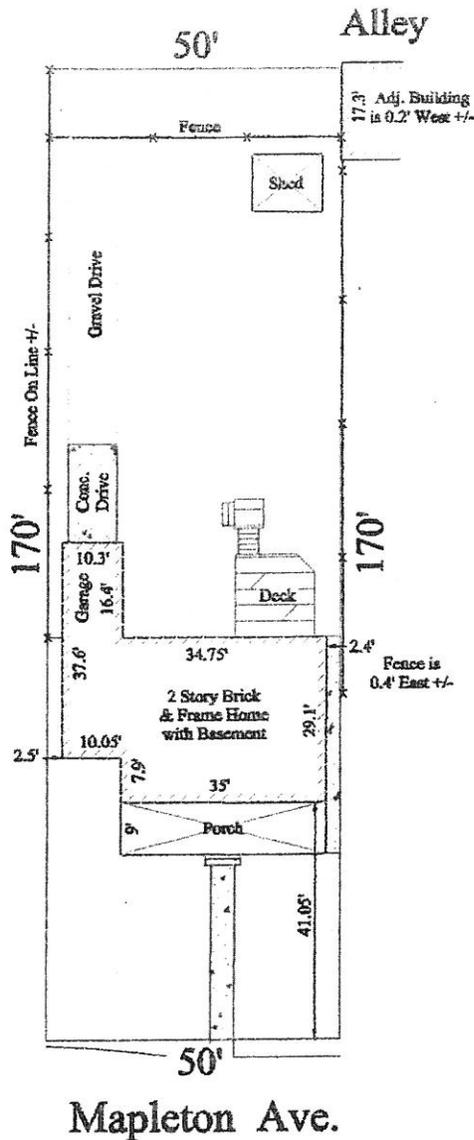
Front porch total area	315
Additional porch total area	

In general, projects with contributing floor area or building coverage that is greater than 80% of the allowed maximum will require detailed and dimensioned building plans showing floor area and building coverage calculations for each building on the lot, including accessory buildings, and will be required to use an Improvement Survey Plat (I.S.P.) or Land Survey Plat (L.S.P.) to determine lot area. Projects that are permitted to use an Improvement Location Certificate (I.L.C.) will be required to submit a supplemental Lot Area Declaration Form, signed by a licensed surveyor, architect, or engineer.

Building Area Declaration:

I, the undersigned, take full responsibility for the accuracy and completeness of the above information. I understand that incomplete or inaccurate information may result in significant delays in the issuance of a building permit, or the possible revocation of a building permit.

Print Name: DAVID WAUGH Signature: David Waugh
 Title: (e.g. Owner, Architect, Contractor, etc.) ARCHITECT Date: 12-13-14



I hereby certify that this improvement location certificate was prepared for: **Waugh and Associates (Emerson)**

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. I further certify that the improvements on the above shown parcel on this date, **6/11/2014** 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.

LEGAL DESCRIPTION:

**Lots 42 & 43, Block 3, Mapleton Subdivision,
 County of Boulder, State of Colorado.**

Address: 735 Mapleton Ave., Boulder
 Job No. :14-6-47-1660
 Scale : 1"=30'
 Easement Source: Recorded Subdivision Plat

Andrew J. Patterson
 Date: 6-11-14

Landmark Alteration Certificate

Granted to DAVID WAUGH

For the property at 735 MAPLETON AVENUE.

This 20th day of JANUARY, 2015

The following alterations have been approved:

CONSTRUCTION OF REAR ADDITION AND REHABILITATION OF EXISTING
HOUSE AS DETAILED ON LAZ. DRAWINGS DATED 01.12.2015.

Signed By:

[Signature]
Landmarks Board Member

[Signature]
Landmarks Board Member

[Signature]
Historic Preservation Planner

MEMORANDUM

TO: Board of Zoning Adjustment
Brian Holmes, Zoning Administrator
Robbie Wyler, Asst. Zoning Administrator

FROM: James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

DATE: February 5, 2015

RE: Requested variance at 735 Mapleton Ave.– Addition to the existing house (Mapleton Hill Historic District).

Background:

Constructed in 1920, the brick and frame, one and one-half story house at 735 Mapleton Ave. is typical of houses of that type built during the 1910s and 1920s with its low roof pitch, wide overhanging eaves, full-width front porch façade gable and low forward-facing dormer. The house is a well-preserved example of the bungalow style and is considered to be contributing to the Mapleton Hill Historic District.

On Dec. 3, 2014, the Landmarks Board conditionally approved a Landmark Alteration Certificate for the construction of a rear addition to the house at 735 Mapleton Ave. In its review, the board found that the mass, scale, height, architectural style, arrangement, texture, color, arrangement of color, and materials used the proposed one-story addition to the house was consistent with the *General Design Guidelines for Boulder's Landmarks and Historic Districts*, the *Mapleton Hill Historic District Design Guidelines* and Landmark Alteration Certificate standards for contributing buildings. The applicant returned to the Landmarks Design Review Committee (Ldrc) on January 28, 2015 with revisions to the design and at that meeting received a Landmark Alteration Certificate and considered the request for support for a BOZA variance.

The Landmarks Design Review Committee's Support:

The Landmarks Design Review Committee supports the requested side yard setback variance and considers that the proposed addition to the house will not have an adverse effect on the historic character of the Mapleton Hill Historic District. Additionally, the Committee feels it meets Variance Criteria 4 under Boulder Revised Code Section 9-2-3 (h) (1) (4). If constructed in compliance with the standard setbacks, the resulting design would be long and narrow, where the approved addition reflects the general proportion of the existing house. A longer addition would also diminish the amount of open space between the house and garage and would not meet the design guidelines for Site Design. If you have questions regarding this matter, please contact Marcy Cameron at (303) 441-3209.

Kenneth Wood
704 Mapleton Avenue
Boulder, Co. 80304
720-254-6532

December 8, 2014

City of Boulder
Board of Zoning Adjustment

Re: Docket No: BOZ2014-16 & Boz 2014-17
735 Mapleton Avenue Set Variance

I live almost directly across the street from the subject property and recommend the approval of both variances.



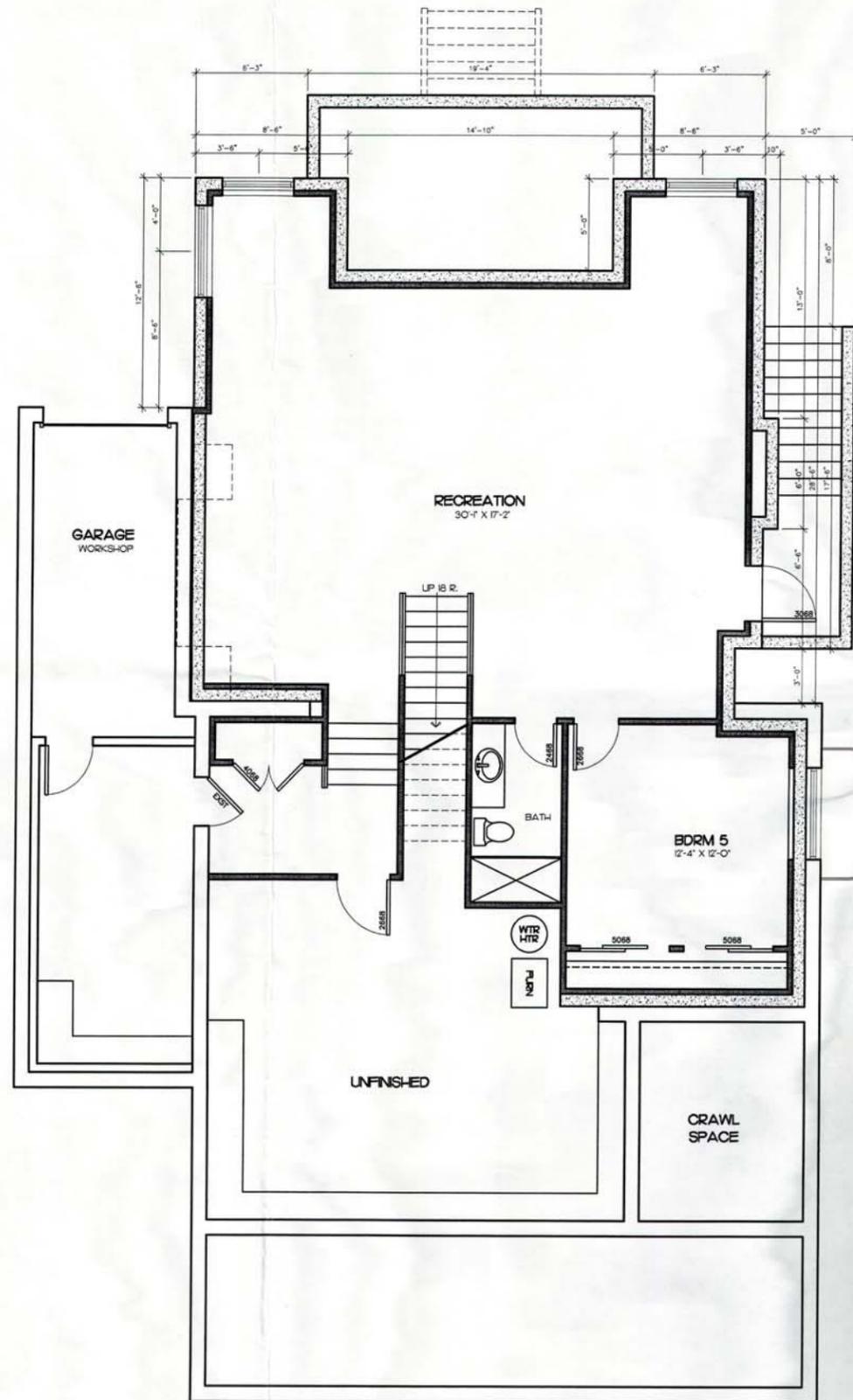
Boz2014-16 the side yard setback being requested appears to be just slightly larger than the one that presently exist. I would hope the board considers this a minor adjustment and approves the variance.

Boz2014-17 Living almost directly across the street from this property I can argue that any change to the current front countenance of the property would be an improvement. I hope the board feels the same way and grants the applicant's variance to make the improvements.

Overall improvements to this property would greatly be appreciated by this neighbor.

Sincerely,

Kenneth Wood



LEGEND	
EXISTING WALL TO REMAIN	—
EXISTING WALL TO BE DEMOLISHED	- - -
NEW WALL CONSTRUCTION	—

③ - SMOKE AND CARBON MONOXIDE DETECTORS

SQUARE FOOTAGE SUMMARY

EXISTING MAIN	1209 SQFT.
EXISTING UPPER	655 SQFT.
TOTAL	1894 SQFT.
NEW MAIN	837 SQFT.
NEW LOWER	794 SQFT.
TOTAL	1631 SQFT.
EXISTING	1894 SQFT.
NEW	1631 SQFT.
TOTAL	3,525 SQFT.
GARAGE	336 SQFT.

REVISIONS:

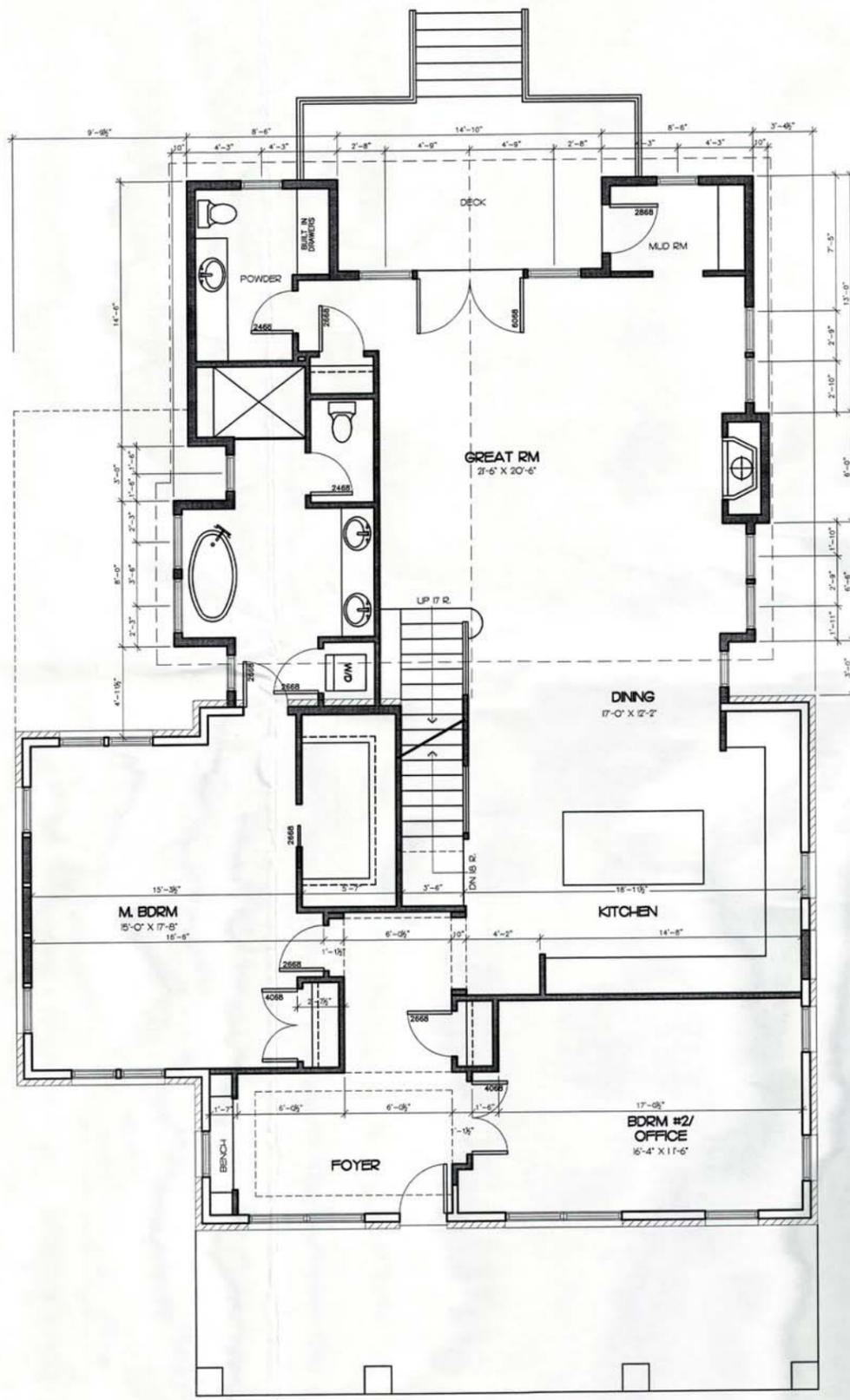
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735 MAPLETON AVE.
 BOULDER, COLORADO
 waugh & associates
 architecture • planning • solar design
 www.waughandassociates.net
 e-mail info@waughworld.com
 po box 498 • niwot, colorado • 80544 • 720-494-7602

SHEET NO.: DATE:
 12 JAN 2015

A1

LOWER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"



LEGEND	
EXISTING WALL TO REMAIN	—
EXISTING WALL TO BE DEMOLISHED	- - -
NEW WALL CONSTRUCTION	—

Ⓢ - SMOKE AND CARBON MONOXIDE DETECTORS

SQUARE FOOTAGE SUMMARY

EXISTING MAIN	1309 SQFT.
EXISTING UPPER	685 SQFT.
TOTAL	1894 SQFT.
NEW MAIN	837 SQFT.
NEW LOWER	794 SQFT.
TOTAL	1631 SQFT.
EXISTING	1894 SQFT.
NEW	1631 SQFT.
TOTAL	3,525 SQFT.
GARAGE	336 SQFT.

REVISIONS:

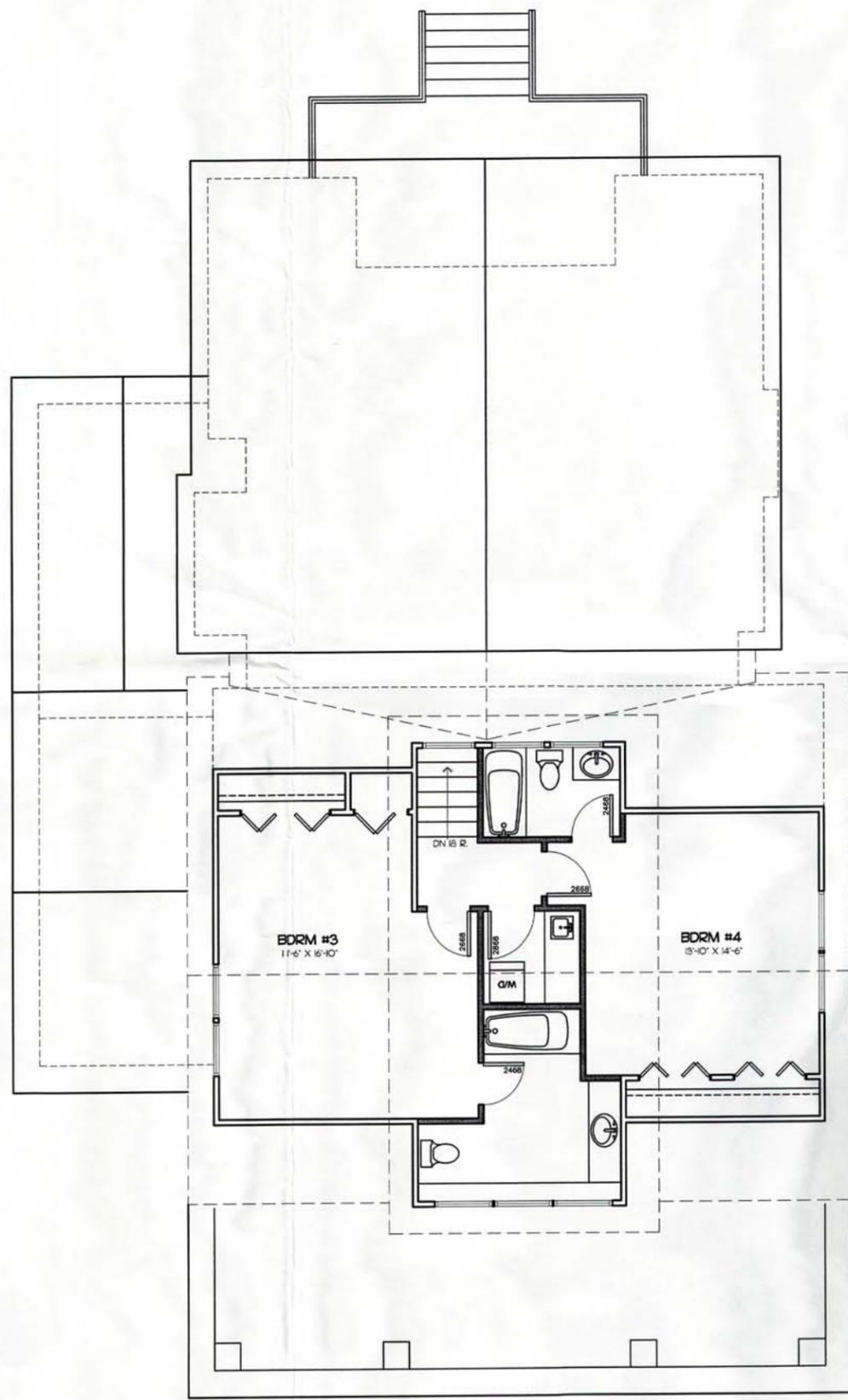
DRAWN BY: T. WALUGH

PRIVATE RESIDENCE FOR REMODEL
 735 MAPLETON AVE.
 BOULDER, COLORADO
waugh & associates
 architecture • planning • solar design
 www.waughandassociates.net
 info@waughworld.com
 po box 488 • niwat, colorado • 80544 • 720-494-7802

MAIN LEVEL FLOOR PLAN
 SCALE : 1/4"=1'-0"

SHEET NO.: **A2** DATE: 12 JAN. 2015

MAIN LEVEL FLOOR PLAN



LEGEND	
EXISTING WALL TO REMAIN	—
EXISTING WALL TO BE DEMOLISHED	- - -
NEW WALL CONSTRUCTION	—

Ⓢ - SMOKE AND CARBON MONOXIDE DETECTORS

SQUARE FOOTAGE SUMMARY

EXISTING MAIN	1209 SQFT.
EXISTING UPPER	685 SQFT.
TOTAL	1894 SQFT.
NEW MAIN	837 SQFT.
NEW LOWER	794 SQFT.
TOTAL	1631 SQFT.
EXISTING	1894 SQFT.
NEW	1631 SQFT.
TOTAL	3525 SQFT.
GARAGE	336 SQFT.

REVISIONS:

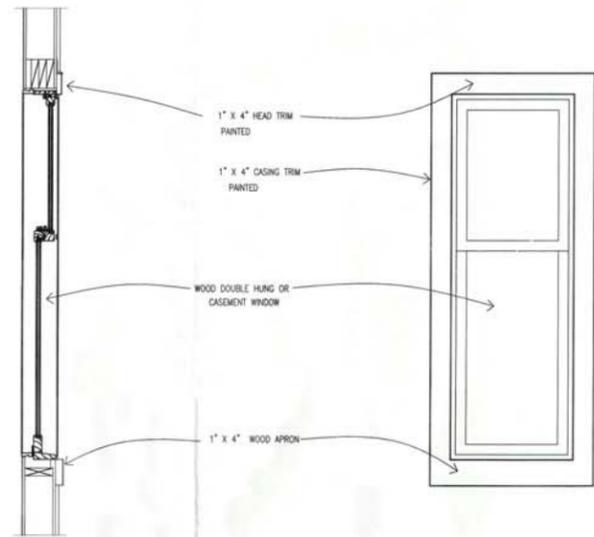
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PRIVATE RESIDENCE FOR REMODEL
 735 MAPLETON AVE.
 BOULDER, COLORADO
 waugh & associates
 architecture • planning • solar design
 po box 488 • nitwit, colorado • 80544 • 720-494-7602
 e-mail info@waughworld.com www.waughandassociates.net

SHEET NO.: DATE:
 A3 12 JAN 2006

UPPER
 LEVEL
 FLOOR PLAN

UPPER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"



EXTERIOR WINDOW TRIM DETAIL • ADDITION
SCALE : 3/4"=1'-0"



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



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

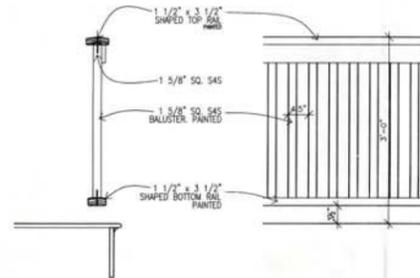
REVISIONS:

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PRIVATE RESIDENCE FOR REMODEL
BOULDER, COLORADO
735 MAPLETON AVE.
waugh & associates
architecture • planning • solar design
po box 488 • niwot, colorado • 80544 • 720-484-7602
e-mail info@waughworld.com www.waughandassociates.net

SHEET NO.: A4
DATE: 12 JAN 2015

ELEVATIONS
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EXTERIOR WINDOW TRIM DETAIL • ADDITION
 SCALE : 3/4"=1'-0"



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



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

REVISIONS:

DRAWN BY: T. WALUGH

PRIVATE RESIDENCE FOR REMODEL
 BOULDER, COLORADO
 735 MAPLETON AVE.

waugh & associates
 architecture • planning • solar design

po box 498 • niwot, colorado • 80544 • 720-434-7602
 www.waughandassociates.net
 info@waughworld.com

SHEET NO.: A5
 DATE: 12 JAN 2015

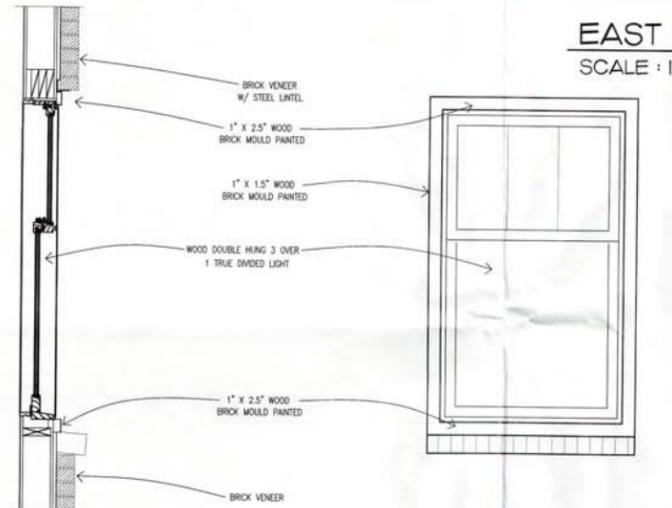
ELEVATIONS
 Page 27 of 30



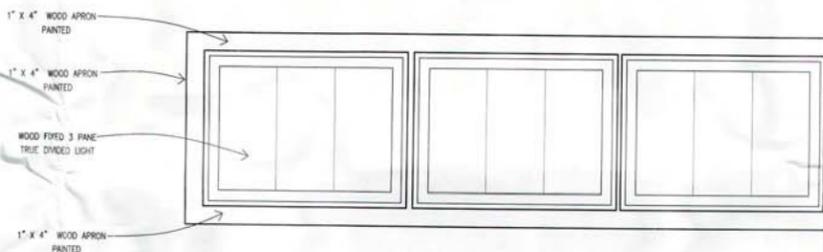
EAST ELEVATION
SCALE : 1/4"=1'-0"



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



EXTERIOR WINDOW TRIM DETAIL • EXISTING HOUSE
SCALE : 3/4"=1'-0"



EXTERIOR WINDOW TRIM DETAIL • EXISTING UPPER LEVEL
SCALE : 3/4"=1'-0"



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



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

REVISIONS:

DRAWN BY: T. WALGH

PRIVATE RESIDENCE FOR REMODEL
BOULDER, COLORADO
735 MAPLETON AVE.

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po box 498 • almt, colorado • 80544 • 720-494-7602
www.waughandassociates.net
info@waughworld.com

SHEET NO.: **A** DATE: 12 JAN. 2015

EXISTING ELEVATIONS

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
December 11, 2014, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present: Ellen McCready, Michael Hirsch, David Schafer, Thom Ward
Board Members Absent: Christopher Lane
City Attorney Representing Board: Debra Kalish
Staff Members Present: Brian Holmes, Robbie Wyler, Susan Meissner

1. CALL TO ORDER:

E. McCready called the meeting to order at 5:04 p.m.

2. BOARD HEARING:

REMOVED FROM AGENDA

Docket No.: BOZ2014-00016

Address: 735 Mapleton Avenue

Applicant: Marybeth Emerson

Setback Variance: As part of a proposal for an rear addition to an existing single family residence, the applicant is requesting a variance to the combined side yard setback requirements of the RL-1 zoning district. The resulting east side yard setback will be approximately 5.79 feet where 12.5 is required and 2.4 feet exists today. The resulting west side yard setback will be approximately 12.55 feet where 12.6 feet is required and 2.5 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

This item was removed from the agenda.

Docket No.: BOZ2014-00017

Address: 603 North Street

Applicant: Richard Roosen

Setback Variance: As part of a proposal to modify an existing single family residence, including raising portions of both the first and second floor roof as well as enclosing a small exposed area on the back side of the house, the applicant is requesting a variance to the front, side and combined side yard setback requirements of the RMX-1 zoning district. The resulting front (south) yard setback will be approximately 12 feet where 25 feet is required and 12 feet exists today. The resulting east side yard setback will be approximately 5.19 feet where 14.5 feet is required and 5.19 feet exists today. The resulting west side yard setback will be approximately ½ a foot where 9.81 feet is required and ½ a foot exists today. Additionally, as a part of the overall project the front entry porch will be widened and roof changed from flat to pitched. The resulting front setback for the covered porch will be 7 feet where 12.5 feet is required and 7 feet exists today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-7-4, BRC 1981.

Staff Presentation:

R. Wyler presented the item

Applicant Presentation:

Brendan Kennedy and Richard Roosen, the applicants, presented the item to the board.

Board Questions:

R. Wyler and **B. Holmes** answered questions from the board.

Brendan Kennedy had questions from the board.

Motion:

On a motion by **M. Hirsch**, seconded by **E. McCready**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the application (Docket BOZ2014-00017) as submitted and presented conditioned on the plans being approved by the Landmarks Board if necessary and without significant material revisions.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

The September 11, 2014 minutes were scheduled for approval.

On a motion by **E. McCready**, seconded by **D. Schafer**, the Board of Zoning Adjustments voted 4-0 (**C. Lane** absent) to approve the September 11, 2014 minutes.

B. Matters from Staff

There were no matters from staff.

C. Matters from the Board

Board members discussed their annual letter to City Council.

D. Matters from the City Attorney

There were no matters from the City Attorney.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:18 P.M.

APPROVED BY

DATE
