



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

DATE: Thursday, March 10, 2016

TIME: Meeting to begin at 5 p.m.

PLACE: 1739 Broadway, Park Central, 4th Floor, 401 Conference Room

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

A. Docket No.: [BOZ2016-01](#)

Address: 403 Cleveland Place

Applicant: Katherine Pattersen

Setback Variance: As part of a proposal to construct a new single-car detached garage, the applicant is requesting a variance to the side adjacent to street (south) setback. The resulting setback will be approximately 2 feet where 25 feet is required and where no structure exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

B. Docket No.: [BOZ2016-02](#)

Address: 3111 3rd Street

Applicant: Jack & Marilyn Turken

Setback Variance: As part of a proposal to modify an existing non-standard A-frame house, the applicant is requesting a variance to the front (east) yard setback. The resulting setback will be approximately 5.5 feet where 25 feet is required and where 6 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

C. Docket No.: [BOZ2016-03](#)

Address: 2303 Bluff Street

Applicant: Madeline Vogenthaler & Pete Hoglund

Setback Variance: As part of a proposal to construct a new portico on the north side of the existing non-standard landmarked house as well as modify an existing non-standard wall on the west side of the house as part of a garage conversion to living space, the applicant is requesting a variance to both the rear (north) yard setback and side adjacent to street (west) yard setback. The resulting rear yard setback will be approximately 18.83 feet where 25 feet is required and where approximately 20 feet exists today. The resulting side adjacent to street setback will be approximately 9 feet where 25 feet is required and where 9 feet exists today. Section of the Lane Use Code to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The [November 12, 2015 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 Cindy Spence at 303-441-1880 or via e-mail holmesb@bouldercolorado.gov. Board packets are available at the Boulder Public Main Library's Reference Desk, or at the Planning & Development Services (P&DS) 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: boulderplandevlop

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: 403 Cleveland, Boulder 80302
- Legal Description: Lot _____ Block _____ Subdivision See ISP (Or attach description.)
- Existing Use of Property: Residential, single family
- Description of proposal: See Attached

*Total floor area of existing building: <u>1,895</u>	*Total floor area proposed: <u>2,203</u>
*Building coverage existing: <u>1,559</u>	*Building coverage proposed: <u>1,867</u>
*Building height existing: <u>NA</u>	*Building height proposed: <u>10'</u>

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

- ◆ Name of Owner: Katherine Pettersen
- Address: 403 Cleveland Place Telephone: 303-641-5950
- City: Boulder State: CO Zip Code: 80302 FAX: _____
- ◆ Name of Contact (if other than owner): _____
- Address: _____ Telephone: _____
- City: _____ State: _____ Zip Code: _____ FAX: _____

STAFF USE ONLY

Doc. No. _____ Date Filed _____ Zone _____ Hearing Date _____
 Application received by: _____ 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

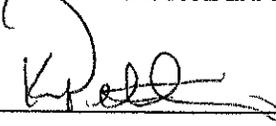
As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- 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(l), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature  Date 1/15/16

**SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Certain Land Use Review, Administrative Review, Technical Document Review, and Board of Zoning Adjustment Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS -

Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, Katharine Pettersen, am filing a Land Use Review, Administrative Review, Technical Document Review, or BOZA application [on behalf of] Katharine Pettersen for the property located at 403 Cleveland Place. I have read the city's sign posting requirements above and acknowledge

(PRINT NAME OF APPLICANT OR CONTACT PERSON) (PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT) (PRINT PROPERTY ADDRESS OR LOCATION)

and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Katharine Pettersen
NAME OF APPLICANT OR CONTACT PERSON

January 15, 2016
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

2/16/16

City of Boulder
Department of Planning and Development
Board of Zoning Adjustment
1739 Broadway St, Boulder, CO 80302

From:
Katherine Pettersen
403 Cleveland Place
Boulder, CO 80302

Concerning the property at 403 Cleveland Place
Boulder CO 80302

Dear Planning and Development Department and Board of Zoning
Adjustment,

We are requesting a BOZA setback variance for 403 Cleveland Place to build a one car garage and driveway on the southeastern portion of the lot. The south side of the garage is proposed to be 2' from the south property line. The east side of the garage is proposed to be 25.5' from the east property line.

Criteria for Variance

(1) Physical Conditions

A. The lot at 403 Cleveland is constrained by physical circumstances and conditions that make fair and reasonable development under applicable zoning rules impossible. To understand these conditions and how they effect lot development and the proposed one car garage, it is instructive to examine the placement of the existing house. This structure, a two story, single family detached dwelling, built in 1947, is placed at an angle to the street and encroaches on the 25' setback 16.3' leaving 8.7' between the southeast corner of the house and the property line. Three physical conditions and circumstances have dictated the unusual placement of the existing house and make placement of a single car garage impossible without a variance:

i There is a large, deep, rocky swale/wetland which runs southeast along the north side of the property and then angles more to the south as it continues downhill in a general easterly direction. When this swale reaches the flat, eastern 1/3 of the lot it

meanders and is officially labeled a "low functioning wetland area". (It is important to note that the rocky swale above is also shown on city of Boulder maps as a "Low functioning wetland area" but more accurately resembles a boulder field with no vegetation present.) The center 1/3 of the eastern 1/3 of the lot is taken up completely by the wetland and its associated buffer zone, leaving no room for development because the south 25' setback nearly reaches the buffer zone, and on the north side where the combination of a 25' foot east setback and 10' north setback have also negated any room for development.

WEST ii Zoning for the lot is Residential Estate (RE) which specifies a minimum 15,000 sq. ft lot and 25' setbacks on the east, south and **north** sides of the property where Gilbert, Cleveland, and 5th Streets, respectively define the lot and a 10' setback on the north side. Our lot does not fit the physical description of a RE lot, it is only 11,777 sq. ft. The combination of three 25' setbacks and a lot that is only 79% of a normal RE lot left little room for logical placement of the original house or any future addition to this house or the construction of a garage for which the variance is being requested.

iii Making matters worse for the reasonable development of our lot, a sharp hill bisects the property north to south. This bisection has effectively cut the lot in half, forcing the existing house to the west side of the lot and open space to the east side of the lot. Without a variance, this eastern side of the lot is rendered unusable by the 25' setbacks and the wetland that runs southeast and then to the east where it exits the lot via a culvert which runs under the road. (See ISP)

Alternatives to the requested variance for our proposed garage have been thoroughly explored and simply do not exist anywhere on the lot. The option of moving the proposed garage to the north and thus reducing or eliminating the amount of setback encroachment would place the garage in the center of the wetland. Moving the proposed garage to the west side of the house is not a viable option because it would encroach on both the west and south setbacks and eliminate the only usable, open portion of yard on the same elevation as the main floor of the house.

- B. As demonstrated above, the conditions effecting development at 403 Cleveland are quite unusual and are not commonly found elsewhere in the neighborhood.
- C. We believe that the existing physical conditions and the three 25' setbacks, as described above, forced the placement of the existing house. Without a setback variance at the time of construction (1947), no house could have reasonably or legally been built on our lot. The conditions that led to the placement of the existing house remain and without a variance make building a single car garage on the lot impossible.
- D. All of the physical conditions were present at the time the property was purchased by Katherine Pettersen in February of 2011.

5. Requirements for all Variance Approvals

A. The neighborhood is an eclectic mix of new and old, large, medium and small. Collectively this neighborhood has no definitive identity, however, 2 car garages are the norm. Lots with no garage are the exception to the rule. Adding a 1 car garage would in no way alter the essential character of the neighborhood.

B. The proposed garage would not impair reasonable use or enjoyment by any adjacent neighbor and in fact would make driving up and down Cleveland, which acts as a feeder street for 5th and beyond, easier by removing the parked cars and thus eliminating congestion on what is already a narrow and steep street. Because of the steep grade on Cleveland, parking next to the house with the front of the car facing uphill makes pulling out from the curb harder on both the car and driver. Therefore we commonly park on the far, south side of the street with the cars facing downhill. This requires crossing the road to get to the cars, which increases potential pedestrian/car conflicts. Parking on 5th St, to the west, is not viable because the street is narrow and much farther from the house and separated by dense vegetation. Likewise, parking on Gilbert is not viable because it is at least 100' from the door.

Important: While the south side of the garage is proposed to be 2.0' from the south property line, it should be noted that the south side of the garage is 17.5' feet from the curb and would be significantly obscured by trees. Thus the garage would not be an visual imposition on the street or appear unusual.

C. The proposed single car garage and driveway would allow for one, covered, off-street parking space which is typically the minimum required for

almost all zoning areas in Boulder. It should be noted that Boulder's official minimum garage size is 12'x22'. We are proposing that our garage be 14'x22' which we feel is a more realistic dimension, considering the size of cars and SUVs now and the uncertainty of car sizes in the future.

D. The proposed garage is 58.5' from the north property line and Gilbert St borders the property to the east, so the proposed garage would not conflict with the provisions of the Solar Access code.

Additional Information Pertinent to the Variance Request

This variance request was revised from our original request after consulting with Boulder Planning and Development's zoning and flood/wetlands staff. To minimize the encroachment on the low functioning wetland's buffer zone they suggested the garage be oriented south to north and be placed so the south, entry side, is 2' from the south property line and that the garage be moved as far west as possible, limited by the sharp hill on the east side of the house, placing the east side of the garage approximately 25.5' from the east property line. In addition, the south to north orientation and the placement of the garage 2' from the south property line make for a shorter driveway than originally requested, with no impact on the wetland's buffer. This variance request complies with the recommendations of the staff.

Parcel Description

(PROVIDED BY CORE TITLE OF COLORADO)
DEED RECORDED ON 06/24/2014 AT REC. NO. 03387369

PARCEL A:
THE SOUTH 33 FEET OF LOT 4, AND ALL OF LOT 5, IN BLOCK 7, ALL IN GENEVA PARK ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:
BEGINNING AT A POINT ON THE WEST LINE OF BLOCK 7, IN GENEVA PARK ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, SAID POINT BEING 8.01 FEET NORTHERLY FROM THE NORTHWEST CORNER OF LOT 4 IN SAID BLOCK 7; THENCE SOUTHERLY 23.97 FEET ALONG THE WEST LINE OF SAID BLOCK 7 TO THE NORTHWEST CORNER OF THE SOUTH 33.00 FEET OF SAID LOT 4; THENCE EASTERLY 68.11 FEET ALONG THE NORTH LINE OF THE SOUTH 33.00 FEET OF SAID LOT 4; THENCE NORTHWESTERLY 72.47 FEET TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

IMPROVEMENT SURVEY PLAT

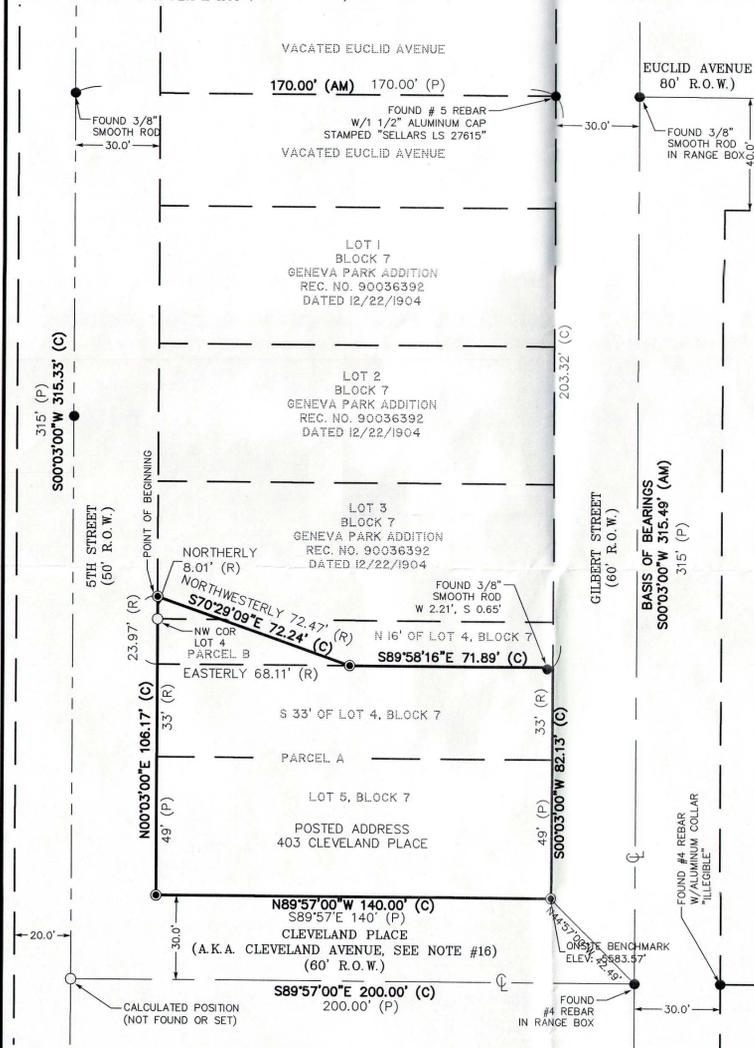
A PARCEL OF LAND LOCATED IN BLOCK 7, GENEVA PARK ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

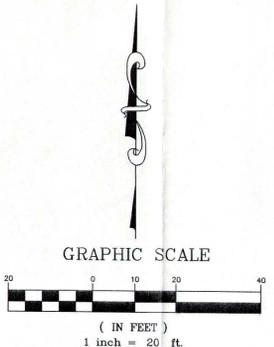
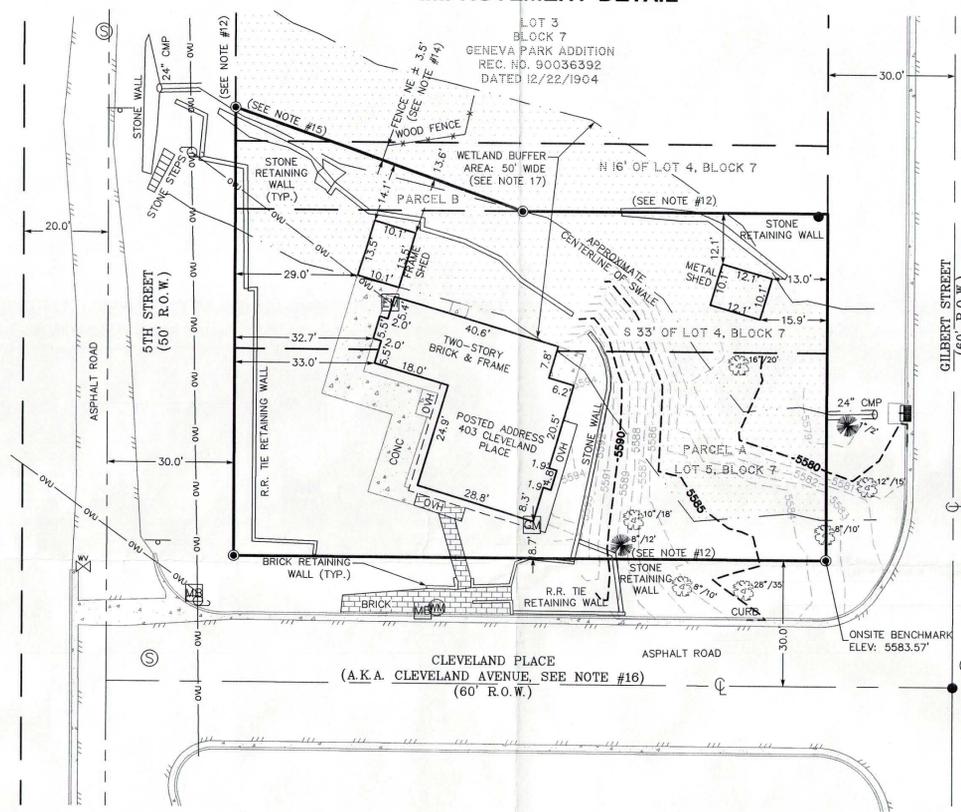
Notes

- CORE TITLE OF COLORADO COMMITMENT NUMBER 15-1037, DATED JANUARY 23, 2015 AT 8:00 A.M. WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
- ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF KATHERINE PETTERSON AND CORE TITLE OF COLORADO, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: AN ASSUMED BEARING OF SOUTH 00°03'00" WEST ALONG THE CENTERLINE OF GILBERT STREET, BETWEEN A FOUND 3/8" SMOOTH ROD IN RANGE BOX AT THE INTERSECTION OF EUCLID AVENUE AND GILBERT STREET AND A FOUND #4 REBAR IN RANGE BOX AT THE INTERSECTION OF CLEVELAND PLACE AND GILBERT STREET AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELD WORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.
- DATES OF FIELDWORK: SEPTEMBER 3, 2015 AND FEBRUARY 11, 2016
- THE MAJORITY OF FOUND MONUMENTS FALL WITHIN MEASUREMENT TOLERANCES. HOWEVER THE ONE SHOWN OUT OF POSITION ARE OUTSIDE OF MEASUREMENT TOLERANCES AND ARE NOT AT THE BOUNDARY CORNERS AS SHOWN HEREON.
- THE STONE RETAINING WALL AND BRICK RETAINING WALL EXTEND ACROSS THE PROPERTY LINE AS SHOWN HEREON.
- THE DEPOSITED SURVEYS LS-12-0298 AND LS-14-0126 IN THE BOULDER COUNTY LAND USE DEPARTMENT WERE CONSIDERED IN THE PREPARATION OF THIS SURVEY.
- THE FENCE IS NOT COINCIDENT WITH THE PROPERTY LINE AS SHOWN HEREON.
- THE SWALE DRAINAGE CROSSES THE SUBJECT PROPERTY WITHOUT THE APPARENT BENEFIT OF AN EASEMENT.
- THE RECORD PLAT OF GENEVA PARK ADDITION SHOWS THE STREET NAME AS CLEVELAND AVENUE. THE COUNTY ASSESSOR, THE ABOVE ATTACHED TITLE COMMITMENT AND THE STREET SIGN ON SITE SHOW THE STREET NAME AS CLEVELAND PLACE.
- THE APPROXIMATE AREA OF THE 50 FOOT WIDE WETLAND BUFFER WITHIN THE SUBJECT PROPERTY IS ±6170 SQUARE FEET.
- THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.
- BENCHMARK INFORMATION: A GPS DERIVED ELEVATION WAS ESTABLISHED AT AN ONSITE BENCHMARK AT THE SOUTHEAST CORNER OF THE PROPERTY, BEING A #5 REBAR WITH AN ELEVATION OF 5583.57 FEET. A CHECK SHOT, 0.2'±, WAS TAKEN ON CITY OF BOULDER POINT F-7, BEING A AXLE OR ROD IN HOLE IN ASPHALT LOCATED 0.14 MILES FROM SITE, WITH A PUBLISHED ELEVATION OF 5514.34 FEET (NAVD88). NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THIS ELEVATION.

CONTROL DIAGRAM (SCALE 1"=30')



IMPROVEMENT DETAIL



Legend

●	FOUND MONUMENT AS DESCRIBED	WM	WATER METER
●	SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATRONS SURV 16406"	SS	SANITARY SEWER MANHOLE
○	CALCULATED POSITION (NOT FOUND OR SET)	CI	CURB INLET
(AM)	AS MEASURED AT TIME OF SURVEY	EM	ELECTRICAL METER
(C)	CALCULATED FROM RECORD AND AS MEASURED INFORMATION	OW	OVERHEAD UTILITY LINE
(P)	AS PER THE PLAT OF GENEVA PARK ADDITION	UP	UTILITY POLE
(R)	AS PER RECORD INFORMATION	GM	GAS METER
—	CONCRETE	MB	MAILBOX
—	EDGE OF ASPHALT	CL	CENTERLINE
—	BRICK	—	PIPE
—	WETLAND BUFFER AREA	OWH	BUILDING OVERHANG
—	FENCE	R.R.	RAIL ROAD
⊗	WATER VALVE	—	SIGN

Boundary Closure Report

Course: S70°29'09"E	Length: 72.24'
Course: S89°58'16"E	Length: 71.89'
Course: S00°03'00"W	Length: 82.13'
Course: N89°57'00"W	Length: 140.00'
Course: N00°03'00"E	Length: 106.17'

Error Closure: 0.01 Course: S16°05'58"E
Error North: -0.005 East: 0.001

Precision 1: 47243.00

Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR RECORDING ON THIS DAY OF 20

Surveyor's Statement

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATRONS, INC., TO KATHERINE PETTERSON AND CORE TITLE OF COLORADO, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON SEPTEMBER 3, 2015; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (9) "IMPROVEMENT SURVEY PLAT".

JOHN B. GUYTON COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATRONS, INC.

REVISION	DATE	BY
1	02/17/2016	B. HAAS
2	02/17/2016	B. HAAS
3		
4		
5		
6		
7		
8		
9		

IMPROVEMENT SURVEY PLAT
PREPARED FOR
KATHERINE PETTERSON
&
Others (See Note 3)
COPYRIGHT 2016 FLATRONS, INC.

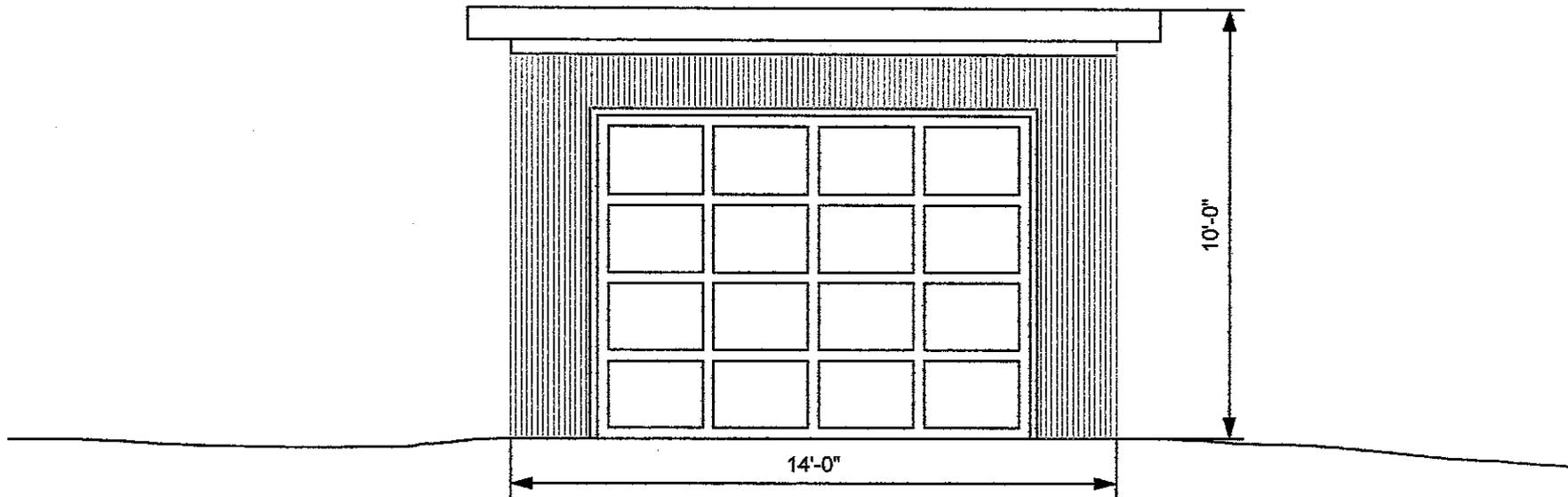
Flatrons, Inc.
Surveying, Engineering & Geomatics
www.FlatronsInc.com
3655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 443-0800
FAX: (303) 776-1355

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PH: (303) 443-0800
FAX: (303) 936-6997

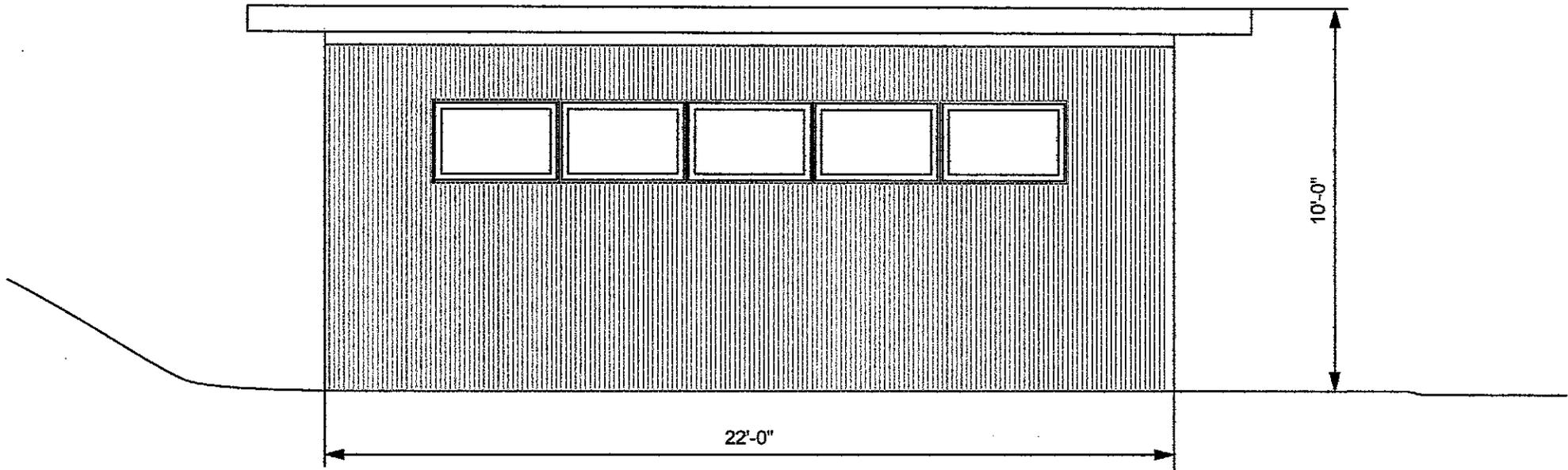


JOB NUMBER:
15-66,369
DATE:
02-12-2016
DRAWN BY:
B.HAAS
CHECKED BY:
JZG/BOL/WW

SHEET 1 OF 1



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



EAST ELEVATION

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



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.

SEE SURVEY
EXHIBIT "D"

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 3111 THIRD ST., BOULDER
- Legal Description: Lot _____ Block _____ Subdivision (ATTACHED) (Or attach description.)
- Existing Use of Property: RESIDENCE
- Description of proposal:

VARIANCE REQUEST FOR PERMISSION TO MODIFY A "HON. STANDARD" STRUCTURE WHICH EXISTS IN FRONT YARD SETBACK. REQUEST TO ESTABLISH FRONT YARD SETBACK AT 5.5 FEET.

*Total floor area of existing building: <u>718 SF</u>	*Total floor area proposed: <u>598 SF *</u>
*Building coverage existing: <u>699 SF</u>	*Building coverage proposed: <u>516 SF</u>
*Building height existing: <u>34'-1"</u>	*Building height proposed: <u>34'-1"</u>

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

- ◆ Name of Owner: JACK and MARILYN TURKEN
- Address: 3111 3RD ST. Telephone: 303.761.7892
- City: BOULDER State: CO Zip Code: 80304 FAX: _____
- ◆ Name of Contact (if other than owner): NICHOLAS FIORE - MOSAIC ARCHITECTS
- Address: 1701 15TH ST. STE ~~200~~ C Telephone: 303.247.1100
- City: BOULDER State: CO Zip Code: 80302 FAX: x 124

STAFF USE ONLY

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

* NOTE: FLOOR AREAS & BLDG COVERAGE CALCULATED WITHIN THE FRONT YARD SETBACK. (ALL)

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.

PAID

PAID
1/20/16

CASE #
BOZ2016-0002

-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  Date 2/17/16



February 17, 2016

City of Boulder
Board of Zoning Adjustments (BOZA)

BOZA – Written Statement

3111 Third Street - Request For A Variance To Allow Modification Of A 'Nonstandard' Residence

On Behalf of Marilyn and Jack Turken

Introduction:

Thank you for your consideration of a variance to allow the modification of the existing nonstandard structure at 3111 3rd Street. In summary, the residential structure in question exists partially inside of the currently required front yard setback – which is 25 feet in zoning district RL-1. The house was built in this location prior to the current property lines being created (the lines were created after 1990), and prior to the property's annexation into the City of Boulder in 1990. The home is a unique and rare A-frame residential structure in Boulder, and the owners have an interest in maintaining and improving the building.

We are presenting information in support of a variance which will allow the current owners to modify their home - mostly within the geometric volume of the existing nonstandard structure. The modifications will provide the owners with a modern, safe, energy efficient, and bright living space.

Homeowner's Intent And Reasons For This Request:

Jack and Marilyn Turken purchased this home in 1999 as a part-time residence with the intention of moving to Boulder full time in the future. They adore Boulder's natural beauty and delight in the community they've discovered here. Today they are seeking to enhance and add to the residence in order to facilitate their permanence in the community and to prepare for the years to come in which they expect reduced mobility due to known health issues.

The A-frame structured residence is dear to them and they are seeking to maintain the unique and iconic form of the existing home. The Turkens are seeking permission to modify the portion of the structure within the front yard setback in modest ways that enhance the energy efficiency, safety, views, and natural lighting qualities of the home. Specifically, permission to modify the existing eastern façade walls, the deck, and minor alterations to the roof are requested.

An addition to the home is also planned as part of this project – it is designed to conform to all current Form, Bulk, and Solar Standards – and as such it will not require a variance discussion.

History And Context:

This residence is a unique and rare type in Boulder – an ‘A’ frame structure. It’s likely a pre-fabricated kit that was erected in the Newlands neighborhood in 1968 on top of a pre-existing single story masonry structure of unknown age and use. **See Exhibit B: “Residential Property Appraisal Record” from Boulder County c. 1978.**

The property in question – 3111 3rd St – was annexed into the City in 1990. Today, due to this unique annexation, the eastern portion of the property is part of the City, and the western portion of the site is in Boulder County. At the time of annexation, the entire property was a portion of 3101 3rd St and was designated as a part of Boulder County. The annexed area was later divided into three separate properties, of which 3111 3rd St. is one. **See page 5 of Exhibit C: “Ordinance No. 5247”.**

Today, the property at 3111 3rd St. is comprised of Newlands Lots 21, 22, and portions of Lot 23. **See Exhibit D: “Improvement Survey Plat” c. 2016.** Note that the structure we are discussing was in existence at the time of annexation and at the creation of the property lines for 3111 3rd St. Also note that the Third Street Right of Way (R.O.W.) is platted in a manner such that it was intended to be located within 9.7 feet of the southeast corner of the structure. In reality, the “Edge of Asphalt Road” is substantially inset into the platted R.O.W. It is likely that the existence of this residence, the Silver Lake Ditch, and the topography of Third St. as it intersects Evergreen Ave. (steep terrain) are the factors that cause Third Street to vary from the proposed R.O.W. **See Exhibit A: “Boulder eMapLink (Map of Third St Vicinity)”.**

The original A-frame structure (c. 1968) featured a cantilevered deck – or, perhaps technically, a balcony. **See Exhibit B: “Residential Property Appraisal Record” from Boulder County c. 1978.** According to the Boulder County property record report in 1978, this balcony featured dimensions of 3’ deep and 22’ wide, totaling 66 square feet. The accompanying picture indicates that the deck structure was cantilevered from below the A-frame kit structure – integral to the structure of the kit itself, and most likely original to the 1968 kit construction.

Specific Modification Requests:

1. Eastern Façade Wall Modifications [See sheets S2, S5, S7 and Exhibit B]

We are seeking approval to modify the entire existing east façade wall below the A-frame roof. The design features an energy efficient window system located in the same position as the existing east façade wall. The original wall (since altered – see Exhibit B) featured a wide sliding glass door system and windows above for the loft. The new design eliminates the interior loft and seeks to allow natural light deep into the A-frame structure – providing affirming natural light and excellent views. No interior floor area will be added in the required 25' front yard setback.

On the lower level the existing masonry wall contains an existing wide steel frame window. We are seeking approval to remove this window and enlarge the wall opening to accommodate a new window. In addition to providing a required egress passage from the new bedroom on the lower level, this window will also increase the available natural light on the lower level.

It is our belief that the eastern façade wall modifications will not materially alter the essential character of the original A-frame design, nor will they impair the use or enjoyment of adjacent properties [Variance Criteria 5A and 5B]. We feel the new design – with minimal impact and carefully chosen modifications - enhances the aesthetics of the A-frame form, and potentially creates a notable neighborhood structure.

2. Deck Modification [See sheets S1, S4 and Exhibit B]

Please note Exhibit B: According to the Boulder County property record report in 1978, the structure featured a deck on the east side with dimensions of 3' deep and 22' wide, totaling 66 square feet. The accompanying picture indicates that the deck structure was cantilevered from below the A-frame kit structure – integral to the structure of the kit itself.

We are seeking approval to modify the existing deck structure in a manner that is more in-line with this original design by converting it back to a cantilevered structure (a balcony), with a setback measured at 5.5' from the eastern property line. The existing deck structure – while safe - is not built using current framing standards. Modifying the structure to a cantilevered, column-less design will enhance safety and durability of the deck. Additionally, the aesthetics of the original design will be restored. **See S7 and Exhibit B**

The new design reduces 'building coverage' (COB definition) by eliminating the structural deck columns, and technically pulls the structure farther away from the property line – alleviating some degree of the setback encroachment. The new design also greatly reduces the area of the deck. We are seeking an eastern balcony footage of 86 square feet where 66 existed when the A-frame was constructed and where more than 240 exists today (**See sheet S4**). Jack and Marilyn today use the existing deck as a place to sit and eat, as well as to enjoy the eastern sunrise views. The modified deck is designed to allow for the continued use of the deck in this way, and to accommodate an exterior grill adjacent and convenient to the kitchen. As illustrated on Sheet S4, a small table, two chairs, and grill fit well in this deck area – the deck is sized appropriately to these uses, while also allowing for passage through the sliding door panel. Also note that eastern views from the southern garden and deck areas will be obscured by COB required 'street' trees – this is the prime eastern view location.

3. Roof Modifications [See sheets S1, S2, S4 and S5]

We are seeking approval to modify the existing roof to add one window well, one window dormer, and to improve the existing roof insulation and cladding material. See S5 for an illustration of the proposed north inset window well and south window dormer locations. Note that the south elevation window dormer is located approximately in the location of existing skylight windows.

The north inset window well design ensures that this modification is minimally obtrusive, and that the modification will exist within the existing volume of the house. This design was chosen specifically on the north side to lessen impacts within the setback on the north side – the nearest neighbor is to the north.

The south window dormer seeks to take advantage of southern light and garden views while providing a small seating area for dining. The steep slope of the A-frame structure negates nearly 4' of interior floor area accessibility on the perimeter as the roof slopes steeply. The new subtle dormer design gains the Turkens some of this floor area back as useful space. It may be notable that the property to the south will likely never be built upon due to easements and terrain.

The new roofing insulation and cladding material called for in the modifications may include new insulation below the metal roof finish material in order to enhance energy efficiency and meet energy modeling requirements. This may increase the roof thickness up to 3 or 4.5 inches dependent upon energy modeling requirements.

Specific City of Boulder Ordinance Responses:

9-2-3. – Ordinances and Interpretations

(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 (h)(1), (h)(2), (h)(3) or (h)(4) of this section and the requirements of paragraph (h)(5) of this section.

(h) (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

The property at 3111 Third Street is unusual due to several factors, including the late annexation in 1990; the fact that it is located in both Boulder County and the City; and also due to the presence of the residential structure which predates the property lines. The original structure was not accommodated in terms of current form and bulk requirements when the lot was created (on or after 1990). Interestingly, Third Street itself does accommodate the structure as shown in Exhibit B – the R.O.W. clearly shifts east in order to give the structure some space from the edge of asphalt. Furthermore, the lot includes easements for both the "blueline" easement and the Silver Lake Ditch.

(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

The owners – due to ongoing and diagnosed health issues – expect their mobility to decline in the near future. The proposed modifications will help to ensure the enjoyment of their home for years to come. 'Single floor' and efficient living are driving design factors in the project.

(B) The unusual circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located; and

It does appear true that the original one-story structure is one of the older structures in western Newlands, and certainly on this block of 3rd St. Therefore, the difficulties created by the late creation of lot lines and related setback requirements are unique to this property. The house came before the rules were applied, in effect.

(C) Because of such physical circumstances or conditions the property cannot reasonably be developed in conformity with the provisions of this chapter; and

This is true. The requested modifications ensure the reuse of the existing structure that sits within and pre-dates the front yard setback. The requested modifications seek to enhance the existing unique A-frame structure and to maintain its key features while reducing nonconformance. We consider the alternative – the demolition of the existing structure and the construction of an entirely new structure within the conforming building envelope - to be at least less reasonable, if not unreasonable.

It is our belief that the proposed modifications are minimal and respectful – the property can in fact be modified in conformity with the *intent* of the provisions herein. The modifications will be minor, within, and smaller than the existing nonconforming volumes, and will not materially alter the neighborhood or effect the neighbor's enjoyment of their own properties. In our opinion, the uniqueness and age of the existing A-frame make saving it and enhancing it a community benefit. A-frames are a classic mountain structure typology, and there are few in Boulder.

(D) Any unnecessary hardship has not been created by the applicant.

This is true. The existing house and deck were built prior to the current owners taking possession.

9-2-3. – Ordinances and Interpretations (continued from previous page)

(h) (5) Requirements for All Variance Approvals:

(A) *Would not alter the essential character of the neighborhood or district in which the lot is located;*

The proposed modifications will not alter the essential character of the neighborhood. In fact, they will confirm the neighborhood character and represent an investment in what makes the neighborhood architecturally and culturally unique.

(B) *Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;*

The enjoyment of adjacent properties will not be reduced – it will be enhanced! The modifications that will occur in the setback will not add to the non-compliant nature of the existing home. The changes reduce the non-compliance, for example the reduction of the deck area and support columns. Additionally, the proposed addition (which is not the subject of this application as it occurs within the building envelope and follows all zoning and solar rules) is designed to minimize impact on neighbors with low roofs and with most of the built space submerged into the hillside.

(C) *Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title; and*

It is our belief that the proposed modifications offer the minimum variance that would afford relief to the owners. The modifications will be minor when located within the setback, and will not materially alter the neighborhood or effect the neighbors' enjoyment of their own properties. The intent of the modifications is to provide the owners with a modern, safe, accessible, energy efficient, and naturally lit living space. Note that the modifications do not seek additional floor area or significant construction within the setback – all modifications are minor and carefully measured to meet the minimal needs of the owners. These include a dormer, new windows, insulation, and roofing materials. Finally, the deck modifications are also minor and decrease certain aspects of the existing non-conformance (e.g. building coverage).

Specific to the modified deck – now balcony - it is important to note the original existence of the cantilevered deck per the Boulder County property record (**Exhibit B**). The requested deck is slightly larger than the original due to efficiently met programmatic needs, and significantly smaller than the existing deck. Jack and Marilyn today use the existing deck as a place to sit and eat, as well as to enjoy the eastern sunrise views. The modified deck is designed to allow for the continued use of the deck in this way, and to accommodate an exterior grill adjacent and convenient to the kitchen. As illustrated on **Sheet S3**, a small table, two chairs, and grill fit well in this deck area – the deck is sized appropriately to these uses, while also allowing for egress through the sliding door panel. This is also the best (and singularly afforded - by COB design and construction design requirements) opportunity to take advantage of the eastern view. Note that eastern views from the southern garden and deck areas will be obscured by COB required 'street' trees.

- Technically speaking – designed as a balcony - the new east 'deck' design may be allowable with a new front yard setback of 9.5' instead of the requested 5.5'. How? Under city ordinance 9-7-3 (f) the outer four feet of a completely open cantilevered balcony are allowable in a setback. Should 9-7-3(f) be confirmed as applicable in our case, a 9.5' front yard setback will allow us to proceed as designed and requested in this submittal.

(D) *Would not conflict with the provisions of [Section 9-9-17](#), "Solar Access," B.R.C. 1981.*

All new construction conforms to the City solar regulations. The existing A-frame structure pre-dates the existence of the solar ordinances, and does not fully comply with them. It is our understanding that under this circumstance the structure is "grandfathered in" – the solar ordinances do not apply.

9-10-2. - Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots.

Nonconforming uses and nonstandard buildings and lots in existence on the effective date of the ordinance which first made them nonconforming may continue to exist subject to the following:

(c) Replacement of Nonstandard Architectural Building Features: Those nonstandard architectural features of a building that otherwise violate the setback standards set forth in [Section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, except for architectural features that encroach into public rights of way or easements or cross property boundaries, may be replaced if:

Note that the architectural features of the existing structure exist entirely within the property lines. As we are modifying the existing structure within the existing volume, the modifications will also respect all R.O.W., easements, and property lines. **[See Exhibit D – Land Title Survey]**

(1) Reconstruction is commenced within twelve months of removal and completed within twenty-four months of the date on which the restoration is commenced;

Reconstruction is planned for early 2017.

(2) The exterior materials and architectural style of the replacement match that of the original features; and

The architectural style is strongly correlated toward mid-century modern, which matches that of the 1968 A-frame kit structure. We will honor this mid-century heritage. Exterior materials will match where applicable: metal and glass windows, board-type siding and paneling, and concrete. The original roof was of wood shingles – this is banned in Boulder today. A metal roof is planned as a replacement. The City will require non-combustible exterior materials as this is a fire zone.

(3) The replacement does not result in the creation of additional building coverage or floor area.

No additional building coverage or floor area will be created within the front yard setback. – it will be reduced due to the elimination of deck columns and a reduction in deck size.

9-10-3. - Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.

Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:

(a)(1)(A) The proposed modification complies with all of the applicable requirements of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," 9-9, "Development Standards," B.R.C. 1981, and Sections [9-6-2](#) through [9-6-9](#), B.R.C. 1981, dealing with specific use standards and criteria; and

The modifications do not add to or further violate these standards beyond the bounds of the existing non-standard structure.

(a)(1)(B) The coverage of the nonstandard building or structure, as modified, is no greater than the coverage allowed in the underlying zoning district.

Yes, the overall coverage of the nonstandard building as modified and the proposed addition together are within the allowable coverage for the zoning district. We are not requesting a variance for floor area or building coverage above that which is allowable on this lot.

(a)(2) Maintaining a Nonstandard Setback: If a foundation and the exterior walls above it that encroach into a required setback are removed and replaced, such foundation and wall shall be reconstructed in compliance with Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981. As part of any activity requiring a building permit, in order to maintain a nonstandard setback, at a minimum, the applicant shall:

(A) Retain the exterior wall and the existing foundation that it rests upon. The exterior wall shall, at a minimum, retain studs and retain either the inner or exterior sheathing of the exterior wall. Interior sheathing includes, without limitation, plaster, dry wall, or paneling; or

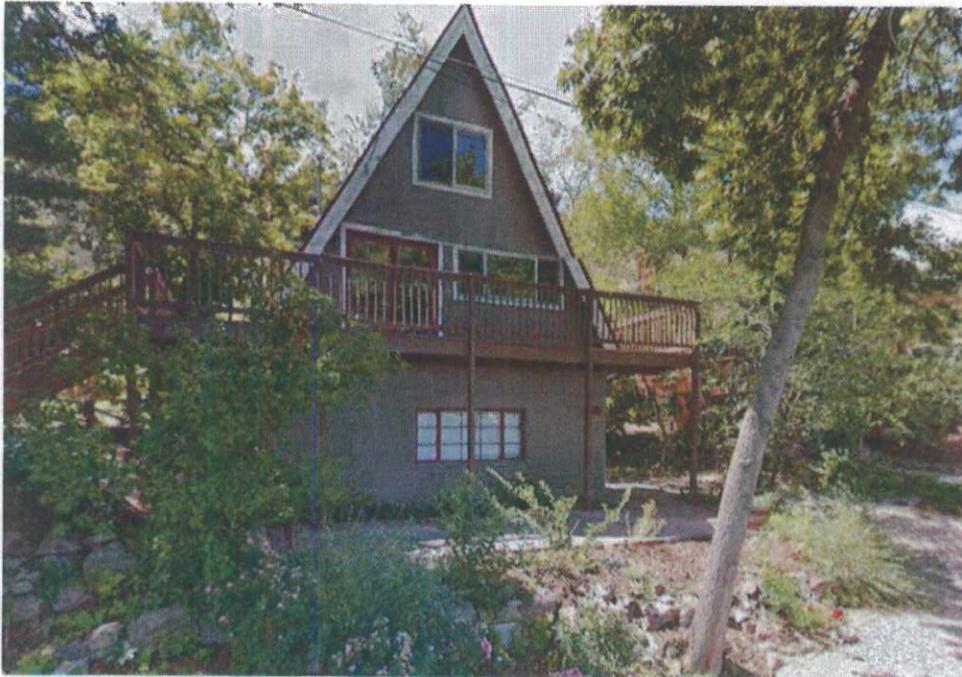
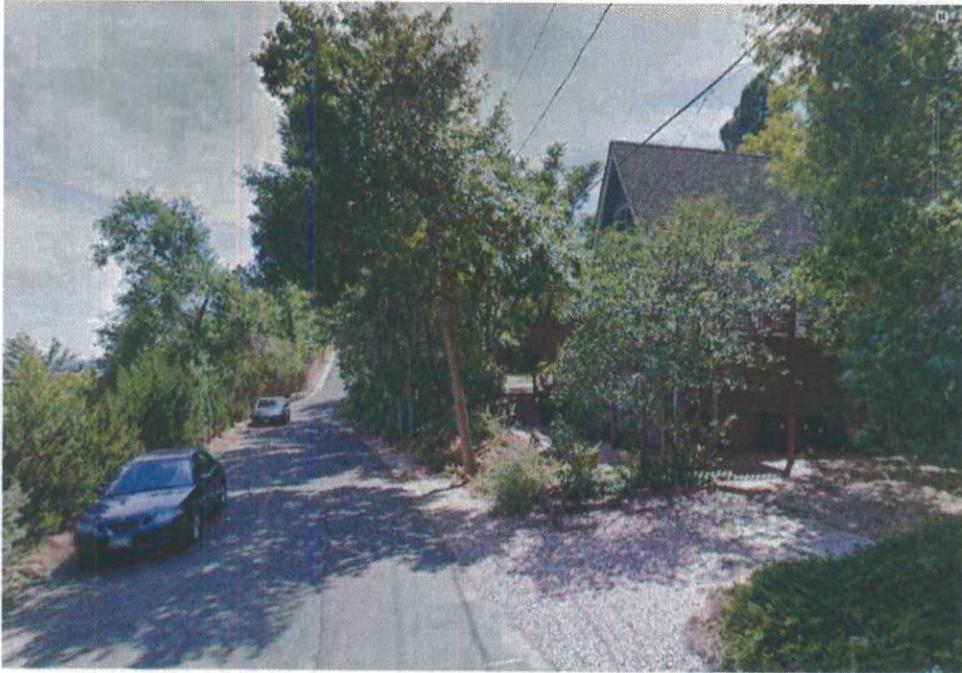
The foundation and majority of the existing lower level exterior masonry wall will remain, with modifications to allow for new windows. Above, on the main level, the historic dominant expression of glass and doors and window frames will be enhanced with the new glass wall installation. Note that originally - due to the width of the sliding glass doors - that there were no existing studs that reach from the main level floor to the A-frame roof above. The original architectural intent appears to be that of enhanced views on the main level – full glazing [See Exhibit B pg 1].

(B) Retain the exterior wall studs and the fully framed and sheathed roof above for that portion of the building within the required setback.

The framed and sheathed roof of the existing A-frame structure will remain, and due to the steep slope they function as walls and roof simultaneously. Exterior wall studs continuous from main level to the A-frame roof did not originally exist [See Exhibit B pg 1], and the infill wall of the east façade is requested to be replaced and upgraded. The overall form and proportion of the existing structure will largely remain "as-is".

(a)(3) Variance Required: A request for a modification to a nonstandard building or structure that is not in conformance with the provisions of Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981, may be granted only if a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

Per Section 9-2-3, BOZA may grant variances from the requirements of Setbacks (9-2-3(d) (1). After presenting the contextual evidence and unique history and situation at 3111 3rd St., our application is requesting that BOZA allow modifications to a structure that pre-dates the existence of the front yard setback. A variance which permits these modifications as outlined in this application is requested.



ORDINANCE NO. 5247

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 22,560 SQUARE FEET OF LAND GENERALLY LOCATED AT 3101 AND 3133 THIRD STREET ZONING AND INCLUDING SAID LANDS IN THE LR-E (LOW DENSITY RESIDENTIAL - ESTABLISHED) ZONING CLASSIFICATION AS DESCRIBED IN CHAPTER 9-2, BOULDER REVISED CODE, 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICTS; AND SETTING FORTH DETAILS IN RELATION HERETO.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO,
FINDS:

THAT Janet and Randy Gill and Jeffrey Nelson are owners of the parcel which comprises the real property more particularly described on Exhibit "A" attached hereto and incorporated herein by reference; and,

THAT the land to be annexed is below the Blue Line, west of Broadway, south of Norwood Avenue and north of Table Mesa Drive; and,

THAT the owners of 100% of the area proposed for annexation, including streets and alleys, have been petitioned for annexation of, and zoning designation of LR-E (Low Density Residential - Established) and the said property is not embraced within any city, city and county, or incorporated town, and that the said property abuts upon, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter; and,

THAT a community of interest exists between the property proposed for annexation and the City of Boulder, the said property is urban or will be urbanized in the near future, and the said property is capable of being integrated into the City of Boulder; and,

THAT the subject does not include any area included in another annexation proceeding involving a city other than the City of Boulder; and,

THAT this annexation will not result in the detachment of the area from one school district and the attachment of same to another school district; and,

THAT this annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing City boundaries; and,

THAT the subject property does not include any area which is the same or substantially the same area in which an election for the annexation to the City was held within twelve months preceding the filing of the above Petition; and,

THAT the subject property is designated Low Density Residential Land Use on the Boulder Valley Comprehensive Plan; and,

THAT the Planning Board duly proposed that the subject property be annexed to the City of Boulder and that the zoning district map adopted by the City Council be amended to zone and include portions of the subject property in the LR-E (Low Density Residential - Established) zoning district, as provided in Chapter 9-2, Boulder Revised Code, 1981; and,

THAT a public hearing on the proposed annexation and zoning of the property annexed and zoned hereby was duly held before the City Council on January 9, 1990; and,

THAT the zoning of the subject property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the subject property and of the residents of the City of Boulder; and,

THAT the City Council has jurisdiction and the legal authority to annex and zone the subject property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

Section 1. The territory more particularly described in Exhibit "A" be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-2, Boulder Revised Code, 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the subject property within the LR-E (Low Density Residential - Established) zoning district.

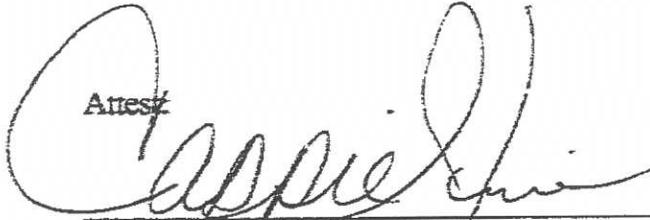
Section 3. The annexation agreement attached hereto is incorporated herein by reference.

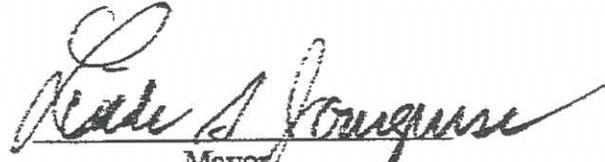
Section 4. The annexation and zoning of the subject property is necessary for the protection of the public health, safety, and welfare.

Section 5. The City Council deems it appropriate that this ordinance be published by title only and directs the City Clerk to make available in his office copies of the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

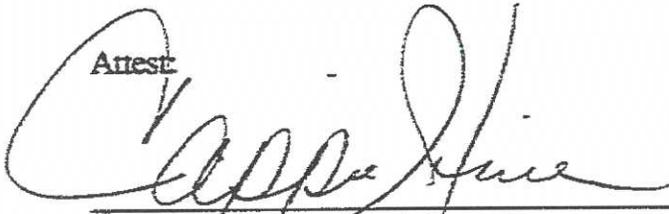
TITLE ONLY this 21st day of November, 1989.

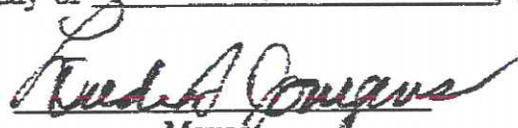
Attest

Director of Finance and Record
Ex-officio City Clerk


Mayor

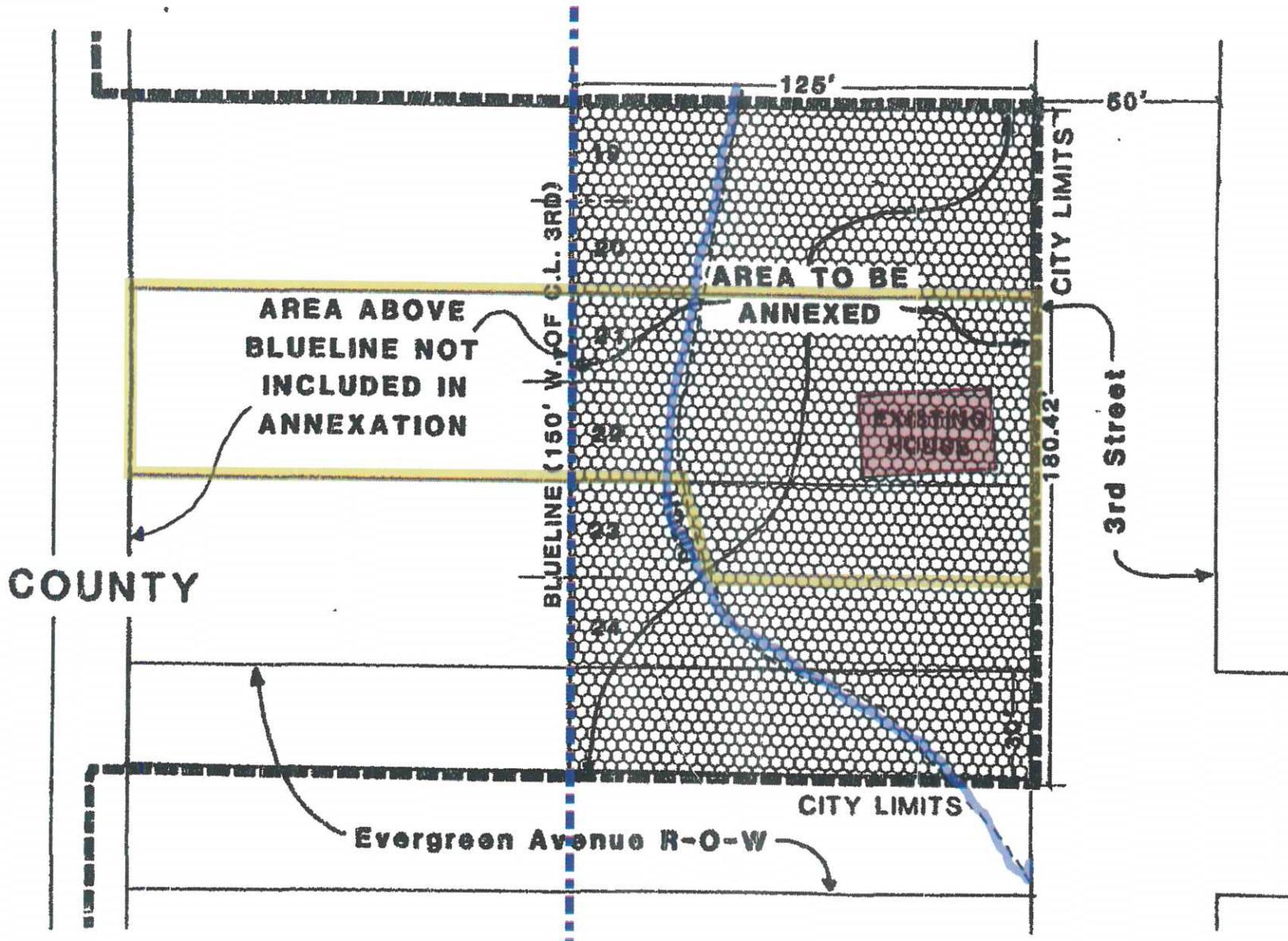
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 9th day of January, 1990.

Attest

Director of Finance and Record
Ex-officio City Clerk


Mayor

3101-3rdLAXO



Annexation: #A-89-5
 Location: 3101 3rd Street.
 Applicant: Randy Gill



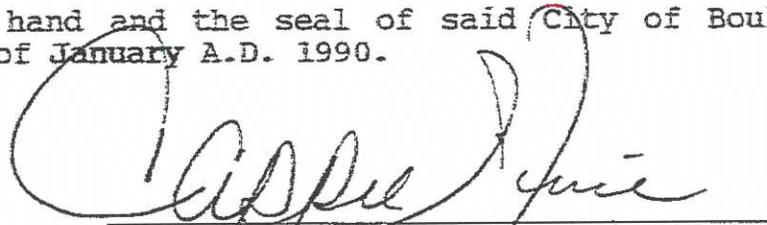
529

STATE OF COLORADO)
COUNTY OF BOULDER) SS.:
CITY OF BOULDER)

I, Cappie I. Fine, Director of Finance And Record and Ex Officio City Clerk of said City in the County and State aforesaid, do hereby certify that the foregoing ordinance was introduced and read on first reading at a regular meeting of the City Council at said City, held on the 21st day of November 1989, and that afterwards, to-wit: on the 26th day of November, A.D. 1989, I caused the same to be published (by title only) in the official paper of said City (the same being a paper of general circulation published in said City), and that said publication was made ten days before the passage of said ordinance.

I hereby certify that the foregoing ordinance was afterwards duly and regularly passed by the City Council of said City on second reading at a regular meeting thereof held on the 9th day of January A.D. 1990, and that thereafter, to-wit: on the 13th day of January A.D. 1990, I caused the same to be published (by title only), in the official paper.

WITNESS my hand and the seal of said City of Boulder hereto affixed, this 16th day of January A.D. 1990.



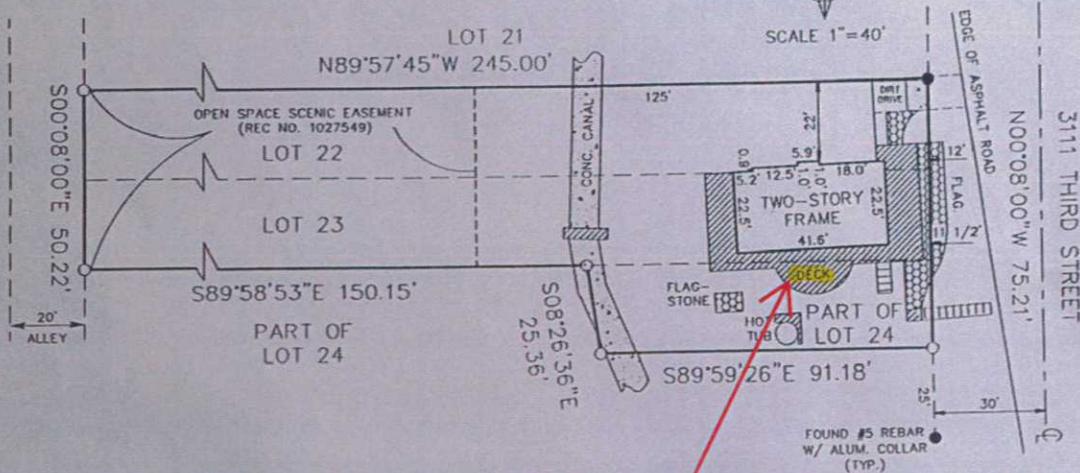
Director of Finance and Record
Ex Officio City Clerk





EXHIBIT "F"

FOR THE PURPOSE OF
CONFIRMING THE EXISTENCE OF
THE CURRENT DECK IN 1999

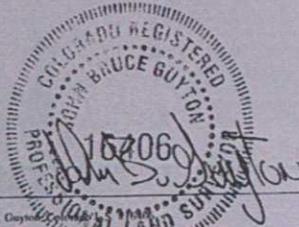


DECK AS OF 1999

NOTES:

- 1-An Improvement Survey Plat is recommended to determine more precisely the locations of the improvements shown hereon.
- 2-Security Title Commitment No. T01922A99-2 was entirely relied upon for easements of record not shown by the plat.
- 3-A concrete canal crosses the subject property as shown hereon.
- 4-The flagstone patio and stairs extend into the Third Street right of way as shown.

MARCH 29, 1999



IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for COLORADO WESTERN MORTGAGE and SECURITY TITLE GUARANTY CO., 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 described parcel on this date, March 29, 1999, 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. 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 Surveying, 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 acknowledgement and agreement to all terms stated hereon.

Title Co. No.	T01922A99-2	Borrower	Turken
Flatirons No.	99-34,052	Cost	\$125.00

Jack Turken, MD

3111 3RD Street

Boulder, Co. 80304

Jan. 20, 2016

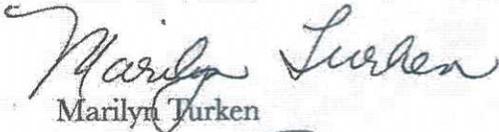
Board of Zoning Adjustment

Dear Board Members,

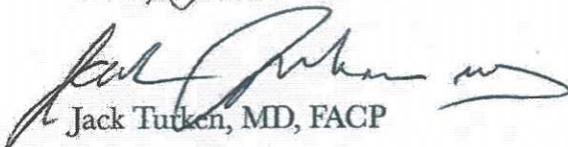
We have assigned Jane Snyder and Nicholas Fiore, of Mosaic Architects, to represent us in our application for variances for 3111 3rd Street, Boulder, Colorado 80304. Enclosed is payment for the application fee.

Thank you in advance for considering our application.

Sincerely yours,



Marilyn Turken



Jack Turken, MD, FACP

jdturken@mac.com

mlturken@yahoo.com

February 17, 2016

Dear BOZA Members,

I have been informed that our neighbors, Marilyn and Jack Turken, who live at 3111 3rd Street, are planning to remodel their existing A-frame home.

I am an architect/project manager in the Facilities Department at CU Boulder and have had an opportunity to review their preliminary design. I believe that this proposal would preserve the unique character of the existing structure while enhancing not only their home but our entire street.

I hope that you will concur with my thoughts on the proposed design. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marina Florian".

Marina Florian
3121 3rd Street
Boulder, CO 80304

February 20, 2016

City of Boulder
Board of Zoning Adjustments (BOZA)

Re: Request for Variances for 3111 3rd St Residence (Case Number BOZ2016-00002)

Dear Board of Zoning Adjustments,

I am writing today to express our concerns about the development planned for 3111 3rd St in Boulder by Marilyn and Jack Turken.

My wife and I purchased the property closest to the subject property (3115 3rd St, immediately adjacent and the house north of 3111 3rd St) in 1995.

We recently received a mailed notice of the variance request pending for 3111 3rd St and I followed up with Robbie Wyler, Assistant Zoning Administrator, for additional information. On February 19th, he forwarded electronic copies of the latest revision of the variance request.

Upon its review, we have significant concerns about the project as a whole, since it appears that the new structural additions on the north side will materially affect our enjoyment of our property and very likely, its market value. While we hope to address those concerns in the subsequent building permit application process (most notably the project's anticipated impact upon our southern solar access), we understand that this particular variance request is targeted to the subject property's east setback and other more minor details. But, while on the subject of the planned additions to the Turken's home, though, it should be noted that despite the contention of the applicants that all planned additions are designed to conform to the City of Boulder's building standards and won't require a variance discussion, it is our contention that further independent analysis is needed to support that conclusion.

However, regarding the request for zoning variances in this case...

First, contrary to what has been stated in the variance application, the current 66 square foot deck was not built in 1968, but was in fact replaced by the Turkens with new wood construction several years ago. I'm sure they can provide documentation on what was done and when it was done upon request, but it certainly appears to have been built to current framing standards (so one would expect that there are no current safety nor durability concerns with the existing deck, contrary to what has been stated in the variance application).

Second, we believe that expanding the current deck's footprint to 86 square feet would adversely alter the look of the east side of their existing structure. Essentially, we believe it would look out of place in the neighborhood, where such

large and elevated decks are atypical on the front side of residences. It is also hard to imagine how the aesthetics of the original deck design can be restored (as stated in the application) by making it much larger and closer to the street.

Additionally, the application's S4 document illustrates that the current elevated deck's setback is 6 feet, which is misleading in that the existing "elevated deck" is not actually part of the lower deck (which is currently separated by a flight of attached stairs), where the 6 foot setback is noted. In effect, the current elevated deck would be encroaching more on the east setback than illustrated if it is replaced by the proposed deck with a 5.5 foot setback. If there is a question about the exact setback of the current elevated deck, I would encourage an independent study of that to put it to rest.

And regarding the suggestion that the current deck area will be reduced from 240 square feet to 86 square feet, please consider that the current elevated deck facing the street on the east side is only 66 square feet. As stated above, any suggestion that the current 66 square foot elevated deck is part of the much lower deck area (to create the appearance of a planned reduction in square footage) is truly misleading.

In closing, we believe strongly that the proposed modifications are not minimal nor respectful and, in fact, would materially alter the essential character of the neighborhood and reduce our enjoyment of our adjacent property. Given all of that, we respectfully request that you deny this variance request.

Thank you for your consideration.

Sincerely,

Peter L. Burris
3115 3rd St
Boulder, CO 80304
303-447-3608



February 23, 2016

City of Boulder
Board of Zoning Adjustments (BOZA)

INRE: 3111 3rd St – Response to the Letter from Neighbor Mr. Peter L. Burris (dated 2/20/2016)
On Behalf of Marilyn and Jack Turken

Dear BOZA Members,

In light of the letter from Mr. Burris we would like to clarify some of the factual content of our submittal. We feel that the submittal does a fair and honest assessment of the facts of the property and indicates the areas in which a variance is required to proceed. The following points are in direct relation to those made in the letter:

1. The Turkens have never demolished or built any decks on the property. The currently existing deck was not built by the Turkens – it did in fact exist “as-is” in 1999 when they bought the property. There was a replacement of rotten deck boards and joists in 2007, but please be clear that the Turkens did not replace the deck or alter its’ outline in any way shape or form. **Attached to this letter find “Exhibit F” – a site plan by another local architect which illustrates the existence of the current deck in 1999.**
2. The current deck consists of 240 square feet in the front yard setback. The deck is all on one level – there are not “multiple levels” of deck on the property; there is no “lower deck”. The noted stairs protrude to the south from the deck down to a flagstone pathway. Again, please note that the “Exhibit D” survey was completed just weeks ago – signed and stamped by a licensed and reputable surveyor – and clearly indicates these facts.
3. The “original” deck circa 1968/1978 no longer exists, and it was indicated at 66 square feet in size according to the records of Boulder County (c.1978). Please refer to “Exhibit B” page 2. Our submittal does not indicate or suggest that the current deck is 66 square feet – it does indicate that it is currently 240 square feet within the front yard setback.
4. Sheet S4 indicates the existing deck setback as provided by a licensed surveyor. The survey was completed in February of 2016, and the electronic CAD file provide by Flatirons Inc. indicates that the existing deck is set back 6.0 feet from the east property line.

The Turkens are saddened by their neighbor Mr. Burris’ rejection of their project, especially in light of the sensitivity to the site, neighborhood, and neighbors that they continue to make top priorities in the project. Conversely, several neighbors have expressed support of the project as it is designed.

It is important to note that the project will follow all zoning requirements for construction within the building envelope – including solar requirements. Furthermore, it is also important to note that the requested outer eastern face of the new deck design will be located only 1.2’ outbound of the existing deck face, as indicated on sheet S4.

Sincerely,

Nicholas Fiore | AIA

February 25, 2016

City of Boulder
Board of Zoning Adjustments (BOZA)

Re: Request for Variances for 3111 3rd St Residence (Case Number BOZ2016-00002)

Dear BOZA Board Members,

I'm writing today to follow up on Mr. Fiore's February 23rd letter.

Boulder's setback regulations were created for good reasons, one of which is to prevent structures from overbuilding into the space around them, space that is vital to sustaining a livable neighborhood.

In addition to its significant height, the Turken's current A-Frame house and deck are already grandfathered to greatly exceed the regulatory east side setback of 25 feet; by Mr. Fiore's estimate, the deck currently extends to 6.0 feet from the east property line.

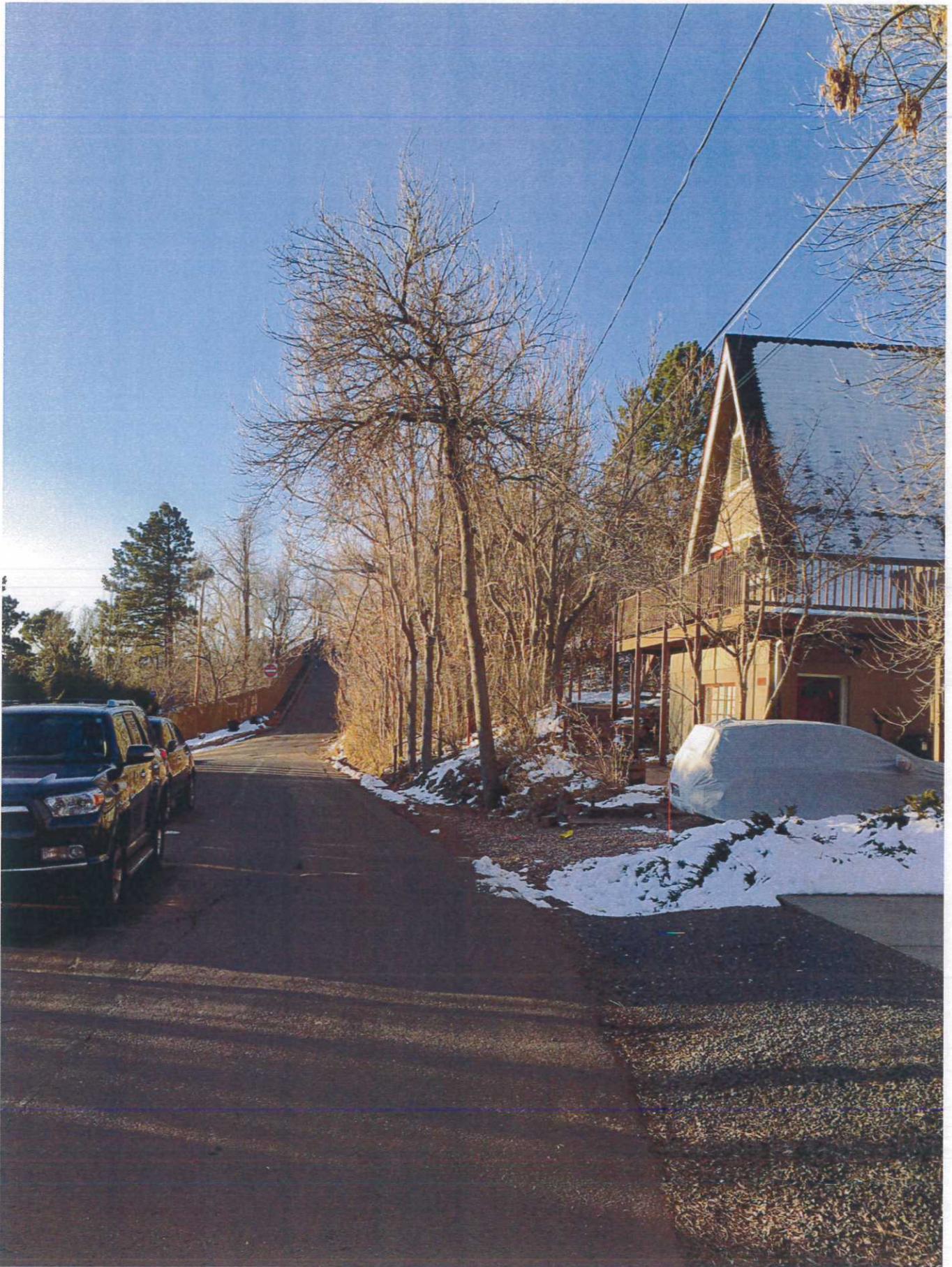
Allowing additional intrusion into the east property line setback will further erode the imposing look of their property and directly impact ours. Our adjacent property is the one primarily impacted because the homes of the neighbors across the street are much lower in elevation and the homes to the south are much higher in elevation.

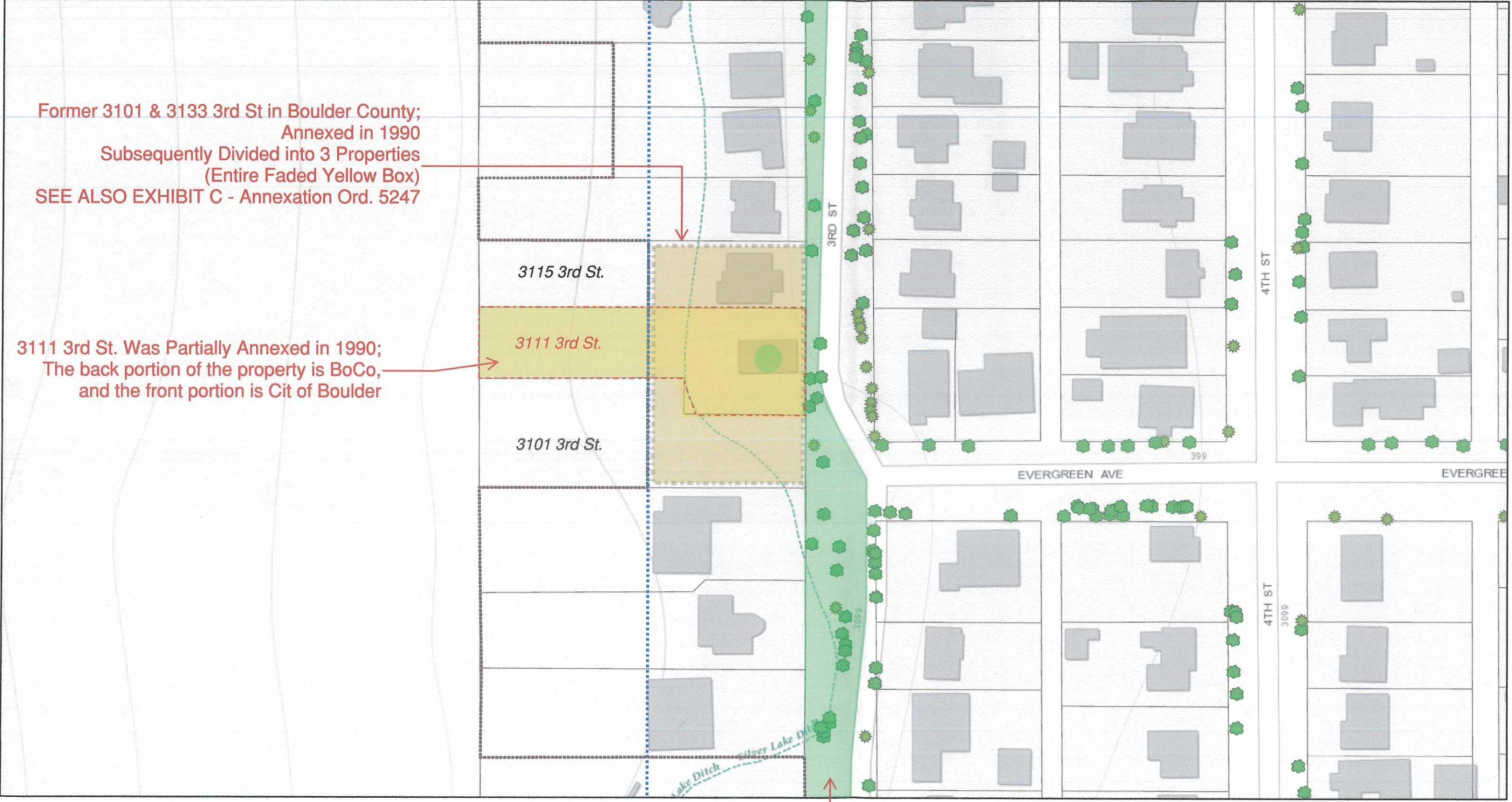
In case you are unable to see the property for yourself before making a decision on this variance request, please see the following photograph taken from the street in front of our property this morning.

Thank you for your considering our perspective on this issue too.

Sincerely,

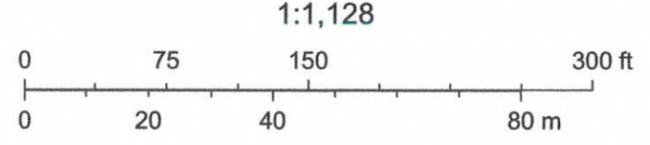
Peter L. Burris
3115 3rd St
Boulder, CO 80304



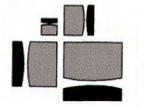


January 18, 2016

- City Trees**
- Unknown
- Deciduous
- Evergreen
- Creeks and Ditches**
- Creek
- Creek Intermittent
- Ditch
- Blueline - Approximate Location**
- High
- Low
- Parcels
- City Limits



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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f: 303.247.1101

San Francisco Office
1290 Sutter Street, Suite
201 - San Francisco, CA
94109
p: 415.409.6660
f: 415.449.6624

www.mosaicarchitects.com
info@mosaicarchitects.com

Turken Residence

3111 THIRD ST.
BOULDER CO

Revisions:

Drawing Title:

Site Plan
(Existing)

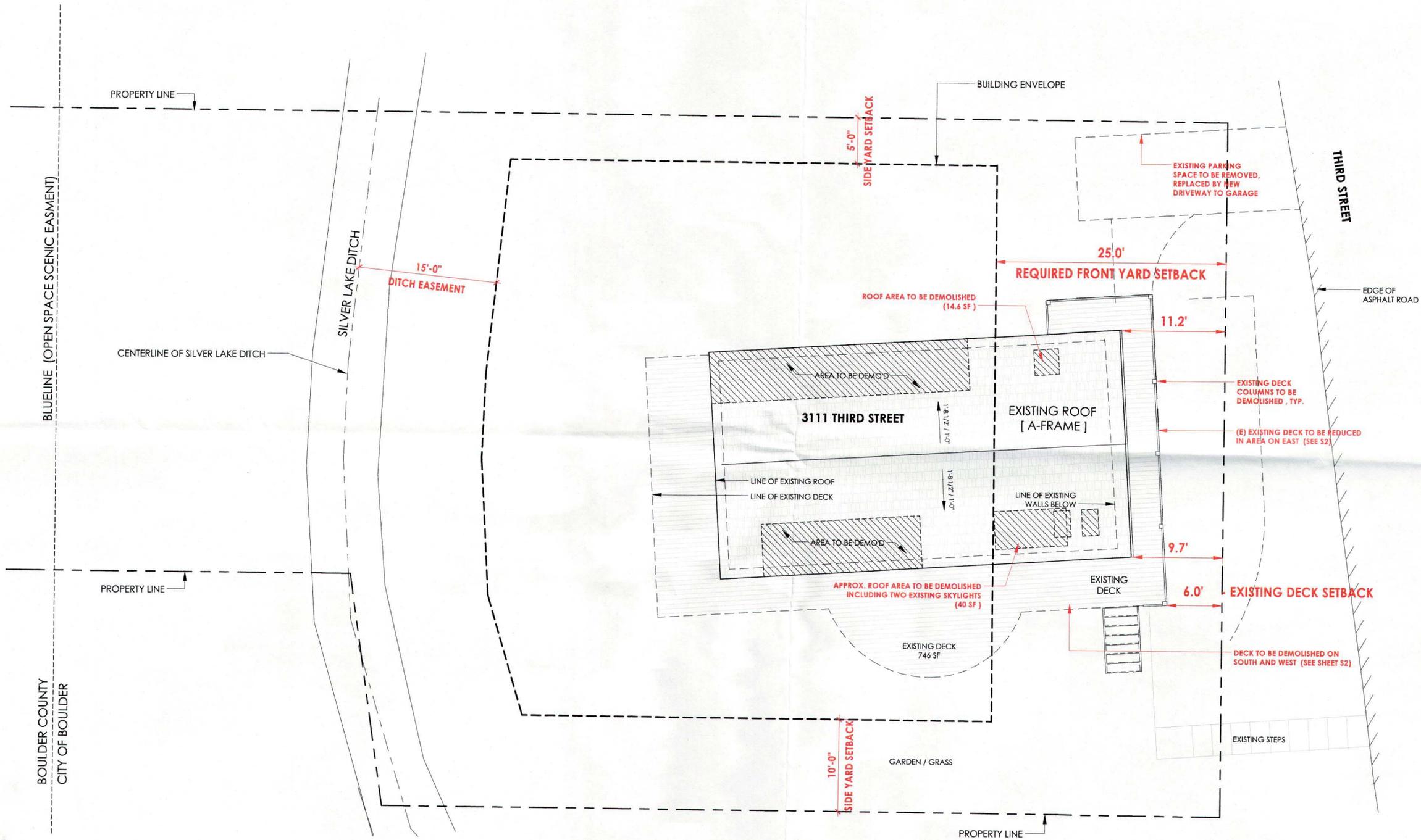
Date: 02.17.2016

Drawn by: NF

© 2016 mosaic architects

Sheet:

S1



1 Site Plan - Existing - BOZA Application
Scale: 1/8" = 1'-0"



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planning
interior design

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info@mosaicarchitects.com

Turken Residence
3111 THIRD ST.
BOULDER CO

Revisions:

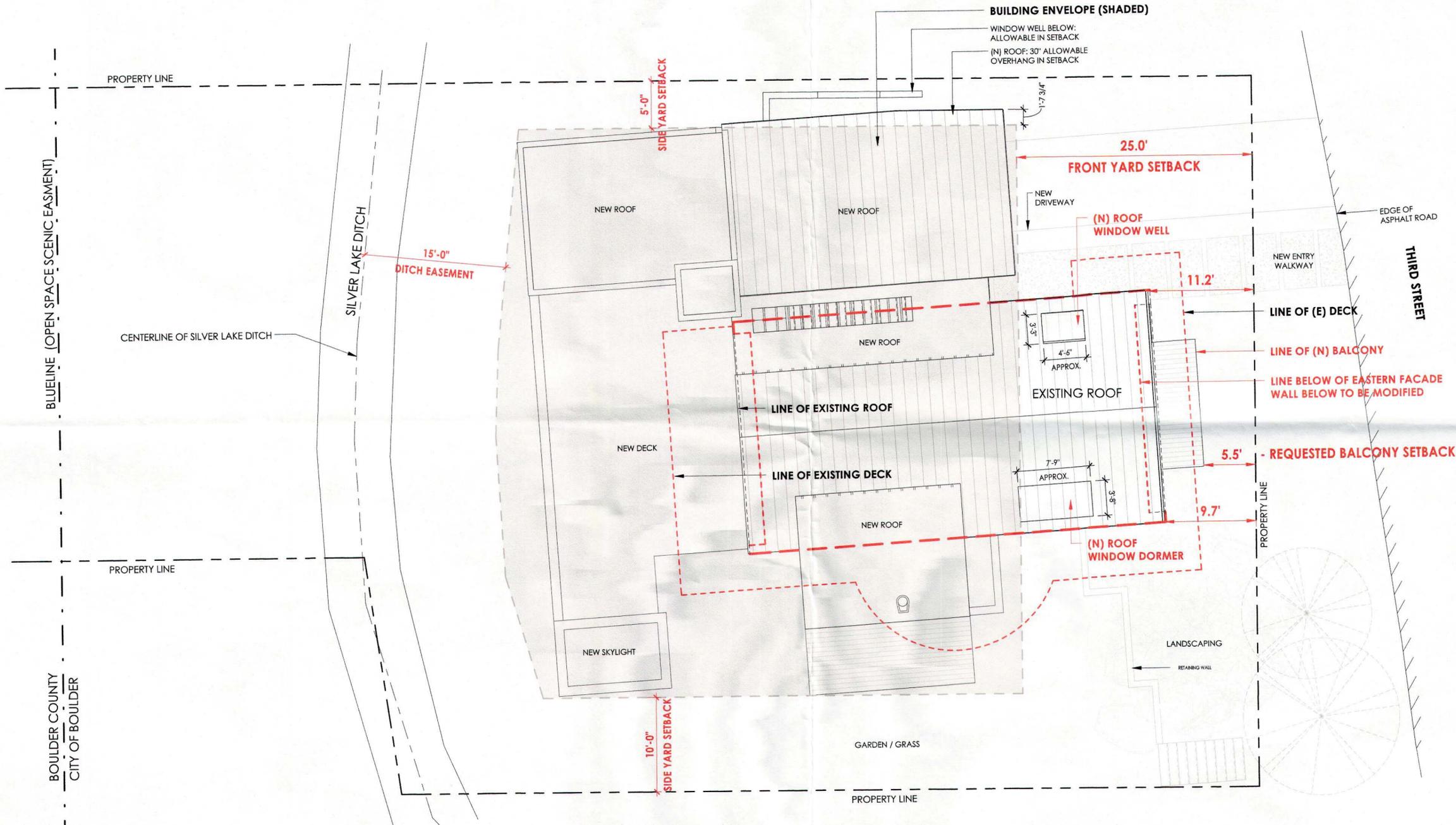
Drawing Title:
**Site Plan
(Proposed)**

Date: 02.17.2016

Drawn by: NF

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Sheet:
S2



1 Site Plan - Proposed - BOZA Application
Scale: 1/8" = 1'-0"



Revisions:

Drawing Title:
**Lower Level
(Proposed)**

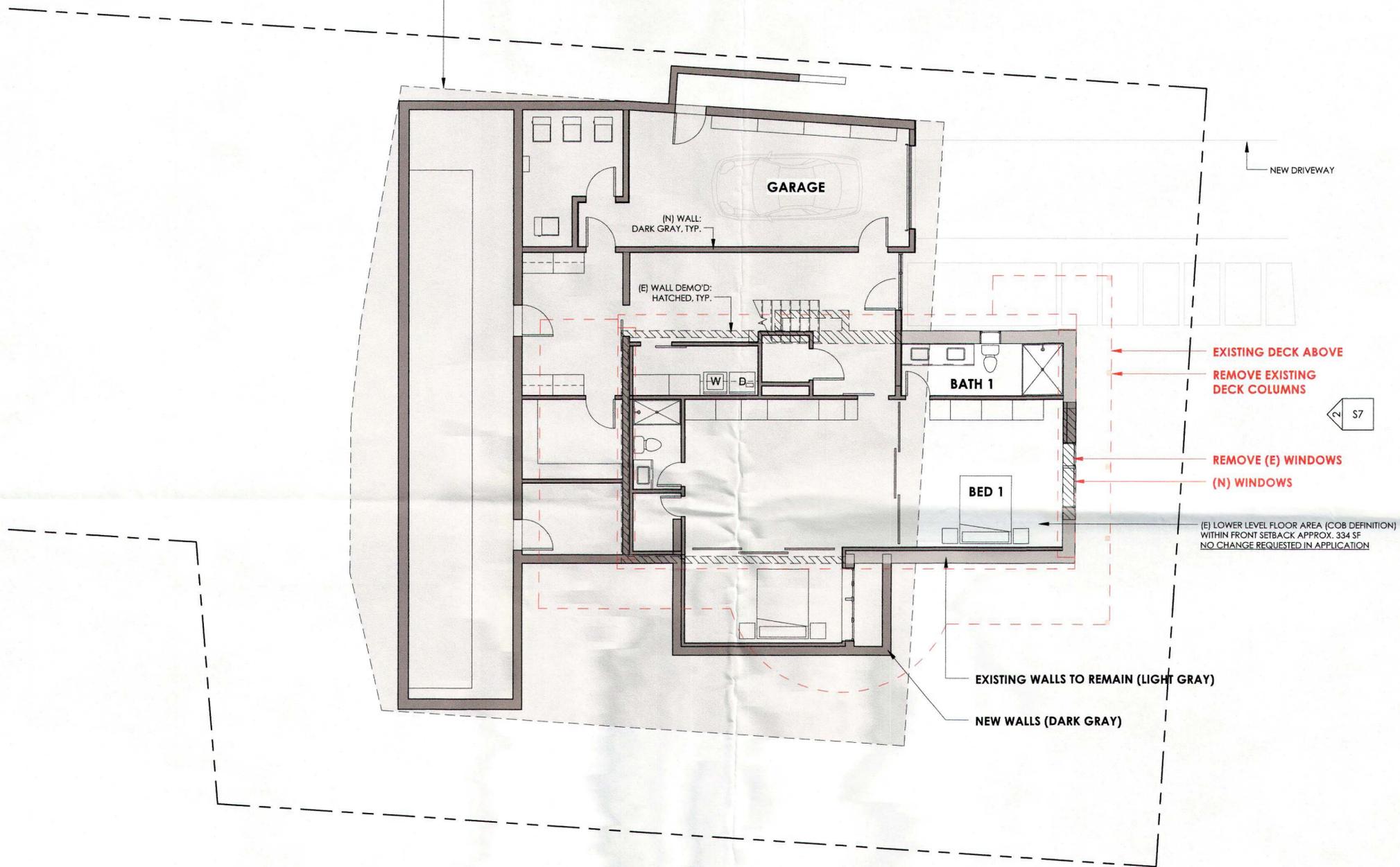
Date: 02.17.2016

Drawn by: NF

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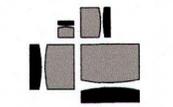
Sheet:
S3

(N) ADDITION AND REMODEL WITHIN BUILDING ENVELOPE WILL FOLLOW ALL FORM, BULK, AND SOLAR STANDARDS PER CITY OF BOULDER REGS.



1 Lower Level Floor Plan - BOZA Application
Scale: 1/8" = 1'-0"





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Turken Residence
3111 THIRD ST.
BOULDER CO

Revisions:

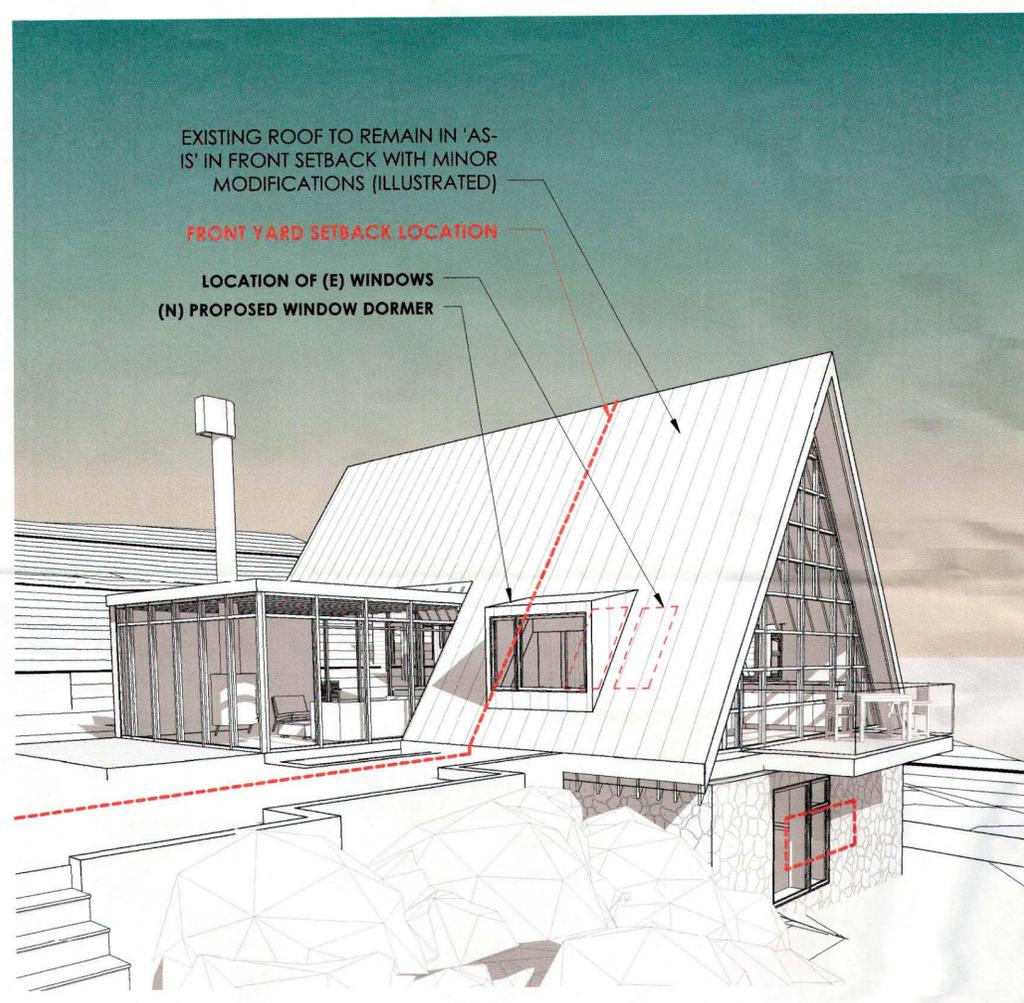
Drawing Title:
North & South
Elevations

Date: 02.17.2016

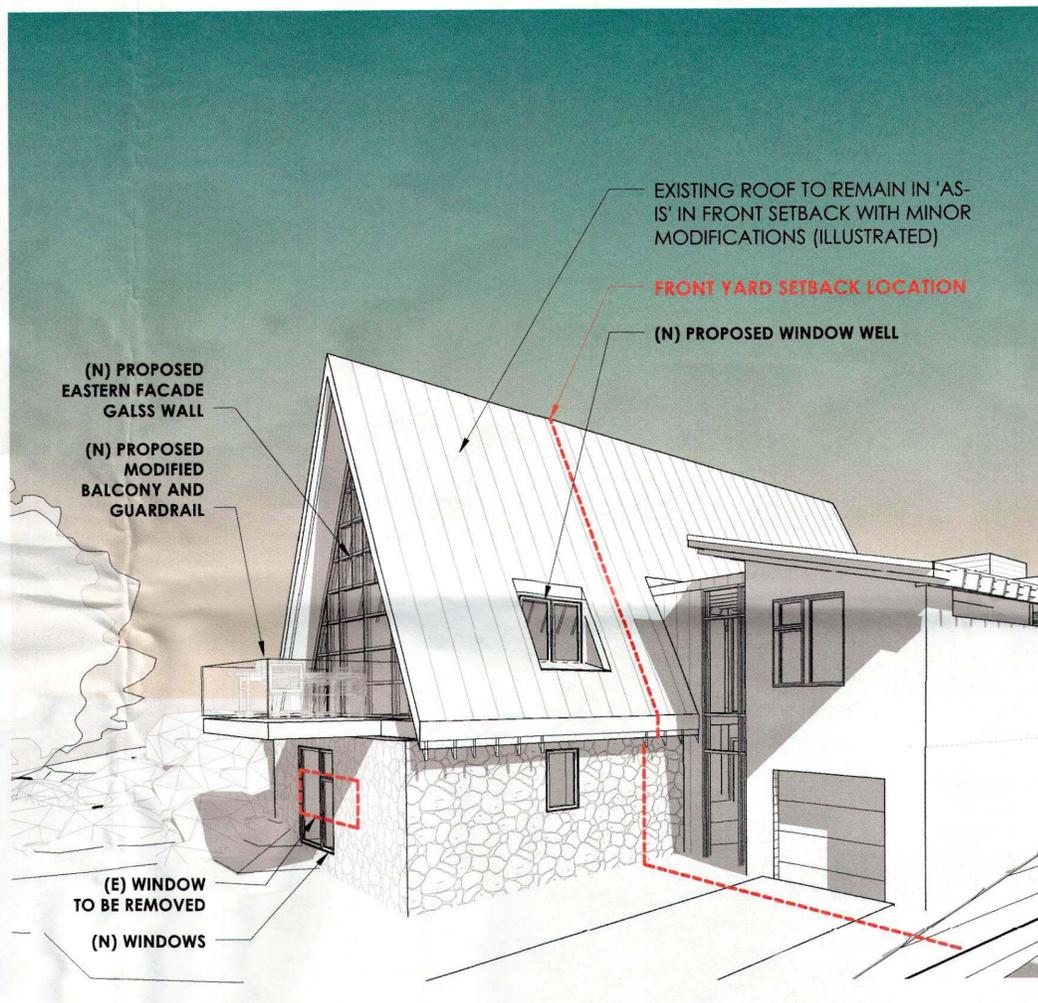
Drawn by: NF

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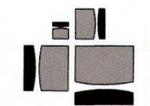
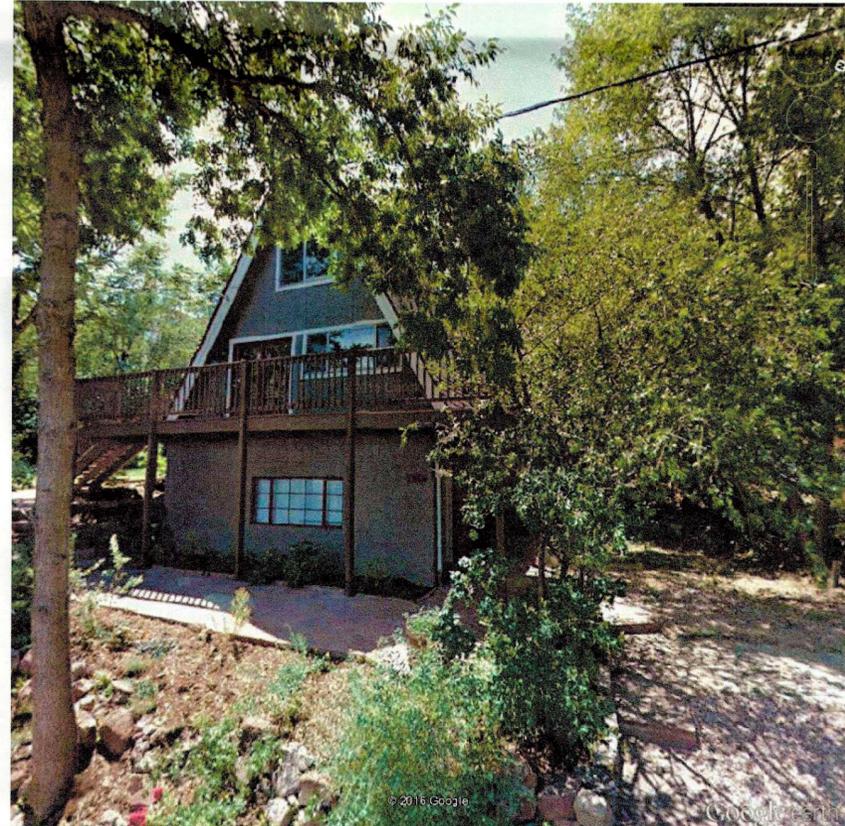
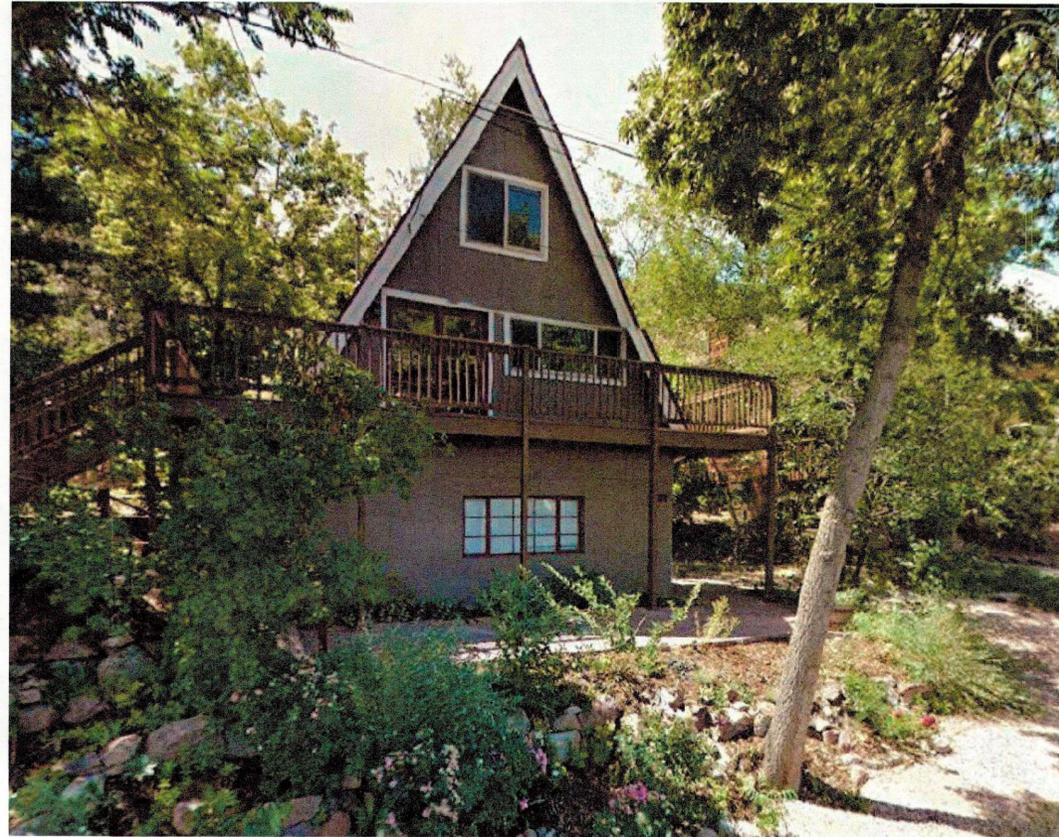
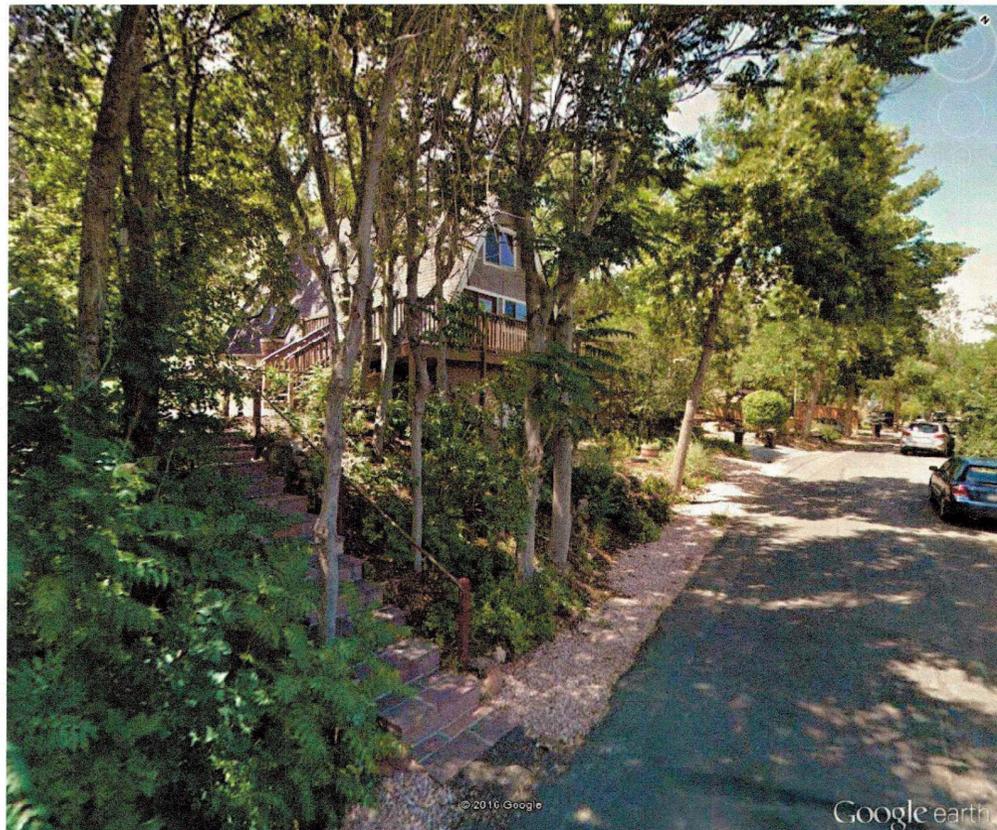
Sheet:
S5



1 South Elevation - Roof Window Well
Scale:



2 North Elevation - Roof Window Well
Scale:



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Turken Residence
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BOULDER CO

Revisions:

Drawing Title:

Existing
Photographs

Date: 02.17.2016

Drawn by: Author

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Sheet:

S6

Turken Residence
3111 THIRD ST.
BOULDER CO

Revisions:

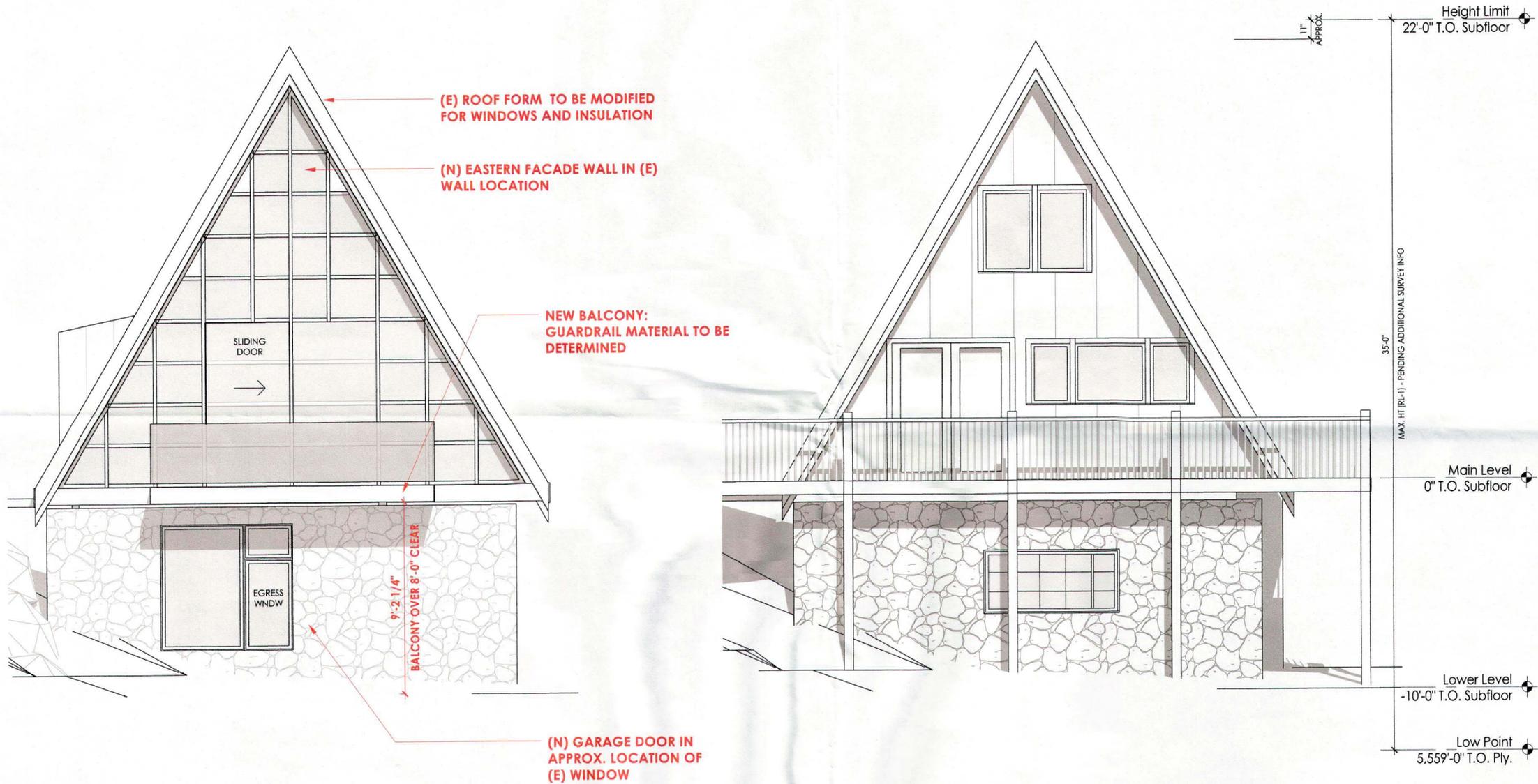
Drawing Title:
East Elevations

Date: 02.17.2016

Drawn by: NF

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Sheet:
S7



2 Proposed Elevation - East
Scale: 1/4" = 1'-0"

1 Existing Elevation - East
Scale: 1/4" = 1'-0"



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.)

S. 111.5 LOT 7
S. 111.5 1/2 LOT 8

- Street Address or General Location of Property: 2303 BLUFF ST., BOULDER, CO 80304
- Legal Description: Lot Block 191 Subdivision EAST BOULDER (Or attach description.)
- Existing Use of Property: RESIDENTIAL
- Description of proposal:

REAR YARD SETBACK VARIANCE PERMITTING 18'-10" SETBACK WHERE 25'-0" IS REQUIRED, TO ALLOW THE CONSTRUCTION OF A 3'-0" X 5'-4" = 19 S.F. MUD ENTRY PORCH ROOF ON A HISTORIC LANDMARK HOME. LANDMARKS HAS APPROVED THE ROOF.

*Total floor area of existing building: <u>2,578</u>	*Total floor area proposed: <u>2,578</u>
*Building coverage existing: <u>1,639</u>	*Building coverage proposed: <u>1,639</u>
*Building height existing: <u>30'-1"</u>	*Building height proposed: <u>12'-0"</u>

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

- ◆ Name of Owner: MADELINE VOGENTHALER & PETER HOGLUND
- Address: 2303 BLUFF ST. Telephone: 303-859-7092
- City: BOULDER State: CO Zip Code: 80304 FAX:
- ◆ Name of Contact (if other than owner): STEVE MONTGOMERY
- Address: 2207 MAPLETON AVE Telephone: 303-443-4414
- City: BOULDER State: CO Zip Code: 80304 FAX:

STAFF USE ONLY

BOZ 2016-00003
Doc. No. Date Filed 2.16.16 Zone RMX-1 Hearing Date
Application received by: D.A. Date Fee Paid 2.16.16 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 Madeline R. Fogenthaler Date 2-16-16

**SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, STEVE MONTGOMERY, am filing a Land Use Review or Technical Document Review application (on behalf of the property owner(s) MADELINE VOGENTHALER & PETER HOGLUND for property located at 2303 BLUFF ST. I have read the city's sign posting requirements above and acknowledge and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Madelin K Vogenthaler
Madelin R Vogenthaler
NAME OF APPLICANT OR CONTACT PERSON

2-15-16
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.



February 16, 2016

Board of Zoning Adjustment
City of Boulder, Planning and Development Services
1739 Broadway, Boulder, CO 80304

Re: 2303 Bluff Street
Boulder, CO
Rear yard Setback Variance Request for a New Porch
Setback Variance for a "New Wall" at an exist. Nonstandard Setback
Owners: Peter Hoglund & Madeline Vogenthaler
Landmark: Perry White House

SETBACK VARIANCE REQUEST

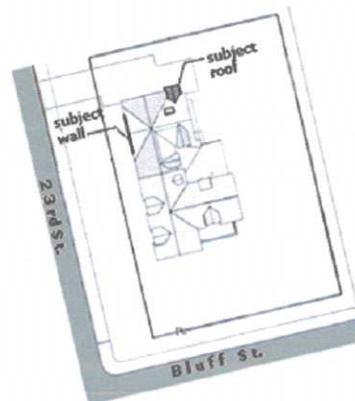
REQUEST:

1.) That the Board grant a setback variance to allow an approximate 18'-10" north rear yard setback instead of the required 25'-0" setback to allow the construction of a new 19 square foot Mud Entry Porch on an existing non-historic Addition.

2.) That the Board grant approval for a setback variance allowing modification to an existing nonstandard wall on the 1985 Addition that has a previously approved 9'-0" side yard setback where 25'-0" is required. The modification consists of the removal of an existing garage door and the construction of a "new wall" and new windows in the former garage door opening.



VICINITY MAP 



SITE PLAN 

ARCHITECTURE / LANDSCAPE DESIGN

2207 MAPLETON AVENUE

BOULDER, COLORADO 80304

03.10.2016 BOZA Packet Page 53 of 79

stevemontgomery@earthlink.net

MONTGOMERY PARCHITECTURE

PREFACE

Zoning: RMX-1

Lot Area: 8,362.50

Existing Floor Area: 2,578 s.f. Proposed: 2,578 s.f. Allowed: 3,992 s.f.

Exist. & New Building Coverage: 1,639 s.f. Allowed: 4,081 s.f.

Note: no new floor area or building coverage is created.

General

2303 Bluff Street is a landmarked property known as the "Perry White House".

The existing structure consists of an Historic Home and a 1985 Addition. Both of the requested variances regard modifications to the 1st floor of the 1985 Addition.

The subject **Mud Entry Porch** and the **New Windows** in the former garage door opening are parts of a larger project which has been approved by the Landmarks Board DRC. The scope of the larger project will convert the existing two-car Garage of the 1985 Addition into a new Family Room. The existing 16'-0" wide concrete driveway serving the existing Garage will be eliminated and replaced with landscaping. A new 10'-0" wide concrete driveway and curb cut will be created serving the new parking area in the rear yard.

A Landmark Alteration Certificate has been issued for the larger project, including the Mud Entry Porch and the New Windows which are the only elements of the work requiring BOZA approval.

The Landmarks DRC has approved supporting the rear yard setback variance for the New Porch and the Landmarks Staff has written a letter to BOZA indicating this support.

Due to an oversight on the Architect's part Landmarks was not asked for a letter of support on the modification of the west garage door. I had considered this a item to be a modification to an existing nonstandard wall not requiring BOZA review, but Staff has interpreted the modification to be the construction of a new wall because no wall will exist following demolition of the garage door which we will then infill with new windows and brick veneer. The New Windows were included in the Landmark Alteration Certificate issued by Landmarks and I hope you will accept this as an indication of their support. The garage door demolition and the New Windows are a key part of our proposed modifications.

New Porch

A part of the approved LAC is the creation of a new Mud Entry door in an existing north facing wall of the 1985 Addition. This will facilitate entry into the house from the new parking in the rear yard.

Because it is on the north side of the house, the landing outside of the Mud Entry door is vulnerable to the hazards of ice and snow accumulation unless it is covered. In order to protect the landing the Owners would like to create a small Mud Entry Porch canopy that is of the minimum dimensions required to cover the landing.

The present face of the northernmost wall of the 1985 Addition has a previously approved 20'-0" rear yard setback. **The proposed Mud Entry Porch will project 1'-2" beyond the present northernmost wall of the 1985 Addition and would have a rear yard setback of 18'-10"**. The Porch is 5'4" wide. The area of the Porch is 19 square feet.

A landing area of a minimum 3'-0" beyond the door is required by Code. The proposed Mud Entry Porch covers only the minimum required landing plus the depth of the supporting columns.

The proposed Porch complies with the side yard setback (facing a street) from the west property line along 23rd Street. The Porch is setback 25'-4" where 25'-0" is required.

The proposed Porch will not create new building coverage because it is within the amount of rear porch square footage which is excluded from inclusion in the building coverage calculation.

The height of the proposed Porch is approximately 12'-0" above grade (within 25').

The proposed Porch is entirely concealed from the south view from Bluff Street. The Porch is slightly visible from the west 23rd Street view, but is located far back from the west property line in the most remote rear corner of the building mass.

New Windows

The existing 16'-0" wide two-car garage door facing 23rd street will be eliminated and the garage door opening will be filled with new double-hung wood windows with brick veneer walls between them. **The eliminated garage door and the new windows are in a nonstandard wall** with a previously approved non-standard side yard setback (facing a street) of 9'-0". The result will be a wall with a residential appearance on the 23rd Street facade which is more compatible with the Historic Home.

BOZA HISTORY

In 1985 BOZA approved a setback variance for the Addition, allowing a 9'-0" side yard setback from the west property line bordering 23rd Street (the Historic Residence is also setback 9'-0" from the west property line) and a 20'-0" rear yard setback from the north property line.

In 2015 BOZA Approved a 17'-10 setback from the west property line for the construction of new dormers on the 2nd Floor of the 1985 Addition. The dormers are now under construction.

NEW PORCH CODE DISCUSSION:

This request for a setback variance for the proposed Porch satisfies the qualifying criteria for variance consideration of BRC Section 9-2-3 (h) 4 and (h) 5.

BRC 9-2-3 (h) 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.

The subject property is a landmarked structure. Alternative locations for the Mud Entry Porch were discussed during the Landmarks DRC review and the conclusion was that other possible locations for the proposed Porch would have an adverse impact on the character of the historic structure. The DRC agreed that the proposed location on the rear wall was inconspicuous and did not detract from the historic character of the property.

The Landmarks DRC has approved supporting the rear yard setback variance for the New Porch and the Landmarks Staff has written a letter to BOZA indicating this support.

BRC 9-2-3 (h) 5***Requirements for All Variance Approvals:***

(A) Would not alter the essential character of the neighborhood or district in which the lot is located;

The proposed Porch roof will only be slightly visible from 23rd Street and will not create an element which is incompatible with the character of the neighborhood. Overall, the proposed conversion of the existing Garage into a Family Room will transform a two car garage facing the street, which is out of character with the property and neighborhood, into a facade of a more residential character compatible with the neighborhood and the historic elements of the property.

The non-standard circumstances and setbacks on the subject property are typical throughout the nearby Whittier Neighborhood with a higher density RMX-1 zoning. These typically non-standard circumstances argue for the appropriateness of allowing this request, which is compatible with the non-standard setbacks of the neighborhood.

Please note that the existing floor area and building coverage will not be changed by the proposed Porch, and that the existing floor area and building coverage are well below the maximums allowed on this property.

Please also note that in the case of front porches, substantial encroachments into the required front yard setback are allowed, while these encroachments are not specifically granted for rear porches they are permitted for breezeway porches in the rear yard setback that connecting to detached Garages to benefit the property Owners safety from inclement weather. The proposed Porch is being created to afford the same protection.

(B) Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;

The proposed Porch will have no effect on the adjacent property to the north. Visually it is subordinate to the existing bulk and massing of the existing 1985 Addition to which it is attached. It is located at about the same setback as the end wall of the 1985 Addition. At 12'-0" height the Porch is lower than the Addition, which is 19'-6" high, and is within the visible north elevation profile of the 1985 Addition.

(C) Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title;

The Porch is designed to be the minimum necessary to provide a weather cover on the 3'-0" landing outside the door. In addition, the Porch provides a protective canopy above a stone step which is a necessary grade transition down to the landing area.

(D) Would not conflict with the provisions of section 9-9-7, "Solar Access," B.R.C. 1981.

The solar shadow created by the proposed Porch falls within the shadow cast by the higher ridges of the 1985 Addition and the Historic Residence. No new solar shadow is created.

The property, in the RMX-1 zone, has a 25'-0" solar fence height. The height of the proposed Porch is 12'-0" above grade (within 25').

NEW WINDOWS CODE DISCUSSION

This request for a modification to a nonstandard wall to revise the Garage door opening into a new brick wall with window openings satisfies the qualifying criteria for variance consideration of BRC Section 9-2-3 (h) 1 and (h) 5.

BRC Section 9-2-3 (h) 1

That: (A) There are 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.

Due to the unusually narrow 9'-0" setback of the Historic House from the west side property line, the 1985 Addition was allowed a similar nonstandard 9'-0" west side setback in 1985. This was appropriate in order to align the ridges and the footprints of the existing and the new structures in the most simple, visually attractive, and spatially efficient composition.

However, the unique 9'-0" setback of the wall approved for the 1985 Addition creates an unusual condition on this property in that the modifications, if considered to be a "new wall" (in an approved nonstandard wall) must receive a variance review and approval.

Further, the fact that the proposed modification involves an unusual 16'-0" wide garage door is a unique circumstance. Because of the size of the void following removal door, the infill framing to replace it is considered as a "new wall".

If not for the size of the garage door void the Owners would be allowed by right to modify the openings in the nonstandard wall if the wall studs and the roof above or the foundation below were kept in place.

That: (B) The unusual circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located.

Though non-standard setbacks are typical throughout the nearby Whittier Neighborhood the existence of a 16'-0" wide garage door, the removal and infill of which constitutes construction of a new wall, is unique.

That: (C) Because of such physical circumstances or conditions the property cannot be reasonably developed in conformity with the provisions of this chapter.

Because the garage door is so large, the garage door opening cannot be reasonably improved without a special review.

That: (D) Such unnecessary hardship has not been created by the applicant.

The existing-non standard Addition on the subject property predates the current Owners.

***BRC Section 9-2-3 (h) 5
Requirements for All Variance Approvals:***

(A) Would not alter the essential character of the neighborhood or district in which the lot is located;

The proposed New Windows will not create an element which is incompatible with the character of the neighborhood.

The elimination of the garage door facing 23rd Street and its replacement with New Windows of smaller scale will make the subject property more compatible with the residential character of the street environment of the surrounding neighborhood and with the Historic Home on the subject property.

The non-standard circumstances and setbacks on the subject property are typical throughout the nearby Whittier Neighborhood with a higher density RMX-1 zoning. These typically nonstandard circumstances argue for the appropriateness of allowing this request to modify this nonstandard wall.

(B) Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;

The proposed New Windows will have no effect on the adjacent property to the north and it will visually improve view of the subject property from the neighbors to the west.

(C) Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title;

The proposed New Windows will have no impact on the building Floor Area or the Building Coverage, as they are merely infilling an existing wall. The windows will meet all other requirements of the Planning and Building Codes.

(D) Would not conflict with the provisions of section 9-9-7, "Solar Access," B.R.C. 1981.

N.A.

All dimensions given are based on ILC dimensions. Because the proposed construction does not impinge on the north property line we hope that you will accept an ILC for consideration of this application.

Thank you for your consideration of this proposal. Please call me if I can answer any questions or provide further details.

Yours Truly,

Steven C. Montgomery, Architect
303-443-4414
stevemontgomery@earthlink.net

ATTACHMENTS:

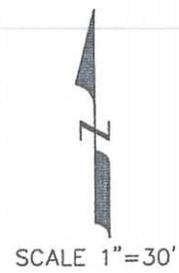
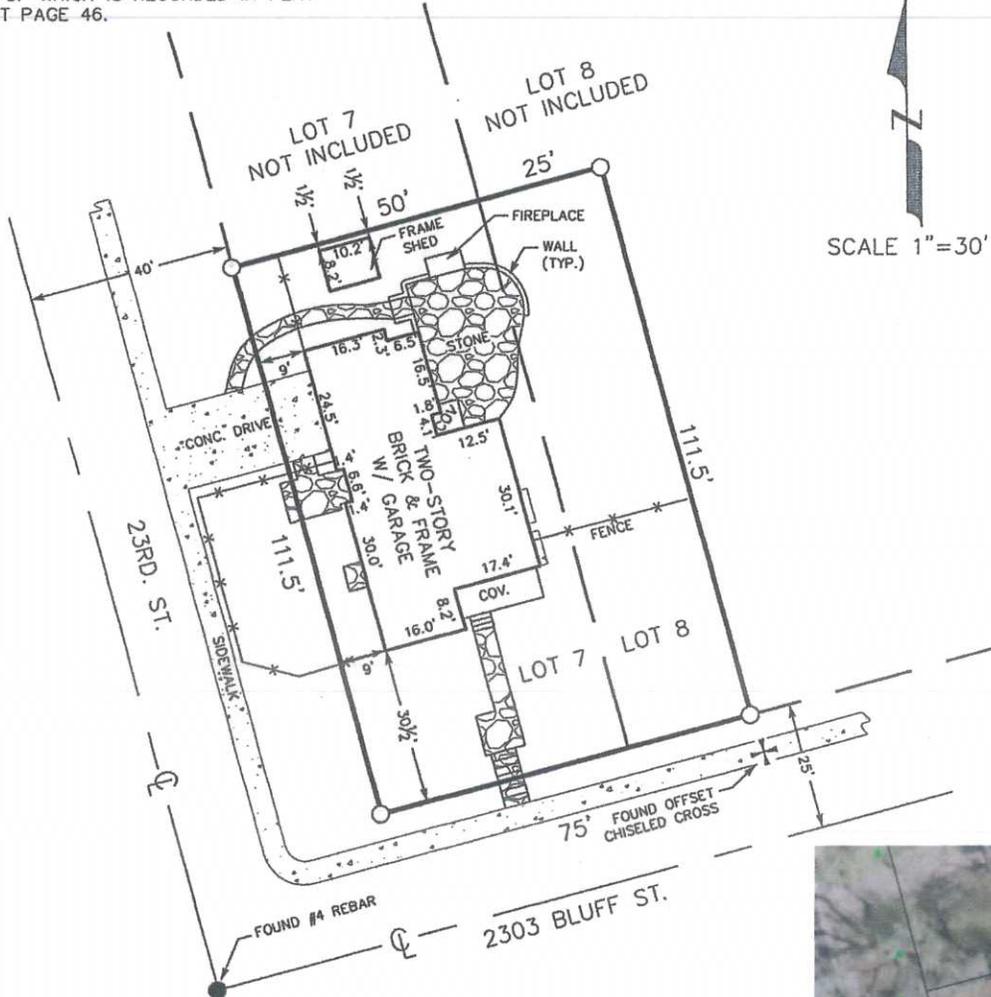
- A.) I.L.C. and GIS Aerial View of Site**
- B.) Site Plan showing the proposed Mud Entry Porch & New Window locations**
-from Preliminary Drawings approved by Landmarks
- C.) Mud Entry Porch North and East Elevations.**
-from Preliminary Drawings approved by Landmarks
- D.) Mud Entry Porch Roof Plan & 1st Floor Plan**
-from Preliminary Drawings approved by Landmarks
- E.) Photograph of the existing home & 3D sketch showing the proposed Mud Entry Porch location.**
- F.) West Elevation showing the proposed New Windows.**
-from Preliminary Drawings approved by Landmarks
- G.) Photograph of the existing home & 3D sketch showing the proposed location of the New Windows in the former garage door opening.**
- H.) Landmark Alteration Certificate**
- I.1), I.2), I.3) Preliminary Drawings approved by Landmarks**

LEGAL DESCRIPTION
 (PROVIDED BY FIDELITY NATIONAL TITLE CO.)
 DEED RECORDED ON 4/30/2013 AT REC. NO.
 3308396



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

THE SOUTHERLY 111.5 FEET OF LOT 7,
 AND THE SOUTHERLY 111.5 FEET OF THE WEST
 1/2 OF LOT 8,
 BLOCK 191,
 EAST BOULDER,
 COUNTY OF BOULDER,
 STATE OF COLORADO,
 THE PLAT OF WHICH IS RECORDED IN PLAT
 BOOK 2 AT PAGE 46.



- Notes:
- 1-FIDELITY NATIONAL TITLE CO. COMMITMENT NO. 515-F0511323-170-LLO WAS USED TO HELP IDENTIFY EASEMENTS OF RECORD THAT MAY AFFECT THE SUBJECT PROPERTY. THERE MAY BE EASEMENTS OR RIGHTS OF WAY NOT SHOWN ON THIS CERTIFICATE THAT AFFECT THE SUBJECT PROPERTY.
 - 2-AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATIONS OF THE IMPROVEMENTS SHOWN HEREON.
 - 3-THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.



John B. Guyton
 4/6/15

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for RE/MAX OF BOULDER AND FIDELITY NATIONAL TITLE CO., that it is not a Land Survey Plot 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 RE/MAX OF BOULDER AND FIDELITY NATIONAL TITLE CO. and describes the parcel's appearance on APRIL 3, 2015. I further certify that the improvements on the above described parcel on this date, APRIL 3, 2015, 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 Plot as defined by C.R.S. 38-51-102(12) or an Improvement Survey Plot 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. 15-65-379 Title Co. No. 515-F0511323-170-LLO Borrower: MAELINE ROSENSCHEIN VOGENTHALER AND PETER ELIS HOGLUND
 Drawn By: W. BECKETT Copyright 2015 FLATIRONS, INC.



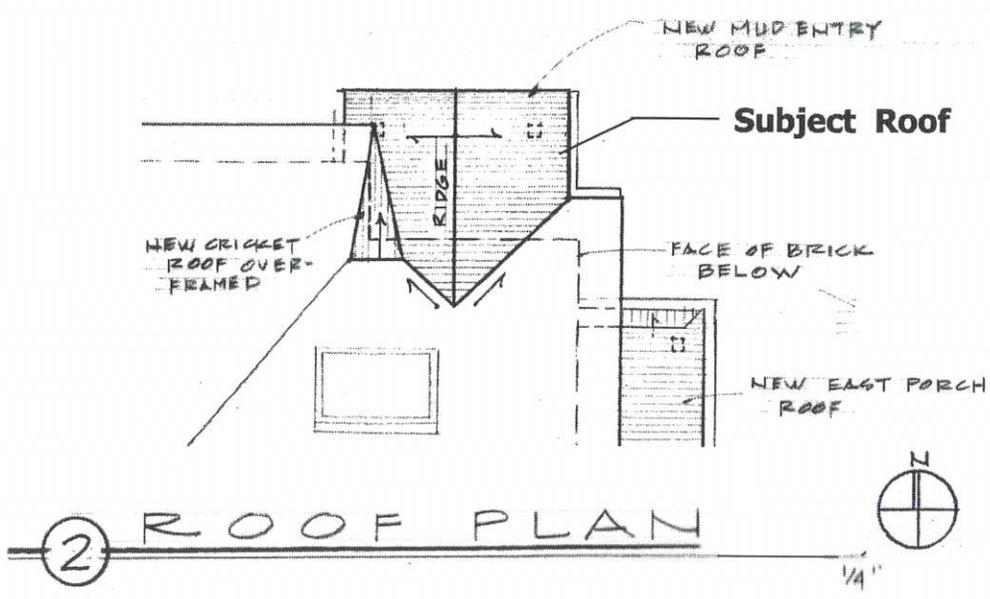
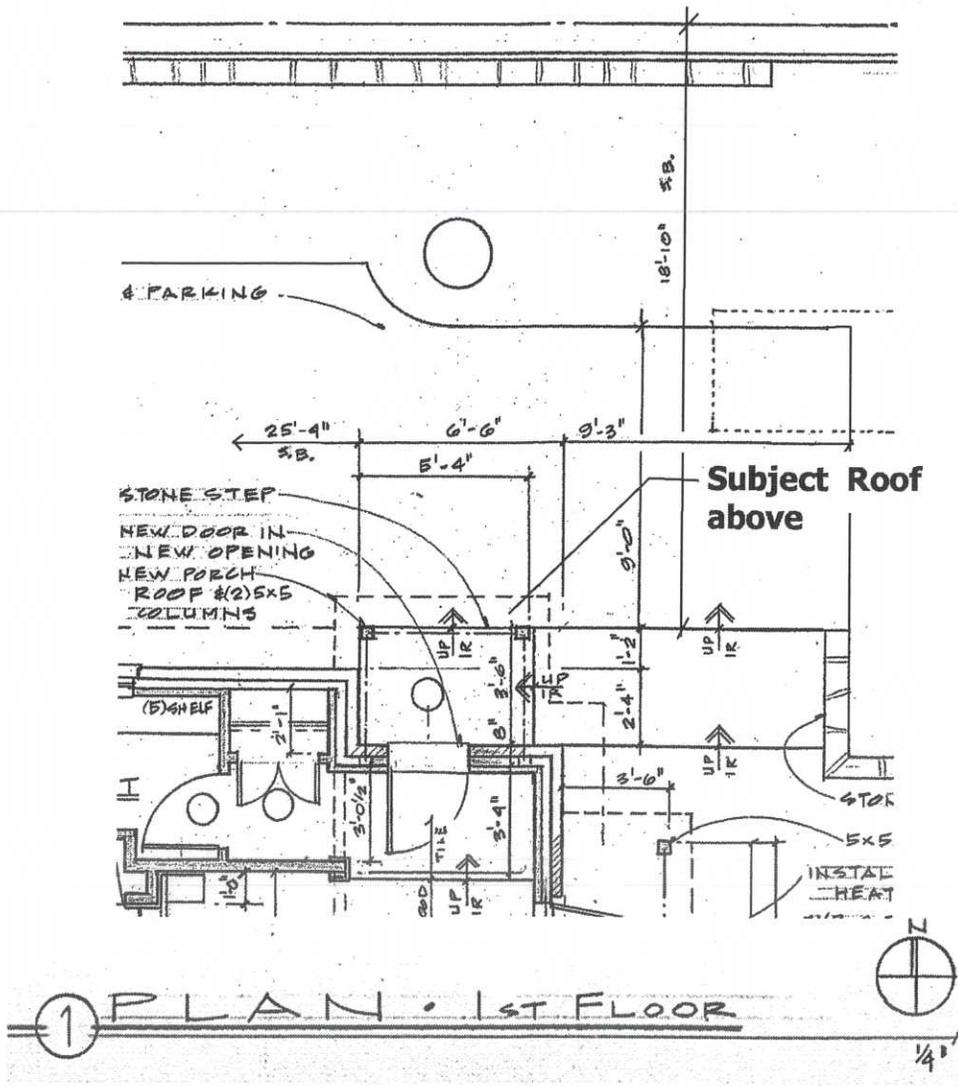
(303) 443-7001

FLATIRONS, INC.

Boulder, Colorado

EXHIBIT 'A'

ILC & Aerial Photo





North Elevation

Before

New Mud Entry Roof
over new door opening



North Elevation

After

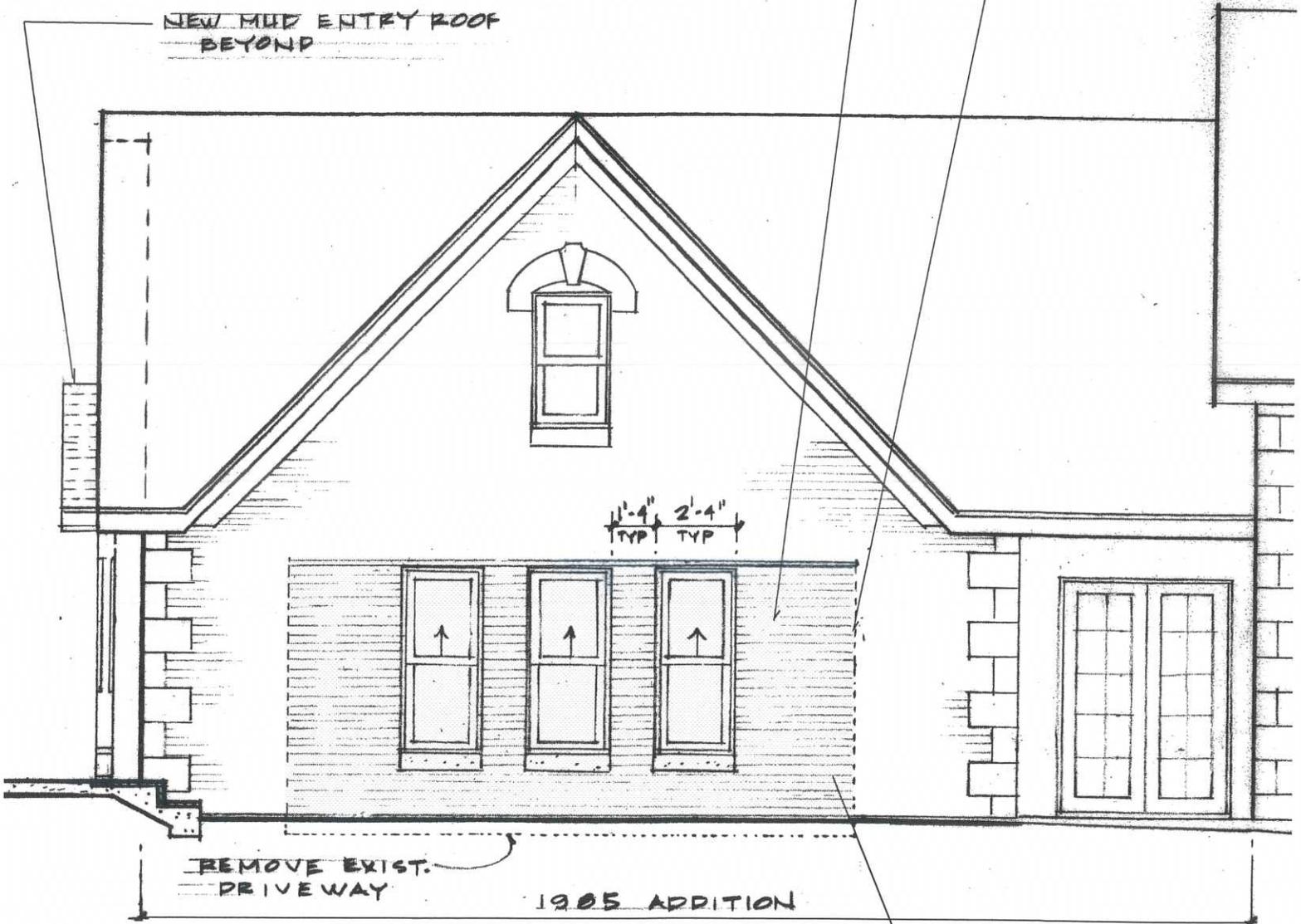
Note: This sketch is for illustrative purposes only. Prior to Landmarks approval the size and detailing of the Porch shown here was reduced at Landmarks request. See the attached North Elevation Exhibit 'C' for the final approved design.

EXHIBIT 'E'
New Mud Entry Porch

LINE OF EXIST. GARAGE
DOOR - REMOVED
STEEL HEADER REMAINS

NEW FRAMING INFILL @
#3) NEW WOOD D.H. WINDOWS
BRICK VENEER @ FORMER
GARAGE DOOR OPENING
W/STONE SILL CEA. WINDOW
-MATCH EXIST.

NEW MUD ENTRY ROOF
BEYOND

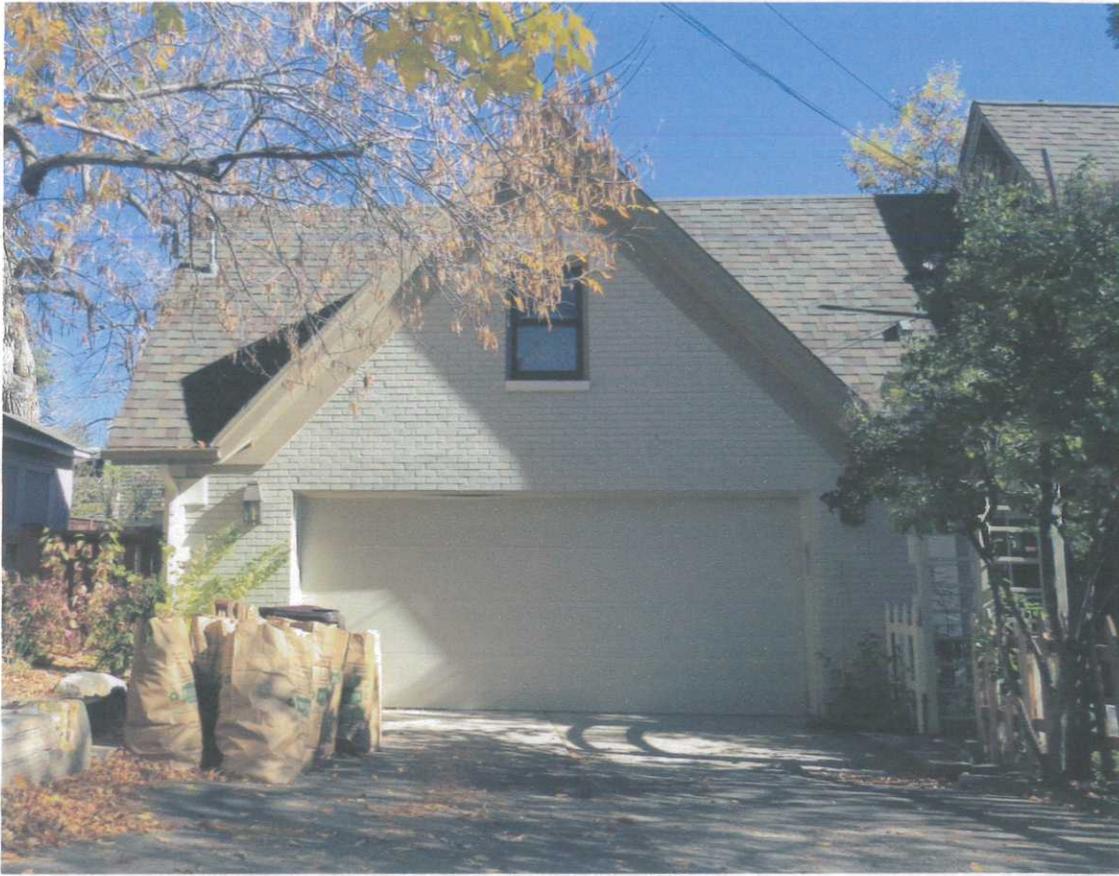


REMOVE EXIST.
DRIVEWAY

1905 ADDITION

Subject Wall

① WEST ELEVATION



West Elevation

Before



West Elevation

After

Landmark Alteration Certificate

Granted to PETER HUGLUND
For the property at 2303 BLUFF ST

This 20th day of JANUARY 2016

The following alterations have been approved:

MODIFICATIONS TO WEST AND NORTH ELEVATIONS OF NON-HISTORIC
ADDITION INCLUDING RELOCATION OF CURB-CUT TO NORTH
AS DETAILED ON L&E DRAWINGS DATED 1.15.2016.

Signed By:

[Signature]
Landmarks Board Member

[Signature]
Landmarks Board Member

[Signature]
Historic Preservation Planner

Expires 180 days from date shown. Issuance of this certificate does not exempt the applicant from complying with all City codes, including land use and building codes.

MEMORANDUM

TO: Brian Holmes, Zoning Administrator
Robbie Wyler, Asst. Zoning Administrator

FROM: James Hewat, Senior Historic Preservation Planner

DATE: March 3rd, 2016

RE: Requested setback variance at 2303 Bluff Street.

Background:

The property is significant for its association with Perry White and his wife Rachel Barlow White came to Colorado in 1860 by wagon train and homesteaded on land five miles west of Longmont at a way station called Pella. Here they planted fruit trees, berry bushes and a truck garden around their log house. White, together with George Webster, is credited with starting the first tree nursery in the area. He also had interests in mines near Springdale and in Leadville. In 1874, Perry sold his farm and bought land from Granville Berkley, Sr. and built this house at 2303 Bluff Street, then some distance from the town of Boulder. White planted an orchard and vegetable garden on the property. The Rachel White sold the house in 1891 and moved to 1824 17th Street (since demolished) where she lived until her death.

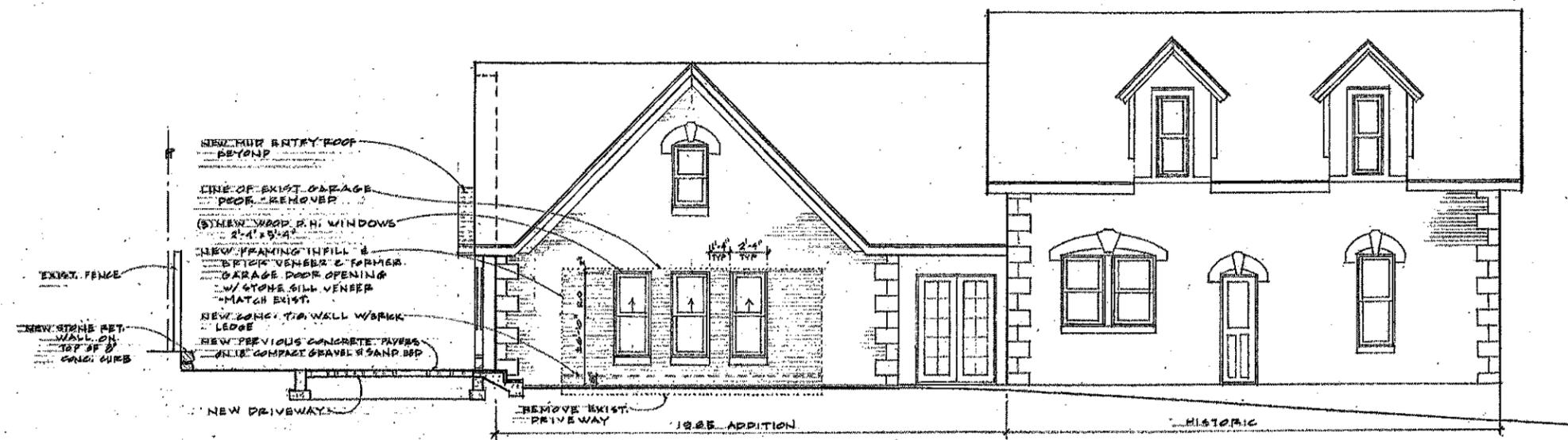
On January 20th, 2016, the Landmarks Design Review Committee (Ldrc) approved the removal of the garage doors on the west face of the non-historic 1980s addition the construction of a small portico on the north wall of this addition and vacation of the curb cut providing access to the garage finding that the changes were consistent with the *General Design Guidelines for Historic Landmarks* and would improve the character of the historic property by eliminating an attached garage where, historically, there was no such feature.

Subsequently, the applicant discovered that the proposed north portico would encroach into the rear setback and that a variance from the Board of Zoning Adjustments was required. On February 24th, 2016 the Ldrc reviewed a request to support the variance under 9.2.3(h)(4) *Designated Historic Property*, of the Boulder Revised Code.

The Landmarks Design Review Committee's Support:

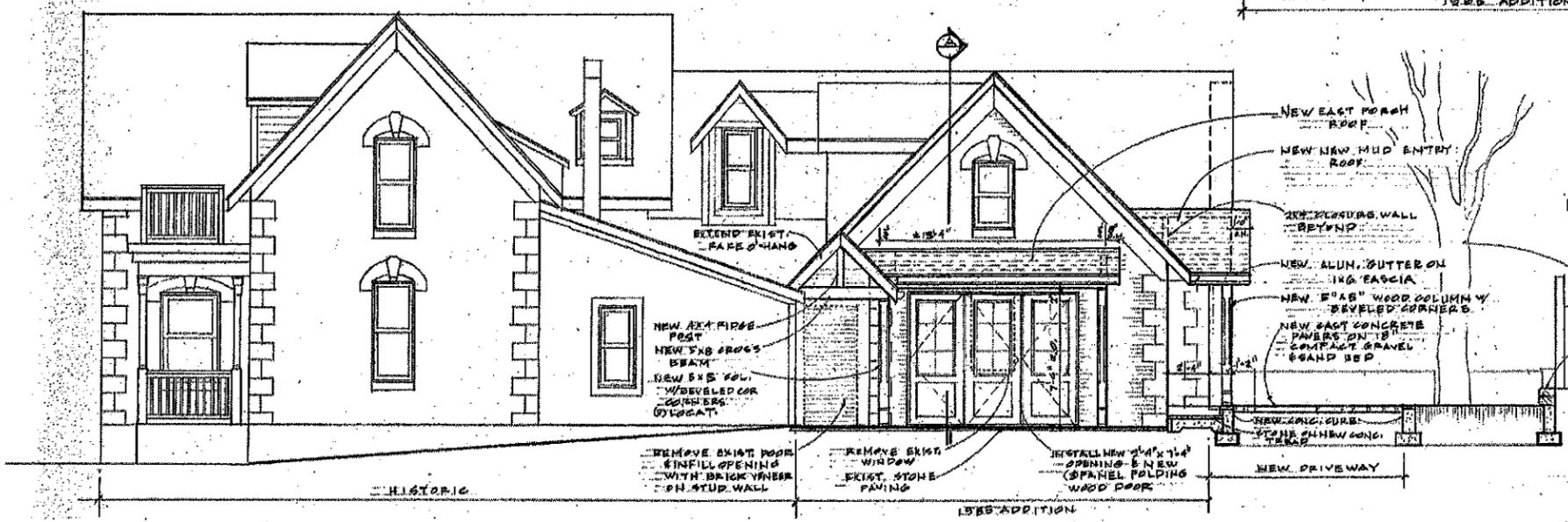
The Landmarks Design Review Committee supports the requested variance into the rear (north) setback and considers that locating a portico at the west side of the house would potentially have an *adverse effect* on the landmark property.

If you have questions regarding this matter, please contact James Hewat at (303) 441-3207.

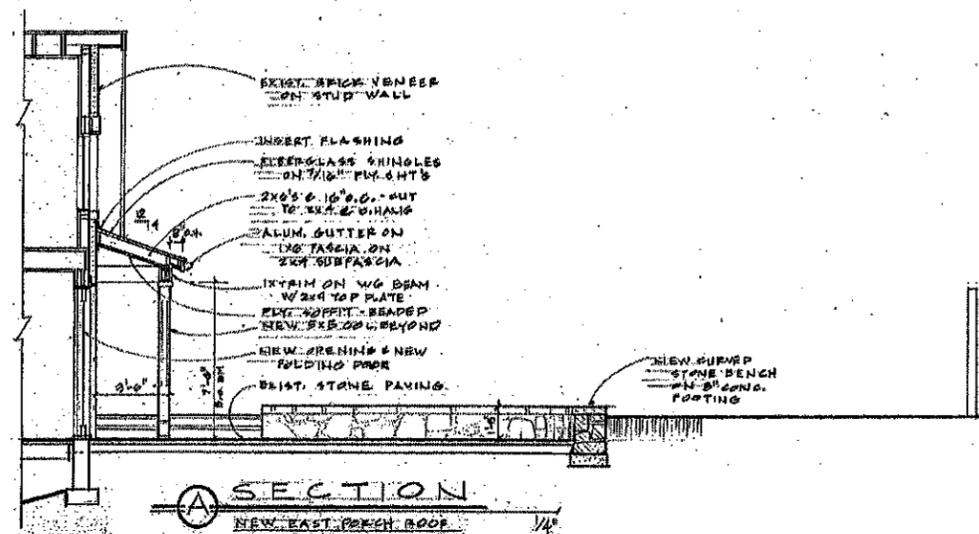


① WEST ELEVATION 1/4"

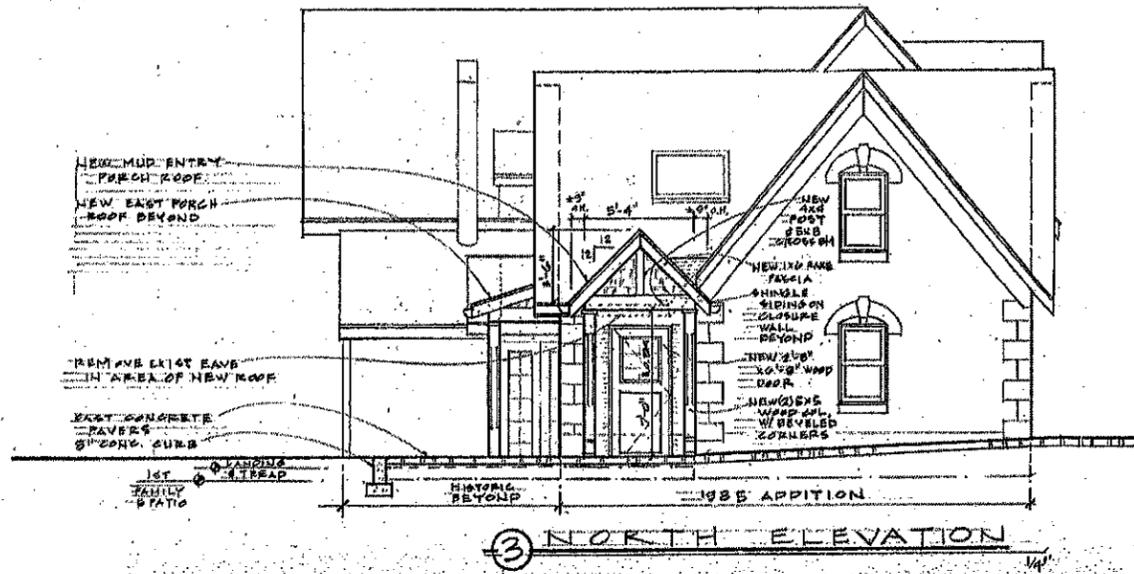
NOTE:
 ALL WOOD TRIM IS CEDAR - 6 MOON SURFACE, 6TK.
 FINISH (1) COAT PRIMER
 (2) COAT FINISH - MATCH EXIST TRIM
 2. REMOVE ALL KIND DRAIN IN CONCEALED
 CREATIONS PRIOR TO INSTALLATION



② EAST ELEVATION 1/4"

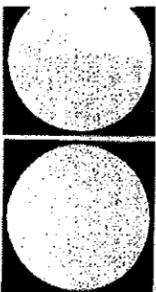


SECTION 1/4"

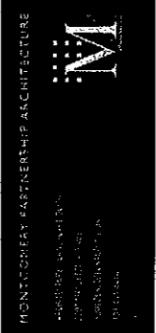


③ NORTH ELEVATION 1/4"

EXHIBIT 'I.2'
 Elevations - Landmarks Submittal



DATE	1/15/16
REVISIONS	1. P.E. LANDMARKS - P.E.C. REVIEW
BOZA	2/16/16



2303 BLUEBERRY STREET
 FAMILY ROOM & DRIVEWAY MODIFICATION
 L.A.C. APPLICATION
 THE WHITE HOUSE, BOULDER, CO

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
November 12, 2015, 5 p.m.
1777 Broadway, 1777 West Conference Room

Board Members Present: Michael Hirsch (Chair), David Schafer (V. Chair),
Ellen McCready, Jill Grano

Board Members Absent:

City Attorney Representing Board: Erin Poe

Staff Members Present: Brian Holmes, Robbie Wyler, Cindy Spence

1. CALL TO ORDER:

M. Hirsch called the meeting to order at 5:01 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2015-11

Address: 4500 19th Street #54 (located on Blueberry Circle)

Applicant: Suraj Man Shrestha

Setback Variance: As part of a proposal to place a mobile home on a lot within Boulder Meadows, the applicant is requesting a variance to the front (north) setback from a street for the proposed mobile home. In a mobile home park context this setback is measured from the edge of the street pavement, and this case the resulting front setback will be approximately 5.5 feet where 10 feet is required. Section of the Land Use Code to be modified: Section 9-7-13, BRC 1981.

Staff Presentation

R. Wyler presented the item to the board.

Applicant's Presentation

Suraj Man Shrestha, 3450 Penrose Pl., Ste. 160, the applicant, presented the item to the board.

Board Questions:

R. Wyler and **S. Shrestha** answered questions from the Board.

Public Hearing

Barbara Turner, 4500 19th St., #53, spoke in opposition of the project and gave a short presentation.

Board Discussion

- **M. Hirsch** stated that according to the procedural rules, under Section III, Subsection 3, proper plans will be submitted. He questioned if the plans submitted were accurate. He stated that in the past, a “true survey” would be submitted, and one was not for this project. In addition, he stated that typically the gas line should have an easement for repairs and that a proper survey would show that. He questioned if the submitted drawings were accurate and if a blanket easement existed.
 - **R. Wyler** stated that he did not recall if the easement in question would be an active easement. He stated that he would need more history of the gas line, but that the request was to not cover the gas line with the mobile home.
 - **S. Shrestha** stated that he could push the mobile home back to the gas line; however the home could not cover the gas line. He stated that the mobile home park manager placed the stakes on the property as pictured in the presentation.
- **M. Hirsch** stated that the mobile home park manager is not a registered surveyor. He questioned if the mobile home could be pushed back further from the proposed location.
- **D. Schafer** questioned if the measurements on the submitted drawings were accurate and the amount of the variance requested is truly 5.5 feet. He questioned the expectation of the mobile home park manager to conduct a survey compared to a residential submittal.
 - **R. Wyler** explained that while for some applications, staff may receive architectural drawings with measurements. If drawings were submitted in which an architect did not draft, staff would need to make a professional determination based on the provided pictures. This was done in this circumstance. He stated that they did go to the proposed site and did measurements. Staff used the provided site plan and concluded that that the proposed variance would be “no less than 5.5 feet”. He stated that the applicant could not place the mobile home less than five feet from the street as it would not meet the requirements. Staff did come to the conclusion that it would be “no less than 5.5 feet” from the edge of the asphalt.
 - **B. Holmes** stated that the measurement would be to the edge of the asphalt to the corner of the mobile home. He did state that the gas line location would still be an unresolved issue.
- **M. Hirsch** stated that a true survey may assist with the gas line issue and benefit the applicant.
 - **S. Shrestha** stated that the utility company did come out to the property. He stated that the yellow lines in the photographs submitted were drawn by the utility

company and the park manager. In addition, when the mobile home would be put in place and if the corner would be dark, he suggested that a light could be installed if that is a concern. He stated that the curve depicted on the site plan drawing may not be accurate; however he stated that he provided photographs to display the curve.

- **M. Hirsch** stated that while the proposed mobile home would be close to the sidewalk, it would be in keeping with the other homes in the neighborhood in regards to setbacks. He stated that the criteria in question (h)(1)(D), “hardship caused by the owner”, would be a concern. He stated that the owner purchased the home prior to the lot and this could be under consideration.
- **J. Grano** suggested that perhaps the subject of a sensor light being installed on both edges of the home at the corner be considered at approval.
- **E. McCready** stated that there have been other variances before BOZA, on more than several occasions, when homes would be closer to the sidewalk than what is proposed at this time. The proposed location would not be unusual for this area. She stated that the one item the applicant did not produce would be the location of the gas line. She questioned if the mobile home would need to be of the proposed size. She asked if a shorter mobile home could be placed on the lot or could the proposed mobile home be placed farther back and would it be significant.
- **J. Grano** stated that after her personal experience, the proposed size of the mobile home (76 feet) would be a desirable size. She stated that there are not many larger lots within Boulder Meadows. In addition, she stated that smaller trailers are difficult for families. She stated that mobile home parks fill a larger need for affordable housing within the community.
- **E. McCready** questioned what the alternatives would be. In regards to the parking requirement, she questioned if it would limit the proposed site of the mobile home. She suggested that an alternative could be to rotate the mobile home location and cover the parking pad.
- **M. Hirsch** stated that if the location were rotated, the two foot distance would be lost from the gas line.
- **E. McCready** stated that in order to obtain the full ten foot requirement, the proposed mobile home would need to be significantly shorter. She stated that she would not have an issue with criteria #5. She stated her concern would be with the creation of the hardship.
- **D. Schafer** agreed and stated that the hardship would be for the applicant to have to purchase a smaller home or locate a new lot.

- **M. Hirsch** stated that the Board understands the need for this type of housing unit. Stated that the Board is regulated by the criteria that is put forward.
 - **R. Wyler** explained how staff looked at the “hardship” criteria. He stated that the property (mobile home) had already been purchased. Staff determined that the purchased mobile home could not be put in Boulder Meadows or possibly anywhere else within Boulder and this was put into consideration. He stated that the deterring factor would be criteria (h)(1)(D), “hardship caused by the owner”. He stated that while this would not be considered a new construction of a house or addition, staff determined this would not necessarily be a hardship, but efforts have been made to find another location. He stated that staff came to the conclusion that they would be in support of the requested variance.

- **J. Grano** asked the applicant if there is currently a family waiting for this mobile home.
 - **S. Shrestha** stated that he is currently working with a family to move in who lost their home.
 - **E. Poe** informed the Board that a similar situation did occur in the past. An applicant had built something in violation of setbacks and then came to the city. She stated that situation could be similar to an already purchased house. She explained when the city reviewed the prior case, they removed that aspect and looked at the situation as if the home had not been built. She suggested the Board review the current proposal as if the home had not already been purchased and the hardship did not apply. She stated that the hardship would go back to the lot size or the physical attributes to the location.

- **D. Schafer** agreed with **E. Poe**.
 - **B. Holmes** stated that the hardship would be the irregular partial cul-de-sac configuration and the presence of the gas line. He stated that those did not create themselves.

- **E. McCready** stated that if the mobile home was shorter and pushed back, may still not look like it belonged on the site. She stated that she would be in support of how the proposed mobile home would sit on the site. Although the proposed mobile home would be a larger home than others, she stated that it would still look proportional.

- **M. Hirsch** stated that the proposed mobile home would only be slightly larger than others within the neighborhood.
 - **B. Holmes** stated that a great amount of variability exists in the proposed park and in mobile home parks in general. The 10 foot standard was created to accommodate an ideal circumstance; however this proposal may not qualify as an ideal circumstance.

- **E. McCready** stated that the existing bump out of the corner does not appear to be a thoroughfare and cars would not be speeding. The proposed location appears to be a “safe spot”, lighting aside.
- **M. Hirsch** suggested that a condition of lights installed and maintained into the future could be applied. He stated that the Board should treat mobile home parks the same as other neighborhoods.
- **J. Grano** stated that the Board should view this as a proposed construction and agreed with the previous comments of **E. Poe**.
 - **E. Poe** stated, in regards to the proposed lighting condition, that there would be a concern that the condition would continue on into the future. She stated that there could be interference with future residents. She cautioned that if a condition were put in place that it would apply forever.
- **M. Hirsch** suggested that the condition specify a low bollard that shines downward for the lighting.
- **J. Grano** suggested reflectors.
- **M. Hirsch** stated that he would like to see a survey regarding the proposed 5.5 foot distance or more. In addition, he stated that he would like confirmation that an easement does not exist. He stated that the applicant would be required to maintain both the 5.5 foot variance and the two foot measurement from the gas line.
- **E. McCready** stated that two feet would be a preference from the gas line and that it could be located closer. She also stated that the variance would need to be 5.5 feet and “no closer than” from the asphalt.
- **M. Hirsch** stated that the surveyor could do the research to see if an easement exists.
 - **S. Shrestha** informed the Board that the mobile home could be placed as close to the gas pipeline as needed. In addition, he informed the Board that the mobile home park will do an inspection to make sure that the home would be located 5.5 feet from the pavement; otherwise it would not pass the inspection.
- **D. Schafer** stated that a survey may be redundant. He stated that he would be inclined to state that the location of the mobile home must comply with 5.5 feet from the pavement.
- **M. Hirsch** agreed.
 - **S. Shrestha** assured the Board that State of Colorado and City of Boulder inspectors would check the measurements.

- **B. Holmes** explained that as a condition of approval of the mobile home permit, the measurements for the setback variance must be done, from the edge of the pavement to the edge of the structure. In regards to the gas line if the Board is in favor of pursuing the issue, he suggested that if there is a conflict regarding the existence of an easement, it could be verified beforehand. If there would be a known easement it should be located on a Platte map. He stated that in this case, it may be that the location of the gas line is known.
- **E. McCready** stated, in regards to making a contingency based on an easement, that it might incur additional hardship on the applicant. If an easement currently exists and it would be discovered that existing homes are within the easement, and it is not a problem as this time, to disallow this applicant from doing the same, could create a hardship and not be able to place any type of home in the lot.
 - **B. Holmes** stated that if it would be determined that a clear violation exists, that it would be made known.
- **D. Schafer** stated that the point of the Board's discussion should be about the relation of the home to the street. He stated that the easement is not within the Board's preview. He stated he would be inclined to put state conditions to ensure that the home is represented as it pertains to the street. He stated that the proposed light would not even be a point of necessity. He stated that the proposal would be consistent with the development patterns in this region. He stated that he did not witness many existing motion sensor lights and that if a light were installed it could cause a nuisance.
- **M. Hirsch** state that a contingent would not need to be done as the 5.5 feet is what was requested.
 - **B. Holmes** stated that the compliance would be staff's responsibility and they would follow through.
- **D. Schafer** stated that he has gone full-circle regarding the hardship issue. He stated that the applicant would be trying to fit the proposed mobile home into some unusual circumstances and that creates the hardship.
- **M. Hirsch** agreed with **D. Schafer**.

Motion

On a motion by **J. Grano**, seconded by **D. Schafer**, the Board of Zoning Adjustment approved (4-0) the application (**Docket 2015-11**) as submitted.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

On a motion by **E. McCready**, seconded by **D. Schafer**, the Board of Zoning Adjustments voted 4-0 to approve the October 8, 2015 minutes.

B. Matters from the Board

- **E. McCready** suggested striking the “Disclosure” portion on the minutes under “Board Hearings” beginning with the November 12, 2015 Minutes. The Board was in agreement.
- **E. McCready** informed the Board that her term was getting close to ending. She stated that her last month of attendance with BOZA would be February 11, 2015. She reminded the Board that the March BOZA meeting may only have three members, since BOZA currently has a vacancy. **B. Holmes** stated that he would continue this matter under “Matters from Planning and Development Services”.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

- **B. Holmes** addressed **E. McCready’s** departure from BOZA. He stated that postings for vacant seats on BOZA would be posted in January 2016 and should be filled by March 2016.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:19 P.M

APPROVED BY

DATE