



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

DATE: Thursday, March 13, 2014
TIME: Meeting to begin at 5 p.m.
PLACE: Council Chambers, 1777 Broadway

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

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: BOZ2013-13
Address: 942 North Street
Applicants: Linda and Jim Stinson

Setback Variance: As a part of a proposal to construct an addition that adds a dwelling unit to the rear of an existing building that houses a hair salon, the applicants are requesting to vary the minimum side yard and total side yard setbacks of the RH-5 zoning district. The new addition is proposed with west and east interior side yards of 4'-6" and 4'-11" respectively, where 10'-0" is required for each and where 4'-6" and 4'-11" exists. Additionally, the applicants are requesting a total side yard setback of 9'-5" (4'-6" + 4'-11" = 9'-5") where 20'-0" is required and where 9'-5" exists. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes

The [February 13, 2013 BOZA minutes](#) are scheduled for approval.

B. Matters from the Board

C. Matters from the City Attorney

D. Matters from Planning and Development Services

4. ADJOURNMENT

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

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

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

CALL TO ORDER

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

AGENDA

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

ACTION ITEMS

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

1. Presentations

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

2. Public Hearing

Each speaker will be allowed an oral presentation.*

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

3. Board Action

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

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

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

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



City of Boulder Planning and Development Services

1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306

Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevop.net

BOZA VARIANCE APPLICATION

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

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

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 942 North St
- Legal Description: Lot 3 Block 4 Subdivision keikirk-stewart (Or attach description.)
- Existing Use of Property: Hair Salon
- Description of proposal:

Addition of residential unit to rear of existing building. New addition will be the same width as exiting building, and will be over the current required setback

*Total floor area of existing building: 1042	*Total floor area proposed: 2076
*Building coverage existing: 1042	*Building coverage proposed: 2076
*Building height existing: 20'	*Building height proposed: 20'

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

- ◆ **Name of Owner:** Linda and Jim Stinson
- Address: 942 NorthSt Telephone: (303) 417-9555
- City: Boulder State: CO Zip Code: 80304 FAX: _____
- ◆ **Name of Contact (if other than owner):** Clay Dusel Melton Design Build
- Address: 3082 sterling Circle Telephone: (303) 473-9542
- City: Boulder State: CO Zip Code: 80301 FAX: _____

Clay @ meltondb.com

STAFF USE ONLY

App. No. BOZ-2013-00013 Date Filed 11-21-13 Zone RH-5 Hearing Date _____
 Application received by: C.T. Date Fee Paid 11-21 Misc. Rect # _____

APPLICATION TYPES

- Setback Variance
- Sign Variance
- Mobile Home Spacing Variance

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 (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

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 11-21-13

**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, Clay Duse, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)
application [on behalf of the property owner(s)] Jim + Linda Stinson for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)
at 942 North St.. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)
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.

NAME OF APPLICANT OR CONTACT PERSON

11-20-13
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.



11/21/13

Board of Zoning Appeals
Re: 942 North St., Boulder, CO

942 North St. Setback Variance Request

We are requesting a setback variance for an addition to the existing building at 942 North St. The building is currently used as a hair salon, and the owners of the salon wish to do an addition to the building to create a residence so they can live and work in the same place.

Jim and Linda Stinson have run their hair salon out of the 942 North St. location since the early 1990s. They live in Boulder and are looking to downsize their home and live a simpler life without commuting by car. Moving to 942 North St. will allow for a walk-able downtown life, which is ideal for Jim and Linda as they approach retirement age.

The original building was built in 1899 and was converted to a hair salon in the early 1990s. We wish to maintain the original front of the building, as visible from the street, and add on to the rear in the same style. We are asking to extend the same lines of the building to the rear of the property to create a modest dwelling.

When considering the variance request, please bear in mind the building at 940 North St. has been built at a zero lot line, and there are no windows on that building overlooking the lot in question. We feel that this should be considered since the point of a building setback is to preserve quality of neighboring properties and this property will be unaffected. The lot to the east is a multi-unit residential complex, and the owners will not be negatively affected as our proposal is for a one-story building with one family.

I will address the specific points as spelled out in the BOZA Variance Criteria handout based on paragraph 1 and paragraph 5.



Physical Conditions of the Lot

- A. (i) We ask for a variance based on the physical conditions of the lot. The lot is exceptionally long, narrow and steep. At 32 feet wide, the current setback zoning of 10 feet would only allow for a 12-foot-wide structure in the middle of the lot. In addition to being narrow, the lot is very steep, which complicates matters in terms of access and maintaining a single level residence.
- (ii) The homeowners are approaching retirement age, and have already had back surgeries that have left them in walkers and a wheelchair for periods of time. We are seeking to design the home with Aging in Place and ADA concepts in mind. We wish to create a single level home with accessible bathrooms, kitchen and living areas.
- B. The rest of the neighborhood has lots that are much larger than 942 North St. The RH-5 zoning district covers a very small area (only the south side of North St. between 9th and 10th streets). The size of the lot seems more consistent with lots in neighboring zoning districts. The surrounding properties are mainly multi-unit residential buildings or mixed residential/commercial buildings.
- C. Building a 12-foot-wide building is very unreasonable. The 10-foot setbacks make sense in regards to the larger surrounding lots, but are very unreasonable when applied to the small, narrow lot at 942 North St. We have designed a modest-sized residence for the space with two bedrooms, two bathrooms, a laundry and a kitchen/great room.
- D. The Stinson's have owned this lot since the 1990s and have made no modifications to the lot to create this hardship. In fact, the zoning district changed since they owned the property.

Requirements for all Variance Requests (paragraph 5)

- A. The development of this lot will not alter the character of the neighborhood. The neighborhood is very eclectic right now with large apartment buildings, businesses, and homes that have been added on to and converted to apartments. Our plan keeps the front facade of the building intact, which helps preserve the historical character of the neighborhood.



- B. The adjacent properties will be unaffected by this addition. To the west, the building is built on what appears to be a zero-lot-line setback. The building is two stories, and there are no windows looking overlooking the property at 942 North St. Therefore, the residents would be totally unaffected (see photos). To the east, the existing condo complex appears to conform to the 10-foot setback. The building is a high-density residential building with over 20 units. The occupants on the west side of that building will see a single residence on the lot, a far superior view than the two-story wall at 940 North St. It is certainly superior to the allowed multi-unit development encouraged under current zoning. We are asking to maintain the setbacks of the existing building, and it is clear that the existing one-story building is not impeding the enjoyment or development potential of the adjacent properties.

- C. We are asking to maintain the width of the existing building, which at 22 feet is already quite narrow for a residential building. The idea for this project is to create a space for the Stinsons to live in for the remainder of their lives. Jim Stinson has had several back surgeries recently, and after being confined to a wheelchair for the recovery, The Stinsons are acutely aware of the need to design a space with “Aging in Place” and ADA accessibility as important design drivers. When we shrink the house width down, we lose valuable space that is needed for wheelchair accessibility. With a properly designed space, the Stinsons will be able to live, work, and remain productive members of our community long on to the future.

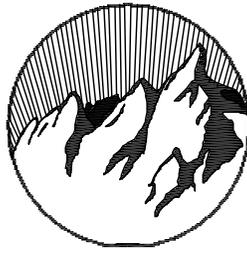
- D. The solar shadow for this zoning district is very high, and the property will remain in compliance with the ordinance.

Thank you for your consideration in our request. Please see the photos on the following pages.

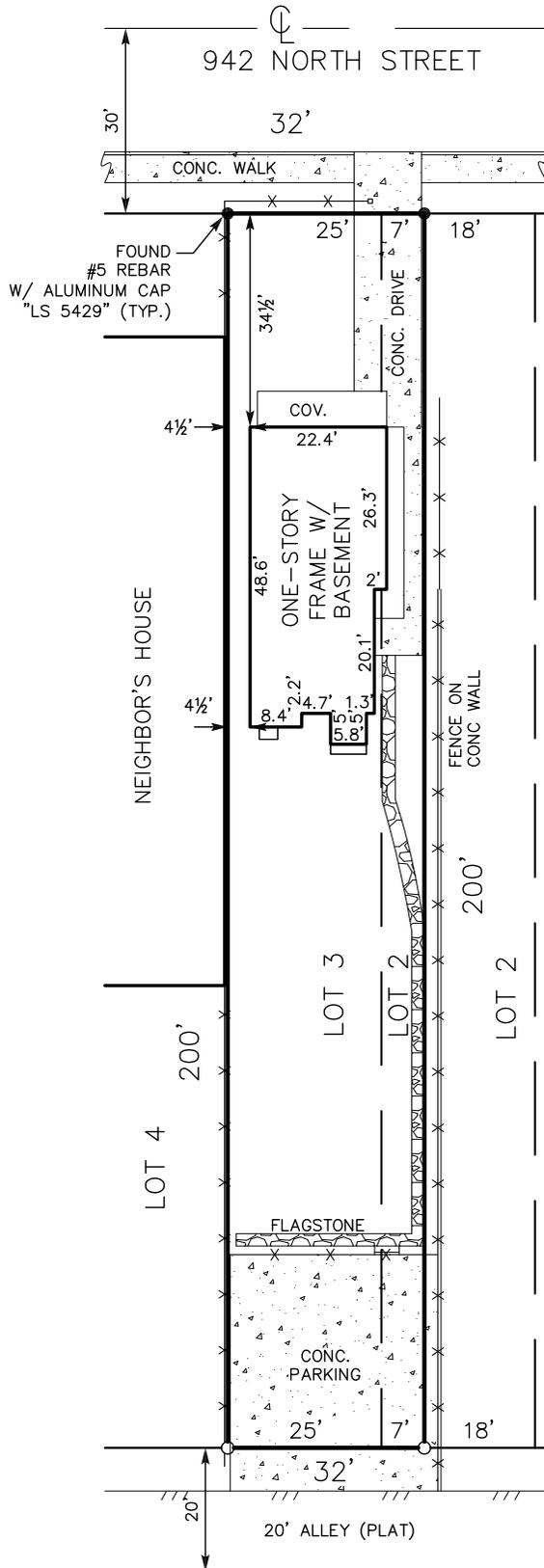
Clay Dusel
Project Development Manager
Melton Design Build

LEGAL DESCRIPTION
(provided by Client)

The West 7 feet of Lot 2 and all of Lot 3, Block 4, NEIKIRK STEWART ADDITION, County of Boulder, State of Colorado.

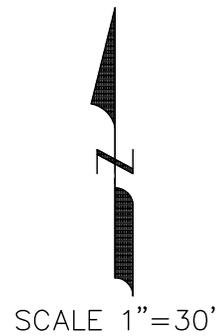


Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, Ste 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com



Notes:

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



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

IMPROVEMENT LOCATION CERTIFICATE

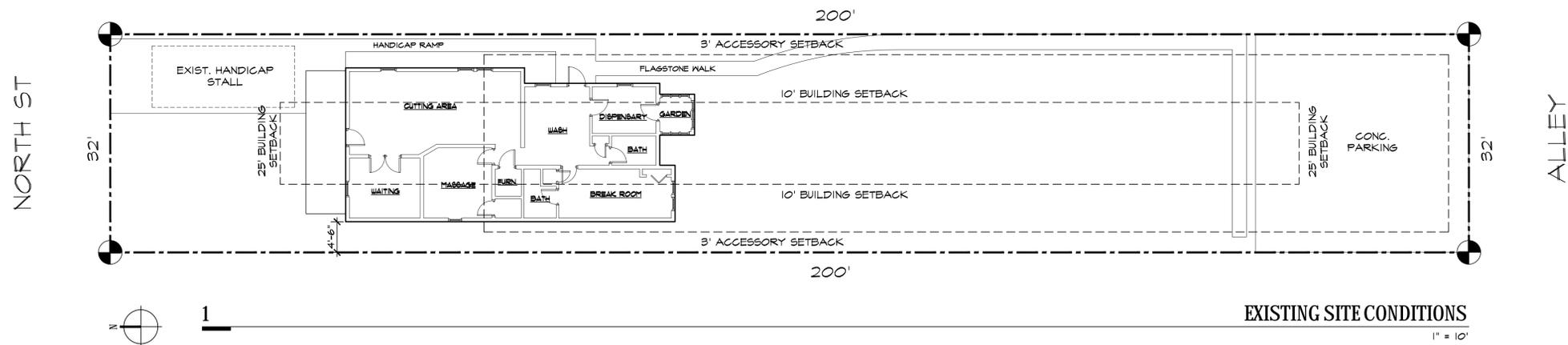
I hereby certify that this improvement location certificate was prepared for MELTON DESIGN BUILD, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. I further certify that the improvements on the above described parcel on this date, November 19, 2013, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. the use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.
Flatirons No. 13-62,537 Title Co. No.

Drawn By: S. BENNINK

Borrower:

COPYRIGHT 2013 FLATIRONS, INC.



1

EXISTING SITE CONDITIONS

1" = 10'

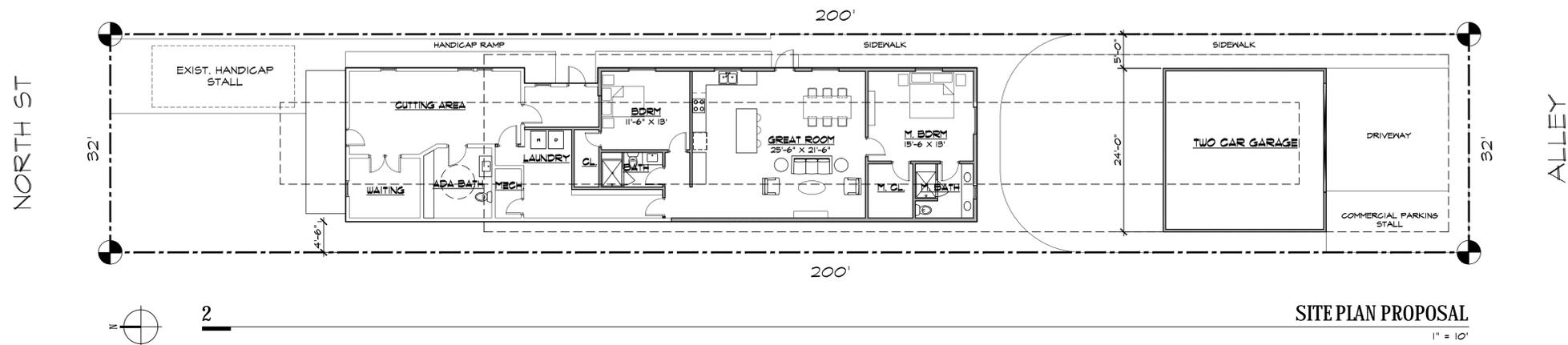
PROJECT INFORMATION

PROJECT ADDRESS: 942 NORTH STREET
BOULDER, CO 80304
ZONING: RH-5
LOT SIZE: 6,929 SQ. FT.

SQUARE FOOTAGE

EXIST. COMMERCIAL AREA: 581 SQ. FT.
NEW RESIDENTIAL AREA: 1495 SQ. FT.

SYMBOL LEGEND	
	PROPERTY LINE
	BUILDING SETBACK
	EXISTING WALL
	PROPOSED NEW WALL



2

SITE PLAN PROPOSAL

1" = 10'

MELTON
DESIGN - BUILD

3082 Sterling Circle
Boulder, CO 80301
TEL: 303.473.9542
FAX: 303.516.4008
www.meltondb.com

STINSON RESIDENCE
942 NORTH STREET
BOULDER, CO

PRELIMINARY

SITE PLAN AND SITE SCHEMATIC PLAN

JOB #:	44420
DATE:	02/17/14
DRAWN:	JS
CHECKED:	TC

A1.1

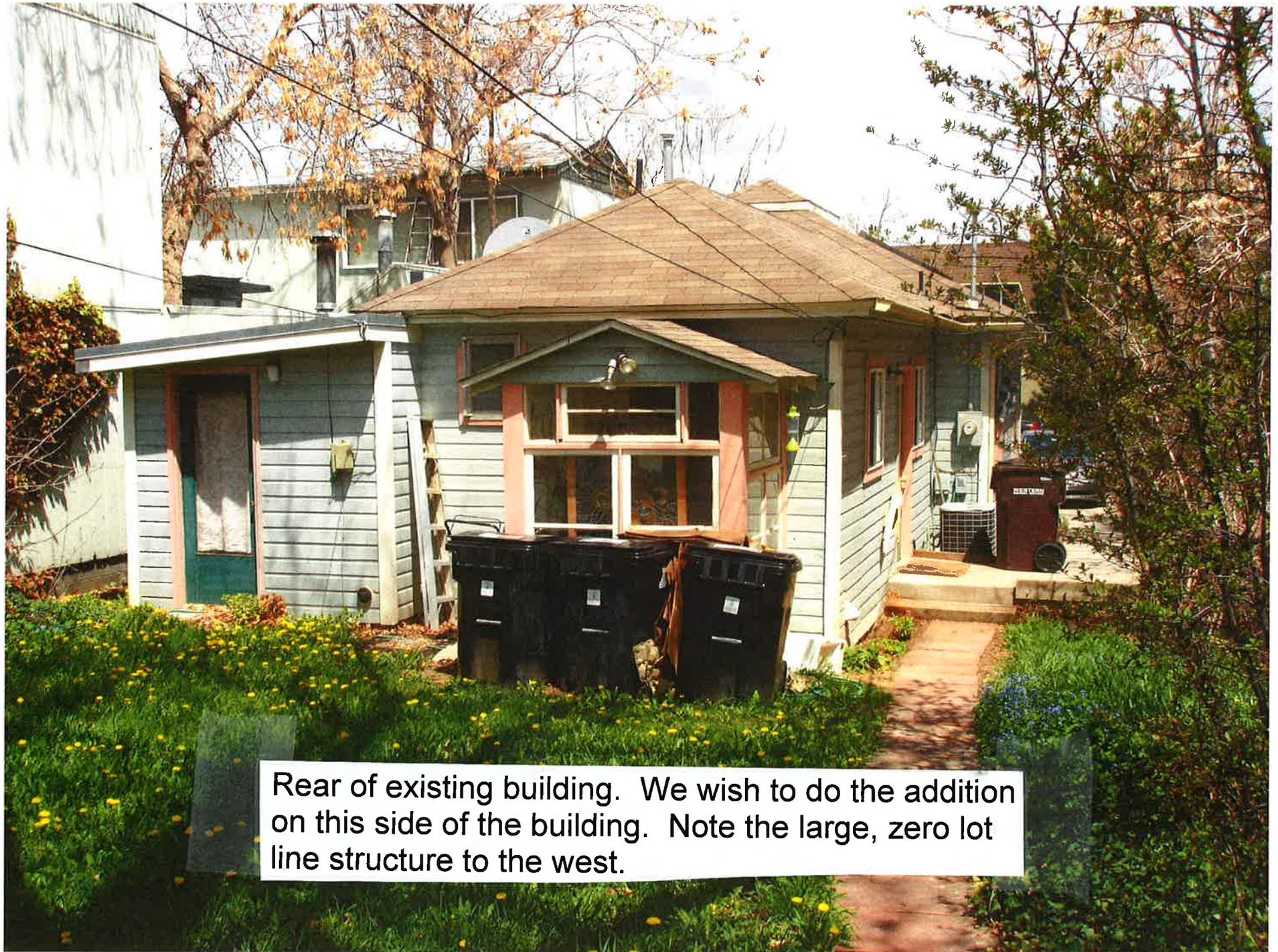


View of lot from alley and existing parking

RESERVED
FOR
THREE ROSES
CUSTOMERS
ONLY



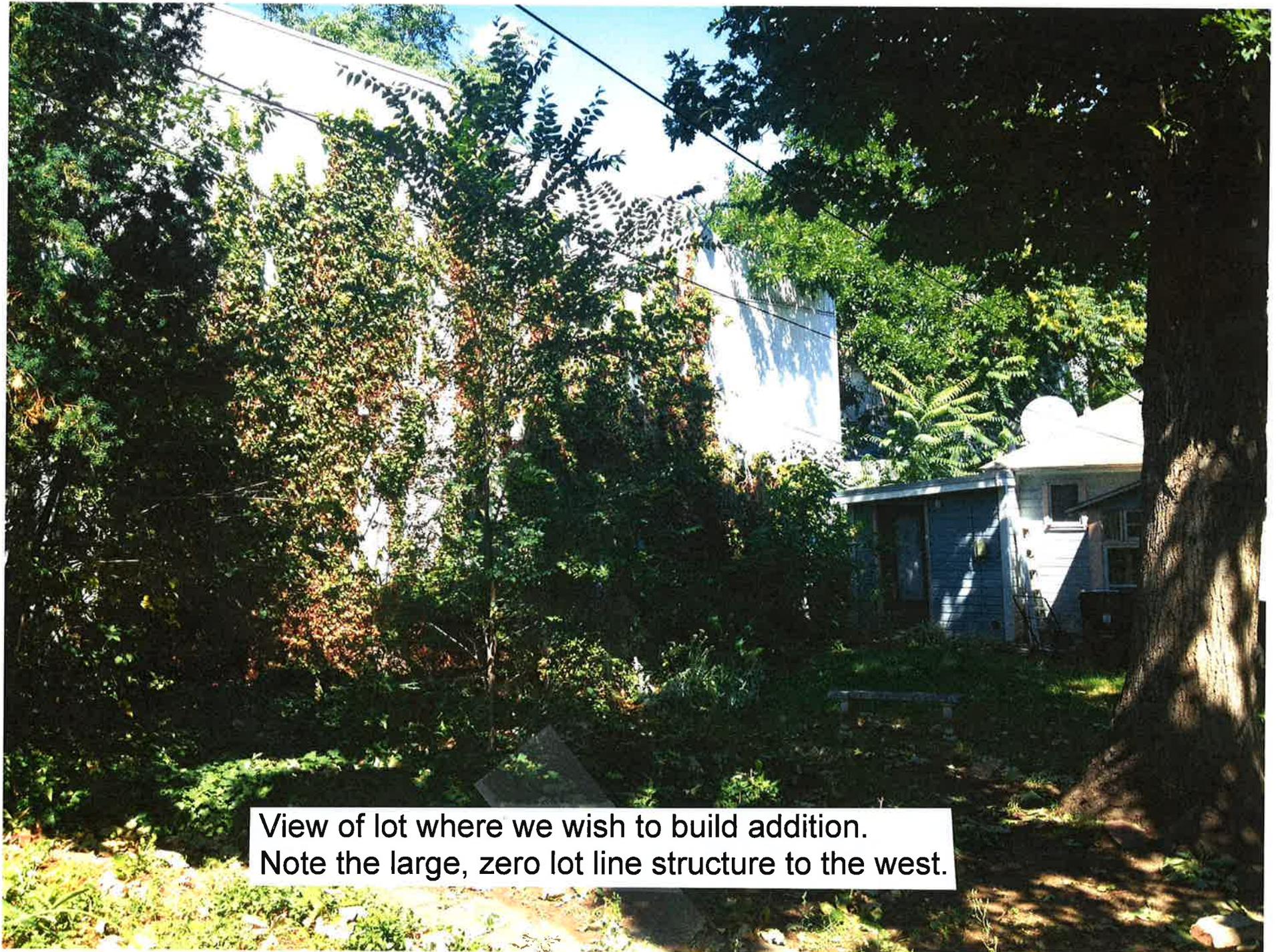
Front of Building from North St.



Rear of existing building. We wish to do the addition on this side of the building. Note the large, zero lot line structure to the west.



View looking south toward rear of yard from existing structure



**View of lot where we wish to build addition.
Note the large, zero lot line structure to the west.**

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
February 13, 2013, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present: Michael Hirsch, Thomas Krueger, Ellen McCready, David Schafer
Board Members Absent: Christopher Lane
City Attorney Representing Board: Erin Poe
Staff Members Present: Brian Holmes, Robbie Wyler, Marcy Cameron, Susan Meissner

1. CALL TO ORDER:

T. Krueger called the meeting to order at 5:11 p.m.

2. BOARD HEARING:

Docket No.: BOZ2014-00001

Address: 1305 Pine Street

Applicant: Kimbal Musk

Variance to Owners Accessory Unit floor area limitation: As a part of a proposal to convert an existing two-story detached garage into an Owners Accessory Unit (OAU) through internal conversion only; the applicant is requesting a variance to allow for the existing 791 square foot detached garage to be converted into a 649 square foot OAU, where 450 square feet is allowed. Section of the Land Use Regulations to be modified: Section 9-6-3, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Applicant Presentation:

Steve Perce, the applicant's architect, presented to the board.

Motion:

On a motion by **M. Hirsch**, seconded by **D. Schafer**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the application (**Docket 2014-00001**) as presented.

Docket No.: BOZ2014-00002

Address: 300 19th Street

Applicant: Jonathan Anderson

Setback Variance: As a part of a proposal to raise the roof above an existing non-standard building; the applicant is requesting a variance to the side yard setback requirements of the RL-1 zoning district. The increase in height to the roof results in a single story building with the following: a side yard setback of 4' where 25' is required and where 4' exists. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

E. McCready disclosed that she lives close to the property but not within the 300 foot notification radius.

Staff Presentation:

R. Wyler presented the item to the board.

Applicant Presentation:

Jonathan Anderson, the applicant, presented to the board.

Motion:

On a motion by **E. McCready**, seconded by **D. Schafer**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the application (**Docket 2014-00002**) as presented.

Docket No.: BOZ2014-00004

Address: 2003 Pine Street

Applicants: Andrew and Kristen MacDonald

Setback Variance: As a part of a proposal to rehabilitate and to construct an addition on to an existing accessory building that is on a property that has been made a local historic landmark, the applicants are requesting a variance to the rear and side yard from a street setback requirements of the RMX-1 zoning district. More specifically, the applicants are requesting to relocate the building that is currently situated such that portions of it cross the west and north property lines. The proposed rear yard setback will be 1'-0" where 0' or 3'-0" is required and where the current location of the building is within the alley right-of-way. Similarly, the proposed side yard setback from a street will be 1'-0" where 12'-6" is required and where the current location is within the 20th Street right-of-way. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

M. Cameron presented to the board.

Applicant Presentation:

Andrew MacDonald, the applicant, presented to the board.

Motion:

On a motion by **T. Krueger**, seconded by **M. Hirsch**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the application (**Docket 2014-00004**) as presented.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

On a motion by **T. Krueger**, seconded by **E. McCready**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the December 12, 2013 minutes.

B. Matters from Staff

C. Matters from the Board

T. Krueger noted that some of the items that came before the board were a result of oversights. He asked that staff identify means for catching these items in the future.

D. Matters from the City Attorney

There were no matters from the City Attorney.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 7:10 P.M.

APPROVED BY

DATE
