



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

**DATE:** Thursday, July 14, 2016

**TIME:** Meeting to begin at 5 p.m.

**PLACE:** Main Library, 1001 Arapahoe Ave., Boulder Creek Room

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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.:** [BOZ2016-13](#)

**Address:** 925 37<sup>th</sup> Street

**Applicant:** Miguel Arias & Melissa Eaton

**Setback Variance:** (*Continuance From June 9, 2016 Meeting*) As a part of a proposal for a second story addition and remodel of an existing residence, including a proposal to construct a new attached garage, the applicants are requesting a variance to the front yard (east) setback. The resulting front yard setback will be approximately 19'-0" where 25'-0" is required and where approximately 25.8' exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

**3. GENERAL DISCUSSION**

**A. Approval of Minutes:** The [June 9, 2016 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**

**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.

**Board of Zoning Adjustment:**

BOZ2016-13 was continued at the June 9, 2016 BOZA meeting and is returning to the July 14, 2016 meeting with updated materials. Per the request of the Board at the June meeting the applicant, Miguel Arias, has provided updated garage design options. Additionally, a resume has been included in the new materials since he felt his design credentials came into question. The remainder of the materials are what was presented at the meeting in June and have not changed. Staff will give a brief presentation on the old and new materials prior to further discussion with the applicant.



**Robbie Wyler**  
Assistant Zoning Administrator



**City of Boulder**  
**Planning, Housing and Sustainability**

**From:** [Miguelito](#)  
**To:** [Wyler, Robbie](#)  
**Subject:** Re: Robbie Wyler / BOZA Contact Info  
**Date:** Monday, June 20, 2016 9:39:16 PM  
**Attachments:** [925 37th Street Layout 6-21-2016.pdf](#)  
[ATT00001.htm](#)  
[Resume Miguel Arias April 2016.pdf](#)  
[ATT00002.htm](#)

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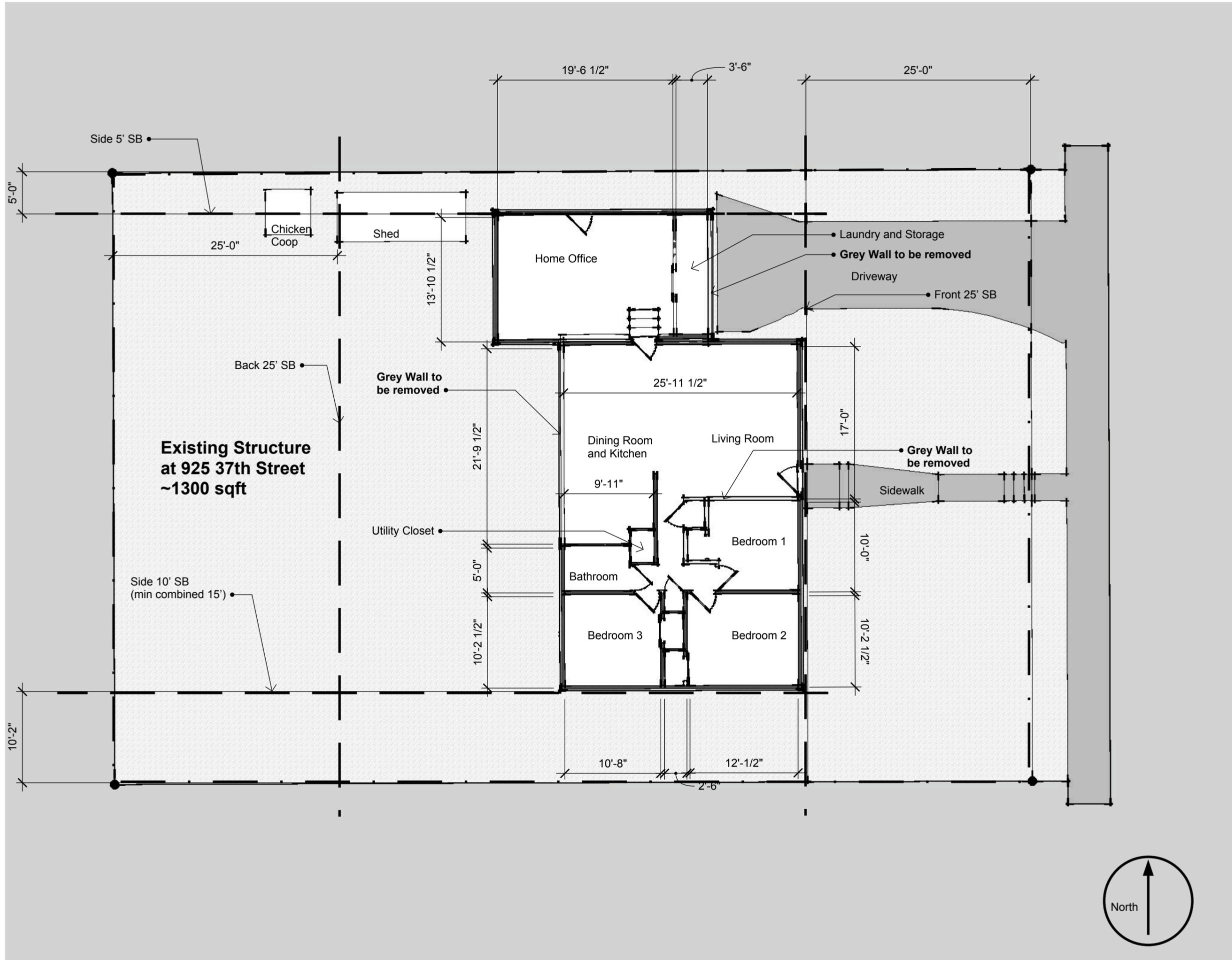
Thanks for your help Robbie,

I am attaching a pdf of the updated drawings with three design options. I am including my original proposal to maintain the roof line as one of the options since it is a better depiction of what I previously had. I colored the sections of the roof red for what would be in the setback (variance) and green for what would be a code build. I am also attaching my resume, since it seemed to me that my design credentials came into question when presenting at the last meeting. No question that my drawing credentials should have come into question, but like anything in life we tend to get better the more we work at it - hopefully this set is better than the last. Thanks again for your help!

Miguel

On Jun 14, 2016, at 9:55 AM, Wyler, Robbie  
<[WylerR@bouldercolorado.gov](mailto:WylerR@bouldercolorado.gov)> wrote:

Miguel-



Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

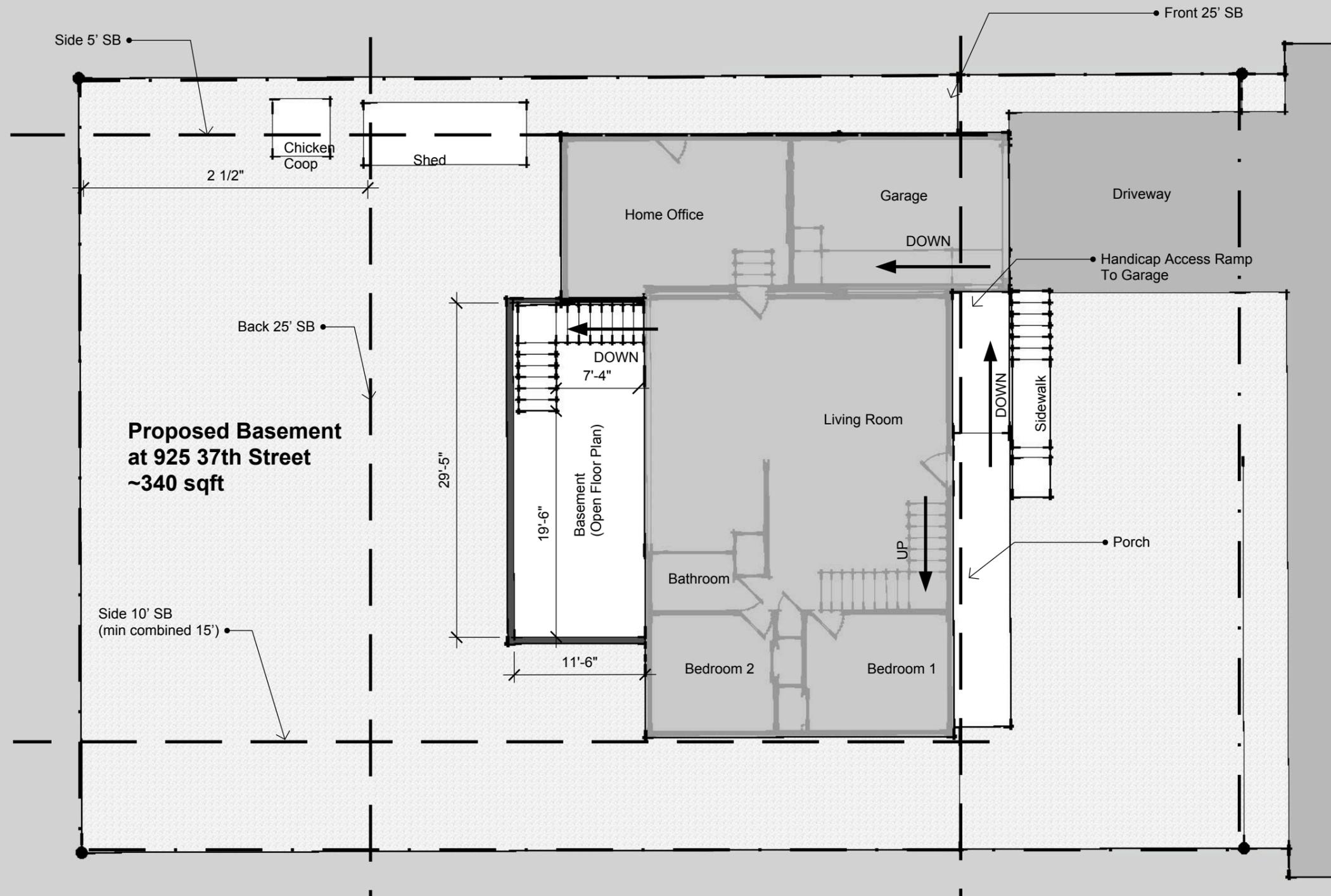
6/21/2016

Project Name  
925 37th Street

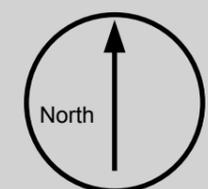
DRAWN BY  
MSAP  
DESCRIPTION  
Existing Structure







**Proposed Basement  
at 925 37th Street  
~340 sqft**



Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

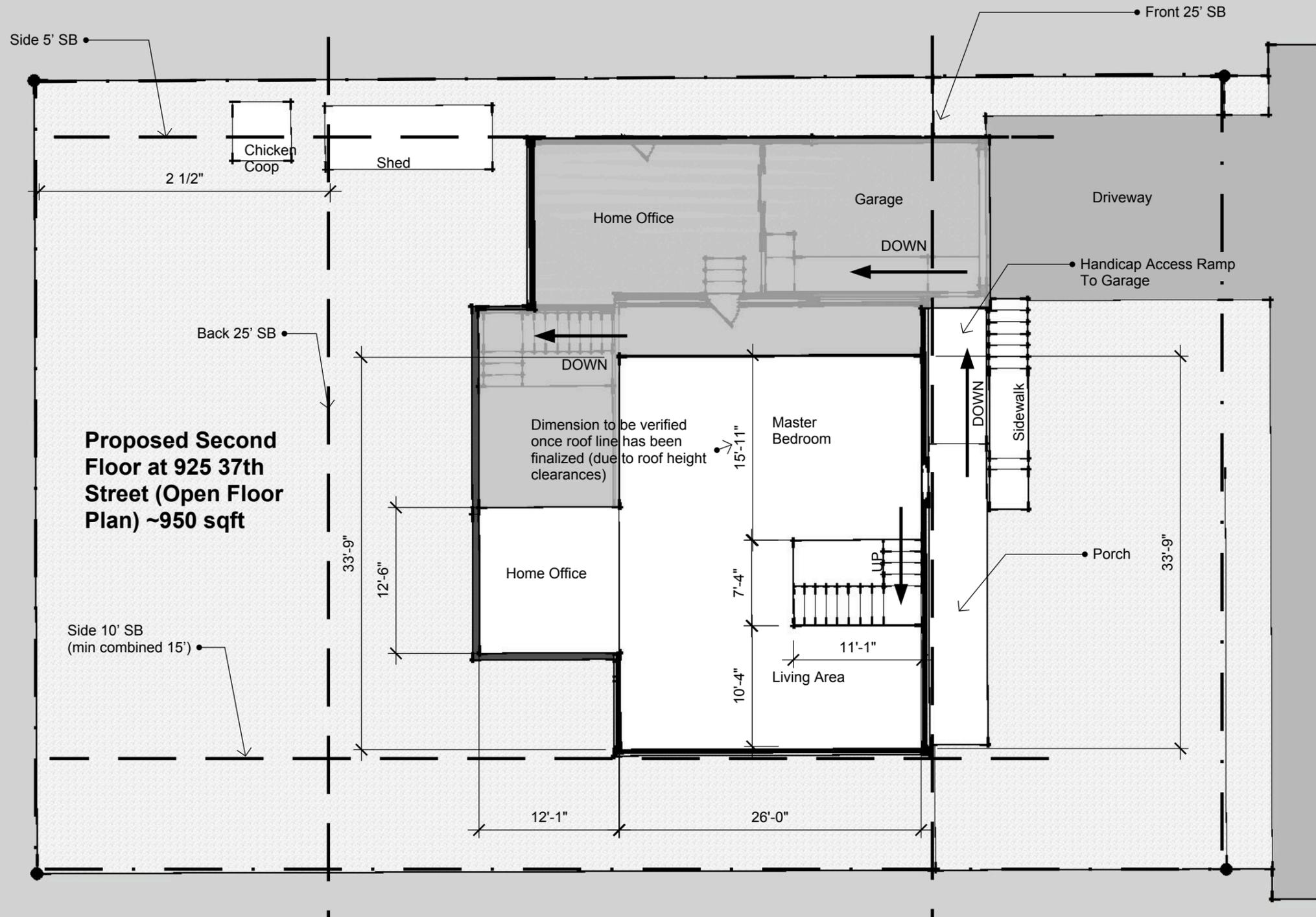
6/21/2016

Project Name  
925 37th Street

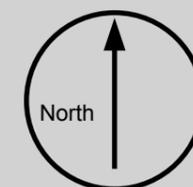
DRAWN BY  
MSAP  
DESCRIPTION  
Proposed Basement

**a**

**03**



**Proposed Second Floor at 925 37th Street (Open Floor Plan) ~950 sqft**



Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

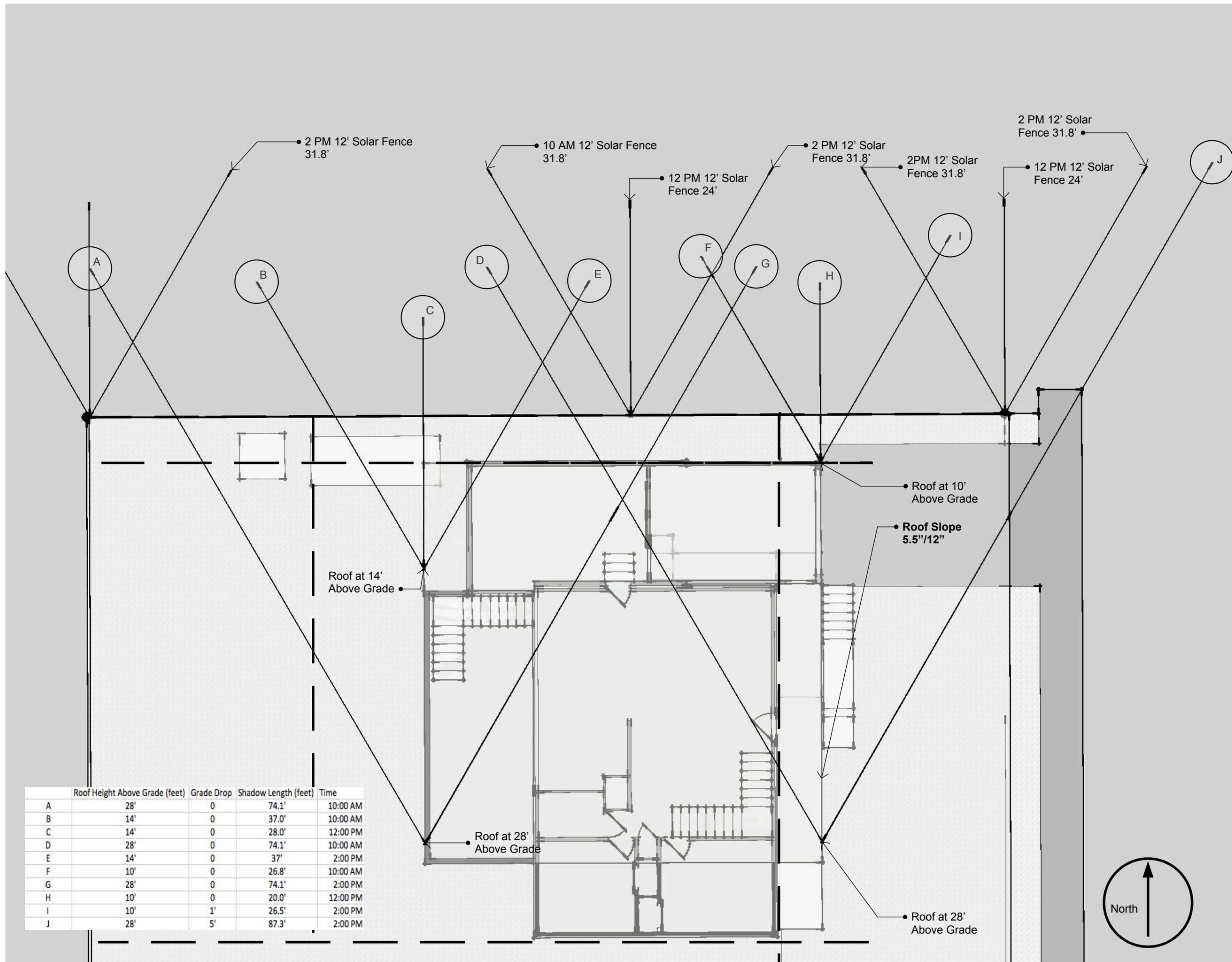
Project Name  
925 37th Street

DESCRIPTION  
Proposed Second Floor

DRAWN BY  
MSAP

**a**

**04**



	Roof Height Above Grade (feet)	Grade Drop	Shadow Length (feet)	Time
A	28'	0	74.1'	10:00 AM
B	14'	0	37.0'	10:00 AM
C	14'	0	28.0'	12:00 PM
D	28'	0	74.1'	10:00 AM
E	14'	0	37'	2:00 PM
F	10'	0	26.8'	10:00 AM
G	28'	0	74.1'	2:00 PM
H	10'	0	20.0'	12:00 PM
I	10'	1'	26.5'	2:00 PM
J	28'	5'	87.3'	2:00 PM

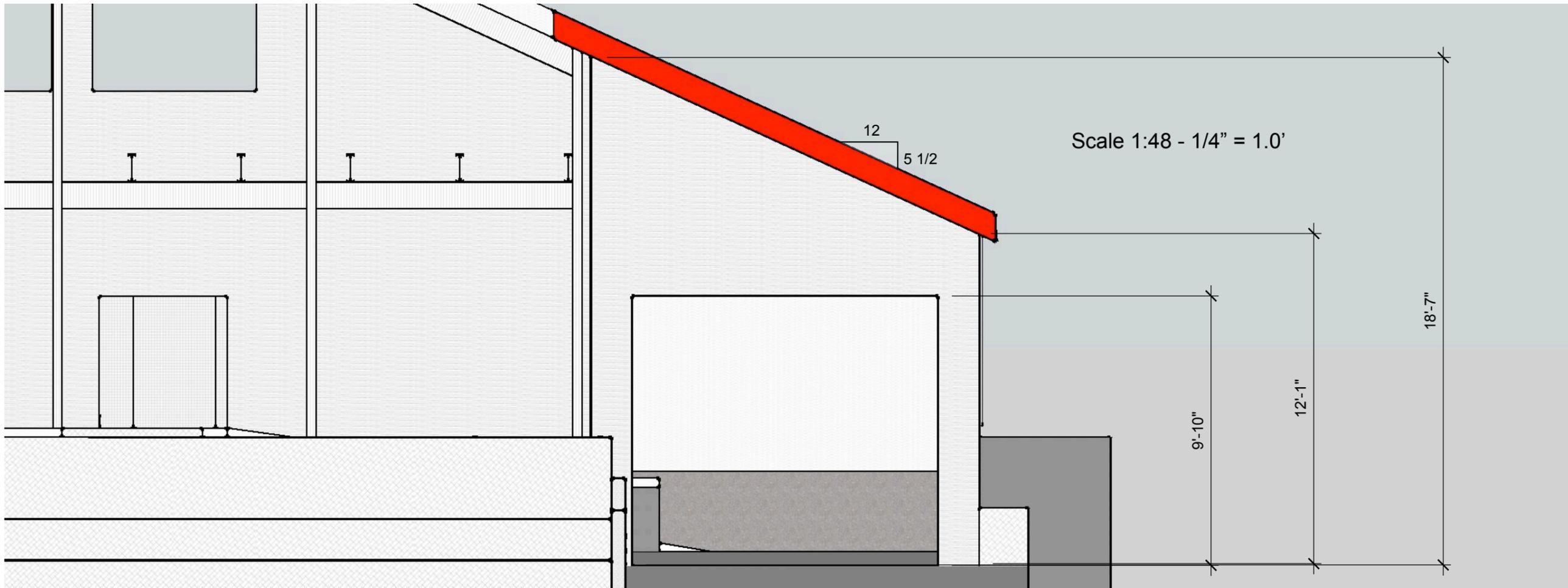
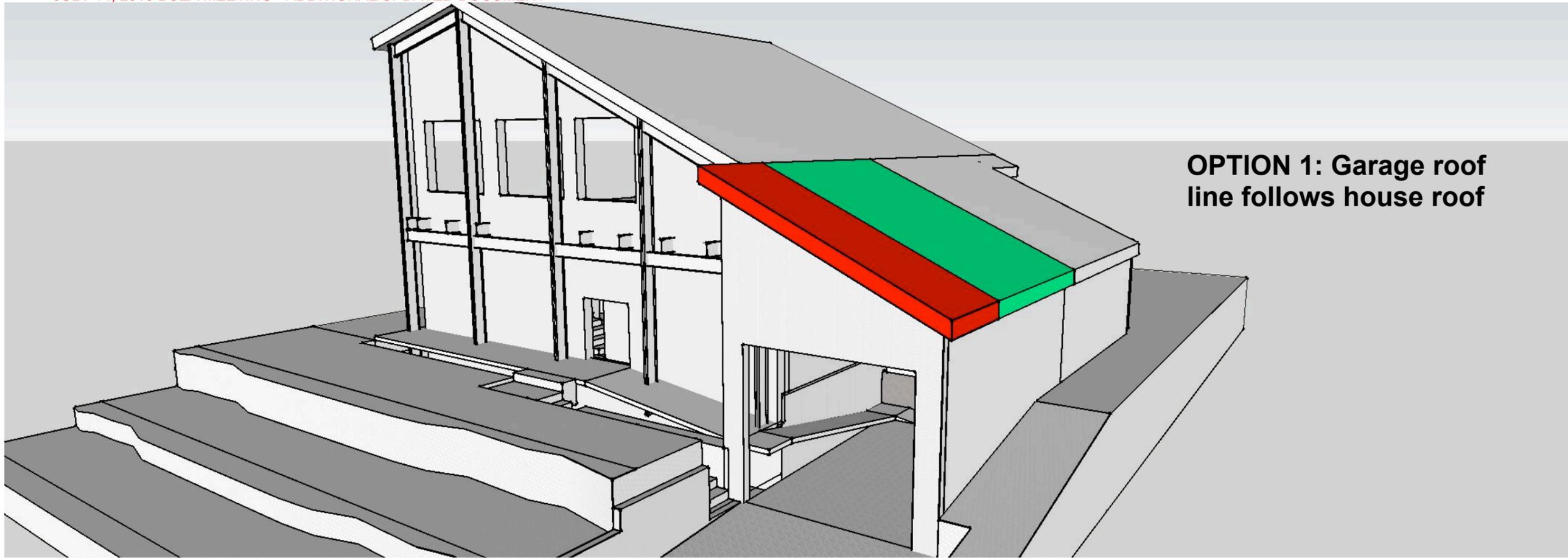
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

Project Name  
925 37th Street

DRAWN BY  
MSAP  
DESCRIPTION  
Solar Shadow





Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

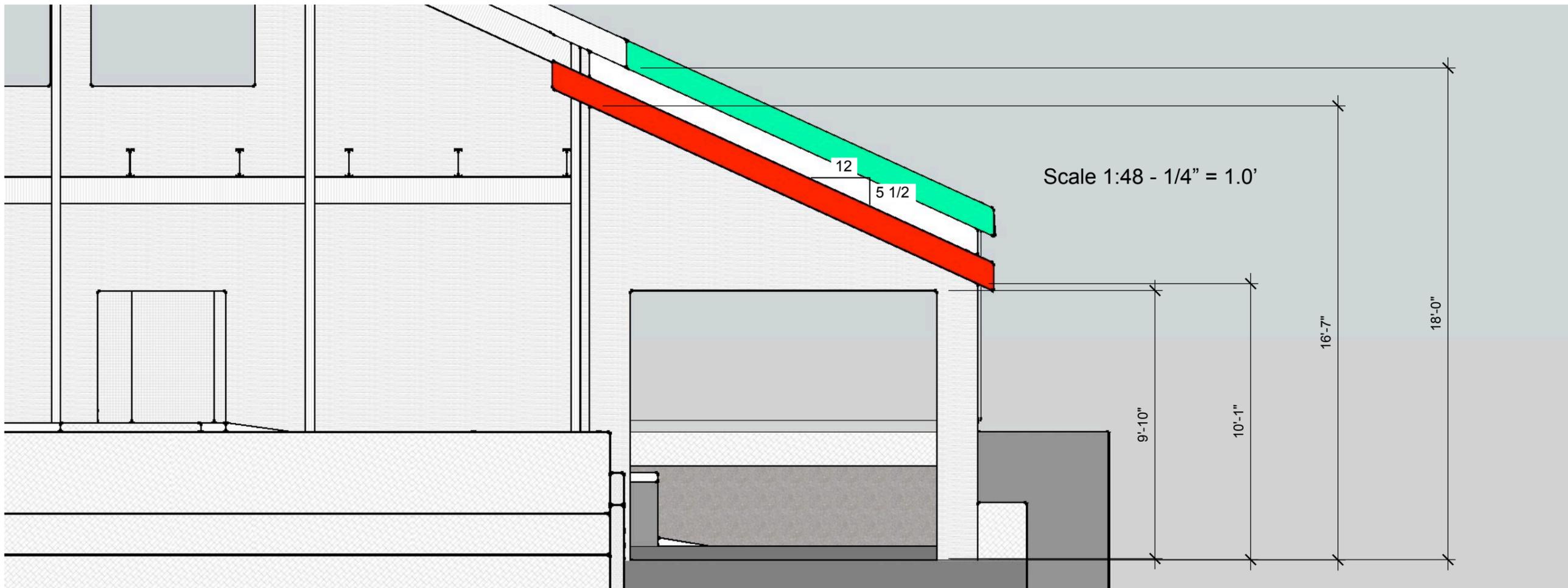
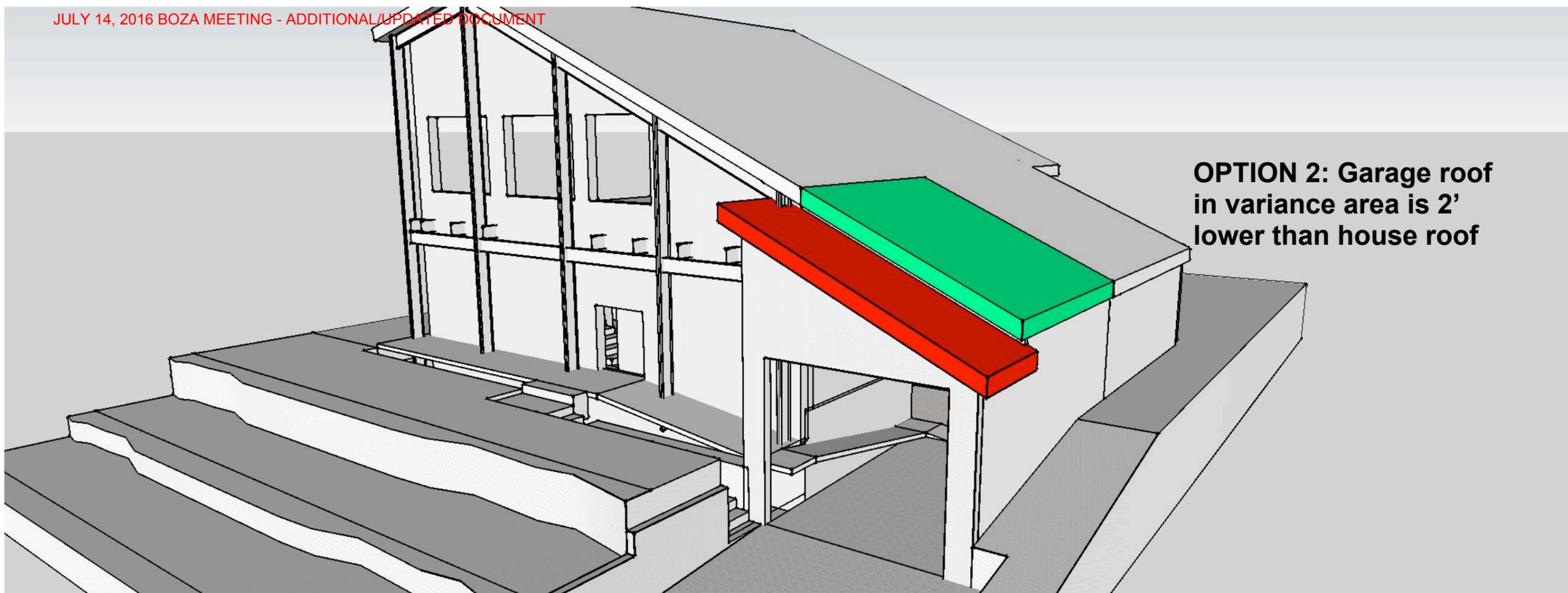
6/21/2016

Project Name  
925 37th Street

DRAWN BY  
MSAP

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06



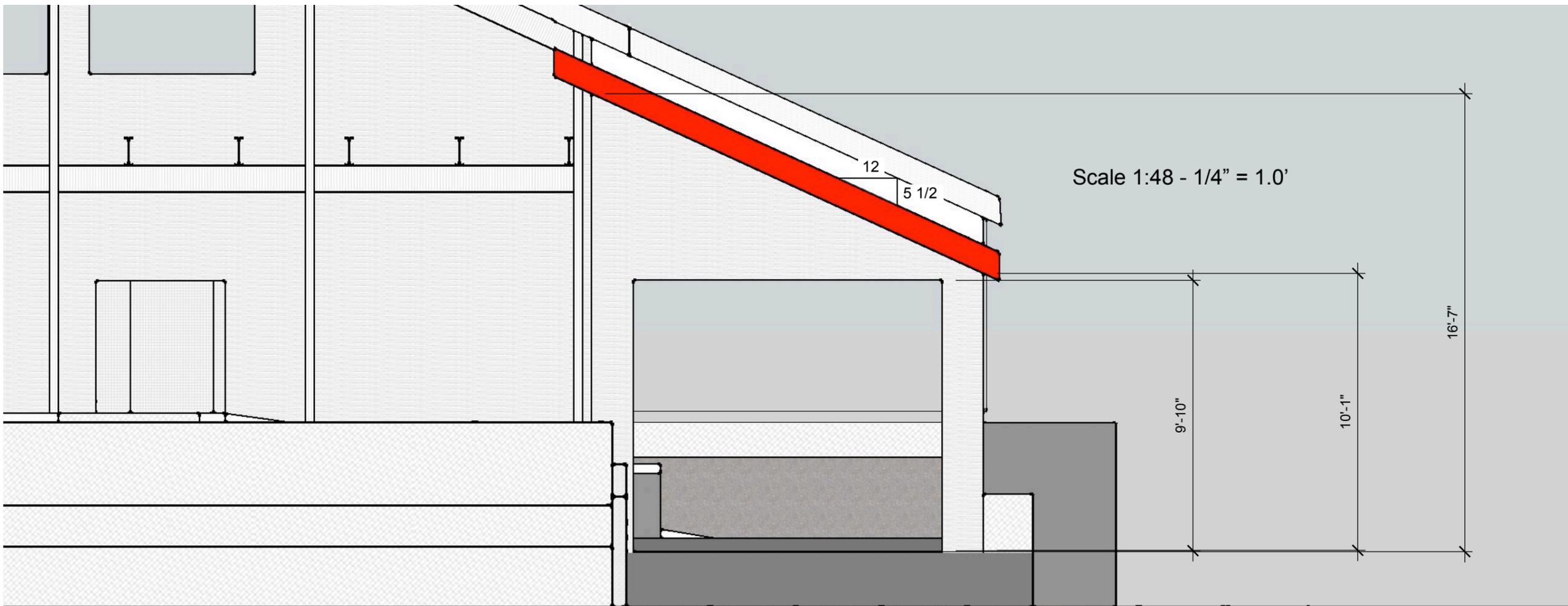
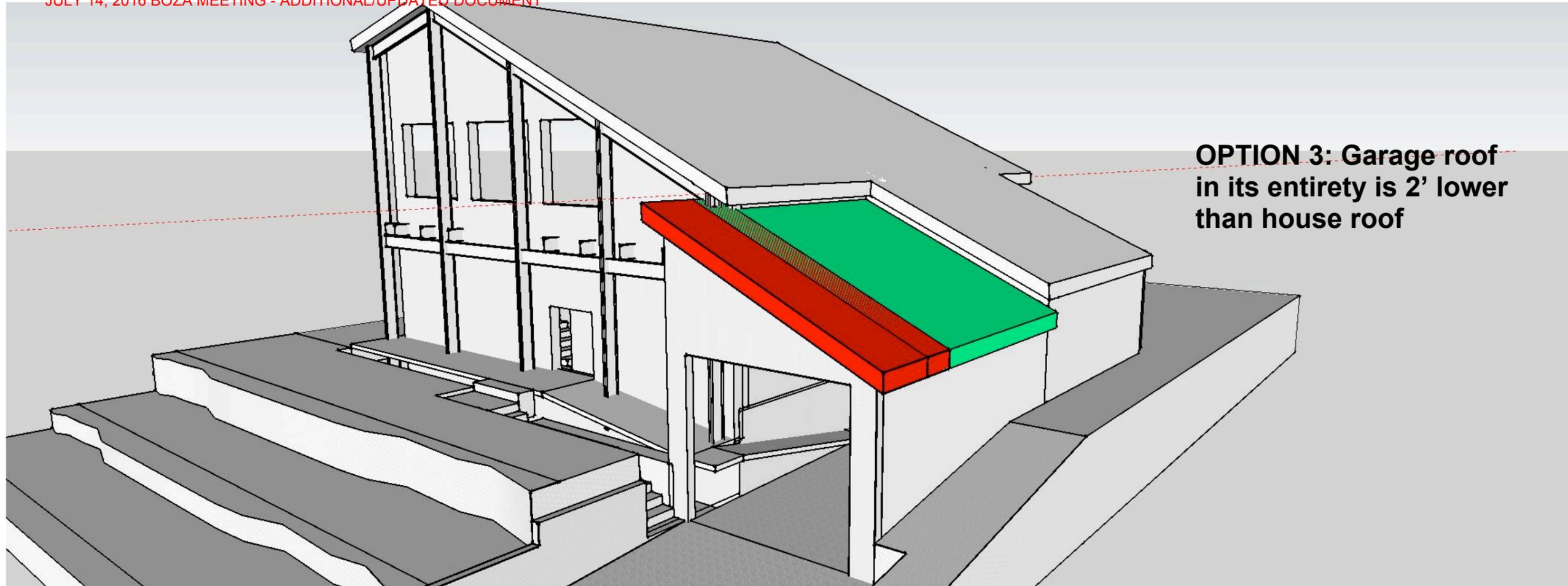
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

Project Name  
925 37th Street

DRAWN BY  
MSAP





Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

Project Name  
925 37th Street

DRAWN BY  
MSAP

08

## Work Experience

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Fall 2014 – Present      Bureau of Reclamation, Department of the Interior      Lakewood, CO  
 Environmental Engineer

- Design review for the Aamodt Water Rights Settlement
  - Potable water supply to be provided for New Mexican Pueblo villages: Nambé, Pojoaque, San Ildefonso and Tesuque. Design, Estimating and Construction (DEC) review team member focusing on feasibility of water treatment plant processes, where extended distribution system detention times (formation of disinfection byproducts (DBPs)), fluctuations in dissolved organic carbon (DOC) concentration and high sediment loading are the primary concerns.
  - Managed granular activated carbon (GAC) bench-scale rapid small-scale column tests (RSSCT) on average and elevated (spring runoff events) DOC concentrations from Rio Grande source water samples.
    - Tested carbon RSSCT effluent to determine maximum treated water DOC concentration to achieve regulatory compliance in a simulated distribution system residence time of 30 days.
    - Techniques to minimize DBP formation included multiple booster chlorination locations and dosing chlorine to maintain a residual on the lower end of Uniform Formation Conditions (Summers et al., 1996)
- Technical review of Crow Tribe Water Settlement (Act of 2010) bench scale and plant pilot testing for the Montana Crow Reservation near St. Xavier where hardness and DOC were the primary constituents of concern in the Bighorn River raw water.
  - Provided technical opinions on matrix of technologies to be tested, including microfiltration – reverse osmosis, coagulation – ozonation – biofiltration and subsequent simulated distribution system testing.
  - Visited piloting operations to optimize process operation, for example, preoxidation doses, coagulation, biofiltration operation and reverse osmosis operation.
  - Reviewed simulated distribution system testing conditions and DBP formation under different treatment and chlorination conditions.
- Navajo-Gallup and Cutter Reservoir treatment plant design support (Navajo Nation Water Rights Settlement in the San Juan River Basin)
  - Reviewed chlorine decay modeling for the distribution system.
  - Currently analyzing system water for scaling and leaching where treated San Juan River Water and local groundwater supplies could be blended (and potentially release metals from existing pipe infrastructure).
- Piloting processes for chromium VI removal in Southern California groundwater, included the testing of weak and strong base ion exchange and reduction, coagulation, filtration.
  - Presented chromium removal experimental testing plan to the City Water Board on April 15, 2015.
  - Developed volume reduction and re-use for ion exchange waste using a membrane separation process (*currently being patented*).
  - Testing scheduled to finish October 2017.
- Process testing for agricultural water treatment requiring removal of selenium and boron near Fresno, California
  - Biological treatment of water source to reduce selenate present in the raw water to selenite and ultimately elemental selenium (which is filtered out in the bioreactor).
  - Pretreatment unit, including coagulation, ultrafiltration and reverse osmosis membranes.
    - Water passing through the reverse osmosis unit to be used for beneficial purposes.

Spring 2008 – Fall 2014      Orica Watercare      Denver, CO  
 Project Manager – Water Treatment Specialist

- Design of full-scale potable water treatment plants
  - Treatment plants designed for removal of DOC for DBP control, nitrate, hydrogen sulfide, hardness and turbidity.
  - Patented a process to remove both DOC and hardness in one contact basin (publication number WO2013173880 A1). Implemented modifications to an existing ion exchange treatment plant for full-scale demonstration at 5 MGD. Designed a 1 MGD plant, commissioned 2015.
  - Plants designed range in treatment capacity from 50 gpm to 14.5 mgd.
  - Engineering project manager as interface between engineering entities, general contractors and municipalities.
  - Structural design of elements, including accounting for wind and seismic design as pertinent to regional projects (pressurized tanks, steel and aluminum skid frames, work platforms with and without concrete integration and settler supports, with concrete anchor integration, internal to basins).

**JULY 14, 2016 BOZA MEETING - ADDITIONAL/UPDATED DOCUMENT**

- Nano-filtration and reverse osmosis treatment
  - Brine volume mitigation and re-use for ion exchange waste
  - Filtration of aloe juice to concentrate polysaccharides while allowing naturally occurring bromide to pass, maintaining organic character of the end use aloe. Included an ion exchange processes to aid in the removal of divalent hardness constituents.
- Examine the characteristics of natural organic matter (NOM) as it pertains to membrane fouling and calcium bridging with carboxylic acid groups during cationic ion exchange processes.
  - Applying Size Exclusion Chromatography (SEC), coupled with fluorescence and XAD-Resin fractionation to characterize organic matter in several treatment processes.
- Utilizing the ion exchange resins to design unique treatment solutions to existing water quality issues:
  - Treatment optimization for removal of perfluorocarbons (PFCs): byproducts of stain-guard manufacturing processes, specifically: Teflon<sup>®</sup>, Stain Guard<sup>®</sup> and other similar materials requiring a coating of fluoridated carbon.

Fall 2006 – Winter 2007  
Environmental Engineer

Pontius Water Consultants

Lakewood, CO

- Performed pilot-scale testing for fluidized ion exchange processes in California and Florida to optimize removal of both DOC and inorganic contaminants. Investigation of different regeneration brine solutions (sodium chloride versus sodium bicarbonate) to evaluate efficiency.
- Designed and performed a DBP precursor removal study for Xcel Energy, including jar testing and formation potential testing, to optimize alum, polymer, and clay dosages for pretreatment prior to microfiltration.
- Evaluated performance data for an ion exchange, MF membrane and GAC treatment process installed at Big Elk Meadows, Colorado.

Spring 2007  
Water and Sanitation Engineer

Medical Teams International

Nias, Indonesia

- Following a tsunami and earthquake (9.0 Richter Scale) surveyed remote communities for access to potable water and sanitary practices.
- Interfaced with tribal communities and elders to discuss methods for water collection and storage, and best sanitary practices.
- Designed rainwater catchments coupled with UV light disinfection for potable drinking water uses, implementing use of local building materials for sustainability. Completed structural design using local materials.
- Designed composting toilets to promote sanitary practices.

Winter 2005 – spring 2007  
Process / Research Engineer

CDG Technologies

Arvada, CO

- Research the effects of dosing mixed oxidants (chlorine and chlorine dioxide) on DBP formation.
- Assess feasibility of chlorine dioxide implementation for DBP control by performing conventional treatability studies. Perform bench-scale experiments of different preoxidation scenarios to determine optimal dosing conditions. Testing includes the use of ozone, chlorine dioxide, chlorine and chloramines.

Fall 2005 – winter 2005  
Process Engineer

Consolidated Mutual Water Treatment Plant

Lakewood, CO

- Operated pilot units on-site to determine optimal design options for the 15 MGD water treatment plant to be constructed. Options included a plant retrofit design for submerged membranes or a new membrane building, considering both pressurized and vacuum systems and direct filtration versus a settling basin.
- Membrane feed raw water was pretreated using chlorine dioxide and ferric sulfate. Settling was accomplished using Meurer Research Inc. (MRI) plate settlers.
- Operated and maintained micro-filtration membrane pilot units from Evoqua, Pall and General Electric. Performed maintenance washes, monitored trans-membrane pressure and performed clean in place (CIP) chemical cleans. Analyzed iron, manganese, chlorine dioxide dosage, DOC and algae.
- Simulated distribution system testing for DBP formation was performed using new plant design conditions (considering new clear-well detention times) chlorine dioxide application, chlorination followed by ammonia addition for the formation of chloramines.

Fall 1999 – spring 2005  
 Research Assistant

University of Colorado at Boulder

Boulder, CO

- Investigating methods to optimize the formation of disinfection by-products (DBPs) in conventional water treatment plants by analyzing and comparing several preoxidants: chlorine, chlorine dioxide and potassium permanganate. Studies included optimizing the effects of splitting doses, increasing oxidant contact time prior to coagulant addition and performing studies at different coagulant levels to meet Stage 2 regulations.
- Investigations were conducted at the laboratory scale, pilot scale and in conjunction with the local Boulder water treatment plant utility.
- Determining water quality parameters (bromide, ammonia, dissolved solids and alkalinity) affecting residual stability in desalinated drinking water in a partnership with McGuire consultants.
- Tested chlorine dioxide pre-oxidation to minimize DBPs after chlorine addition for a Louisiana Utility.
- Performed rapid small-scale column tests with granular activated carbon (GAC) to determine breakthrough behavior and propensity of effluent DOC to form chlorinated DBPs.
- Used PAC at the bench-scale to determine applicable doses to remove DOC for water which was pre-chlorinated for use in a paper pulp plant yet was also used as a drinking water source (International Paper).

Fall 1997 – spring 1999

Case Western Reserve University

Cleveland, OH

Research Assistant / Lab Instructor

- Investigated induced permeability changes for remediation operations that implemented surfactant-aided soil flushing of light and dense non-aqueous phase liquids (NAPLs) in a clay-sand porous media.
- Identified and implemented separation and solidification technologies for a radioactive and hazardous sludge, which was half calcium silicate and zeolite solid and half industrial oil contaminated with carbon tetrachloride and methylene chloride. Final measure of success was EPA's TCLP testing of the solidified sludge.
- Lecturer and coordinator for all environmental engineering laboratories.
- Researching fiberglass septic tank to service small communities for Jet Inc.

Fall 1994 – spring 1997

Collegiate Science Entry Program

Hempstead, NY

Instructor

- Instructed high school classes reinforcing chemistry, physics, and mathematics. In addition lectured weekend classes. Program geared towards minorities entering technical disciplines at the college level.
- Outstanding Instructor Award (1997)

Fall 1994 – spring 1995

Department of Energy

Hempstead, NY

Field Engineer

- Performed field energy audits of industries to determine energy efficiency in the manufacturing process and plant facilities.
- Consulted and furnished methods to optimize energy usage and minimize operation costs.

## Education

Fall 1999 – spring 2005

University of Colorado at Boulder

Boulder, CO

Doctor of Philosophy in Environmental Engineering focus on Water Treatment

- Thesis titled "Understanding and Optimizing Preoxidation for Disinfection By Product Control"
- Advised by Dr. R. Scott Summers
- Committee members: Dr. Gary Amy, Dr. Joseph Ryan, Dr. Bruce Honneyman and Dr. Angela Bielefeldt

Fall 1997 – spring 1999

Case Western Reserve University

Cleveland, OH

Masters of Science in Environmental Engineering focus on Subsurface Remediation / Colloid Transport

- Advised by Kevin Gardner
- Thesis titled "Surfactant Induced Permeability Changes in Clay-Sand Systems"
- Tuition Fellowship Award
- 1998 Graduate Dean's Instructional Excellence Award

Fall 1993 – spring 1997

Hofstra University

Hempstead, NY

Bachelors of Engineering in Structural Engineering, Minor in Mathematics

- Cum Laude Honors, Engineering Departmental Honors

## Skills

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- Native speaker; proficiently reading and writing in Spanish
- Analytical Equipment:
  - Total Organic Carbon (TOC) Analyzer, Ion Chromatography (IC), Atomic Adsorption (AA), Ultra-Violet (UV) Spectrometer, Gas Chromatograph (GC), Total Organic Halide (TOX), High Pressure Size Exclusion Chromatography (HPSEC), Particle Size Analyzer, X-ray Diffraction, BET Surface Area

## Honors / Affiliations / Licenses

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- American Water Works Association (1999 – Present)
  - 2<sup>nd</sup> Place Best Oral Presentation (1<sup>st</sup> Graduate WEF/AWWA Student Conference, 2004)
- Professional Engineer, State of Colorado (2010)
- American Society of Civil Engineers
  - Case Western Reserve University Graduate Student Representative (1998)
  - Hofstra University Chapter President (1996 - 1997), Outstanding Member Award (1996)
  - Metropolitan Section Younger Member Forum Award (1996)
- Kappa Mu Epsilon Mathematics Honor Society
- International Cycling Union Mountain Bike: UCI Elite / Professional – Chile (2007-2012)

## Select Speaking Invitations, Conferences and Publications

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Miguel Arias-Paić, Kaelin M. Cawley, Steve Byg, and Fernando L. Rosario-Ortiz 'Enhanced DOC removal using anion and cation ion exchange resins' *Water Research* 88, 981-989, 2016.

Guest speaker *University of Colorado Environmental Engineering Seminar Series* Fall 2014.

Miguel Arias and R. Scott Summers 'Fate of Characterized and Uncharacterized Halogenated Organic Matter During Coagulation of Natural Waters with Chlorine or Chlorine Dioxide Application' "Advances in the Physicochemical Characterization of Organic Matter, American Chemical Society Books; Rosario-Ortiz, F. Ed. 2014.

Miguel Arias and Fernando Rosario-Ortiz 'Enhanced DOM Removal Using Naturally Occurring Calcium Bridging in Ion Exchange Processes' AWWA National Conference, Boston, Massachusetts, 2014.

Miguel Arias 'Co-Removing DOC And Hardness In A Single Ion Exchange Process' Florida Water Resources Conference, Orlando, Florida, 2014.

Miguel Arias, Bruce Dickie, Jeff Cochran 'Comparison of Pilot and Full-Scale Ion Exchange Pretreatment to Microfiltration Membranes' AWWA 2014 Membrane Technology Conference, Las Vegas, Nevada 2014.

Miguel Arias and Kelly McCurry 'Water Treatment Invention' Patent Publication Number WO2013173880 A1, Patent Application Number PCT/AU2013/000549, November 28, 2013.



**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: 925 37th Street, Boulder, CO 80303
- Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (Or attach description.)
- Existing Use of Property: Residential
- Description of proposal:  
Build a garage into existing front house setback.

*Total floor area of existing building: 1300 square feet	3000 sqft including garage
*Building coverage existing: 1300 square feet	*Total floor area proposed: (270 sqft)
*Building height existing: 22' 10 1/2" from lowest point on lot	*Building coverage proposed: 1770 sqft including garage
	*Building height proposed: 34' from lowest point on lot

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

- ◆ **Name of Owner:** Miguel Arias and Melissa Eaton
- Address: 925 37th Street Telephone: 720 352 7249
- City: Boulder State: CO Zip Code: 80303 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:

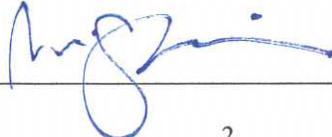
- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**4 copies**);
- A site development plan including building heights, 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.

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

Applicant / Owner Signature  Date 4/20/16

**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, Miguel Arias and Melissa Eaton, am filing a Land Use Review, Administrative Review, Technical Document Review, or BOZA application [on behalf of] \_\_\_\_\_ for the property

located at 925 37th Street Boulder 80303. 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.

  
\_\_\_\_\_  
NAME OF APPLICANT OR CONTACT PERSON

4/20/2016  
\_\_\_\_\_  
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.

## Criteria for Variance

### (1) Physical Conditions or Disability

- (A)** My Mother, Sonia Paic has lived with us for the past three and a half years. She cannot mobilize herself without using a walker or wheelchair. She suffers from Dystonia and frozen joints. The proposed construction would allow for handicapped access to the house through the garage, where I would be able to take my mom to appointments in a wheelchair or have her use her walker to get to the car. Additionally she would have access to the sidewalk by walking down a driveway that would have a greatly reduced slope.
- (B)** The unusual circumstances do not exist throughout the neighborhood. This house was purchased with an addition already on the side (with a separate entrance), which is the location of my wife's acupuncture practice, as it was planned at the time of purchase. My mother having to move in with us was unplanned.
- (C)** The physical conditions of the lot do not allow for access to the rear of the lot through a driveway. I have considered placing the garage where the first floor living room is currently, but that would require that I cut into existing foundation and reframe approximately  $\frac{1}{4}$  of the existing structure.
- (D)** We, the homeowners, did not create the unnecessary hardship, the structures existed on site when the home was purchased, and at no point in time was the addition to the house a garage. It was to be used as a work studio (built in the 1980's) and we purchased the home in 2009. We are willing to convert the laundry / storage area on the exiting structure to part of the garage.

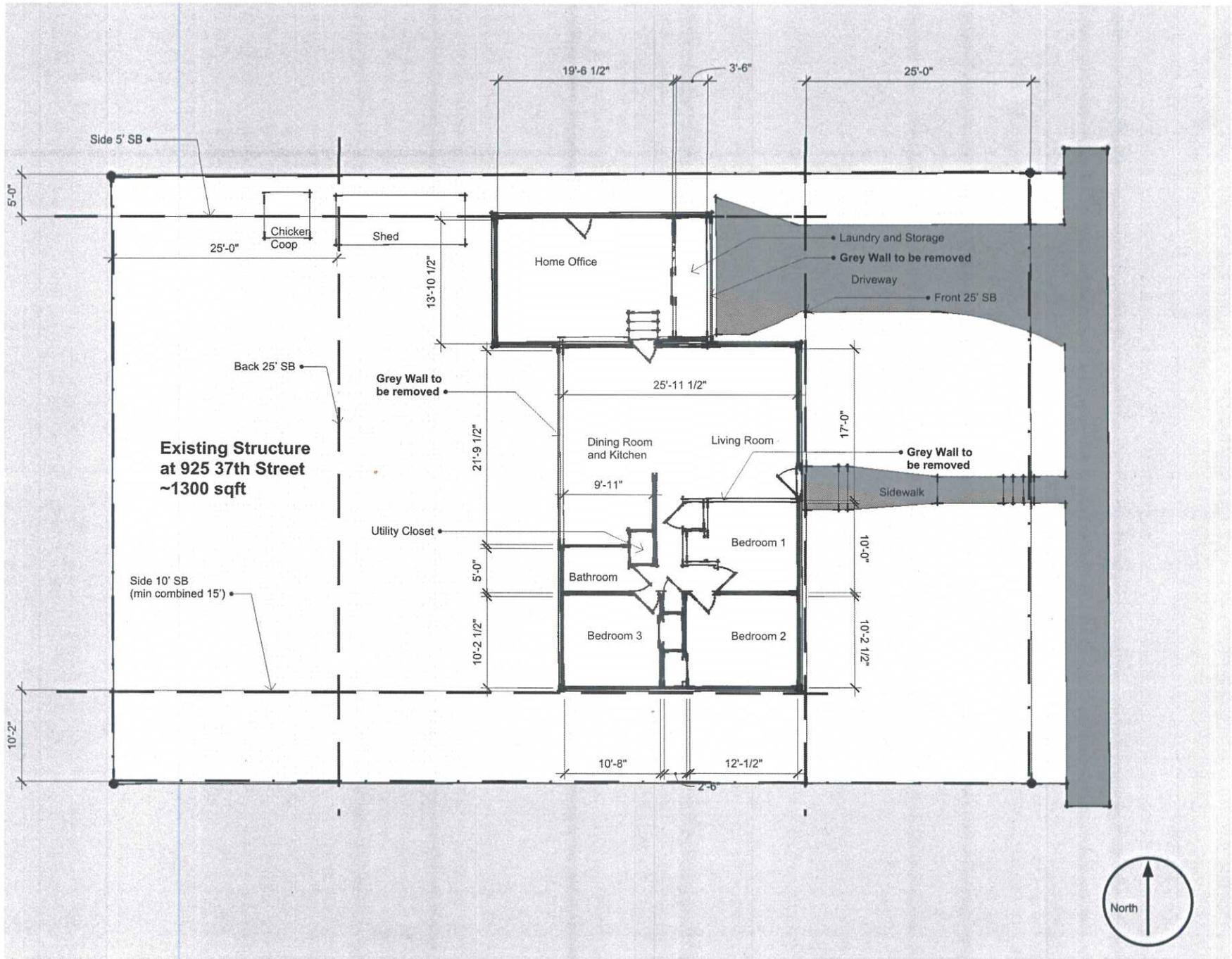
**(5) Requirements for All Variances**

(A) The variance would not alter the essential character of the neighborhood where the lot is located. The garage would be 1 car.

(B) The addition would not impair the adjacent lot, keeping the existing roof lines that are already there.

(C) The modification would be the least required to achieve the off-street parking requirements. The owners are willing to convert the storage and laundry room in the existing structure to be a garage to limit the encroachment into the front setback.

(D) The solar access of the adjacent property would not be impacted.



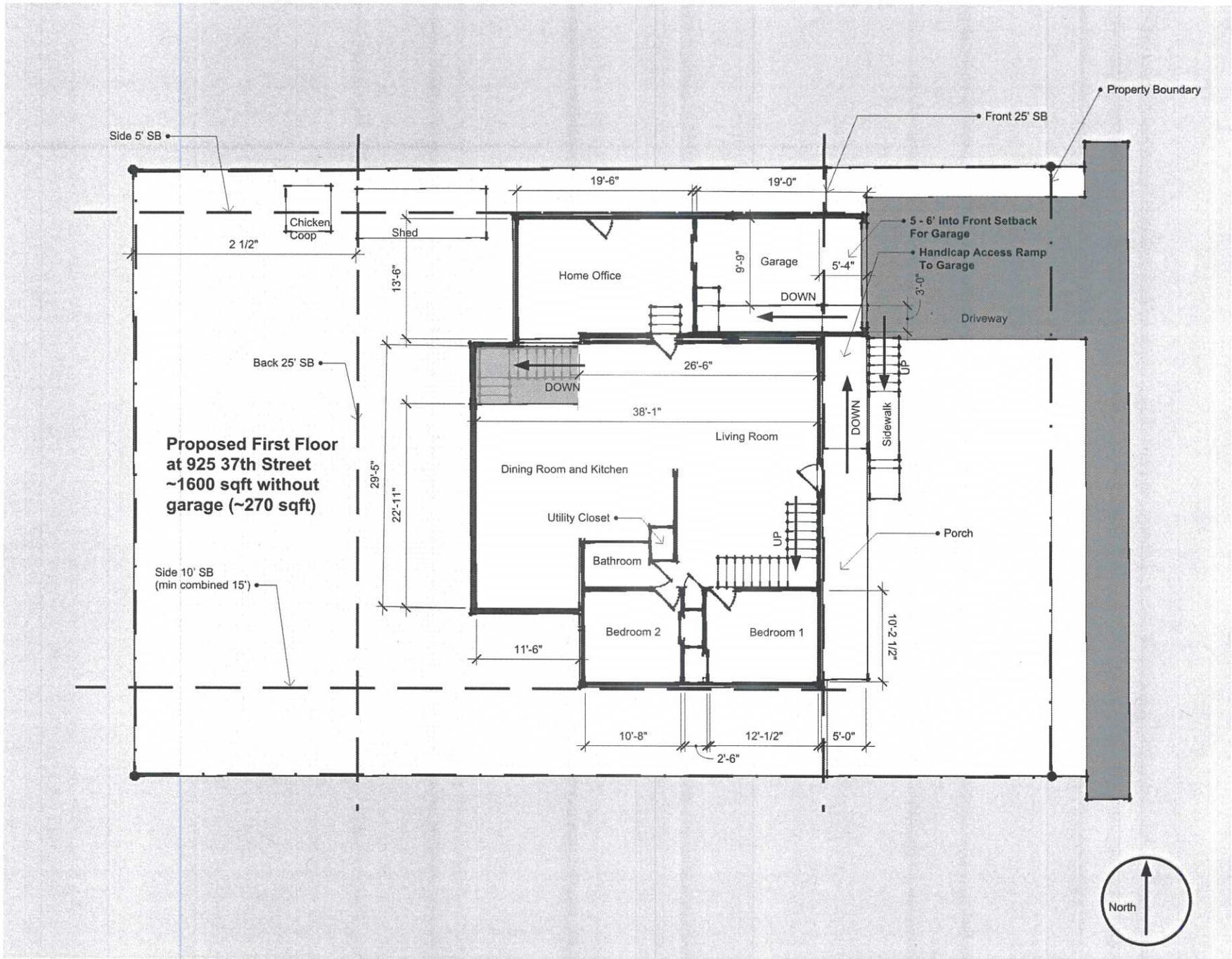
Miguel Arias and Melissa Eaton  
 225 37th Street  
 Boulder, CO 80303

5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Existing Structure

**a**  
**01**



Nigel Aris and Melissa Eaton  
 Owners  
 Boulder, CO 80303

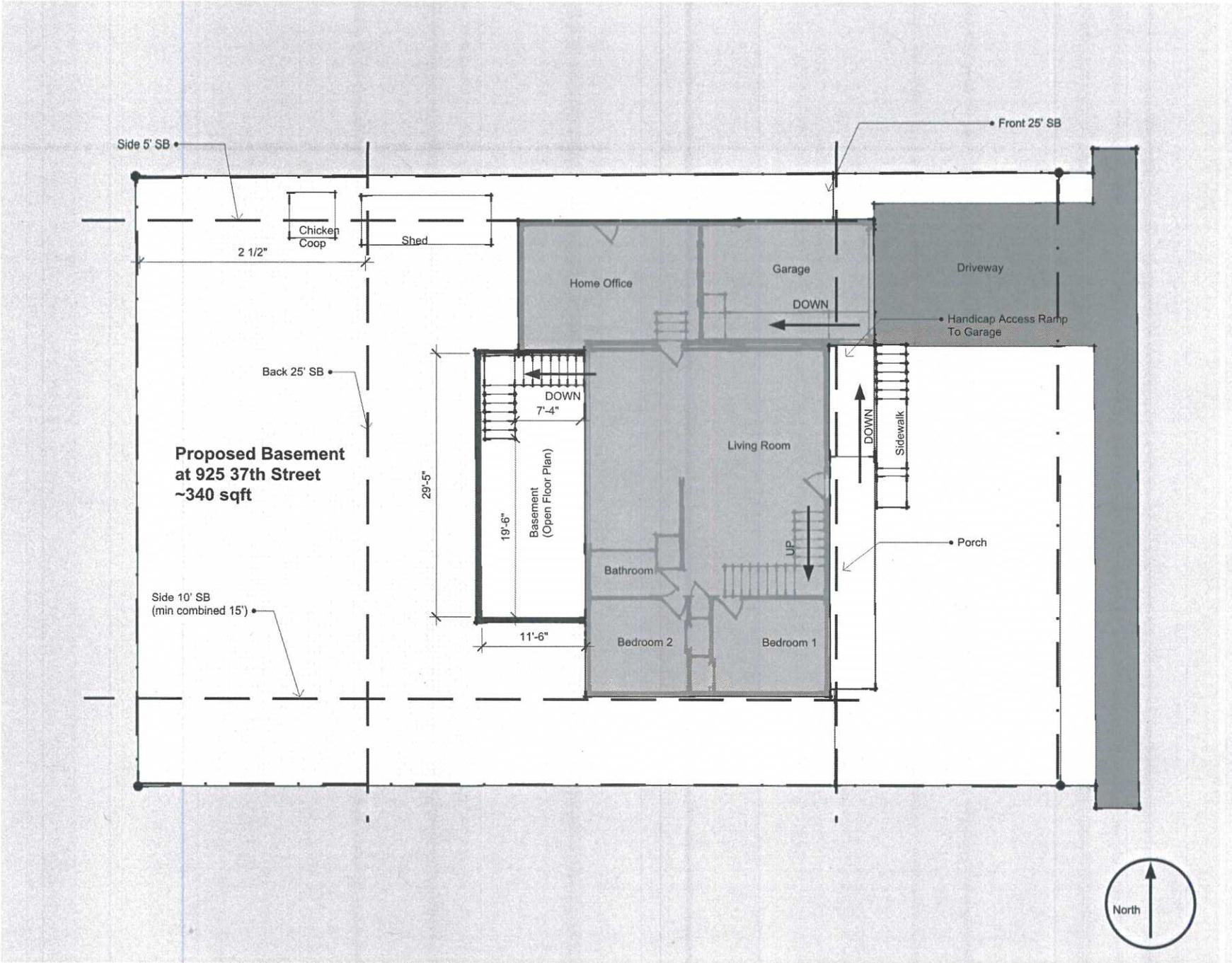
5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed First Floor

a

02



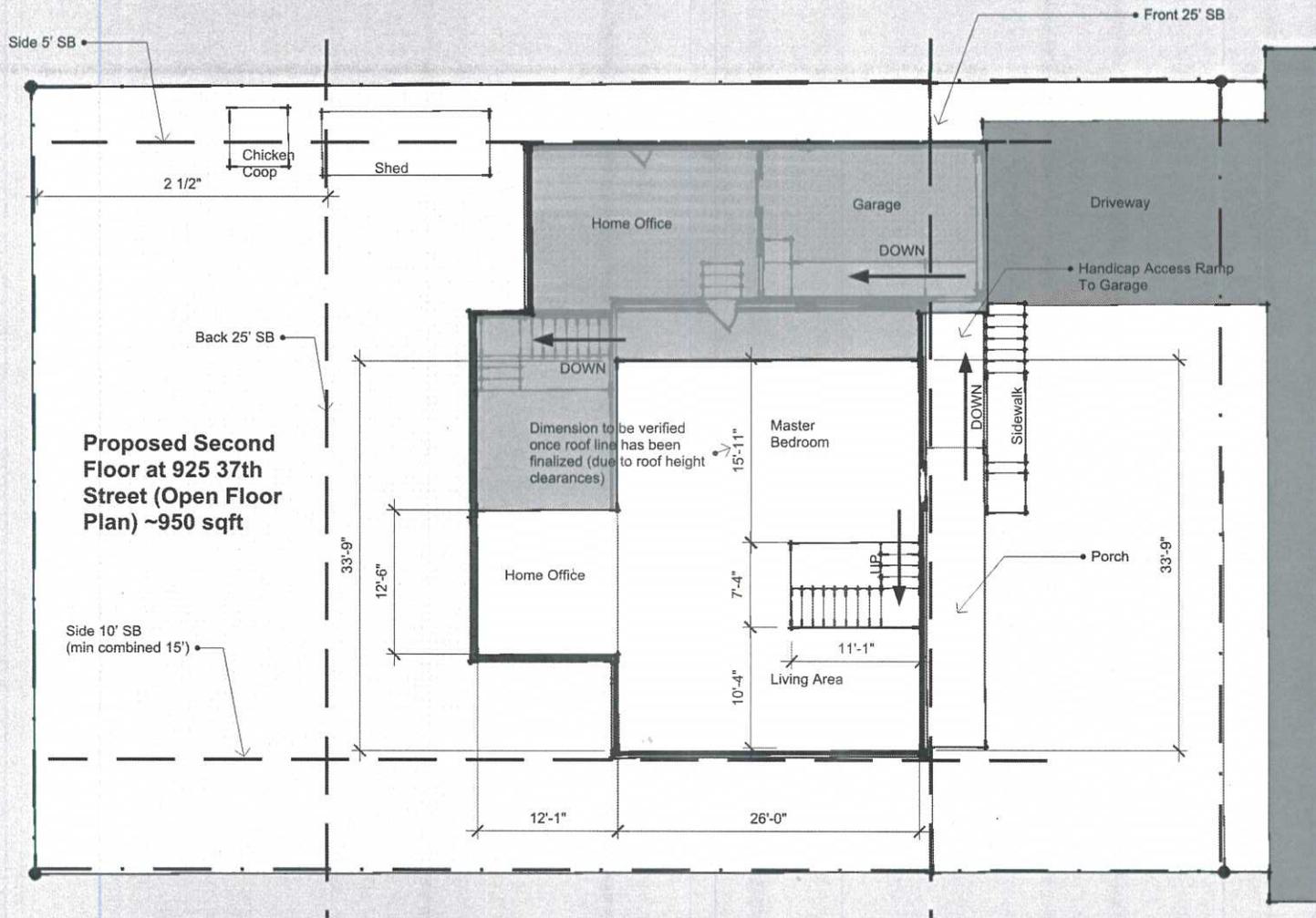
Miguel Arias and Melissa Eaton  
 925 37th Street  
 Boulder, CO 80303

5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed Basement

**a**  
**03**



**Proposed Second Floor at 925 37th Street (Open Floor Plan) ~950 sqft**

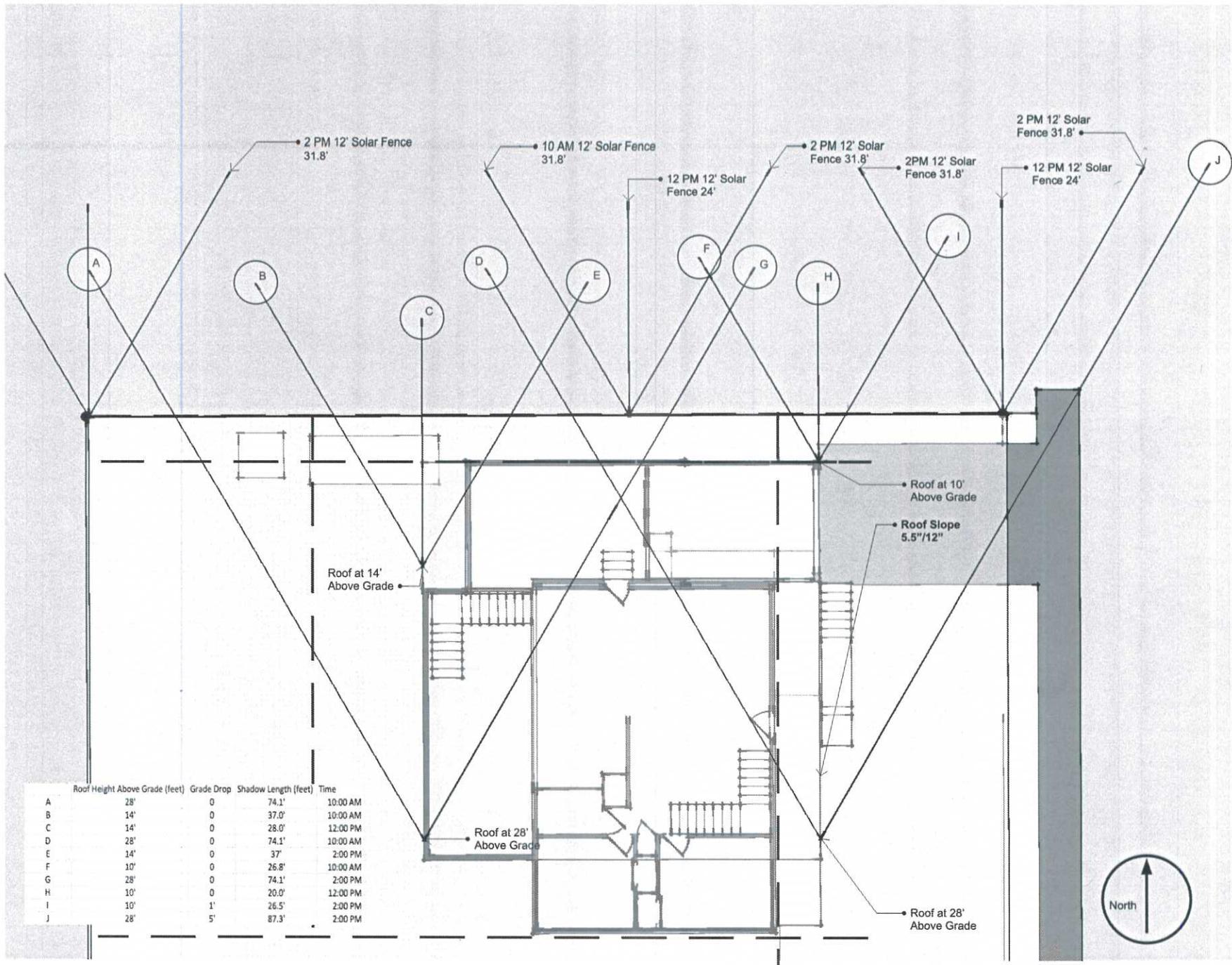
Miguel Ariza and Melissa Eaton  
 2550 Park Lane  
 Boulder, CO 80303

5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed Second Floor

**a**  
**04**



Michael A. Ellis and Melissa Eaton  
 925 37th Street  
 Boulder, CO 80303

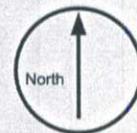
5/17/2016

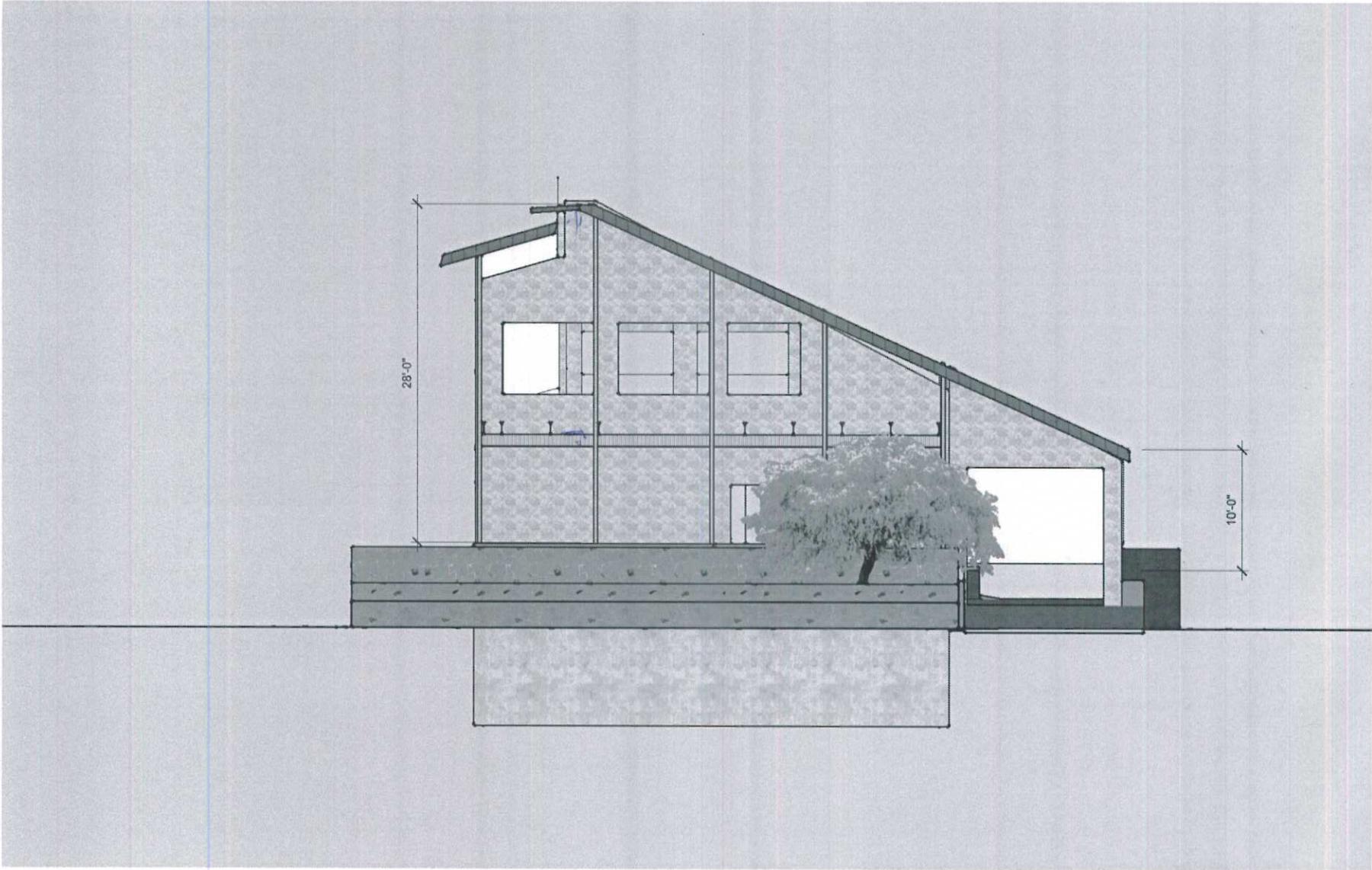
Project Name  
 925 37th Street

DRAWN BY  
 MISAP  
 DESCRIPTION  
 Solar Shadow

a

05





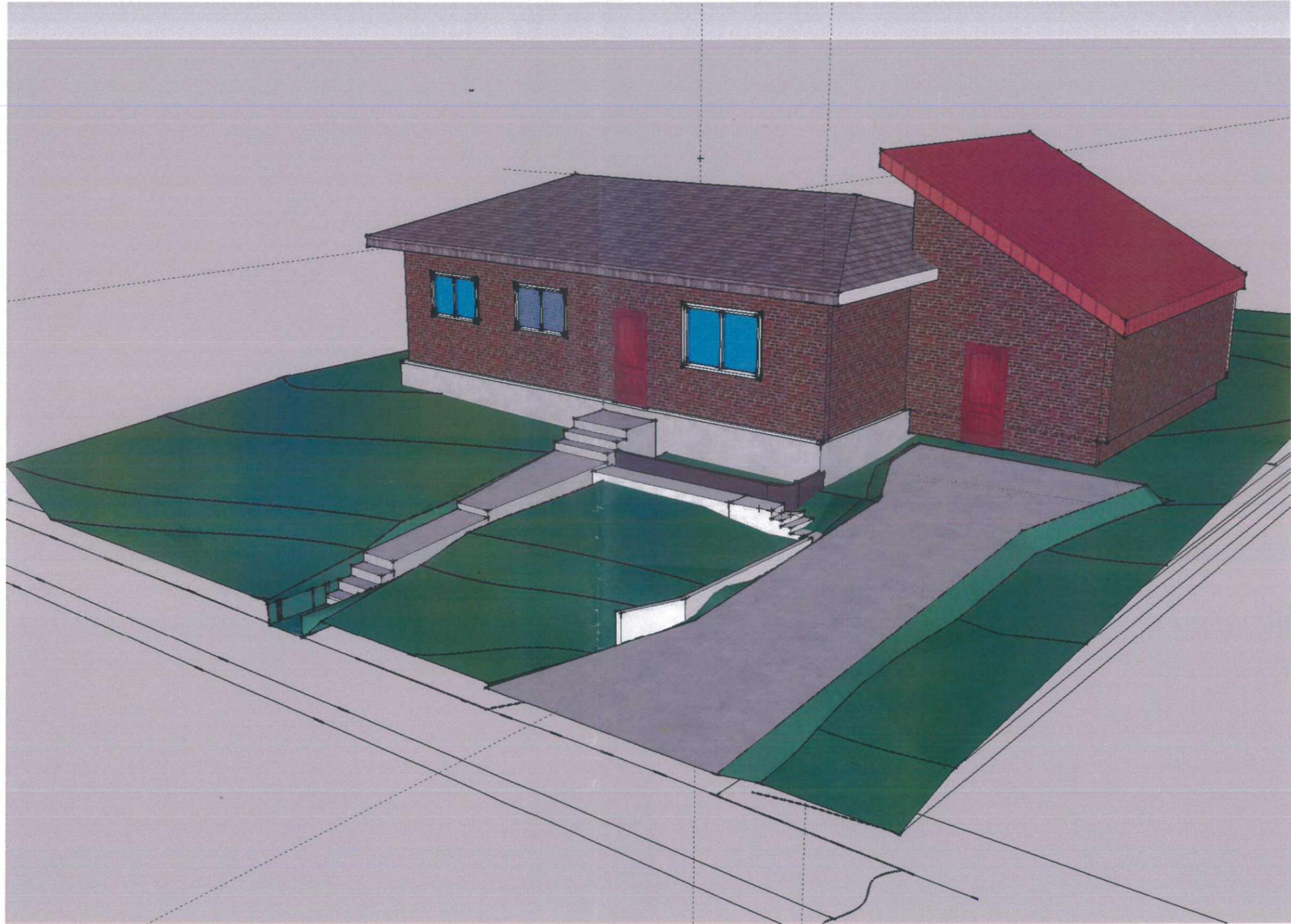
DRAWN BY  
MSAP

Project Name  
925 37th Street

5/17/2016

Michael Arles and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

**a**  
**06**



DRAWN BY  
MSAP

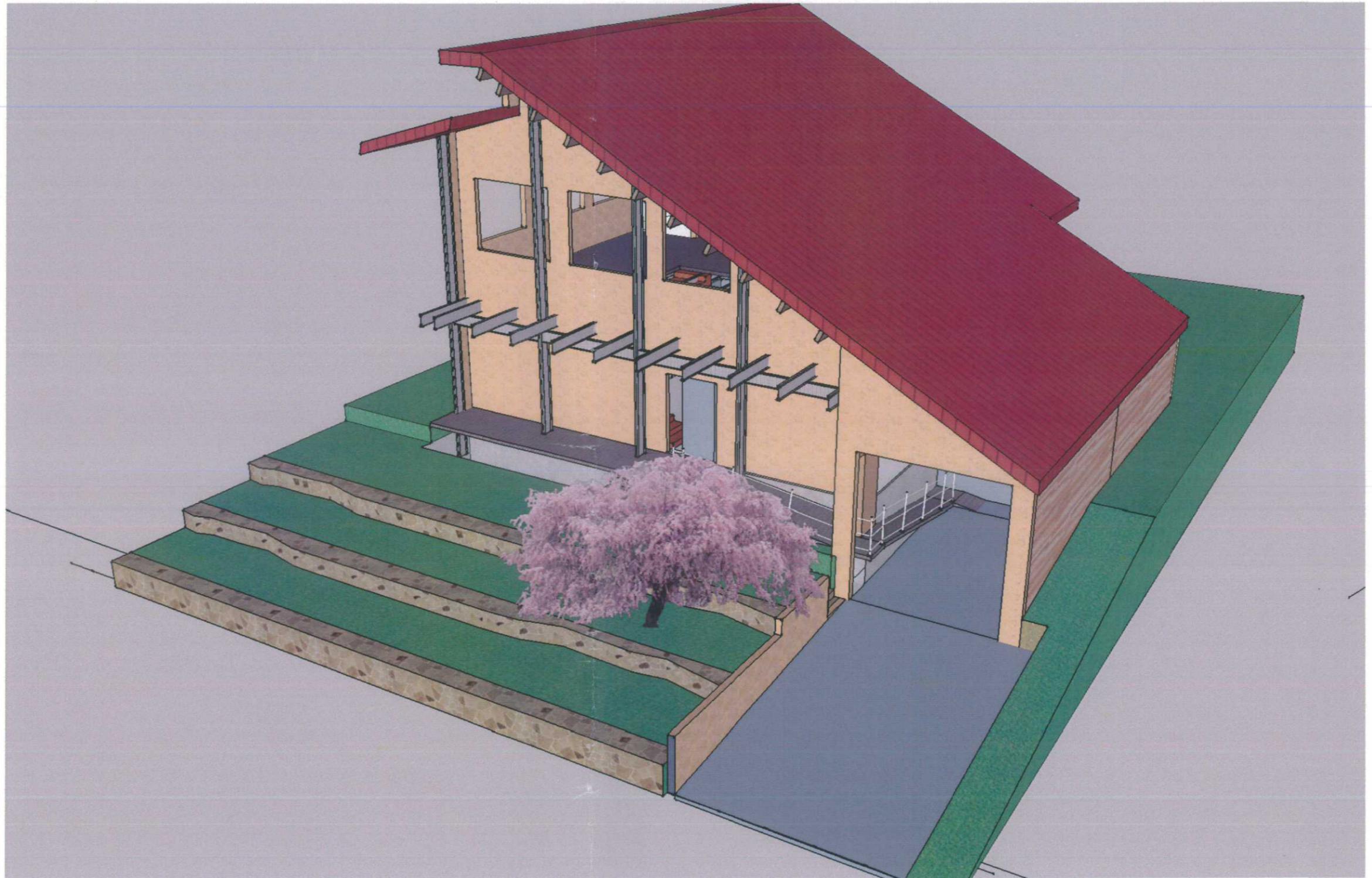
PROJECT NO.  
MSAP 2016  
PROJECT  
925 37th  
Remodel

ISSUE  
4/18/2016  
RE-ISSUE

CLIENT  
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder CO 80303

DESCRIPTION  
Existing House Isometric  
View r0





CLIENT Miguel Arias and	PROJECT 925 37th Street	PROJECT NO. 925 37th	ISSUE 4/18/2016	DRAWN BY MSAP	DESCRIPTION Remodel Isometric View
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DRAWN BY  
MSAP

PROJECT NO.  
MSAP 2016  
PROJECT  
925 37th  
Remodel

ISSUE  
4/18/2016  
RE-ISSUE

CLIENT  
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder CO 80303

DESCRIPTION  
Handicapped Access Remodel r0



**Parcel Description**

(PROVIDED BY GUARDIAN TITLE AGENCY)  
DEED RECORDED ON 11/25/2009 AT REC. NO. 3056610

LOT 12,  
BLOCK 13,  
BASELINE SUBDIVISION, FIFTH FILING,  
CITY OF BOULDER,  
STATE OF COLORADO.

# IMPROVEMENT SURVEY PLAT

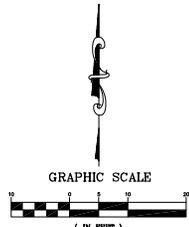
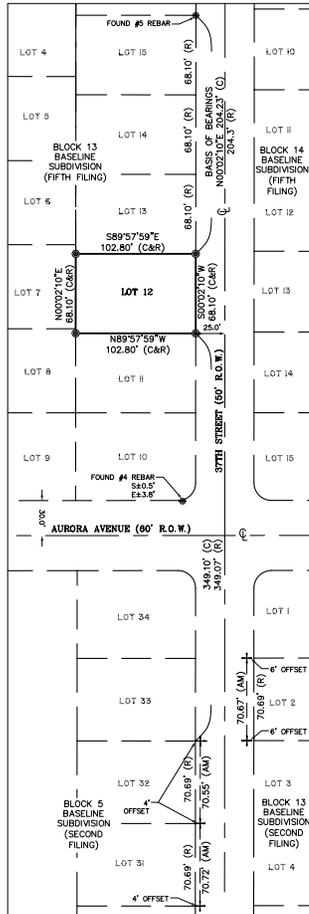
LOT 12, BLOCK 13, BASELINE SUBDIVISION, FIFTH FILING, LOCATED IN THE  
SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.,  
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

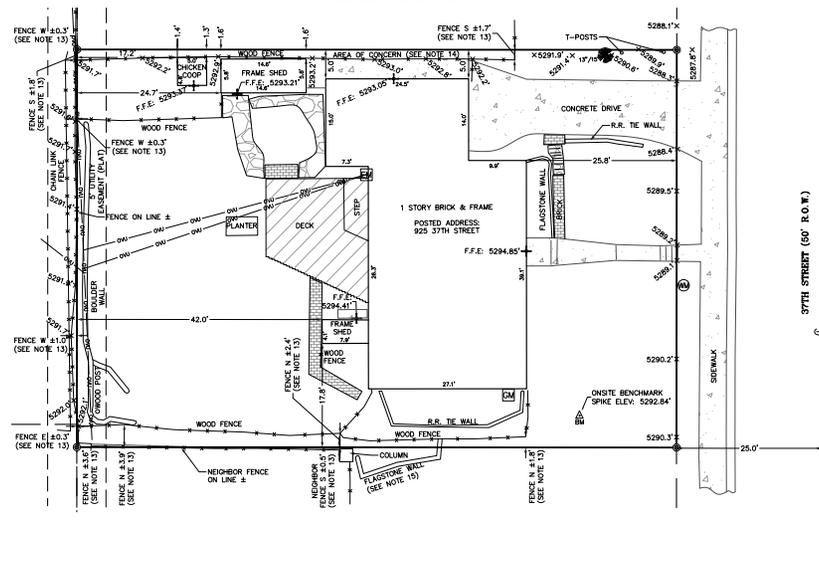
**Notes**

- GUARDIAN TITLE AGENCY POLICY NUMBER 6209-80133, DATED FEBRUARY 2, 2010 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 MIGUEL ARIAS, 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: A BEARING OF N00°02'10"E ALONG THE EASTERLY LINE OF BLOCK 13 AS SHOWN ON THE PLAT OF BASELINE SUBDIVISION (FIFTH FILING), AS RECORDED IN BOULDER COUNTY AT BOOK 7, PAGE 60, BETWEEN A FOUND #5 REBAR AT THE NORTHEAST CORNER OF LOT 15 OF SAID BLOCK 13, AND A SET #5 REBAR AT THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK 13, AND A SET #5 REBAR AT THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK 13 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. 39-1.5-103.
- 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.
- BENCHMARK INFORMATION: ELEVATIONS BASED ON CITY OF BOULDER POINT F-18, WITH A PUBLISHED ELEVATION OF 5291.08 FEET (NAVD88), BEING A CUT BOX ON THE NORTHEAST CORNER OF CONCRETE INLET, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF AURORA AND 30TH STREETS. AN ONSITE BENCHMARK WAS ESTABLISHED AT A SPIKE IN THE SOUTHEAST QUARTER OF THE PROPERTY WITH AN ELEVATION OF 5292.64'.
- SPOT ELEVATIONS SHOWN AT THE REQUEST OF THE CLIENT.
- 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: NOVEMBER 6, 2015 AND NOVEMBER 12, 2015
- THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.
- THE AREA NORTH OF THE NORTHERLY FENCE APPEARS TO BE OCCUPIED BY THE ADJOINER AND IS AN AREA OF CONCERN.
- THE SOUTHERLY NEIGHBORS' FLAGSTONE WALL EXTENDS OVER THE SOUTHERLY PROPERTY LINE AS SHOWN HEREON.
- THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE COMMITMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE COMMITMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.  
#3 APR. 10, 1961 BOOK 1179, PAGE 2 DECLARATION  
#4 NOV. 25, 2010 REC. NO. 3056611 WARRANTY DEED

**CONTRL DIAGRAM** SCALE: 1"=50'



**IMPROVEMENT DETAIL** SCALE: 1"=10'



**Legend**

- + FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRON SURV 16406"
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (R) AS PER RECORD INFORMATION
- CONCRETE
- FLAGSTONE
- BRICK
- FENCE
- CONFERRER TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
- WATER METER
- ELECTRIC METER
- OVERHEAD UTILITY LINE
- GAS METER
- + LOCATION OF FINISHED FLOOR
- ⊕ CENTERLINE
- F.F.E. FINISHED FLOOR ELEVATION

**Surveyor's Statement**

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRON, INC., TO MIGUEL ARIAS, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 6, 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, FLATIRON, INC.

BOULDER COUNTY FILE#6647 89 W SPOTS#2000 DATE11/17/2015 3:51 PM

**Boundary Closure Report**

Course: N89°57'59"W Length: 102.80'  
Course: N00°02'10"E Length: 68.10'  
Course: S89°57'59"E Length: 102.80'  
Course: S00°02'10"W Length: 68.10'

Error Closure: 0.00 Course: N00°00'00"E  
Error North: 0.000 East: 0.000

Precision 1: 341800000.00

**Depositing Certificate**

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

<p>IMPROVEMENT SURVEY PLAT</p> <p>PREPARED FOR</p> <p>MIGUEL ARIAS</p> <p>Copyright 2015 Flatiron, Inc.</p>	<p>DATE</p> <p>REVISION</p>
<p>Surveying, Engineering &amp; Geomatics</p> <p><b>Flatiron, Inc.</b></p> <p>455 COUNTY AVE. SUITE 300 3660 DOWNS ST BOULDER, CO 80501 UNIT 15 BOULDER, CO 80501 UNIT 15 TEL: (303) 441-9600 FAX: (303) 441-9600 TEL: (303) 778-4355 FAX: (303) 778-4355</p>	
<p>JOB NUMBER: 15-66,647</p> <p>DATE: 11-17-2015</p> <p>DRAWN BY: J. MCKIM</p> <p>CHECKED BY: JZG/ETB/WW/SB</p>	
<p>SHEET 1 OF 1</p>	

**CITY OF BOULDER**  
**BOARD OF ZONING ADJUSTMENT**  
**ACTION MINUTES**  
**June 9, 2016, 5 p.m.**  
**1777 Broadway, Council Chambers**

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

**Board Members Absent:** David Schafer (Chair)

**City Attorney Representing Board:** Erin Poe

**Staff Members Present:** Robbie Wyler, Cindy Spence

**1. CALL TO ORDER:**

**J. Grano** (Acting Chair) called the meeting to order at 5:01 p.m.

**2. BOARD HEARINGS:**

**A. Docket No.:** BOZ2014-17

**Address:** 603 North Street

**Applicant:** Richard Roosen

**Amended Setback Variance Description:** In consideration of new survey information, the previously approved case BOZ2014-17 is being amended to reflect the following corrections: As part of a proposal to modify an existing single family residence, including raising portions of both the first and second floor roof as well as enclosing a small exposed area on the back side of the house, the applicant is requesting a variance to the front, side and combined side yard setback requirements of the RMX-1 zoning district. The resulting front (south) yard setback will be approximately 9'-6" where 25'-0" is required and where 9'-6" exists today. The resulting east side yard setback will be approximately 4'-7" where 14'-0" is required and 4'-7" exists today. The resulting west side yard setback will be approximately 1'-0" where 10'-5" is required and where 1'-0" exists today. Additionally, as a part of the overall project the front entry porch will be widened and roof changed from flat to pitched. The resulting front setback for the covered porch will be 5'-0" where 12'-6" is required and where 9'-6" exists today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-7-4, BRC 1981.

**Staff Presentation:**

**R. Wyler** presented the item to the board.

**Board Questions:**

**R. Wyler** answered questions from the Board.

**Applicant's Presentation:**

**Brendan Kennedy**, the architect, presented the item to the board.

**Board Questions:**

None

**Public Hearing:**

No one from the public addressed the board.

**Board Discussion:**

- **M. Hirsch** stated he reviewed the item when it previously came in front of BOZA and approved. Therefore he would be in favor a approving the application once again.

**Motion:**

On a motion by **M. Hirsch**, seconded by **J. Grano**, the Board of Zoning Adjustment approved (4-0, **D. Schafer** absent) the application (**Docket 2014-17**) as submitted.

**Docket No.:** BOZ2016-11

**Address:** 603 North Street

**Applicant:** Richard Roosen

**Setback Variance:** As a part of a new proposal to add an enclosed entry/mudroom to the front of the house as well as enlarge the area of an existing rooftop deck (previously approved by BOZA), the applicant is requesting a variance to the front (south) yard setback and the side (west) yard setbacks. The resulting front yard setback for the new entry will be approximately 3'-6" where 25 feet is required and where approximately 9'-6" exists today. The resulting west side yard setback for the new entry will be approximately 8'-2" where 10'-5" is required and where 1'-0" exists today. For the rooftop deck, the resulting west side yard setback will be approximately 6'-6" (taken from the spiral stairs which were previously approved by BOZA) where 10'-5" is required and 1'-0" exists today. A proposal to enlarge the size of the rooftop deck area within the BOZA approved setbacks is proposed at this time. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

**Staff Presentation:**

**R. Wyler** presented the item to the board.

**Board Questions:**

**R. Wyler** answered questions from the Board.

**Applicant's Presentation:**

**Brendan Kennedy**, the architect, and **Richard Roosen**, the owner, presented the item to the board.

**Board Questions:**

**Brendan Kennedy**, the architect, and **Richard Roosen**, the owner, answered questions from the Board.

**Public Hearing:**

No one from the public addressed the board.

**Board Discussion:****Key Issue #1: Mud Room Addition**

- **J. Lester** agreed that the proposed addition would be consistent with the neighborhood and that it would allow for better functionality. She expressed concern with the multiple requests from one applicant over a period of time.
- **M. Hirsch** agreed that the multiple requests is concerning and that if all the requests had been submitted as one application, perhaps they would not have been approved. He stated that functionality is paramount but the home is small. He would prefer to see the space open rather than enclosed, however he would be inclined to approve the space enclosed at four feet rather than six feet because it would be in line with the front yard setback. He had little concern with the proposed west side setback.
- **J. Lester** agreed that the proposed mud room should be smaller because of what was previously approved, however if it were larger, it would be more functional.
- **E. McCready** stated that she would be more comfortable with same front yard setback as previously approved. The previous approval was sufficient but now with this additional request the mudroom is growing.
- **J. Lester** clarified that with the by addressing the proposed depth of the mudroom, the front yard would become very tight. She understood that changes to the original plan can occur; therefore she would be open to discussion regarding the new proposal. The layering of requests by the applicant is a struggle.
- **J. Grano** agreed with discussed layer piece. She reminded the board that unusual physical circumstances need to be considered. The right-of-way appears to be the yard. She questioned if the city has rules regarding how much of a right-of-way could be considered, because this property appears farther back than other homes in the neighborhood.
- **M. Hirsch** stated he would be inclined to approve the proposal at the original approved depth and allow the enclosure.
- **E. McCready** agreed. She added that if the proposal had been at the previous depth but enclosed, she would be in favor if it allowed for a door to open.
- **M. Hirsch** suggested installing a commercial door so it would swing outward rather than inward.
- **J. Grano** agreed that an unusual physical circumstance exists on the lot and felt as if six feet would be a minimal relief. She would be comfortable with the design as proposed.
- **J. Lester** stated that she did not see a significant enough difference.
- **E. McCready** understands that the current proposal would be the minimum amount of space that can be afforded for functionality. She would be in favor of the proposal as presented.
- **J. Lester** agreed to the functional aspect of the proposal.

## **Key Issue #2: Roof Top Deck Expansion**

- **J. Grano** declared that the roof top deck expansion is not a case of minimal relief. She clarified with staff that the justification for the applicant to ask for a wider deck was that BOZA had previously approved the spiral staircase which jutted into the setback.
- **E. McCready** stated that the roof top deck should be smaller. She questioned why this is being reviewed again.
- **M. Hirsch** expressed concern that previously a smaller version had been approved, but now the applicant has return to the larger, original request.
- **E. McCready** added that from a design perspective, the roof top deck does not look out of place.
- **M. Hirsch** disagreed, however mentioned that BOZA is not a design board.
- **J. Lester** stated that the deck may not impact anyone and would do no harm, yet it would be important to the owners. She stated that this board needs to look at minimum relieve criteria and what basis would it be approved since there would be no hardship.
- **J. Grano** added that the board would need to look at the unusual circumstances of the lot, which is smaller than normal. However this was known at the purchase of the lot and small lots should not be afforded the ability to build as if they were large lots. She explained that she was comfortable with the mudroom because one of the unusual circumstances was right-of-way; therefore it appears to be setback very far. With the roof top deck, normal setbacks are being considered. In terms of minimum relief needed, she did not see a need to be certain size. She does not see the hardship.
- **M. Hirsch** reminded the board the basic charge of BOZA members to allow variances, hardships or needs, but stay true to the zoning established in the district. Neighborhood zoning should not be altered to allow exceptions.
- **E. Poe** stated that hardship is not criteria, but more the circumstances of the lot. She defined minimum relief.
- **E. McCready** stated that by going through the layers of variances, a president is being set for the roof top deck as a whole. Visually, she is not opposed to the proposed additional width, because functionally it would be the minimal amount to afford relief and she would in favor of the proposal.
- **J. Grano** added that the additional width would be the least modification. She stated that she has no issues with the proposal from a design or street perspective. She said it is difficult for her to see as minimal relief.
- **M. Hirsch** stated that the board had denied the additional width previously and reduced the deck.
- **J. Lester** argued that the board could discuss at length what the minimum necessary to be functional is. She asked **E. Poe** for legal guidance regarding repeatedly coming back to BOZA.
- **E. Poe** explained the Code allows applicants to come in front of BOZA as often as they want when they pay the application fee unless denied. She defined circumstances why people come back repeatedly to BOZA.
- **E. McCready** stated that the applicants could make the deck even larger by right, yet they are only proposing to make it only two feet larger, therefore, that is why this

situation would be minimal relief. She added that it would not be about space and length, but about a true dimension.

- **J. Lester** stated that she is leaning towards approval.

**Motion:**

On a motion by **J. Lester**, seconded by **E. McCready**, the Board of Zoning Adjustment approved (3-1, **M. Hirsch** opposed, **D. Schafer** absent) the application (**Docket 2016-11**) as submitted.

**B. Docket No.:** BOZ2016-13

**Address:** 925 37<sup>th</sup> Street

**Applicant:** Miguel Arias & Melissa Eaton

**Setback Variance:** As a part of a proposal for a second story addition and remodel of an existing residence, including a proposal to construct a new attached garage, the applicants are requesting a variance to the front yard (east) setback. The resulting front yard setback will be approximately 19'-0" where 25'-0" is required and where approximately 25.8' exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

**Staff Presentation:**

**R. Wyler** presented the item to the board.

**Board Questions:**

**R. Wyler** answered questions from the Board.

**Applicant's Presentation:**

**Miguel Arias**, the applicant, presented the item to the board.

**Board Questions:**

**Miguel Arias**, the applicant, answered questions from the Board.

**Public Hearing:**

No one from the public addressed the board.

**Board Discussion:**

- **J. Lester** stated that she is not comfortable with the proposed mass.
- **E. McCready** clarified with staff that the board would be approving the portion of the garage that is within the front yard setback tonight.
- **J. Grano** also clarified the roof line as proposed may alter the character of the neighborhood and be out of compliance, however the board could be potentially comfortable with the hardship and relief by having the garage at nineteen feet. Potentially there could be approval of the nineteen feet conditional upon taking the garage roof down due to neighborhood character.
- **J. Lester** stated that the proposal would not be in keeping with the character of the neighborhood nor would be the minimum relief as presented in terms of the mass

above the length of garage as requested. She felt there could be other solutions that could work for the roof line.

- **J. Grano** suggested the board discuss the proposal in two segments – the 19 vs. 25 foot setback and the alteration of the garage massing.
- **M. Hirsch** informed the board that the perceived mass is a use by right mass.
- **J. Grano** mentioned that the board would have purview if they feel the proposal fundamentally alters the neighborhood’s character.
- **M. Hirsch** argued that neighborhoods evolve and he appreciates some eclectic design and variance. The mass would be occurring in the use by right. He would allow the garage as depicted but not the six foot roof overhang.
- **E. McCready** stated the current proposed garage roof pitch would be a large mass and tall.
- **J. Lester** reaffirmed that the mass over the garage could be reduced and it would not be the minimal necessary. She stated that she cannot approve this unless there is a condition to reduce the roof to a 3:12 pitch, or minimum roof pitch, breaking up the mass at the front of the garage. She advised that the roof not be a flat roof.
- **E. McCready** agreed with **J. Lester**. The mass which extends past the house is not a minimal variance and clarified that it would pertain only to the width of the garage, not the width of the entire structure.
- **J. Grano** supports **J. Lester** and **E. McCready**.
- **M. Hirsch** would approve as submitted, with the exception of the six foot overhang on the roof.
- The board discussed a possible continuance of this item. The board advised a continuance due to the direction given to reduce the mass and break the roof over the garage with the intention to not adversely affect the neighborhood.

**Motion:**

On a motion by **J. Lester**, seconded by **E. McCready**, the Board of Zoning Adjustment voted to continue (4-0, **D. Schafer** absent) the application (**Docket 2016-13**) for 30 days, to be presented at the next Board of Zoning Adjustments meeting, July 14, 2016.

**C. Docket No.:** BOZ2016-14

**Address:** 903 16<sup>th</sup> Street

**Applicant:** Chris Maurer

**Setback Variance:** As a part of a proposal to replace an existing non-standard stair, the applicants are requesting a variance to the side yard landscape from a street (south) setback. The resulting side yard landscape from a street will be approximately 6’-7” where 12’-6” is required and where approximately 3’-7 ¼” exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

**Staff Presentation:**

**R. Wyler** presented the item to the board.

**Board Questions:**

**R. Wyler** answered questions from the Board.

**Applicant's Presentation:**

None

**Board Questions:**

None

**Public Hearing:**

No one from the public addressed the board.

**Board Discussion:**

- **M. Hirsch** agreed that repairs need to be made and therefore would be in favor of approval.

**Motion:**

On a motion by **M. Hirsch**, seconded by **J. Grano**, the Board of Zoning Adjustment approved (4-0, **D. Schafer** absent) the application (**Docket 2016-14**) as submitted.

**D. Docket No.:** BOZ2016-15

**Address:** 2515 7<sup>th</sup> Street

**Applicant:** Jennifer Kilbury

**Setback Variance/ Building Separation Variance/ Building Coverage**

**Variance/Parking in Landscape Setback:** As a part of a proposal to construct a single story addition to an existing non-standard building on a non-standard lot, the applicant is requesting a variance to the rear yard (west) setback, the minimum building separation requirement, the maximum building coverage limitation, and the minimum front yard (east) landscape setback for parking areas. The resulting rear yard setback will be of 5'-2" where 25' is required, and where 22'-0" exists today. The resulting building separation will be 5'-0 1/2", where 6'-0" is required, and where approximately 16'-0" exists today. The resulting total building coverage will be 1,124 sq. ft. where 1,009 sq. ft. is the maximum allowed. Lastly, the resulting front yard (east) landscape setback for parking will be 0'-0" where 25'-0" is required. Sections of the Land Use Code to be modified: Section 9-7-1 & 9-7-11, BRC 1981.

**Staff Presentation:**

**R. Wyler** presented the item to the board.

**Board Questions:**

**R. Wyler** answered questions from the Board.

**Applicant's Presentation:**

None

**Board Questions:**

**Matthew Hutchinson**, the builder representing the applicant, answered questions from the Board.

**Public Hearing:**

No one from the public addressed the board.

**Board Discussion:**

- **M. Hirsch** mentioned that a six foot rule exists for fire code purposes. He approves of the existing fireplace jutting out from wall as it gives some character. He stated that he has no issues with the proposal and a modest request.
- **E. McCready** stated that she sees no reason to vary the building separation by six inches for the chimney since other options exist.
- **J. Grano** questioned if the plan is to remove the existing chimney since does not appear on the plans. It appears that the plan is to remove it.
- **E. McCready** stated that the parking segment of the proposal is not approved and therefore irrelevant. She supports the coverage portion of the request, with the exception of the building separation.
- **J. Lester** is unclear if the board can approve the building separation as it is a building code issue.
- **J. Grano** suggested that if BOZA deemed it were the minimum relief needed, then the fire department could determine the remainder.
- **E. McCready** reiterated that six inches would not be a necessary variance.

**Motion:**

On a motion by **M. Hirsch**, seconded by **J. Grano**, the Board of Zoning Adjustment approved (4-0, **D. Schafer** absent) the building coverage and the rear yard setback as it meets the criteria of the application (**Docket 2016-15**).

On a motion by **M. Hirsch**, seconded by **J. Grano**, the Board of Zoning Adjustment denied (4-0, **D. Schafer** absent) the additional parking spot in the front yard setback as well as the building separation as presented on the south side of the property as it does not meet 5C minimum relief (**Docket 2016-15**).

**3. GENERAL DISCUSSION:**

**A. Approval of Minutes**

On a motion by **E. McCready** seconded by **J. Grano**, the Board of Zoning Adjustments voted 4-0 (**D. Schafer** absent) to approve the May 19, 2016 minutes.

**B. Matters from the Board**

- **M. Hirsch**, in terms of criteria for smaller buildings being brought in front of BOZA, stated that he disagreed. The smaller structures are important and issue such as a “stair repair” should not have to go through BOZA. Many repairs to structures are not being implemented because they do not wish to go through the process, which can create life safety issues.
- **R. Wyler** suggested that the board could address this issue in their annual letter to City Council.

**C. Matters from the City Attorney**

- **E. Poe** updated the board regarding the Barbara Turner case (BOZ2015-11). The court ruled in favor of BOZA's decision. Intent to appeal has been filed by Ms. Turner.

**D. Matters from Planning and Development Services**

- **R. Wyler** informed the board that the upcoming BOZA meeting on July 14, 2016 would be held in the Main Library, Boulder Creek Room.

**4. ADJOURNMENT:**

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 7:58 P.M

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE