



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

**DATE:** Thursday, August 11, 2016

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

**PLACE:** Council Chambers, 1777 Broadway, 2<sup>nd</sup> Floor

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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**

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

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

**Applicant:** Miguel Arias & Melissa Eaton

**Setback Variance:** (*Continuance From July 14, 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.

**B. Docket No.: BOZ2016-16**

**Address:** 2069 Bluff Street

**Applicant:** James and Leah Brasseir

**Side Yard Wall Articulation Variance:** As a part of a proposal to remove an existing sunroom and to construct a new entry and 2<sup>nd</sup> floor room above, the applicants are requesting a variance to the Side Yard Wall Articulation standards for the resulting wall. The proposed wall will be 43' in length where the maximum allowed wall length is 40' (for walls within 14' of the side yard property line that are in excess of 14' in height). Section of the Land Use Code to be modified: Section 9-7-10, BRC 1981.

**C. Docket No.: BOZ2016-17**

**Address:** 3212 9<sup>th</sup> Street

**Applicant:** Karl and Carrie Poehls

**Setback Variance:** As a part of a proposal for a remodel and four new dormers above an existing two-story non-standard residence, and a new two story addition to the rear; in a circumstance where portions of the existing structure (walls and roof sections that are located within the minimum required setbacks) were impacted by demolition work that included the removal of exterior wall siding and interior sheathing (plaster, drywall, paneling, etc.) along with roof sheathing and shingles; the applicants are requesting a variance to the front yard (west) setback. The variance request applies to the lower and upper level west facing wall and portions of the side walls (along the north and south sides of the residence that run west to east) existing roof sections and new dormers all within the front yard 25' setback. More specifically, the proposal is associated both with all impacted portions of the non-standard building and two of the new dormers that are located between the existing 19.41' front yard setback and the minimum 25' front yard setback requirement of the RL-1 zoning district. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

**3. GENERAL DISCUSSION**

**A. Approval of Minutes:** The [July 14, 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**

For more information, call Brian Holmes or Cindy Spence at 303-441-1880 or via e-mail [holmesb@bouldercolorado.gov](mailto:holmesb@bouldercolorado.gov). Board packets are available at the Boulder Public Main Library's Reference Desk, or at the Planning & Development Services (P&DS) reception area.

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

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

**CALL TO ORDER**

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

**AGENDA**

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

**ACTION ITEMS**

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

**1. Presentations**

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

**2. Public Hearing**

Each speaker will be allowed an oral presentation.\*

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

**3. Board Action**

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

**MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY**

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

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

August 5, 2016  
Updated Materials / BOZ2016-13  
925 37<sup>th</sup> Street Front Yard Setback Variance Request

**Board of Zoning Adjustment:**

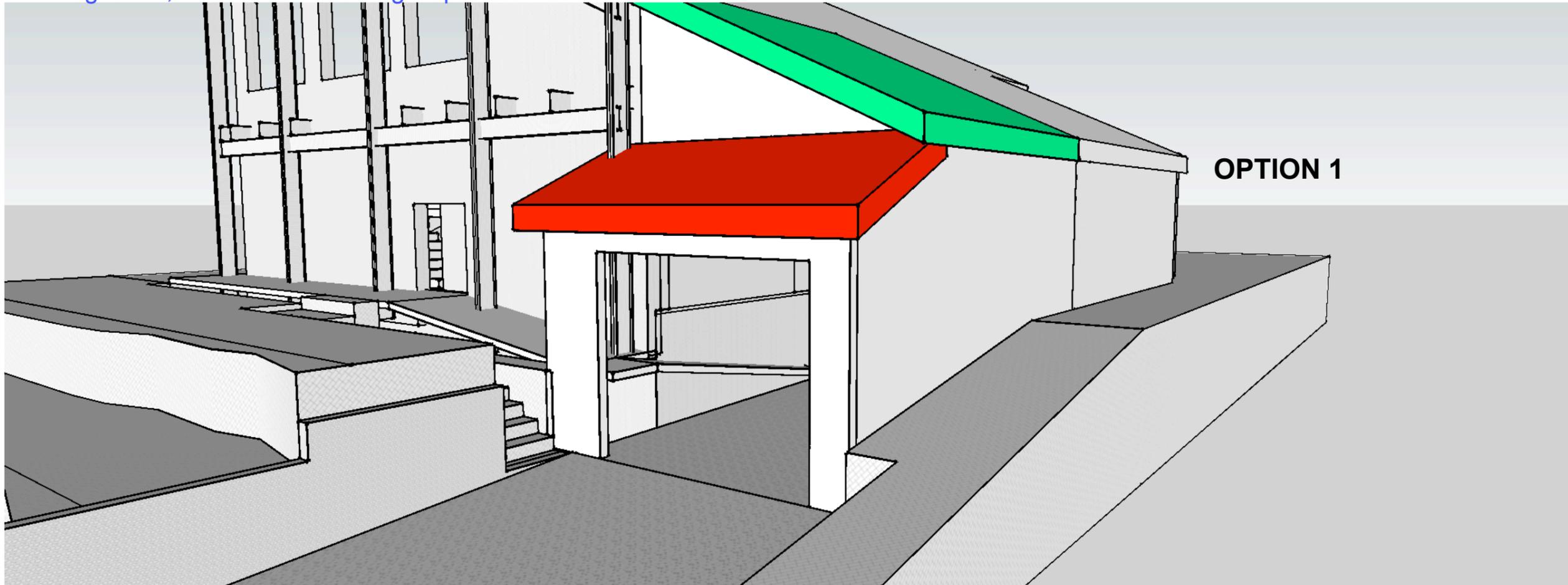
BOZ2016-13 was continued at the July 14, 2016 BOZA meeting following a continuance from the June 9, 2016 BOZA meeting and is returning to the August 11, 2016 meeting with updated materials. Per the request of the Board at the June meeting the applicant, Miguel Arias, has provided updated garage design options. The remainder of the materials are what was presented at the meetings in June and July and have not changed.



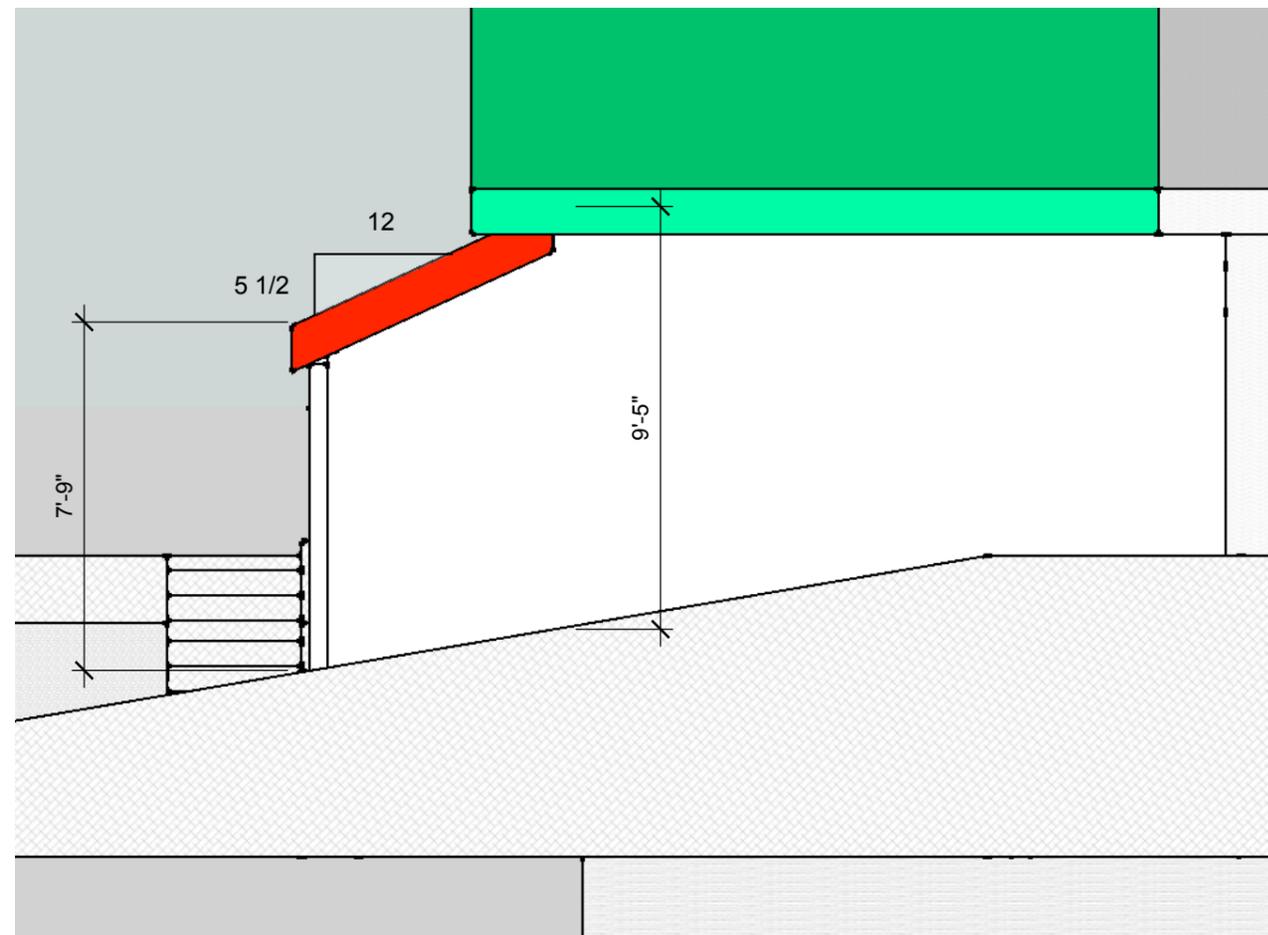
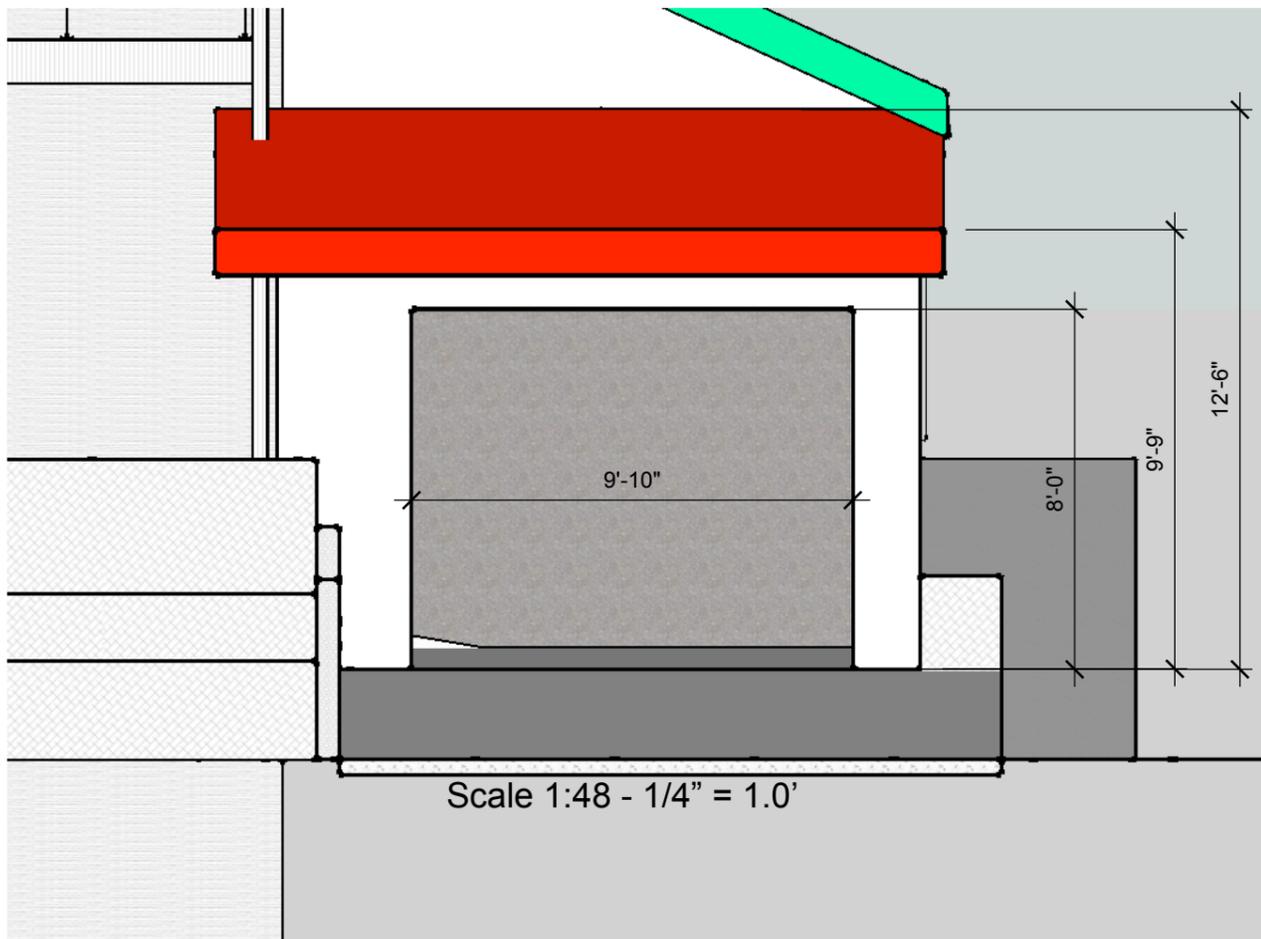
**Robbie Wyler**  
Assistant Zoning Administrator



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



OPTION 1



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

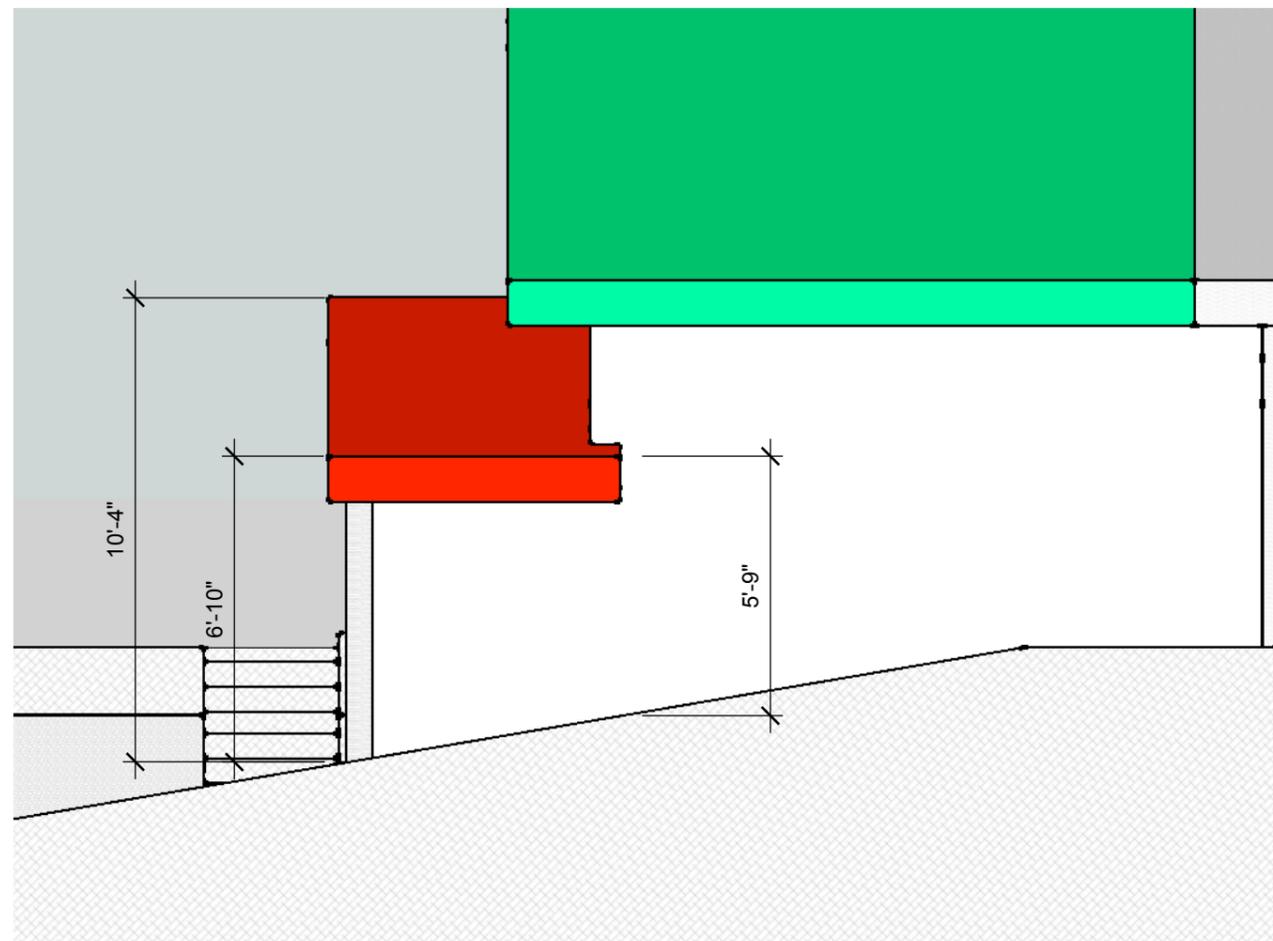
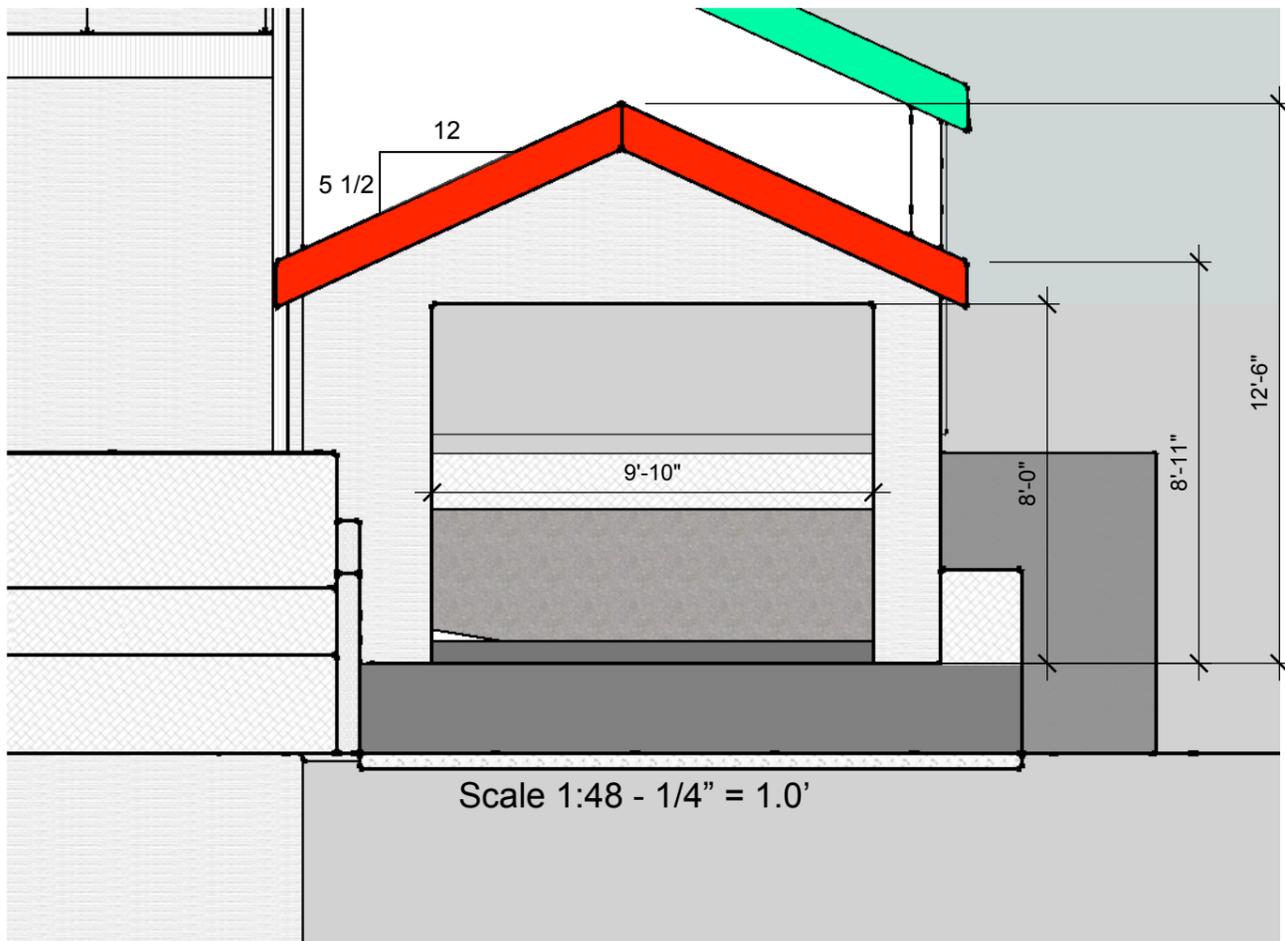
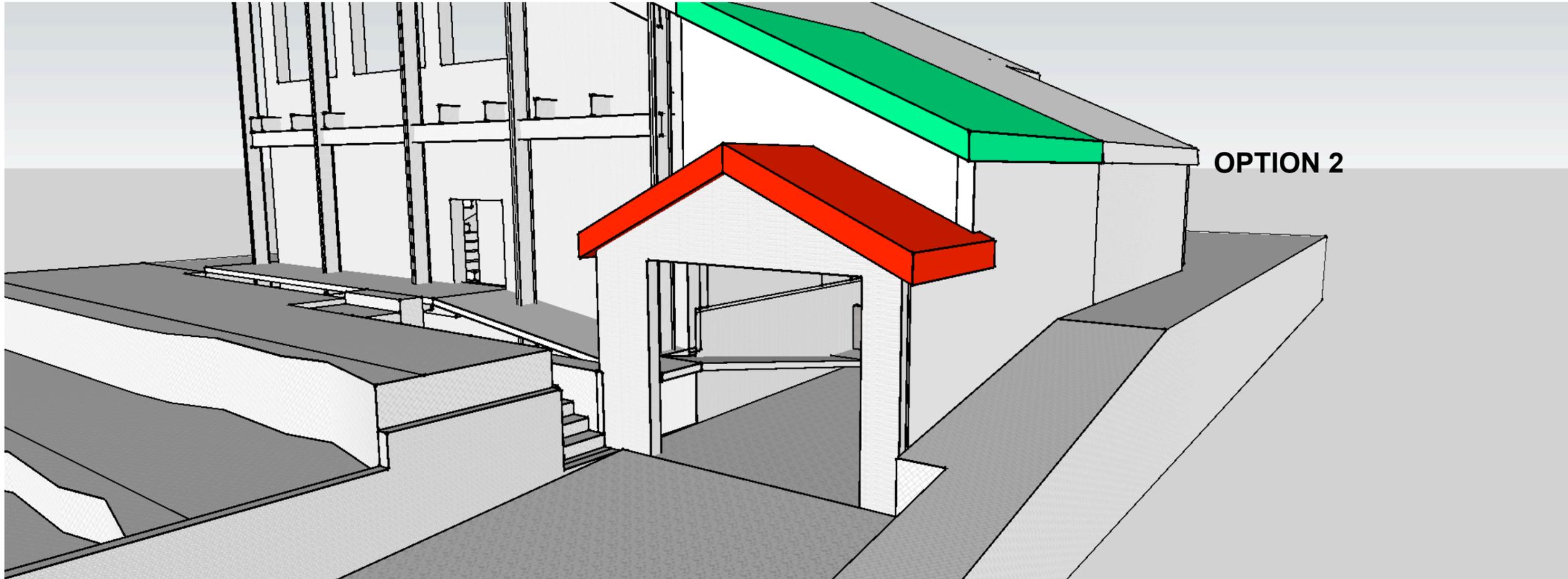
7/25/2016

Project Name  
925 37th Street

DRAWN BY  
MSAP

**a**

**01**



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

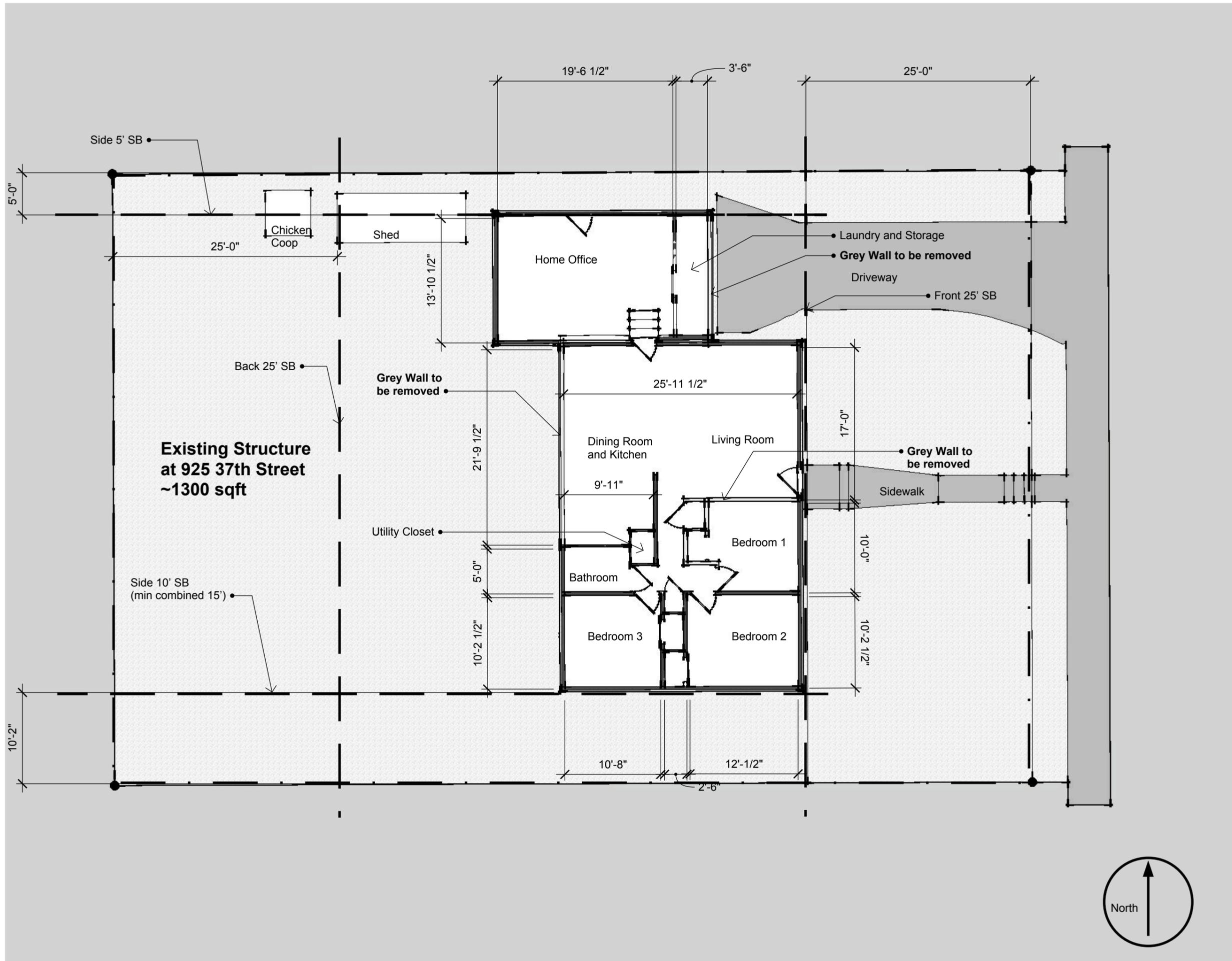
7/25/2016

Project Name  
925 37th Street

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MSAP

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02



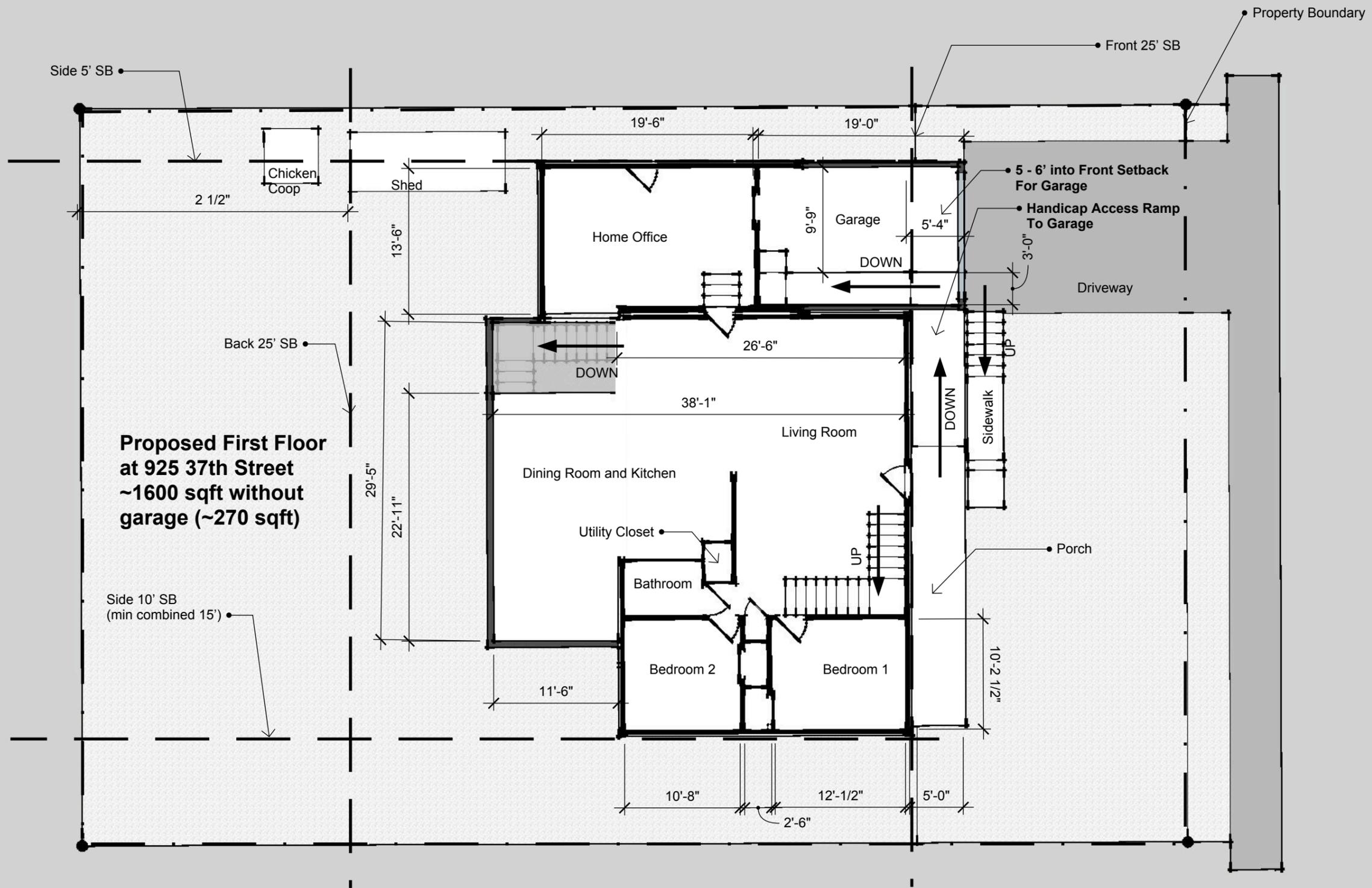
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

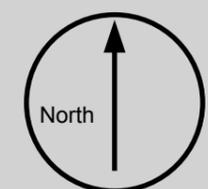
Project Name  
925 37th Street

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MSAP  
DESCRIPTION  
Existing Structure





**Proposed First Floor  
at 925 37th Street  
~1600 sqft without  
garage (~270 sqft)**



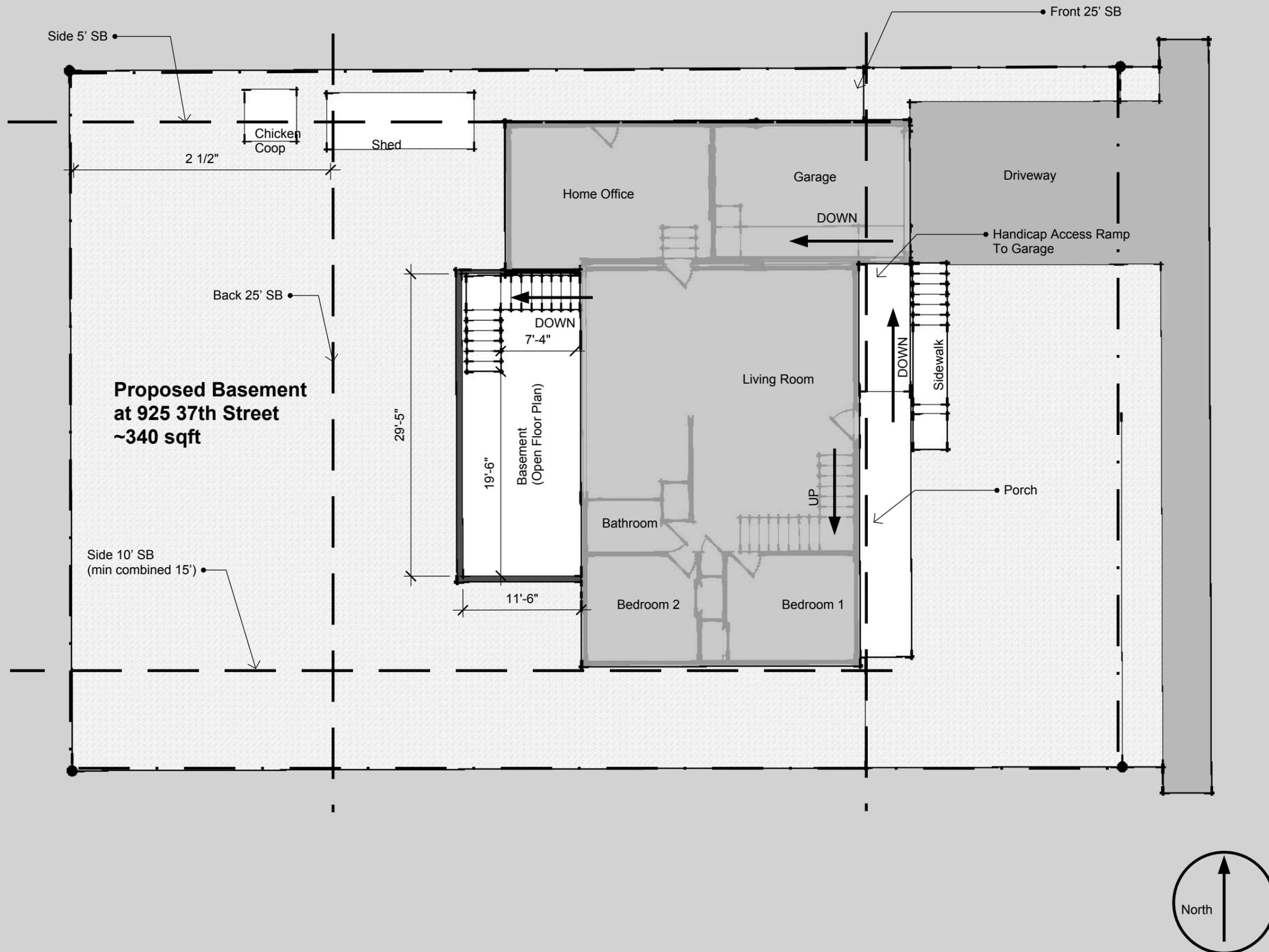
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

Project Name  
925 37th Street

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DESCRIPTION  
Proposed First Floor





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

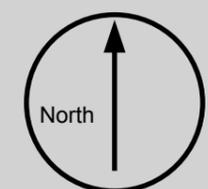
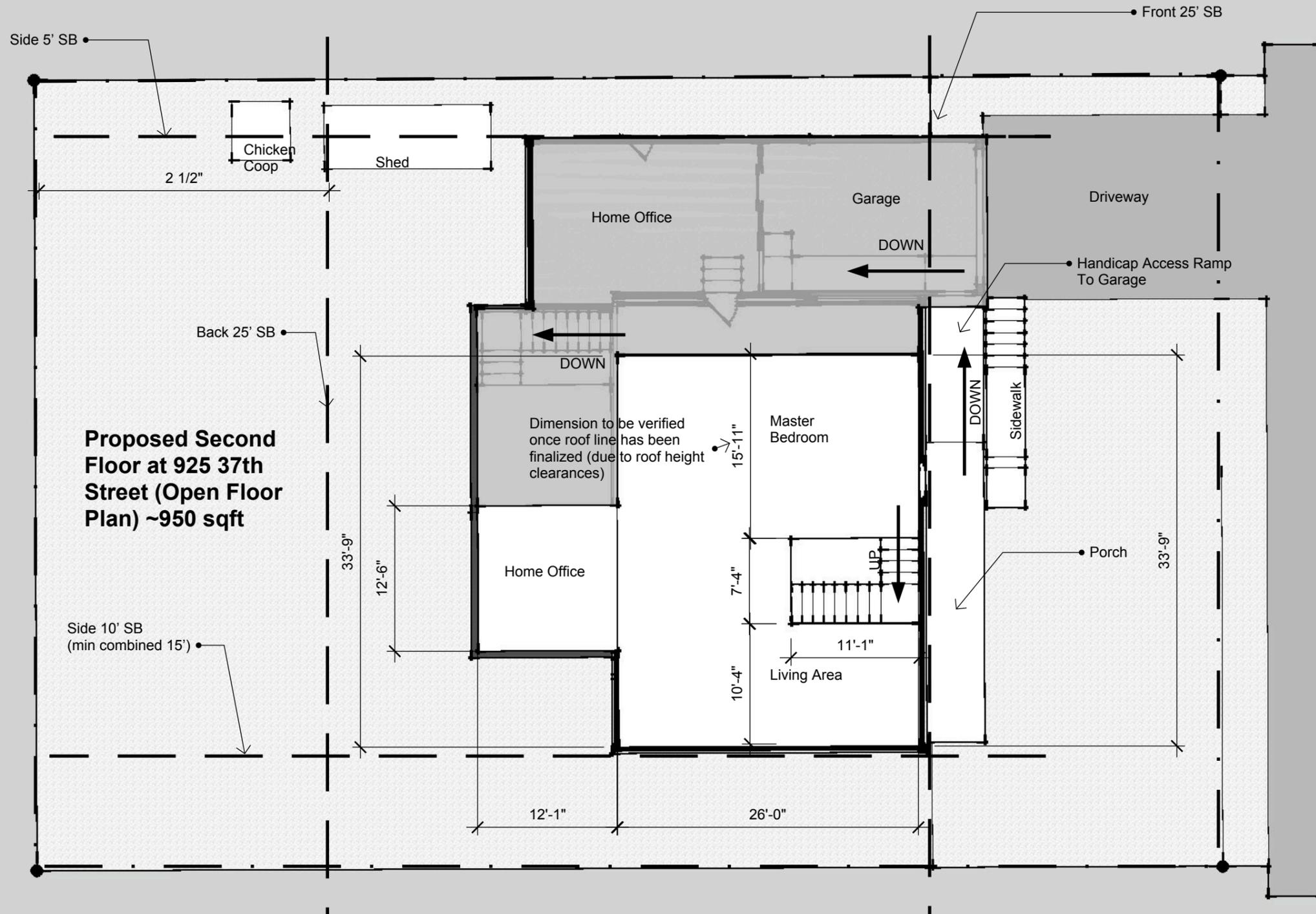
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

6/21/2016

Project Name  
925 37th Street

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**MSAP**  
DESCRIPTION  
Proposed Basement





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

6/21/2016

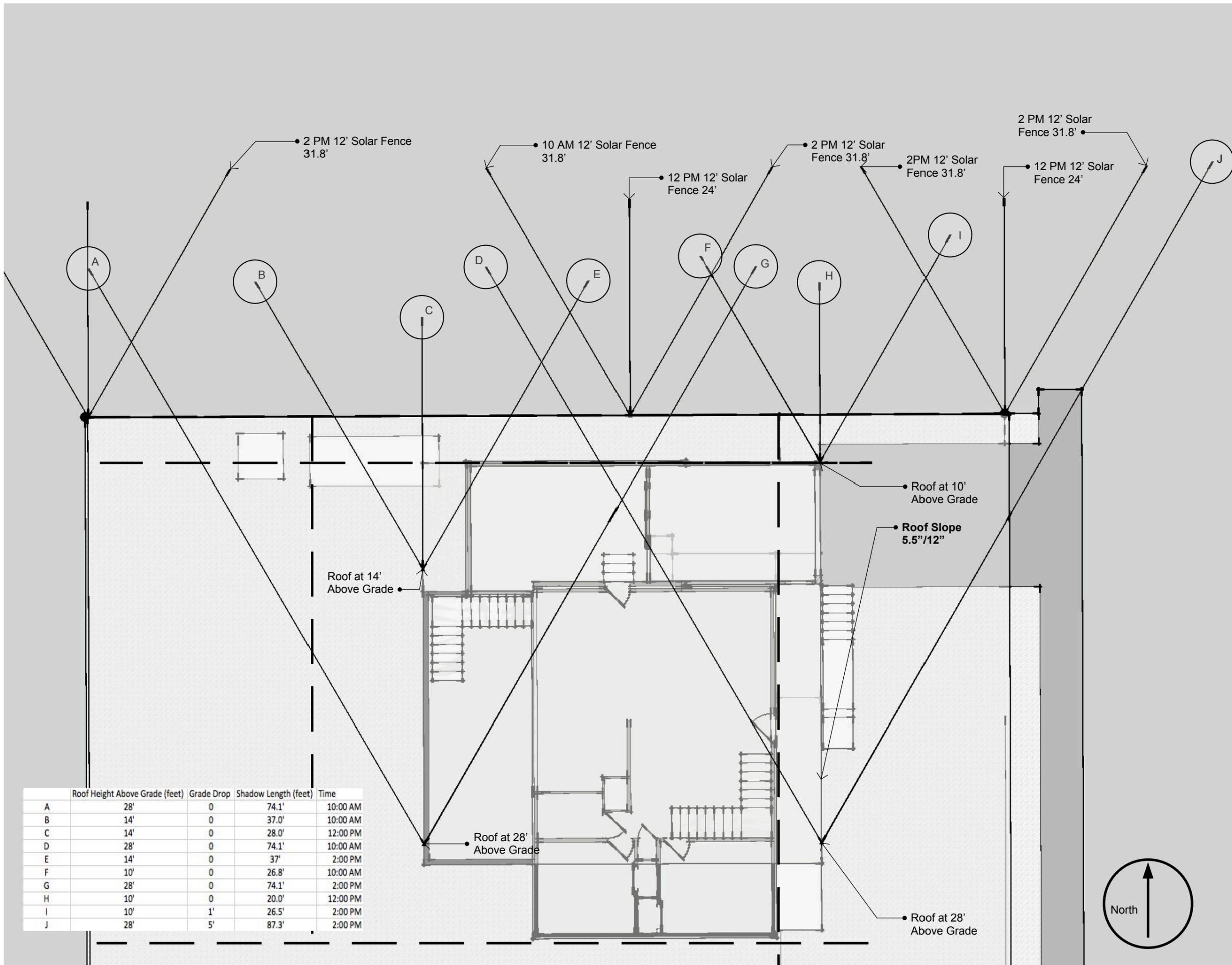
Project Name  
925 37th Street

DESCRIPTION  
Proposed Second Floor

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MSAP

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**04**



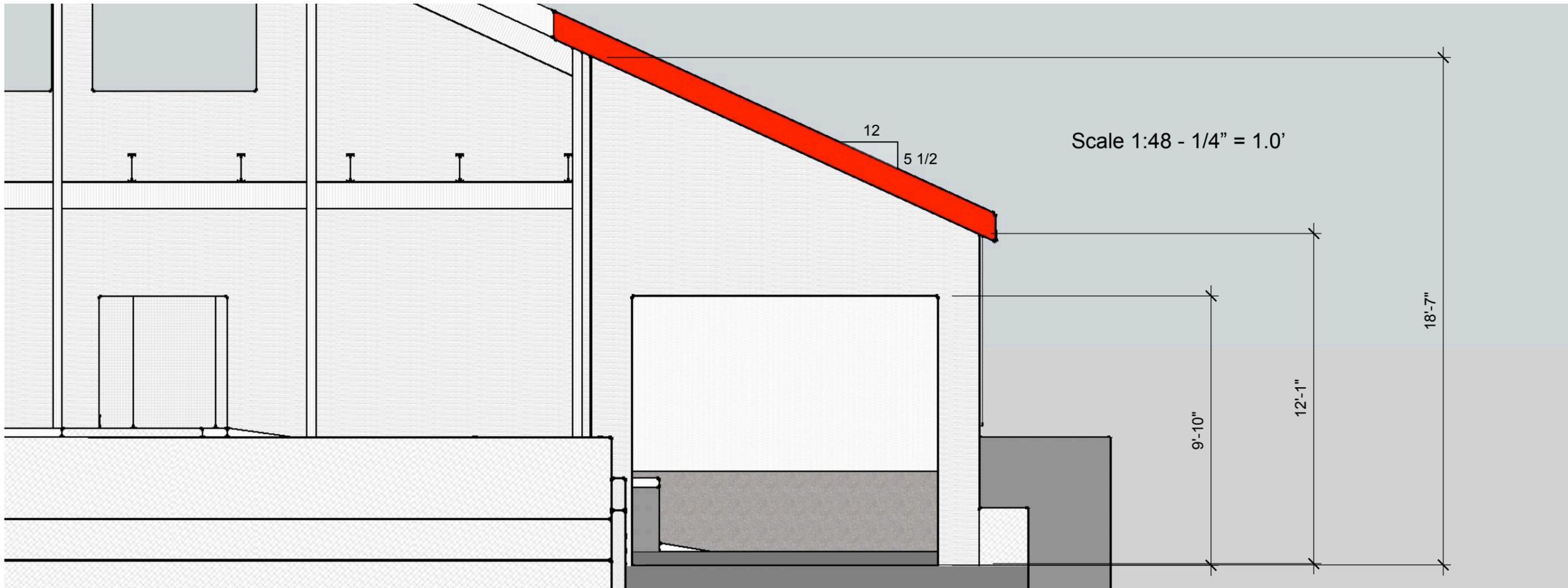
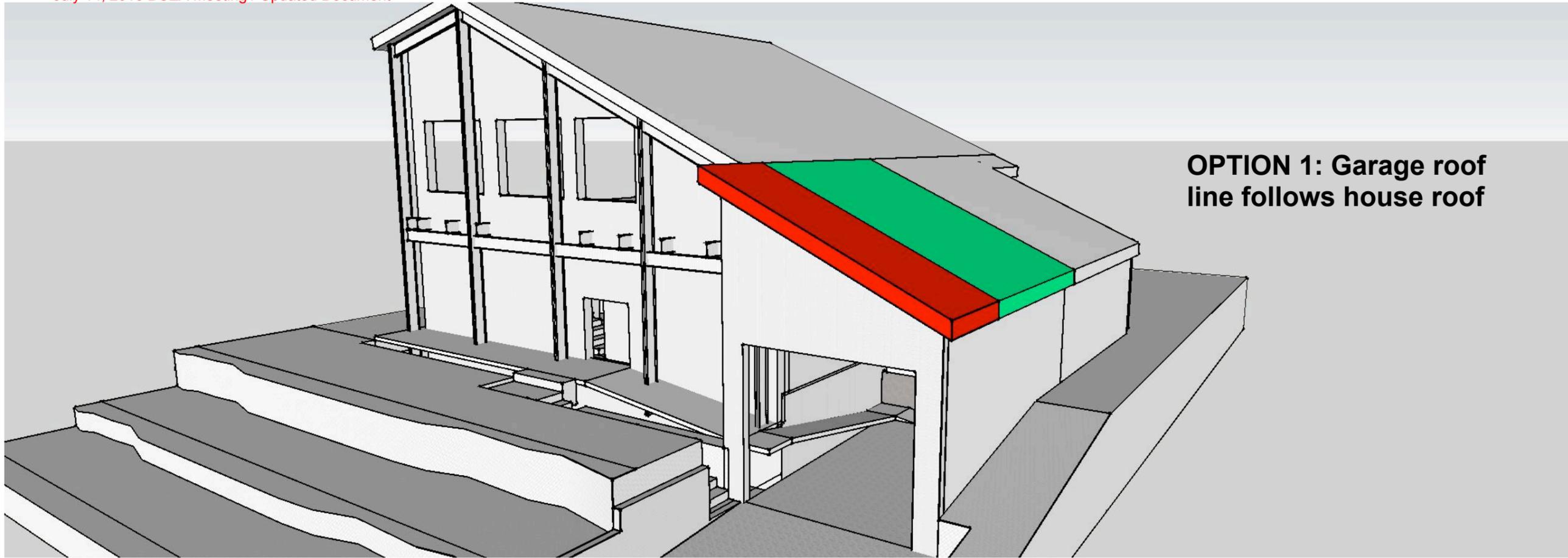
Miguel Arias and Melissa Eaton  
 925 37th Street  
 Boulder, CO 80303

6/21/2016

Project Name  
 925 37th Street

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 MSAP  
 DESCRIPTION  
 Solar Shadow





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

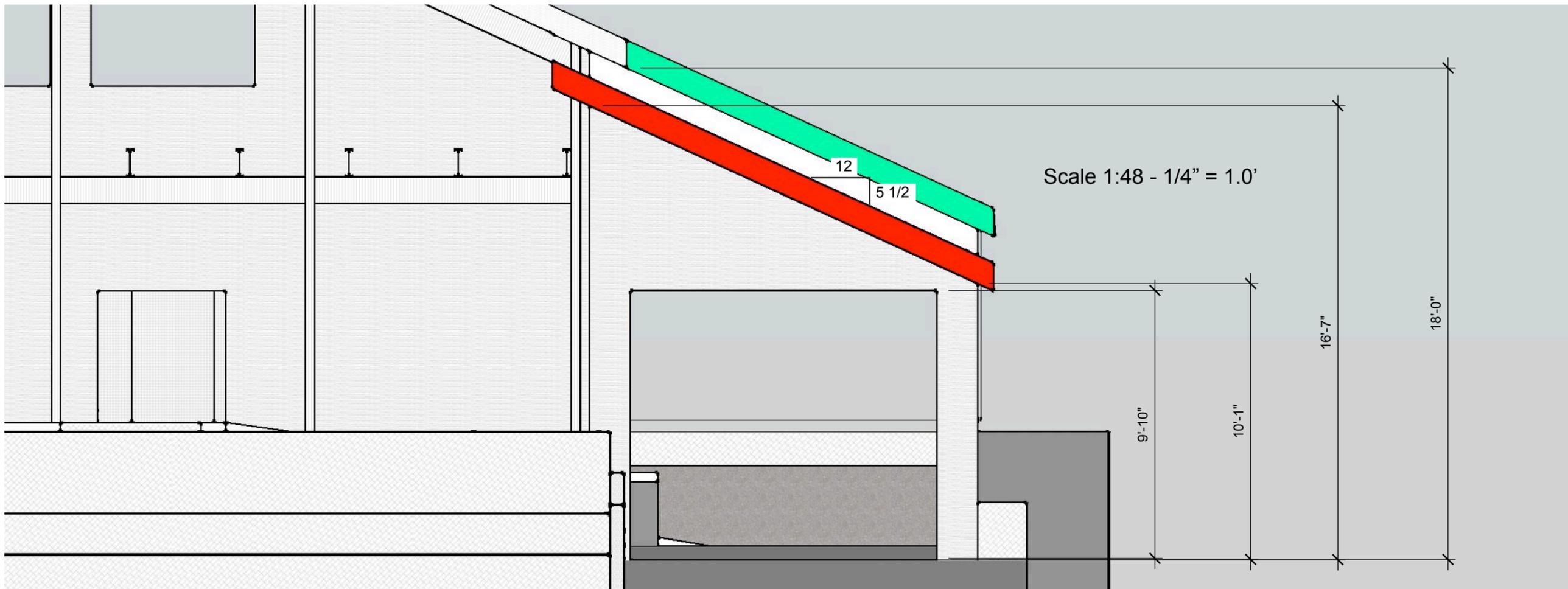
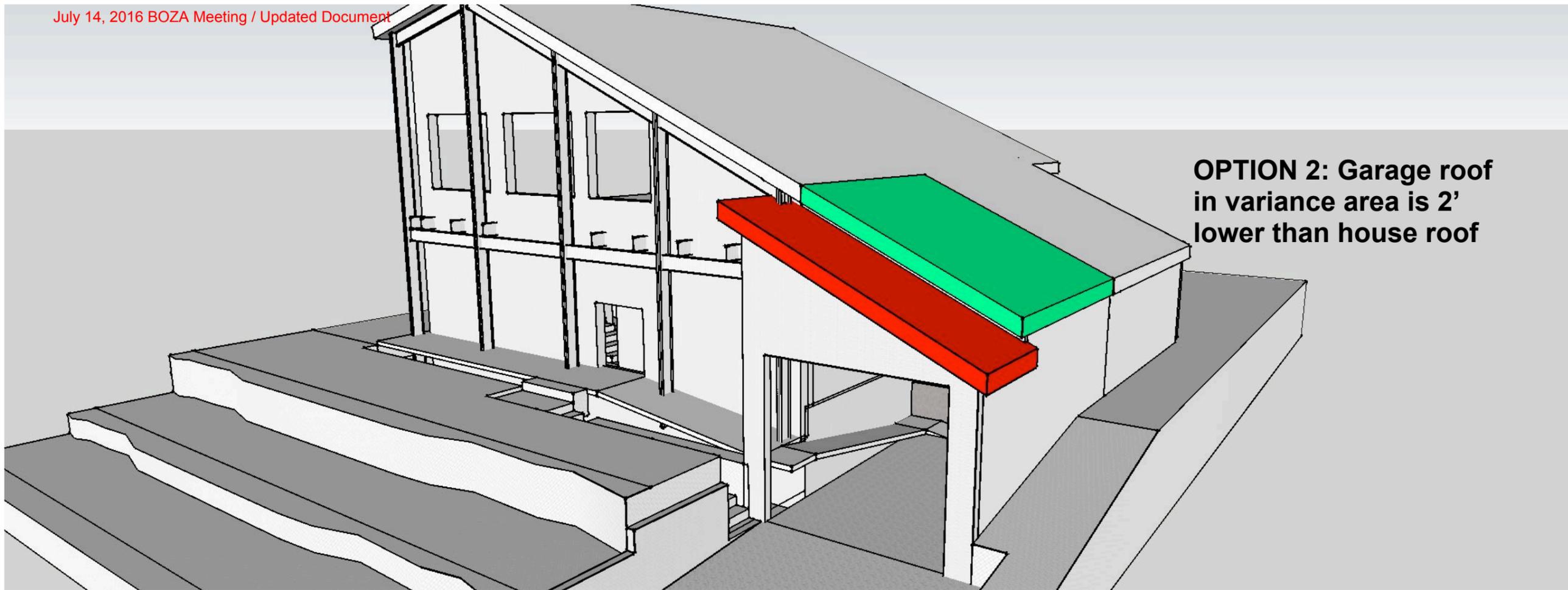
6/21/2016

Project Name  
925 37th Street

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06



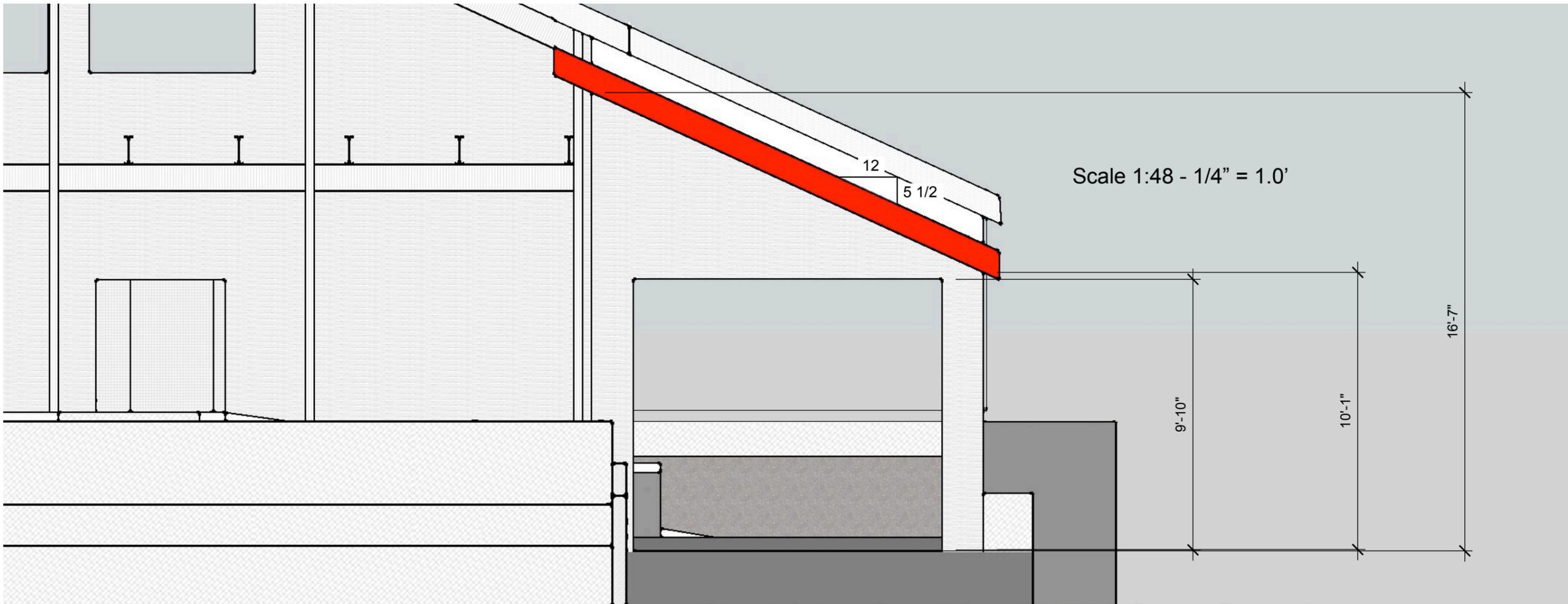
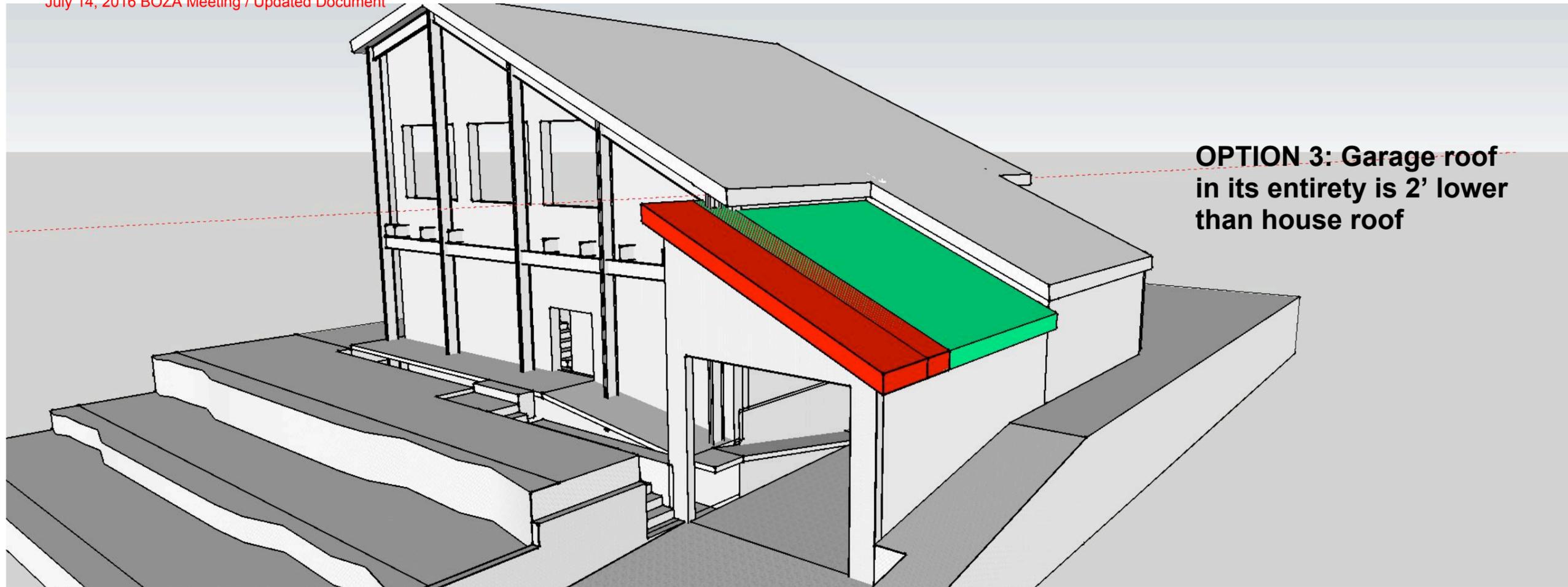
Miguel Arias and Melissa Eaton  
925 37th Street  
Boulder, CO 80303

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

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MSAP

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08

## Work Experience

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 / 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:

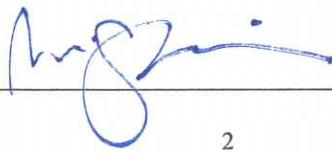
- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**4 copies**);
- A site development plan including building heights,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

---

**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  
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

Document Review, or BOZA application [on behalf of] \_\_\_\_\_ for the property  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

located at 925 37th Street Boulder 80303. I have read the city's sign posting requirements above and acknowledge  
(PRINT PROPERTY ADDRESS OR LOCATION)

and agree to the following:

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

  
\_\_\_\_\_  
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.

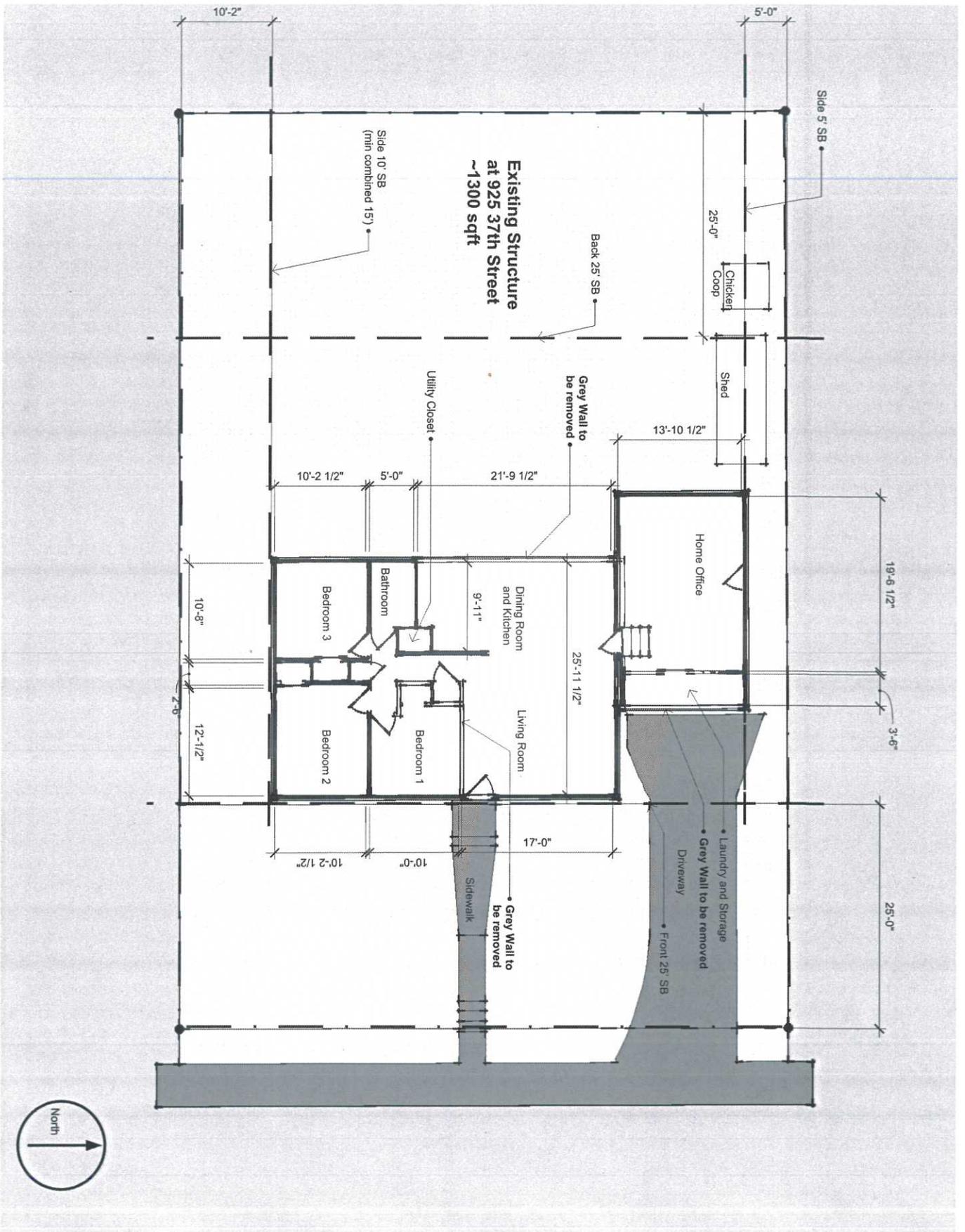
**(5) Requirements for All Variances**

(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.



01

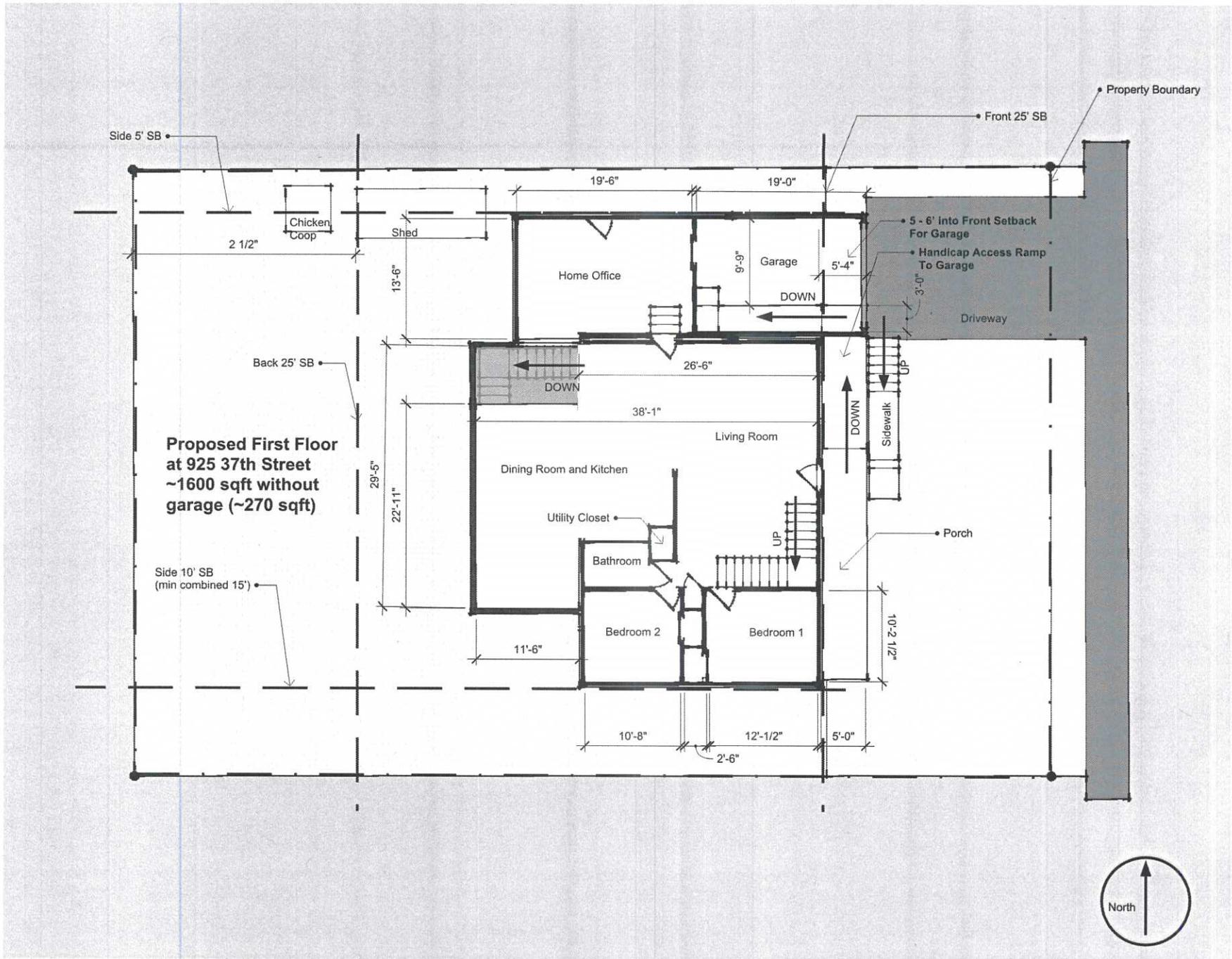
9

DRAWN BY  
MSAP  
DESCRIPTION  
Existing Structure

Project Name  
925 37th Street

5/17/2016

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



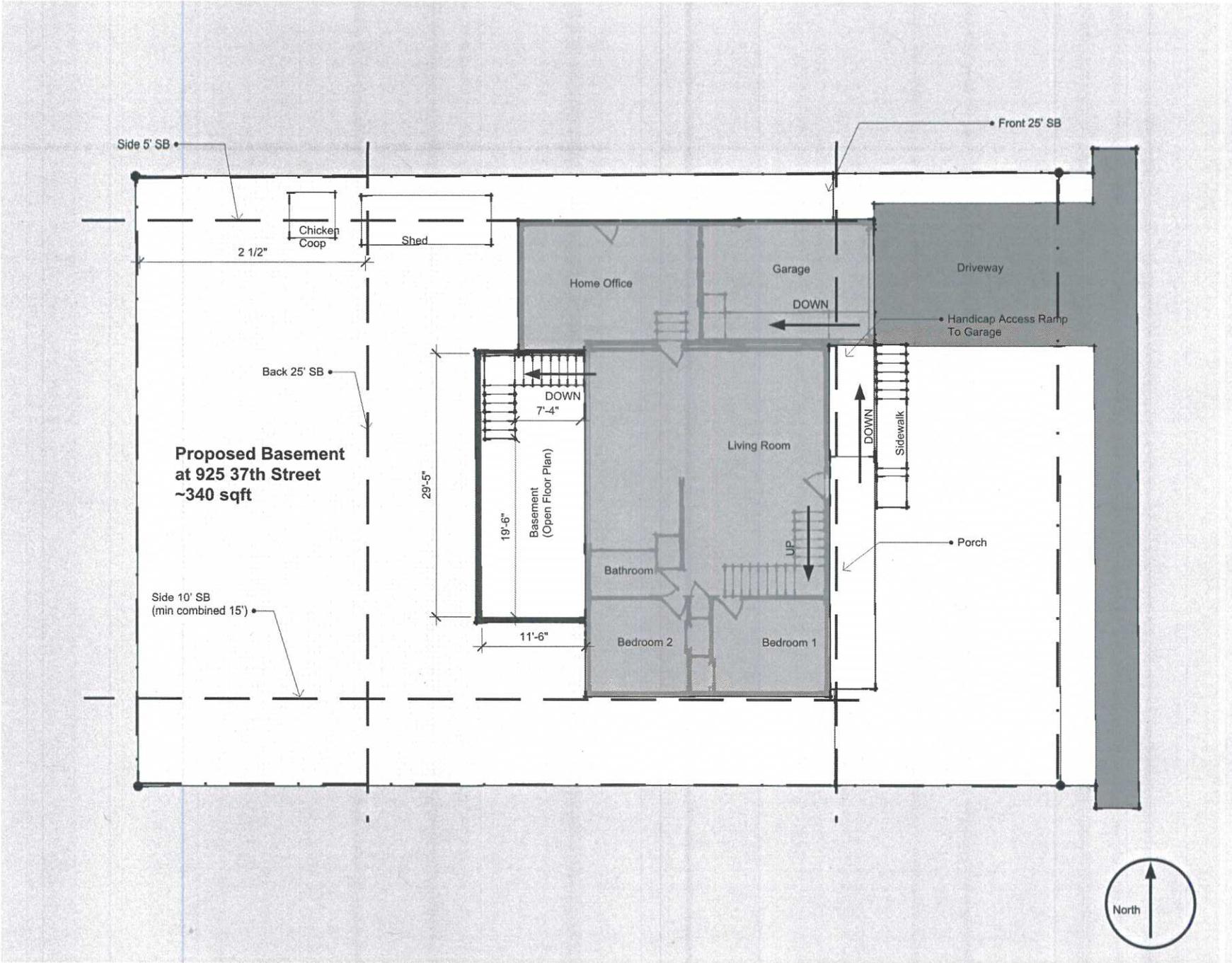
Michael J. Lee and Melissa Eaton  
 925 37th Street  
 Boulder, CO 80303

5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed First Floor

**a**  
**02**



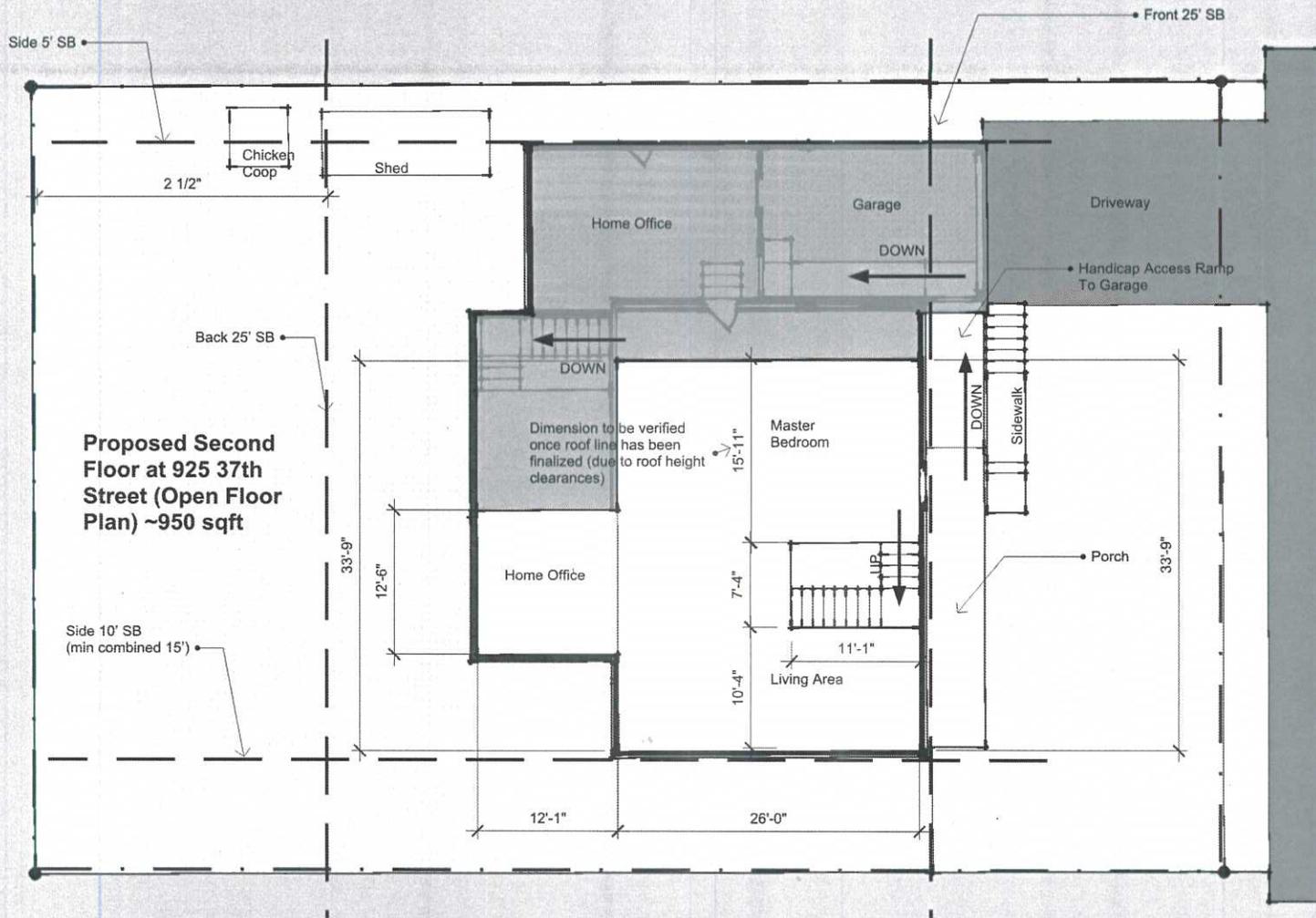
Miguel Arias and Melissa Eaton  
 925 37th Street  
 Boulder, CO 80303

5/17/2016

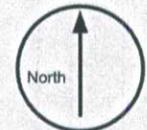
Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed Basement

**a**  
**03**



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



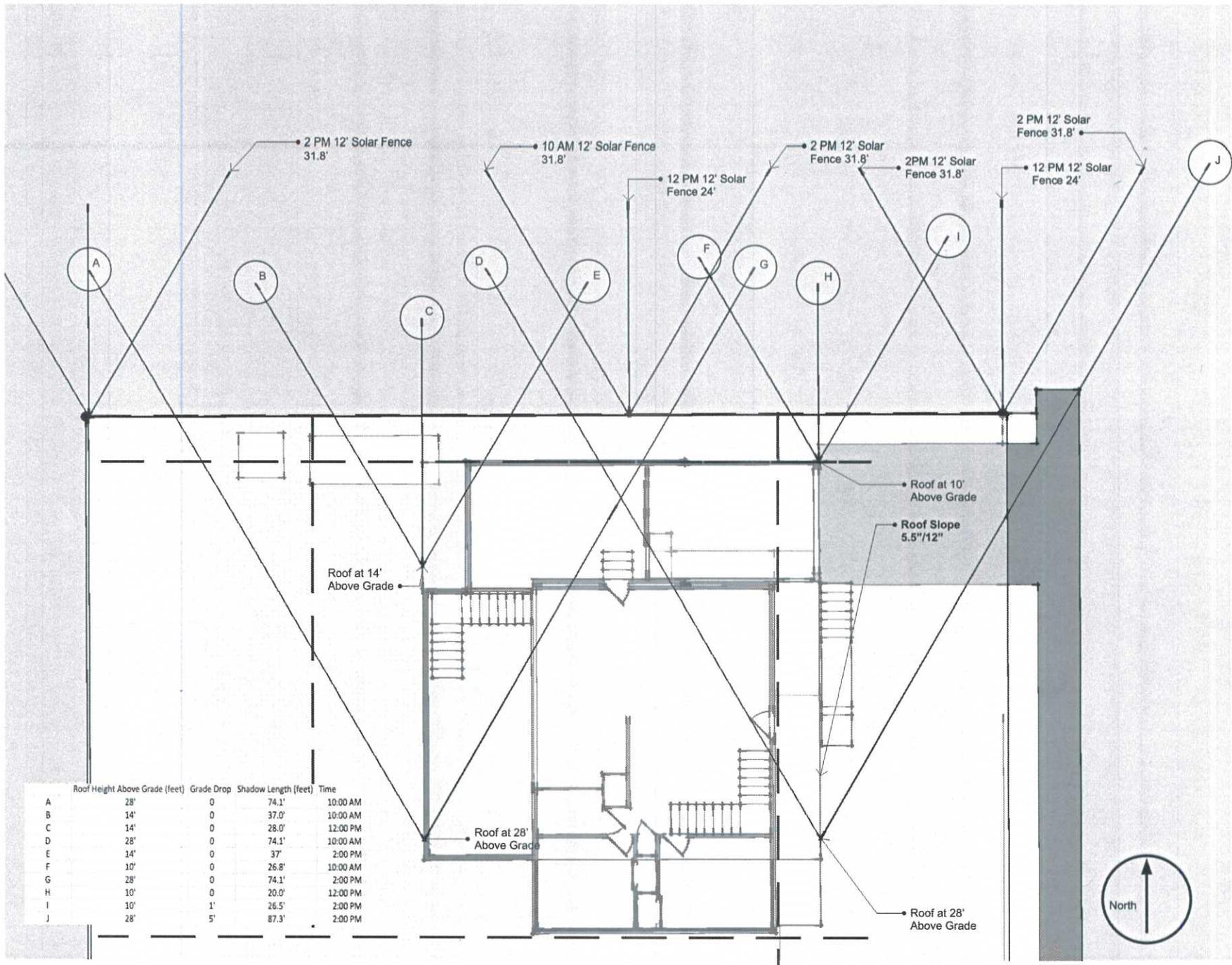
Miguel Ariza and Melissa Eaton  
 2550 Parkview  
 Boulder, CO 80303

5/17/2016

Project Name  
 925 37th Street

DRAWN BY  
 MSAP  
 DESCRIPTION  
 Proposed Second Floor

**a**  
**04**



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

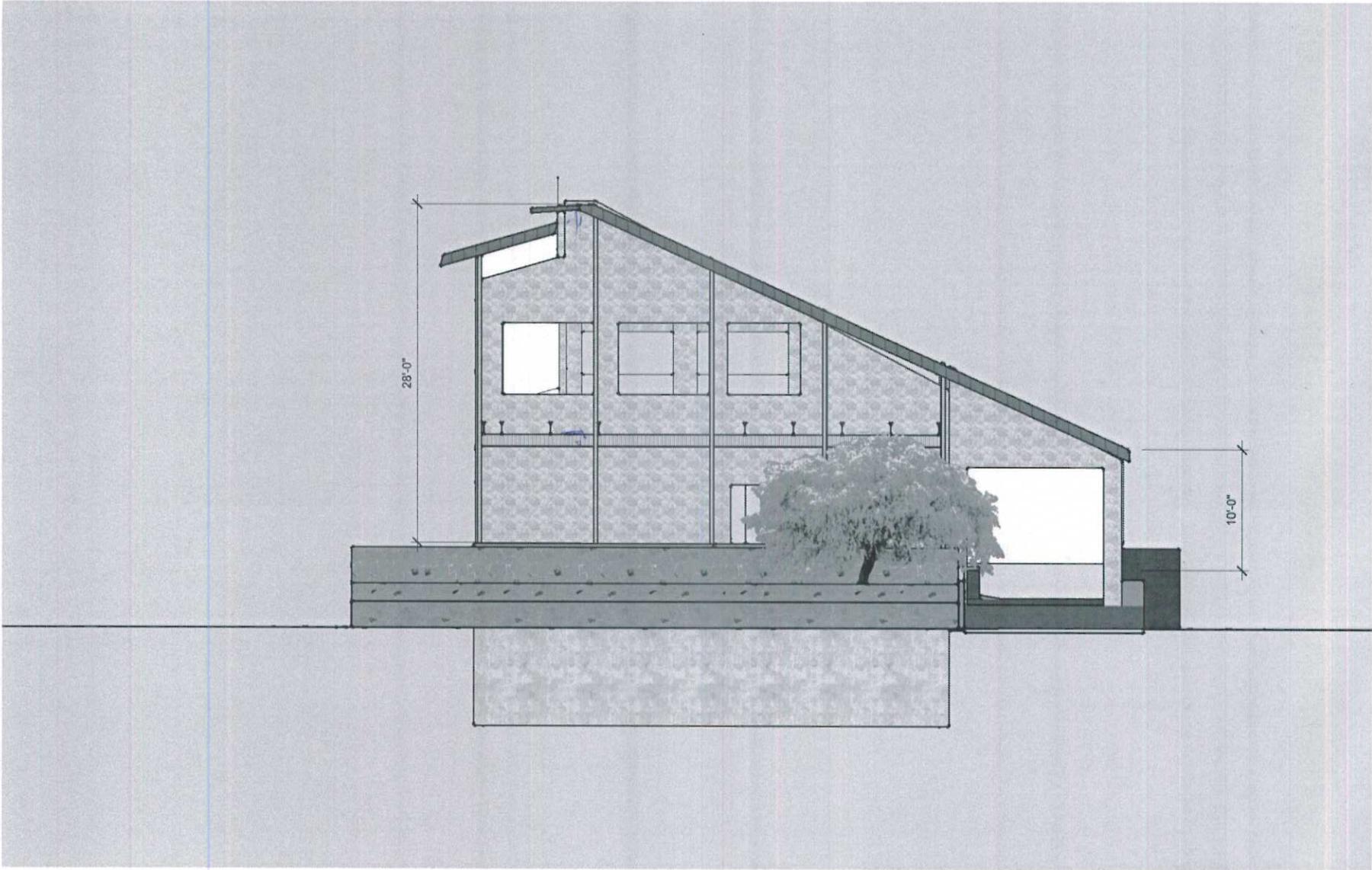
5/17/2016

Project Name  
 925 37th Street

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 MSAP  
 DESCRIPTION  
 Solar Shadow

a

05



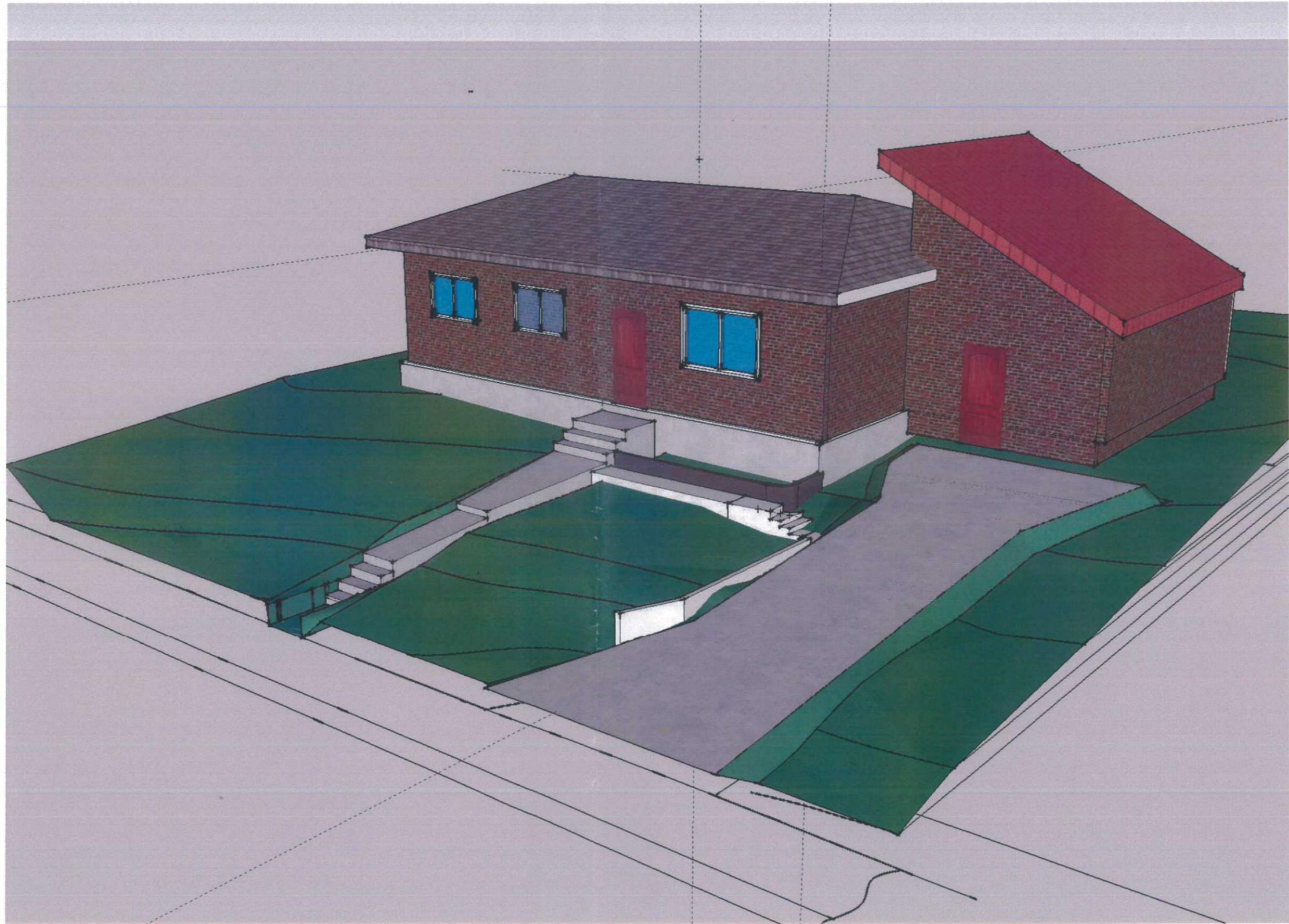
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MSAP

Project Name  
925 37th Street

5/17/2016

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

**a**  
**06**



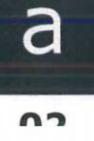
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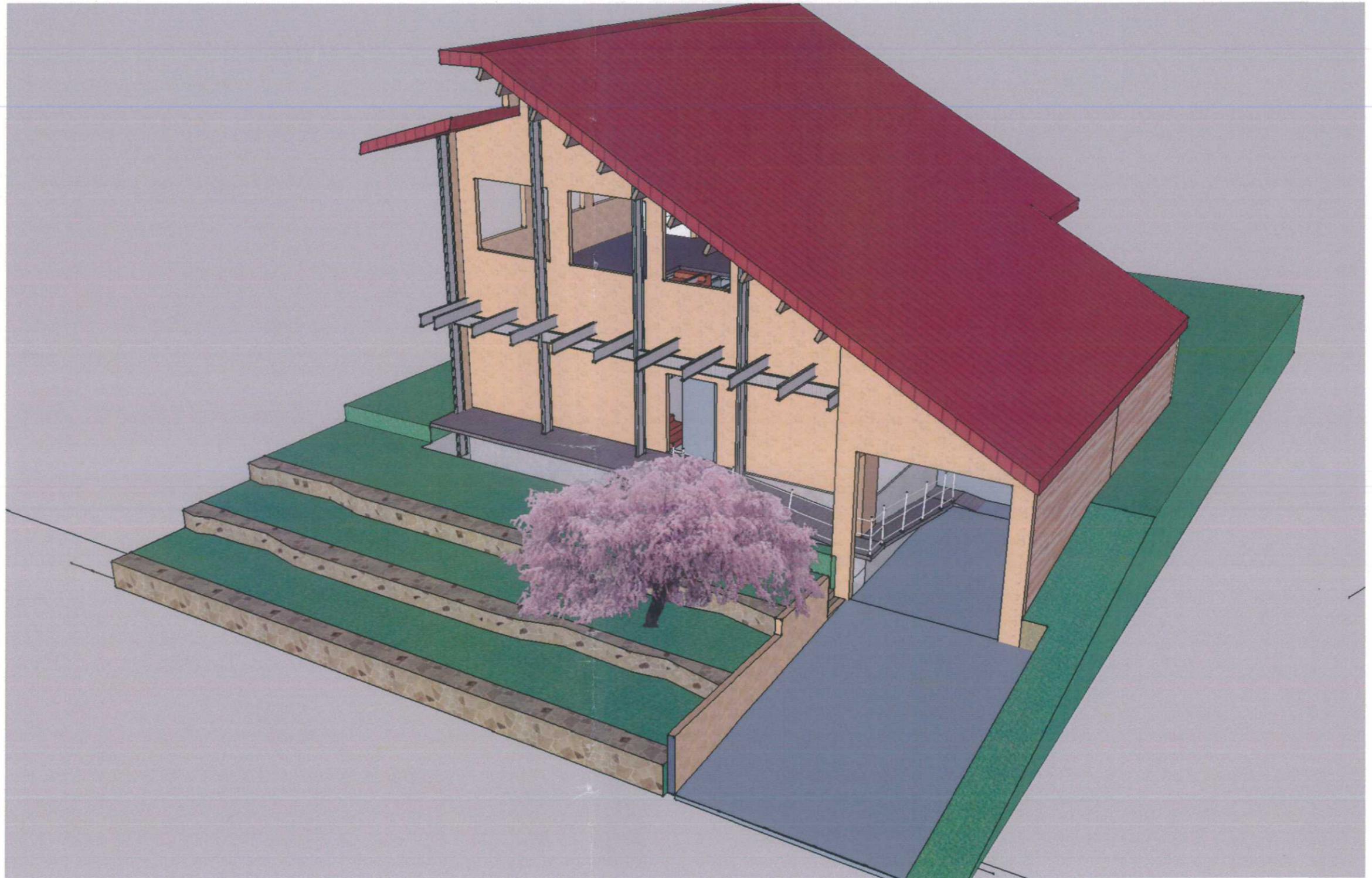
PROJECT NO.  
MSAP 2016  
PROJECT  
925 37th  
Remodel

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<br>Miguel Arias and | PROJECT<br>925 37th Street | PROJECT NO.<br>925 37th | ISSUE<br>4/18/2016 | DRAWN BY<br>MSAP | DESCRIPTION<br>Remodel Isometric View |
|----------------------------|----------------------------|-------------------------|--------------------|------------------|---------------------------------------|



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







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: 2069 Bluff Street
- Legal Description: Lot A Block \_\_\_\_\_ Subdivision Patterman (Or attach description.)
- Existing Use of Property: Single Family
- Description of proposal:

REMOVE EXISTING SUN-ROOM & CONSTRUCT NEW ENTRY &  
2<sup>ND</sup> FLOOR ROOM ABOVE. (SIDE WALL ARTICULATION TO  
ALLOW 43')

|   |  |
|---|--|
| *Total floor area of existing building: <u>1,689 SF</u> | *Total floor area proposed: <u>1,901 SF</u>  |
| *Building coverage existing:                            | *Building coverage proposed: <u>1,241 SF</u> |
| *Building height existing: <u>27'-8"</u>                | *Building height proposed: <u>27'-8"</u>     |

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

- ◆ Name of Owner: James & Leah Brassier
- Address: 2069 Bluff Street Telephone: 814 409 1000
- City: Boulder State: CO Zip Code: 80304 FAX: \_\_\_\_\_
- ◆ Name of Contact (if other than owner) \_\_\_\_\_
- Address: \_\_\_\_\_ Telephone: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ FAX: \_\_\_\_\_

### STAFF USE ONLY

Doc. No. BOZ2016-00016 Date Filed 7-20-16 Zone RMX-1 Hearing Date \_\_\_\_\_  
Application received by: C. Taber Date Fee Paid 7-20-16 Misc. Rect # \_\_\_\_\_

**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 -**

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- (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, James G. Brasseir, am filing a Land Use Review, Administrative Review, Technical Document Review, or BOZA application [on behalf of] Leah E. Brasseur for the property located at 2069 Bluff St., Boulder, CO 80304. 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).
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NAME OF APPLICANT OR CONTACT PERSON

20 July 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.

20 July 2016

**REQUEST TO THE BOARD OF ZONING ADJUSTMENT FOR A VARIANCE TO THE  
SIDE YARD WALL ARTICULATION STANDARDS OF SECTION 9-7-10**

**James (Jim) and Leah Brasseur  
2069 Bluff St  
Boulder, CO 80304  
brasseur@colorado.edu**

**A. SIDE YARD WALL STANDARD (for which a variance is requested), quoted from 9-2-10**

“Within twenty feet of each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length.”

**B. THE PURPOSE FOR THE ARTICULATION STANDARD, quoted from 9-2-10:**

“Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of the side yard wall articulation standard is to reduce the perceived mass of a building by dividing it into smaller components, or to step down the wall height in order to enhance privacy, preserve views and visual access to the sky for lots or parcels that are adjacent to new development.”

**C. BACKGROUND**

The property, originally platted in the Widners North subdivision, was subdivided in 1979 under a “Planned Unit Development” (PUD) into the two existing smaller-than-normal lots and a new house constructed on the new second lot (Lot B) that fronts Mesa Drive. The two-story residence that currently exists on Lot A (2069 Bluff Street) was built in the mid 1980’s, several years after the 1979 PUD, over the original small single-story house that was built in 1905. Built onto the front of the mid-80s house was a poorly-constructed poorly-insulated “sun-room” on the lower level, next to a porch. The central entry to the house was between the sun-room and porch. The new second floor was designed in two halves, the western half containing a large bedroom and closet and the eastern half a small bedroom and bathroom. In front of the bedroom, next to the stairs, is a small south-facing undefined open space too small to serve as a significant living space but large enough to fit a couple desks or a single small couch. This is essentially the current house (except for plastic fake shutters that were added by the previous owner), shown in the following photograph (Fig. 1):



Fig. 1

## D. THE CURRENT HOUSE AND ITS BLUFF STREET NEIGHBORHOOD

As can be seen from Fig. 1 above, the south-facing space on the eastern half of the second floor looks over the roof of the sun-room and porch. Due to its southern exposure, this small space has the best light in the house, as well as the potential for lovely views of the mountains to the south-west. The current view, however, is obstructed by a beautiful large honey locust tree that extends partially through the porch roof (Fig. 1). As can be observed by the following photos (Figs. 2-4), 2069 Bluff and its neighboring houses are surrounded by large mature trees that provide both beauty and important shade to reduce energy consumption in the summer. Indeed, Bluff street is known for its many unusually large mature trees that characterize this northern boundary of the Whittier District (see Fig. 3).



## E. OVERVIEW OF THE ISSUE AND REQUEST FOR AN ARTICULATION VARIANCE

Jim and Leah Brasseur purchased the 2069 Bluff St house and moved to Boulder last September. We wish to make two major improvements to our existing house that will greatly improve our living space and the quality of our house in the front/south. These are shown in the architectural drawings that accompany this application (see "Site Development Plan"). Centrally important to these renovations is that the large honey locust tree shown in Fig. 1 not be disturbed, so as to both reduce energy requirements in the summer and to maintain the beauty and special character of Bluff Street. Therefore our improvements primarily involve the eastern side of the front (south side) of the house adjacent to the honey locust tree, where both the upper and lower levels will be improved. We aim to make our living space a great deal more livable while substantially improving the beauty and quality of our house and, by extension, our neighborhood.

To understand what we have in mind, please see this photo of the front of the house (Fig. 5): To understand what we have in mind, please see this photo of the front of the house that shows more clearly

the honey locust tree in relationship to our house, and our house (2069 Bluff) in relationship to the house to the east (2071 Bluff) that belongs to our neighbor, Stu Naegele (also shown in Fig. 4):



Fig. 5



Fig.

In the lower level the existing poorly designed and insulated “sun-room” will be vastly improved and made more energy efficient by replacing the existing large windows with high-quality dual-pane windows and by insulating the walls and floor that currently have minimal insulation. In addition, the existing porch (west side of sun-room in Fig. 5), currently in very poor condition, will be entirely rebuilt with high-quality lumber and a lovely railing to create a more beautiful entrance and porch. These improvements alone will greatly increase the quality and improve the look of the front of the house. The old sun-room will be extended 2’ 3” two feet to the front to cover an existing ledge, to the number “2069” in Fig. 6 below, to create a mud-room, pushing the south windows to just to the front of the locust tree trunk.

The more substantial alteration to the front (south) of the house will result from the improvements we plan to make to the small space on the second floor south side described above, the space overlooking the sunroom/porch roof with the best natural light in the house (Figs. 1,5,6), but currently too small to be a useful living space. We would like to extend this space forward (to the south) to create a beautiful functional space where we will both live and work (Jim is an academic scientist and Leah is a professional seamstress) with wonderful light and a lovely view of the mountains to the south west. To accomplish these goals while maintaining the veracity of the honey locust tree through the front porch roof we aim to extend the currently small space to 3 feet in front of the honey locust tree trunk to the south, thus providing the space we need, the light we seek, and the mountain view we desire.

A consequence of the two improvements to our house just described—the sun-room below and the extension of the second floor on the east side above—is that the eastern-facing wall of the house on the first level will be extended to 40 feet, within the articulation requirement, and on the second floor 3 additional feet to 43 feet, just above the articulation requirement. This is shown in the architectural drawing of Fig. 7 (please see the

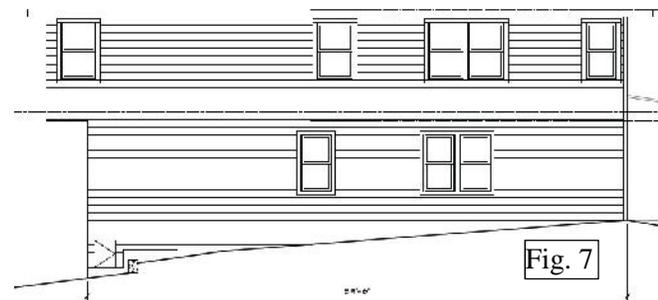


Fig. 7

complete set of drawings in the “Site Development Plan”). It is for the new space on the second floor that we request an articulation variance to allow this room to extend beyond the tree to the south by 3 ft.

To understand the special circumstances why our request for a variance to the 40’ articulation standard maintains the purpose for the articulation rule, quoted from 9-2-10 on the first page (which we agree with), please note in Fig. 7 above that our house on 2069 Bluff is set back extraordinarily far relative to our neighbor Stu Naegele’s house on the east side (2107 Bluff), the only house affected by our request to allow for a slightly longer articulation for our extension on the second floor. The reason is that when the lots along this section of Bluff St. were subdivided in 1979 into two lots (see “C. Background” above), the 2069 Bluff St. house, renovated in the mid 1980s, ended up being to the far back of its lot, in contrast with nearly all other houses and lots on Bluff St. This is shown in Fig. 8, downloaded from the Boulder County website. Note that, unlike most other houses on Bluff, 2069 is set nearly at the very back of its lot (to the north), so there is lots of space to extend to the front (to the south) without interfering with our neighbors or approaching anywhere near the 25’ setback.

Not counting the porch on Stu’s house, the distance between the front (south) wall of Stu’s house and the current south wall of our sun-room is 13.5’! For the upper floor we request an extension that would reduce this separation to still over 8 feet! Furthermore, Stu’s house is single story and our lower level will be maintained below the 40’ articulation rule. The additional 2’6” extension on the upper level will neither impact the view from our neighbor’s house, nor have any impact on sun, wind, or anything of consequence.

The desired extension of the upper level of our house will have absolutely no significant impact on residents in 2107. Indeed, **we attach a letter from Stu Naegele, owner and resident of the 2107 Bluff St. house since the late 1970s, stating that he fully agrees with us and supports our request for an articulation variance.** Because our request is only relevant to Stu, we have not requested letters from our other neighbors.



**SPECIFIC RESPONSE TO THE REQUIREMENTS LISTED IN CODE SECTION 9-2-3,  
SUBSECTIONS (h)(1) AND (h)(5)**

**(h)(1) Physical Conditions or Disability:**

**(A) There are:**

- (i) Unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot or exceptional topographical or other physical conditions peculiar to the affected property; or**
- (ii) There is a physical disability affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property;**

Section (ii) does not apply. However, with respect to section (i) there are “unusual physical circumstances” in regards the lot. As was discussed in Sect. E above with reference to Fig. 5 and, especially, Fig. 8, our house at 2069 Bluff St. is set back extraordinarily far on our lot, in contrast with nearly all other houses and lots on Bluff St. This is shown in Fig. 8 above. Consequently, the front of our house far back relative to our neighbor Stu Naegele’s house on the east side (2107 Bluff, the only house affected by our request to allow for a slightly longer articulation for our extension on the second floor.) This unusual placement of our house on our lot is a result of the unusual subdivision of lots that took place along this section of Bluff St. were subdivided in the late 70s (see “C. Background” above). The average setback on our block is about 22 feet. Our existing setback is 35 feet and our proposed is 31 feet, both far from the 25’ standard.

An important consequence of the extraordinary placement of our house to the far back of our lot is that the distance between the front (south) wall of our house and that of our east neighbor at 2107 Bluff (Stu Naegele) is 13.5’, and even after we extend our upper level for which the articulation variance is requested, this separation is still over 8 feet! Furthermore, as discussed in Sect. D and shown in Figs. 4 and 5, our east neighbor’s house is single story and our lower level will be maintained below the 40’ articulation rule. The additional 3 foot extension on the upper level will neither impact the view from our neighbor’s house, nor have any impact on sun, wind, or anything of consequence.

In regards “unusual physical circumstances” we can also make reference to the unusually small size of our lot. For example, in section (d) of the Boulder code document 9-7-10. - Side Yard Wall Articulation, 4 exemptions to the articulation rule are listed. Although our house/lot does not technically meet these exemptions, our house comes close on three of the four:

“(2) Lots with an average width less than forty-five linear feet. ...”

Our lot width is 49.9’, slightly over the exemption. Furthermore a utility easement reduces the actual buildable width on the property.

“(3) Lots that have less than four thousand square feet.”

Our lot has 4,273 SF, only slightly over the 4,000 SF exemption.

“(4) The side yard wall articulation standards shall not apply to an interior side yard of a lot that is adjacent to a lot that includes either a nonresidential principal land use or a lot that includes two or more dwelling units within twenty feet of the property line for the length of the nonresidential building or the principal building of such dwelling units.”

Our neighbor’s house to the east on 2107 Bluff (Stu Naegele) was originally built as a duplex; the interior was converted to a single-family dwelling in the late 70s. Furthermore there is another house to the north-east (behind Stu’s house) that is within 20 feet of our property line (see Fig. 8). However because it is on a separate lot and because the house to the east was later converted from a duplex to a single-family dwelling, technically tis exemption no longer applies. However the physical situation has not changed.

In summary, because of the unusual physical circumstances a room addition is not allowed on the east and rear side of the house due to setbacks and it cannot be reasonably located on the west due to the utility easement. Only the south side is available for the addition and because of the tree there is only one

reasonable location for the addition. As has been extensively discussed in Sect. E above, this location resulting in the 43 foot wall length, does not negatively impact the immediate neighbor nor negatively impact the street scape as a whole because the addition places the front of the house more in conformity with the block & neighborhood.

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

As was discussed in section (A) just above and in Sect. E above on p.4 and surrounding Fig. 4, the unusual placement of our house extremely far back on our lot on 2069 Bluff St. is very unusual. Nearly all the houses fronting Bluff St. are much closer to the street (as pointed out just above, the average setback on our block is 22' compared with our 35' setback). Most importantly from the perspective of the *purpose* for the articulation rule (Sect. B), the consequence of our house being extraordinarily far back on our lot relative to nearly all other houses, is that the extension of our house to the south has no impact on our neighbor to the east, including the additional 3' extension of the second floor beyond the 40' articulation of the first floor.

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

As was discussed in section (A) above, because of the unusual physical circumstances of our house on our lot, a room addition is not allowed on the east and rear side of the house due to setbacks and it cannot be reasonably located on the west due to the utility easement. Only the south side is available for the addition. As was discussed at length in Sects. D and E above, it is essential to the beauty and character of the neighborhood, as well as to the minimization of energy usage in the summer time, that the honey locust tree that passes partially through the porch roof in front of our house (Figs. 1,5 and 6) not be removed. As also discussed at length in Sects. D and E above, we seek to create a beautiful functional space where we will both live and work (Jim is an academic scientist and Leah is a professional seamstress) with wonderful light and a lovely view of the mountains to the south west. The only way to accomplish these goals while maintaining the veracity of the honey locust tree through the front porch roof is to extend the currently small space to 3 feet in front of the honey locust tree trunk to the south, thus providing the space we need, the light we seek, and the mountain view we desire. There is only one reasonable location for the addition that meets our requirements without affecting our neighbors.

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

We have not created any unnecessary hardship. Indeed, we argue multiple places in Sect. E and in sections (A) - (C) just above that our request for an articulation variance to extend the upper floor of our house 3 feet beyond the 40' articulation rule will create no hardship on our affected neighbor to the east. The ability to create a wonderful working and living space with wonderful natural light and a lovely view on the second floor front of our house to the east to avoid the honey locust tree will enrich our personal lives as it also improves the quality of our house and, by extension, our neighborhood.

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

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

We have gone out of our way to ensure that our renovations, and especially the extension of the upstairs for which the articulation variance is requested, will maintain the essential character of Bluff St. and the north Whittier neighborhood. Specifically, we have designed the second floor extension to have a pitched roof with the same slope as the existing pitched roof and with a wall design that blends with the existing house. Our renovated sun-room is similar in foot print and features similar large windows with a low pitched roof on a projecting form in the same location as currently existing. (However, unlike the current poorly insulated windows and walls, we will install high-efficiency "passive-solar" windows and insulate well this space to substantially reduce energy loss from this part of the house.) Likewise the existing covered porch will be reconstructed in the same location but with high-quality lumber, substantially improving the quality of the entrance to the house without altering the current architectural style. Most importantly, we have expended great effort to ensure that the large mature shade-giving trees

that give Bluff Street its special character within Boulder (see Sect. D and Figs. 2-4) are maintained, including the large beautiful honey locust tree that currently extends partially through the porch roof (Figs. 1,5,6). We feel strongly that our renovations will greatly increase the quality and improve the look of the front of the house without altering the overall design of the first floor of the existing house.

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

A great deal of previous discussion in Sect. E (p.4 surrounding Fig. 8) and section (h)(1)(A) above so show that our request for a 3' extension on to our second floor beyond the 40' articulation standard will have no impact on the neighbor to the east adjacent to the extension (2107 Bluff). As pointed out in section E., "the desired extension of the upper level of our house will have absolutely no significant impact on residents in 2107. Indeed, **we attach a letter from Stu Naegele, owner and resident of the 2107 Bluff St. house since the late 1970s, stating that he fully agrees with us and supports our request for an articulation variance.** Because our request is only relevant to Stu, we have not requested letters from our other neighbors."

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

As discussed in Sect. E above, the aims of the second floor extension to 3 feet beyond the articulation standard are "to create a beautiful functional space where we will both live and work ... with wonderful light and a lovely view of the mountains to the south west." To accomplish these goals while maintaining the veracity of the honey locust tree through the front porch roof it is necessary to extend the currently small space to a short distance to the front of the honey locust tree trunk to the south.

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

There will be absolutely no impact on solar access by our request for a 3 ft. variance on the second floor, east side, beyond the 40' articulation standard. (the property is located in Solar Access Area II. Lots are protected by a 25 foot solar fence. The proposed building height is 27'-8" and set back from the property line by 8 feet) Indeed, one purpose of the extension, in addition to placing the second floor windows in front of the honey locust tree, is to provide a shade-inducing overhang to the sun-room below. As pointed out in Sects. D and E, the current sun-room is poorly insulated and used low-efficiency single pane windows. We will renovate this space to include high quality thermal-pane windows with proper insulation. Similar high standards will be applied to the extension on the second floor. The central importance of maintaining a healthy honey locust tree literally through the front porch roof of our house is, in addition to the beauty and character of the neighborhood, to maintain shade and cooling in the summer while allowing solar heating in the winter.

19 July 2016

Board of Zoning Adjustment (BOZA)  
City of Boulder  
Planning and Development Services

RE: Support for articulation variance request from James (Jim) and Leah Brasseur

Dear BOZA members:

I wish to support the application from Jim and Leah Brasseur to the Board of Zoning Adjustment for an articulation variance for their planned renovations on the upper floor of the east side of their house at 2069 Bluff St. in Boulder. The Brasseur's request that they be allowed to extend to the south (front) of their house to 43 ft. only on the second floor and on the eastern side of large tree that currently extends partially through their porch roof. The east side of their house is directly adjacent to my house at 2107 Bluff St and I am the only neighbor affected by their articulation variance request.

As you will be able to tell from the Brasseur's application, their variance request will have absolutely no impact on me or anyone living in my house. This is because their house on 2069 Bluff St. is set exceptionally far back on their lot relative to my house. Even with a 3 ft. additional extension on their second floor, there would still be over 8 feet between the front of my house (not including my porch) and the front (south) side of their new extension. Furthermore, mine is a single story house and the variance request for the Brasseur's house is only for their second floor. (Their first floor will be within the 40' articulation rule.) The additional 3 feet have no impact on the view from my house and will have no impact on solar blockage. Nothing will change for residents of my house as a result of their planned extension.

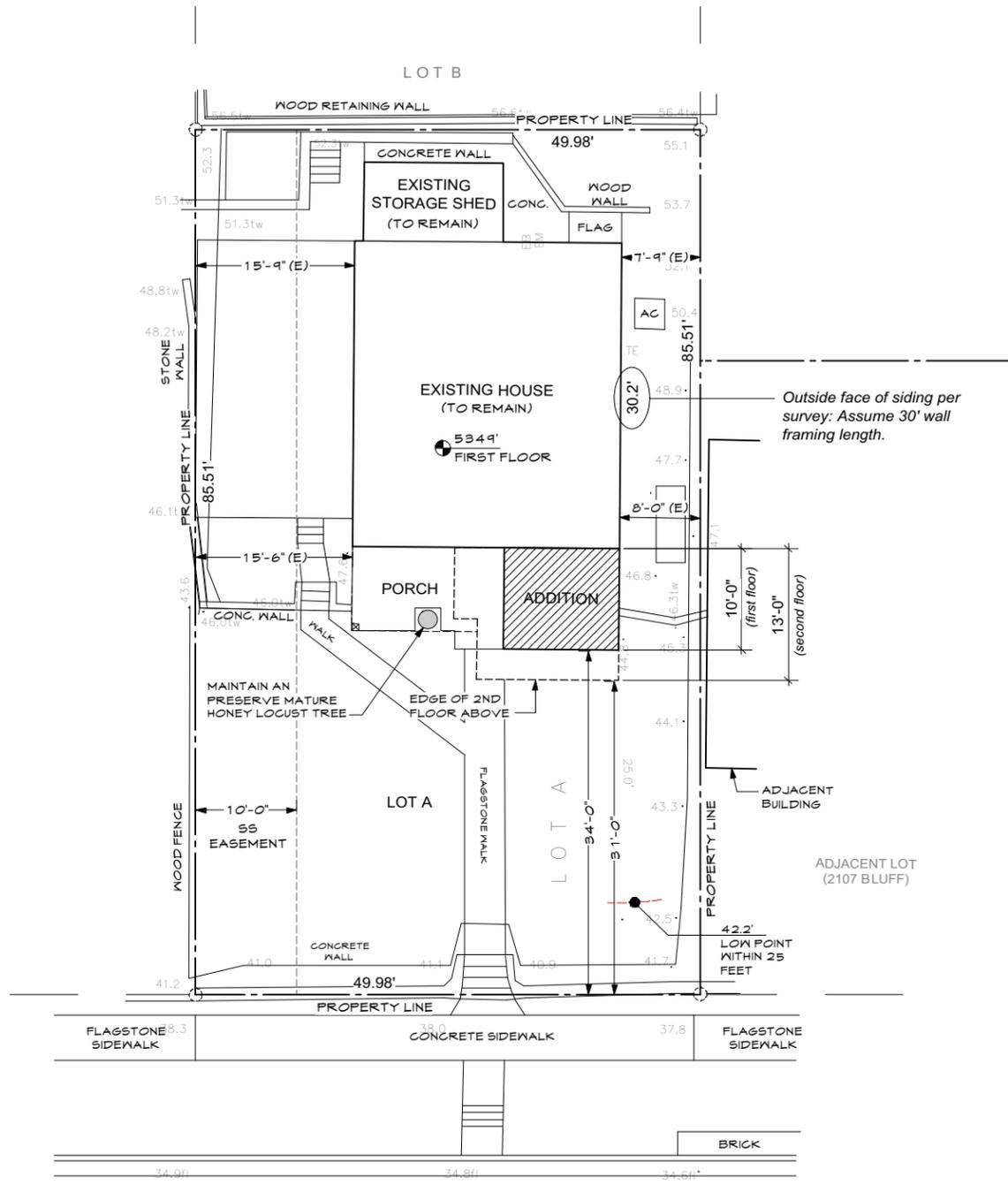
In contrast, the additional 3 feet extension will allow their extension on the second floor of their house to extend 3 feet beyond the tree that currently passes partly through their porch roof without removing that tree and the shade it provides to them and their neighboring houses, creating for them a pleasant new living and working space with a lovely view of the mountains.

I encourage you to grant the sensible and justifiable request from the Brasseur's at 2069 Bluff St. for a 43' articulation variance that would allow them to extend the front (south) room of their house beyond the large tree.

Sincerely,



Stuart Naegele  
2107 Bluff St  
Boulder, CO 80304-4292  
(303) 444-2339



Bluff Street

21ST STREET

22ND STREET

## SITE DEVELOPMENT PLAN

1/16"=1'-0"



**NOTE:**  
SITE PLAN BASED ON SITE PLAN EXHIBIT PREPARED  
BY FLAGSTAFF SURVEYING, JOB # 15-17242.

## BOZA APPLICATION

### GENERAL

Review Type: Variance for Side Wall Articulation:  
to allow 43 feet where 40 foot is allowed

Owner: Jim and Leah Brasseur  
2069 Bluff Street Boulder, CO 80304

Project Summary: Addition on the south side of existing structure

### LOT DATA

Address: 2069 Bluff Street  
Legal: Lot A Patterman  
Zoning: RMX-1  
Use: R4, Intensity: 7, Form: D

Lot Area: 4,273 SF  
Lot Width: 49.98'

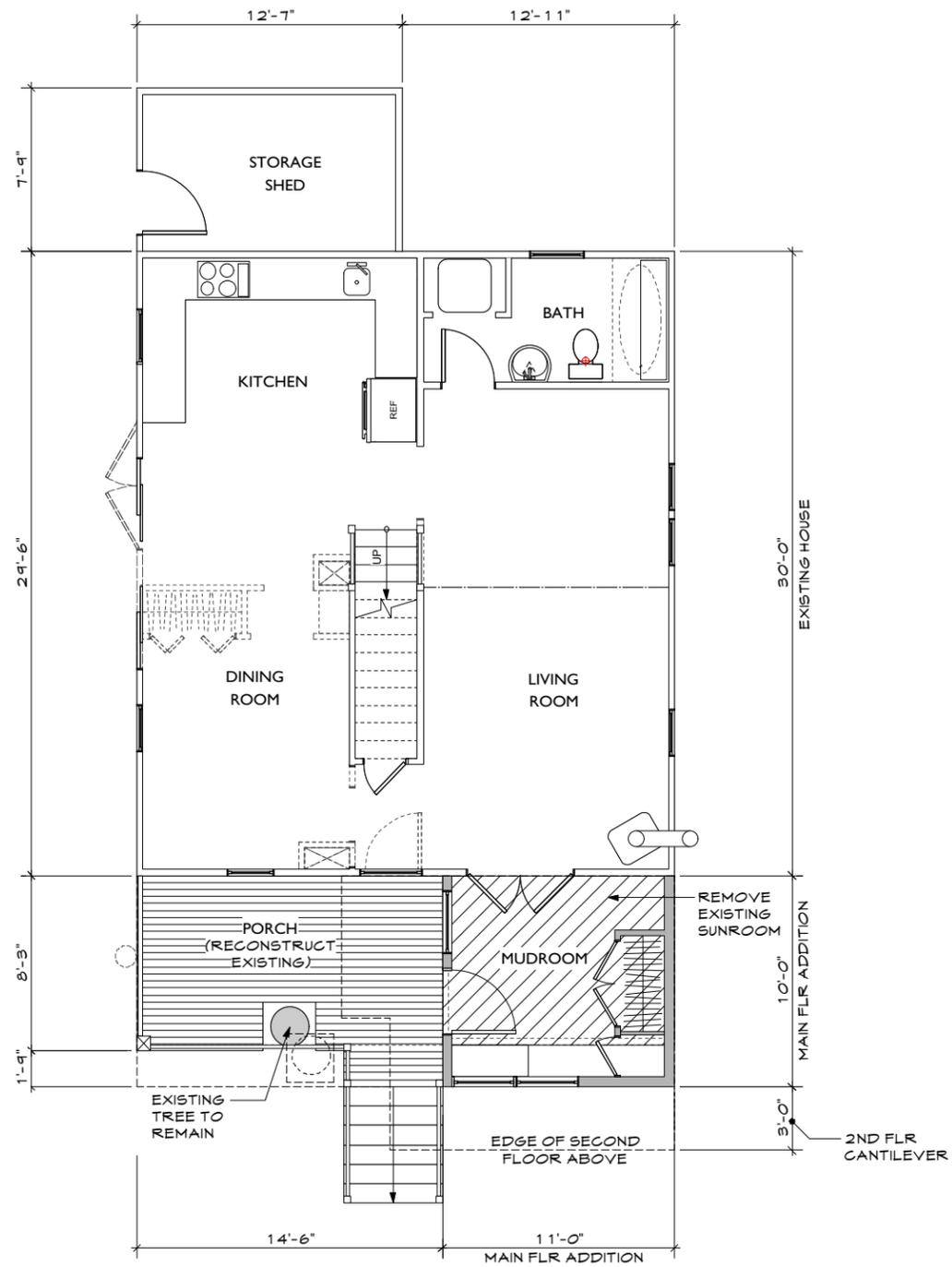
### PUD MODIFICATION

|                 | Approved PUD | Existing | Proposed |
|-----------------|--------------|----------|----------|
| Floor Area      | 1,500 SF     | 1,689 SF | 1,901 SF |
| Setbacks        |              |          |          |
| East Sideyard   | 10'          | 7'-9"    | 7'-9"    |
| West Sideyard   | 5'           | 15'6"    | 15'6"    |
| Bluff Street    | 38'          | 35'-1"   | 31'-0"   |
| Building Height | 35'          | 27'-8"   | 27'-8"   |
| Stories         | 2 1/2        | 2        | 2        |

### YARD AND BULK

|                              | City Standard     | Proposed    |
|------------------------------|-------------------|-------------|
| Front Yard Setback           | 25'               | 31'-0"      |
| East Sideyard                | 5'                | 7'-9"       |
| West Sideyard                | 10'               | 15'-6"      |
| Combined Sideyard            | 15'               | 23'-3"      |
| Rear Yard                    | 25'               | 3'-3"       |
| Building Height              | 35'               | 27'-8"      |
| FAR                          | 3,004 SF          | 1,901 SF    |
| Lot Coverage                 | 1,752 SF (0.41)   | 1,241 (.29) |
| Bulk Plane                   | Grade Point Level | Complies    |
| Sidewall Articulation (east) | 40'               | 43' *       |

\* Variance Request



| FLOOR AREA    |                 |
|---------------|-----------------|
| 1st Floor     |                 |
| Existing:     | 937 SF          |
| To Remove:    | 88 SF           |
| Addition:     | 110 SF          |
| Total:        | 959 SF          |
| 2nd Floor:    |                 |
| Existing:     | 752 SF          |
| Addition:     | 190 SF          |
| Total:        | 942 SF          |
| <b>Total:</b> | <b>1,901 SF</b> |

| LEGEND: |   |
|---------|---|
|         | EXISTING WALLS TO REMAIN                    |
|         | NEW 2X6 EXTERIOR WALLS (2X4 INTERIOR WALLS) |
|         | NEW CONCRETE FOUNDATION WALL                |
|         | EXISTING PORTION TO BE REMOVED              |

**MAIN FLOOR PLAN**  
1/8"=1'-0"

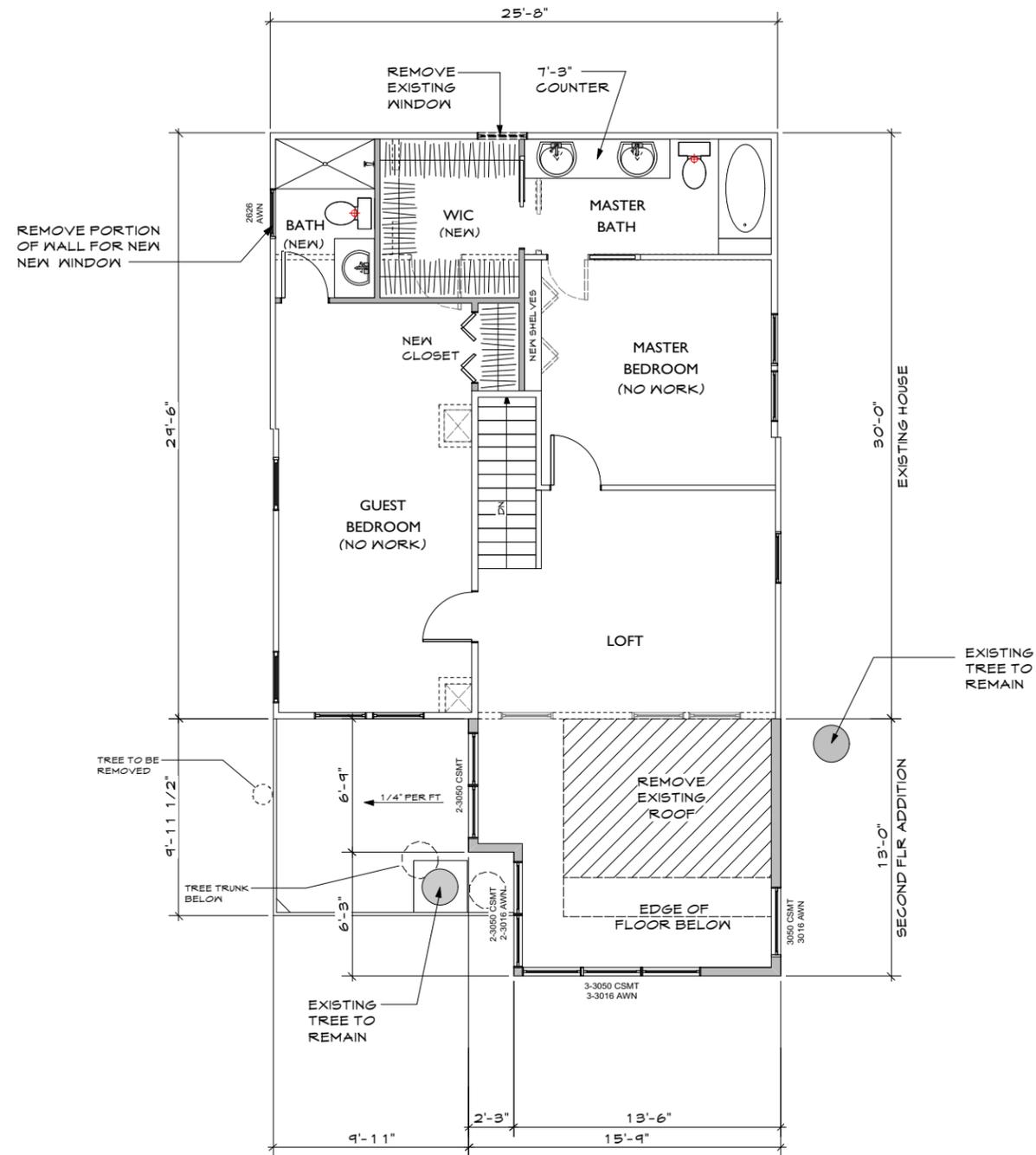


| Construction Documents Issue: |          |            |
|-------------------------------|----------|------------|
| Date                          | Comments | Init. P.S. |
| 07/20/16                      | Variance |            |

Prepared for: **Jim and Leah Brasseur**  
2069 Bluff St, Boulder, Colorado 80304

**2069 Bluff Street**  
Lot A Patterman, City of Boulder, County of Boulder

Variance  
Application



SECOND FLOOR PLAN  
1/8"=1'-0"

**LEGEND:**

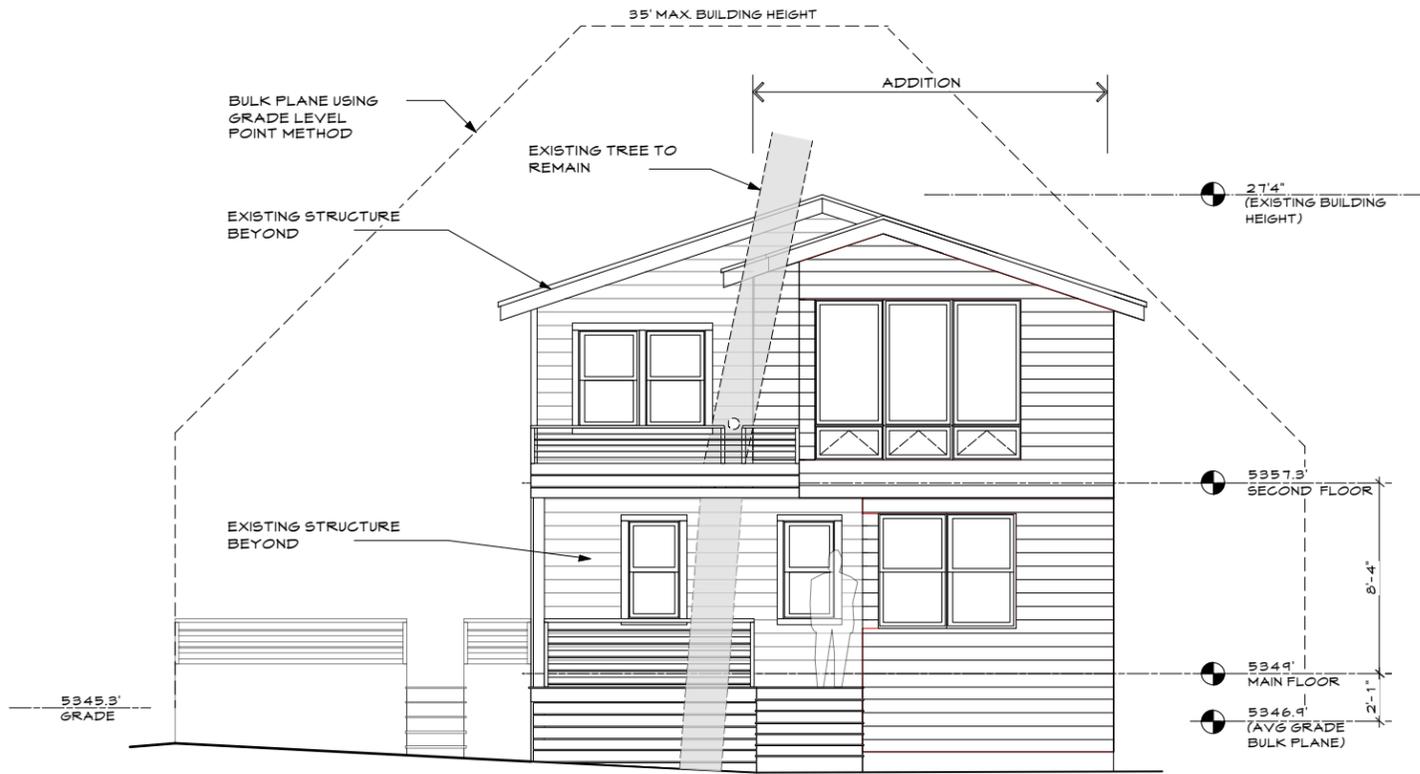
- EXISTING WALLS TO REMAIN
- ▬ NEW 2X6 EXTERIOR WALLS (2X4 INTERIOR WALLS)
- ▨ NEW CONCRETE FOUNDATION WALL
- ▩ EXISTING PORTION TO BE REMOVED

| Construction Documents Issue: |            |
|-------------------------------|------------|
| Date                          | Comments   |
| 07/20/16                      | Init. P.S. |
|                               | Variance   |

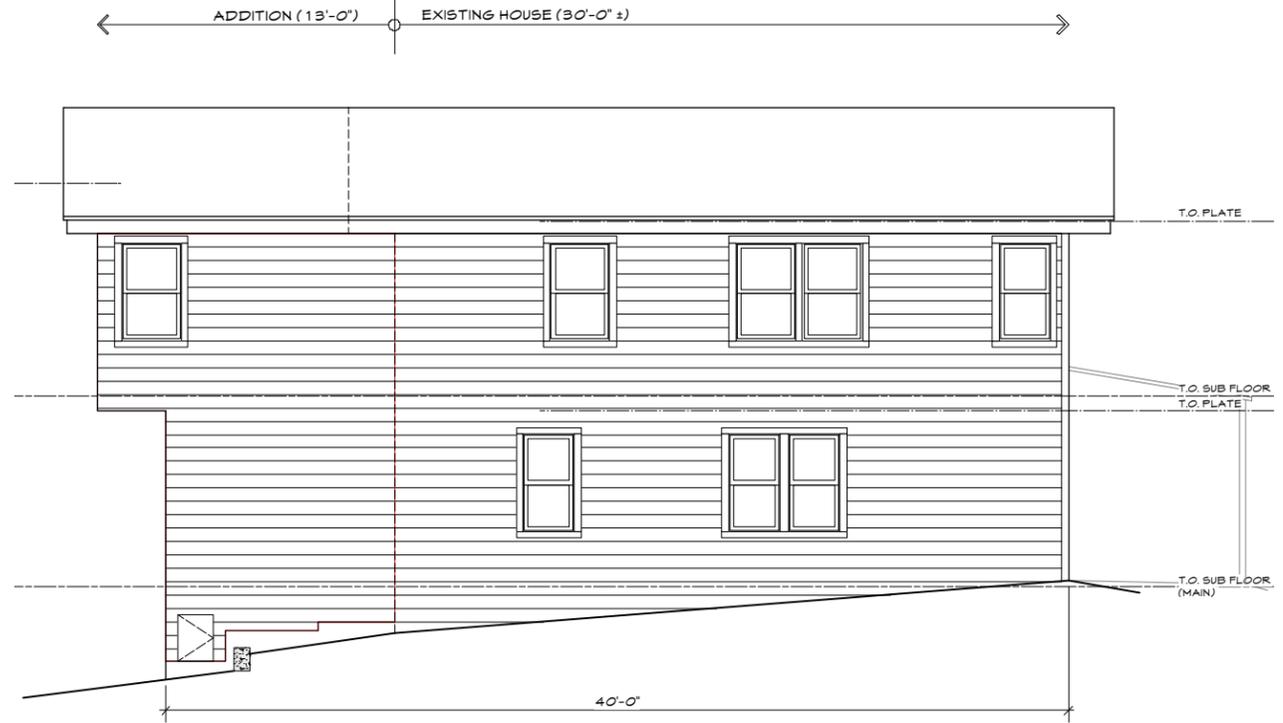
Prepared for: **Jim and Leah Brasseur**  
2069 Bluff St, Boulder, Colorado 80304

**2069 Bluff Street**  
Lot A Patterman, City of Boulder, County of Boulder

Variance Application



**SOUTH ELEVATION**  
1/8"=1'-0"



**EAST ELEVATION**  
1/8"=1'-0"



**WEST ELEVATION**  
1/8"=1'-0"

| Construction Documents Issue: |          |            |
|-------------------------------|----------|------------|
| Date                          | Comments | Init. P.S. |
| 07/20/16                      | Variance |            |

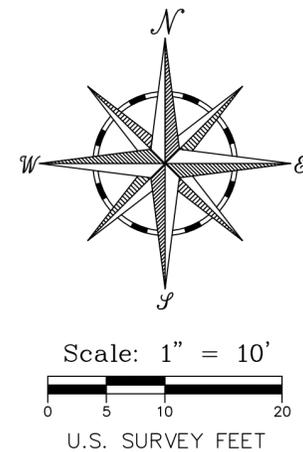
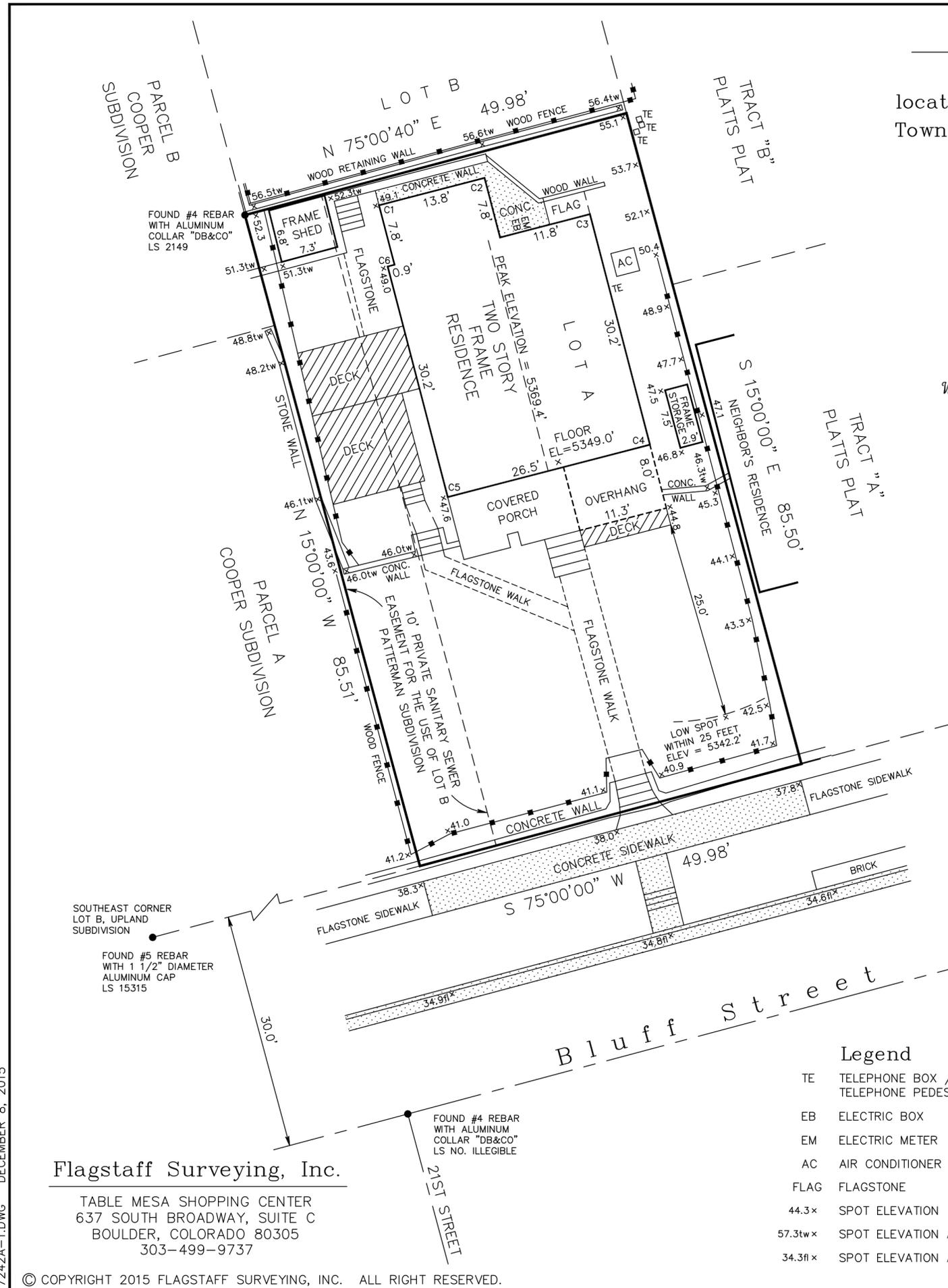
Prepared for:  
**Jim and Leah Brasseur**  
2069 Bluff St, Boulder, Colorado 80304

**2069 Bluff Street**  
Lot A Patterman, City of Boulder, County of Boulder

Variance  
Application

# Site Plan

2069 Bluff Street, Boulder  
 located in the Northeast quarter of Section 30,  
 Township 1 North, Range 70 West of the 6th P.M.  
 County of Boulder, State of Colorado



### Notes:

- 1) ONLY PLATTED EASEMENTS HAVE BEEN SHOWN HEREON. NO ADDITIONAL RESEARCH HAS BEEN PERFORMED BY FLAGSTAFF SURVEYING, INC. TO DETERMINE OTHER EASEMENTS (IF ANY).
- 2) 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.
- 3) THIS SITE PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF LEAH BRASSEUR AND JAMES BRASSEUR. THE USE OF THIS SITE PLAN BY ANY UNNAMED PERSON IS A VIOLATION OF OUR COPYRIGHT.
- 4) THIS SITE PLAN IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT.
- 5) ALL UNDERGROUND UTILITIES SHOULD BE LOCATED BY THE APPROPRIATE AUTHORITY PRIOR TO DIGGING ON OR NEAR THE SUBJECT PROPERTY.
- 6) ELEVATIONS ARE APPROXIMATELY BASED UPON THE NAVD 1988 DATUM.

### Building Tie Table

| CORNER | DISTANCE                   |
|--------|----------------------------|
| C1     | 3.2 FEET TO NORTHERLY LINE |
| C2     | 3.3 FEET TO NORTHERLY LINE |
| C3     | 7.8 FEET TO EASTERLY LINE  |
| C4     | 8.0 FEET TO EASTERLY LINE  |
| C5     | 15.5 FEET TO WESTERLY LINE |
| C6     | 15.7 FEET TO WESTERLY LINE |

### Property Description

LOT A,  
 PATTERMAN SUBDIVISION,  
 COUNTY OF BOULDER,  
 STATE OF COLORADO.

### Surveyor's Statement

I HEREBY CERTIFY FOR AND ON BEHALF OF FLAGSTAFF SURVEYING, INC. THAT DURING DECEMBER 2015 THE RESIDENCE AND IMPROVEMENTS SHOWN HEREON WERE LOCATED BY ME OR UNDER MY DIRECT SUPERVISION;

THAT THIS SITE PLAN WAS PREPARED FOR LEAH BRASSEUR AND JAMES BRASSEUR; THAT THE LOCATION OF IMPROVEMENTS, AS SHOWN HEREON, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE;

AND THAT THIS SITE PLAN IS BASED UPON THE SURVEY MONUMENTS SHOWN HEREON.

STEVEN J. SELLARS  
 COLORADO PLS 27615

DATE  
 JOB NO. 15-17242

### Legend

|         |                                    |
|---------|------------------------------------|
| TE      | TELEPHONE BOX / TELEPHONE PEDESTAL |
| EB      | ELECTRIC BOX                       |
| EM      | ELECTRIC METER                     |
| AC      | AIR CONDITIONER                    |
| FLAG    | FLAGSTONE                          |
| 44.3x   | SPOT ELEVATION                     |
| 57.3twx | SPOT ELEVATION AT TOP OF WALL      |
| 34.3flx | SPOT ELEVATION AT FLOWLINE         |

Flagstaff Surveying, Inc.

TABLE MESA SHOPPING CENTER  
 637 SOUTH BROADWAY, SUITE C  
 BOULDER, COLORADO 80305  
 303-499-9737

17242A-1.DWG DECEMBER 8, 2015

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**CITY OF BOULDER**  
**Planning and Development Services**

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1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • email [plandevlop@bouldercolorado.gov](mailto:plandevlop@bouldercolorado.gov)  
[www.boulderplandevlop.net](http://www.boulderplandevlop.net)

**ADMINISTRATIVE REVIEW**  
**NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department:

**DECISION:** Denied  
**DATE:** June 07, 2016  
**REQUEST TYPE:** Side Yard Wall Articulation Variance  
**ADDRESS:** 2069 BLUFF ST  
**APPLICANT:** PETER STEWART  
**CASE #:** ADR2016-00119  
**LEGAL DESCRIPTION:**  
Lot A, Subdivision: Patterman  
City of Boulder, County of Boulder, Colorado  
**ADMINISTRATIVE REVIEW:** Side Yard Wall Articulation

**REASONS FOR DENIAL:**

The variance application to allow for the consideration of a wall that is greater than 14'-0" in height within 14'-0" of the side yard property line, and that is in excess of 40'-0" in length (43'-0" proposed) is denied as it has not been found to satisfy the applicable criteria [*per 9-2-3 (c)(2) B.R.C. 1981, the application must satisfy criterion (h)(5)*]. More specifically, the application does not satisfy all applicable elements of criterion 5, including providing a compelling case as to how the design solution "*Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title...*"

The provided application materials describe a need for a "functionally sized room" as well as some metrics to describe how much greater the proposal is compared to the code permitted maximum. Additionally, the provided materials explain that the proposed design solution is only requested "*at the second level leaving the lower level open and within the 40 foot maximum.*"

Based upon a review of the provided materials, including lower and upper level floor plans, the perspective of staff is that the property can further be reasonably developed in conformity with the code, including the Side Yard Wall Articulation (SYWA) limitations of 9-7-10 B.R.C. 1981. Similarly, it appears that, with some modification to the proposed design, a functionally sized room could be designed in such a way as to not require a SYWA variance. Because other design solutions appear to be possible staff does not find this to be the minimum variance to afford relief or that it is the least modification of the regulations. Finally, with regard to the observation that the SYWA conflict is limited to the second level, please note that the specific language from 9-7-10 B.R.C. 1981 offers this as part of the statement of purpose:

*"Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of the side yard wall articulation standard is to reduce the perceived mass of a building by dividing it into smaller components, or to step down the wall height in order to enhance privacy, preserve views and visual access to the sky for lots or parcels that are adjacent to new development."* (emphasis added)

In terms of available paths forward- while there is no appeal procedure for this administrative review, per 9-2-3 (d) B.R.C. 1981 requests for variances to the SYWA standards may be made before the Board of Zoning Adjustment (BOZA). Deadlines for BOZA applications fall on the 3rd Wednesday of each month (for items to be heard by the board on the 2nd Thursday of the following month). Should you wish to pursue this as a BOZA item you will find application materials here:

[https://www-static.bouldercolorado.gov/docs/PDS/forms/400\\_BOZA\\_app.pdf](https://www-static.bouldercolorado.gov/docs/PDS/forms/400_BOZA_app.pdf)

This decision is final and may not be appealed. A new request may be considered only as a new application.

Denied By:   
\_\_\_\_\_  
Brian Holmes, Planning Department



City of Boulder Planning and Development Services  
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306  
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevlop.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: 3212 9<sup>th</sup> ST.
- Legal Description: Lot 6-8 Block 10 Subdivision NEWLANDS (Or attach description.)
- Existing Use of Property: SINGLE FAMILY RESIDENCE

• Description of proposal:

ASKING FOR VARIANCE OF FRONT YARD SETBACK FROM 25' REQ. TO 19'-4" FOR EXISTING FRONT WALL, WITH REPLACEMENT OF MATCHING SIDING.

|   |  |
|---|--|
| *Total floor area of existing building: <u>1529</u> | *Total floor area proposed: <u>4107</u>  |
| *Building coverage existing: <u>1377</u>            | *Building coverage proposed: <u>2037</u> |
| *Building height existing: <u>27'-6"</u>            | *Building height proposed: <u>29'-4"</u> |

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

- ◆ Name of Owner: KARL & CARRIE POEHLS
- Address: 3212 9<sup>th</sup> ST. Telephone: \_\_\_\_\_
- City: BOULDER State: CO Zip Code: 80302 FAX: \_\_\_\_\_
- ◆ Name of Contact (if other than owner): DAVID WAUGH
- Address: P.O. BOX 499 Telephone: 720-494-7602
- City: NIWOT State: CO Zip Code: 80544 FAX: \_\_\_\_\_

### STAFF USE ONLY

BOZ 2016-  
00017  
Doc. No. 00017 Date Filed 7/20/16 Zone \_\_\_\_\_ Hearing Date \_\_\_\_\_  
Application received by: KE Muller Date Fee Paid \_\_\_\_\_ Misc. Rect # \_\_\_\_\_

**APPLICATION TYPES**

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

**APPLICATION REQUIREMENTS**

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

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

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

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

---

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

Applicant / Owner Signature David Wang Architect Date 7-19-16

**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, DAVID WAUGH, am filing a Land Use Review, Administrative Review, Technical Document Review, or BOZA application [on behalf of] KARL & CARRIE POEHLS for the property located at 3212 9TH ST.. I have read the city's sign posting requirements above and acknowledge

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

and agree to the following:

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

Daniel Waugh  
NAME OF APPLICANT OR CONTACT PERSON

7-19-16  
DATE

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

July 19, 2016

David Waugh  
Waugh & Associates  
Longmont, CO 80501

Mr. Waugh,

This is the written authorization you requested to submit the BOZA Variance Application, and all necessary supplemental documents, to the City of Boulder Planning and Development Services department on our behalf.

We look forward to concluding this matter in a way that will be satisfactory to all involved parties.

Sincerely,

Handwritten signatures of Karl and Carrie Poehls. The signature on the left is 'Karl' and the signature on the right is 'Carrie Poehls'.

Karl & Carrie Poehls

# waugh & associates

architecture • planning • solar design

August 4, 2016

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

RE: BOZA Variance Application  
3212 9<sup>th</sup> Street  
Karl and Carrie Poehls

This application is being made to request a setback variance for the front yard setback of the above named project located at 3212 9<sup>th</sup> St. The home is not designated historic or in a historic district, but Landmarks considers it to have historic significance. The existing front yard setback is 19 feet four inches to the original house with an attached 6 foot by 22 foot enclosed porch in front of the home with a setback of 13'- 7". The owner is proposing to construct a two story addition at the rear of the property that meets all setback criteria for the sides and rear yard. There will be no additional encroachment into the existing front setback, just that which has historically encroached in the front yard. The enclosed front porch meets the city front porch regulations and remains intact except for the removal of added aluminum windows.

The existing residence is 1529 square feet on two levels above grade. The addition will be 732 square feet on one level above grade with a 651 square foot upper level. The new owners will be moving into the home permanently once the remodel is complete.

This setback variance is necessitated due to the existing setback that does not meet the required setbacks for the RL-1 zoning district, where the requirement for a front yard setback is 25 feet. Whereas this property would have been 'grandfathered' in, the builder (Field West Construction), in consultation with the architect (Waugh & Associates), exceeded the scope of the building permit by removing portions of the existing structure (e.g., walls and roof sections that are located within the minimum required setbacks). The demolition work includes removal of exterior wall siding, on both the first and second floor front walls and the adjoining side walls, and interior sheathing (plaster, drywall, paneling, etc.) along with roof sheathing and shingles. In addition, two new windows were added in this front wall and new dormers were constructed on the existing roof. The demolition of the exterior walls, interior walls, and roof surfaces were performed by the builder, without consent of the applicant, and these actions

triggered a stop work notice as well as the Landmarks request that we restore the front façade to its original face. In addition, it created the need to get BOZA approval for a setback variance.

All original wall studs remained intact. No exterior walls were moved. However, numerous windows were added to the existing structure, requiring new openings to be cut and several existing windows were vacated, creating a patchwork of new and old siding. In addition, the exterior sheathing was a "Celotex" fiberboard underlayment that literally disintegrates, when exposed, due to age. Therefore, the exterior wall siding and sheathing were removed on both levels of the front wall and the side walls within the 25 foot setback. Field West, in consultation with Waugh & Associates, removed the siding and wall sheathing because they wanted to provide a quality structure for the client, and believed they had maintained the integrity and intent of the regulation by keeping the original structure in place, and had not constituted "demolition" work.

The roof of the house was stripped of multiple layers of old shingles in preparation for new shingles and the new dormers. In the process, it was discovered that the underneath sheathing had severe water damage and considerable rotting. At that point it was determined that the sheathing substrate should be replaced. All roof rafters remained intact, and 2x10 joists were sistered onto the existing roof rafters in order to meet city of Boulder insulation requirements. Interior drywall had to be stripped in order to place the new rafters. The builder thought he was saving the roof structure since all rafters remained in place.

Based on the existing conditions of the roof, Field West felt that the replacement with new roof shingles should not be installed over a substandard substrate, not knowing that removing the shingles and sheathing constituted demolition. Therefore, the roof needs to be part of the variance.

The dormers were an addition to the existing roof, and were calculated to be within the 50% roof retention. Each of the front dormers sets back 4'-6" feet from the front face. As the house sits on an angle the northern dormer is set back 24'-8" (other than overhang), 4 inches short of the required setback. The west wall of the southern dormer is set back 24'-0" feet, or 1'-0" into the 25' front setback, and will both need to be included in the variance. These two dormers were inadvertently centered in each room. Being set back 12 feet from the front of the structure, it did not get checked against the front setback.

The front porch had the aluminum windows removed (not original). The structure itself is brick walls and trussed roof and remained intact, including the shingles. It meets the allowed front porch criteria as it extends only six feet beyond the building, has an area of 132 sq. ft. and is set back 13' 7" from the street, thus meeting the required 50% of the front yard setback.

## **CRITERIA FOR VARIANCES**

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

### **(1) Physical Conditions or Disability**

**(A)** This property has an unusual physical circumstance, which is the location of the house in proximity to the front street. We have not changed the location of the original front wall or the attached porch. We are asking for a continuation of the setback of 19'-4" instead of the standard 25 feet, that was demolished due to removal of the exterior siding and sheathing on both the roof and front and side walls as well as the interior sheathing. The front porch currently meets the setback requirements of 50% of a front yard setback and remains fully intact.

**(B)** The unusual location of the home is not common throughout the neighborhood, although there is a variation of setbacks due to the age of the homes in the area, where many of the homes predated standard setbacks.

**(C)** Because of the unusual setback of the historically significant house, the property cannot reasonably be developed in conformity with the provisions of the zoning code, as the original home never met the setback requirements when it was constructed. This request does not alter the existing setback, but the builder's demolition work triggered the loss of the grandfathered status. We are asking for a variance of the setback in order to recreate the existing façade. Being a significant home, we can only replicate the existing wall where it has always been located.

**(D)** The Applicant did not create this unnecessary hardship. Upon commencement of construction, it was our understanding that the existing exterior siding, front façade, and front porch were to remain fully intact and not be altered in any way at the request of Landmarks board. We were living in Wisconsin and not physically capable of closely monitoring the construction activity. Therefore, we were surprised to hear of the stop work notice as well as the extent of the demolition work that was done. The hardship was created by the builder (Field West), in consultation with the architect (Vaugh & Associates), when they decided to remove the exterior siding and sheathing of the front/side walls, interior sheathing, and roofing material. Field West takes full responsibility for removing the siding and wall/roof sheathing. While the front entry porch was maintain in its entirety, Field West misunderstood the City code. The interpretation in the field was that by maintaining 50% of the structure (foundation, roof height, interior wall/roof construction) the home was being remodeled within compliance of City code. The exterior wall sheathing had no

waterproofing and was made of porous material which is outdated and no longer meets City code. Once the new windows were added to the street facing walls, much of the old siding was removed and only a few full lengths of siding were undisturbed and reusable. The intention of the new siding was to recreate the original historic look of the house using natural cedar siding with a 6" face to maintain the historic look of the home. With this being said, the location of the front wall has existed prior to our purchase of the property and since the home was originally constructed. Further, the applicant is working diligently with the Landmarks Board in trying to preserve the character of this home.

#### **(4) Designated Historic Property**

Although this property is not historic or in a historic neighborhood, it has been deemed to be historically significant, and to meet current front yard setbacks on the lot would have an adverse impact on the historic character of the house.

#### **(5) Requirements for All Variance Approvals**

**(A)** This variance request would not alter the essential character of the neighborhood as it would be a restoration of the existing façade. The neighborhood consists of moderately sized, quaint homes, such as this one. The applicant's home is on a large lot, originally combined from three Newlands lots, so it does not have an overly large presence.

**(B)** This variance would not substantially or permanently impair the reasonable use and enjoyment of adjacent property, since it is a continuation of the way it has always been. This variance would meet existing setbacks of the original home, while protecting the historic aspect of this home and the surrounding homes, allowing for better use and enjoyment for both the applicants and their neighbors.

**(C)** This would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this variance, as we would be recreating the existing façade.

This variance request is the minimum that would afford relief in relation to the historic nature of this particular Ninth Street home.

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

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

In conclusion, the applicant is asking for a continuation of the existing setback variation, which was inadvertently altered by the builder, in consultation with the architect, by removal of the exterior siding, interior sheathing, and roof sheathing. This demolition work was done without the approval of the applicant. The size of the proposed rear addition is very compatible with the existing residence, and will maintain the "small home" character of the neighborhood.

We respectfully ask for this variance approval.

LEGAL

ADDRESS - 3212 9TH STREET  
LOTS 6-8 BLOCK 10,  
NEW LANDS  
CITY OF BOULDER  
COUNTY OF BOULDER  
STATE OF COLORADO

### SHEET INDEX

|    |                         |
|----|-------------------------|
| A0 | SITE PLAN               |
| A1 | LOWER LEVEL PLAN        |
| A2 | MAIN LEVEL FLOOR PLAN   |
| A3 | UPPER LEVEL FLOOR PLAN  |
| A4 | ELEVATIONS              |
| A5 | ELEVATIONS              |
| A6 | SECTIONS                |
| SI | FOUNDATION PLAN         |
| S2 | MAIN LEVEL FRAMING PLAN |
| S3 | ROOF FRAMING PLAN       |

REVISIONS:

|   |           |
|---|-----------|
| 1 | 16 MAY 16 |
| 2 | 2 AUG. 16 |

NOTES

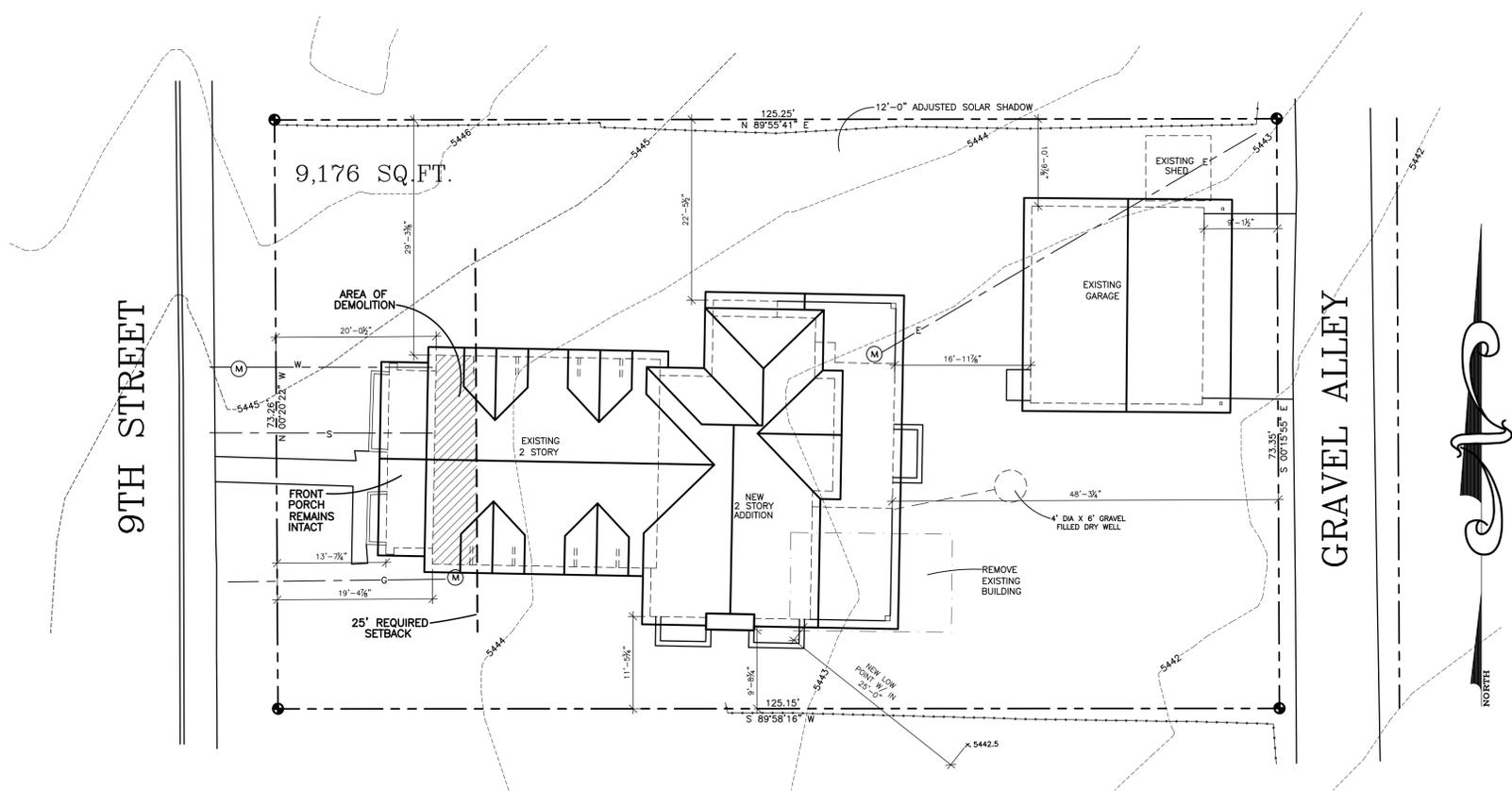
DRAWN BY: T. WALUGH

REMODEL FOR PRIVATE RESIDENCE  
BOULDER, COLORADO

3212 9TH STREET

**waugh & associates**  
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e-mail info@waughworld.com



**SITE PLAN**  
SCALE : 1"=10'-0"

ENERGY EFFICIENCY TO EXCEED 2012 IEC REQUIREMENTS BY 15%

| HEIGHT CALCULATION       |        |
|--------------------------|--------|
| RIDGE HEIGHT :           | 5471.8 |
| LOWEST POINT W/ IN 25' : | 5442.5 |
| TOTAL HEIGHT:            | 29.3'  |

**GENERAL NOTES:**

DEVELOPER, OWNER, AND/OR GENERAL CONTRACTOR ARE TO VERIFY ALL EXISTING CONDITIONS, DIMENSIONS, AND SPECIFICATIONS ON THESE DRAWINGS PRIOR TO, AND DURING CONSTRUCTION. ANY DISCREPANCIES, OMISSIONS, OR ERRORS EXISTING IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CORRECTION PRIOR TO COMMENCING WORK. THE FAILURE TO NOTIFY THE ARCHITECT WITHIN TEN (10) DAYS FROM THE DATE OF THE DRAWINGS SHALL CONSTITUTE THE FINAL ACCEPTANCE OF THE DRAWINGS. ANY CHANGES MADE AFTER THE ACCEPTANCE OF THE DRAWINGS SHALL RELEASE THE ARCHITECT FROM ANY FUTURE RESPONSIBILITY.

ALL WORK SHALL COMPLY WITH, AND BE IN ACCORDANCE WITH, MINIMUM CONSTRUCTION STANDARDS OF THE INTERNATIONAL BUILDING CODE, THE NATIONAL ELECTRIC AND PLUMBING CODES, AND ALL APPLICABLE STATE AND LOCAL CODES.

ALL WORKMANSHIP AND INSTALLATIONS SHALL BE AS ESTABLISHED BY GOOD AND NORMAL BUILDING PRACTICE AND MANUFACTURER'S INSTALLATION REQUIREMENTS.

SHEET NO.: **A0** DATE: 2 AUG. 2016

**SITE PLAN**

LEGEND

|                                  |  |
|----------------------------------|--|
| EXISTING WALL TO REMAIN          |  |
| EXISTING WALL TO BE DEMOLISHED   |  |
| NEW WALL CONSTRUCTION            |  |
| DEMOLISHED WALL IN FRONT SETBACK |  |

SQUARE FOOTAGE SUMMARY

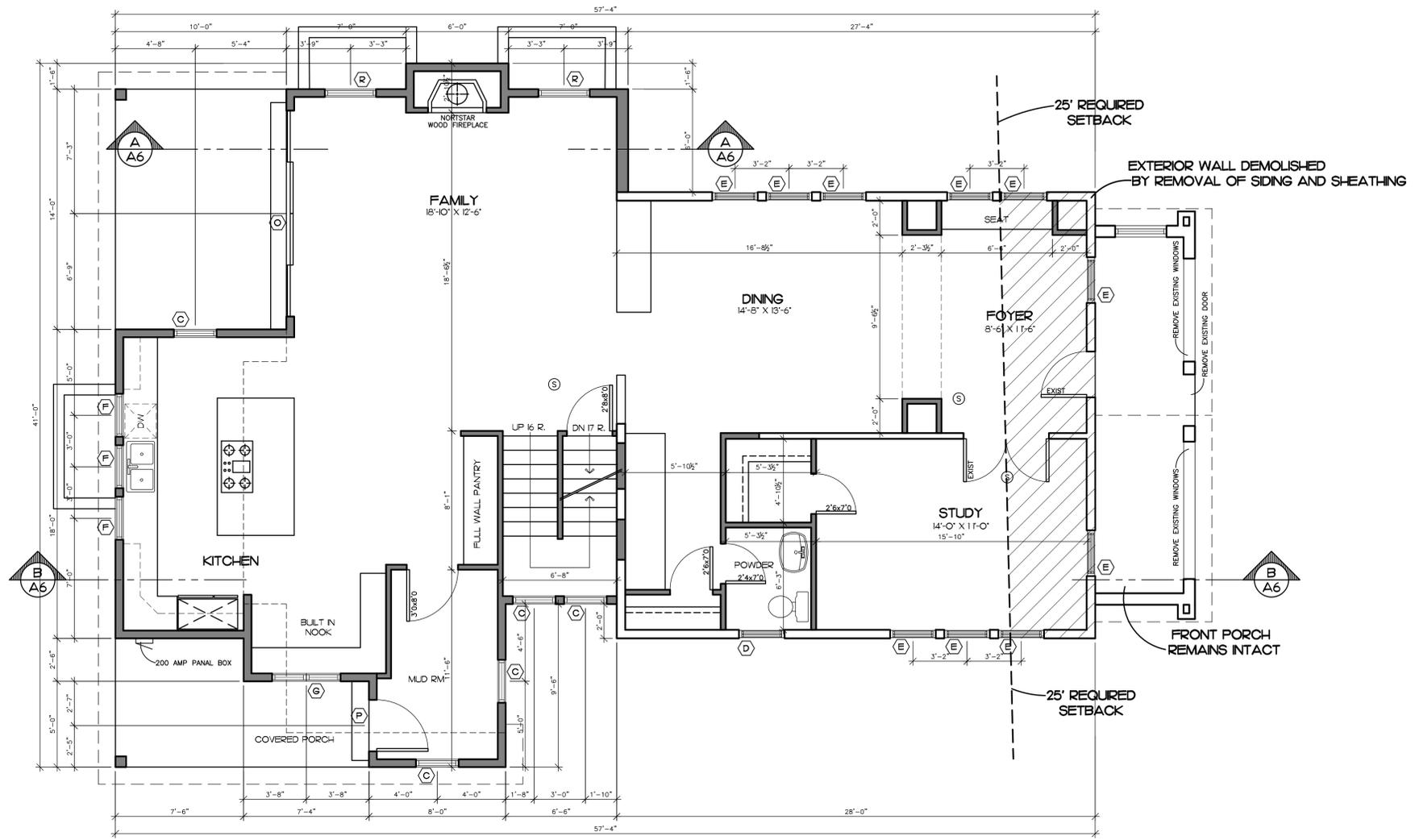
|                      |             |
|----------------------|-------------|
| EXIST. MAIN LEVEL    | 801 SQFT.   |
| EXIST. UPPER LEVEL   | 728 SQFT.   |
| NEW MAIN             | 732 SQFT.   |
| NEW UPPER            | 651 SQFT.   |
| TOTAL                | 2,912 SQFT. |
| NEW UNFINISHED LOWER | 691 SQFT.   |

Ⓢ - SMOKE AND CARBON MONOXIDE DETECTORS

REVISIONS:

|   |           |
|---|-----------|
| 1 | 16 MAY 16 |
| 2 | 2 AUG 16  |

DRAWN BY: T. WAUGH



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

REMODEL FOR PRIVATE RESIDENCE  
BOULDER, COLORADO

3212 9TH STREET

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e-mail info@waughworld.com

SHEET NO.: A2 DATE: 2 AUG. 2016

MAIN LEVEL FLOOR PLAN

# WINDOW SCHEDULE

| SYM. | QTY. | SIZE / MODEL | ROUGH OPENING  | REMARKS                    |
|------|------|--------------|----------------|----------------------------|
| A    | 2    | 4860         | 4'-0" X 5'-0"  | STEEL BUCK BASEMENT SLIDER |
| B    | 1    | 6060         | 5'-0" X 5'-0"  | STEEL BUCK BASEMENT SLIDER |
| C    | 9    | 3060         | 2'-6" X 5'-0"  | DBL HUNG                   |
| D    | 1    | 4062         | 2'-4" X 3'-2"  | DBL HUNG                   |
| E    | 10   | 3260         | 2'-8" X 5'-0"  | DBL HUNG                   |
| F    | 3    | 3048         | 2'-6" X 4'-0"  | DBL HUNG                   |
| G    | 1    | 2-2448       | 4'-0" X 4'-0"  | DBL HUNG                   |
| H    | 4    | 3660         | 2'-6" X 2'-6"  | DBL HUNG                   |
| J    | 4    | 2862         | 2'-4" X 5'-2"  | DBL HUNG                   |
| K    | 1    | 3654         | 3'-0" X 4'-6"  | DBL HUNG                   |
| L    | 3    | 3036         | 2'-6" X 3'-0"  | DBL HUNG                   |
| M    | 1    | 2430         | 2'-0" X 2'-6"  | DBL HUNG                   |
| N    | 1    | 6024         | 5'-0" X 2'-0"  | PICTURE                    |
| O    | 1    | 14496        | 12'-0" X 8'-0" | SLIDING DOOR               |
| P    | 3    | 3696         | 3'-0" X 8'-0"  | DOOR                       |
| R    | 2    | 3636         | 3'-0" X 3'-0"  | PICTURE                    |

## LEGEND

|                                  |  |
|----------------------------------|--|
| EXISTING WALL TO REMAIN          |  |
| EXISTING WALL TO BE DEMOLISHED   |  |
| NEW WALL CONSTRUCTION            |  |
| DEMOLISHED WALL IN FRONT SETBACK |  |

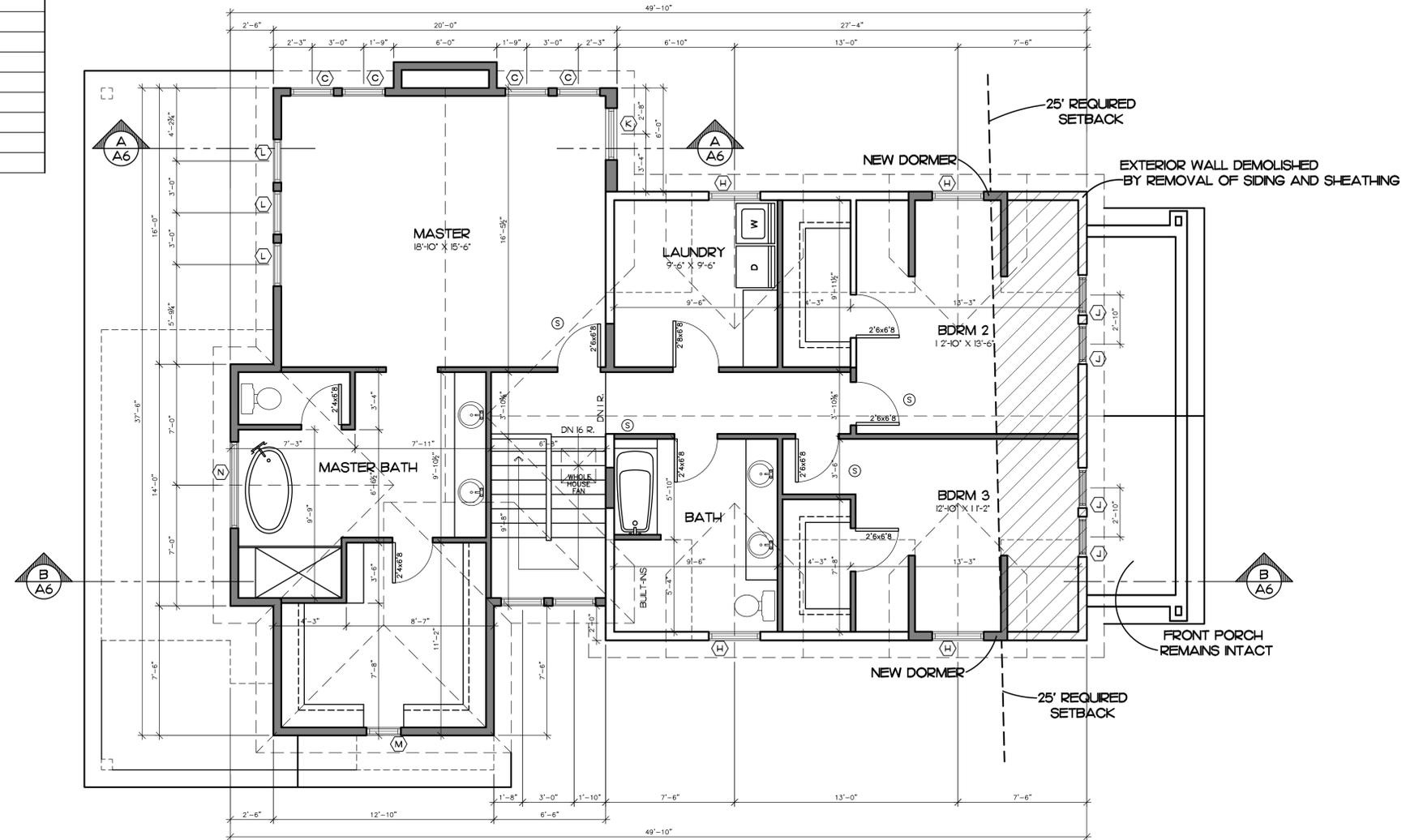
## SQUARE FOOTAGE SUMMARY

|                      |             |
|----------------------|-------------|
| EXIST. MAIN LEVEL    | 801 SQFT.   |
| EXIST. UPPER LEVEL   | 728 SQFT.   |
| NEW MAIN             | 732 SQFT.   |
| NEW UPPER            | 651 SQFT.   |
| TOTAL                | 2,912 SQFT. |
| NEW UNFINISHED LOWER | 691 SQFT.   |

Ⓢ - SMOKE AND CARBON MONOXIDE DETECTORS

|            |           |
|------------|-----------|
| REVISIONS: | 16 MAY 16 |
| NOTES      |           |
| 2          | 2 AUG 16  |
| NOTES      |           |

DRAWN BY: T. WAUGH



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

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SHEET NO.: A3  
DATE: 2 AUG 2016

UPPER  
LEVEL FLOOR  
PLAN



○ WEST ELEVATION  
SCALE : 1/4"=1'-0"



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

|            |           |
|------------|-----------|
| REVISIONS: | 16 MAY 16 |
| 1          | NOTES     |
| 2          | NOTES     |
|            | 2 AUG. 16 |

DRAWN BY: T. WALUGH

REMODEL FOR PRIVATE RESIDENCE  
BOULDER, COLORADO

3212 9TH STREET

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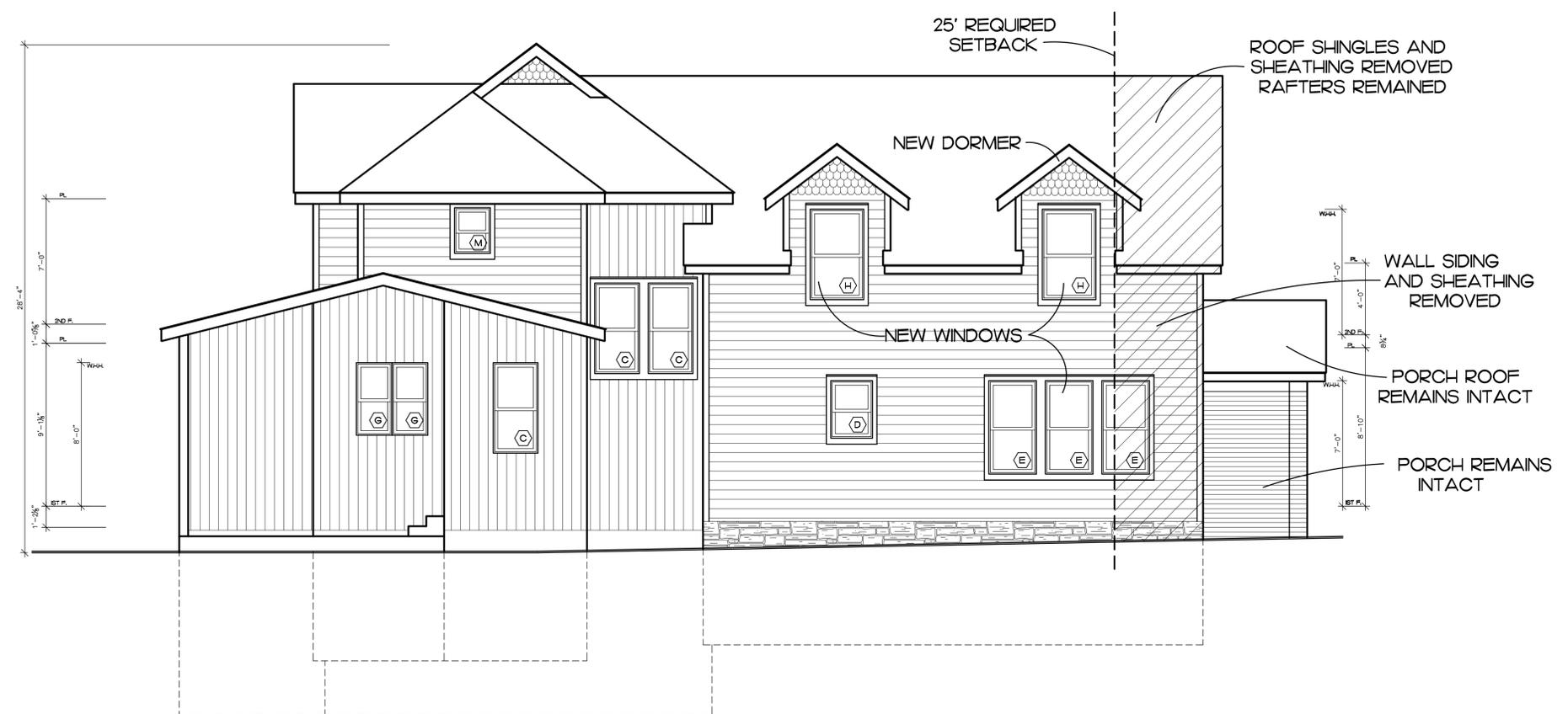
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SHEET NO.: A4  
DATE: 2 AUG. 2016

ELEVATIONS



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



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

|            |           |
|------------|-----------|
| REVISIONS: | 16 MAY 16 |
| NOTES      |           |
| 2          | 2 AUG. 16 |
| NOTES      |           |

DRAWN BY: T. WALUGH

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SHEET NO.: **A5** DATE: 2 AUG. 2016

ELEVATIONS



**CITY OF BOULDER**  
**BOARD OF ZONING ADJUSTMENT**  
**ACTION MINUTES**  
**July 14, 2016, 5 p.m.**  
**Main Library, 1001 Arapahoe Ave., Boulder Creek Room**

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

**Board Members Absent:** None.

**City Attorney Representing Board:** Erin Poe

**Staff Members Present:** Robbie Wyler and Sandy Briggs

**1. CALL TO ORDER:**

**D. Schafer** called the meeting to order at 5:06 p.m.

**2. BOARD HEARINGS:**

**A. 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.

On a motion by **M. Hirsch**, seconded by **E. McCready**, the board unanimously approved (5-0) the application (**Docket 2016-13**) to be heard tonight, July 14, 2016, stating that sufficient public notification had been given to property owners.

**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:**

- The board received clarification from the staff and the applicant regarding the differences between the original plan and the revised plan.
- **J. Grano** questioned the garage opening size and the potential hardship issue involved with building at the proposed size.
- The board discussed the proposed wheelchair ramp to be included on the project.
- **D. Shafer** was updated on the project as he was absent at the first hearing on June 9, 2016.
- The board continued discussion about the size of the garage door opening and its potential for altering the neighborhood's homogeneity.
- **E. McCready** reminded the board that the project is a “pop-top” and the roof as proposed will be part of the slope on the second floor.
- **J. Lester** does not believe the project offers minimal relief and suggested several alternatives in design. She voiced concerns about what future neighbors might see.
- The board discussed the ramifications of approving, denying and the potential of continuing the case, with clarification from **E. Poe** regarding the process.
- The board discussed the roof slope and provided potential size criteria for conditional approval.
- **M. Hirsh** suggested granting the applicant an approval, but give conditions regarding the garage door.
- The board agreed that defining parameters specifically could be acceptable.
- The board disagreed about the best way to proceed and decided another continuance is needed.
- **D. Schafer** reviewed the board’s concerns with the applicant regarding the need for a dramatic reduction of the mass in the slot within the setback.

**Motion:** On a motion by **D. Shafer**, seconded by **J. Lester**, the Board of Zoning Adjustment voted (4-1, **M. Hirsch** objected) to continue the application (**Docket 2016-13**) for 30 days, to be presented at the next Board of Zoning Adjustments meeting, August 11, 2016.

**3. GENERAL DISCUSSION:**

• **Approval of Minutes**

On a motion by **M. Hirsh**, seconded by **J. Grano**, the Board of Zoning Adjustments voted 5-0 to approve the June 9, 2016 minutes as amended.

• **Matters from the Board**

There were no matters from the Board.

- **Matters from the City Attorney**  
**E. Poe** informed the board and staff that Deputy City Attorney, **David Gehr**, will be attending the August 11, 2016 BOZA meeting in **E. Poe's** place.
- **Matters from Planning and Development Services**  
There were no matters from Planning and Development Services.

**4. ADJOURNMENT:**

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

APPROVED BY

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

\_\_\_\_\_  
DATE

DRAFT