



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

DATE: Thursday, August 13, 2015

TIME: Meeting to begin at 5 p.m.

PLACE: Council Chambers, 1777 Broadway, 2nd Floor

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

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: [BOZ2015-08](#)

Address: 2243 13th Street

Applicant: First Church of Christ, Scientist

Setback Variance: As part of a proposal to reconstruct existing exterior stairs, including putting in new railings and ramps, the applicant is requesting a variance to the front (easterly) yard setback. The resulting front yard setback will be approximately zero (0) feet where 25 feet is required and where approximately zero (0) feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The [June 11, 2015 BOZA minutes](#) are scheduled for approval.

B. Matters from the Board

C. Matters from the City Attorney

D. Matters from Planning and Development Services

4. ADJOURNMENT

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

CALL TO ORDER

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

AGENDA

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

ACTION ITEMS

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

1. Presentations

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

2. Public Hearing

Each speaker will be allowed an oral presentation.*

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

3. Board Action

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

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

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

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



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

BOZA VARIANCE APPLICATION

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

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

GENERAL DATA

(To be completed by the applicant.)

- ☒ Street Address or General Location of Property: 2243 13th Street
- ☒ Legal Description: Lot ^{1-2 and all} lot 3 and 10' Block 149 Subdivision Boulder O T East & West & North (Or attach description.)
adj. on N.blk
- ☒ Existing Use of Property: Church
- ☒ Description of proposal:

The church desires to reconstruct the existing outside front stairs to make safety improvements to the entry and circulation. Also update hand rails to comply with ADA code requirements, the front setback would be "0" where 25' is required. Currently the stair setback is 0.

*Total floor area of existing building:	*Total floor area proposed: Building area will not be expanded
*Building coverage existing:	*Building coverage proposed: Building coverage will not be expanded
*Building height existing:	*Building height proposed: Building height will not be expanded

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

- ☒ **Name of Owner:** First Church of Christ, Scientist
- ☒ **Address:** 2243 13th Street Telephone: 303 444 1770
- ☒ **City:** Boulder State: Colorado Zip Code: 80302 FAX: _____
- ☒ **Name of Contact (if other than owner):** Doug Schmaus
- ☒ **Address:** 7583 West Arkansas Ave Telephone: 303-242-2143
- ☒ **City:** Lakewood State: Colorado Zip Code: 80232 FAX: _____

STAFF USE ONLY

Doc. No. BOZ 2015-00008 Date Filed 7-15-15 Zone _____ Hearing Date _____
Application received by: [Signature] Date Fee Paid _____ Misc. Rect # _____

APPLICATION TYPES

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

APPLICATION REQUIREMENTS

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

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

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

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

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

Applicant / Owner Signature  Date 7/15/15

SIGN POSTING REQUIREMENTS APPLICANT'S ACKNOWLEDGMENT FORM

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

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

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

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

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

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

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

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

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

I, SHAWN BERRY, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)
application [on behalf of the property owner(s)] NEIL KEARNEY for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)
at 2243 13th St.. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)
agree to the following:

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

Shawn Berry
NAME OF APPLICANT OR CONTACT PERSON

7/15/17
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 15, 2015

To Whom It May Concern,

On behalf of the First Church of Christ Scientist, Boulder, I Neil Kearney as the Vice Chairman of the Board of Directors do hereby give Workshop8 written consent to apply for a variance on our behalf.

We have retained Workshop8 to help us with the design and permitting process of updating our stairway to the front entrance of the church located at 2243 13th Street Boulder, CO 80302.

Sincerely,

A handwritten signature in black ink that reads "Neil Kearney". The signature is written in a cursive style with a long, sweeping underline.

Neil Kearney

Vice-Chairman of the Board of Directors
First Church of Christ Scientist, Boulder

VARIANCE REQUEST

Wednesday, July 15, 2015

Board of Zoning Adjustments
1777 Broadway - City Council Chambers
Boulder, Colorado 80302

Re: Variance Request of Front Yard Setback
2243 13th Street
First Church of Christ Scientist

Applicant: First Church of Christ Scientist

To Whom it May Concern:

At the request of the Church Board, we have prepared the attached stair design. Below is an outline of conditions and criteria to be considered for approval of a front yard setback variance. Currently the staircase is not ADA compliant. Our goal is to replace the staircase with safety improvements to the entry and circulation, and update handrails to comply with current ADA code requirements.

The goals of the stair reconstruction are:

- repair of the deteriorating stair surface
- enlargement of the intermediate landing to improve safety
- improve the safety of stair layout by turning the bottom half of the stair run
- reduce the vertical distance of a potential fall by proposing intermediate landings
- eliminate the overwhelming scale of the imposing 8 ft. stair rise
- installation of ADA code-approved railings
- addition of adequate lighting

Lot size: 150 x 150 (22,500 SF) — north or east side can be considered the front yard

Zoning: RH-2

Existing Setbacks:

Front to building: 19.7 ft.

Front to stair: 0 ft.

Side to building: 7.33 ft.

Side to stair: 22 ft.

Setbacks Required:

Front (13th Street): 25 ft.

Side (Mapleton): 12.5 ft.

Proposed Setbacks:

Front to building: 19.7 ft.

Front to stair: 0 ft.

Side to building: 7.33 ft.

Side to stair: 17.4 ft.

Building area will not be expanded.

For the stair to be compatible with Classic Revival architecture, we insist on a symmetrical layout. In order for the stairs to safely direct foot traffic to the finish floor level with the correct rise over run, and newly installed ADA handrails, the stairs will need to be constructed in the space directly up to the sidewalk with a setback of 0 ft.

In conclusion, the proposed design will meet the goals of the Church membership and the requirements of a variance but cannot meet the land use regulations. We believe this design will enhance the architecture and be an improvement to the community as well as the Church property directly. We request your support of this variance request.

Sincerely,

WORKSHOP8



C. Joseph Vigil
Principal Architect

- 1) A) THE CURRENT STATE OF THE CHURCH IS AN UNUSUAL CIRCUMSTANCE SINCE THE ENTRANCE IS LOCATED IN THE SET-BACK AND IS 9' FROM GRADE. THE ONLY POSSIBLE WAY TO ENTER IS TO CONSTRUCT A STAIRWAY IN THE SET-BACK ALSO,
- B) THIS DESIGN IS CURRENT WITH THE NEIGHBORHOOD CHURCH. AN EXAMPLE IS 1237 PINE ST. BEING A DOWNTOWN DISTRICT THIS PROPERTIES ARE MOSTLY IN THE SETBACK
- C) IN THE CURRENT STATE, WE WOULD HAVE TO ACCESS THE BUILDING WITH STAIRS IN THE SETBACK - THE BUILDING WAS BUILT 9' FROM GRADE.
- D) THIS DESIGN WILL NOT CREATE ANY HARDSHIP BECAUSE IT WILL IMPROVE THE PROPERTY AND REPLACING THE CURRENT STAIR. AS IS.

5) THE PROPOSED DESIGN WILL NOT ALTER THE ESSENTIAL
A. CHARACTER OF THE NEIGHBORHOOD AS IT WILL BE BUILT
USING MATERIALS THAT ARE CONSISTANT TO THE CURRENT
MATERIALS. THIS DESIGN IS SYMMETRICAL TO FIT THE
CLASSICAL REVIVAL THEME.

B. THE STAIRS WILL NOT IMPAIR THE ENJOYMENT OF ADJACENT
PROPERTY, BUT INSTEAD ENHANCE IT BY ADDING A SEATING
BENCH BUILT INTO THE STAIR FACE. THE STAIR AT THE
CURRENT STATE ARE IN NEED OF REPAIR. THE PROPOSED
DESIGN WILL MAKE ~~THE CURRENT STATE~~ BUILDING LOOK
MORE INVITING AND IN BETTER STATE

C. THE DESIGN UTILIZES THE MINIMUM VARIANCE THAT WILL
ALLOW THE ADDITION OF A LANDING TO THE STAIR.

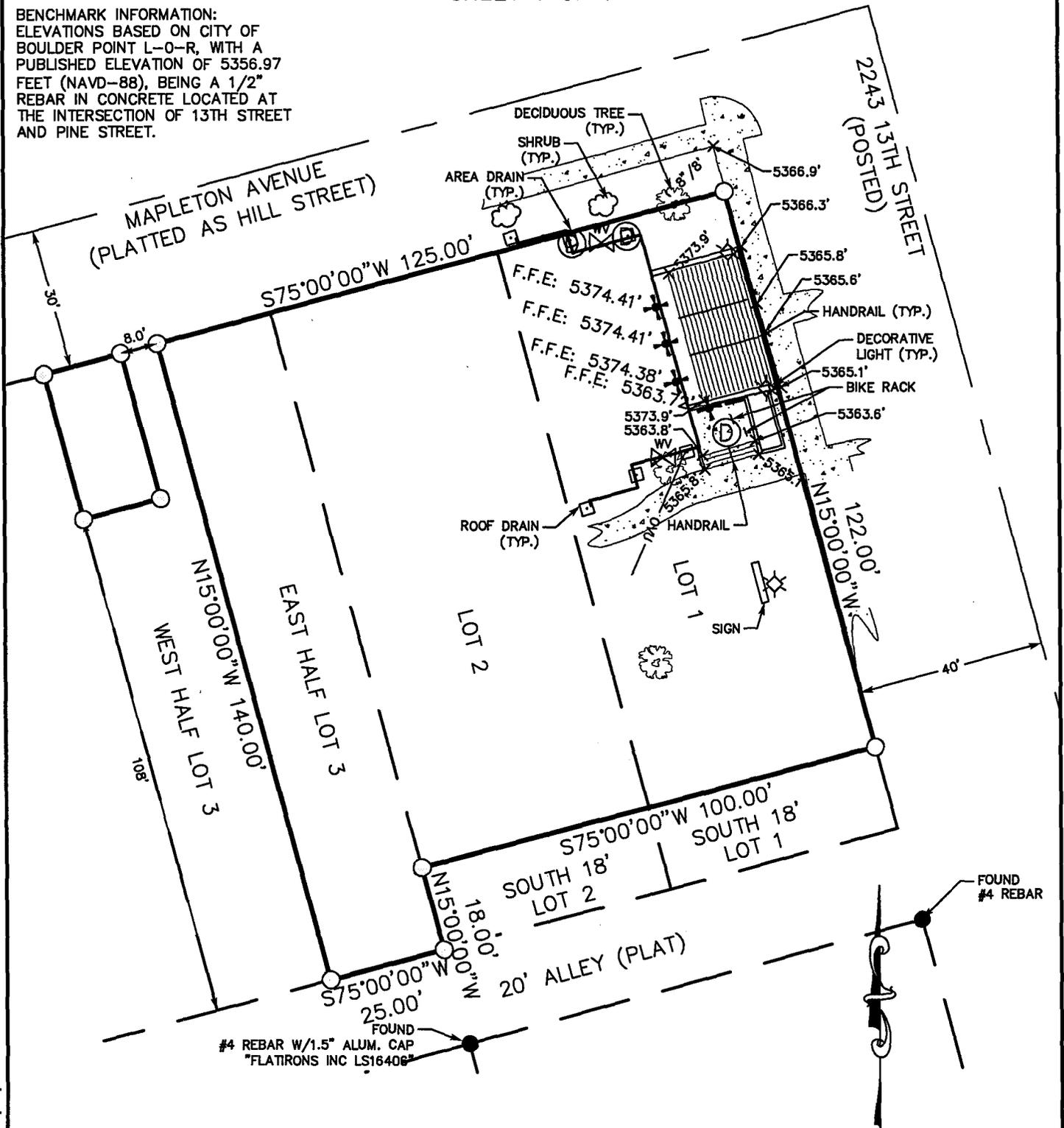
R. THE PROPOSED DESIGN WILL NOT BLOCK THE SOLAR ACCESS
OF ANY SURROUNDING PROPERTY.

EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

BENCHMARK INFORMATION:
ELEVATIONS BASED ON CITY OF
BOULDER POINT L-0-R, WITH A
PUBLISHED ELEVATION OF 5356.97
FEET (NAVD-88), BEING A 1/2"
REBAR IN CONCRETE LOCATED AT
THE INTERSECTION OF 13TH STREET
AND PINE STREET.



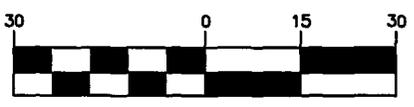
BY:JWIXON FILE:65814--SPOTEL.DWG DATE:7/2/2015 12:00 PM

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.
JOB NUMBER: 15-65,814
DRAWN BY: J. WIXON
DATE:

John B. Guyton
7/6/15

GRAPHIC SCALE

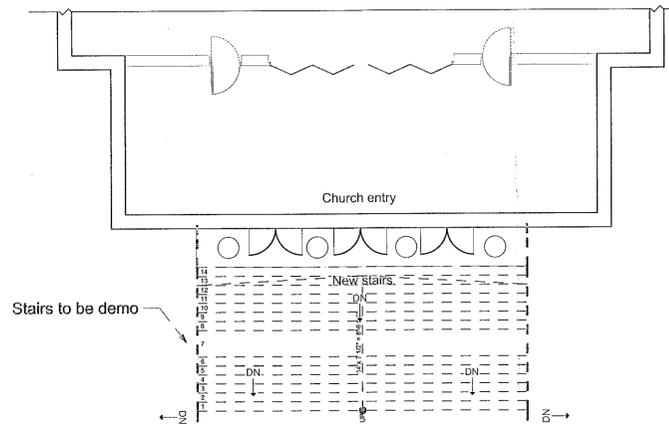


(IN FEET)
1 inch = 30 ft.

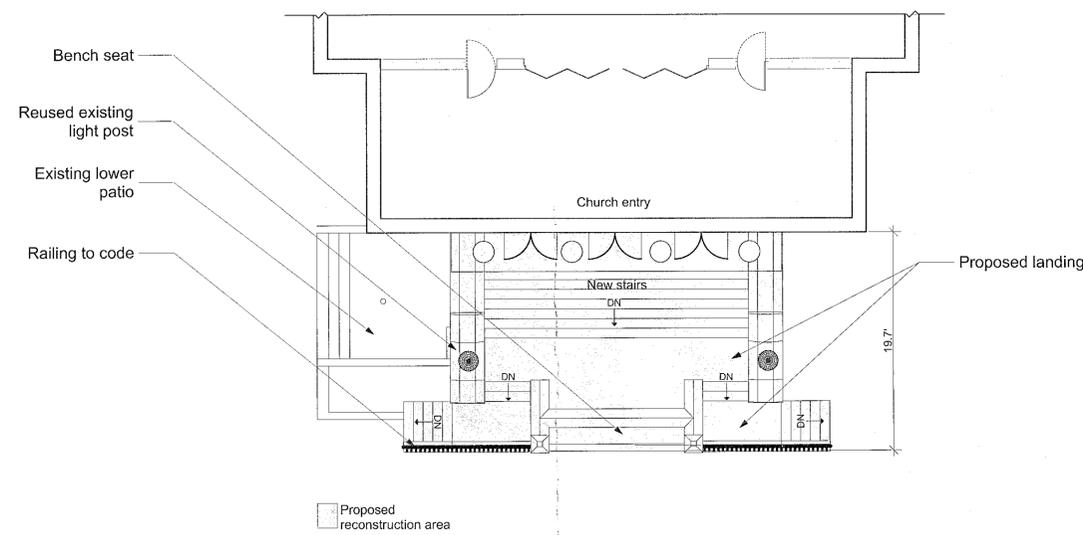
THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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

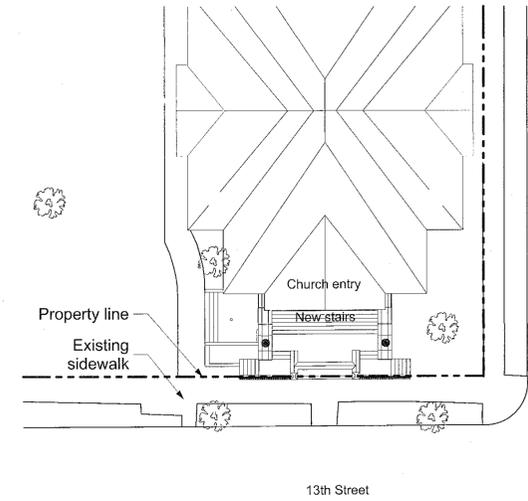




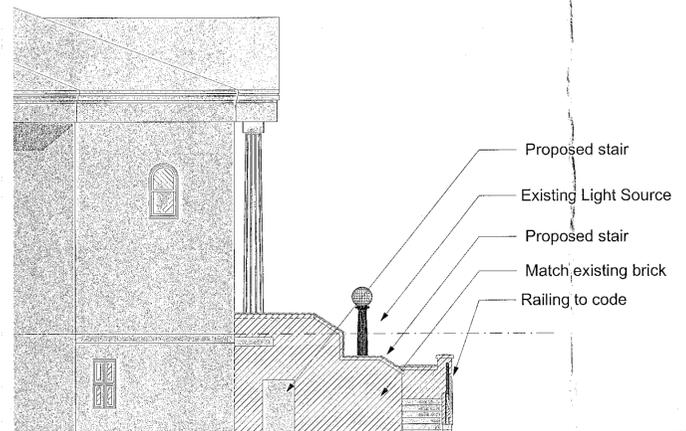
1 Existing/Demo
SCALE: 1/8" = 1'-0"



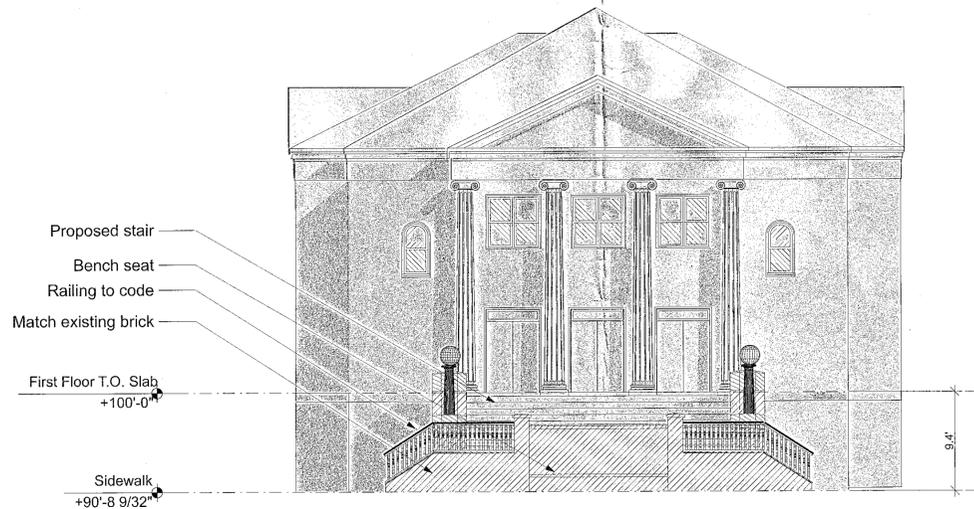
2 Proposed Floor Plan
SCALE: 1/8" = 1'-0"



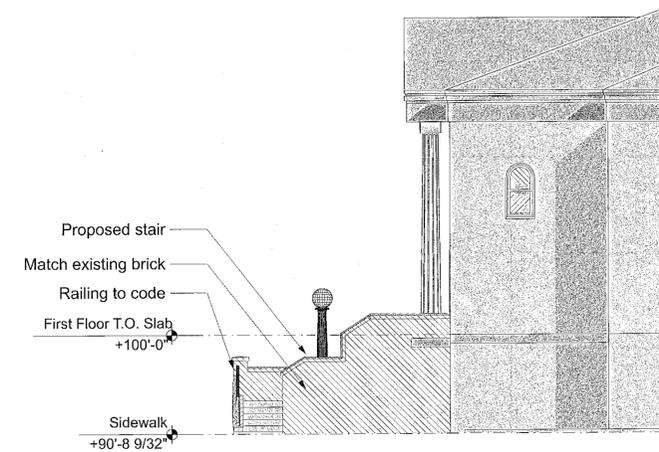
3 Site Plan
SCALE: 1" = 20'



4 West Elevation
SCALE: 1/8" = 1'-0"



5 South Elevation
SCALE: 1/8" = 1'-0"



6 East Elevation
SCALE: 1/8" = 1'-0"

2243 13th Street
Custom Remodel
100 Cherokee Way
Boulder, CO 80303

Revisions

-21 June 2015 Schematic design
No. Date Item

A1.0

Plotted On: 7/15/15
Floor Plans/Elevations

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
June 11, 2015, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present: Ellen McCready, Jill Grano, Thom Ward
Board Members Absent: Michael Hirsch, David Schafer
City Attorney Representing Board: Erin Poe
Staff Members Present: Brian Holmes, Robbie Wyler, Susan Meissner

1. CALL TO ORDER:

E. McCready called the meeting to order at 5:14 p.m.

On a motion by **T. Ward**, seconded by **J. Grano**, BOZA voted 3-0 (**M. Hirsch** and **D. Schafer** absent) to elect **E. McCready** to act as Chair for the June 11, 2015 BOZA meeting.

2. BOARD HEARING:

Docket No.: BOZ2015-03

Address: 2350 Norwood Avenue

Applicant: Marilyn Jorrie

Setback Variance: As part of a proposal to modify/finish an existing accessory structure, the applicant is requesting a variance to the front yard setback requirements of the RE zoning district. The resulting front yard setback facing north will be approximately 5 feet where 55 feet is required and approximately 5 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item.

Applicant Presentation:

Marilyn Jorrie, the owner, presented the item to the board.

Public Hearing:

No one spoke

Board Questions:

R. Wyler answered questions from the board.

Motion:

On a motion by **E. McCready**, seconded by **T. Ward**, the Board of Zoning Adjustment voted 3-0 (**M. Hirsch** and **D. Schafer** absent) to approve the application (Docket BOZ2015-00003) as presented.

Docket No.: BOZ2015-04

Address: 2951 10th Street

Applicant: Franz Leberl

Setback Variance: As part of a proposal to raise existing walls on a portion of an existing single-family house to make way for a new gabled roof, the applicant is requesting a variance to the front yard and side yard setback requirements of the RL-1 zoning district. The resulting front yard setback facing east will be approximately 24.08 feet where 25 feet is required and 24.08 feet exists today. The resulting side yard setback facing south will be approximately 4.6 feet where 9.8 feet is required and 4.6 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item.

Applicant Presentation:

Bob Netterstrom, the architect, presented the item to the board.

Public Hearing:

No one spoke

Board Questions:

R. Wyler answered questions from the board.

Motion:

On a motion by **E. McCready**, seconded by **J. Grano**, the Board of Zoning Adjustment voted 3-0 (**M. Hirsch** and **D. Schafer** absent) to approve the application (Docket BOZ2015-00004) as presented.

Docket No.: BOZ2015-05

Address: 255 29th Street

Applicants: Jonathan and Nicole Rademaekers

Setback Variance: In consideration of a proposal for a second story addition to an existing non-standard single family residence located within the RL-1 zoning district, the applicant is requesting a variance to recognize an existing non-standard condition that results in a principal structure with a rear yard setback of 23'-2" where 25'-0" is required and where 23'-2" exists; and an interior east side yard of 6" where a minimum of 5'-0" is required and where 6" exists today. The second story addition proposal will require a variance to the minimum combined side yard setback, the proposed west side yard setback is approximately 8 feet where 14.5 feet is required to comply with the minimum required 15 foot combined setback, and where 7.9 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item.

Applicant Presentation:

Jonathan Rademaekers, the applicant, presented the item to the board.

Public Hearing:

No one spoke

Board Questions:

R. Wyler answered questions from the board.

Motion:

On a motion by **E. McCready**, seconded by **T. Ward**, the Board of Zoning Adjustment voted 3-0 (**M. Hirsch** and **D. Schafer** absent) to approve the application (Docket BOZ2015-00005) as presented.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

On a motion by **E. McCready**, seconded by **J. Grano**, the Board of Zoning Adjustments voted 3-0 (**M. Hirsch** and **D. Schafer** absent) to approve the May 14, 2015 minutes as amended.

T. Ward noted that he was not present for the chair and vice chair elections. **S. Meissner** will note this correction in the minutes.

B. Matters from Staff

B. Holmes asked that board members provide as much advance notice of absences as possible.

C. Matters from the Board

T. Ward notified the board that he might be moving outside of the city limits. He will keep staff and the board informed.

D. Matters from the City Attorney

There were no matters from the City Attorney.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:12 P.M.

APPROVED BY

DATE