CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA

DATE: Thursday, August 14, 2014
TIME: Meeting to begin at 5 p.m.
PLACE: Council Chambers, 1777 Broadway

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

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: BOZ2014-09
Address: 101 Hickory Avenue
Applicant: Jerry Lynch

Variance to Owners Accessory Unit (OAU) "floor area" and "building coverage" limitations: As a part of a proposal to allow an existing two-story accessory building to be considered eligible to apply for a detached OAU (through a separate administrative process); the applicant is requesting a variance to the detached OAU building coverage limit of 500 square feet to allow for the existing accessory structure of 575 square feet, and the applicant is also requesting a variance to the floor area limit of 450 square feet to allow for the existing two-story building's floor area of approximately 695 square feet (which includes both levels). Section of the Land Use Regulations to be modified: Section 9-6-3, BRC 1981.

Docket No.: BOZ2014-12
Address: 110 South 31st Street
Applicant: Robert Story and Kelly Shanafelt

Variance to Parking Spaces in Front Yard Setbacks: As a proposal to construct a 495 sq. ft. addition to an existing 1,313 sq. ft. residence (including area associated with converted garage), the applicants are requesting to vary the requirements of Section 9-9-6, "Parking Standards", to allow for the required off-street parking space to be located within the front yard setback. Section of the Land Use Regulations to be varied: Section 9-9-6, B.R.C. 1981.

Docket No.: BOZ2014-13
Address: 855 Park Lane
Applicant: Donald and Kristina Bergal

Setback Variance: As part of a proposal to replace and relocate nonstandard stairs to an elevated patio on an existing single family residence, the applicant is requesting a variance to the front (east) yard setback requirements of the RE zoning district. The resulting front yard setback will be approximately 14.58 feet where 25 feet is required and 8.5 feet exists today. A small expansion to the existing patio roof as well as a new landing area are within the proposed scope of work. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The July 10, 2013 BOZA minutes are scheduled for approval.
B. Matters from the Board
C. Matters from the City Attorney
D. Matters from Planning and Development Services

4. ADJOURNMENT

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

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

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES

CALL TO ORDER
The board must have a quorum (three members present) before the meeting can be called to order.
AGENDA
The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.
ACTION ITEMS
An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. **Presentations**
   - Staff presentation.*
   - Applicant presentation.*Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
   - Board questioning of staff or applicant for information only.
2. **Public Hearing**
   Each speaker will be allowed an oral presentation.*
   - Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
   - Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
   - Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
   - Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
   - Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the board meeting.
3. **Board Action**
   - Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
   - Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
   - Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY
Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

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

City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevelop.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: 101 Hickory Avenue
- Legal Description: Lot 2 Block 6 Subdivision Park East Manor (Or attach description.)
- Existing Use of Property: single family residential
- Description of proposal:

Request for variance of BRC §9-6-3(4)(b)(v)(g) design standards for Owner's Accessory Units: building coverage is 584# where 500# is allowed; OAU is 453# where 450# is allowed.

*Total floor area of existing building: 450#	*Total floor area proposed: 453#
*Building coverage existing: 500#	*Building coverage proposed: 584#
*Building height existing: 21.5'	*Building height proposed: 21.5'

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

- **Name of Owner:** Jerry Lynch and Janet Zeff Living Trust
- Address: 101 Hickory Avenue Telephone: (831) 566-8802
- City: Boulder State: CO Zip Code: 80301 FAX:
- **Name of Contact (if other than owner):** Ed Byrne
- Address: 250 Arapahoe Avenue, #300 Telephone: (303) 447-2555
- City: Boulder State: CO Zip Code: 80302 FAX: (303) 449-9349

STAFF USE ONLY

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

APPLICATION TYPES

☐ Setback Variance

☐ Sign Variance

☐ Mobile Home Spacing Variance

☒ Variance of OAU building coverage and OAU size design standards

APPLICATION REQUIREMENTS

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

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981); Section 4-20-47 = $550
- Sign Posting Acknowledgement Form - see last page.

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

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

Applicant / Owner Signature S. Byrne Date 5/21/2014

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 place 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, Ed Byrne, 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) Jerry Lynch for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

at 101 Hickory. 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.

Ed Byrne
NAME OF APPLICANT OR CONTACT PERSON

5/21/2014
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.

Ed Byrne, P.C.
A Professional Legal Services Corporation
250 Arapahoe Avenue, Suite 300
Boulder, CO 80302 - 5838

August 8, 2014

VIA HAND DELIVERY

Members, Board of Zoning Adjustment
P.O. Box 791
Boulder, CO 80306-0791

Re: <u>(REVISION #2)</u> Lynch Request for Variance of B.R.C. §9-6-3(4)(b)(v)(g), Design Standards for Owner's Accessory Unit Proposed to be Located at 101 Hickory Avenue, Boulder, Colorado

Dear People,

I represent Jerry Lynch and Janet Zeff, owners of the property located at 101 Hickory Avenue, Boulder, CO 80301.

<u>Background Information</u>

The previous owner of the property, Neil Rosen, built the "Frame Building" (hereinafter, the "Cottage") (shown on the Site Improvement Survey in the area lying to the east of the "One Story Frame Residence") for his personal office, with a building permit that was approved by the city in 1998. He later added plumbing without required permits. The building coverage was determined without considering the Owner's Accessory Unit size limitations found in B.R.C. §9-6-3(4)(b)(v)(g), because he only intended to use the building as a studio.

After Jerry and Janet purchased the property, they added a kitchen without permits, not realizing that the kitchen, plus the shower added by Mr. Rosen, along with the living area could cause the building to be deemed an illegal dwelling unit. For family reasons, Jerry and Janet moved out of Boulder several years ago, hoping one day to return. Their plan was to move back to Boulder this year, after their current tenants reached the end of their lease term. When a friend of the family needed a place to live after her divorce, they rented the Cottage to her, without realizing this was not legal under Boulder's Land Use Code.

A city inspection resulted in the issuance of a zoning correction notice this year, when a tenant was determined to be renting the Cottage. The good news is that the former studio may be recognized as an Owner's Accessory Unit (OAU), B.R.C. §9-6-3(4). The unfortunate news is that the structure was not built with the design standards for OAUs in mind, so the building coverage (foundation) is 575s.f. where 500s.f. is allowed, and the OAU itself is ~~695~~ **<u>662</u>**s.f. where 450s.f. is allowed. B.R.C. §9-6-3(4)(b)(v)(g); <u>see also</u> Slides 1, 2, 3 (rev.) and 4(rev.), attached. It is, therefore, necessary to request a variance to these design standards before proceeding with the OAU application.

My clients hope to have the option to legally use this structure for one of their family members OR possibly make it available for rent to someone who wishes to work and reside in Boulder and needs affordable and inexpensive rent. Jerry and Janet are also considering living in the OAU themselves, in order to rent the main residence and receive supplemental income during their retirement years. They will apply for this after returning to occupy the main house later this summer. They can envision a time when they, themselves, might want to live in the accessory unit in retirement days while enabling a family member to use the main house OR while renting the main house to someone else, in order to make ends meet. This would allow them to remain in Boulder even after their income naturally diminishes with retirement.

It should also be noted that they were informed by the city of Boulder of the need to license the property in August of 2013. They immediately proceeded to do this, passed inspection, and were issued a license. Only later did they learn that the Cottage could not be rented unless it was qualified as an Owner's Accessory Dwelling Unit.

Variance criteria

B.R.C. §9-2-3(h)(1). Physical Conditions.

(A) (i) The unusual physical circumstances or conditions consist of the structure built by the current owner's predecessor as a studio without consideration of the size constraints applicable to Owner's Accessory Dwelling Units. Although the exterior building footprint and interior OAU square footage dimensions are close to said limits, a variance is necessary to prevent gratuitous destruction or elimination of integral portions of the original structure. It should be noted that the original OAU-in-a-separate-structure concept anticipated that the lower floor would be a garage, so the desire was to limit the size of the OAU on the upper level to less than the lower level's footprint, reducing the overall mass of the accessory unit building. In this case, the lower level is not a garage and the upper level is only ~~172~~ **123**s.f. versus the original concept of an upper level OAU limited to 450s.f.

(B) Accessory buildings of this type do not exist throughout the neighborhood or zoning district in which the Applicants' property is located.

(C) The only way to bring the property into conformity with the provisions of the OAU ordinance's building footprint size constraints is to destroy 75s.f. of the existing former studio building, which is not reasonable given the public benefits associated with OAUs, including the benefits associated with reasonably priced work force housing and/or agin-in-place elderly housing opportunities.

(D) The studio was built by the prior owner, so the unnecessary hardship was not created by the Applicants.

B.R.C. §9-2-3(h)(2) Energy Conservation. Not applicable.

B.R.C. §9-2-3(h)(3) Solar Access. Not applicable.

B.R.C. §9-2-3(h)(4) Designated Historic Property. The studio is not eligible for historic designation.

B.R.C. §9-2-3(h)(5) Applicant's proposal meets the variance criteria because the dimensions of the studio building originally constructed by Mr. Rosen, not the Applicants, are only slightly in excess of the OAU design standards, and the relief requested:

> (A) would not alter the essential character of the neighborhood or district which the lot is located (*no change to the exterior of the building is proposed*);
> (B) would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property (*no adjacent properties will be affected by the slight modification of the design standards related to building coverage and OAU size)*;
> (C) would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of (Title 9) (*reduction in the size of the building and the OAU is not feasible because there is no practical way to "carve" 75s.f. off of the existing building footprint, which Applicants are proposing to repurpose as an OAU; moving or changing exterior walls would generate unnecessary building waste through deconstruction and reconstruction*; *changes to the interior dimensions of the OAU will not be visible to the public, and excluding the upper level would only reduce the size by ~~172~~* ***123****s.f., while still requiring a variance of ~~73~~* ***89****s.f., so the Applicants request an interior floor area variance of ~~245~~* ***212****s.f.*);
> (D) would not conflict with the provisions of §9-9-17, "Solar Access," B.R.C. 1981 (*not applicable*).

B.R.C. §9-2-3 (h)(A-D).

Thank you for your consideration of this variance application.

Sincerely,

Edward R. Byrne

OAU PROPOSAL FOR 101 HICKORY AVENUE

Tuesday, August 5, 2014

To Whom it may concern,

I am an Architect and live at 99 Hickory Avenue, in Boulder. I fully support Jerry Lynch and his family's efforts in trying to convert their studio into an OAU. I have lived next-door to 101 Hickory for over ten years and have seen the various uses the structure in question has housed.

Here are some of my thoughts on Jerry's proposal:

1. This block of Hickory only has two houses on it, I see absolutely no negative impact to the quality of my street by adding an OAU. I hope that the impact of parking on the neighborhood is not being considered, because there would be no impact to the block nor the neighborhood.
2. The City of Boulder has a serious issue regarding affordable housing and this situation in a no-brainer in my opinion. It is a great example of one strategy for adding much needed affordable housing in our community.
3. The original structure was designed, built and used as a studio/office, by Neil Rosen, for almost a decade. As is the case for most buildings, over time, their original use changes. At this point, it makes more sense for this structure to be used as a dwelling unit than anything else.
4. The idea of asking Jerry to spend the effort/energy/materials to take out 75 square feet makes no sense at all from a sustainability point of view. Regardless of City standards, the structure is there, to add to its carbon footprint by requiring such a small and ultimately irrelevant modification is completely illogical. I can not stress this particular point enough.

Please feel free to contact me if you would like to talk to me farther on any of these issues, I am more than happy to.

Sincerely,

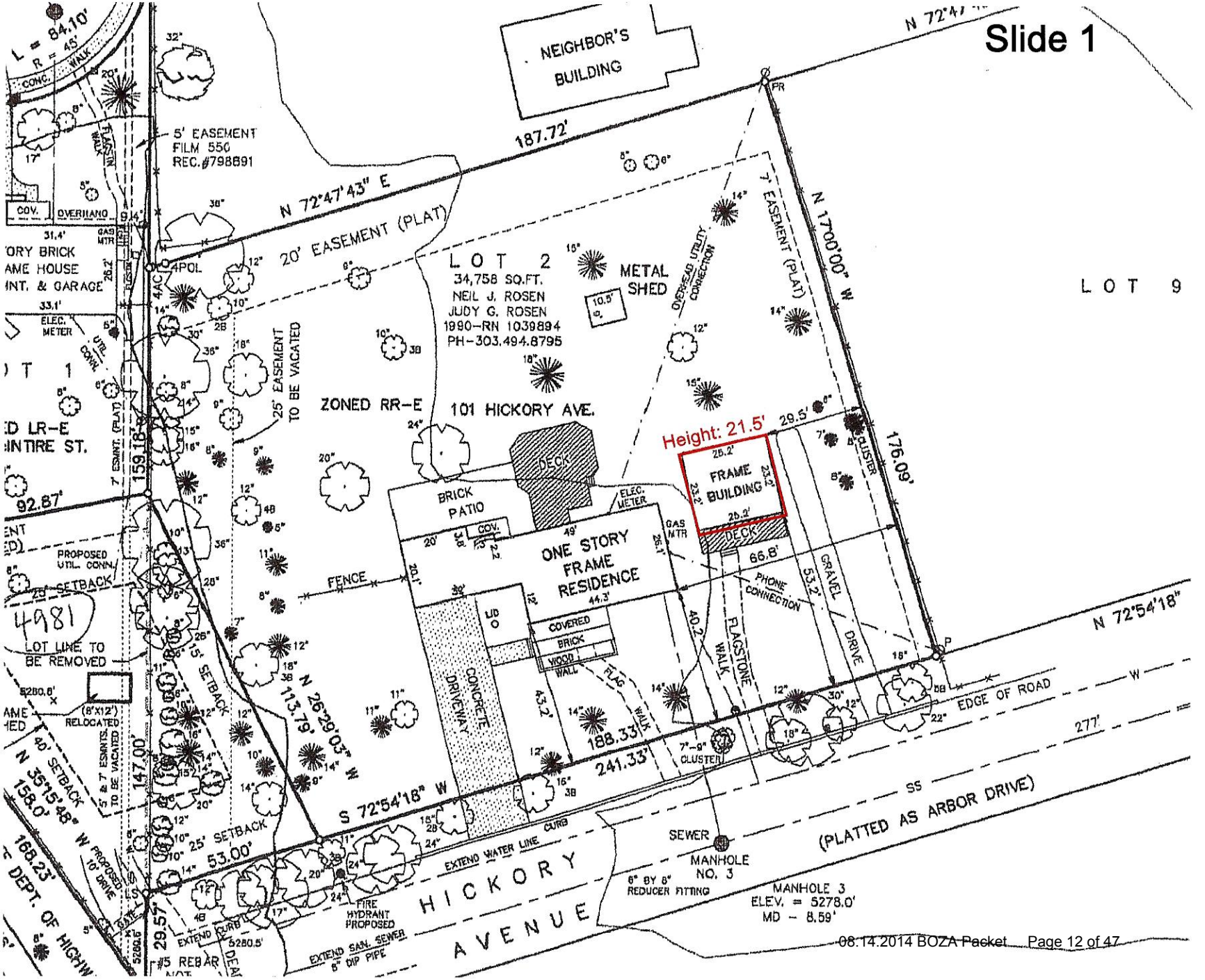
Joseph Vigil
99 Hickory AVE
Boulder CO 80302
joseph@workshop8.us
303-442-3700

I HAVE REVIEWED THE LYNCH REQUEST TO VARY THE OWNERS ACCESSORY UNIT (OAU) BUILDING COVERAGE LIMIT OF 500 SQUARE FEET TO ALLOW FOR THE EXISTING ACCESSORY STRUCTURE OF 575 SQUARE FEET, AND THE FLOOR AREA LIMIT OF 450 SQUARE FEET TO ALLOW FOR THE EXISTING STRUCTURE'S HABITABLE INTERIOR FLOOR AREA OF 695 SQUARE FEET. I UNDERSTAND APPROVAL OF THIS VARIANCE COULD ALLOW THEIR EXISTING TWO-STORY ACCESSORY BUILDING TO BE ELIGIBLE TO APPLY FOR AN OAU (THROUGH A SEPARATE ADMINISTRATIVE PROCESS); BY SIGNING BELOW I INTEND TO EXPRESS MY SUPPORT FOR THE LYNCH VARIANCE REQUEST:

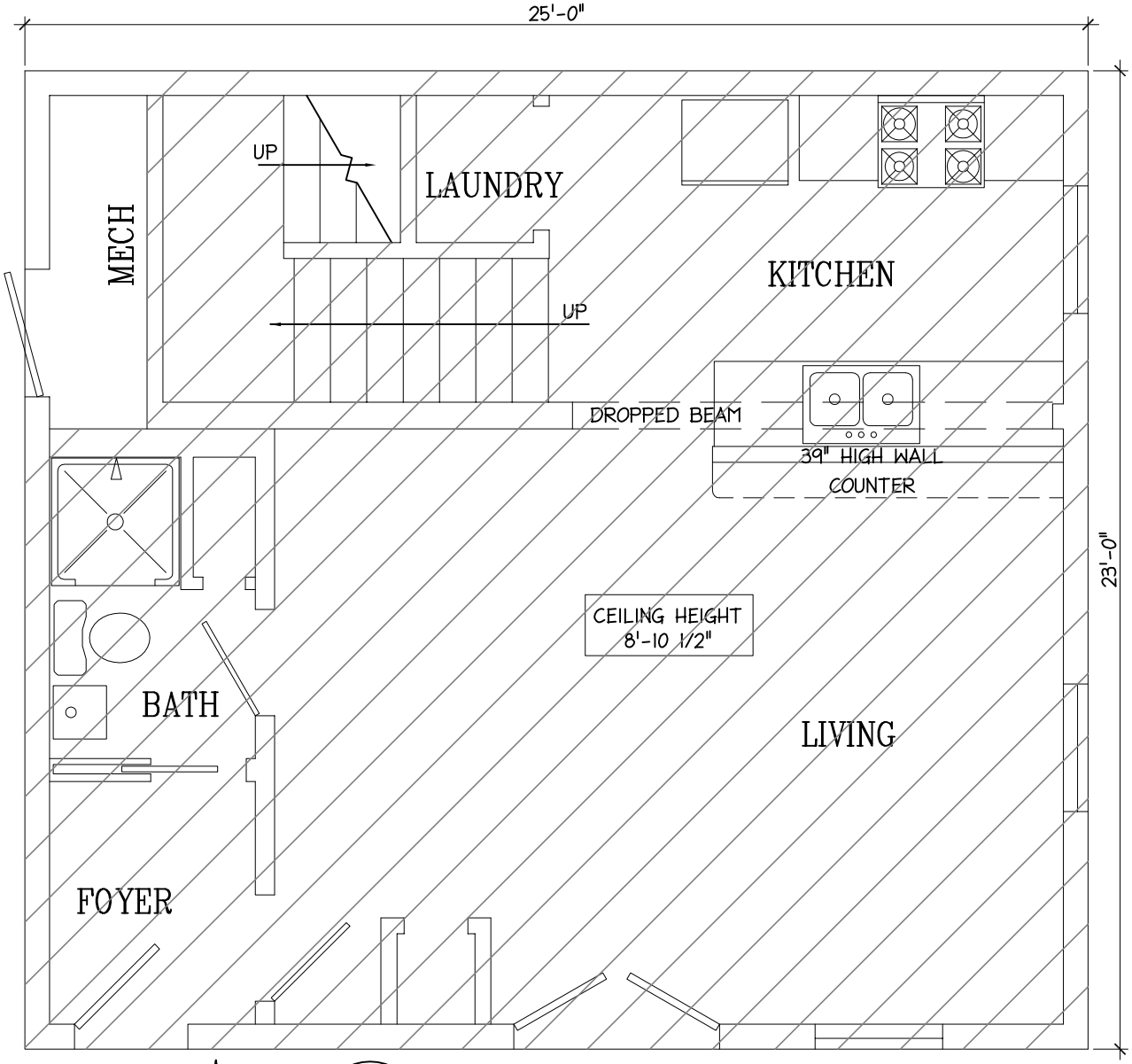
NAME (Please Print)	ADDRESS	PHONE NUMBER (OPTIONAL)	SIGNATURE	DATE	E-MAIL ADDRESS (OPTIONAL)
1 Eric Leoni	707 Brooklawn (80303)		[signature]	7-25-14	
2 Jody Vigil	803 Brooklawn Dr 80303		[signature]	7/25/14	
The cottage is a tastefull addition to our neighborhood. We support this application.					
3 Anthony Gilchrist	801 Brooklawn		[signature]	7/25/14	
cottage is well-maintained and fits well in the neighborhood.					
4 Gwyn Barley	706 Brooklawn Dr		[signature]	7/26/14	
The cottage is a great small place and quiet + great for the neighborhood. It deserves the variance. it needs to be approved. We support this variance.					
5 Joe McDonald	800 McIntire St + Rd	303-886-7674	[signature]	7-26/14	
We adjoin this property ~~out~~ on the west. I support the well maintained ADU on the property. Would like to see more like it in Boulder - it only makes sense with the huge number of in commutes each day.					
6. Pam McDonald	800 McIntire St.	303-499-3271	[signature]	7-26-14	
We have absolutely no objection to this property & think its an asset to the community.					

I HAVE REVIEWED THE LYNCH REQUEST TO VARY THE OWNERS ACCESSORY UNIT (OAU) BUILDING COVERAGE LIMIT OF 500 SQUARE FEET TO ALLOW FOR THE EXISTING ACCESSORY STRUCTURE OF 575 SQUARE FEET, AND THE FLOOR AREA LIMIT OF 450 SQUARE FEET TO ALLOW FOR THE EXISTING STRUCTURE'S HABITABLE INTERIOR FLOOR AREA OF 695 SQUARE FEET. I UNDERSTAND APPROVAL OF THIS VARIANCE COULD ALLOW THEIR EXISTING TWO-STORY ACCESSORY BUILDING TO BE ELIGIBLE TO APPLY FOR AN OAU (THROUGH A SEPARATE ADMINISTRATIVE PROCESS); BY SIGNING BELOW I INTEND TO EXPRESS MY SUPPORT FOR THE LYNCH VARIANCE REQUEST:

NAME (Please Print)	ADDRESS	PHONE NUMBER (OPTIONAL)	SIGNATURE	DATE	E-MAIL ADDRESS (OPTIONAL)
7) Joseph Vigil	99 HICHORY AVE (SEE MY Letter about this)	720.841.8902	C. [signature]	29 JULY 14	josephewrkshop@.us


Slide 1
NEIGHBOR'S BUILDING
N 72°47'43" E
187.72'
20' EASEMENT (PLAT)
5' EASEMENT FILM 550 REC.#798891
LOT 2
34,758 SQ.FT.
NEIL J. ROSEN
JUDY G. ROSEN
1990-RN 1039894
PH-303.494.8795
METAL SHED
ZONED RR-E
101 HICKORY AVE.
25' EASEMENT TO BE VACATED
7' EASEMENT (PLAT)
N 17°00'00" W
176.09'
LOT 9
Height: 21.5'
FRAME BUILDING
DECK
BRICK PATIO
ONE STORY FRAME RESIDENCE
COVERED BRICK WOOD WALL
CONCRETE DRIVEWAY
FENCE
FLAGSTONE WALK
GRAVEL DRIVE
PHONE CONNECTION
CLUSTER
EDGE OF ROAD
N 72°54'18"
S 72°54'18" W
N 26°29'03" W
113.79'
188.33'
241.33'
277'
(PLATTED AS ARBOR DRIVE)
SEWER
MANHOLE NO. 3
MANHOLE 3
ELEV. = 5278.0'
MD - 8.59'
HICKORY AVENUE
EXTEND WATER LINE
EXTEND SAN. SEWER 8" DIP PIPE
FIRE HYDRANT PROPOSED
25' SETBACK
53.00'
147.00'
159.18'
92.87'
29.57'
168.23'
N 35°15'48" W
158.0'
40' SETBACK
LOT LINE TO BE REMOVED
4981
PROPOSED UTIL. CONN.
LOT 1
ELEC. METER
OVERHANG
COV.
CONC. WALK
L = 84.10'
R = 45'

Slide 2
801
101
99
Hickory Av



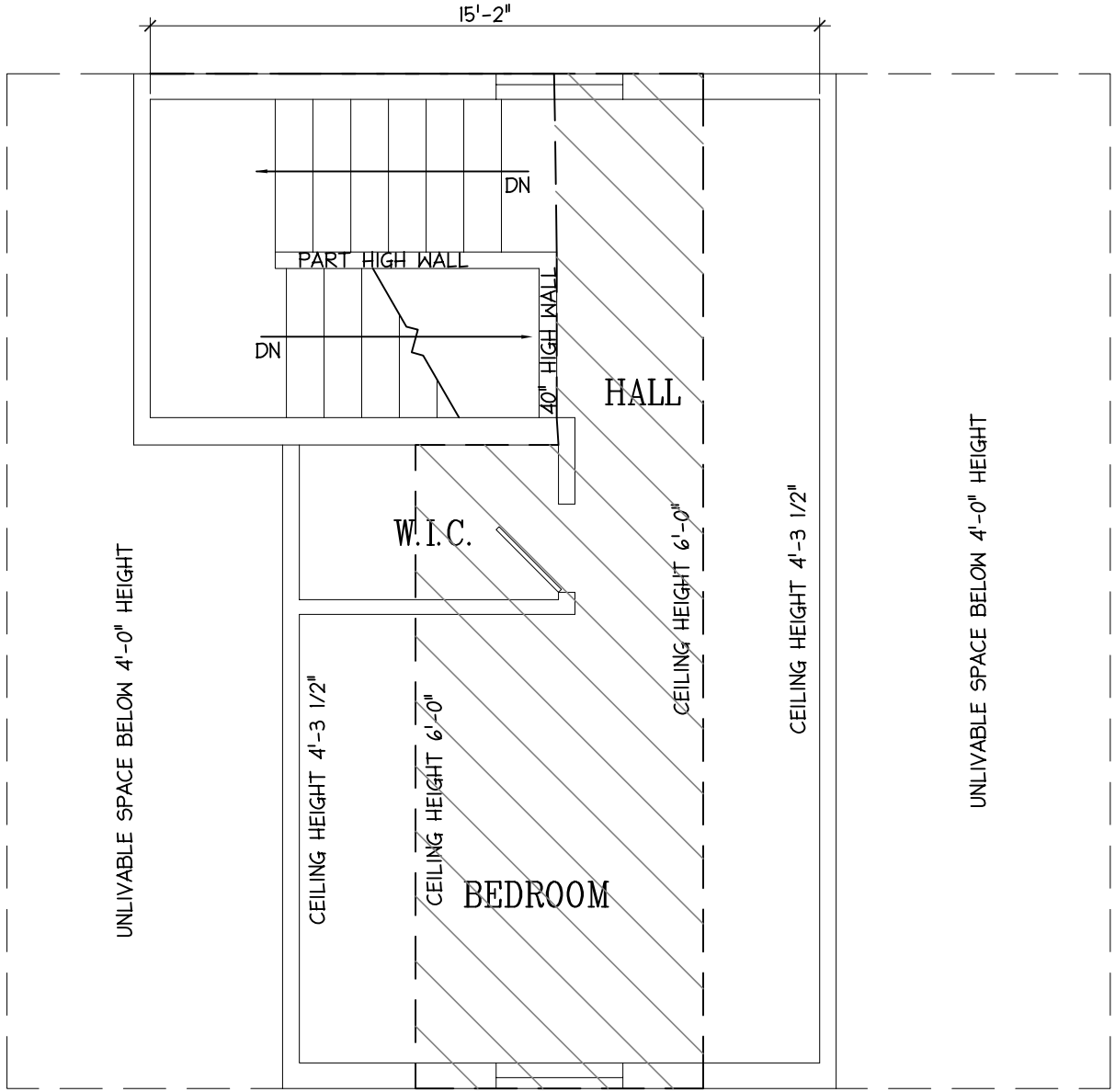
1 As-Built Main Floor Plan

1/4" - 1'-0" 539[ˈ] FOOTPRINT

Drawing Purpose:	Date:	Revisions		
OAU Variance	6/26/2014	#	Date	Reason
Sheet # A1	Prepared by: .			
	Checked by: GKH			

Lynch Accessory Unit
101 Hickory Avenue
Boulder, Colorado

ADVANTAGE DESIGN
2586 Crestridge Ct, Boulder, Colorado 80301 303-442-1493



2 As-Built Upper Level Plan

1/4" - 1'-0" 123[']SPACE @ 6'-0" ¢ A.F.F.+

Drawing Purpose:	Date:	Revisions		
OAU Variance	6/26/2014	#	Date	Reason
Sheet # A2	Prepared by: .			
	Checked by: GKH			

Lynch Accessory Unit
101 Hickory Avenue
Boulder, Colorado

ADVANTAGE DESIGN
2586 Crestridge Ct, Boulder, Colorado 80302 303-442-1493

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: boulderplandevelop.net

BOZ 2014-00012

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: 110 S. 31ST St.
- Legal Description: Lot 13 Block 13 Subdivision HIGHLANDS (Or attach description.)
- Existing Use of Property: RESIDENTIAL
- Description of proposal:
  OWNERS BOUGHT HOME, GARAGE SPACE W/ REQUIRED PARKING SPACES HAD BEEN CONVERTED TO FINISHED FLOOR SPACE. WE WOULD LIKE VARIANCE FOR REQUIRED OFF STREET PARKING IN THE FRONT YARD SETBACK

*Total floor area of existing building: 1296 sqft	*Total floor area proposed: 1791 sqft
*Building coverage existing: 1296 sqft	*Building coverage proposed: 1791 sqft
*Building height existing: 14'6"	*Building height proposed: 14'6"

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

- **Name of Owner:** ROBERT STORY & KELLEY SHAHAFELT
- Address: 110 S. 31st ST. Telephone:
- City: BOULDER State: CO Zip Code: 80302 FAX:
- **Name of Contact (if other than owner):** ERIC YOUNGREN
- Address: 3550 FRONTIER AVE Telephone: 720 381 0945
- City: BOULDER State: CO Zip Code: 80301 FAX:

STAFF USE ONLY

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

APPLICATION TYPES

- ☐ Setback Variance
- ☐ Sign Variance
- ☐ Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

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

- ⊙ If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- ✓ An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- ✓ Any other information pertinent to the request (**11 copies**);
- ✓ An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

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

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

Applicant / Owner Signature_____ Date 6/24/14

BOZA VARIANCE CRITERIA

SETBACK AND MOBILE HOME SPACING VARIANCE CRITERIA

(Excerpt from Section 9-2-3(h), B.R.C. 1981)

(h) CRITERIA FOR VARIANCES

The BOZA may grant a variance only if it finds that the application satisfies all of the applicable requirements of paragraph (1), (2), (3), or (4) of this Subsection and the requirements of paragraph (5) of this Subsection.

(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; and

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

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

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

(2) Energy Conservation

(A) The variance will permit construction of an addition to a building that was constructed on or before January 1, 1983;

(B) The proposed addition will be an integral part of the structure of the building;

(C) The proposed addition will qualify as a "solar energy system" as defined in Section 9-16, "Definitions," B.R.C. 1981, or will enable the owner of the building to reduce the net use of energy for heating or cooling purposes by a minimum of 10% over the course of a year of average weather conditions for the entire building; and

(D) The costs of constructing any comparable addition within existing setback lines so as to achieve comparable energy purposes would be substantially greater than the cost of constructing the addition which is proposed for the variance.

(3) Solar Access

(A) The volume of that part of the lot in which buildings may be built consistent with this code has been reduced substantially as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981;

(B) The proposed building or object would not interfere with the basic solar access protection provided in Section 9-9-17, "Solar Access," B.R.C. 1981; and

(C) The volume of the proposed building to be built outside of the building setback lines for the lot will not exceed the amount by which the buildable volume has been reduced as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981.

(4) Designated Historic Property

The property could be reasonably developed in conformity with the provisions of this chapter, but the building has been designated as an individual landmark or recognized as a contributing building to a designated historic district. As part of the review of an alteration certificate pursuant to Chapter 9-11, "Historic Preservation," B.R.C. 1981, the approving authority has found that development in conforming locations on the lot or parcel would have an adverse impact upon the historic character of the individual landmark or the contributing building and the historic district, if a historic district is involved.

(5) Requirements for All Variance Approvals

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

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

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

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

(i) FLOOR AREA VARIANCES FOR ACCESSORY DWELLING UNITS

The BOZA may grant a variance to the maximum floor area allowed for an accessory dwelling unit under Subsection 9-6-3(a) "Accessory Units," B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements:

(1) That the interior configuration of the house is arranged in such a manner that the space to be used as the accessory dwelling unit cannot feasibly be divided in conformance with the size requirements;

(2) That the variance, if granted, meets the essential intent of this title, and would be the minimum variance that would afford relief; and

(3) That the strict application of the provisions at issue would impose an undue and unnecessary hardship on the individual and that such hardship has not been created by the applicant.

(j) VARIANCES FOR PARKING SPACES IN FRONT YARD SETBACKS

The BOZA may grant a variance to the requirements of Section 9-9-6, "Parking Standards," to allow a required parking space to be located within the front yard setback if it finds that the application satisfies all of the following requirements:

(1) The dwelling unit was built in a RR-1, RR-2, RE, or RL-1 zoning district.

(2) The dwelling unit originally had an attached carport or garage that met the off-street parking requirements at the time of initial development or, at the time of initial construction, an off-street parking space was not required and has not been provided;

(3) The garage or carport was converted to living space prior to January 1, 2005;

(4) The current property owner was not responsible for the conversion of the parking space to living area and can provide evidence as such;

(5) A parking space in compliance with the parking regulations of Section 9-9-6 cannot reasonably be provided anywhere on the site due to the location of existing buildings, lack of alley access, or other unusual physical conditions;

(6) Restoring the original garage or carport to a parking space would result in a significant economic hardship when comparing the cost of restoration to the cost of any other proposed improvements on the site; and

(7) The proposed parking space to be located within the front yard setback space shall be paved, shall comply with Section 9-9-5, "Site Access Control," shall not be less than 9 feet in width or more than 16 feet in width, and shall not be less than 19 feet in length. No parking space shall encroach into a public right of way or obstruct a public sidewalk.

SIGN CODE VARIANCE CRITERIA

(Excerpt from Section 9-9-21(s), B.R.C. 1981)

(s) APPEALS AND VARIANCES

(1) Any aggrieved person who contests an interpretation of this chapter which causes denial of a permit, or who believes a violation alleged in a notice of violation issued pursuant to paragraph 9-9-21(t)(2) or (3), B.R.C. 1981, to be factually or legally incorrect, may appeal the denial or notice of violation to the BOZA or Board of Building Appeals in a manner provided by either such board under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, or may, in the case of a denial, request that a variance be granted. An appeal from a denial and a request for a variance may be filed in the alternative.

(A) An appeal from an interpretation which causes denial of a permit or from a notice alleging a violation of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, shall be filed with the BOZA.

(B) An appeal from any other interpretation alleging any other violation of this chapter shall be filed with the BOZA.

(C) An appellant shall file the appeal, request for variance, or both in the alternative with the BOZA within fifteen days from the date of notice of the denial or the date of service of the notice of violation. The appellant may request more time to file. If the appellant makes such request before the end of the time period and shows good cause therefore, the City Manager may extend for a reasonable period the time to file with either board.

(2) No person may appeal to or request a variance from the BOZA if the person has displayed, constructed, erected, altered, or relocated a sign without a sign permit required by paragraph 9-9-21(b)(2), B.R.C. 1981. The boards have no jurisdiction to hear an appeal nor authority to grant any variance from the permit requirements of this chapter. But the BOZA has jurisdiction to hear an appeal of a notice of violation alleging violation of the permit requirements if the appeal is from the manager's interpretation that a permit is required, and the appellant's position is that the device is not a sign or that it is exempt from the permit requirements under Subsection 9-9-21(c), "Signs Exempt from Permits," B.R.C. 1981.

(3) An applicant for an appeal or a variance under this Section shall pay the fee prescribed by Subsection 4-20-47(b), B.R.C. 1981.

(4) Setbacks, spacing of freestanding and projecting signs, and sign noise limitations are the only requirements which the BOZA may vary. If an applicant requests that the BOZA grant such a variance, the board shall not grant a variance unless it finds that each of the following conditions exists:

(A) There are special physical circumstances or physical conditions, including, without limitation, buildings, topography, vegetation, sign structures, or other physical features on adjacent properties or within the adjacent public right of way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area; or

(B) For variances from the noise limitations of subparagraph 9-9-21(b)(3)(L), "Sound," B.R.C. 1981, the proposed variance is temporary in duration (not to exceed 30 days) and consists of a temporary exhibition of auditory art; and

(C) The variance would be consistent with the purposes of this chapter and would not adversely affect the neighborhood in which the business or enterprise or exhibition to which the applicant desires to draw attention is located; and

(D) The variance is the minimum one necessary to permit the applicant reasonably to draw attention to its business, enterprise, or exhibition.

(5) If an applicant requests that the Board of Building Appeals approve alternate materials or methods of construction or modifications from the requirements of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, the board may approve the same under the standards and procedures provided in the city building code, Chapter 10-5, "Building Code," B.R.C. 1981.

(6) Except as provided in Subsection (8) of this Section, the BOZA has no jurisdiction to hear a request for nor authority to grant a variance that would increase the maximum permitted sign area on a single property or building, or from the prohibitions of paragraph 9-9-21(b)(3), "Specific Signs Prohibited," B.R.C. 1981. But the BOZA has jurisdiction to hear an appeal of a permit denial or of a notice of violation alleging that a sign would exceed the maximum permitted sign area or is prohibited if the appellant's position is that the sign does not exceed such area or is not prohibited by such Subsection.

(7) The BOZA or Board of Building Appeals may make any variance or alternate material or method approval or modification it grants subject to any reasonable conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purposes of this chapter.

(8) The City Manager's denial or notice of violation becomes a final order of the BOZA or Board of Building Appeals if:

(A) The applicant fails to appeal the manager's denial or order to the board within the prescribed time limit;

(B) The applicant fails to appeal the order of the board to a court of competent jurisdiction within the prescribed time limit; or

(C) A court of competent jurisdiction enters a final order and judgment upon an appeal filed from a decision of the board under this chapter.

Ordinance No. 5377 (1991).

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 place 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, GARRETT AKOL (SOBO DESIGN AND BUILD), am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) KELLY SHANAFELT & ROBERT STORY for property located at 116 S. 31ST ST. . I have read the city's sign posting requirements above and acknowledge and agree to the following:

(PRINT NAME OF APPLICANT OR CONTACT PERSON)

(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

(PRINT PROPERTY ADDRESS OR LOCATION)

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.

GARRETT AKOL
NAME OF APPLICANT OR CONTACT PERSON

6/24/14
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.

SoBo
DESIGN & BUILD
A SoBo Homes Company

To the City of Boulder Planning and Development Services,

We would like to apply for a BOZA Variance for a parking space in the front yard setback for the property at 110 S. 31st St.

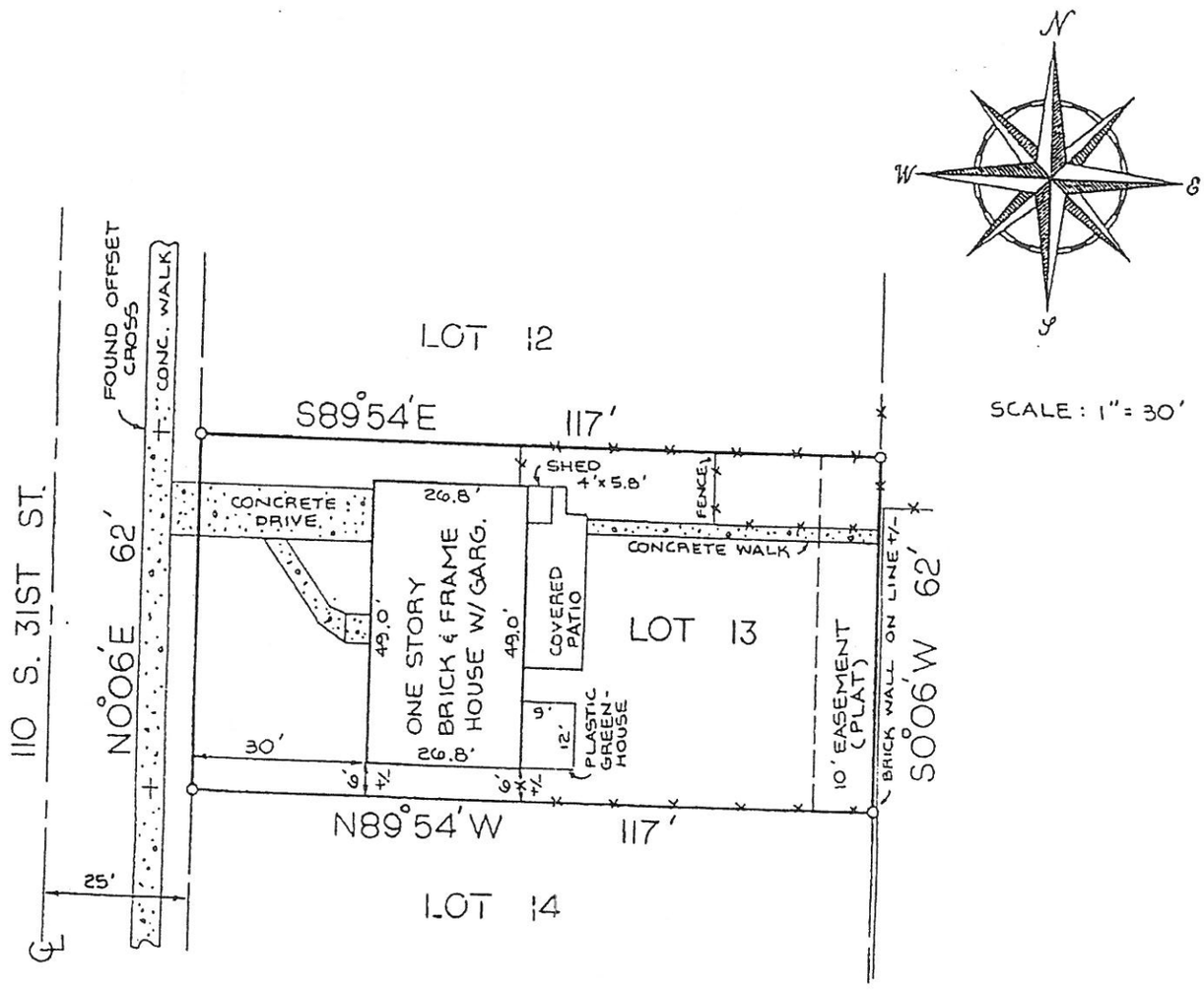
Prior to the current home owners buying the house in 1996, the attached garage was converted into finished floor area. We have proof of this fact in the form of an appraisal document made prior to the home owners buying the house. It shows the floor area of the house as 1,323 sqft, which is the area of the house as it is now with the garage finished. Because the unpermitted work was done by the previous owner and the current owners bought the property based on the fact that they would have 4 bedrooms, we feel that a variance is appropriate in this case. Our clients should be able to continue to use their home as they have for the past 18 years. Keeping the current driveway as the required parking space is a ready-made solution to the lack of off street parking, as opposed to paying a substantial sum to un-finish and restore the garage to parking space. There is also nowhere else on the property with access for parking from the street.

Thank You for your Understanding,

Garrett Akol
Sobo Design and Build
925 787 3470

LEGAL DESCRIPTION
(provided by First Colorado Title Corp.)

Lot 13, Block 13,
THIRD ADDITION TO HIGHLAND PARK,
City of Boulder, County of Boulder, State of Colorado,
according to the Plat of which is recorded in
Plat Book 6 at Page 3.



NOTES:
1-The 2' wide concrete walk extends into the east 10' easement as shown.
2-First Colorado Title Corp. Case No. 33894-0792 (first amended) was entirely relied upon for easements of record not shown by the plat.

FLOOD INFORMATION
The subject property is located in Zone C, the area of minimal flooding according to the FEMA Flood Insurance Rate Map; Community-Panel No. 080024-0185-E, dated May 3, 1990.

IMPROVEMENT LOCATION CERTIFICATE

TO MELLON MORTGAGE CO. AND TO FIRST COLORADO TITLE CORP.

I hereby certify that the improvements on the above described parcel, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted. I further certify that this improvement location certificate is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines.

Title Co. No. 33894-0792 first amended
Borrower Dowler
Flagstaff No. 92-2950

COLORADO REGISTERED LEE WILLIAM STADELE 26300 LAND SURVEYOR

Flagstaff Surveying, Inc.
637C South Broadway
Boulder, Colorado 80303
(303) 499-9737
FAX 499-9770

30 August 1992
Date of Certificate

Colorado L.S. # 26300
Lee W. Stadelle

Cost: $95.00

Million and Associates Appraisal Service

THIS IS A SUMMARY APPRAISAL REPORT - FHA # 051-9214755-703

Property Description

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. S960112

Property Address 110 S. 31ST STREET City BOULDER State COLO Zip Code 80303

Legal Description LOT 13, BLOCK 13, HIGHLAND PARK 3 County BOULDER

Assessor's Parcel No. 157705316011 Tax Year 1995 R.E. Taxes $ 1,133 Special Assessments $ NONE

Borrower KELLY SHANAFELT Current Owner PAUL DOWLER Occupant [X] Owner [ ] Tenant [ ] Vacant

Property rights appraised [X] Fee simple [ ] Leasehold Project Type [ ] PUD [ ] Condominium (HUD/VA only) HOA $ NONE /Mo.

Neighborhood or Project Name MARTIN ACRES Map Reference 18 L PG Census Tract 125.07

Sales Price $ 152,500 Date of Sale 11-22-95 Description and $ amount of loan charges/concessions to be paid by seller NONE

Lender/Client MELLON MORTGAGE COMPANY Address 7555 E. HAMPDEN AVENUE, STE 400 DENVER, CO 80231-4835

Appraiser ELIZABETH MILLION Address MILLION & ASSOC 2336 CANYON BLVD #100, BLDR, CO 440-6068

Location	[X] Urban	[ ] Suburban	[ ] Rural	Predominant occupancy	Single family housing		Present land use %		Land use change
Built up	[X] Over 75%	[ ] 25-75%	[ ] Under 25%		PRICE $ (000)	AGE (yrs)	One family	80	[X] Not likely [ ] Likely
Growth rate	[ ] Rapid	[X] Stable	[ ] Slow	[X] Owner 80	140	Low 10	2-4 family	5	[ ] In process
Property values	[ ] Increasing	[X] Stable	[ ] Declining	[ ] Tenant 20	200	High 50	Multi-family	5	To:
Demand/supply	[ ] Shortage	[X] In balance	[ ] Over supply	[X] Vacant (0-5%)		Predominant	Commercial	5	
Marketing time	[ ] Under 3 mos.	[X] 3-6 mos.	[ ] Over 6 mos.	[ ] Vacant (over 5%)	175	30	VACANT	5	

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood boundaries and characteristics: BOUNDED BY HIGHWAY 36 TO THE NORTH AND EAST, TABLE MESA DRIVE TO THE SOUTH, AND BROADWAY TO THE WEST. ESTABLISHED RESIDENTIAL AREA.

Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):
THERE ARE NO APPARENT FACTORS WHICH ADVERSELY AFFECT THE MARKETABILITY OF THE SUBJECT PROPERTY. MARKET DEMAND FOR THE NEIGHBORHOOD IS STEADY. LOCATION IS GOOD FOR BOULDER EMPLOYMENT AND DENVER COMMUTERS. MAJOR WORK CENTERS ARE LOCATED WITHIN 3-5 MILES OF THE SUBJECT PROPERTY. BOULDER COUNTY EMPLOYMENT IS STABLE, WITH THE LOWEST UNEMPLOYMENT RATE IN THE STATE OF COLORADO (3.1% OCTOBER 1995). CLOSE PROXIMITY TO ALL TYPICAL AMENITIES AND CONVENIENCE.

Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time . . . such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.): THE STEADY DEMAND AND ADEQUATE SUPPLY OF HOUSING, COMBINED WITH RISING INTEREST RATES, HAS FORCED HOUSING PRICES TO STABILIZE AFTER NEARLY 2 YEARS OF STEADY INCREASES IN BOULDER COUNTY. APPRECIATION IS ESTIMATED AT LESS THAN .5% PER MONTH. ACCORDING TO THE BOULDER MLS, THE AVERAGE DAYS ON THE MARKET FOR DETACHED SINGLE FAMILY HOMES IN BOULDER OVER THE PAST YEAR HAS BEEN 65 DAYS. MORTGAGES CAN BE OBTAINED WITH 7.5% TO 8.5% INTEREST RATES DEPENDING ON CONCESSIONS PAID.

Project information for PUDs (if applicable)—Is the developer/builder in control of the Home Owners' Association (HOA)? [ ] Yes [ ] No

Approximate total number of units in the subject project NONE. Approximate total number of units for sale in the subject project _____.

Describe common elements and recreational facilities:

Dimensions APPROXIMATELY RECTANGULAR

Site Area 7,542 SQFT Corner Lot [ ] Yes [X] No

Specific zoning classification and description LR-E LOW DENSITY RESIDENTIAL

Zoning compliance [X] Legal [ ] Legal nonconforming (Grandfathered use) [ ] Illegal [ ] No zoning

Highest & best use as improved [X] Present use [ ] Other use (explain)

Utilities	Public	Other	Off-site Improvements	Type	Public	Private
Electricity	[X]		Street	ASPHALT	[X]	[ ]
Gas	[X]		Curb/Gutter	CONCRETE	[X]	[ ]
Water	[X]		Sidewalk	CONCRETE	[X]	[ ]
Sanitary Sewer	[X]		Street lights	YES	[X]	[ ]
Storm Sewer	[X]		Alley	NONE	[ ]	[ ]

Topography LEVEL
Size TYPICAL FOR AREA
Shape RECTANGULAR
Drainage APPEARS ADEQUATE
View STREET
Landscaping TYPICAL
Driveway Surface CONCRETE
Apparent Easements PUBLIC UTIL ASSUMED

FEMA Special Flood Hazard Area [ ] Yes [X] No
FEMA Zone ZONE C Map Date 06-02-95
FEMA Map No. 08013C0535F

Comments(apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning, use, etc.): NO ADVERSE EASEMENTS OR ENCROACHMENTS WERE OBSERVED. THE SUBJECT PROPERTY IS SUBJECT TO NORMAL UTILITY EASEMENTS.

GENERAL DESCRIPTION		EXTERIOR DESCRIPTION		FOUNDATION		BASEMENT		INSULATION	
No. of Units	ONE	Foundation	CONCRETE	Slab	CONCRETE	Area Sq. Ft.	NONE	Roof	[ ]
No. of Stories	ONE	Exterior Walls	BRK/WDSD	Crawl Space	YES	% Finished	NONE	Ceiling	CNCLD [X]
Type(Det./Att.)	DETACHED	Roof Surface	COMP SHN	Basement	NONE	Ceiling		Walls	CNCLD [X]
Design (Style)	RANCH	Gutters & Downspts	NONE	Sump Pump	NONE	Walls		Floor	[ ]
Existing/Proposed	EXISTING	Window Type	DBLE HNG	Dampness	NONE NTD	Floor		None	[ ]
Age (Yrs.)	1955-41	Storm/Screens	MTL/YES	Settlement	NONE NTD	Outside Entry		Unknown	UNKNOWN [X]
Effective Age (Yrs.)	10 YRS	Manufactured House	NO	Infestation	NONE NTD				

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq.Ft.
Basement												NONE
Level 1		1	1	1				3	1	1		1323
Level 2												

Finished area above grade contains: 6 Rooms; 3 Bedroom(s); 1 Bath(s); 1,323 Square Feet of Gross Living Area

INTERIOR Materials/Condition		HEATING		KITCHEN EQUIP.		ATTIC		AMENITIES		CAR STORAGE	
Floors	CPT/VN/AVG	Type	GFA	Refrigerator	[ ]	None	[ ]	Fireplace(s) #	[ ]	None	[ ]
Walls	DRYWALL/AVG	Fuel	GAS	Range/Oven	[X]	Stairs	[ ]	Patio	CONCRETE [X]	Garage	# of Cars
Trim/Finish	WOOD/AVG	Condition	WORKING	Disposal	[X]	Drop Stair	[ ]	Deck	[ ]	Attached	
Bath Floor	CRPT/VN/AVG	COOLING		Dishwasher	[X]	Scuttle	[X]	Porch	FRONT [X]	Detached	
Bath Wainscot	CERAMIC/AVG	Central	NONE	Fan/Hood	[ ]	Floor	[ ]	Fence	4' MESH [X]	Built-in	
Doors	INT-HOLLOC	Other		Microwave	[ ]	Heated	[ ]	Pool	[ ]	Carport	
	EXT-SLD/WD	Condition		Washer/Dryer	[ ]	Finished	[ ]			Driveway	1

Additional features (special energy efficient items, etc.) STORM WINDOWS, LARGE CONCRETE PATIO, SKYLIGHT, BREAKFAST BAR

Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.: USING THE AGE LIFE METHOD, THERE IS APPROXIMATELY 15% PHYSICAL DEPRECIATION. THERE WAS FUNCTIONAL OBSOLESCENCE WITH THE ROOM LAYOUT - IE, GARAGE CONVERSION. NO EXTERNAL OBSOLESCENCE OBSERVED. CONSTRUCTION QUALITY IS AVERAGE AND TYPICAL FOR THE AREA.

Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property: THERE ARE NO KNOWN OR APPARENT ADVERSE ENVIRONMENTAL CONDITIONS WHICH NEGATIVELY AFFECT THE VALUE OF THE SUBJECT PROPERTY.

Millin and Associates Appraisal Service

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. S960112

APPRAISAL

ESTIMATED SITE VALUE ..... = $ 75,000

ESTIMATED REPRODUCTION COST-NEW OF IMPROVEMENTS:

Dwelling 1,323 Sq. Ft. @ $ 63.78 = $ 84,381

_____ Sq. Ft. @ $ _____ = _____

APPLIANCES/PATIO = 4,500

Garage/Carport _____ Sq. Ft. @ $ _____ = _____

Total Estimated Cost New ..... = $ 88,881

	Physical	Functional	External	
Less Depreciation	15 % 13,332	3000		= $ 16,332

Depreciated Value of Improvements ..... = $ 72,549

"As-is" Value of Site Improvements ..... = $ 8,000

INDICATED VALUE BY COST APPROACH ..... = $ 155,549

Comments on Cost Approach (such as source of cost estimate, site value, square foot calculation and for HUD, VA, and FmHA, the estimated remaining economic life of the property): THE ESTIMATED REPRODUCTION COST NEW OF IMPROVEMENTS IS BASED ON THE MARSHALL & SWIFT COST SERVICE AND VERIFIED BY APPRAISER'S FILES AND LOCAL COST DATA. SITE VALUE IS BASED ON REVIEW OF RECENT LAND SALES AND SITE-TO-TOTAL VALUE RATIOS. PHYSICAL DEPRECIATION IS BASED ON AGE/LIFE METHOD.

COMPARABLES

ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	110 S. 31ST STREET BOULDER	4365 MARTIN DRIVE BOULDER		4580 SQUIRES CIRCLE BOULDER		320 S. 31ST STREET BOULDER	
Proximity to Subject		5 BLOCK NORTHEAST		8 BLOCKS NORTHEAST		SAME STREET	
Sales Price	$ 152,500		$ 156,950		$ 160,000		$ 151,000
Price/Gross Liv. Area	$ 115.27 /	$ 136.24 /		$ 116.11 /		$ 121.19 /	
Data and/or Verification Sources	INT INSPECT BROKER	MLS/EXT INSPECTION LSTG AGENT/DOM 6		MLS/EXT INSPECTION LSTG AGENT/DOM 37		MLS/EXT INSPECTION LIST AGENT/DOM 22	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-) $ Adjustment	DESCRIPTION	+ (-) $ Adjustment	DESCRIPTION	+ (-) $ Adjustment
Sales or Financing Concessions		CONV MARKET RATE		CONV MARKET RATE		FHA MARKET RATE	
Date of Sale/Time		07-14-95		11-27-95		09-28-95	
Location	MARTIN ACRES	MARTIN ACRES		MARTIN ACRES		MARTIN ACRES	
Leasehold/Fee Simple	FEE	FEE		FEE		FEE	
Site	7,254 SQFT	7,350 SQFT		6,969 SQFT		7,590 SQFT	
View	STREET/AVG	STREET/AVG		PARK/AVG (+)	-3000	STREET/AVG	
Design and Appeal	RANCH/AVG	RANCH/AVG		RANCH/AVG		RANCH/AVG	
Quality of Construction	AVERAGE	AVERAGE		AVERAGE		AVERAGE	
Age	1955-41 YRS	1957-39 YRS		1962-34 YRS		1955-41 YRS	
Condition	AVERAGE	AVERAGE		AVERAGE		AVERAGE	
Above Grade Room Count (Total / Bdrms / Baths)	6 / 3 / 1	6 / 3 / 1		6 / 3 / 1		6 / 3 / 1	
Gross Living Area	1,323 Sq. Ft.	1152 Sq. Ft.	+5100	1378 Sq. Ft.	-1700	1246 Sq. Ft.	+2300
Basement & Finished Rooms Below Grade	NONE NONE	NONE NONE		NONE NONE		NONE NONE	
Functional Utility	AVG(-)/GRGE C	AVERAGE	-3000	AVERAGE	-3000	AVERAGE	-3000
Heating/Cooling	GFA/NONE	GFA/NONE		GFA/NONE		GFA/NONE	
Energy Efficient Items	STORM WINDOWS	STORM WINDOWS		STORM WINDOWS		SNGLE PNE WIN	+2000
Garage/Carport	NONE	1 CAR ATTACH	-1500	1 CAR ATTACH	-1500	NONE	
Porch, Patio, Deck, Fireplace(s), etc.	LRGE CVR PTIO NONE	PATIO NONE	+500	PATIO NONE	+500	PATIO NONE	+500
Fence, Pool, etc.	KIT EQUIP	KIT EQUIP		KIT EQUIP		KIT EQUIP	
Net Adj. (total)		[X] + [ ] -	$ 1,100	[ ] + [X] -	$ -8,700	[X] + [ ] -	$ 1,800
Adjusted Sales Price of Comparable		Net % Gross %	$ 158,050	Net % Gross %	$ 151,300	Net % Gross %	$ 152,800

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): ALL THREE COMPARABLES ARE WITHIN CLOSE PROXIMITY FROM THE SUBJECT PROPERTY AND WERE SOLD WITHIN THE PAST SIX MONTHS. ALL THREE SALES ARE SIMILAR IN DESIGN AND APPEAL, AGE, CONDITION, GROSS LIVING AREA, ROOM COUNT, BASEMENT AND OTHER TYPICAL AMENITIES. COMPARABLE SALE 3 HAS THE LEAST TOTAL AMOUNT OF ADJUSTMENTS AND THEREFORE WAS GIVEN THE MOST WEIGHT. COMPARABLE SALE 2 IS THE MOST RECENT SALE. ALL THREE COMPARABLES ARE SUPERIOR IN FUNCTIONAL UTILITY - IE., SUBJECT PROPERTY GARAGE CONVERSION.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data Source for prior sales within year of appraisal	NO PRIOR SALES PAST YEAR BLDR ASSESSOR	NO PRIOR SALES IN THE PAST YEAR BLDR CNTY ASSESSOR'S	NO PRIOR SALES IN THE PAST YEAR BLDR ASSESSOR	NO PRIOR SALE IN THE PAST YEAR BLDR CNTY ASSESSOR'S

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: THE COMPARABLES WERE FOUND TO HAVE NO PRIOR SALES WITHIN THE PAST YEAR. THE SUBJECT PROPERTY HAS NOT TRANSFERRED IN THE PAST YEAR AND IS CURRENTLY UNDER CONTRACT FOR $152,500.

INDICATED VALUE BY SALES COMPARISON APPROACH ..... $ 153,000

INDICATED VALUE BY INCOME APPROACH (If Applicable) Estimated Market Rent $ 1050 /Mo. x Gross Rent Multiplier 145 = $ 152,250

The appraisal is made [X] "as is" [ ] subject to the repairs, alterations, inspections or conditions listed below [ ] subject to completion per plans and specifications.

Conditions of Appraisal: THE APPRAISAL IS MADE AS IS. ASSUMPTIONS AND LIMITING CONDITIONS IS ATTACHED.

RECONCILIATION

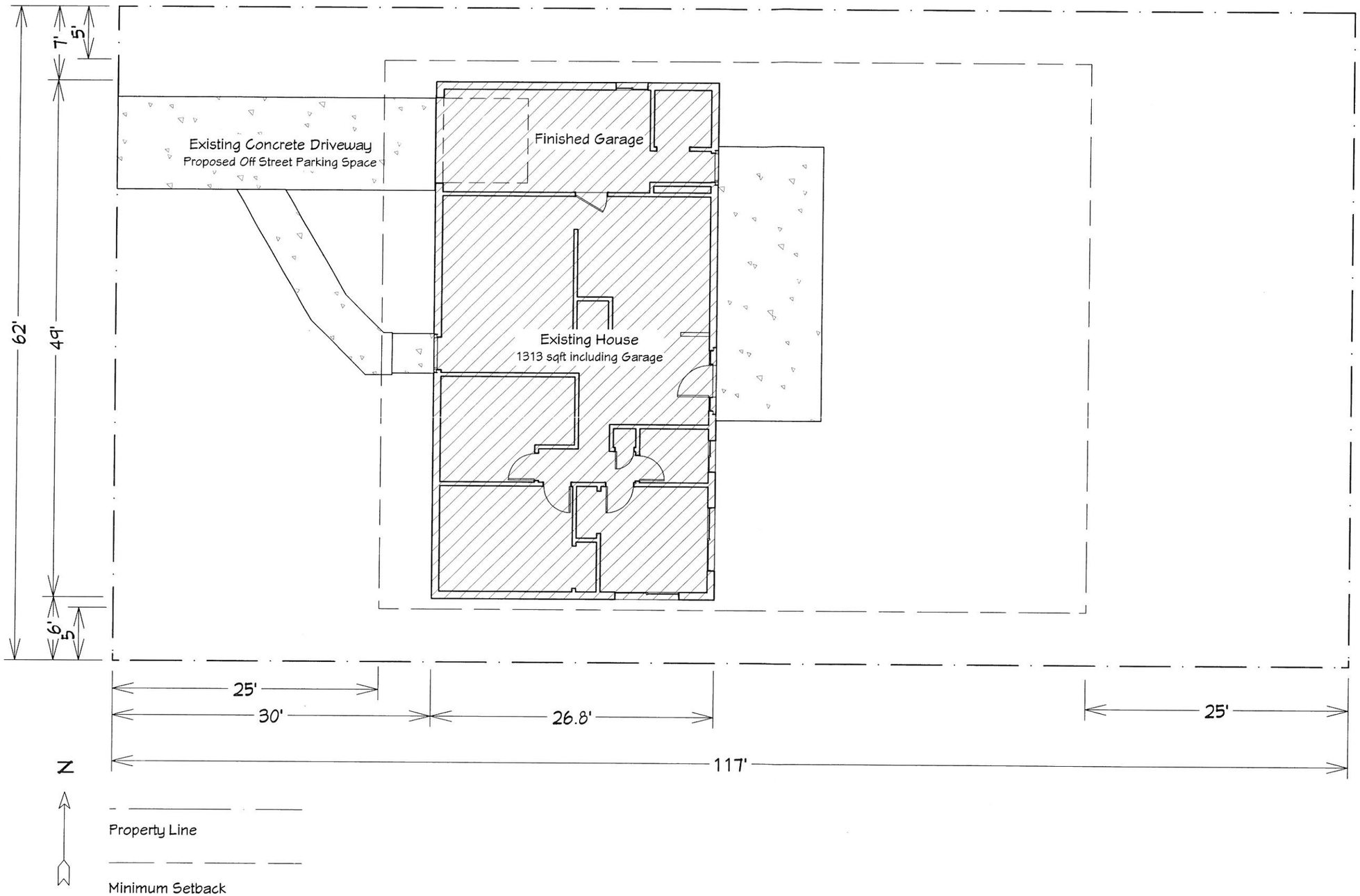
Final Reconciliation: IN THIS ASSIGNMENT, THE SALES COMPARISON APPROACH WAS GIVEN THE MOST WEIGHT, AS IT BEST REFLECTS THE ATTITUDE OF THE MARKET. THE COST APPROACH AND INCOME APPROACH SUPPORT THIS VALUE.

The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 439/Fannie Mae Form 1004B (Revised 06-93).

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF JANUARY 18, 1996 (WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE $ 153,000.

APPRAISER:
Signature: [signature]
Name: ELIZABETH MILLION
Date Report Signed: JANUARY 24, 1996
State Certification #: CR01313760 State: COLO
Or State License #: State:

SUPERVISORY APPRAISER (ONLY IF REQUIRED)
Signature: _____ [ ] Did [ ] Did Not Inspect Property
Name: _____
Date Report Signed: _____
State Certification #: _____ State: _____
Or State License #: _____ State: _____

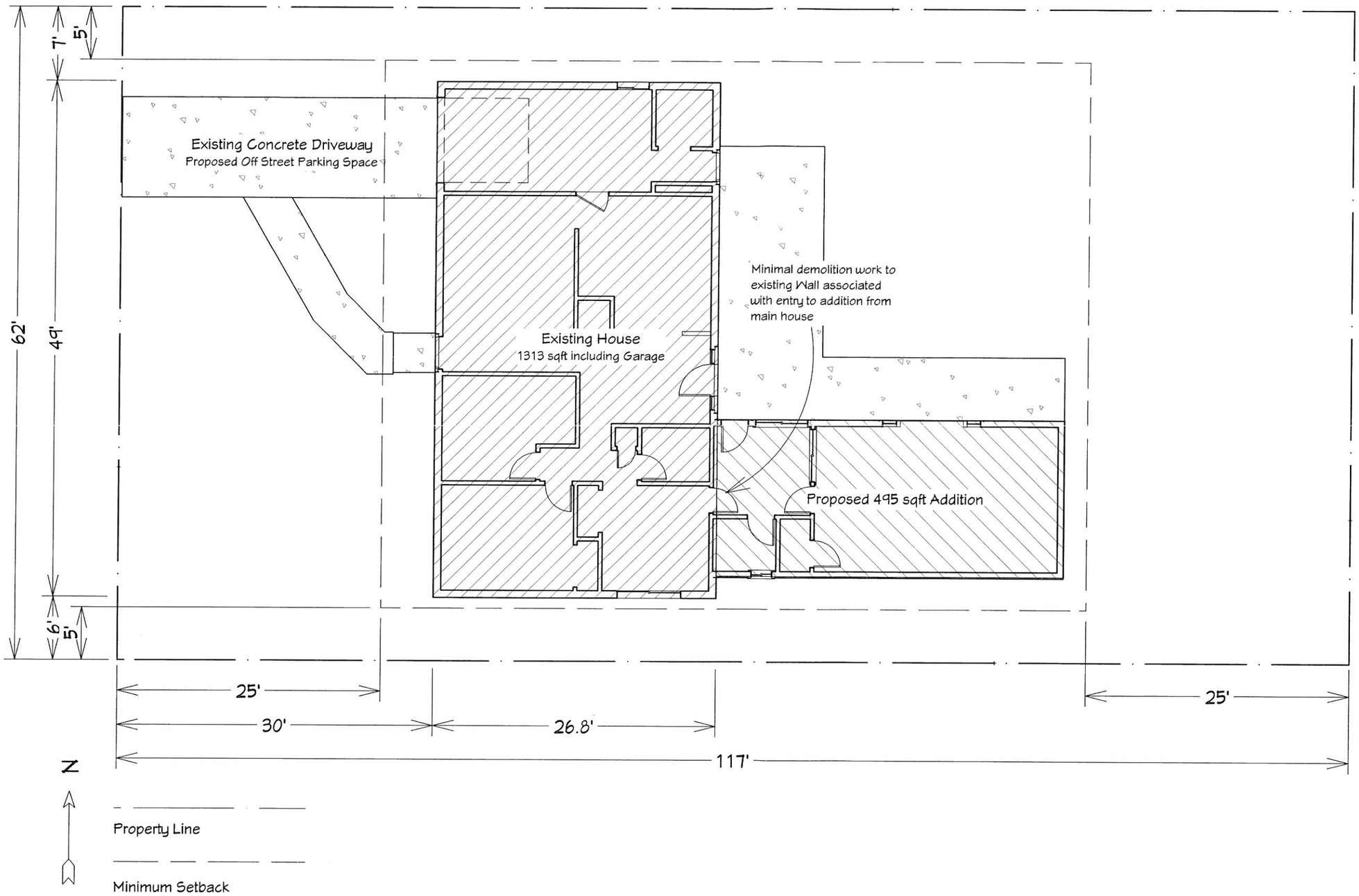


SHEET # 1

SOBO HOMES INC

As Built Plan

110 S.31st St
Boulder, CO 80305
Date: 6/24/2014



SHEET # 2

SOBO HOMES INC.

Proposed Site Plan

110 S.31st St
Boulder, CO 80305
Date: 6/24/2014

BOZ2014-00013

Revised Oct. 2009
400.pdf

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: boulderplandevelop.net

BOZA VARIANCE APPLICATION

RECEIVED
JUL 16 2014
BY: _____

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: 855 Park Ln
- Legal Description: Lot _____ Block _____ Subdivision ISP Attached (Or attach description.)
- Existing Use of Property: Residential
- Description of proposal:

Replace original, unsafe, external stairway, non-conformant with current setback requirements, with a safer, smaller and less obtrusive stairway. While the new stairway is still non-conformant with setback requirements, it nearly doubles the distance from stairs to property line and reduces the stair footprint by 55%.

*Total floor area of existing building: 2206	*Total floor area proposed: 2206
*Building coverage existing: 2186	*Building coverage proposed: 2116
*Building height existing: 17' 1"	*Building height proposed: 17' 1"

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

- **Name of Owner:** Donald and Kristina Bergal
- Address: 855 Park Ln Telephone: (303) 919-7308
- City: Boulder State: CO Zip Code: 80302 FAX: _____
- **Name of Contact (if other than owner):** same dbergal9@gmail.com
- Address: _____ Telephone: _____
- City: _____ State: _____ Zip Code: _____ FAX: _____

STAFF USE ONLY

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

APPLICATION TYPES

- [x] Setback Variance
- [ ] Sign Variance
- [ ] Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

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

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

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

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

Applicant / Owner Signature _____ Date July 14/14

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 place 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, DONALD BERGAL, am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) SAME for property located at 855 PARK LANE. I have read the city's sign posting requirements above and acknowledge and agree to the following:

(PRINT NAME OF APPLICANT OR CONTACT PERSON)

(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

(PRINT PROPERTY ADDRESS OR LOCATION)

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.

DONALD BERGAL

NAME OF APPLICANT OR CONTACT PERSON

7/14/14

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.

Variance Request July 14, 2014

Re: 855 Park Lane, Boulder, 80302

We are requesting a setback variance for the front (east) and corner (north east) boundary of the residence, to reconstruct the stairs leading to the main entrance to the home. The existing stairs are original construction and highly non-conformant with setback requirements. The proposed new stairs and deck landing will be smaller, have less coverage area, and nearly double the setback from the property line. However because of the position of the house on the property, there is no way to construct entrance stairs that meet the full 25' setback requirement and a variance is required.

The existing stairs are a safety hazard and must be replaced. They were constructed prior to the current setback zoning standards, and fall within 8'6" of the property line. The new stairs will meet current building codes, and will fall 14'7" from the property line at their closest point.

The hardship issue being addressed is the need to have stairs to reach the main entrance to the home, which sits 9 feet above ground level. Because of the steep grade of the property with the front walk-out design, stairs are needed to reach the elevated front door, creating a hardship that must be addressed with a variance. The entire front of the home sits within 22' of the property line, making it impossible to reconstruct any stairs outside of the 25' setback.

In summary, no house could be built on the property under current setback requirements. The stairs are a necessity given the topography of the lot, but it is impossible to build a stairway that meets the full setback requirement. Since the stairs must be reconstructed for safety, it makes sense to implement a new design that actually increases the setback.

Hardship Summary

Per 9-2-3 (h) (1), topographical conditions create a hardship for any occupant of the home, requiring stairs to reach the front, main entrance. Safety considerations, documented here, require that the stairs be rebuilt. The pre-existing position of the home, constructed by previous owners in 1967, precludes any stairs from meeting the full 25' setback requirement. Hence the issue meets the requirements of 9-2-3(h) (1) paragraphs (A) (i), (B), (C) and (D).

Safety Hazard

I purchased the home at the end of 2013. Two separate professional home inspections conducted in 2013 identified the stairs as a safety hazard to be addressed and suggest full replacement. These are wooden stairs, now 47 years old, so they have passed their expected life. The inspection states *"The deck stair stringers were weathered with damage to the wood. Steps would not be considered reliable and potential for partial to complete collapse"*. I am now undertaking this work, and have engaged a professional architect and engineer to redesign the stairs to meet building codes, reduce the size of the stairs and conform with the overall appearance of the home. The variance is needed to complete this work, because the entire front of the home is already inside the setback distance.

Hardship is documented as per 9-2-3(h)(1)

(A)(i) Exceptional topography of the lot creates a downward slope to the front, placing the front door 9 feet above ground level. Stairs are needed to reach the front door.

(B) The majority of homes in the area have front doors on ground level, reachable without stairs.

(C) The home construction from 1967 places the structure 22.1' to 21.2' from the property line on the front and corner boundaries. There is physically no room to place stairs that are more than 25 away from the property line.

(D) The situation existed upon purchase of the residence in 2013, and was part of the original construction in 1967.

Pillar To Post
Professional Home Inspection
THE HOME OF HOME INSPECTION™

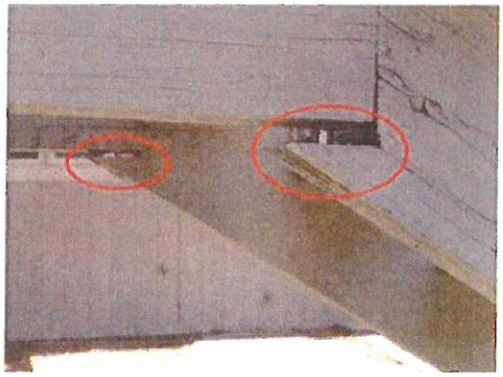
Report Commentary

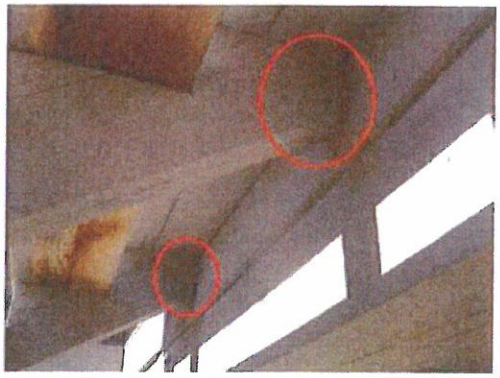
Date: 19-Jun-2013 855 Park Ln., Boulder, CO 80302

This summary is not the entire report. The complete report may include additional information of concern to the client. It is recommended that the client read the entire report.

1.0 Property and Site

Deck stairs in worn condition. Appears that lower stringers are inadequately secured and upper stringers not being secured with strong ties. Also handrails are very loose. Recommend qualified contractor inspect, advise and correct as needed for safety.





Notes from inspection 6/19/2013

2. DECKS - RAILING:

CONDITION: This is an older deck and stairs likely some or all original to the dwelling. The wood in general is weathered and rot noted in various locations. Areas of most concern are rot to a major support post on the NE corner as well as other posts with rot or cracking wood at their base including the SW support post for the patio roof. The support beams for the deck and roof are also weathered and have significant twist in them. The attachment method of the front deck is unknown as the area is concealed from view. Access should be made to inspect this area. Structural integrity of the deck and supports is compromised. It is my opinion the deck and supports will need extensive work. I recommend inquire a qualified contractor for complete evaluation and correction options.

EXTERIOR STAIRS/STOOPS:

CONDITION:

The deck stair stringers were weathered with splits/damaged to the wood. Steps would not be considered reliable and potential for partial to complete collapse. Recommend allow for corrections.

Concrete stairs, Handrails recommended, none present. It is standard building trade practice to install hand rails for three or more stairs. We recommend install railing/s in accord with local requirements for safety.

Notes from inspection and summary 10/2/2013

Site Development Plan

The newly designed stairs will reduce the violation of the setback requirement by affording more distance to the property line. The new stairs are also smaller in coverage area, reducing the total visible structure in front of the home.

Existing original stair ranges from 14' 1" to 8' 6" from the property line. The new design ranges from 22' 1" to 14' 7" from the property line. This reduces the setback violation by nearly 50% .

The existing stairs cover 128 square feet. The new stairs cover only 58 square feet, including the changes in landing platform on the deck. That is a 55% reduction in coverage area. (Note that there is no coverage area variance required, and no coverage area violation for the house. Coverage is noted purely for aesthetic reasons).

Proposed design includes new stairs, infill framing on the deck to allow for stair attachment, and infill framing on the roof to cover the landing area of the stairs to the house.

See detailed architectural drawings and site plan attached.

Demolition Plan

The existing wood stairs will be demolished and disposed. Photos of the existing stairs are attached below. This variance request applies strictly to the removal and reconstruction of the stairs and associated landing platform on the deck. All other work (deck etc..) is covered by a permit already issued.

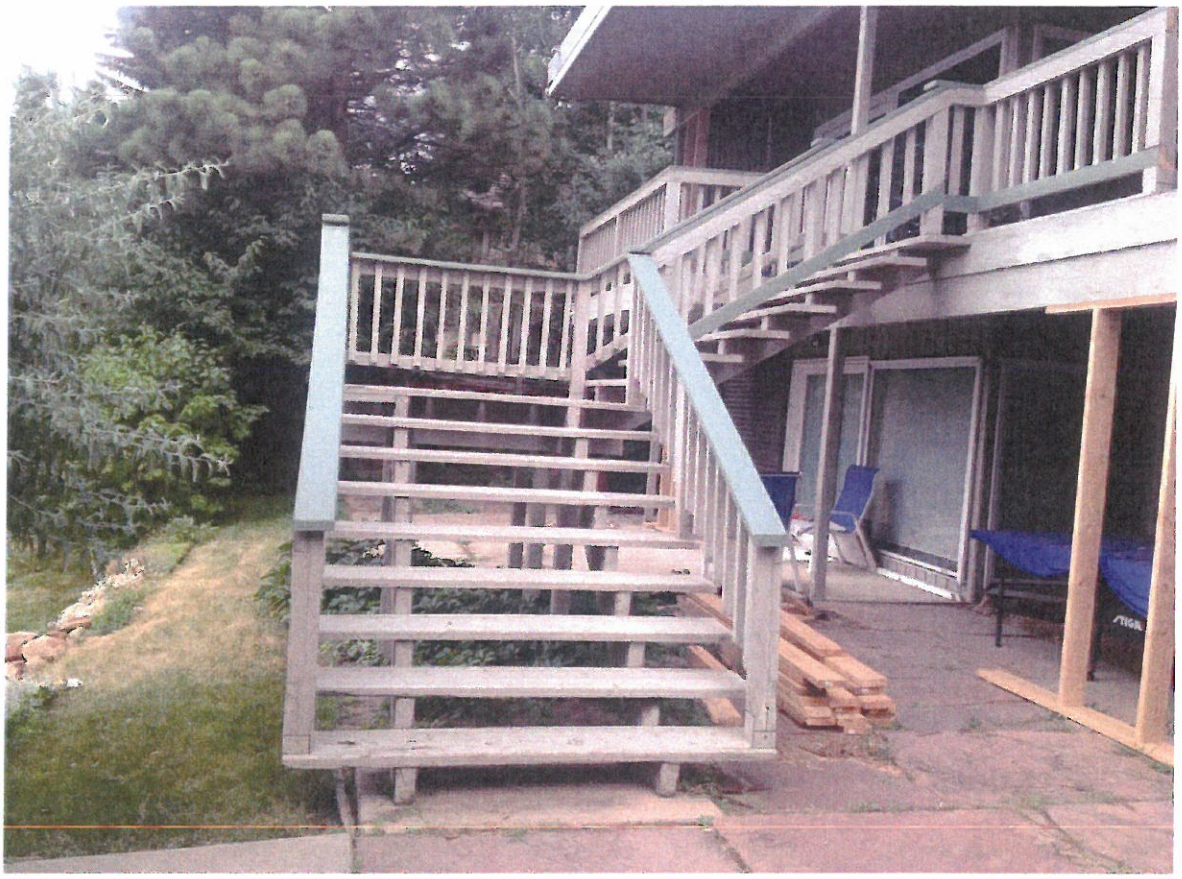
Neighbor Support

I am attaching a letter from the owners of the homes at 845 Park Ln, my neighbor to the south, and 840 Park Ln, across the street, in support of the proposed change. I will forward similar statements from other neighbors as they come available.

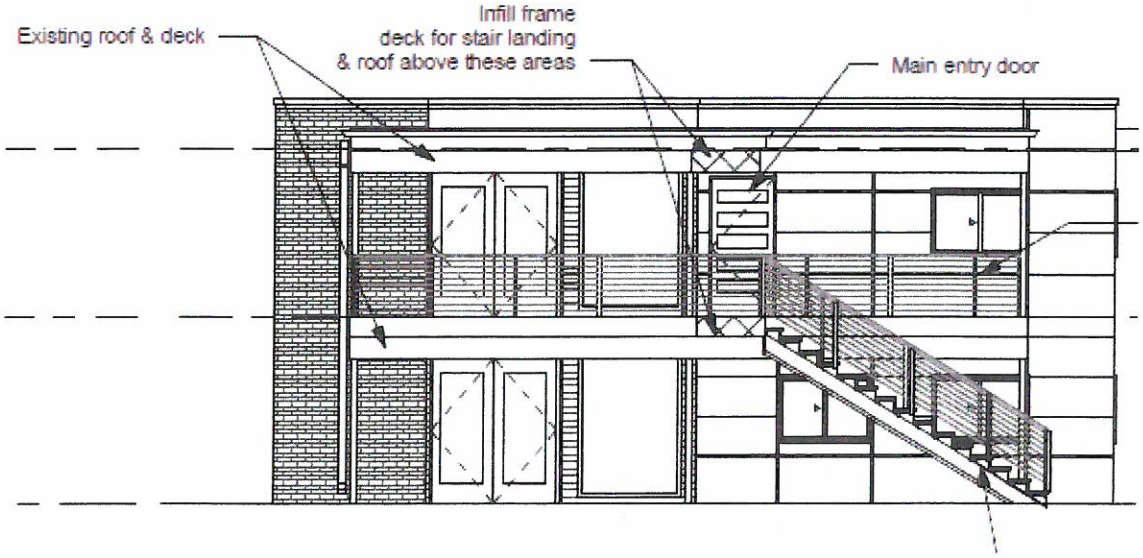
Existing Stairs to be Demolished

Side view of existing stairs facing north. This will all be removed.

View of front of home, facing west. Front door is not visible, hidden behind stairs at top.



Side view of existing stairs facing south.



All of the wooden stairs will be replaced with a much smaller design shown here.

STEBBINS & ASSOCIATES, LLC
INVESTMENT MANAGEMENT

July 14, 2014

Memorandum to: Boulder Planning and Development Services

My wife Jane and I have resided at 845 Park Lane for the past ten years. Our residence adjoins to the north the property recently acquired by by Don and Christina Bergal.

We are delighted to witness the renovation and restoration being conducted by the Bergals on their new home. The previous owner had allowed the property to deteriorate due to a lack of maintenance and repair.

As neighbors, we strongly support the replacement of the old unsightly stairs and encourage the Bergals to proceed with a design that reduces the overall footprint of stairs in front of their home"

Sincerely,

Richard B Stebbins

845 PARK LANE
BOULDER, COLORADO 80302
303 541 9780 303 443 2433
DICK@STEBBINSASSOCIATES.COM
877 321 9752 TOLL FREE

Mr. & Mrs. Terry Rogers
840 Park Lane
Boulder, CO 80302

July 15, 2014

Planning Board
City Council Chambers
City of Boulder
1777 Broadway
Boulder, CO 80302

RE: Donald & Kristina Bergal
855 Park Lane

Dear Planning Board Members:

We support the Bergal's plan to redesign their front stairway to make it smaller and less visible from our house across the street. Any change that reduces the size of the existing original stairway will be a welcome addition to the neighborhood.

Sincerely,

Terry Rogers

Beth Rogers

Wyler, Robbie

From: Don Bergal [dbergal9@gmail.com]
Sent: Tuesday, July 29, 2014 1:04 PM
To: Wyler, Robbie
Subject: Fwd: Fw: Bergal residence: Planned new exterior stairway

Robbie, see forwarded email voicing support for our plans. Sara is our neighbor to the north and her front windows look directly at the stairway in our yard. We received the message after the variance package had already been assembled. Thanks, Don

From: Sara Michl
Sent: Tuesday, July 15, 2014 10:05 PM
To: Kristina Bergal
Subject: Bergal residence: Planned new exterior stairway

Dear Boulder City Planners:

As neighbors directly across Aurora Av from the residence of Kristina and Don Bergal, we approve the proposed external stairway that they would like to build to replace the much bulkier existing stairs. We encourage them to complete construction as they have planned.

Please feel free to contact me if you would like further information.

Sincerely,

Sara Michl
501 Aurora Av
Boulder, CO 80302
303-447-2206

--

Don Bergal
dbergal9@gmail.com
mobile 303 919 7308

STAIR REPLACEMENT VARIANCE REQUEST

855 Park Lane, Boulder, CO 80302

RECEIVED
JUL 16 2014
BY:

Owner:
Don & Kristina Bergal
855 Park Lane, Boulder, CO 80302
(303) 919-7308

Architect:
Cadence Design Studio
1327 S Fairfax St, Denver, CO 80222 p. (720) 314-8195 f. (720) 384-1603
www.cadence-studio.com

Parcel Description

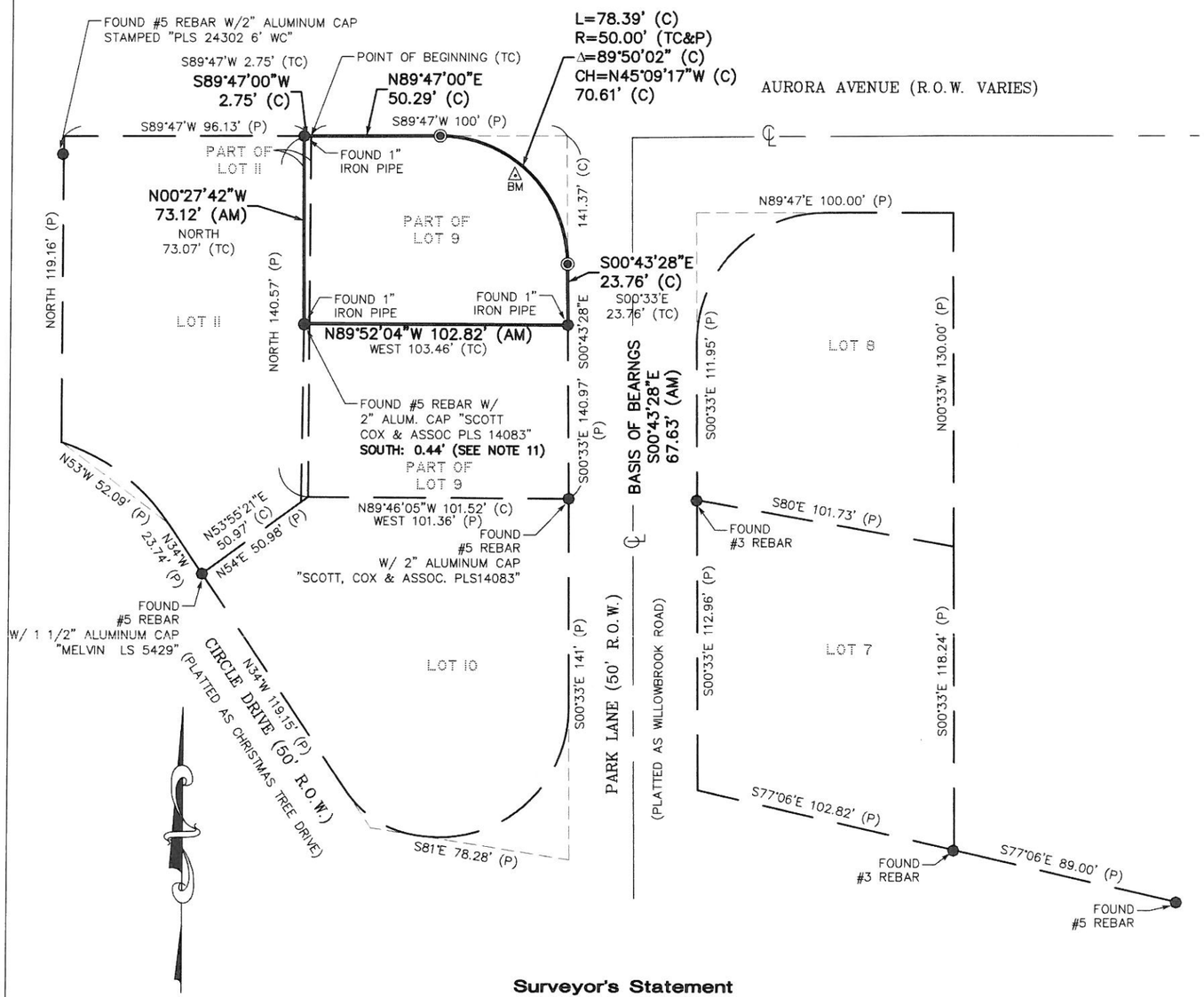
(PROVIDED BY CLIENT)

A PORTION OF LOTS 9 AND 11,
FLATIRONS PARK,
A SUBDIVISION OF A PART OF THE
CITY OF BOULDER, ACCORDING TO
THE RECORDED PLAT THEREOF,
DESCRIBED AS FOLLOWS:

TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF LOT 9, THENCE NORTH 89 DEGRESS 47' EAST 50.29 FEET ALONG THE NORTH LINE OF SAID LOT 9 TO A POINT OF CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 50.00 FEET AND A DELTA ANGLE OF 89 DEGREES 40' RIGHT AND BEING THE NORTHEASTERLY LINE OF LOT 9; THENCE SOUTH 0 DEGREES 33' EAST 23.76 FEET ALONG THE EAST LINE OF SAID LOT 9; THENCE WEST 103.46 FEET; THENCE NORTH 73.07 FEET TO A POINT ON THE NORTH LINE OF LOT 11 OF SAID FLATIRONS PARK, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 89 DEGREES 47' EAST 2.75 FEET ALONG THE NORTH LINE OF SAID LOT 11 TO THE PLACE OF BEGINNING,
COUNTY OF BOULDER,
STATE OF COLORADO.

7/14/2014 - STAIR REPLACEMENT VARIANCE REQUEST -

Control Diagram

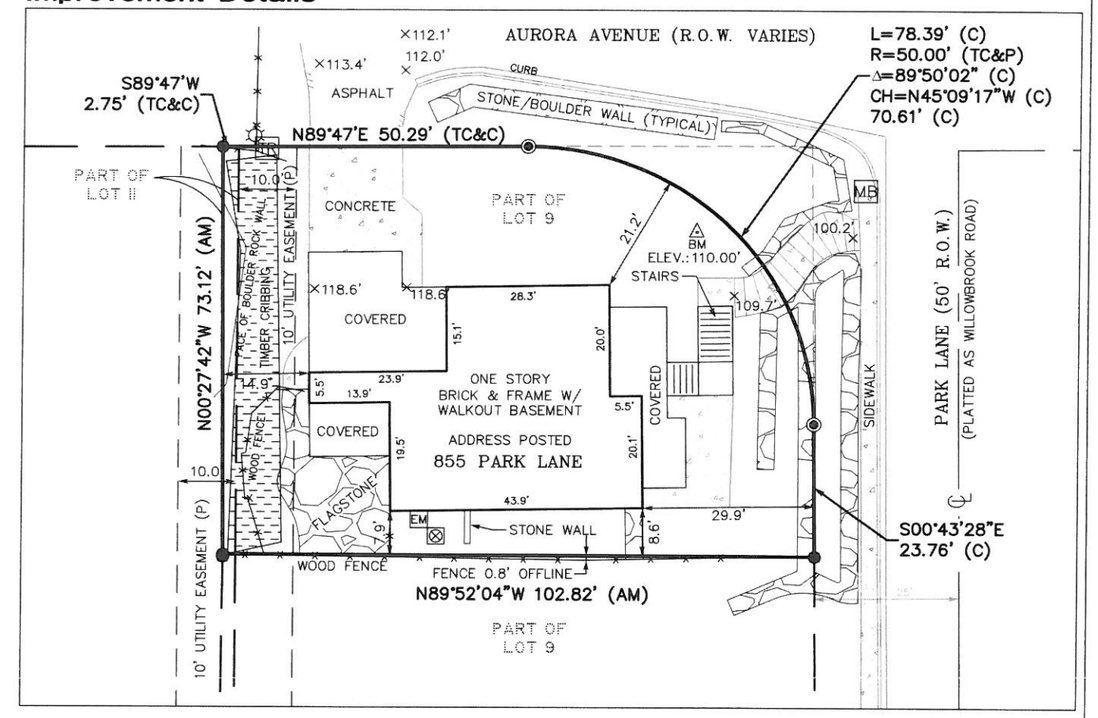


GRAPHIC SCALE

40 0 20 40 80

(IN FEET)
1 inch = 40 ft.

Improvement Details



GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

Surveyor's Statement

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO DON BERGAL, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON FEBRUARY 5, 2014; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (9) "IMPROVEMENT SURVEY PLAT".

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

Boundary Closure Report

Course:	N89°47'00"E	Length:	2.75'
Course:	N89°47'00"E	Length:	50.29'
Curve Length:	78.39'	Radius:	50.00'
Course:	S00°43'28"E	Length:	23.76'
Course:	N89°52'04"W	Length:	102.82'
Course:	N00°27'42"W	Length:	73.12'

Perimeter: 331.13' Area: 7011.15 Sq. Ft.
Error Closure: 0.01 Course: N44°41'10"W
Error North: 0.008 East: -0.008

Precision 1: 33113.00

Architect: Cadence Design Studio **Client:** Don & Kristina Bergal
1327 S Fairfax St, Denver, CO 80222 (720) 314-8195 www.cadence-studio.com

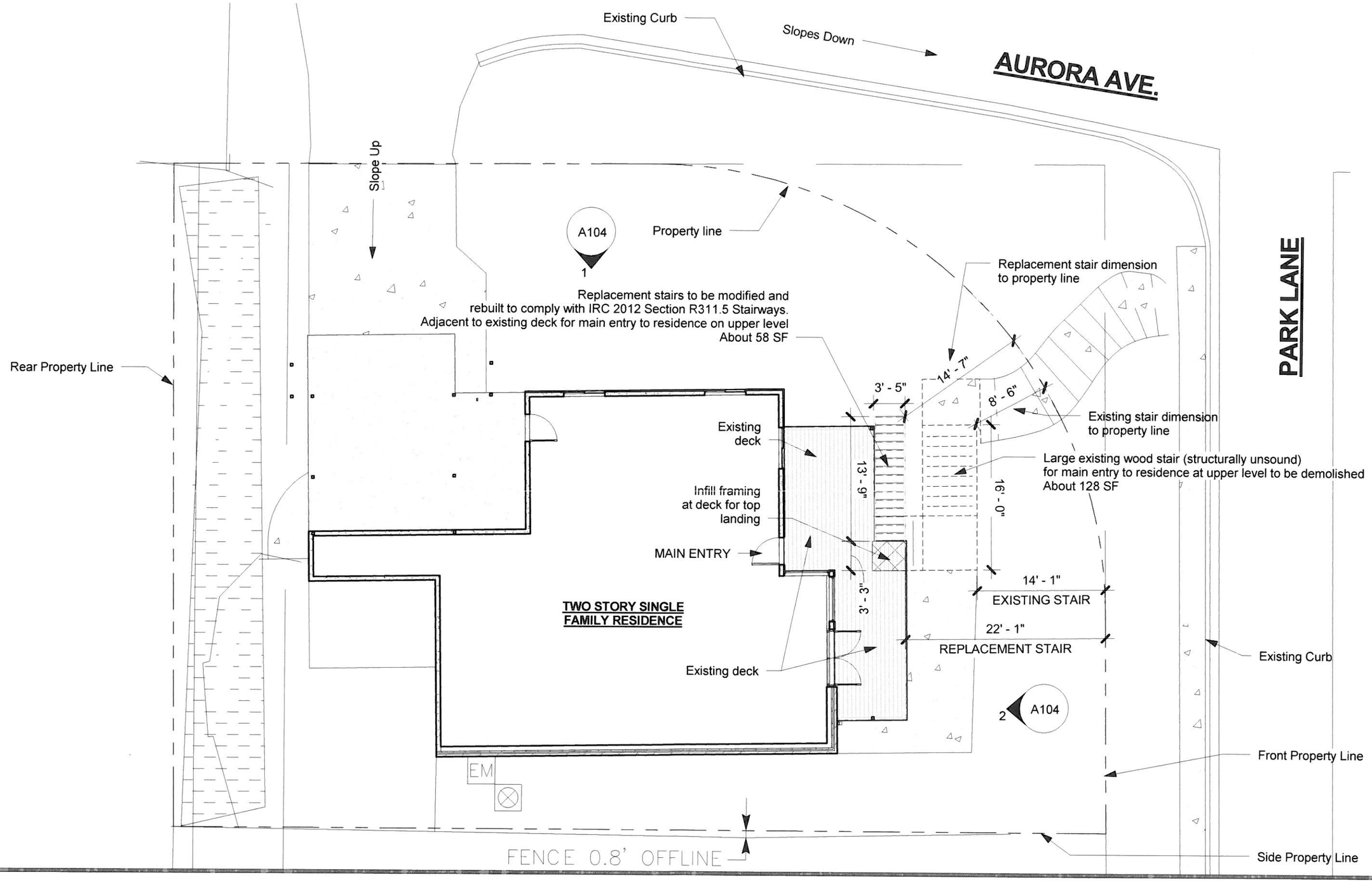
SITE SURVEY

Project: STAIR REPLACEMENT VARIANCE REQUEST **Address:** 855 Park Lane, Boulder, CO 80302

Date 7/14/2014

Scale

0001



Architect: Cadence Design Studio **Client:** Don & Kristina Bergal

1327 S Fairfax St, Denver, CO 80222 (720) 314-8195 www.cadence-studio.com

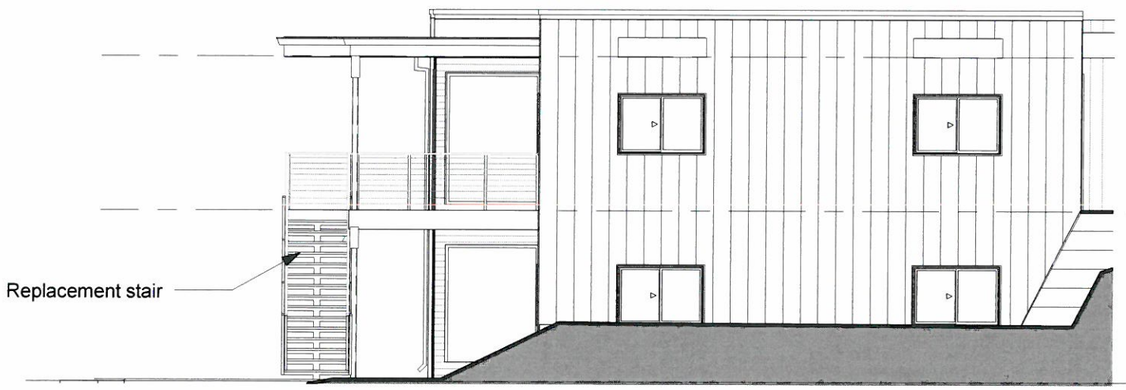
MAIN ENTRY STAIR REPLACEMENT

Project: STAIR REPLACEMENT VARIANCE REQUEST **Address:** 855 Park Lane, Boulder, CO 80302

Date 7/14/2014

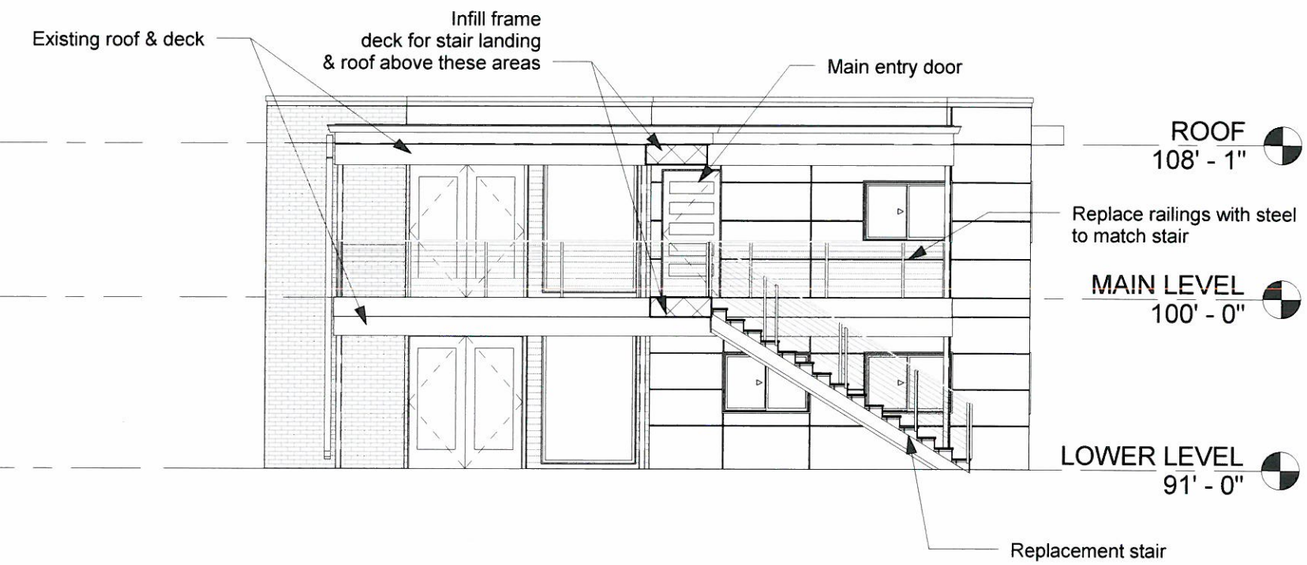
Scale 3/32" = 1'-0"

A103



1 A104 NORTH ELEVATION

1/8" = 1'-0"



2 A104 EAST ELEVATION

1/8" = 1'-0"

Architect: Cadence Design Studio **Client:** Don & Kristina Bergal

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ELEVATIONS

Date 7/14/2014

Scale 1/8" = 1'-0"

A104

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
June 10, 2014, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present:	Ellen McCready, Michael Hirsch, David Schafer, Thom Ward
Board Members Absent:	Christopher Lane
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 5:03 p.m.

2. BOARD HEARING:

Docket No.: BOZ2014-00010
Address: 603 North Street
Applicant: Richard Roosen

Setback Variance: As part of a proposal to construct a rooftop deck and adjoining spiral staircase to an existing single family residence, the applicant is requesting a variance to the combined side yard setback requirements of the RMX-1 zoning. The resulting west side yard setback will be approximately 5.5 feet where 9.81 feet is required and one half (1/2) a foot exists today. The resulting east side yard setback will be approximately 10 feet where 14.5 feet is required and 5.19 feet exists today. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item to the board.

Applicant Presentation:
Brendan Kennedy, the architect, presented the item to the board.

Motion:
On a motion by **E. McCready**, seconded by **T. Ward**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to continue the application to a date no later than two months from July 10, 2014 (Docket BOZ2014-00010).

Docket No.: BOZ2014-00011
Address: 430 Gregory Lane
Applicant: Randell & Linda Cain

Setback Variance: As part of a proposal to construct an attached two-car garage to an existing single family residence, the applicant is requesting a variance to the front and side yard setback requirements of the RE zoning district. The resulting front yard setback will be approximately 16.83 feet where 25 feet is required and 22.5 feet exists today. The resulting side yard setback will be approximately 7.37 feet where 13.16 feet is required and 39

feet exists today. Additionally, the applicant is requesting a solar access exception to the Solar Access Area 1 regulations. The property to the northeast (440 Gregory Lane) will be the only property affected by this request. Sections of the Land Use Regulations to be modified: Sections 9-7-1 & 9-9-17, BRC 1981.

Staff Presentation:
R. Wyler presented the item to the board.

Applicant Presentation:
Jim McCutcheon, the architect, presented to the board.
Randall and **Linda Cain,** the applicants, presented to the board.

Motion:
On a motion by **D. Schafer**, seconded by **M. Hirsch**, the Board of Zoning Adjustment voted 4-0 (**C. Lane** absent) to approve the application (Docket 2014-00011) as submitted and presented.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

On a motion by **E. McCready**, seconded by **D. Schafer**, the Board of Zoning Adjustment voted 3-0 (**M. Hirsch** abstained, **C. Lane** absent) to approve the June 12, 2014 minutes.

B. Matters from Staff

The BOZA retreat date has not been decided to date.

C. Matters from the Board

D. 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 6:47 P.M.

APPROVED BY

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_____

DATE