CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA

DATE: Thursday, September 8, 2016
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. **COUCIL MEMBER – JAN BURTON**

3. **BOARD HEARINGS**

   A. Docket No.: BOZ2016-16
   Address: 2069 Bluff Street
   Applicant: James and Leah Brasseur
   Side Yard Wall Articulation Variance: ITEM CONTINUED FROM 8/11/16 BOZA MEETING. As a part of a proposal to remove an existing sunroom and to construct a new entry and 2nd floor room above, the applicants are requesting a variance to the Side Yard Wall Articulation standards for the resulting wall. The proposed wall will be 43' in length where the maximum allowed wall length is 40' (for walls within 14' of the side yard property line that are in excess of 14' in height). Section of the Land Use Code to be modified: Section 9-7-10, BRC 1981.

4. **GENERAL DISCUSSION**
   A. Approval of Minutes: The August 11, 2016 BOZA minutes are scheduled for approval.
   B. Matters from the Board
   C. Matters from the City Attorney
   D. Matters from Planning and Development Services

5. **ADJOURNMENT**

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

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

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES

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

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

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

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

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: 2069 Bluff Street
- Legal Description: Lot A Block _____ Subdivision Patterman (Or attach description.)
- Existing Use of Property: Single Family
- Description of proposal:
  REMOVE EXISTING SUN-ROOM & CONSTRUCT NEW ENTRY & 2ND FLOOR ROOM ABOVE. (SIDEWALL ARTICULATION TO ALLOW 43')

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

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

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

STAFF USE ONLY

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

SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, Technical Document Review, and Board of Zoning Adjustment Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - 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, James G. Brasseir, am filing a Land Use Review, Administrative Review, Technical
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

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

located at 2069 Bluff St., Boulder, CO 80304. I have read the city's sign posting requirements above and acknowledge
(PRINT PROPERTY ADDRESS OR LOCATION)

and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.

2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.

3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).

4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

James G. Brasseur
NAME OF APPLICANT OR CONTACT PERSON

20 July 2016
DATE

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

20 July 2016

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

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

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

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

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

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

C. BACKGROUND

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

Fig. 1

D. THE CURRENT HOUSE AND ITS BLUFF STREET NEIGHBORHOOD

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

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

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

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

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

Fig. 5

Fig.

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

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

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

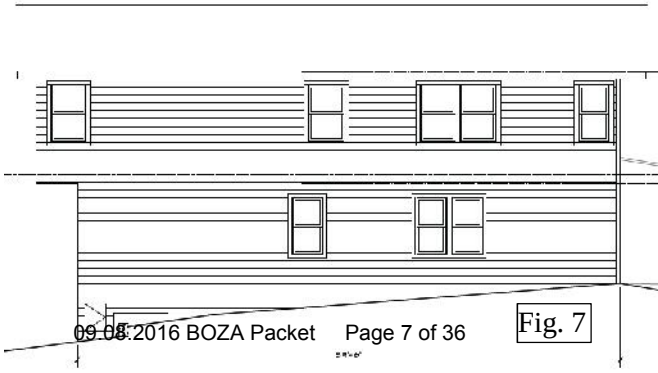


Fig. 7

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

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

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

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

The above discussion is intended to provide the BOZA members a unified explanation of the issues, the specific variance requested, and the essential arguments we have made to support our request to the Board of Zoning Adjustment for a Variance to the Side Yard Wall Articulation Standards of Section 9-7-10. Below we address the specific points, as required, from code 9-2-3 Variances and Interpretations, section (h), "Criteria for Variances," subsections (1) and (5). In our responses, we refer to specific discussion points made above.

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

(h)(1) Physical Conditions or Disability:

(A) There are:

(i) Unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot or exceptional topographical or other physical conditions peculiar to the affected property; or

(ii) There is a physical disability affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 July 2016

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

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

Dear BOZA members:

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

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

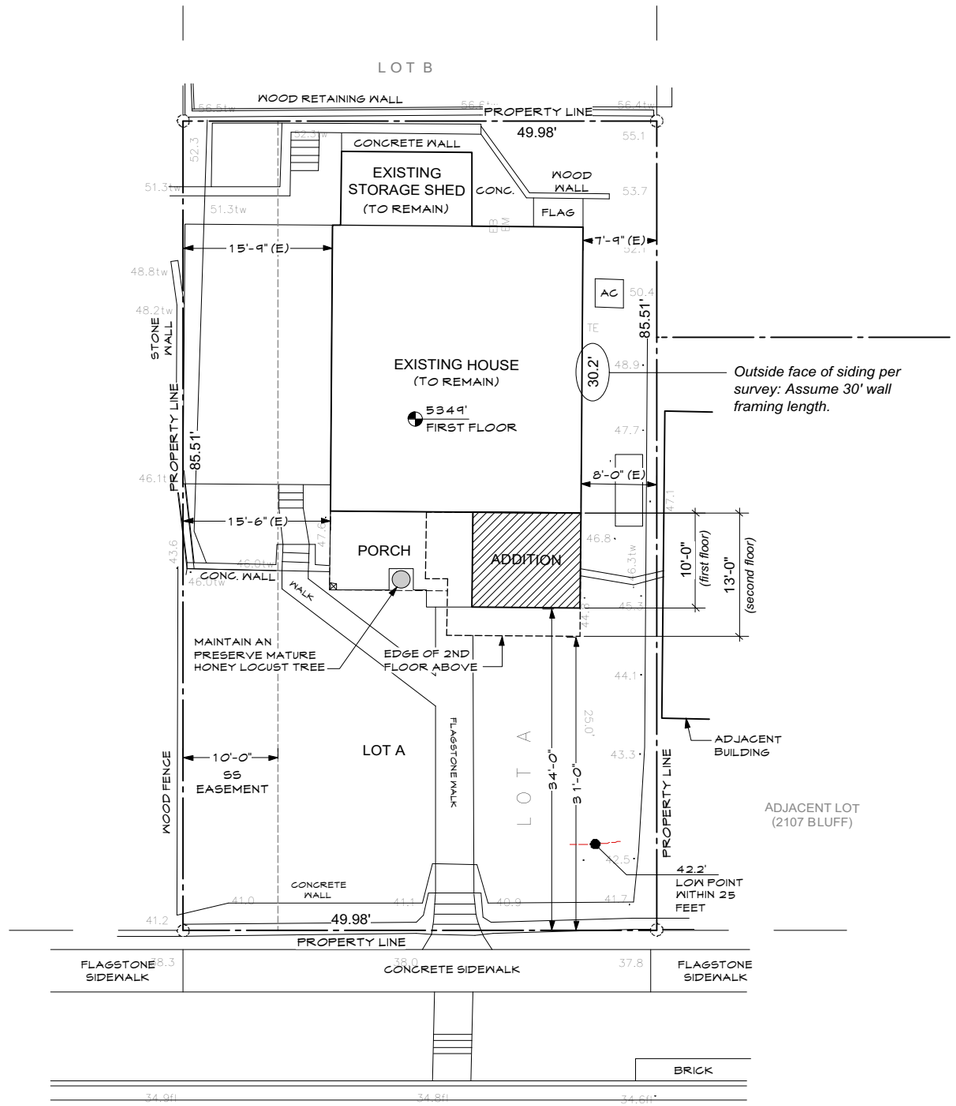
In contrast, the additional 3 feet extension will allow their extension on the second floor of their house to extend 3 feet beyond the tree that currently passes partly through their porch roof without removing that tree and the shade it provides to them and their neighboring houses, creating for them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

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

Sincerely,

Stuart Naegele

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



SITE DEVELOPMENT PLAN

1/16"=1'-0"

N

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

BOZA APPLICATION

GENERAL

Review Type:	Variance for Side Wall Articulation: to allow 43 feet where 40 foot is allowed
Owner:	Jim and Leah Brasseur 2069 Bluff Street Boulder, CO 80304
Project Summary:	Addition on the south side of existing structure

LOT DATA

Address:	2069 Bluff Street
Legal:	Lot A Patterman
Zoning:	RMX-1 Use: R4, Intensity: 7, Form: D
Lot Area:	4,273 SF
Lot Width:	49.98'

PUD MODIFICATION

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

YARD AND BULK

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

* Variance Request

stewart ARCHITECTURE
1132 Jefferson Ave. Louisville, CO 80027
303. 665. 0808 (x9)

Construction Documents Issue:

Date	Comments	Init.
07/20/16	Variance	P.S.

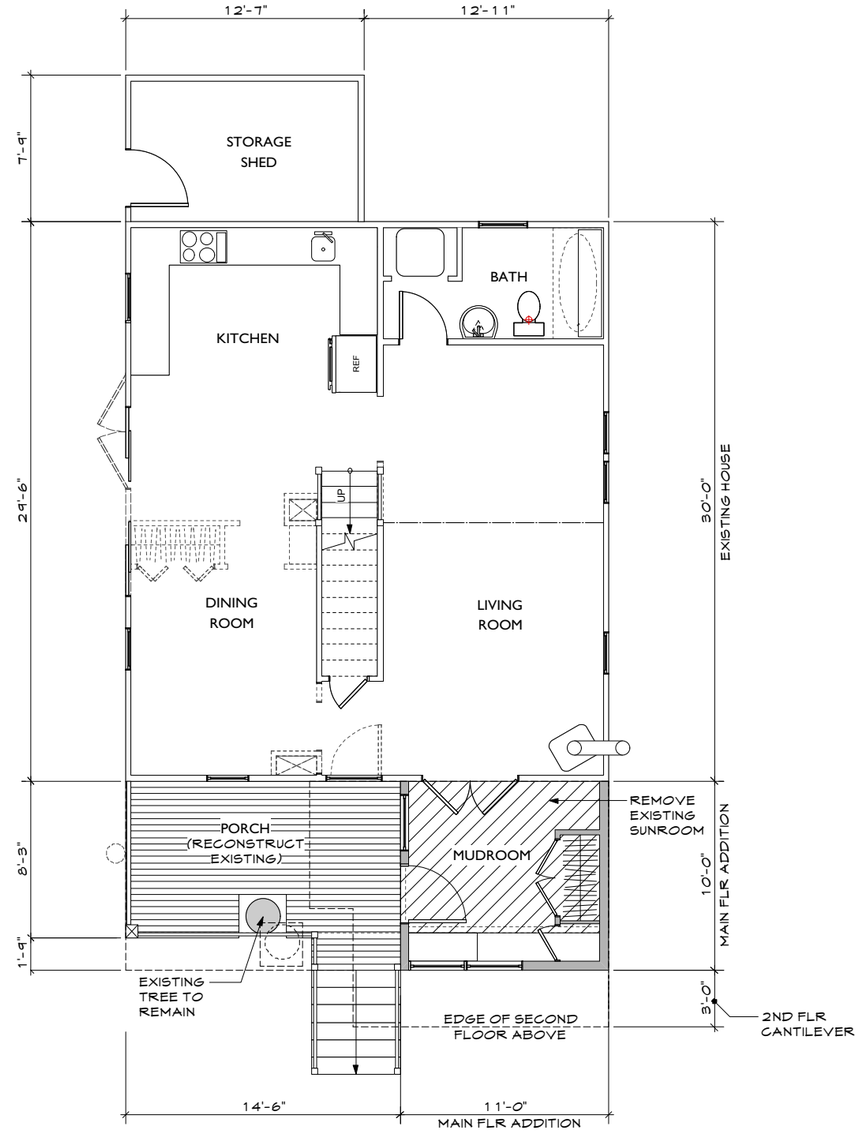
Prepared for: Jim and Leah Brasseur
2069 Bluff St, Boulder, Colorado 80304

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

Variance Application

Sheet Title
SITE PLAN
PROJECT DATA

Sheet No.
1
of 4



MAIN FLOOR PLAN

1/8"=1'-0"

N

FLOOR AREA	
1st Floor	
Existing:	937 SF
To Remove:	88 SF
Addition:	110 SF
Total:	959 SF
2nd Floor:	
Existing:	752 SF
Addition:	190 SF
Total:	942 SF
Total:	1,901SF

LEGEND:

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

stewart ARCHITECTURE
1132 Jefferson Ave. Louisville, CO 80027
303. 665. 0808 (x6)

Construction Documents Issue:

Date	Comments	Init.
07/20/16	Variance	P.S.

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

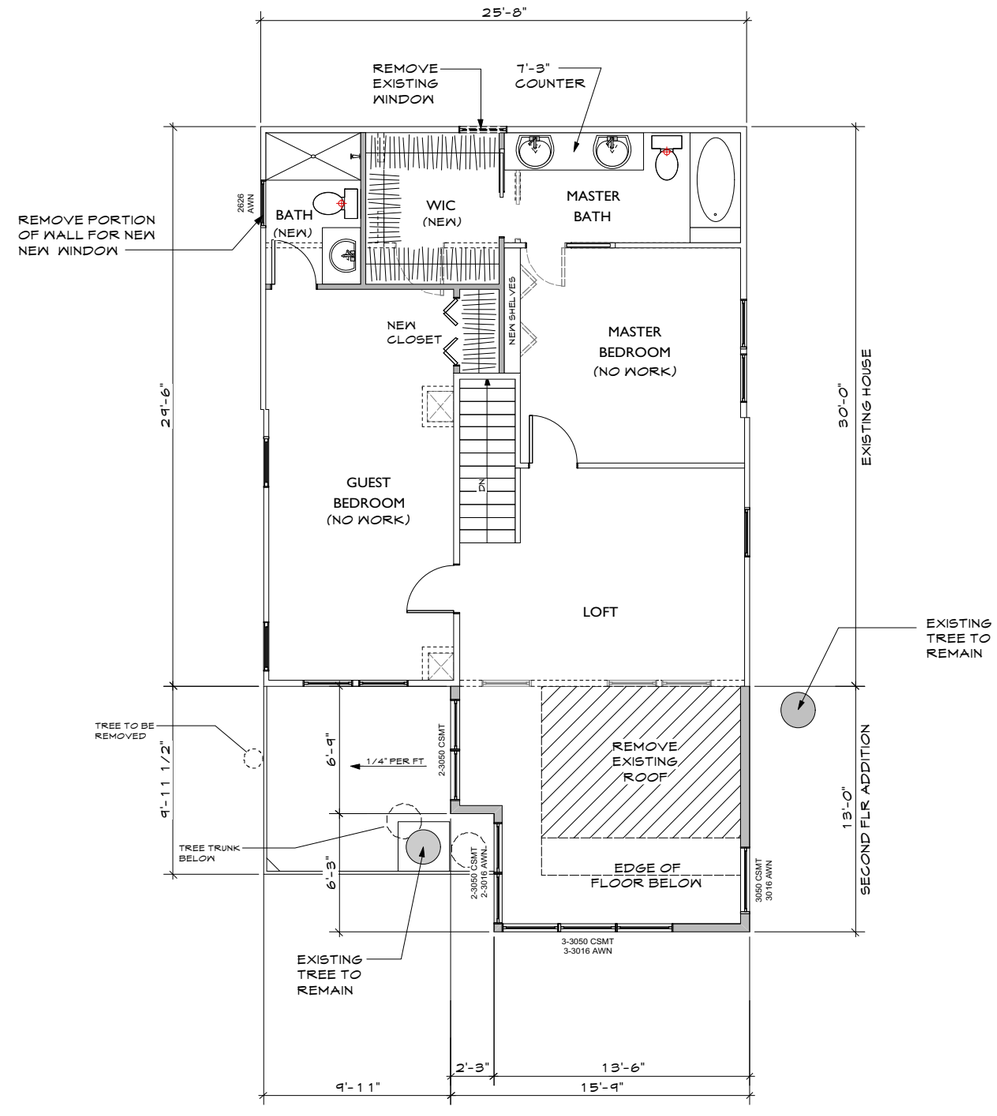
2069 Bluff Street

Lot A Patterman, City of Boulder, County of Boulder

Variance Application

Sheet Title
1ST FLOOR PLAN

Sheet No.
2
of 4



SECOND FLOOR PLAN

1/8"=1'-0"

N

LEGEND:

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

stewart ARCHITECTURE
1132 Jefferson Ave. Louisville, CO 80027
303. 665. 0808 (x6)

Construction Documents Issue:

Date	Comments	Init.
07/20/16	Variance	P.S.

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

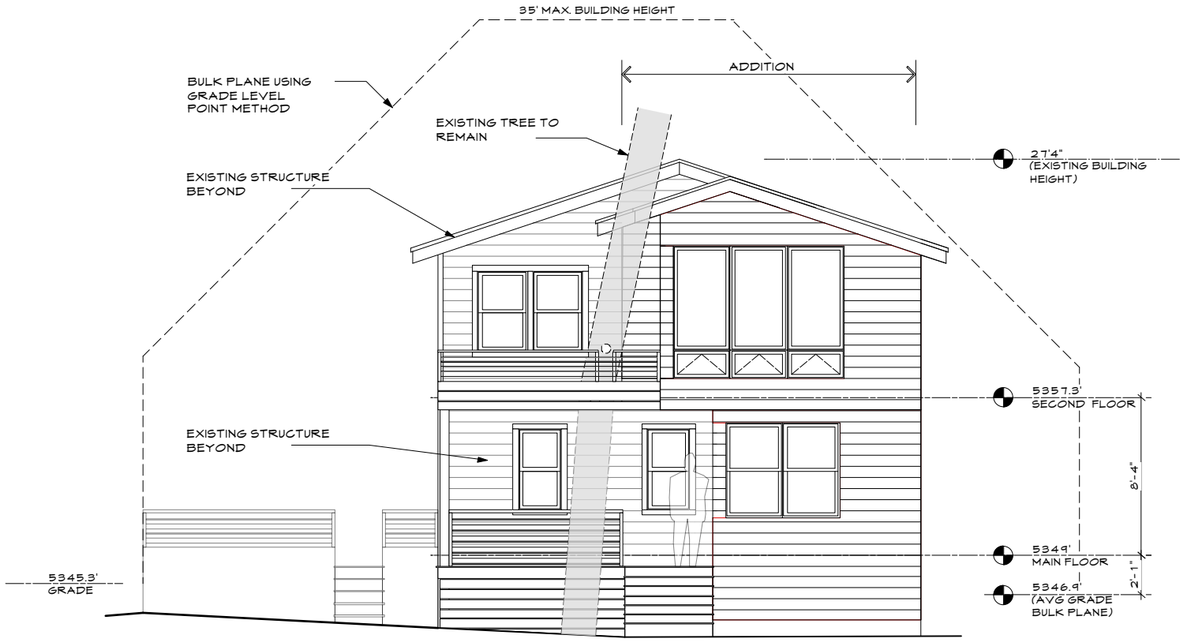
2069 Bluff Street

Lot A Patterman, City of Boulder, County of Boulder

Variance Application

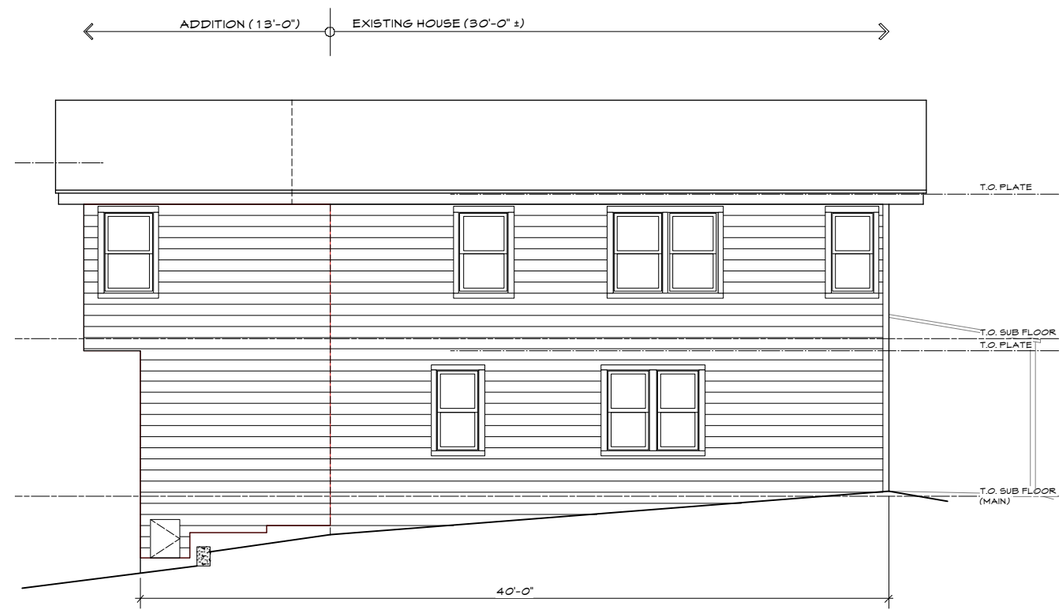
Sheet Title
2ND FLOOR PLAN

Sheet No.
3
of 4



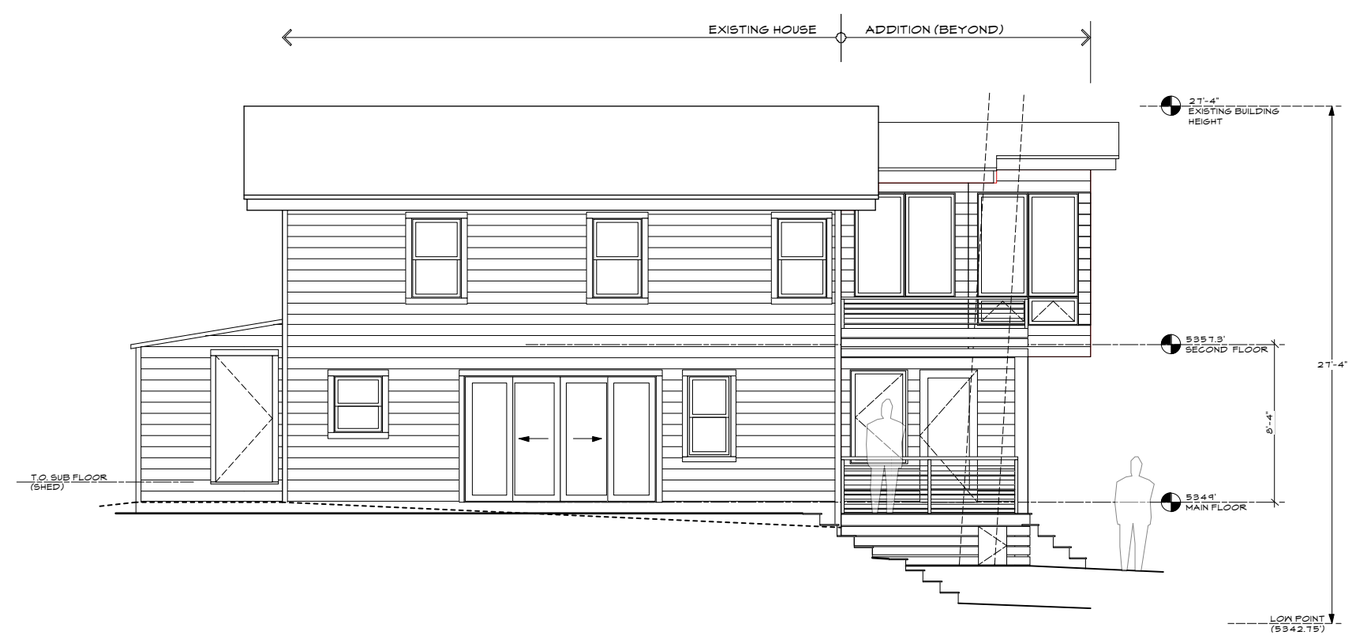
SOUTH ELEVATION

1/8"=1'-0"



EAST ELEVATION

1/8"=1'-0"



WEST ELEVATION

1/8"=1'-0"

stewart ARCHITECTURE
1132 Jefferson Ave. Louisville, CO 80027
303. 665. 0808 (x6)

Construction Documents Issue:

Date	Comments	Init.
07/20/16	Variance	P.S.

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

2069 Bluff Street

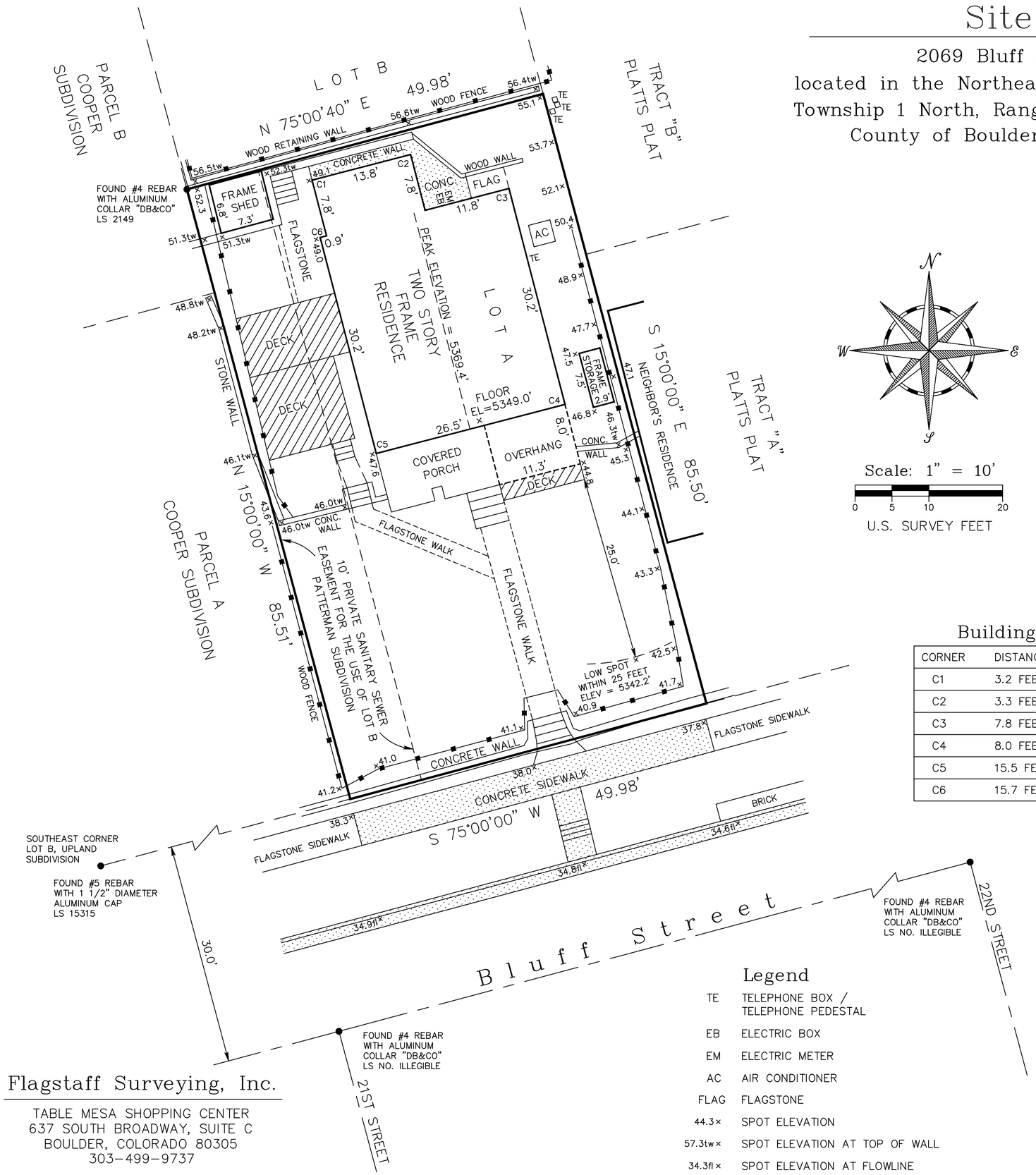
Lot A Patterman, City of Boulder, County of Boulder

Variance Application

Sheet Title
BUILDING ELEVATIONS
Sheet No.
4
of 4

Site Plan

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



Notes:

1) ONLY PLATTED EASEMENTS HAVE BEEN SHOWN HEREON. NO ADDITIONAL RESEARCH HAS BEEN PERFORMED BY FLAGSTAFF SURVEYING, INC. TO DETERMINE OTHER EASEMENTS (IF ANY).

2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

3) THIS SITE PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF LEAH BRASSEUR AND JAMES BRASSEUR. THE USE OF THIS SITE PLAN BY ANY UNNAMED PERSON IS A VIOLATION OF OUR COPYRIGHT.

4) THIS SITE PLAN IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT.

5) ALL UNDERGROUND UTILITIES SHOULD BE LOCATED BY THE APPROPRIATE AUTHORITY PRIOR TO DIGGING ON OR NEAR THE SUBJECT PROPERTY.

6) ELEVATIONS ARE APPROXIMATELY BASED UPON THE NAVD 1988 DATUM.

Building Tie Table

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

Property Description

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

Legend

TE	TELEPHONE BOX / TELEPHONE PEDESTAL
EB	ELECTRIC BOX
EM	ELECTRIC METER
AC	AIR CONDITIONER
FLAG	FLAGSTONE
44.3×	SPOT ELEVATION
57.3tw×	SPOT ELEVATION AT TOP OF WALL
34.3fl×	SPOT ELEVATION AT FLOWLINE

Surveyor's Statement

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

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

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

STEVEN J. SELLARS
COLORADO PLS 27615

DATE
JOB NO. 15-17242

Flagstaff Surveying, Inc.

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

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17242A-1.DWG DECEMBER 8, 2015

CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

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

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

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

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

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

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

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

https://www-static.bouldercolorado.gov/docs/PDS/forms/400_BOZA_app.pdf

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

Denied By: _____

Brian Holmes, Planning Department

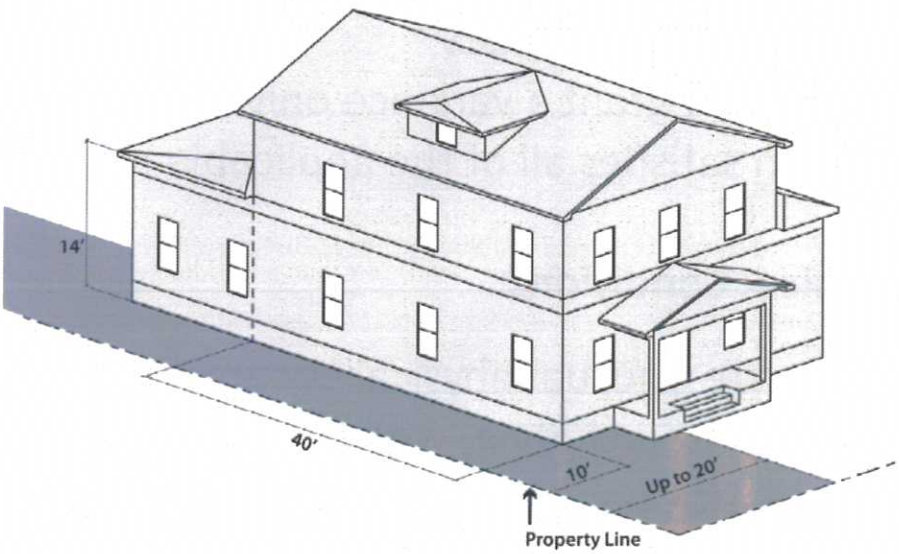
2069 Bluff Street

Side Yard Wall Articulation
Revised Variance Request

BOZA meeting Sept. 8, 2016 BOZ2016-16

1

9-7-10 Side Yard Wall Articulation



The 14' height Side-yard-wall Articulation Rule (code 9-7-10):
Within twenty feet of each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length.

9-7-10 Side Yard Wall Articulation

(a) Purpose:

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

9-2-3. - Variances

CRITERIA FOR VARIANCES

The BOZA may grant a variance only if it finds that the application satisfies all of the applicable requirements

(1) Physical Conditions

(A) There are 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;

9-2-3. - Variances

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

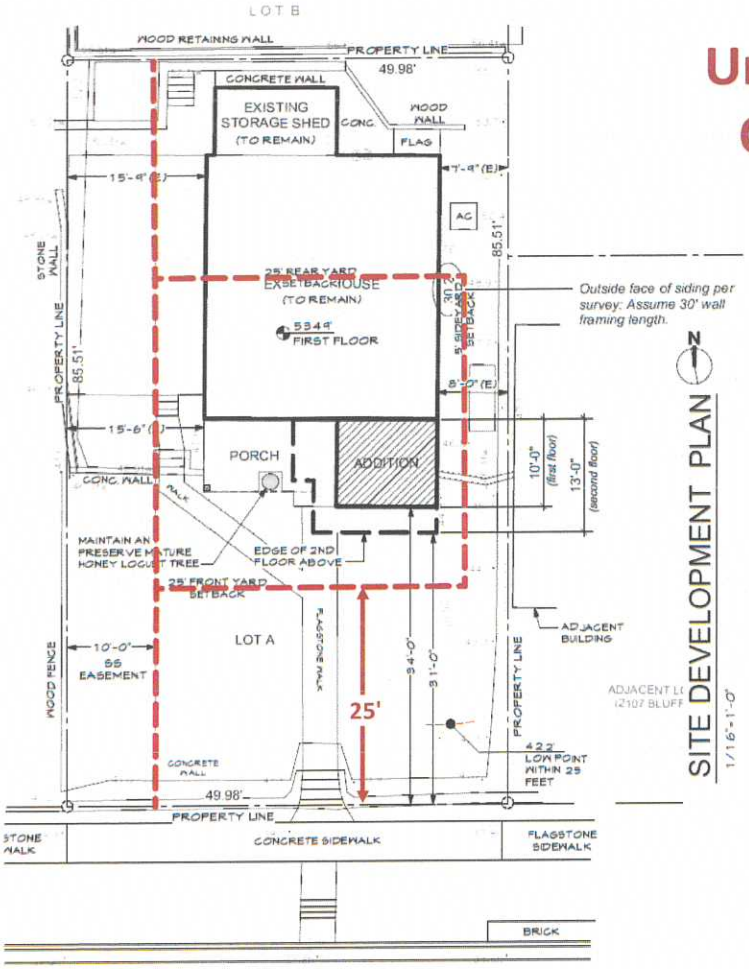
(C) Because of such physical circumstances or conditions the property cannot reasonably be developed in conformity with the provisions of this chapter; and

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

Unusual Physical Circumstances

- Unusual front yard set back
- Adjacent side walls
- Do not exist throughout neighborhood

Unusual Physical Circumstances

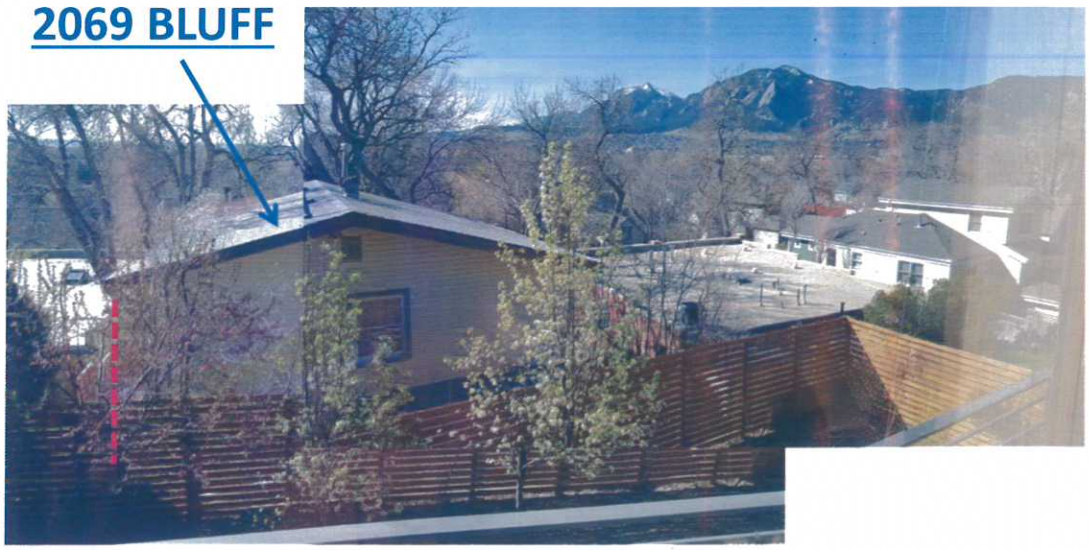


Unusual Setbacks

Unusual Physical Circumstances

Unusual Topography

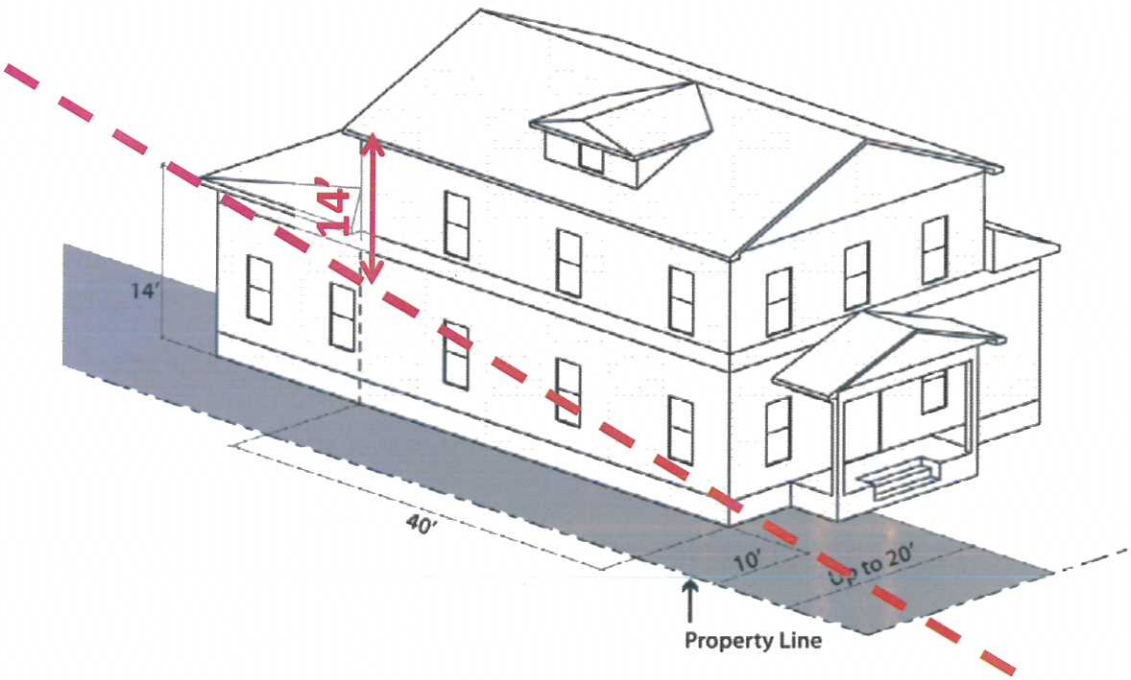
Unusual Topography



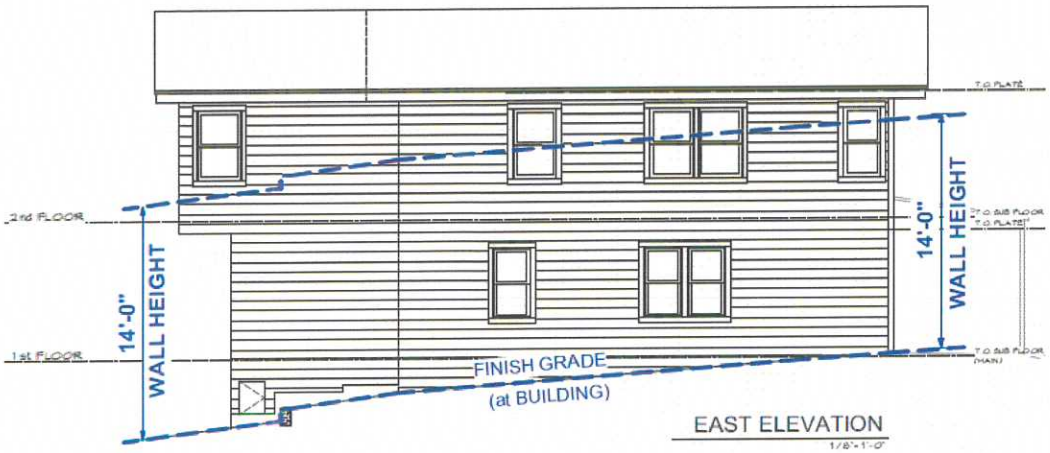
View of subject house from property to the north

9

9-7-10 Side Yard Wall Articulation

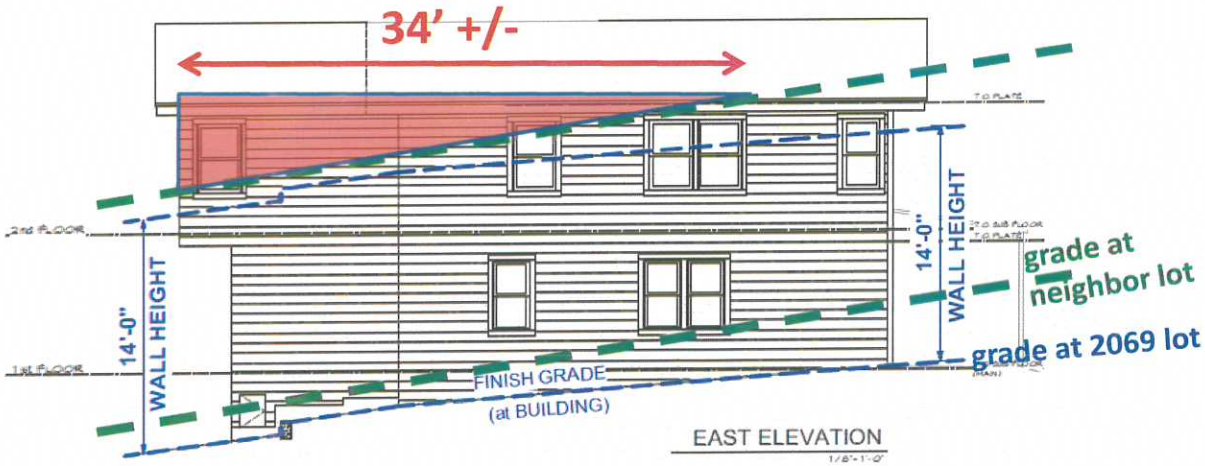


2069 Bluff – Side Wall Analysis



Side Wall (East Façade)

2069 Bluff – Side Wall Analysis



Comparing Grade at 2069 with Adjacent Lot

… <u>wall height in order to enhance privacy, preserve views and visual access to the sky…</u>

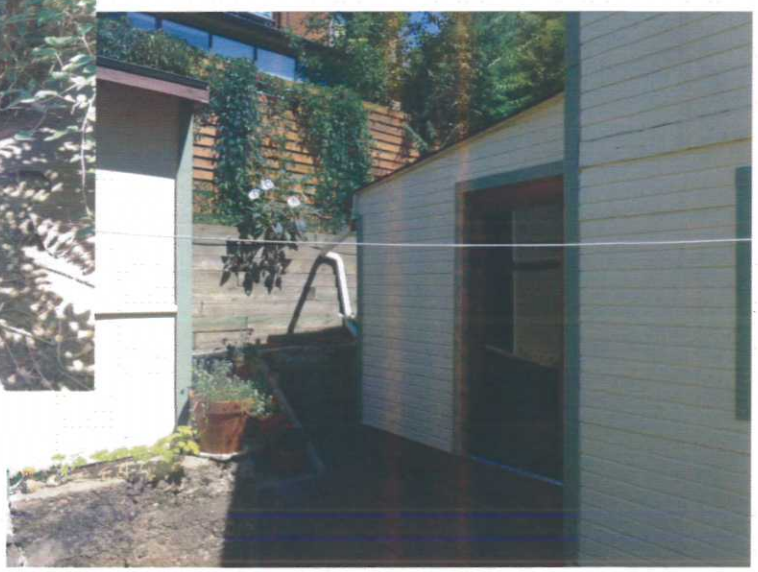
2069 Bluff – Side Wall Analysis

3-foot retaining wall

Grade at northeast corner

2069 Bluff – Side Wall Analysis

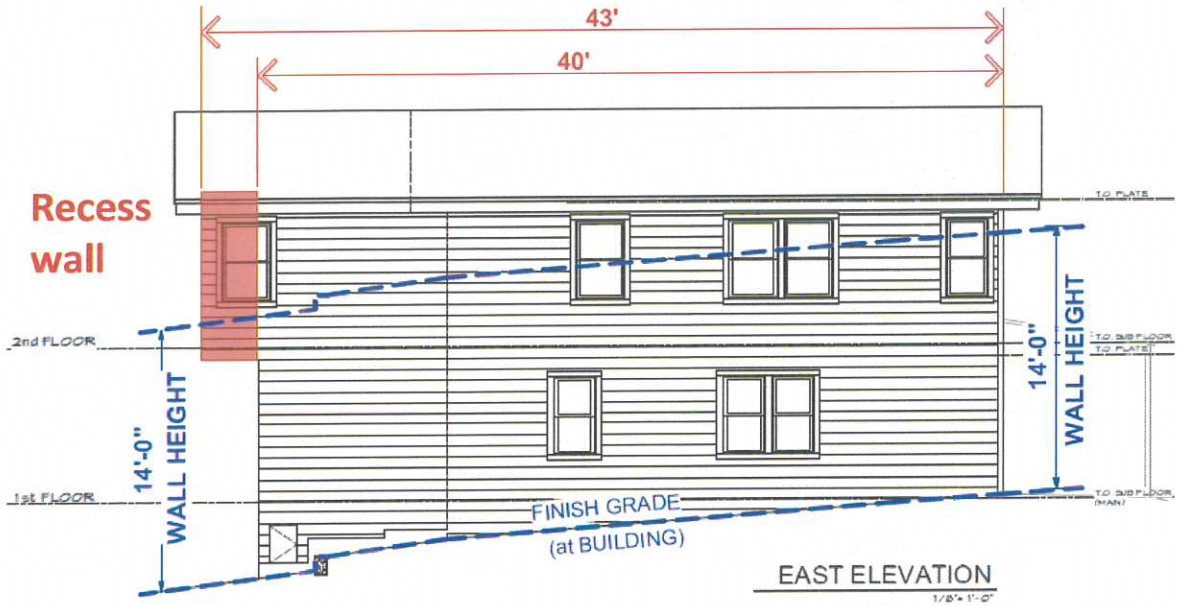
3-foot retaining wall at northeast corner



Retaining wall on north side

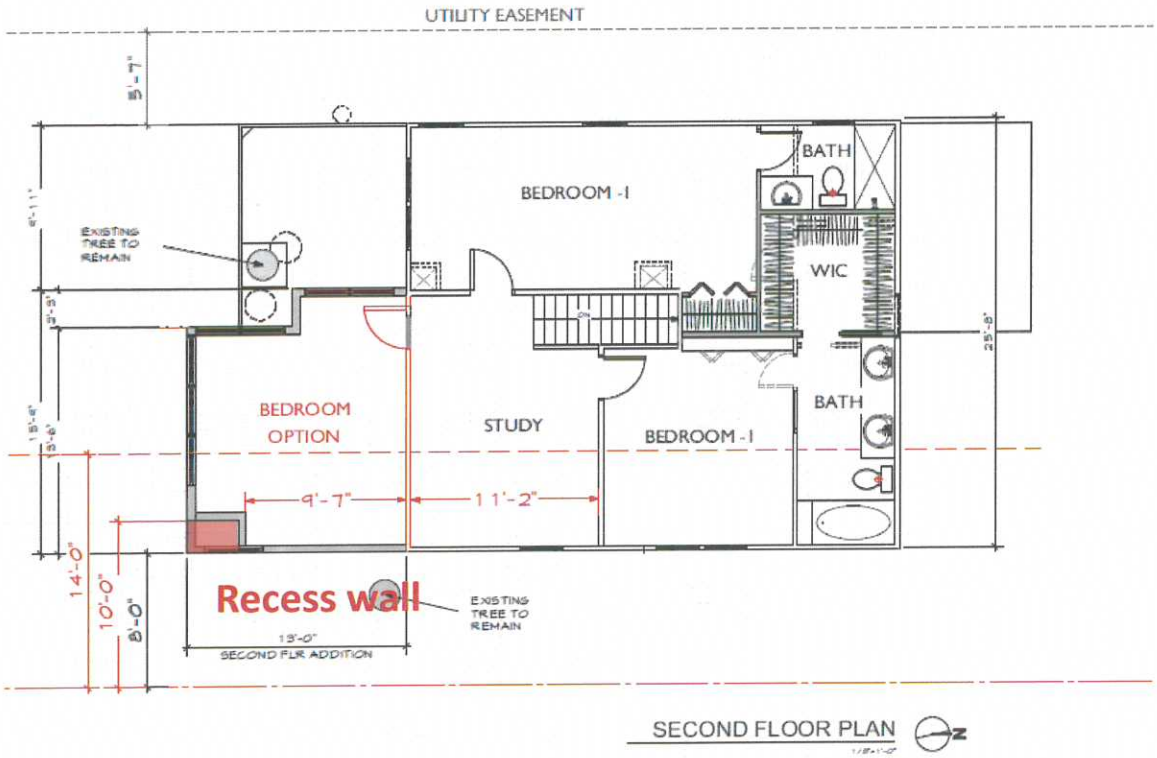
… <u>wall height in order to enhance privacy, preserve views and visual access to the sky…</u>

2069 Bluff – Side Wall Analysis



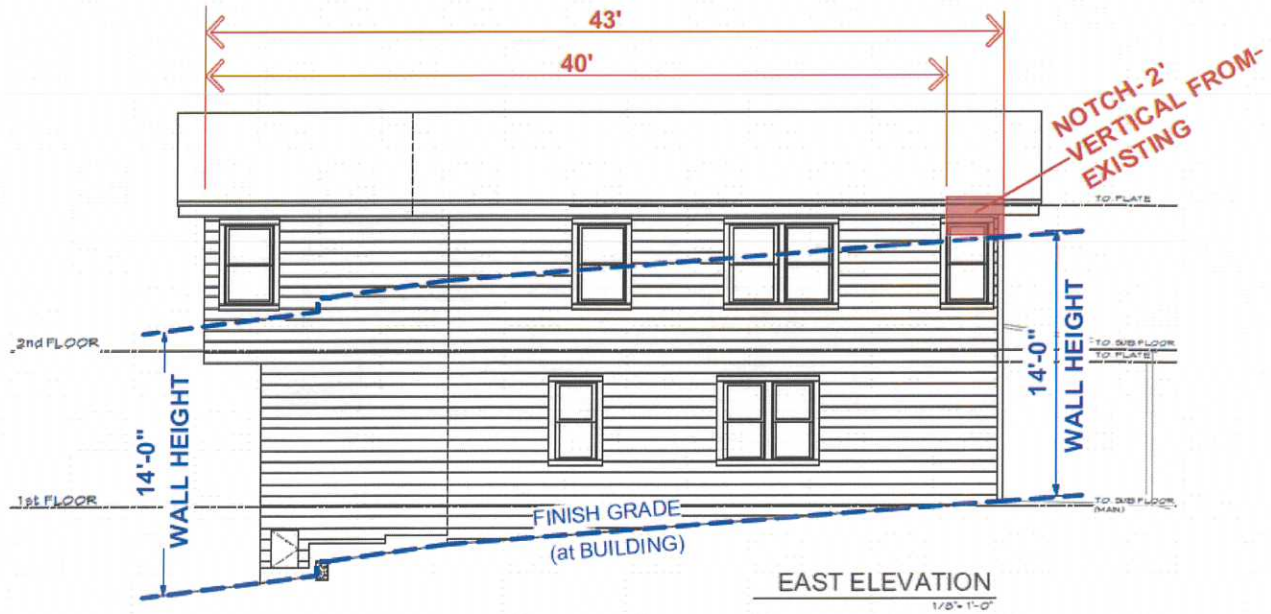
Previous Front Variance Concept: Adjustment

2069 Bluff – Side Wall Analysis



Previous Front Variance Concept: Adjustment

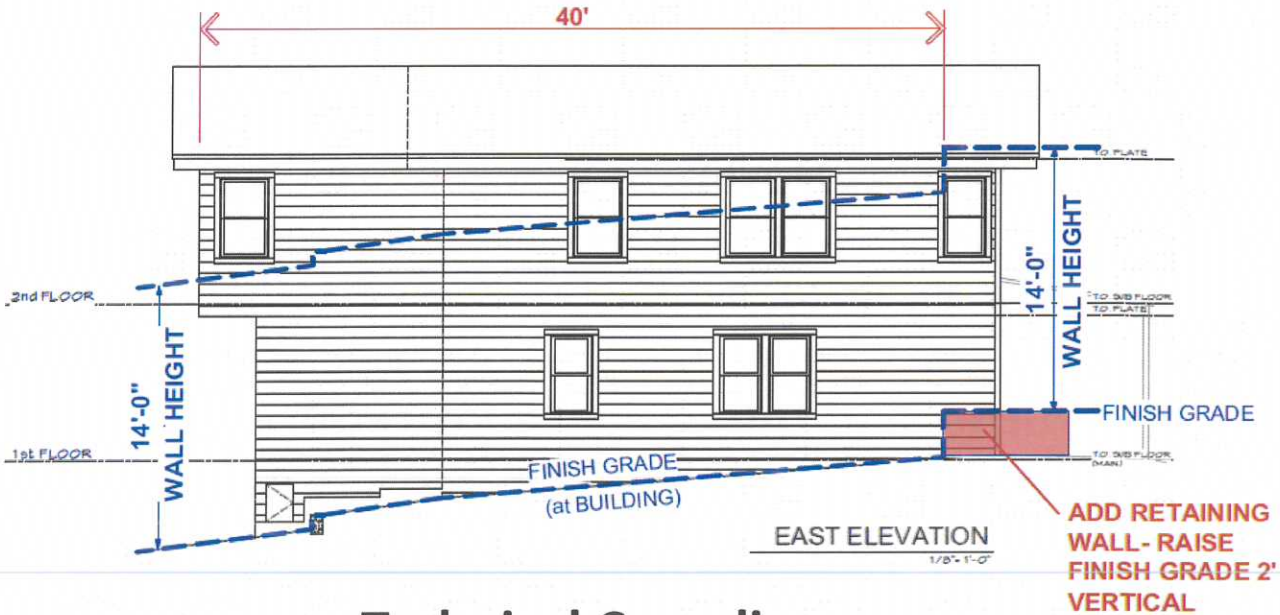
2069 Bluff – Side Wall Analysis



Current: Rear Variance Compliance

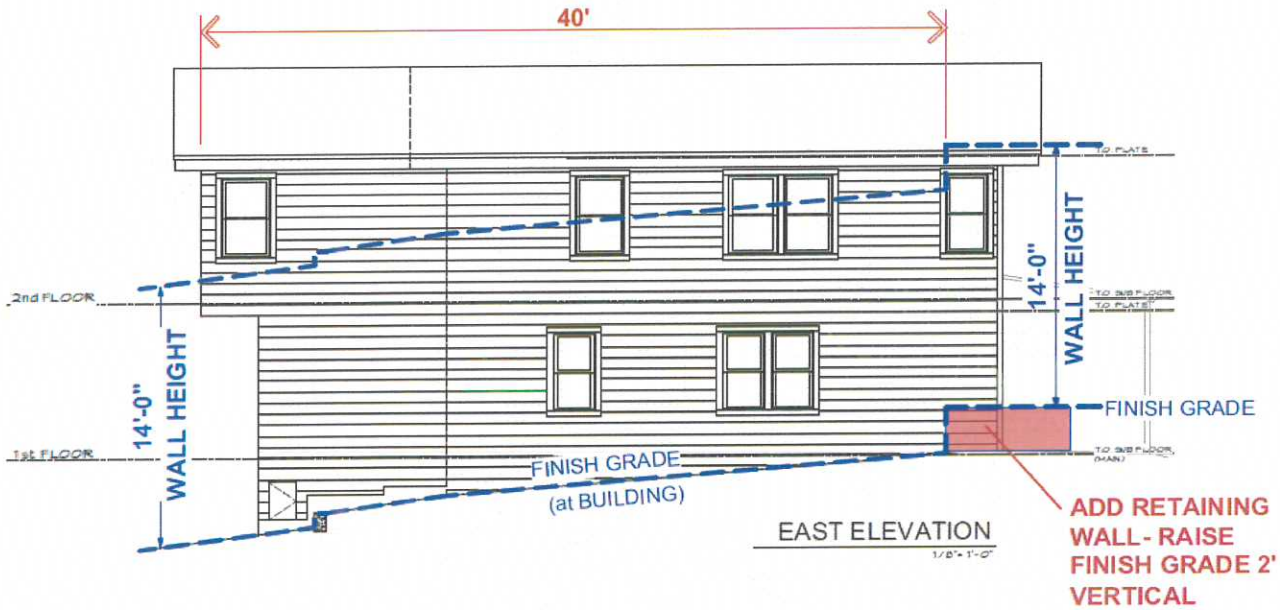
17

2069 Bluff – Side Wall Analysis



Technical Compliance
(no variance required)

2069 Bluff – Side Wall Analysis



Technical Compliance
(no variance required)

ZONING CODE

The Purpose of the Articulation Rule is to reduce the perceived mass of a building by dividing it into smaller components, or to step down the wall height in order to enhance privacy, preserve views and visual access to the sky

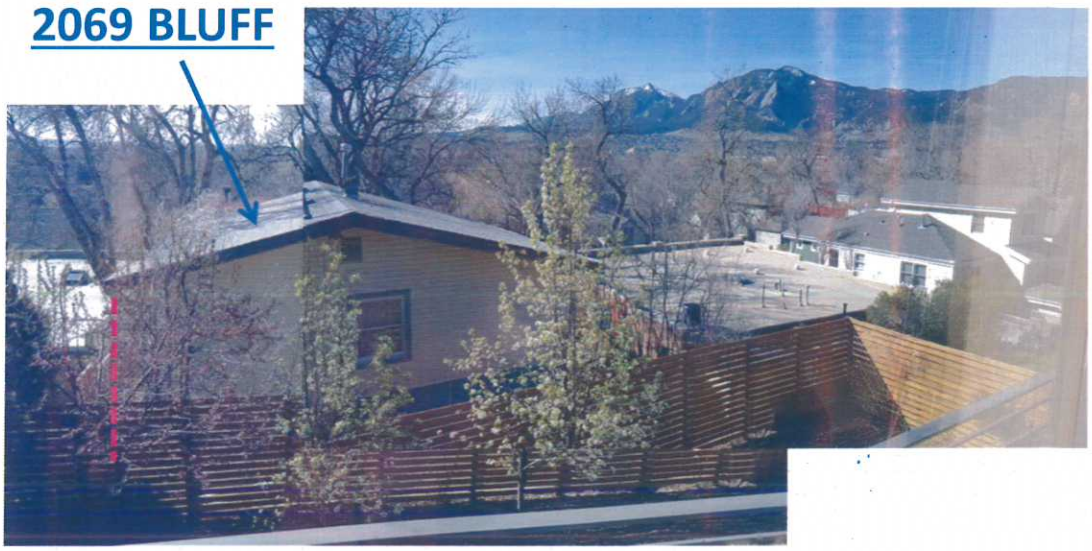
The Purpose of the Variance Procedure set forth in the Boulder City Code is to deal with UNUSUAL and UNIQUE circumstances that make the PURPOSE of the articulation rule inapplicable.

Unusual Circumstances

Unusual Setback & Topography
- unique in the neighborhood -

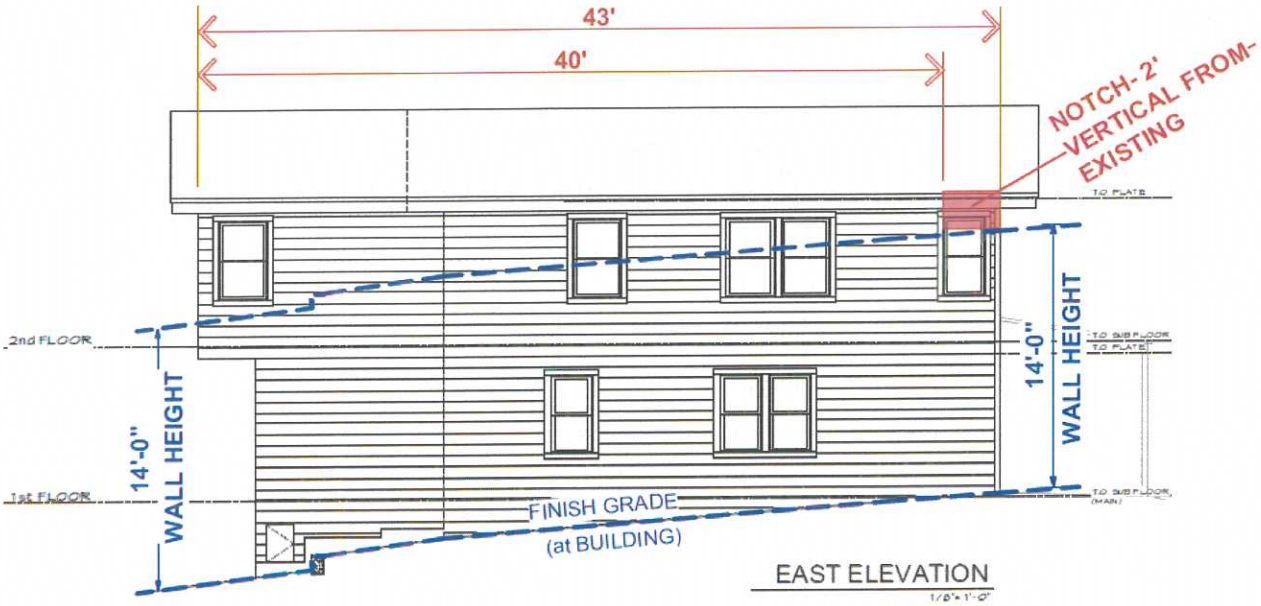
21

Unusual Circumstances



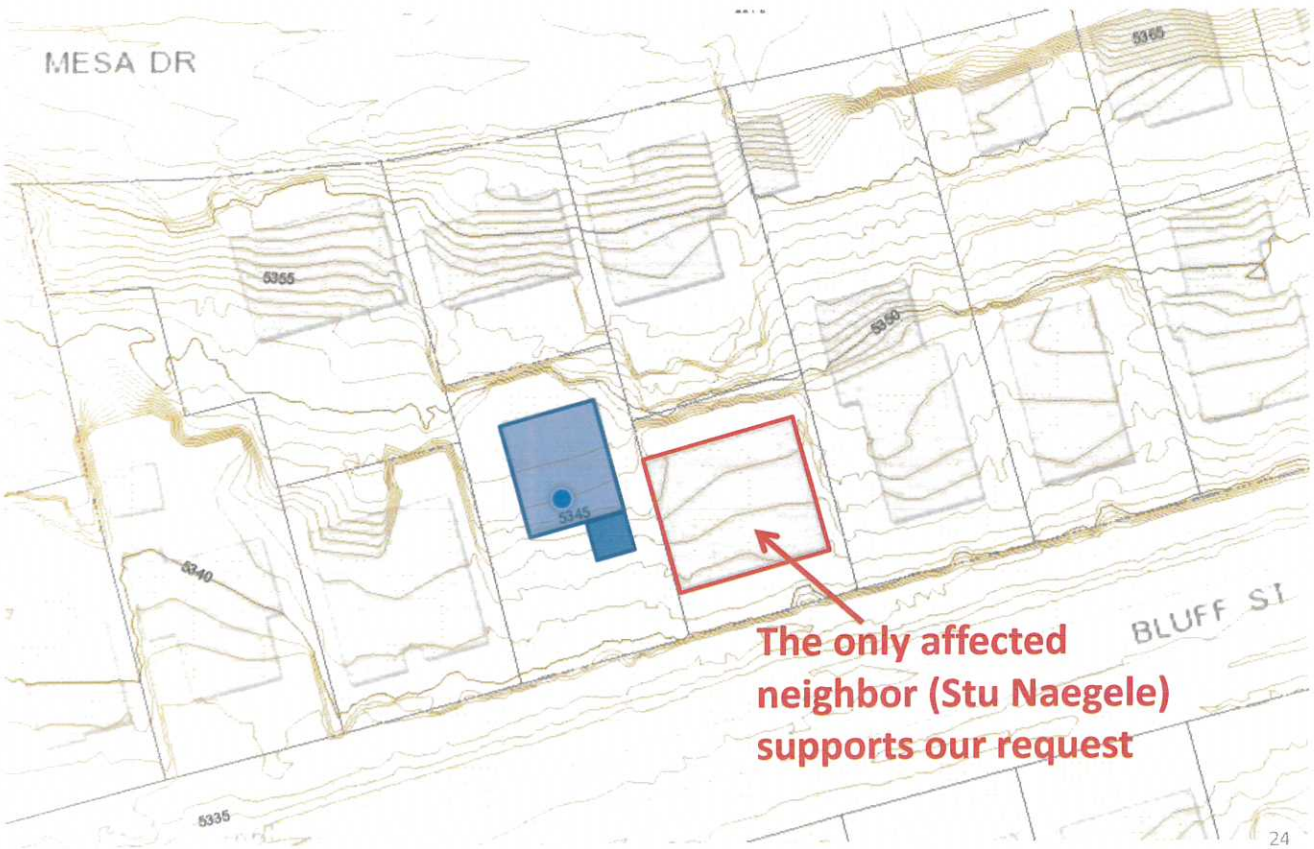
Wall height has **NO** impact on neighbors' views and visual access to the sky

2069 BLUFF – OUR VARIANCE REQUEST



CURRENT VARIANCE REQUEST: *to allow 3 linear feet of wall to be 16 ft height where 14 feet is required.*

Support from Affected Neighbor



CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
August 11, 2016, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present:	David Schafer (Chair), Jill Lester, Michael Hirsch, Ellen McCready
Board Members Absent:	Jill Grano (V. Chair),
City Attorney Representing Board:	David Gehr
Staff Members Present:	Brian Holmes, Robbie Wyler, Cindy Spence

1. CALL TO ORDER:

D. Schafer called the meeting to order at 5:05 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2016-13
Address: 925 37th Street
Applicant: Miguel Arias & Melissa Eaton
Setback Variance: *(Continuance From July 14, 2016 Meeting)* As a part of a proposal for a second story addition and remodel of an existing residence, including a proposal to construct a new attached garage, the applicants are requesting a variance to the front yard (east) setback. The resulting front yard setback will be approximately 19'-0" where 25'-0" is required and where approximately 25.8' exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

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

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
Miguel Arias**,** the applicant, presented the item to the board.

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

Public Hearing:
No one from the public addressed the board.

DRAFT

Board Discussion:

- **D. Schafer** stated that the board cannot make decisions regarding the design as it is not within their purview. The applicant has returned to BOZA with solutions addressing the concerns from the previous meeting of July 14, 2016.
- **M. Hirsch** suggested that the proposed "Option 1" would be better for drainage and offers less mass.
- **E. McCready** stated that she would prefer to have the applicant choose an option since it should not be left undecided.
- **J. Lester** stated that she would be inclined to agree on "Option 1". The board should give guidance so that the applicant can move forward with their plans.
- **D. Schafer** mentioned that he would be uncomfortable choosing an option and that the applicant should choose a solution.

Motion:
On a motion by **J. Lester**, seconded by **M. Hirsch**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application (**Docket 2016-13**) with garage design "Option 1" as submitted at the August 11, 2016 meeting.

B. Docket No.: BOZ2016-16
Address: 2069 Bluff Street
Applicant: James and Leah Brasseur
Side Yard Wall Articulation Variance: As a part of a proposal to remove an existing sunroom and to construct a new entry and 2nd floor room above, the applicants are requesting a variance to the Side Yard Wall Articulation standards for the resulting wall. The proposed wall will be 43' in length where the maximum allowed wall length is 40' (for walls within 14' of the side yard property line that are in excess of 14' in height). Section of the Land Use Code to be modified: Section 9-7-10, BRC 1981.

Staff Presentation:
B. Holmes presented the item to the board.

Board Questions:
B. Holmes answered questions from the Board.

Applicant's Presentation:
James Brasseur, the applicant, and **Peter Stewart**, the architect, presented the item to the board.

Board Questions:
James Brasseur, the applicant, and **Peter Stewart**, the architect, answered questions from the Board.

Public Hearing:
Stuart Naegele, a neighbor, spoke in support of the project.

DRAFT

Board Discussion:

- **M. Hirsch** reiterated that the board is being asked to grant a variance based on a living element (tree) that may not live as long as the house itself. He stated that to grant a permanent variance on a structure based on an element that will change offers no merit and would be inappropriate. The side yard wall articulation is irrelevant since the rule has been adopted and there is no need to breach it. This would be a major variance and there is no merit in granting it**.**
- **J. Lester** agreed that this is not an ideal situation for the tree. However historically, a PUD was allowed, and currently the house is negatively impacted by walls on either side. The issue is not the tree. The tree is not the hardship but rather the setback of the house relative to the other houses.
- **E. McCready** stated that the concern doesn't seem to be warrented in this situation just because there is support from the neighbor. Views are nice to have, but they are not protected.
- **D. Schafer** agreed with **E. McCready** and stated that a lot of neighbors in the area have walls at 40 feet or longer due to the narrow nature of the lots. Allowing exception to this may be consistent with the neighborhood character. However, the regulation was carefully designed and rules need to be respected. He stated that the existing space is fine and the variance should not be approved.
- **E. McCready** suggested an alternative to jog out to exactly 14 feet to the dimension written in the Code and a by-right solution.
- **M. Hirsch** stated that the applicant mentioned that the view may be more important than the floor plan itself.
- **J. Lester** said that she feels the applicant proposed a common sense solution. The regulation in question is not critical because of the position of this home in relation to the other homes that are also out of compliance. She explained that the houses in the neighborhood are not aligned and the proposed solution would be appropriate. It would not impact the views or access of neighbors. Perhaps the applicant could do a partial solution.
- **D. Schafer** agreed that this case is a minor request, but this board does set precedents for future cases.
- The board discussed the possible withdraw or continuance of the application to accommodate the applicant to redesign their proposal.
- **D. Schafer** reviewed the rules and intent of the Code. Perhaps the proposed plan could be pulled in to break up the massing to avoid a complete denial but give minimal relief.

Motion:

On a motion by **D. Schafer**, seconded by **M. Hirsch**, the Board of Zoning Adjustment voted (4-0, **J. Grano** absent) to continue the application (**Docket 2016-16**) for 30 days, to be presented at the next Board of Zoning Adjustments meeting, September 8, 2016.

C. Docket No.: BOZ2016-17
Address: 3212 9th Street
Applicant: Karl and Carrie Poehls

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

Disclosures:
J. Lester and **M. Hirsch** disclosed that they have worked with the architect on this application, **David Waugh**, but it would not impair them from acting impartially on this matter.

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

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
David Waugh, the architect, **Dan Drury**, the builder, and **Karl Poehls**, the owner, presented the item to the board.

Board Questions:
David Waugh, the architect, and **Dan Drury**, the builder, answered questions from the Board.

Public Hearing:
No one from the public addressed the board.

Board Discussion:
- **M. Hirsch** said in his opinion that the walls had been rebuilt entirely. The walls should be rebuilt where they were before. The dormers need to be built according to the plans. Penalty is not necessary.
- **J. Lester** agreed. The rules are detailed and the demolition should not have happened in the first place. The wall is being rebuilt.
- **E. McCready** questioned if the dormers were removed, would it impact the floor plan. The building is far along at this point. She stated that this should be approved.
- **D. Schafer** stated that BOZA is not a punitive board. An undue hardship would be created by BOZA if they asked to the dormers to be rebuilt in the proper location. The

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builder and applicant agree with the Landmarks Board to restore the walls as best they can. The neighborhood is not affected by the dormers as built therefore there is no need to reconstruct.

Motion:
On a motion by **M. Hirsch**, seconded by **J. Lester**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application (**Docket 2016-17**) as submitted.

3. GENERAL DISCUSSION:

A. Approval of Minutes
On a motion by **D. Schafer**, seconded by **J. Lester**, the Board of Zoning Adjustments voted 4-0 (**J. Grano** absent) to approve the July 14, 2016 minutes.

B. Matters from the Board
There were no matters from the Board**.**

C. Matters from the City Attorney
There were no matters from the City Attorney**.**

D. Matters from Planning and Development Services
B. Holmes informed the board that at the September 8, 2016 meeting, **R. Wyler** will not be in attendance. In addition, Council Member, **Jan Burton**, will attend the first 15 minutes of the meeting to give a short presentation.

4. ADJOURNMENT:
There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 7:28 P.M

APPROVED BY

_____
Board Chair

_____
DATE

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