CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA

DATE: Thursday, September 10, 2015
TIME: Meeting to begin at 5 p.m.
PLACE: Council Chambers, 1777 Broadway, 2nd Floor

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

1. **CALL TO ORDER**

2. **BOARD HEARINGS**

Docket No.: BOZ2015-08
Address: 2243 13th Street
Applicant: First Church of Christ, Scientist
Setback Variance: As part of a proposal to reconstruct existing exterior stairs, including putting in a new configuration of railings and stairs, the applicant is requesting a variance to the front (easterly) yard setback. The resulting front yard setback will be approximately 1 foot 6 inches (1.5 feet) where 25 feet is required and where approximately zero (0) feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Docket No.: BOZ2015-09
Address: 2303 Bluff Street
Applicant: Madeline Vogenthaler and Peter Hoglund
Setback Variance: As part of a proposal to construct new dormers on an existing addition to a landmarked property, the applicant is requesting a variance to the side (west) yard setback. The subject side yard is adjacent to a street and requires a 25 foot setback because of the adjacency rule which requires a front yard setback when an adjacent property fronts the same street. The resulting side yard setback will be approximately 17 feet 8 inches (17.66 feet) where 25 feet is required and where approximately nine (9) feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

3. **GENERAL DISCUSSION**
   A. **Approval of Minutes:** The June 11, 2015 BOZA minutes are scheduled for approval.
   B. **Matters from the Board**
   C. **Matters from the City Attorney**
   D. **Matters from Planning and Development Services**

4. **ADJOURNMENT**

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

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AUG 19 2015
BY _____

BOZA VARIANCE APPLICATION

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

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

GENERAL DATA

(To be completed by the applicant.)

☒ Street Address or General Location of Property: 2243 13th Street
☒ Legal Description: Lot 1-2 and all lot 3 and10' adj. on N.blk Block 149 Subdivision Boulder O T East & West & North (Or attach description.)
☒ Existing Use of Property: Church
☒ Description of proposal:

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

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

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

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

STAFF USE ONLY

Doc. No. BOZ2015-00008 Date Filed 08/19/15 Zone RH-2 Hearing Date _____
Application received by: JMG Date Fee Paid _____ Misc. Rect # _____

SAME CASE NUMBER – RESUBMITTED 8/19/15

APPLICATION TYPES

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

APPLICATION REQUIREMENTS

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

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

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

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

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

Applicant / Owner Signature _____ Date 8-19-15

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BY

July 15, 2015

To Whom It May Concern,

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

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

Sincerely,

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

BOZ2015-00008

WORKSHOP8

VARIANCE REQUEST

Wednesday, July 15, 2015

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

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

Applicant: First Church of Christ Scientist

To Whom it May Concern:

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

The goals of the stair reconstruction are:

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

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

Zoning: RH-2

Existing Setbacks:

Front to building: 19.7 ft.
Front to stair: 18 inches
Side to building: 7.33 ft.
Side to stair: 22 ft.

Setbacks Required:

Front (13th Street): 25 ft. and 18" from public sidewalk(land use code)
Side (Mapleton): 12.5 ft.

1720 15TH STREET BOULDER CO 80302 | 303 442 3700 | WORKSHOP8.us

Proposed Setbacks:

Front to building: 19.7 ft.
Front to stair: 18 inches
Side to building: 7.33 ft.
Side to stair: 17.4 ft.

Building area will not be expanded.

1

A) The location of the church makes for an unusual circumstance since the entrance is located in the set-back and the entrance of the church is 9' from grade. The only possible way to enter the church from the front is to construct a stairway within the setback.

B) This design in current with the neighborhood church an example is 1237 Pine St, being a Downtown district this proposal are mostly in the setback

C) In the current state, we would have to access the building with stairs in the set Back, the building was built 9' from grade.

D) The proposed design will not create any hardship; instead, it will improved the property and replace the current stairs that are in disrepair.

5

A) The proposed design will not alter the essential character of the neighborhood as it will be built using materials that are consistent with the current materials used in the church. This Design is symmetrical to fit in with the classical revival theme of the church.

B) The stairs will not impair the enjoyment of adjacent property, but instead enhance it by providing a seating bench built into the stair face. The stair at the current state are in need of repair, the proposed design will make the beholding look more inviting and in a better state.

C) The Design utilizes the minimal variance that will allow the addition of a landing to the stair.

D) The proposed design will not block the solar access of any surrounding property.

For the stair to be compatible with Classic Revival architecture, we insist on a symmetrical layout. In order for the stairs to safely direct foot traffic to the finish floor level with the correct rise over run, and newly installed code compliant handrails and guard rails, the stairs will need to be constructed in the space 18" from the sidewalk edge.

In conclusion, the proposed design will meet the goals of the Church membership. Allowing the stairway to encroach the set-back will meet the requirements of a variance. We believe this design will enhance the architecture and be an improvement to the community as well as the Church property directly. We request support of this variance.

1720 15TH STREET BOULDER CO 80302 | 303 442 3700 | WORKSHOP8.us

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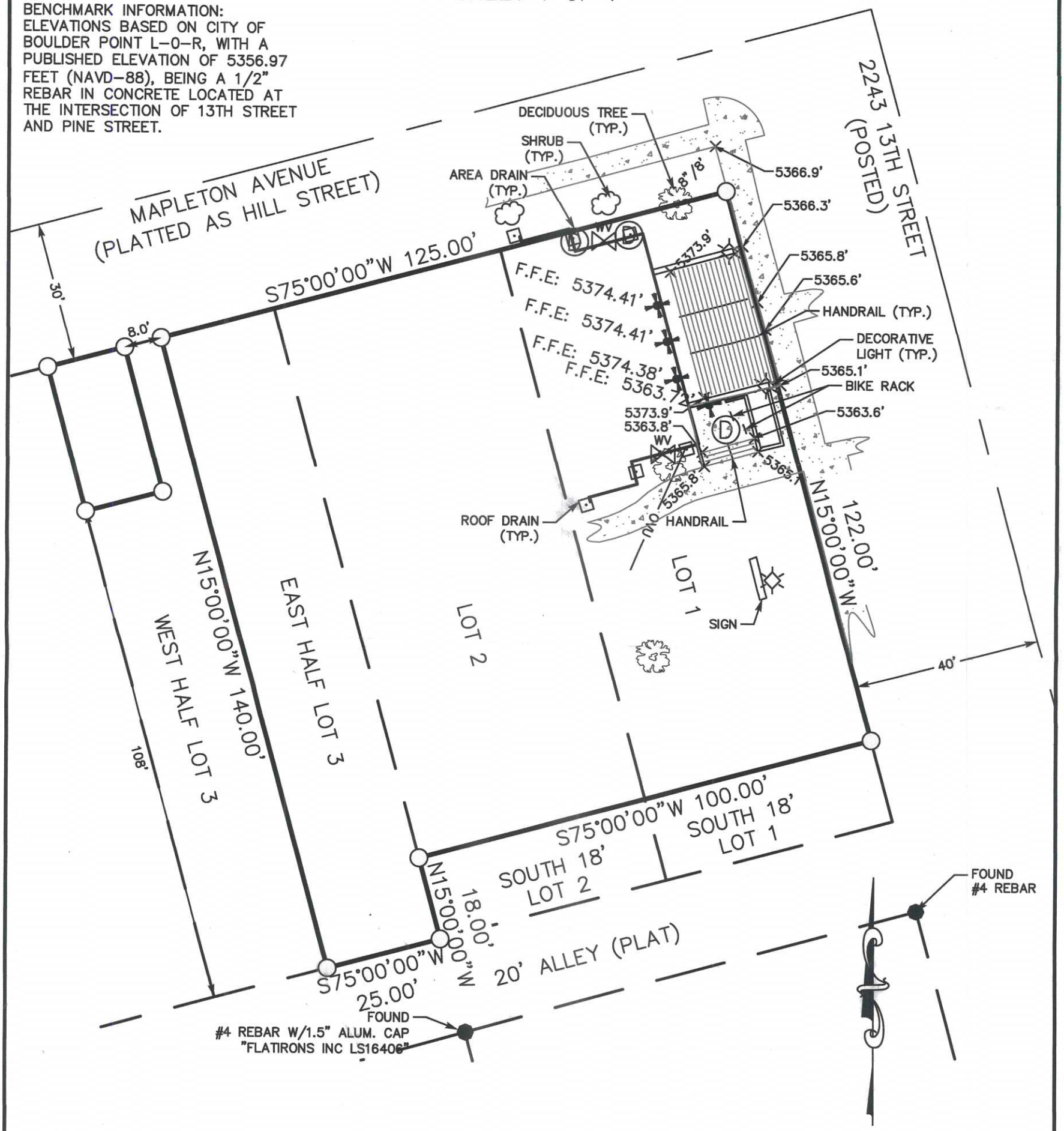
BY

EXHIBIT "A"

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

SHEET 1 OF 1

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



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

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

JOB NUMBER: 15-65,814
DRAWN BY: J. WIXON
DATE:

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

GRAPHIC SCALE

30 0 15 30

(IN FEET)
1 inch = 30 ft.

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

BY:JWIXON FILE:65814-SPOTEL.DWG DATE:7/2/2015 1:53 PM

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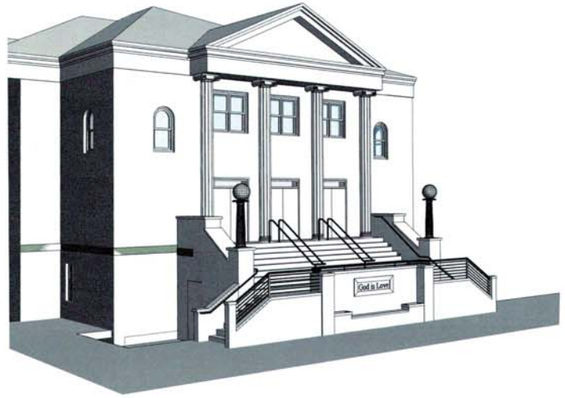
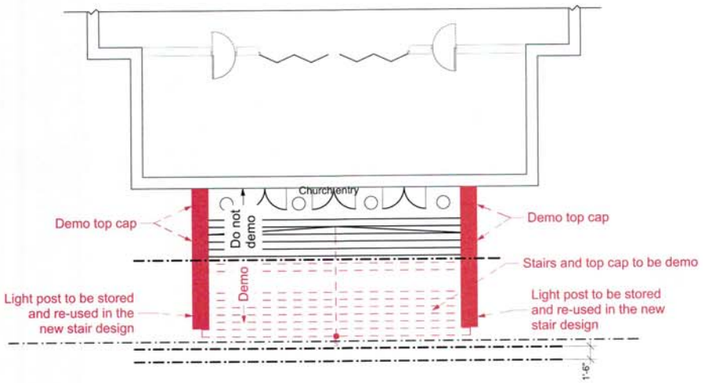
WORKSHOP8
architecture | planning | design

1720 15TH STREET
BOULDER CO 80302

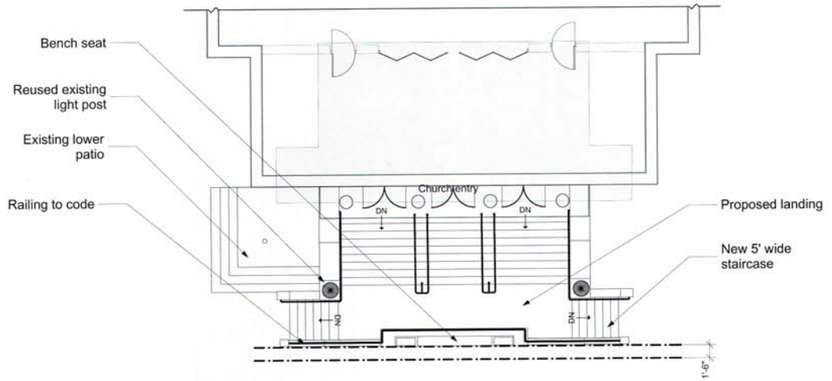
WORKSHOP8.us 303 442 3700



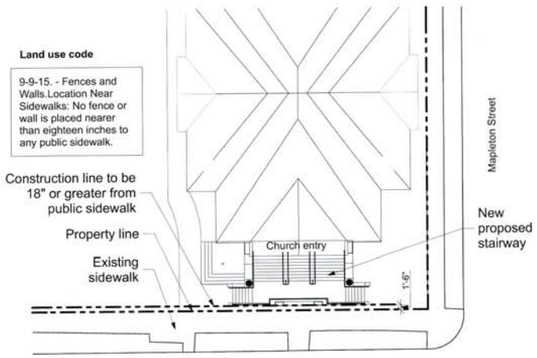
Architect Joseph Vigil
State Registration #400321
Firm Registration WORKSHOP8 Inc.



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

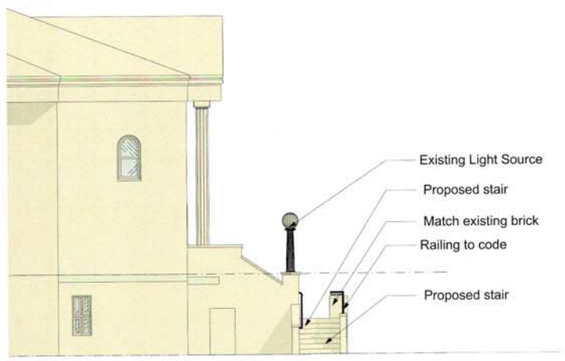


2 Proposed Floor Plan
SCALE: 1/8" = 1'-0"

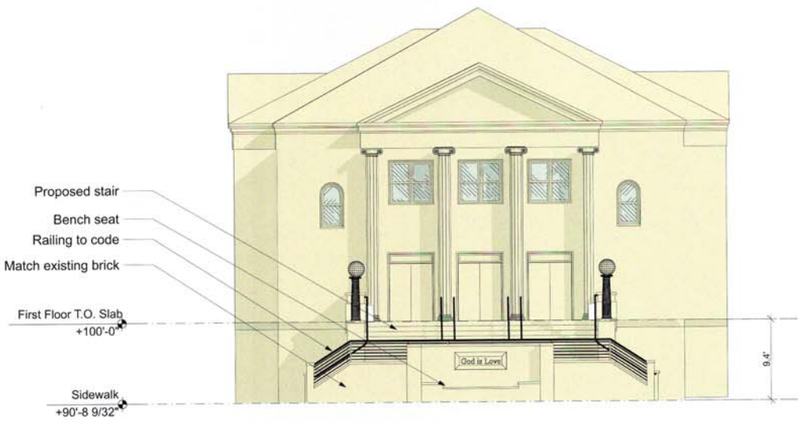


3 Site Plan
SCALE: 1" = 20'

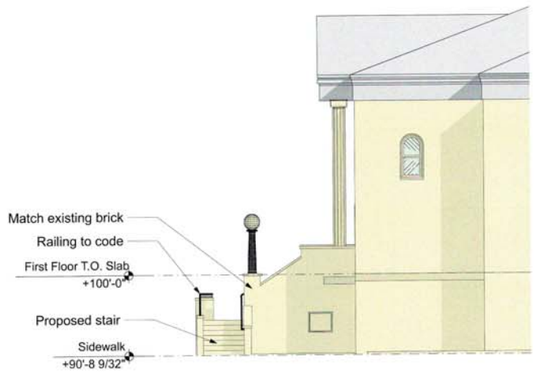
Proposed reconstruction area



4 West Elevation



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



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

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

Revisions

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BY

No.	Date	Item
–	21 June 2015	Schematic design

A1.0

Plotted On: 8/19/15

Floor Plans/Elevations

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.)

S. 111.5' LOT 7
S. 111.5' W. ½ LOT 8

- Street Address or General Location of Property: 2303 BLUFF ST., BOULDER
- Legal Description: Lot ____ Block 191 Subdivision EAST BOULDER (Or attach description.)
- Existing Use of Property: RESIDENTIAL
- Description of proposal:

CONSTRUCTION OF NEW DORMERS ON EXIST. ADDITION TO A LANDMARK PROPERTY. PORTION OF NEW DORMER SETBACK 17'-2" FROM WEST PROP. LINE WHERE 25'-0" IS REQUIRED. LAC ISSUED BY LPAB.

*Total floor area of existing building: 2,463	*Total floor area proposed: 2463+115=2,578
*Building coverage existing: 1,639	*Building coverage proposed: 1,639
*Building height existing: 30'-1"	*Building height proposed: 30'-1" NEW DORMER = 26'-5"

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

- **Name of Owner:** MADELINE VOGENTHALER & PETER HOGLUND
- Address: 2303 BLUFF ST. Telephone: 303-859-7092
- City: BOULDER State: CO Zip Code: 80304 FAX: ____
  MADELINE@VOGENTHALER.COM
- **Name of Contact (if other than owner):** STEVE MONTGOMERY
- Address: 2207 MAPLETON AVE Telephone: 303-443-4414
- City: BOULDER State: CO Zip Code: 80304 FAX: ____
  STEVEMONTGOMERY@EARTHLINK.NET

STAFF USE ONLY

BOZ2015-00009 Doc. No. ____ Date Filed 8/19/15 Zone ____ Hearing Date ____
Application received by: KF Mutter Date Fee Paid 8/19/15 Misc. Rect # ____

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, STEVE MONTGOMERY (PRINT NAME OF APPLICANT OR CONTACT PERSON), am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) MADELINE VOGENTHALER & PETER HOGLUND (PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)] for property located at 2303 BLUFF ST. (PRINT PROPERTY ADDRESS OR LOCATION). I have read the city's sign posting requirements above and acknowledge and agree to the following:

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

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

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

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

STEVE MONTGOMERY — NAME OF APPLICANT OR CONTACT PERSON

8/19/15 — 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.

APPLICATION TYPES

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

APPLICATION REQUIREMENTS

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

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

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

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

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

Applicant / Owner Signature [signature] Date 8/19/15

August 19, 2015

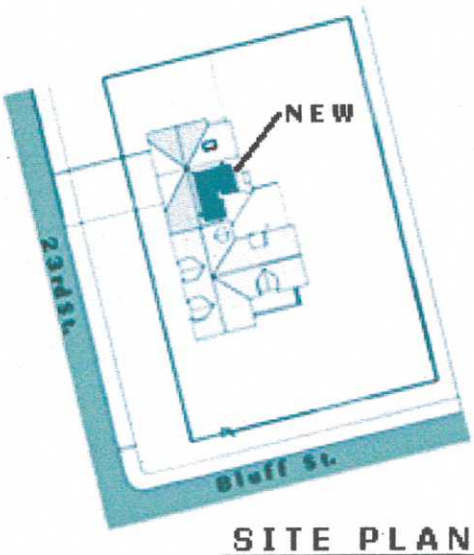
Board of Zoning Adjustment
City of Boulder, Planning and Development Services
1739 Broadway, Boulder, CO 80304

Re: 2303 Bluff Street
Boulder, CO
Side yard Setback Variance Request
Owners: Peter Hoglund & Madeline Vogenthaler

SETBACK VARIANCE REQUEST

REQUEST:
That the Board grant a variance to allow an approximate 17'-2" west side yard setback instead of the required 25'-0" setback to allow the construction of new dormers on an existing non-historic Addition. This is a landmarked property.

VICINITY MAP



SITE PLAN

ARCHITECTURE / LANDSCAPE DESIGN
2207 MAPLETON AVENUE
BOULDER, COLORADO 80304
303.443.4414

MONTGOMERY PARTNERSHIP ARCHITECTURE

PREFACE

Zoning: RMX-1
Lot Area: 8,362.50
Existing Floor Area: 2,463 s.f. Proposed New: 115 s.f. Allowed: 3,992 s.f.
Exist. & New Building Coverage: 1,639 s.f. Allowed: 4,081 s.f.

On this property a 25'-0" west side yard setback from a street (23rd St.) is required because of the adjacent lot which faces onto 23rd Street. If not for this condition of adjacency a smaller 12'-6" setback would be required and the proposed dormers would not require a variance.

The proposed dormers will meet all of the other setback, bulk plane, & shadow requirements of the Code.

The Owner's are proposing to construct a roof modification on the non-historic Garage Addition composed of two gable-end dormers connected by a shed roof. **The western edge of the proposed dormers is setback approximately 17'-8" from the west property line. A variance allowing a 17'-2" sideyard setback is being requested to allow for unforeseen framing conditions.**

- See Exhibit 'B' Site Plan with Setbacks

2303 Bluff Street is a landmarked property known as the "Perry White House". This proposal for new dormers has been approved by the LPAB and a Landmark Alteration Certificate has been issued for the proposed work.

- See Exhibit 'G' for the Landmark Alteration Certificate (LAC)

NEED

The proposed dormers will provide expanded headroom that will make a small portion of the 2nd Floor of the Addition below these new roofs more usable.

The one and one-half story landmarked Historic Residence was built in 1875 had a one and one-half story Garage Addition appended to it in 1985. The 2nd floor space of the Garage Addition is covered by a steep 14:12 pitch, cross-gable roof that springs from the 2nd Floor platform. There is no knee wall.

The ceiling of the 2nd floor of the Garage Addition has a head height of 9'-0" under the ridge of the cross-gable roof. The ceiling quickly descends on either side of the ridge. The ceiling descends to 6'-0" height (the minimum height considered as "habitable" space) only 2'-6" horizontally from the centerline of the ridge. Consequently there is only a 5'-0" wide habitable space of 6'-0" height centered below the ridges. This makes for a good hallway down the middle of the cross-gable, but allows for only limited use in the low-height area on either side of this central hallway.

Approximately 115 sq. ft. of new floor area above 6'-0" ht. will be created. The floor platform below the new dormers already exists, but is below a roof which rapidly descends from 6'-0" height down to the floor.

The main portion of the existing 2nd Floor of the Addition will be used as a Bedroom. A portion of the new floor area below the dormers will be used as a new Bath.

CONCEALMENT

The proposed dormers are located behind the Historic Residence on an inside corner of the Garage Addition and are concealed from the Bluff Street view by the mass of the Historic Residence. The dormers are concealed from 23rd Street by the roof of the Garage Addition. The proposed dormers are only visible from within the east side yard of the property.

- See Exhibit 'C' for a view from Bluff street east of the property showing how the dormers are hidden.

CONFIGURATION

The two proposed gable end dormers are located on the roof of the Garage Addition on an east and on a south facing roof plane which are opposed at 90 degrees to one another and are joined at a valley. A 4:12 slope shed roof runs between the gable end dormers, turning 90 degrees around the inside corner (valley) between them.

The shed roof between the dormers is visually diminished by keeping its roof pitch low, by recessing the face of its wall behind the face of the dormers, and by reducing its eave overhang.

The exterior ridges of the proposed gable-end dormers are approximately 9'-9" above the Garage Addition's 2nd Floor.
The exterior ridge of the Garage Addition roof is 10'-5" above Garage Addition's 2nd Floor.
The exterior ridge of the Historic Residence is 13'-5" above Garage Addition's 2nd Floor.

- See Exhibit 'D' for an aerial view of the proposed dormers showing the existing roof area where they will be located.
- See Exhibit 'E' for a view of the proposed dormers from the east side yard.

BOZA HISTORY

In 1985 BOZA approved a setback variance for the Garage Addition, allowing a 9'-0" setback from the west property line bordering 23rd Street. The Historic Residence is also setback 9'-0" from the west property line.

The proposed dormers are built onto the roof of the east side of the previously approved Addition. There is no change to the existing building footprint, or building coverage. The existing floor area above 6'-0" height will increase approximately 115 sq. ft.

CODE DISCUSSION:

This request for a variance satisfies the qualifying criteria for variance consideration of BRC Section 9-2-3 (h) 4 and (h) 5.

(h) 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.

The subject property is a landmarked structure.

Because of historic restrictions that encourage inconspicuous additions, the least visible location on the property is most appropriate. Our proposed location is the least visible on the structure. It is at the inside corner toward the rear of the structure where it is hidden by the higher ridgelines of the Historic Residence and the 1985 Addition.

A portion of this prime location is within the 25' west side yard setback.

(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;

The proposed dormers will not be visible from Bluff Street or from 23rd Street, thus the neighborhood character will not be affected.

The non-standard circumstances and setbacks on the subject property are typical throughout the nearby Whittier Neighborhood with a higher density RMX-1 zoning. This is especially true for similar corner lots with side yards on a street where there is an adjacent residence behind a property. These typically non-standard circumstances argue for the appropriateness of allowing this request, which is compatible with the non-standard setbacks of the neighborhood.

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

The proposed dormers are only visible from the east yard of the subject property and from the adjacent property to the east. The face of the proposed eastern-most dormer is setback a generous 55' from the east property line. The dormers at the proposed setback will not increase the horizontal or vertical encroachment on this adjacent eastern property, as they do exceed the existing footprint or the existing ridge height.

The proposed dormers are lower than the ridge of the existing roofs of the Historic Residence and the 1985 Addition. The dormers do not extend the existing building footprint.

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

Please note that the proposed construction is modest in scale. The construction occurs above an existing low headroom floor. The 115 s.f. of new floor area comes from increasing the head height above the existing floor and making it more usable.

The maximum Floor Area allowed on this lot is **3,992 s.f.** The existing Floor Area plus the proposed additional 115 s.f. totals 2,578 s.f.

(D) Would not conflict with the provisions of section 9-9-7, "Solar Access," B.R.C. 1981.

The solar shadow created by the new dormers falls within the shadow cast by the higher ridges of the Garage Addition and the Historic Residence. No new solar shadow is created.

All dimensions given are based on ILC dimensions. Because all new construction occurs within the footprint of the existing structure we believe that the ILC should suffice for consideration of this application.

- See Exhibit 'H' for the 2015 Improvement Location Certificate.

Thank you for your consideration of this proposal. Please call me if I can answer any questions or provide further details.

Yours Truly,

Steven C. Montgomery, Architect
303-443-4414
stevemontgomery@earthlink.net

ATTACHMENTS:

A.) I.L.C. and GIS Aerial View of Site

B.) Site Plan showing the proposed dormers with Setbacks.

C.) Bluff Street view.

D.) Aerial View of the new dormers.

E.) East Elevation showing the proposed dormers.

F.) Photographs of the existing home.

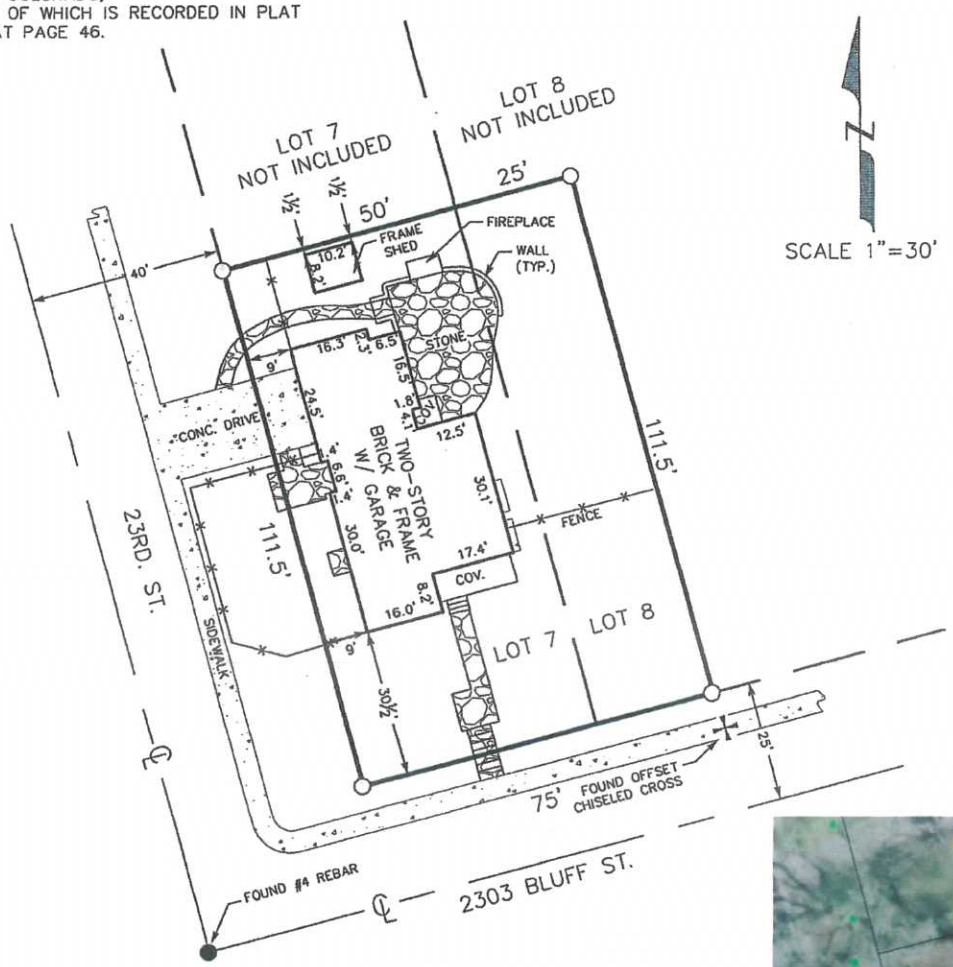
G.) Landmark Alteration Certificate

H.) 2015 I.L.C. (reduced to 8 1/2" x 11")

LEGAL DESCRIPTION
(PROVIDED BY FIDELITY NATIONAL TITLE CO.)
DEED RECORDED ON 4/30/2013 AT REC. NO. 3308396

THE SOUTHERLY 111.5 FEET OF LOT 7,
AND THE SOUTHERLY 111.5 FEET OF THE WEST ½ OF LOT 8,
BLOCK 191,
EAST BOULDER,
COUNTY OF BOULDER,
STATE OF COLORADO,
THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 AT PAGE 46.

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



SCALE 1"=30'

Notes:
1–FIDELITY NATIONAL TITLE CO. COMMITMENT NO. 515–F0511323–170–LLO WAS USED TO HELP IDENTIFY EASEMENTS OF RECORD THAT MAY AFFECT THE SUBJECT PROPERTY. THERE MAY BE EASEMENTS OR RIGHTS OF WAY NOT SHOWN ON THIS CERTIFICATE THAT AFFECT THE SUBJECT PROPERTY.
2–AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATIONS OF THE IMPROVEMENTS SHOWN HEREON.
3–THE FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN HEREON.

COLORADO REGISTERED JOHN BRUCE GUYTON 16406 PROFESSIONAL LAND SURVEYOR

4/6/15

John B. Guyton, Colorado L.S. #16406

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for RE/MAX OF BOULDER AND FIDELITY NATIONAL TITLE CO., that it 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. This certificate is valid only for use by RE/MAX OF BOULDER AND FIDELITY NATIONAL TITLE CO. and describes the parcel's appearance on APRIL 3, 2015. I further certify that the improvements on the above described parcel on this date, APRIL 3, 2015, 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.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. the use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S 38–51–102(12) or an Improvement Survey Plat as defined by C.R.S 38–51–102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.

Flatirons No. 15–65,379 Title Co. No. 515–F0511323–170–LLO Borrower: MADELINE ROSENSCHEIN VOGENTHALER AND PETER ELIS HOGLUND
Drawn By: W. BECKETT

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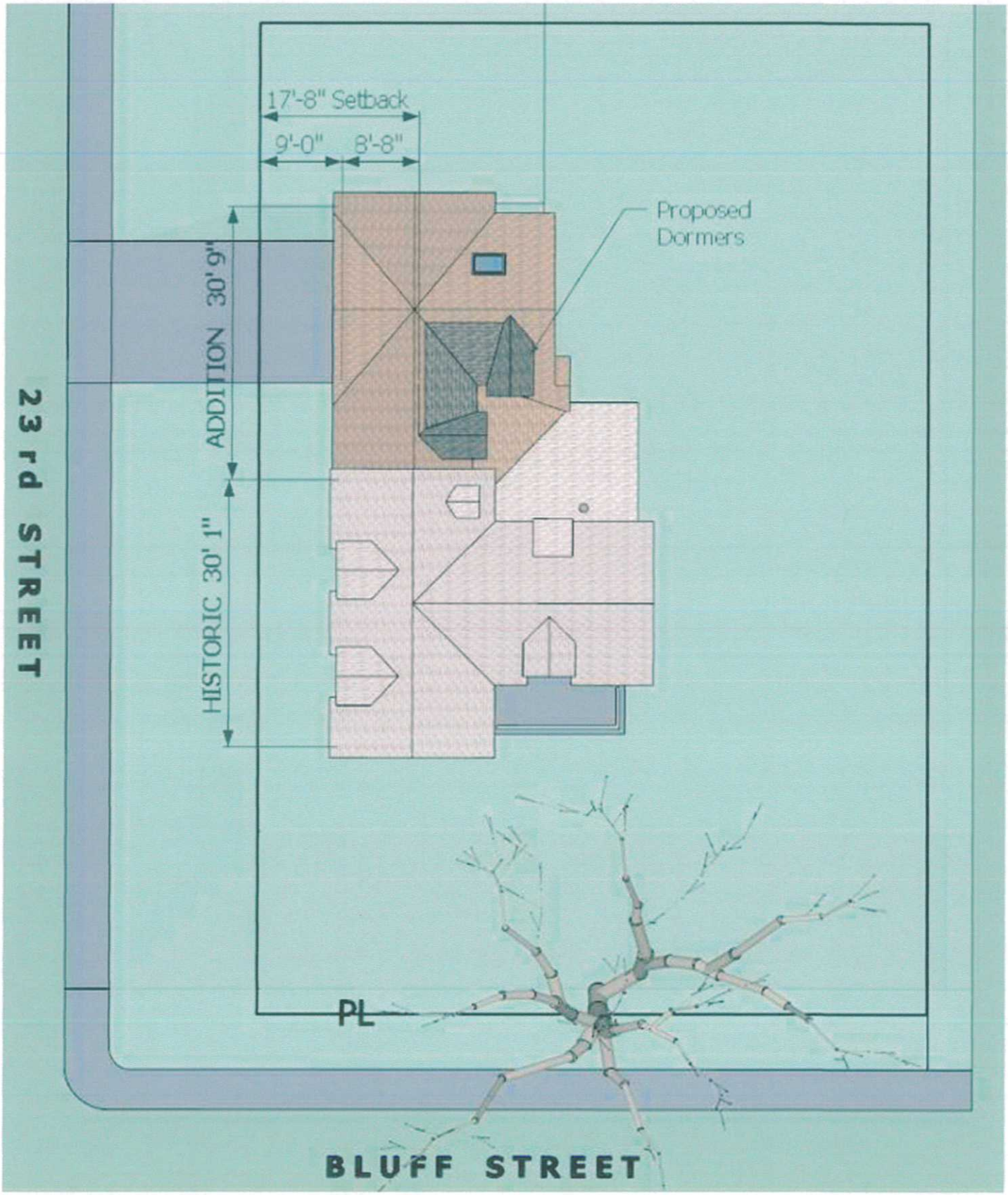
(303) 443–7001 FLATIRONS, INC. Boulder, Colorado

EXHIBIT 'A'
ILC & AERIAL PHOTO



NOTE: The Historic Residence is the lightest color. The 1985 Addition is the mid-range color. The proposed dormers are the darkest color.

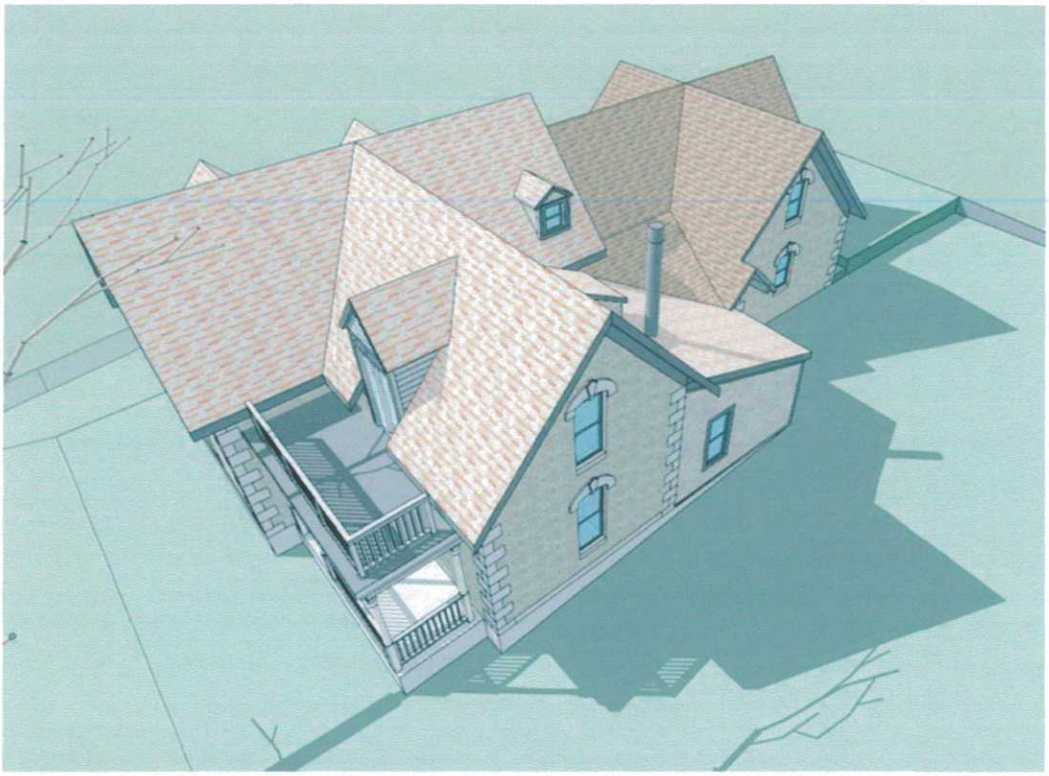
EXHIBIT 'B'

SITE PLAN WITH SETBACKS

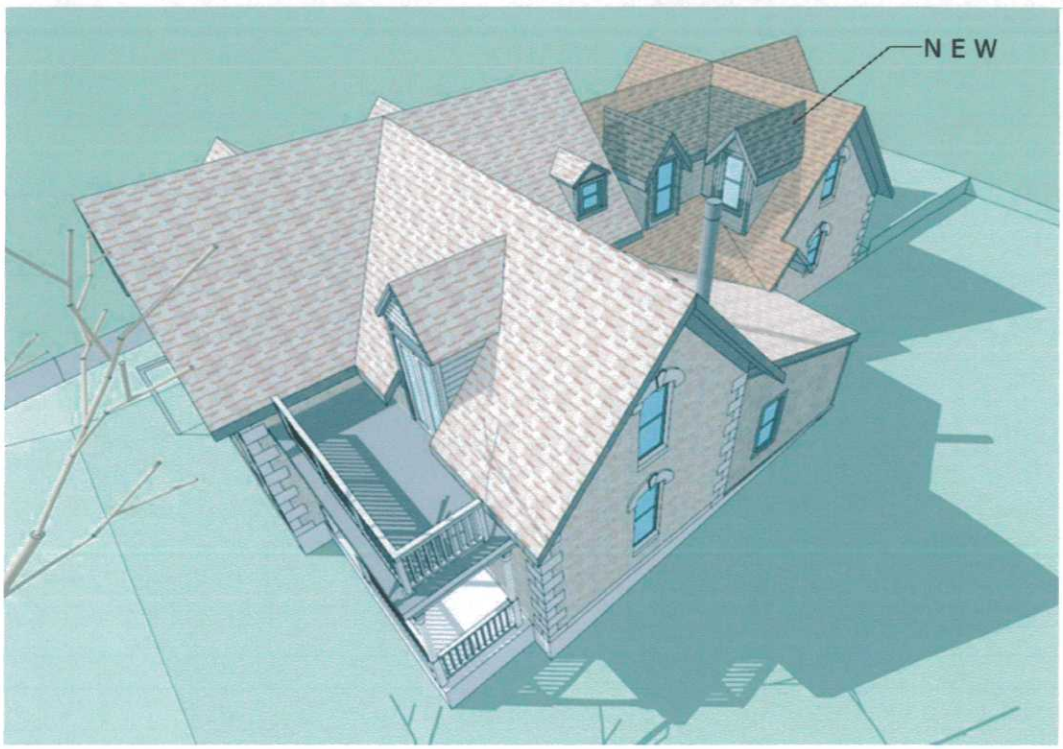
Existing Southeast Elevation (Bluff Street)

Proposed Southeast Elevation (Bluff Street)

EXHIBIT 'C'
VIEW FROM BLUFF ST.

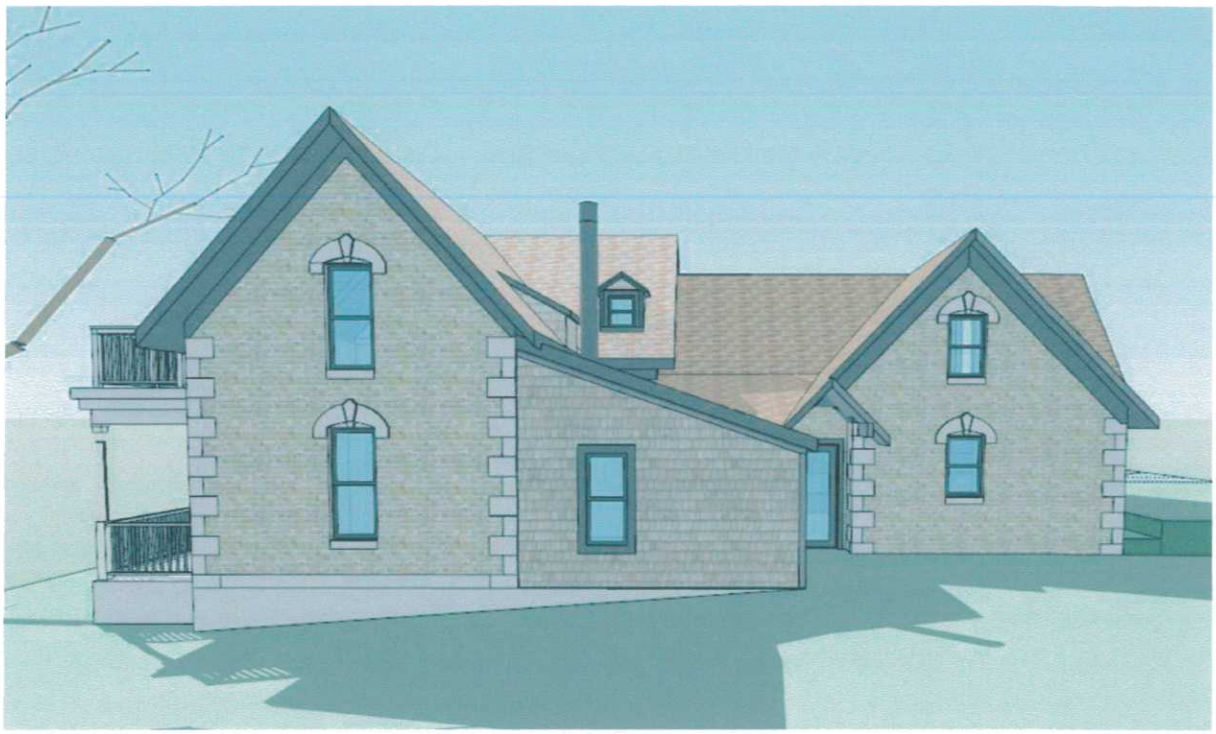


Aerial View of Exist. Roofs
(Historic Roof is lightest tone, Addition is darker, New is darkest tone)

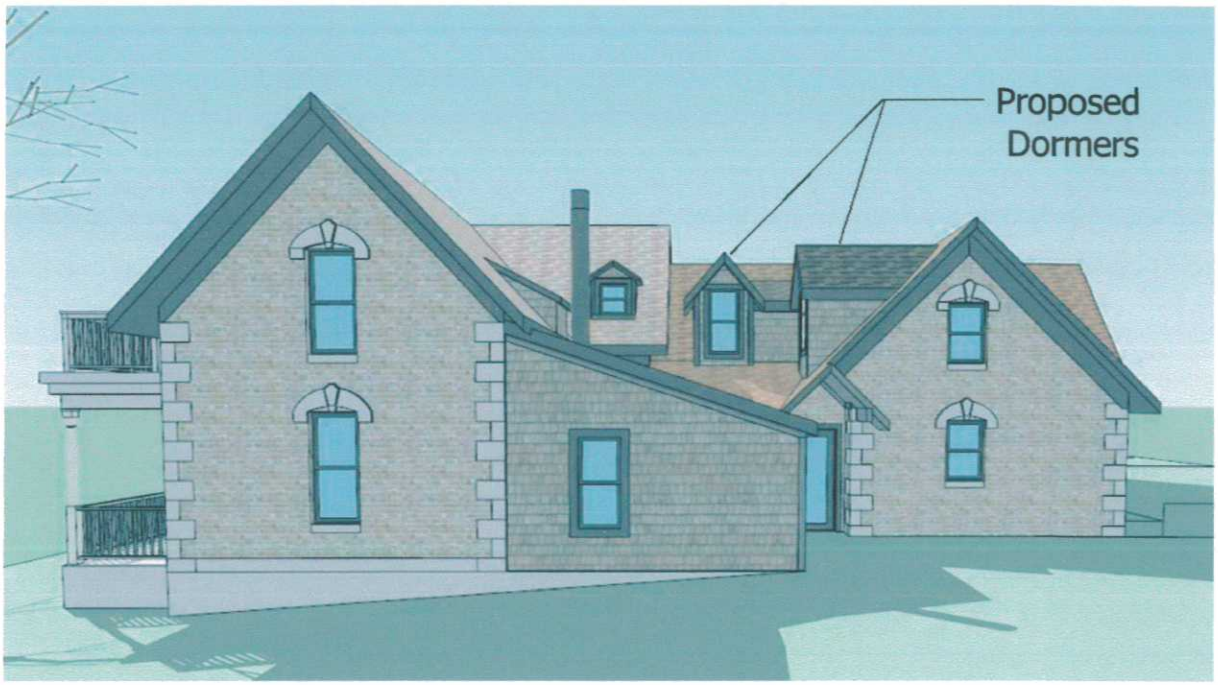


Aerial View of Proposed Dormers

EXHIBIT 'D'
AERIAL VIEW



Existing East Elevation



Proposed East Elevation

EXHIBIT 'E'
EAST ELEVATION

FRONT

Location of
New Dormers

EAST

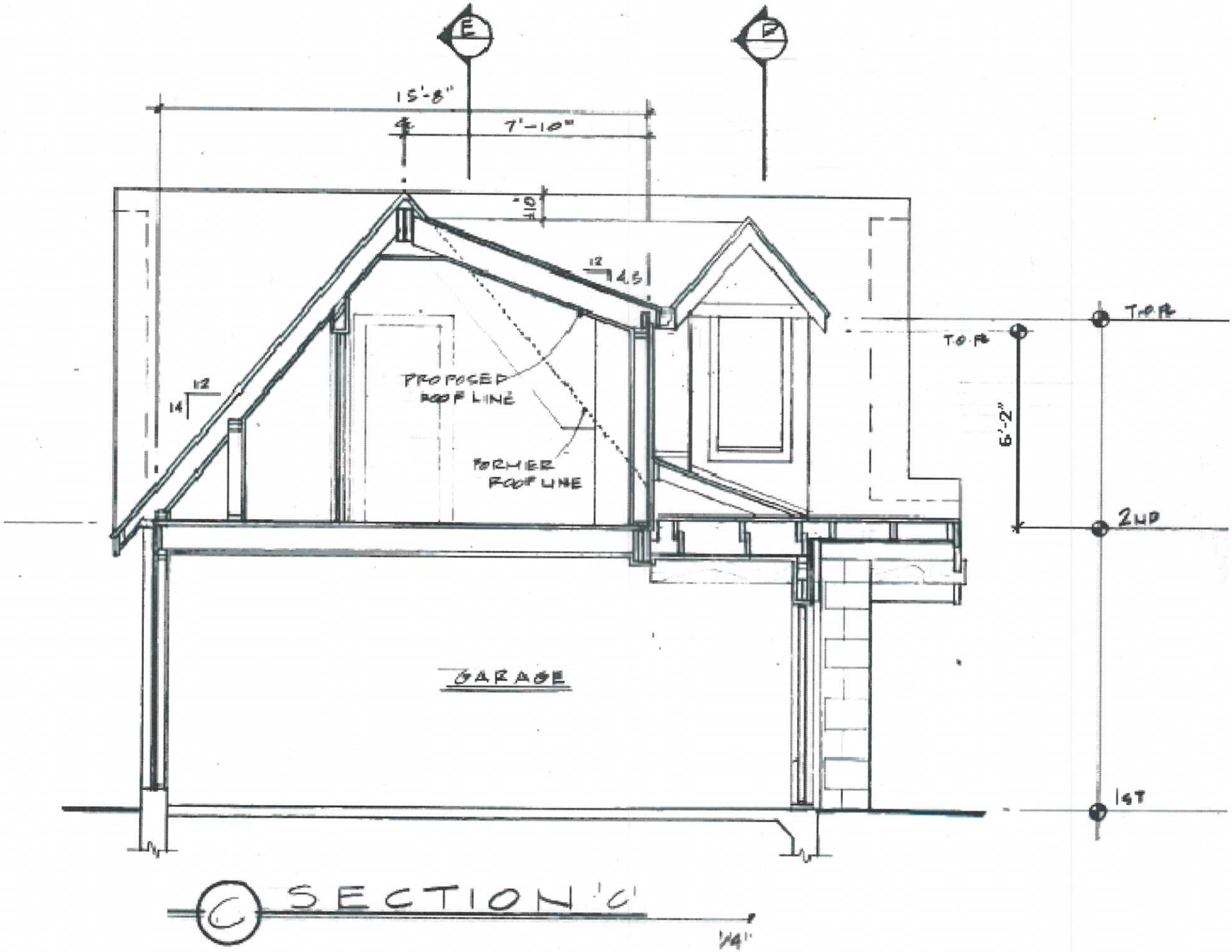
Location of
New Dormers

EAST

Location of
New Dormers

EAST

EXHIBIT 'F'
EXIST. PHOTOS


E
F
15'-8"
7'-10"
12
4.5
12
14
PROPOSED ROOF LINE
FORMER ROOF LINE
TOP
TOP
6'-2"
2ND
1ST
GARAGE

SECTION 'C'

1/4"

HIS2015-00194

Landmark Alteration Certificate

Granted to STEVE MONTGOMERY
For the property at 2303 BLUFF ST.

This 29th *day of* JULY, *2015*

The following alterations have been approved:

INSTALLATION OF DORMERS AT SOUTH & EAST ROOF AREAS OF GARAGE ADDITION (NON-HISTORIC) AS DETAILED ON PLANS DATED 07.29.2015.

Signed By:

Landmarks Board Member

Landmarks Board Member

Historic Preservation Planner

Expires 180 days from date shown. Issuance of this certificate does not exempt the applicant from complying with all City codes, including land use and building codes

HIS2015-00194

Comments Sheet

Date: JULY 29th, 2015

Landmark Alteration Certificate X **or Demolition / Moving** _____

Address of Property: 2303 BLUFF ST.

Owner's Name: HOGLUND / VOGENTHALER.

DRC Members: SHEETS HEWAT SCHREINER.

Remarks:

- PROPOSED DORMERS AT EAST ROOF AREA OF 1985 ADDITION.
- LDRC CONSIDERS THAT VISIBILITY TO PROPOSED ROOF AREA IS VERY LOW AND THAT DESIGN IS GENERALLY CONSISTENT WITH 3.5 OF THE GENERAL DESIGN GUIDELINES.
- REAL CEDAR SHINGLE TO MATCH EXISTING - WOOD (NON-CLAD) WINDOWS. ONE-OVER-ONE, DOUBLE-HUNG SASH.

Next steps: _____

Public hearing: Y N

Note: These comments do not constitute a Landmark Alteration Certificate.

EXHIBIT 'G'
LANDMARK ALTERATION CERTIFICATE

LEGAL DESCRIPTION
(PROVIDED BY FIDELITY NATIONAL TITLE CO.)
DEED RECORDED ON 4/30/2013 AT REC. NO. 3308396

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AND THE SOUTHERLY 111.5 FEET OF THE WEST ½ OF LOT 8,
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THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 AT PAGE 46.

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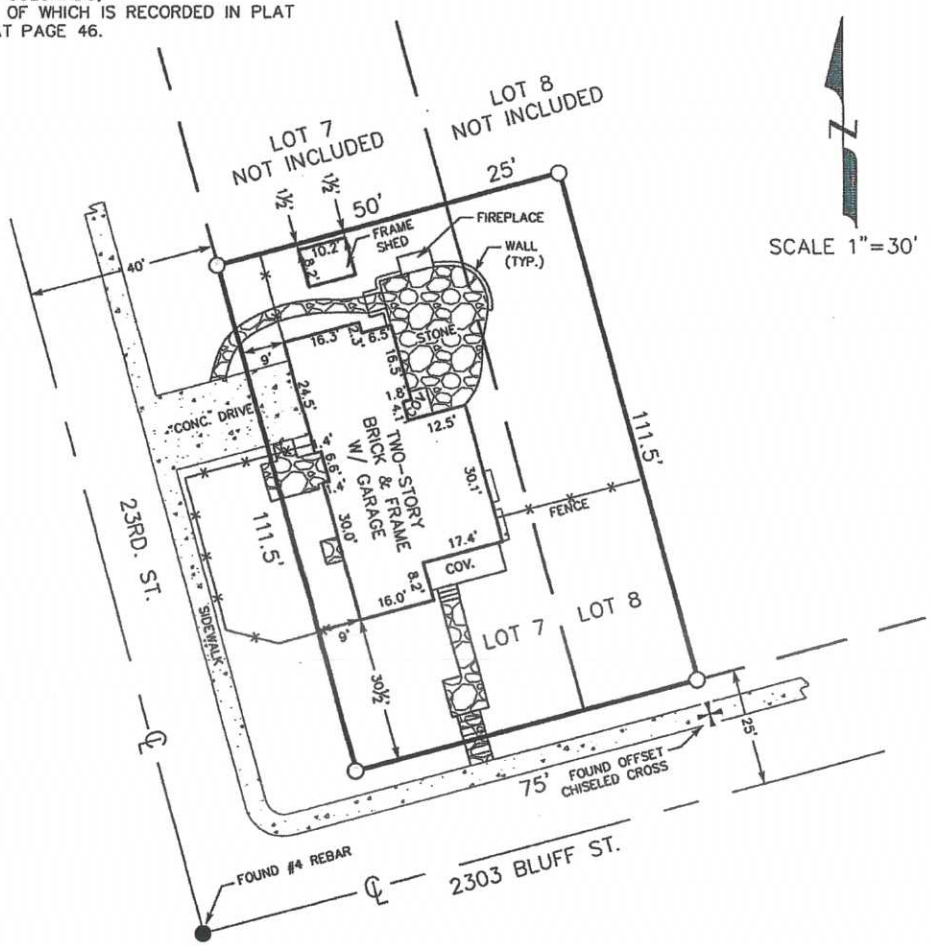

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COLORADO REGISTERED JOHN BRUCE GUYTON 16406 PROFESSIONAL LAND SURVEYOR

4/6/15

John B. Guyton, Colorado L.S. #16406

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Flatirons No. 15–65,379 Title Co. No. 515–F0511323–170–LLO Borrower: MADELINE ROSENSCHEIN VOGENTHALER AND PETER ELIS HOGLUND
Drawn By: W. BECKETT

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EXHIBIT 'H'
ILC

September 8, 2015

Board of Zoning Adjustment
City of Boulder, Planning and Development Services
1739 Broadway, Boulder, CO 80304

Re: 2303 Bluff Street
Boulder, CO
Addendum to Side yard Setback Variance Request
Owners: Peter Hoglund & Madeline Vogenthaler

Dear Board Members,

This Addendum is a supplement to the previous application for a variance. When I made the application to Landmarks for an Alteration Certificate I was unaware of the setback issue involving the new dormers we are proposing, and did not make Landmarks aware that a variance would be required.

Following Landmarks approval I began the Working Drawings and realized that we had a setback issue, so I applied to BOZA and was unaware that Landmarks had to officially support the requested variance.

Consequently, I've been informed that without Landmarks official approval the variance request cannot be approved based on the Criteria 9-2-3 (h) 4 & 5 alone, but must additionally meet the requirements of 9-2-3 (h) 1.

This letter addresses the criteria 9-2-3 (h) 1.

BRC Section 9-2-3 (h) 1.

That: (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.

ARCHITECTURE / LANDSCAPE DESIGN
2207 MAPLETON AVENUE
BOULDER, COLORADO 80304
303.443.4414
stevemontgomery@earthlink.net

The 25’-0” west side setback is due to the adjacency of a neighboring residence to the east which faces onto Bluff Street. The condition of adjacency would not apply if there were an alley separating the subject property from property to the north. If not for the presence of the adjacent structure, a side yard setback of only 12’-6” would be required and the proposed dormers would not require a variance.

Because of the peculiarly historic nature of the property the location of improvements or additions to the structure are best constrained to the proposed location which is not visible from the street.

Because the structure of the existing Addition (previously approved by BOZA) is largely within the required setback an exceptional condition is created when improvements are contemplated on the Addition.

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

Though non-standard setbacks are typical throughout the nearby Whittier Neighborhood the subject property is uniquely constrained because of the 25’-0” side yard setback requirement due to adjacency of a house facing the street.

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

The 25’ required setback unduly forces the location for new construction to the east side of the lot. Such an easterly addition would probably be problematic for Landmarks and would be asymmetric with the historic central circulation axis connecting the living areas of the house.

The proposed 7'-2" setback allows a space-efficient expansion of an existing room which is already attached to the home's central circulation corridor.

That: (D) Such unnecessary hardship has not been created by the applicant.

The existing-non standard Addition on the subject property predates the current Owners.

Sorry to have to submit this at the last minute. I think the process is clearer to now.

Yours Truly,
Steve Montgomery

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

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

1. CALL TO ORDER:

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

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

2. BOARD HEARING:

Docket No.: BOZ2015-03
Address: 2350 Norwood Avenue
Applicant: Marilyn Jorrie
Setback Variance: As part of a proposal to modify/finish an existing accessory structure, the applicant is requesting a variance to the front yard setback requirements of the RE zoning district. The resulting front yard setback facing north will be approximately 5 feet where 55 feet is required and approximately 5 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item.

Applicant Presentation:
Marilyn Jorrie, the owner, presented the item to the board.

Public Hearing:
No one spoke

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

Motion:

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

Docket No.: BOZ2015-04
Address: 2951 10th Street
Applicant: Franz Leberl
Setback Variance: As part of a proposal to raise existing walls on a portion of an existing single-family house to make way for a new gabled roof, the applicant is requesting a variance to the front yard and side yard setback requirements of the RL-1 zoning district. The resulting front yard setback facing east will be approximately 24.08 feet where 25 feet is required and 24.08 feet exists today. The resulting side yard setback facing south will be approximately 4.6 feet where 9.8 feet is required and 4.6 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item.

Applicant Presentation:
Bob Netterstrom, the architect, presented the item to the board.

Public Hearing:
No one spoke

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

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

Docket No.: BOZ2015-05
Address: 255 29th Street
Applicants: Jonathan and Nicole Rademaekers
Setback Variance: In consideration of a proposal for a second story addition to an existing non-standard single family residence located within the RL-1 zoning district, the applicant is requesting a variance to recognize an existing non-standard condition that results in a principal structure with a rear yard setback of 23'-2" where 25'-0" is required and where 23'-2" exists; and an interior east side yard of 6" where a minimum of 5'-0" is required and where 6" exists today. The second story addition proposal will require a variance to the minimum combined side yard setback, the proposed west side yard setback is approximately 8 feet where 14.5 feet is required to comply with the minimum required 15 foot combined setback, and where 7.9 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item.

Applicant Presentation:
Jonathan Rademaekers, the applicant, presented the item to the board.

Public Hearing:
No one spoke

DRAFT

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

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

3. GENERAL DISCUSSION:

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

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

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

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

D. Matters from the City Attorney
There were no matters from the City Attorney.

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

APPROVED BY

_____

_____
DATE

DRAFT