



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

DATE: Thursday, November 14, 2013

TIME: Meeting to begin at 5 p.m.

PLACE: West Conference Room, 1777 Broadway

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

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: BOZ2013-00010

Address: [895 Aurora Avenue](#)

Applicants: Larry & Beanne Rothenberg

Setback Variance: As a part of a proposal to enclose an existing detached non-standard carport and making it a fully enclosed detached garage; the applicant is requesting a variance to the rear yard and side yard adjacent to a street setback requirements of the RL-1 zoning district. The addition of the south and east facing garage door & walls is proposed with the following: a rear yard setback of 2.8' where 0' or 3'+ is required and where 2.8' exists; and a side yard adjacent to a street setback of 9.7' where 12.5' is required and where 9.7' exists. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Docket No.: BOZ2013-11

Address: [1109 Pine Street](#)

Applicants: Alex and Grant Besser

Variance to Owners Accessory Unit floor area limitation: As a part of a proposal to convert an existing detached garage into an Owners Accessory Unit (OAU) through internal conversion only; the applicants are requesting a variance to allow for the existing 637 square feet detached garage to be converted into an OAU, where 450 square feet is allowed. Section of the Land Use Regulations to be modified: Section 9-6-3, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes

The [October 10, 2013 BOZA minutes](#) are scheduled for approval.

B. Matters from the Board

C. Matters from the City Attorney

D. Matters from Planning and Development Services

i. Boards and Commissions Taskforce presentation by Suzy Ageton

4. ADJOURNMENT

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

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

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

CALL TO ORDER

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

AGENDA

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

ACTION ITEMS

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

1. Presentations

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

2. Public Hearing

Each speaker will be allowed an oral presentation.*

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

3. Board Action

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

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

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

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



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

BOZA VARIANCE APPLICATION

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

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

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 895 Aurora Ave
- Legal Description: Lot 11 Block 2 Subdivision Rose Hill (Or attach description.)
- Existing Use of Property: Residential Single Family Home
- Description of proposal: Perform work on existing carport; complete third wall and add a garage door to allow for securing contents.

*Total floor area of existing building: <u>283.2 sq ft</u>	*Total floor area proposed: <u>283.2 sq. ft</u>
*Building coverage existing: <u>283.2 sq ft</u>	*Building coverage proposed: <u>283.2 sq. ft</u>
*Building height existing: <u>9.25 ft</u>	*Building height proposed: <u>9.25 ft.</u>

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

- ◆ Name of Owner: LARRY & Beanne Rothenberg
- Address: 895 Aurora Ave Telephone: 315345 4720
- City: Boulder State: CO Zip Code: 80302 FAX: _____
- ◆ Name of Contact (if other than owner): _____
- Address: _____ Telephone: _____
- City: _____ State: _____ Zip Code: _____ FAX: _____

STAFF USE ONLY

Doc. No. _____ Date Filed _____ Zone RL-1 Hearing Date _____
 Application received by: JML Date Fee Paid _____ Misc. Rect # _____

[BOZ 2013-00010]

APPLICATION TYPES

- Setback Variance
- Sign Variance
- Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

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

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

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

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

Applicant / Owner Signature

[Handwritten Signature]

Date

10/13/2013

[Handwritten Signature]

Date

10/13/13

**SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM**

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

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

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

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

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

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

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

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

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

I, Beanne Pothenberg, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

application [on behalf of the property owner(s)] _____ for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

at 895 Aurora Ave. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)

agree to the following:

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

Beanne Pothenberg
NAME OF APPLICANT OR CONTACT PERSON

10/13/13
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.

Maximum Floor Area Ratio (FAR) and Building Coverage Worksheet

Applicants for new residential construction and additions in the RR-1, RR-2, RE, and RL-1 zoning districts, and applicants for new residential construction and additions for single family dwellings in the RL-2 and RMX-1 zoning districts, including both principal and accessory buildings, are required to complete and submit this worksheet with your building permit application.

Calculate the Maximum Floor Area and Building Coverage for your lot:

Zoning District	Lot Area	Maximum Floor Area (sf)	Maximum Building Coverage (sf)
RL-1	6250	2468 3350	2300

Calculate the total Floor Area for your project:

Floor Area as Defined in 9-16-1, B.R.C. 1981		Amount of Floor Area that contributes to max FAR	
	Existing (sf)	Proposed (sf)	Total (sf)
Level 1	1234	1234	1234
Level 2	1234	1234	1234
Level 3	288		288
Level 4			
Accessory 1			
Accessory 2			
Accessory 3			
TOTAL			2468 2756

Perimeter above 36"	
High Volume Space (sf)	
High Volume Space (sf)	
High Volume Space (sf)	

FAR		:1
-----	--	----

1234

Calculate the total Building Coverage for your project:

Building Coverage as Defined in 9-16-1, BRC 1981		
	Existing (sf)	Proposed (sf)
Principal	2468	2468
Accessory 1	288	288
Accessory 2		
Accessory 3		
TOTAL		2756 1522

Front porch total area	0
Additional porch total area	0

In general, projects with contributing floor area or building coverage that is greater than 80% of the allowed maximum will require detailed and dimensioned building plans showing floor area and building coverage calculations for each building on the lot, including accessory buildings, and will be required to use an Improvement Survey Plat (I.S.P.) or Land Survey Plat (L.S.P.) to determine lot area. Projects that are permitted to use an Improvement Location Certificate (I.L.C.) will be required to submit a supplemental Lot Area Declaration Form, signed by a licensed surveyor, architect, or engineer.

Building Area Declaration:

I, the undersigned, take full responsibility for the accuracy and completeness of the above information. I understand that incomplete or inaccurate information may result in significant delays in the issuance of a building permit, or the possible revocation of a building permit.

Print Name: Beanne O. Rothenberg Signature: *Beanne O. Rothenberg*
 Title: (e.g. Owner, Architect, Contractor, etc.) Owner Date: _____

Written Statement in Support of BOZA Application
Larry and Beanne Rothenberg
895 Aurora Ave, Boulder

This proposal requests a variance of 2.3 feet from the 12.5 ft. setback requirement from the south property line of 895 Aurora Ave. This variance is requested so that a currently existing carport can be converted to a garage by the addition of a locking garage door and the completion of the east facing third wall.

In August the property owners started this conversion after misunderstanding the building codes, and a stop work order was applied to the work site. Work has now stopped pending the outcome of this application.

The applicants now are aware of the local building codes, and are attempting to comply with them in full. In defense of the decision to start work without the proper approvals in place, the owners note that they are new to the area, and did not in any way try to conceal the work being done. The work was done slowly by the owners over the course of several weeks with the help of a carpenter in light of day, during the work week, with building materials in full view. The decision to start work was an honest misreading of the code, with no attempt made to be duplicitous.

Criteria 1 – Physical Conditions

- (A) The carport at 895 Aurora Ave. was built facing the road which has a uniquely large setback requirement, and is the only remaining garage or other outbuilding in the neighborhood facing the road that is not securable with a locking door. This situation creates a unique hardship in that the contents of the building are readily visible to the public on this heavily trafficked street as well as foot traffic on 9th street, and as such they are subject to vandalism and theft. In the one year since Applicants have owned the property there have been repeated incidents of theft and vandalism to property that would normally be secured in a locked garage. Two bikes have been stolen, cars have been vandalized, broken into and used as a temporary shelter for vagrants, and the carport has in essence become unusable since its contents are not securable.
- (B) There are no other such circumstances in the neighborhood. This is the last remaining road-facing structure without a locking door.
- (C) Development of this property by addition of a locking door is not possible in conformity to the setback requirements because of the unique orientation to the road. The result is that the carport is essentially useless, since it provides no protection for its contents.
- (D) This situation was not created by the applicant since the carport was built prior to the applicant's purchase of the property.

Criteria 5 Requirements for All Variance Approvals

- (A) The variance would allow for a standard garage door typical to the neighborhood, completion of the third wall, and the addition of siding to match the existing siding. There is no change to size, height, color, or other characteristic of the structure. There is no modification to the nature of the structure. It is to be used as a garage.
- (B) All adjacent property owners have signed the attached petition supporting the requested variance.
- (C) The variance requested is what is required to add a door and enclose the third wall. There is no other way to secure the structure with a reduced variance.
- (D) There is no change to roof dimensions or to solar access.

Evidence of Hardship Due to Unique Physical Condition

Since purchasing the property in August 2012, personal property that would normally be secured in this building has been stolen or vandalized 4 times, twice documented by police reports.

1. In the first week of September, a week after moving into the house, a locked bicycle was stolen from the carport.
2. On 10/3/2012 a second bike was stolen from inside the carport. See attached Police Report 120071066
3. In November 2012, the applicant's car was vandalized by a long horizontal "key" down the driver's side, while parked in the driveway in front of the carport.
4. On October 1, Boulder Police discovered a vagrant had broken into both of the applicant's cars, and was sleeping in one of the cars parked in front of the house. Police Report 13-12774.
5. In addition, the applicant's adjacent neighbors who likewise have a carport facing the road that has been converted to a garage recount that on the one day last year they forgot to lock their garage door it was likewise vandalized and 2 bikes were stolen.



Larry Rothenberg
895 Aurora Ave
Boulder, CO 80302

October 14, 2013

RE:
Garage Enclosure
895 Aurora Ave, Boulder, CO

Dear Mr. Rothenberg

An auxiliary structure west of the home at the above referenced address is a 283 square foot carport that was converted to an enclosed garage.

Lattimer Engineering observed the structural gravity and lateral framing systems for the newly enclosed garage on October 11, 2013. After a thorough review of the framing systems we conclude that it is constructed substantially in compliance with the intent of the 1996 International Residential Code. The evaluation was based on the City of Boulder's structural design criteria.

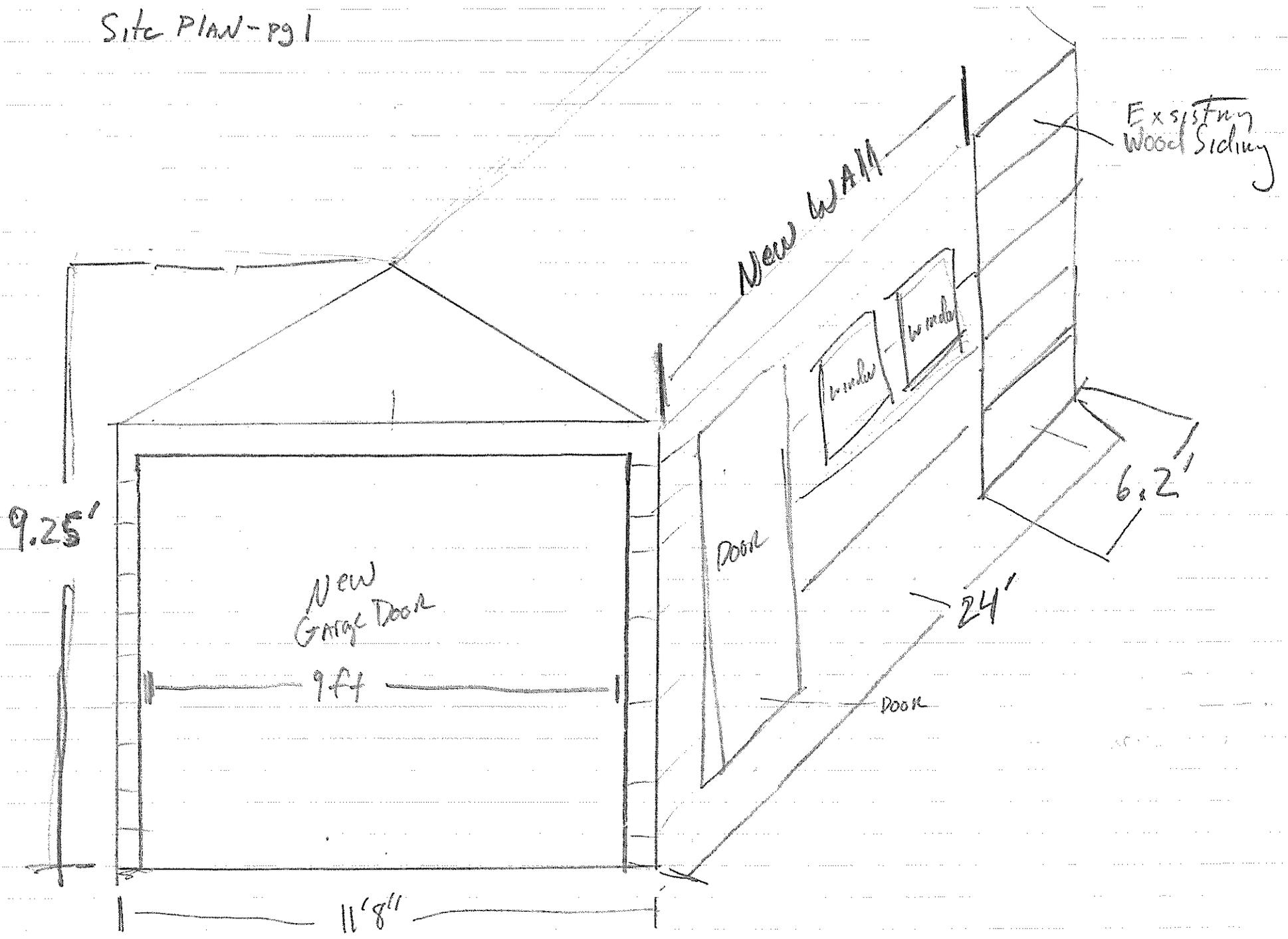
If you have any questions or comments, please call.

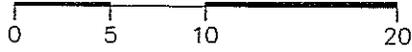
Sincerely,



E. Christopher Lattimer, P.E.

Site Plan - pg 1





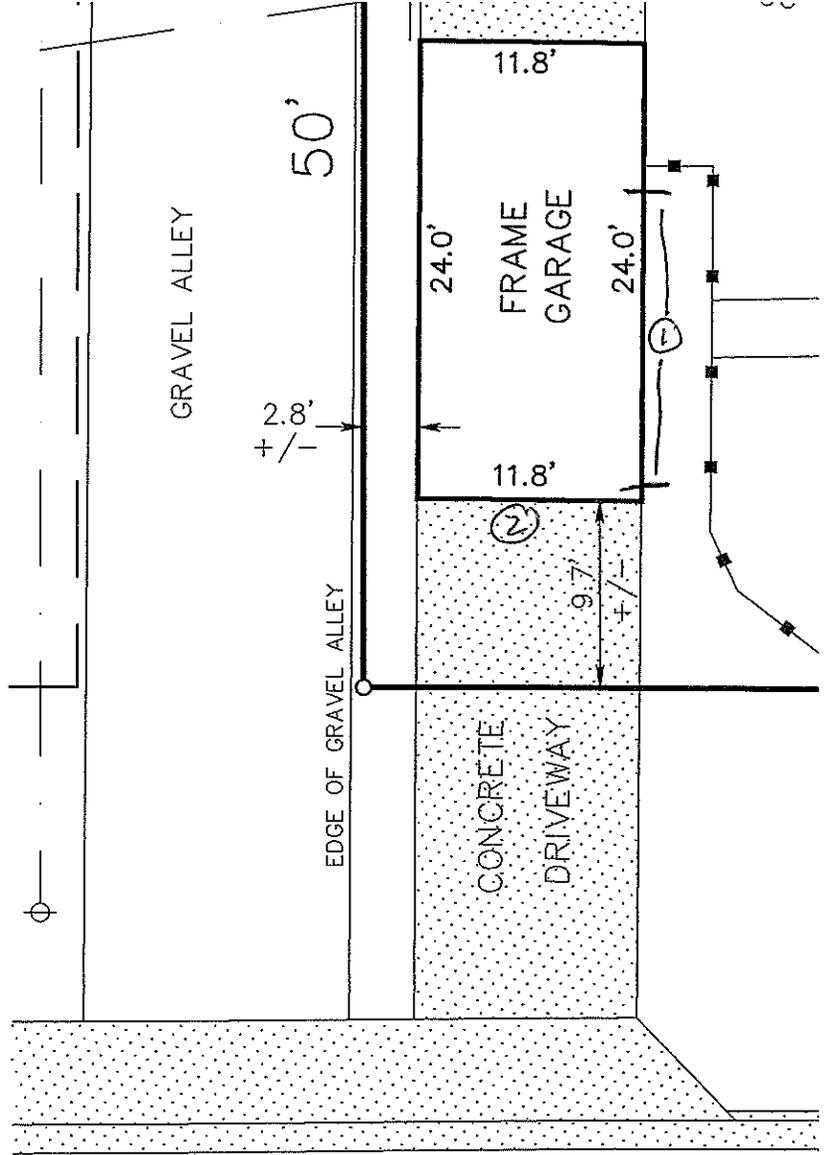
U.S. SURVEY FEET

Legend

- Ø UTILITY POLE
- UC UTILITY CONNECTION
- ♿ HANDICAP RAMP

*Site Plan - pg 2
Project Description*

- ① Complete East Wall
- ② Add Garage Door



GRANT PLACE

FOUND #5
REBAR IN
RANGE BOX

FOUND #4
REBAR IN
RANGE BOX

3.03'

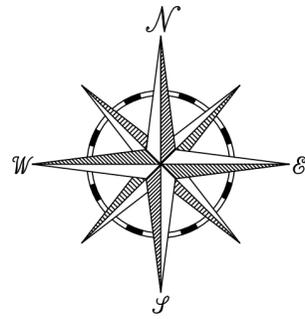
Notes:

- 1) ONLY PLATTED EASEMENTS HAVE BEEN SHOWN HERE. RESEARCH HAS BEEN PERFORMED BY FLAGSTAFF COUNTY. DETERMINE OTHER EASEMENTS (IF ANY)
- 2) ACCORDING TO COLORADO LAW YOU MUST COMME... BASED UPON ANY DEFECT IN THIS SURVEY WITHIN... YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT... BASED UPON ANY DEFECT IN THIS SURVEY BE CO... TEN YEARS FROM THE DATE OF THE CERTIFICATION
- 3) THIS IMPROVEMENT LOCATION CERTIFICATE HAS BE... EXCLUSIVE USE OF LARRY ROTHENBERG.
- 4) THIS IMPROVEMENT LOCATION CERTIFICATE, AND TH... MAY NOT BE USED FOR ANY ADDITIONAL OR EXTE... THAT FOR WHICH IT WAS INTENDED AND MAY NOT... OTHER THAN THOSE TO WHICH IT IS CERTIFIED.

SEPTEMBER 12, 2013

Improvement Location Certificate

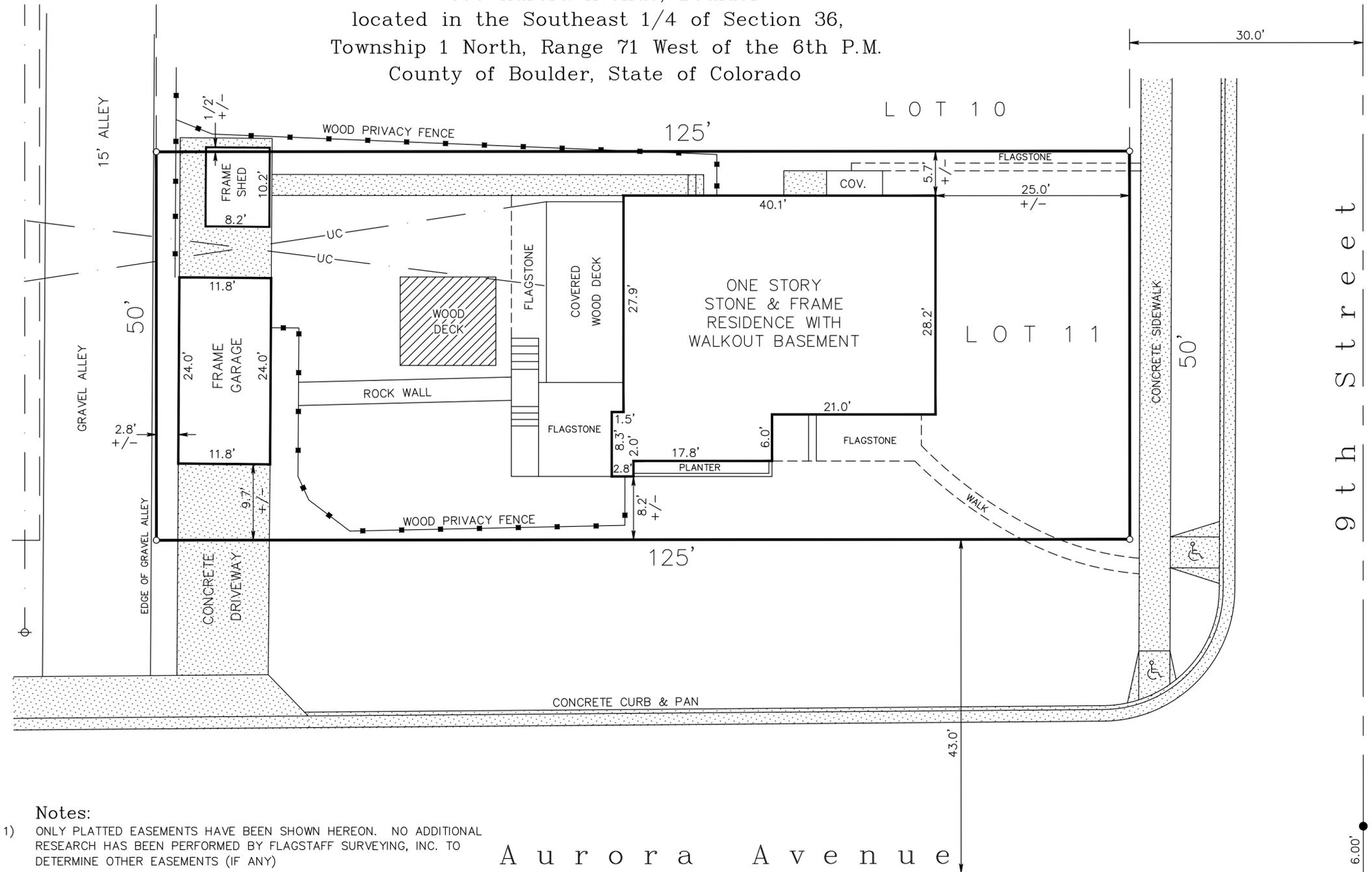
895 Aurora Avenue, Boulder
located in the Southeast 1/4 of Section 36,
Township 1 North, Range 71 West of the 6th P.M.
County of Boulder, State of Colorado



Scale: 1" = 10'
0 5 10 20
U.S. SURVEY FEET

Legend

- Ø UTILITY POLE
- UC UTILITY CONNECTION
- ♿ HANDICAP RAMP



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 IMPROVEMENT LOCATION CERTIFICATE HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF LARRY ROTHENBERG.
- 4) THIS IMPROVEMENT LOCATION CERTIFICATE, AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSE BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.

A u r o r a A v e n u e

Property Description

LOT 11,
BLOCK 2,
ROSE HILL ADDITION,
COUNTY OF BOULDER,
STATE OF COLORADO.

Improvement Location Certificate

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR LARRY ROTHENBERG, 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. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS 6TH DAY OF SEPTEMBER 2013, 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.

Flagstaff Surveying, Inc.

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

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STEVEN J. SELLARS
COLORADO PLS 27615

DATE
JOB NO. 13-12345

Statement of Support

As a property owner adjacent to 895 Aurora Ave, I would like to state my support for the project being proposed by Larry and Beanne Rothenberg. I understand that this project will involve completing the third wall of the carport, and adding a garage door (as described in the attached Diagram).

I support this project understanding that the approval of this project requires adjacent neighbors to indicate their support due to the fact that the south side of the carport is less than the required 12.5 feet from the property line.

ADDRESS 911 9th St
~~2645 S B~~ Bldr

911 9th St., Boulder (adjacent north neighbor)

OWNER

James W Nickel

James Nickel Date

Sarah Nickel

~~Patricia White~~ Date

Sarah Nickel

885 9th St., Boulder (adjacent south neighbor)

Jeannine Meek

Jeannine Meek Date

902 Grant Place, Boulder (adjacent west neighbor)

Matthew Burks 09/27/13

Burks Matthew Living Trust Date

860 Aurora Ave., Boulder (southwest neighbor)

James Christoph 10/4/13

James Christoph Date

Maura Christoph 9/29/13

Maura Christoph Date

912 Grant Place, Boulder (adjacent west neighbor)

Diane Israel Sept 28, 2013

Diane Israel Date

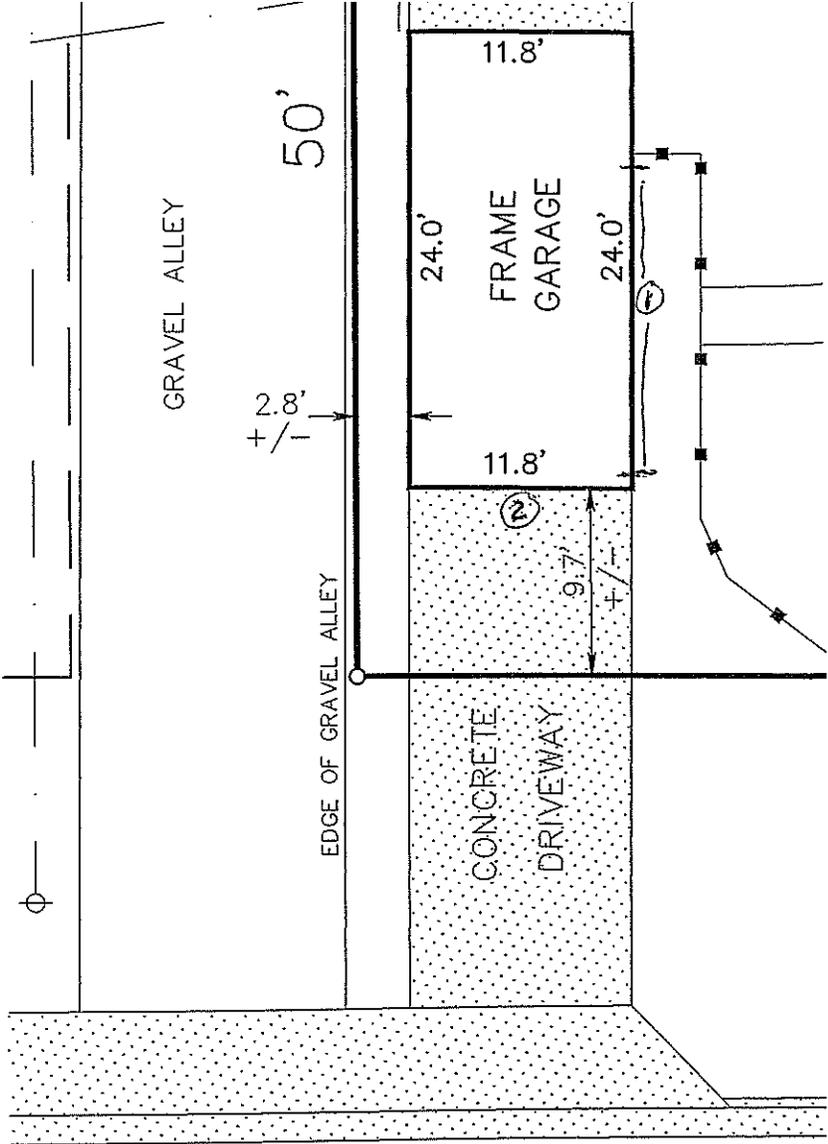
0 5 10 20
U.S. SURVEY FEET

Legend

- Ø UTILITY POLE
- UC UTILITY CONNECTION
- ♿ HANDICAP RAMP

PROJECT DESCRIPTION

- ① Complete East Outer Wall
- ② Add Garage Door



Notes:

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- 3) THIS IMPROVEMENT LOCATION CERTIFICATE HAS BEEN ISSUED FOR THE EXCLUSIVE USE OF LARRY ROTHENBERG.
- 4) THIS IMPROVEMENT LOCATION CERTIFICATE, AND THEREOF, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSES FOR WHICH IT WAS INTENDED AND MAY NOT BE USED FOR ANY OTHER THAN THOSE TO WHICH IT IS CERTIFIED.

SEPTEMBER 12, 2013



City of Boulder Planning and Development Services

1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306

Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevop.net

BOZA VARIANCE APPLICATION

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GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 1109 Pine Street
- Legal Description: Lot _____ Block 150 Subdivision Squire's Addition (Or attach description.)
- Existing Use of Property: Single Family Residential
- Description of proposal:

Convert existing 637 sf detached, historic garage to Owner's Accessory Unit where 450 sf is the maximum allowable floor area.

As per a discussion with Brian Holmes, our proposed floor area (547sf) would be measured to the the outside face of the proposed new interior walls (or the inside face of the existing walls).

*Total floor area of existing building: 805 sf	*Total floor area proposed: 547 sf
*Building coverage existing: 637 sf	*Building coverage proposed: 637 sf
*Building height existing: +/- 19'-0"	*Building height proposed: +/- 19'-0"

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

- ◆ **Name of Owner:** Alex and Grant Besser
- Address: 1109 Pine Street Telephone: 303-954-8814
- City: Boulder State: CO Zip Code: 80304 FAX: _____
- ◆ **Name of Contact (if other than owner):** Lisa Egger
- Address: 2455 10th Street Telephone: 303-449-4090 0490
- City: Boulder State: CO Zip Code: 80304 FAX: _____

STAFF USE ONLY

Doc. No. BO22013-00011 Date Filed 10/16 Zone RMX-1 Hearing Date _____
 Application received by: Meg Date Fee Paid 10/16 Misc. Rect # _____

APPLICATION TYPES

Setback Variance

Sign Variance

Mobile Home Spacing Variance

X floor area variance.

APPLICATION REQUIREMENTS

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

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
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- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

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

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

Applicant / Owner Signature Wm Egger Date 10/16/13

APPLICANT'S ACKNOWLEDGMENT FORM

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

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

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

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

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

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

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

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

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

I, Lisa Egger, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)
application [on behalf of the property owner(s) Alex and Grant Besser for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)
at 1109 Pine Street. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)
agree to the following:

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


NAME OF APPLICANT OR CONTACT PERSON

10/16/13
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.

Alexandra Besser <besserx5@gmail.com>
To: Lisa Egger <le@lisaegger.com>
Cc: Alexandra Besser <besserx5@gmail.com>
BOZA application (release of signature)

October 16, 2013 12:03 PM

To Whom It May Concern,

Lisa Egger is submitting a BOZA Variance Application on our behalf for our property located at 1109 Pine Street.

Please accept this email as acceptance of Ms. Egger filing on behalf of Alexandra & Grant Besser.

Sincerely,

Alexandra & Grant Besser

Written Statement Addressing Criteria for Variances

Owners:

Alex and Grant Besser
1109 Pine Street

November 8, 2013

Alex and Grant Besser (the “Applicants”) are requesting a floor area variance for a detached Owner’s Accessory Unit. The Applicants are proposing to convert an existing historic, 2-story, 805sf garage in the Mapleton Hill Historic District to a 1-story, 637sf Owner’s Accessory Unit. The maximum allowable floor area for a detached OAU is 450sf. Limiting the proposed OAU to one level, as well as adding concrete block walls for structural purposes and wood frame walls for insulation inside the existing unreinforced masonry walls, reduces our total proposed, useable floor area to 494sf when floor area is measured to the inside face of the new, interior walls. The floor area measured to the inside face of the existing walls is 547sf.

This proposed floor area variance meets the criteria of Section 9-2-3(h) of the 1981 Boulder Revised Code which states as follows:

(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 or exception topographical or other physical conditions peculiar to the affected property;*

(B) *The unusual circumstances or conditions do not exist throughout the or the 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 the chapter; and*

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

(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 and, 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 the 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 unique physical circumstances for this application are due to the Applicant's request to repurpose an existing, historic building with a fixed amount of square footage and building coverage. While an OAU is an allowed use in the RMX zoning district, there are many other criteria that must be met; therefore it's a unique opportunity that does not exist for all properties throughout the zone. Because the property is located in the Mapleton Hill Historic District and the garage is a contributing building, any physical change to the exterior of the building must be approved by the Landmarks Design Review Committee. Reducing the size of the building by moving or changing any exterior walls is not an option. The street facing elevation/wall is generally sacred and rarely allowed to be altered. In addition, two of the three remaining exterior walls are buried in the hillside and serve as retaining walls. Moving or changing walls to reduce the building's floor area would generate unnecessary building waste in terms of deconstruction and reconstruction. Carving out interior space that is only accessible from the exterior just to reduce the interior square footage and meet a maximum floor area intended for new construction of Owner's Accessory Units is impractical and seems circuitous. This hardship was not created by the Applicant as the existing garage is almost 100 years old.

The Applicant's proposal also meets criteria (5) which requires that the variance, if granted:

- (A) *Would not alter the essential character of the neighborhood or district in which the lot is located;*
- (B) *Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;*
- (C) *Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title; and*
- (D) *Would not conflict with the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981.*

The Applicant's proposed floor area variance request meets criteria (5) as follows:

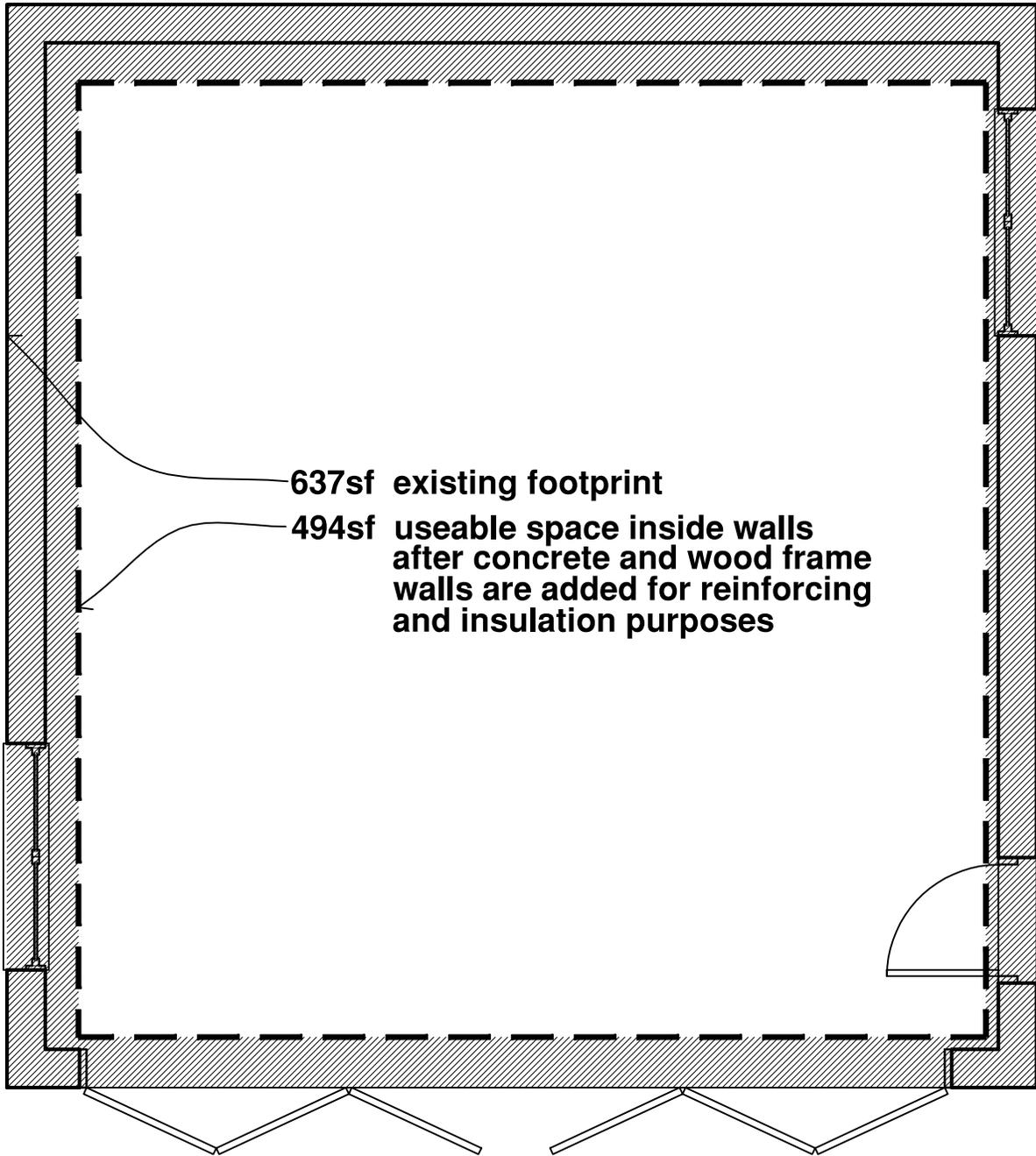
(A) The proposed floor area variance would not alter the essential character of the neighborhood or district as there would be no visible change to the footprint, floor area, or building coverage on the property.

(B) The proposed floor area variance would not impair the reasonable use and enjoyment or development of adjacent properties. Again, there would be no visible change to the footprint, floor area or building coverage of the proposed OAU. The addition of a dormer and skylights has been approved by the Landmarks Design Review committee and is outside the scope of this variance request.

(C) The proposal is the minimum variance that would afford relief. The Applicants are asking to repurpose an existing, historic building with a fixed amount of floor area (637sf) which happens to be more than the allowable maximum for an OAU. The new concrete and wood frame walls that will be built within the existing 11” non-reinforced masonry walls will increase the overall wall thickness by an additional 3.5” to 11.5”. These new walls, together with the existing walls, reduce the floor area by 143sf. To carve out additional square footage within the existing building to meet a threshold of 450sf that was intended to limit the mass and scale of a newly constructed Owner Accessory Unit is counter intuitive and affects no one other than the residents of the OAU. This existing structure is in keeping with the size, scale and detail of the main house and meets the intent of the OAU guidelines to be accessory to the primary structure.

(D) Finally, the RMX-1 district has a 25’ solar fence. The overall building height is under 20’. Given the orientation of the building and lot, any shadow cast by the garage and the proposed dormer would be under the solar fence and on the Applicant’s property.

In closing, we believe the proposed floor area variance request meets the criteria for variances per the Boulder Land Use Regulations as demonstrated above.



1109 PINE STREET - floor plan

$\frac{1}{4}'' = 1'-0''$



BESSER GARAGE REMODEL
1109 PINE STREET
BOULDER, CO 80302

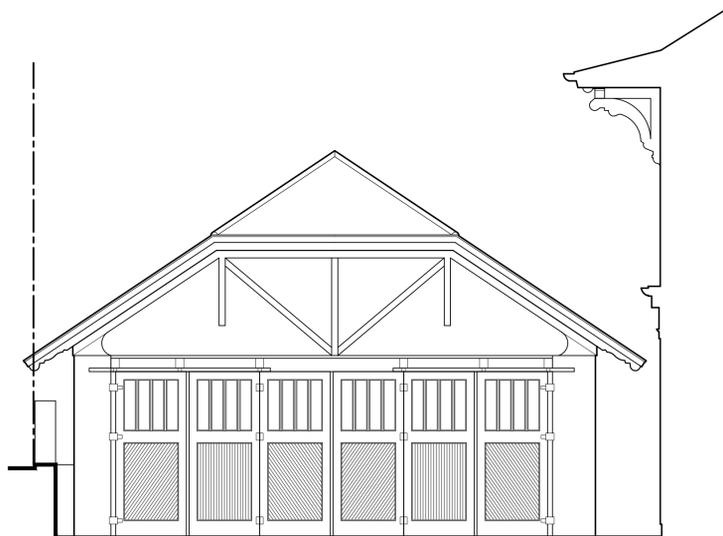
Revisions
BOZA VARIANCE
APPLICATION 10/16/13

Drawings
AS-BUILT
FLOOR PLANS &
EXT. ELEVATIONS

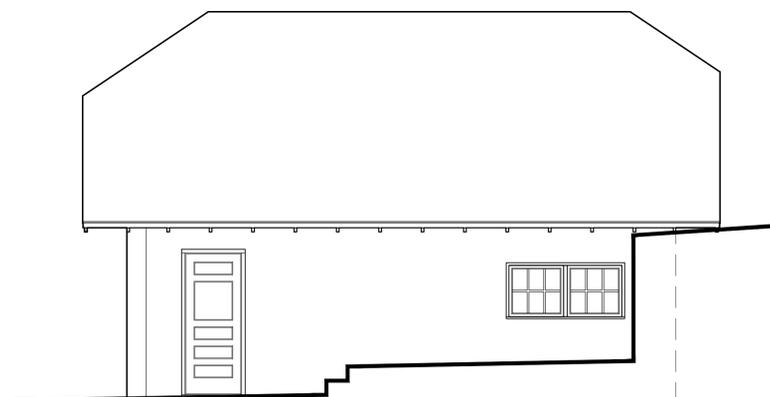
Scale 1/4" = 1'-0" Date 11/8/13

Sheet

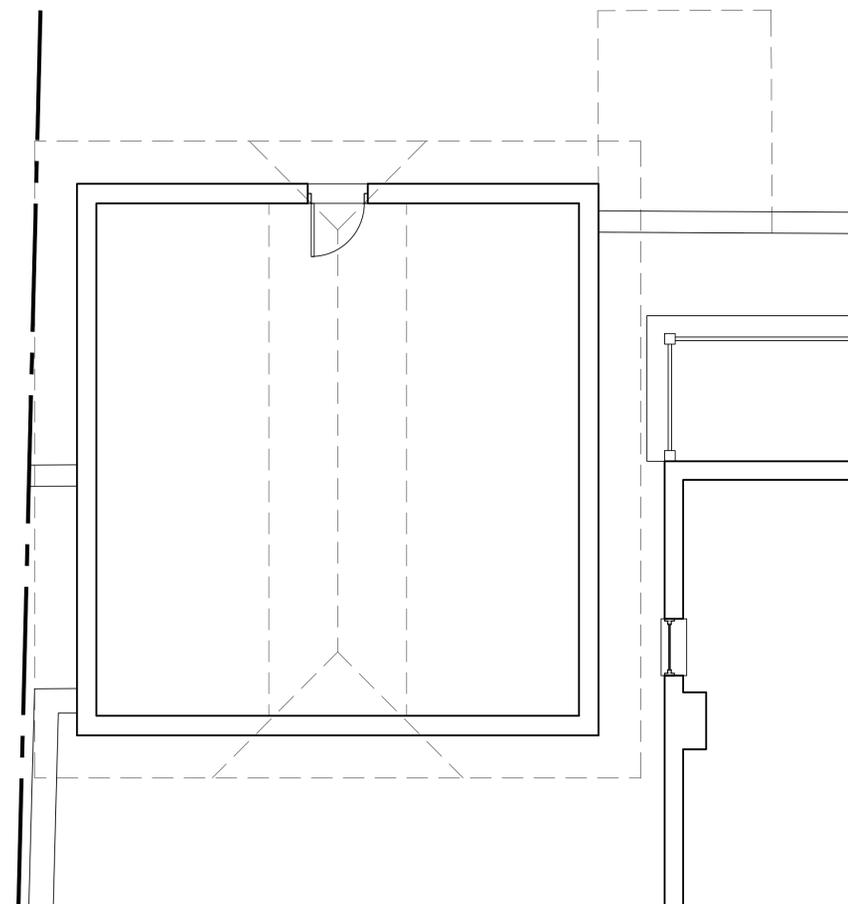
A1.1



1 SOUTH ELEVATION - (PINE STREET)
A1.1

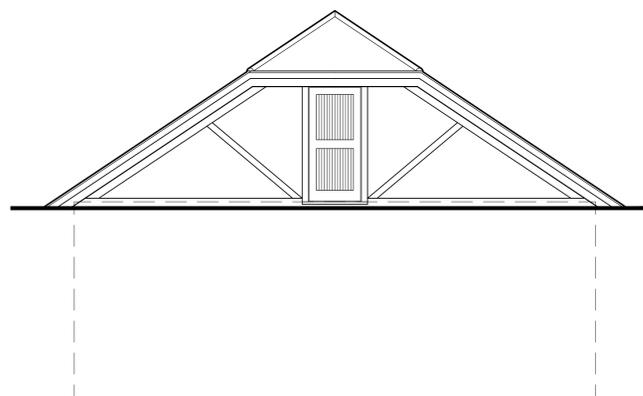


2 EAST ELEVATION
A1.1

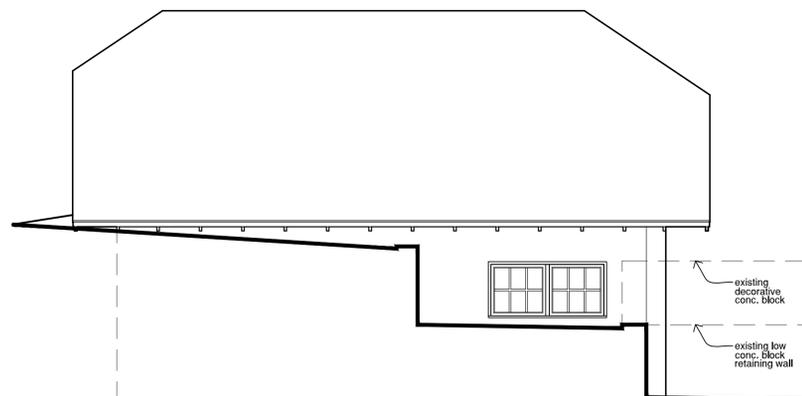


3 ATTIC LEVEL PLAN
A1.1

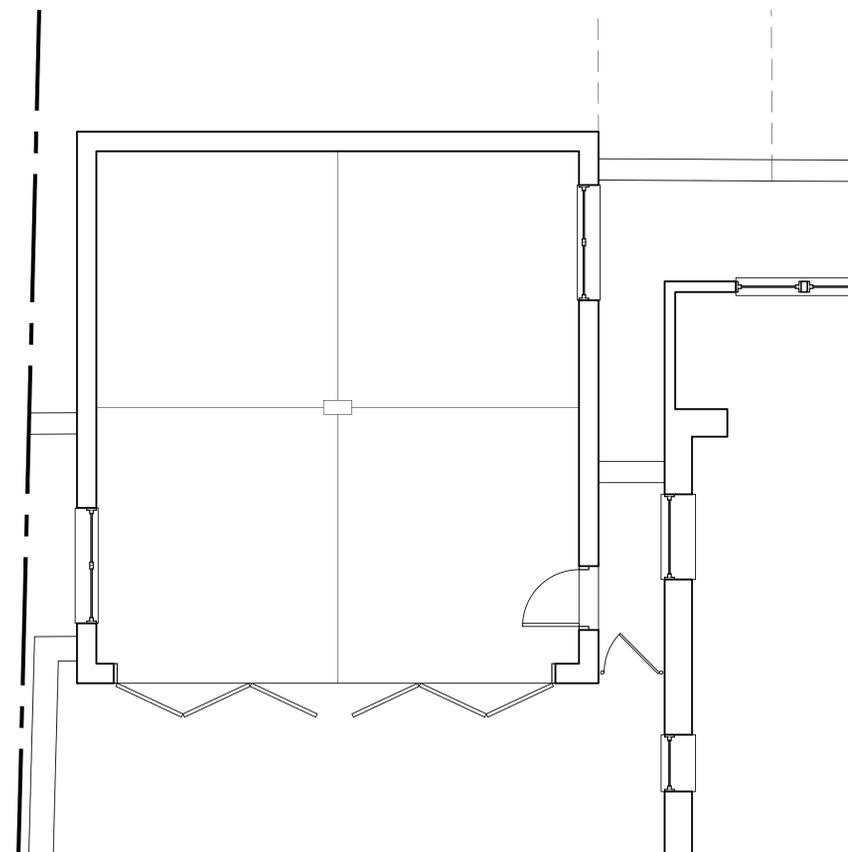
168 SF



4 NORTH ELEVATION
A1.1



5 WEST ELEVATION
A1.1



6 GARAGE LEVEL PLAN
A1.1

637 SF



BESSER GARAGE REMODEL
1109 PINE STREET
BOULDER, CO 80302

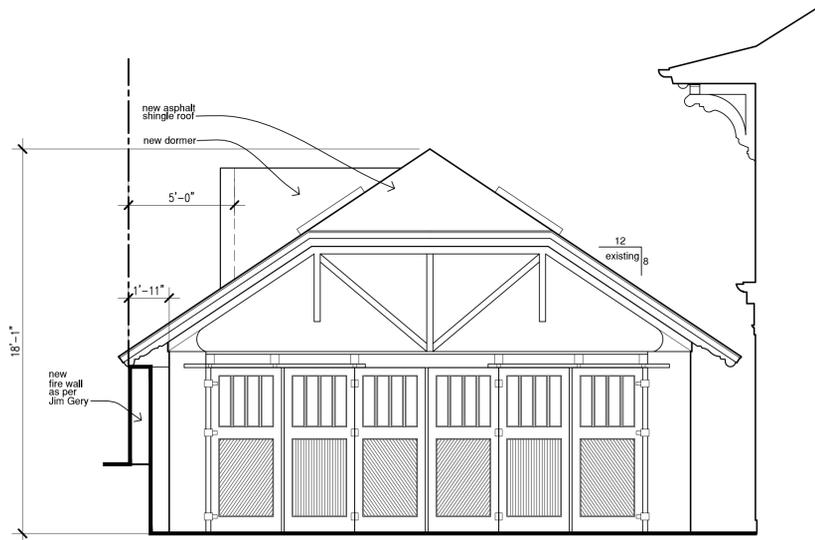
Revisions
BOZA VARIANCE
APPLICATION 10/16/13

Drawings
PROPOSED
FLOOR PLANS &
EXT. ELEVATIONS

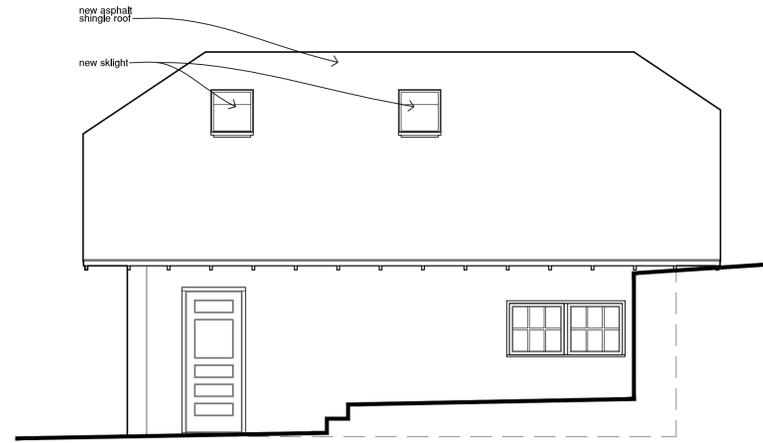
Scale Date
1/4" = 1'-0" 11/8/13

Sheet

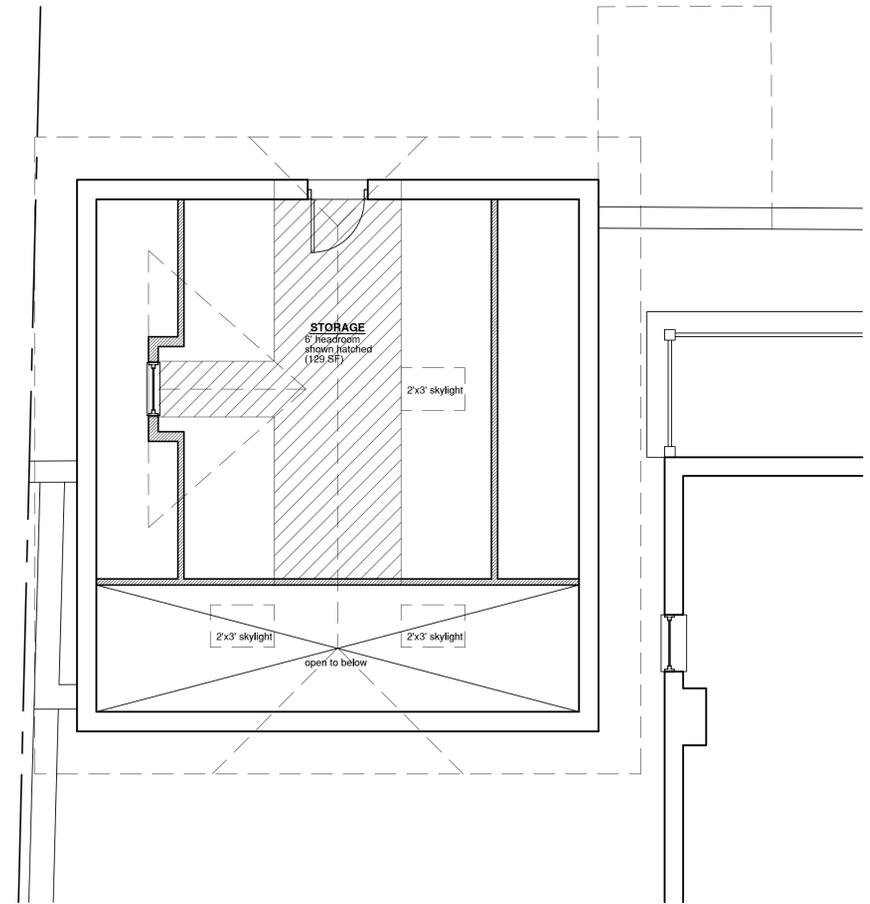
A2.1



1 SOUTH ELEVATION - (PINE STREET)

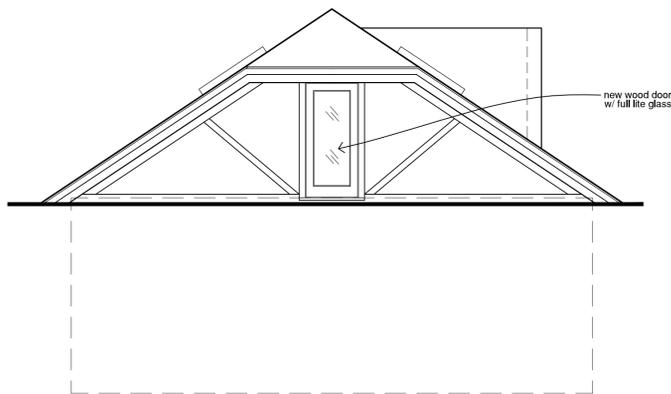


2 EAST ELEVATION

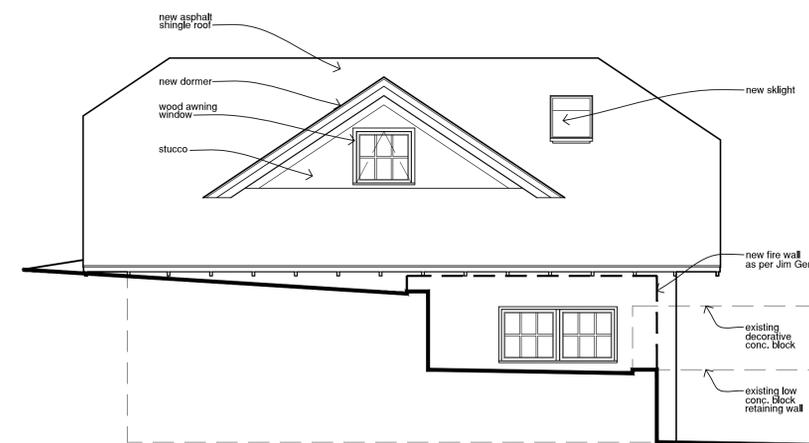


3 ATTIC LEVEL PLAN

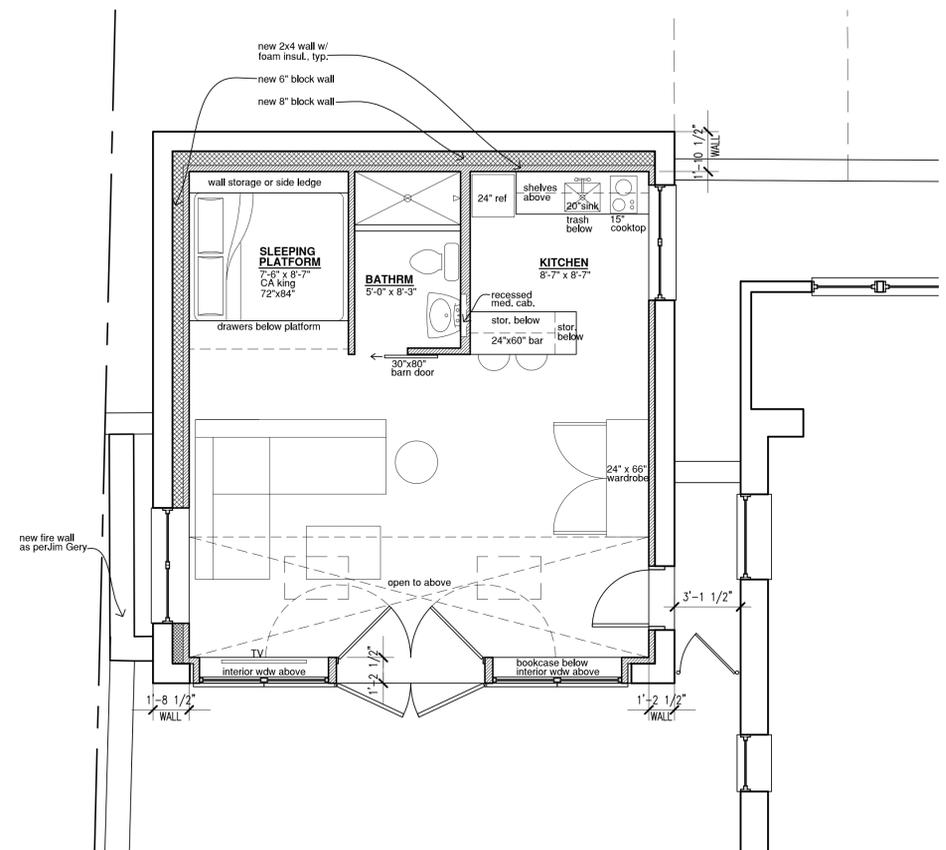
129 SF



4 NORTH ELEVATION



5 WEST ELEVATION



6 GARAGE LEVEL PLAN

547 SF W/IN
DASHED LINES

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
October 10, 2013, 5 p.m.
13th Street Conference Room, 1720 13th Street

Board Members Present: Michael Hirsch, Thomas Krueger, Christopher Lane, Ellen McCready, David Schafer

Board Members Absent:

City Attorney Representing Board: Erin Poe

Staff Members Present: Brian Holmes, Robbie Wyler, Cindy Spence

1. CALL TO ORDER:

T. Krueger called the meeting to order at 5:00 p.m.

C. Lane took the Oath of Office.

2. BOARD HEARING:

Docket No.: BOZ2013-09
Address: 1439 North Street
Applicant: Sue Deans

Setback Variance: As a part of a proposal to construct a new carport onto an existing non-standard building where no covered parking or garage exists on site; the applicant is requesting a variance to the side yard and combined side yard setback requirements of the RL-1 zoning district. The addition is proposed with the following: a west side yard setback of 3.16' where 5' is required and where 6.69' exists; and a total side yard setback of 8.74' where 15' is required and where approximately 12.27' exists. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation

R. Wyler presented the item to the board.

Applicant Presentation

Sue Deans, 1439 North Street, Boulder, the applicant, presented to the board.

John Chambers, 1525 Marshall Road, Boulder, the architect for the applicant, presented to the board.

Board Discussion

Motion

On a motion by **M. Hirsch**, seconded by **D. Schafer**, the Board of Zoning Adjustment approved 5-0 the application (**Docket 2013-09**) as presented.

3. GENERAL DISCUSSION:

A. Approval of Minutes

On a motion by **E. McCready**, seconded by **D. Schafer**, the Board of Zoning Adjustment approved 3-0 (**M. Hirsch** and **C. Lane** abstained) the July 11, 2013 minutes.

B. Matters from the Board

E. McCready, nominated by T. Krueger, was elected Vice-Chair of BOZA.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Staff

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 5:48 P.M.

APPROVED BY

DATE