



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

DATE: Monday, December 12, 2016

TIME: Meeting to begin at 4:30 p.m.

PLACE: Main Library, 1001 Arapahoe, Flatirons Room

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. **COUNCIL MEMBER – JAN BURTON**
3. **ANNUAL LETTER TO COUNCIL DISCUSSION**
4. **GENERAL DISCUSSION**
 - A. **Approval of Minutes:** The [November 10, 2016 BOZA minutes](#) are scheduled for approval.
 - B. **Matters from the Board**
 - C. **Matters from the City Attorney**
 - D. **Matters from Planning and Development Services**
5. **ADJOURNMENT**

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

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

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

CALL TO ORDER

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

AGENDA

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

ACTION ITEMS

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

1. Presentations

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

2. Public Hearing

Each speaker will be allowed an oral presentation.*

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

3. Board Action

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

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

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

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



**City of Boulder
City Council**

Mayor Suzanne Jones

Mayor Pro Tem Mary Young

Council Members: Matt Appelbaum, Aaron Brockett, Jan Burton,
Liza Morzel, Andrew Shoemaker, Sam Weaver, Bob Yates

October 21, 2016

Dear Boulder Board & Commission Members:

At the end of each year, the Boulder City Council asks members of the city's boards and commissions to provide input on the next year's goals and objectives in order to help Council and the city staff prepare the annual work plan at the January city council retreat. In the past, some board and commission members have found the questions too narrowly focused. Because you are leaders in our community, and you are certainly aware of a spectrum of issues, this year we decided to broaden the questions, seeking input in any area where you have views.

Please see this year's questions below. You need not limit your responses to the area of expertise of your board/commission. Your entire board/commission may provide a single set of responses or, if you prefer, each member can provide his or her own responses (if the latter, please submit all of the member responses in a single packet). So that Council may have the benefit of your views before its pre-retreat Study Session on January 10, please deliver your responses to your board secretary no later than the close of business on Friday, December 16.

Thank you for your service to our community.

Sincerely,

Lisa Morzel
Bob Yates
Council Retreat Committee

1. How do you think the City can improve its public engagement process? How would you recommend that Council engage with the community?
2. What do you think the City's top three priorities should be in 2017?
3. What do you think will be the City's three biggest challenges over the next five years, and how should we address them?

**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES**

November 10, 2016, 5 p.m.

Main Library, 1001 Arapahoe Ave., Flatirons Conference Room

Board Members Present: David Schafer (Chair), Jill Grano (V. Chair),
Jill Lester, Michael Hirsch, Ellen McCready

Board Members Absent: N/A

City Attorney Representing Board: Erin Poe

Staff Members Present: Robbie Wyler, Cindy Spence

1. CALL TO ORDER:

D. Schafer called the meeting to order at 5:00 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2016-20

Address: 2028 18th Street

Applicant: Bob Baca

Setback & Parking within Landscape Setback Variances: (*Continuance From October 13, 2016 Meeting*) As part of a proposal to add a 2nd floor to an existing non-standard single-story house as well as attach an existing detached single-story structure to the house through a 1st floor addition, the applicant is requesting a variance to the front (west) yard setback and rear (east) yard setback in order to meet the minimum setback requirements of the RMX-1 zoning district. The resulting front yard setback will be 13 feet where 25 feet is required and where approximately 2.3 feet exists today. The resulting rear yard setback will be 1.16 feet (taken from the existing detached structure) where 25 feet is required and approximately 7.45 feet (taken from the existing house) exists today. Additionally, the applicant is requesting a variance to the parking requirements with regards to parking in landscaped front yard setbacks. The proposed 9-foot by 19-foot parking space will be located entirely within the 25-foot front (west) yard landscape setback where no on-site parking exists today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-9-6, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the Board.

Applicant's Presentation:

Matthew Stackpole, representing the applicant, presented the item to the board.

Board Questions:

Matthew Stackpole, with Melton Design Build, answered questions from the board.

Public Hearing:

1. **Meredith Harmon** spoke in opposition of the project.
2. **John Harmon** spoke in opposition of the project.
3. **John Severson** spoke in opposition of the project.

Board Discussion:

- **J. Grano** stated that she was sympathetic to the neighbors to the north, however the proposed square footage does not appear to be excessive and the design would not alter the neighborhood character.
- **M. Hirsch** added that the Whittier neighborhood has been traditionally eclectic, zoning rules have changed over time and that he could not put any weight on what other homes have or have not done in the neighborhood. He reminded the board to consider that once the accessory building is attached, it would no longer be considered an accessory building, but part of the primary structure and the proposed setback (nine inches) would be very small. This existing lot was carved out of the north front lot and is of substandard size. He said that the board should review this as a fresh project and decide if on a vacant lot, would they approve the proposed setbacks.
- **J. Lester** agreed with **M. Hirsch**. She stated that she struggles with the proposal to incorporate the accessory structure into the house structure. There can be negative impacts. She suggested moving the accessory building five feet from the property line to preserve some sense of landscape around the property. If it remained detached, it would be fine because the greenspace would remain. Perhaps the board should ask the applicants to comply with required rear yard setbacks.
- **D. Schafer** said that if there was no modification to the accessory structure, then it would not mitigate hardship to the neighbors. He asked the board to remember that the solstice impacts and the proposed high mass in the center of the primary structure would cause impact, not the accessory building. The volume would be in the middle of the site. The existing accessory structure would be less of an impact on the neighbors whether it is attached or not. A hardship exists for this site as it has no buildable space and this is an unusual physical circumstance the applicants did not create. The addition would not alter the character of the neighborhood.
- **J. Lester** stated that "views" are not a guarantee.
- **D. Schafer** stated that the solar access plans presented by the applicant demonstrated sensitivity to the neighbors' concerns.
- **M. Hirsch** the plans propose a substantial increase in the mass.
- **E. McCready** clarified that some density is encouraged in this neighborhood. The applicant was thoughtful in the proposed plans to reduce the height in a smaller lot. The proposed floor area square footage in the bedroom is not excessive. The mass of the addition to the north to south is reasonable. The accessory structure will provide a buffer from the neighbor to the north if it is left in place. The proposed living area of the second

floor is not oriented to the neighbors to the north or east, therefore it provides a sense of privacy.

- **J. Grano** stated that the proposed floor area of 1600 square feet is not excessive. She agreed with **E. McCready's** comments.
- **M. Hirsch** stated that if this had been a vacant lot and a building of the projected mass was proposed, he could support it. The proposed mass is acceptable for this lot size in this neighborhood.
- **J. Lester** stated she would be in support of the accessory building remaining in its original location.
- **E. McCready** said that the character of the Whittier neighborhood is diverse, the proposed height is not unreasonable, and it is of a modest size. She said that she would be in support of the proposal.
- **J. Lester** stated that by allowing this modest addition, it will not prevent the neighbor to the north from making alterations to their home. The impact will be modest. The neighbors to the north also have a similar situation with a small lot, therefore she said that BOZA made the correct decision by approving this application.
- **M. Hirsch** said that he did not see the proposal as "modest", however he viewed it as a situation that might have been approved under different circumstances.

Motion:

On a motion by **M. Hirsch**, seconded by **E. McCready**, the Board of Zoning Adjustment approved (5-0) the application (**Docket 2016-20**) as submitted.

3. GENERAL DISCUSSION:

A. Approval of Minutes

On a motion by **D. Schafer**, seconded by **J. Lester**, the Board of Zoning Adjustments voted 5-0 to approve the October 13, 2016 minutes.

B. Matters from the Board

- **E. McCready, D. Schafer and J. Grano** informed the board that they would not be able to attend the scheduled December 8, 2016 BOZA meeting.
- **R. Wyler** informed the board that, if any new submittals were received for consideration for the December BOZA meeting, rescheduling or canceling will be considered.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

1. Letter to Council

- Board members agreed to send ideas and responses to the Boards & Commissions letter to **C. Spence** by the next BOZA meeting, December 8, 2016, and she will compile them for review.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:30 P.M

APPROVED BY

Board Chair

DATE

DRAFT