DATE: September 10, 2019

ITEM: VAR2019-0010
APPLICANT: Grant and Christi Bacon
10797 W 68th Pl
ACTION PROPOSED: Reduce the West, second frontage setback
CASE PLANNER: Jonathan Moore

SEE ATTACHED STAFF REPORT

MOTION: ___________________ MOVED BY: ___________________

VARIANCE NO. 1:

I move that the variance request to reduce the West, second frontage setback to 10 feet in order to construct a garage and office space when LDC Section 6.2.1 requires a 25-foot setback, be (granted) (denied).

(IF APPROVED)
This motion is based on Findings No. 1 through 8 on Page 11 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that
_______________________________________________________________________________
_______________________________________________________________________________.

(IF DENIED)
This motion is based on Findings No. ______ (select one or more) on Page 12 of the Staff Report.

YES__________ NO__________ ABSENT__________
REQUEST

The applicant is seeking to reduce the West, second frontage setback to 10 feet in order to construct a garage and office space, when LDC Section 6.2.1 requires a 25-foot setback.

FIGURE 1: Subject Property Aerial Image and Context
APPLICANT’S REASONS FOR REQUEST

The applicant has stated the following within the variance request application:

<table>
<thead>
<tr>
<th>The request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) We are seeking to attach an additional garage and office structure up to 1044 sq ft to existing home.</td>
</tr>
<tr>
<td>2.) The addition will be on the West side of our home. The entrance way will be accessed from 68th Pl.</td>
</tr>
<tr>
<td>3.) We are requesting to take 15 ft of a 25 ft setback from the garage entrance with the 25 ft setback from Oak Street to our home’s West side. North side of the structure would be configured as an office studio - 400 square feet.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Explain what special circumstance(s) or condition(s) exist on your lot?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) Access to a new garage from the West side of Oak is not permitted by the City due to increased traffic. This has been evident in previous builds, but is now not allowed.</td>
</tr>
<tr>
<td>2.) Due to increase in traffic volume, noise has increased. This would deter and reduce such noise as we are a corner lot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Why is granting the variance your only option to be a beneficial use of the property?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed option to build garage farther East with a West entrance to the garage via a North/South driveway would constitute a 90-degree turn in. This is not possible due to limited turning space. Again access via Oak street is not permitted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the request the minimum possible variance needed compared to the zoning standard?</th>
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</thead>
<tbody>
<tr>
<td>Yes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Would the granting of your variance be detrimental to the neighborhood or adjacent property?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) No. The structure would not hinder neighbors’ view or sight line. It could reduce some traffic noise.</td>
</tr>
<tr>
<td>2.) Structure would NOT be a line of sight concern with oncoming traffic as the entrance to the garage would be set back an added 5 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Are there other options that were considered in order to meet the code requirements?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) Building up walls was not an option.</td>
</tr>
<tr>
<td>2.) Proposed West garage entrance was not possible due to turning radius (see site plan example #1A)</td>
</tr>
</tbody>
</table>

BACKGROUND

The subject property is located on Block 60, Lot 10 of the Arvada West Filing No. 8 Subdivision and has frontage on W 68th Pl and Oak St. The property is zoned R-L (Residential Low Density) and has a Comprehensive Plan future land use map designation of Suburban Residential. The lot was originally created in 1960, and the home was built in 1962.

In January 2011, a revocable encroached license was approved between the current property owners and the City of Arvada to allow the property owners to place boulders in the right-of-way beyond the Southwest corner of their property.

In December 2010, the Board of Adjustment approved variance request 2010-A-25 (2010-BOA-025) to construct a six foot tall solid wood fence set back five feet from the front (west) property line when Section 6.5.8(A) of the LDC requires a solid fence over 30 inches in height to be set back 10 feet from the front property line in the R-L zone district. The variance was approved with the condition that vegetation and landscaping be installed in the remaining setback.
TABLE 1: Subject Property Zoning/Land Use

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
</tbody>
</table>

TABLE 2: Surrounding Zoning/Land Use

<table>
<thead>
<tr>
<th>Orientation</th>
<th>Existing Zoning</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>East</td>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>South</td>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>South</td>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>West</td>
<td>R-L</td>
<td>Single-family Residence</td>
</tr>
</tbody>
</table>

FIGURE 2: Subject Property Frontage
STAFF FINDINGS

After observing the property, submitted documents, and additional research performed by staff, the following has been determined:

1. The subject property is located and takes access on W 68th Pl (a local street) and abuts Oak St (a collector street) and two single-family homes.

2. The subject property is comprised of approximately 8,100 square feet, and meets all design standards of the R-L zone district.

3. The subject property contains a 2,292 square-foot home with a 273 square-foot single-car garage.

4. The subject property does not contain any unusual topographical or other physical features that would impact the placement of a structure.

5. The applicant is seeking to reduce the West, second frontage setback to 10 feet in order to construct a 600 square-foot garage addition and a 400 square-foot office addition.

6. The applicant explored the option of locating the garage to meet setbacks as shown in Figure 3 below. However, the applicant states that it would not be possible to place the garage in the location shown due to a restricted turning radius to access the garage.

   a) Since Oak St is a collector, the City Traffic Engineering Division would not allow secondary access for a single-family residence to be taken from Oak St as it would negatively impact the operation of the street.

   b) Staff finds that the turning radius issue could be rectified while still meeting design standards if the garage were to be located further to the North on the property.

FIGURE 3: Applicant Site Plan Example 1A
STAFF SUMMARY

Staff finds that the subject property conforms with the dimensional and design standards of the R-L zone district and that no unusual physical features are present on the property; therefore, no special circumstance exists. Due to the fact that the proposed garage and office could be constructed while still meeting development standards, staff finds that a practical difficulty does not exist. Based on the careful analysis prepared above, staff presents this case with a recommendation of denial.

EFFECTS OF APPROVAL

If the Board of Adjustment chooses to approve the requested variance, Code requirements for approval should be as follows:

1. The applicant shall apply for a building permit to be reviewed by City Staff in order to complete the variance process.

2. The variance shall lapse and have no further effect in two years after the effective date, unless a permit has been issued.
EXHIBIT 1:
Aerial Imagery and Staff Photography

FIGURE 4: Subject Property Aerial

Legend

Subject Property

10797 W 68TH PL

City of Arvada 1:2000

Legend

Subject Property

10797 W 68TH PL

City of Arvada 1:2000
FIGURE 5: View of Subject Property South Frontage from W 68th Pl

FIGURE 6: View of Subject Property South Frontage from W 68th Pl
FIGURE 7: View of Subject Property Existing Garage

FIGURE 8: View of Subject Property West Frontage from Oak St
Exhibit 2:
Proposed Site Plan
Submitted by Applicant
Site Plan Alternative Example 1A
Submitted by Applicant
SUMMARY FOR FINDINGS OF FACT:

APPROVAL:

The Board of Adjustment could approve the requested variance only if it finds all of the following:

1. Special circumstances or conditions exist that are not common to other areas or buildings similarly situated, including the fact that (insert applicable facts such as, but not limited to, exceptional topographical conditions, narrowness, shallowness, or the shape of the property):
   ___________________________________________________________
   ___________________________________________________________

2. Practical difficulty may result from strict compliance with the Land Development Code's standards (insert applicable facts such as, but not limited to, e.g.; shape of the lot precludes compliance with setbacks):
   ___________________________________________________________
   ___________________________________________________________

3. The requested variance will not have the effect of nullifying or impairing the intent and purposes of the Land Development Code, its standards, or the Comprehensive Plan.

4. In determining practical difficulty, the following factors were considered and, in the balance, determined favorably to the granting of the requested variance:
   a. Whether there can be any beneficial use of the property without the variance;
   b. Whether the variance is substantial in relation to the requirement or standard;
   c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
   d. Whether the variance would adversely affect the delivery of public services such as water and sewer;
   e. Whether the variance would adversely affect the risk of property damage or personal injury from flood, fire, or other natural disaster;
   f. Whether the applicant purchased the property with knowledge of the requirement; and
   g. Whether the applicant's predicament can be mitigated through some method other than a variance.

5. The special circumstances or conditions referred to in No. 1 above do not result from the actions or prior actions of the applicant.

6. The variance represents the least deviation from the regulations that will afford relief.

7. The variance does not reduce the size of lots contained in an existing or proposed subdivision or, to the extent that it does, will not result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable zoning district regulations.

8. The existence of nonconforming uses of neighboring lands, structures, or buildings in the same zoning district, or permitted or nonconforming use of lands, structures, or buildings in other zoning districts, was not considered grounds for the issuance of the requested variance.
DENIAL:

The Board of Adjustment could deny the request if it finds any of (or a combination of) the following:

1. No special circumstances or conditions exist that are not common to other areas or buildings similarly situated.

2. The requested variance would have the effect of nullifying or impairing the intent and purposes of the Land Development Code, its standards, or the Comprehensive Plan.

3. No practical difficulty would result from strict compliance with the standards of the Land Development Code.

4. As to practical difficulty, consideration of the following factors was determined unfavorably to the granting of the requested variance, specifically (insert applicable facts; e.g., the variance requested is both substantial in relation to the standard, and would substantially alter the essential character of the neighborhood):
   a. Whether there can be any beneficial use of the property without the variance;
   b. Whether the variance is substantial in relation to the requirement or standard;
   c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
   d. Whether the variance would adversely affect the delivery of public services such as water and sewer;
   e. Whether the variance would adversely affect the risk of property damage or personal injury from flood, fire, or other natural disaster;
   f. Whether the applicant purchased the property with knowledge of the requirement; and
   g. Whether the applicant's predicament can be mitigated through some method other than a variance.

5. The special circumstances or conditions relating to the property result from the actions or prior actions of the applicant.

6. The requested variance does not represent the least deviation from the regulation that will afford relief.

7. The requested variance would reduce the size of lots contained in an existing or proposed subdivision so as to increase the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable zoning district regulations.