

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD FEBRUARY 10, 2015

CALL TO ORDER – 7: 00 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: T.O. Owens, Chairman; Jenny Riley, Secretary; Christine Duncan, Dave Marquez, Kathy Drulard, Cindi Kreutzer

MOTION

It was moved by Mr. Owens to excuse Ted Terranova from the meeting

The following votes were cast on the motion:

Those voting Yes: Owens, Drulard Duncan, Kreutzer, Riley, Marquez

Those voting No:

Those absent: Marquez

The motion to excuse is granted.

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Gary Hammond, Senior Planner; James Cramer, Planning Intern; Shalisa Daugherty, Recording Secretary; Jodi Baros; Admin Assistant

APPROVAL OF MINUTES FOR January 27, 2015 – Stand as approved

PUBLIC HEARING –

VAR2015-0001 – Shawn Haggerty – 13758 W 62nd Dr.

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Mr. Shawn Haggerty was present to speak on his variance; he stated he would like to install a hot tub on the cement slab on the back of the property that is fenced in. This is a patio home community, so the property lines are close to the small patio.

Mr. Allen Campbell was present in support of the variance as he has a hot tub that he obtained a permit for in 2002.

Mr. Cramer stated that there are three letters in support of the case attached to the staff report.

Public input was closed

Mr. Marquez asked will the hot tub be attached to the foundation, and has your HOA approved your hot tub.

Mr. Haggerty stated the hot tub will be able to be moved and yes he has approval from the HOA pending the outcome of the variance hearing.

Mrs. Riley asked about the dimensions of the patio, and stated it looks like your patio 10 feet wide, she went on to state that as the current code reads now there is no feasible way to put a hot tub in his patio area because the lot line is only 10 feet from his house.

Mr. Haggerty stated yes those dimensions are correct, and he stated that is correct, that his lot line is 10 feet from his house so that is why he asking for the variance

Ms. Kreutzer asked how close the houses to each other are.

Mr. Haggerty stated it's about 10.5 feet between homes.

Mr. Cramer stated there is actually 21.5 feet between where the hot tub will be placed and the neighboring home.

Public hearing was closed.

Ms. Drulard stated she has no issue with this variance as there is a lot of space between the homes and the fact that a previous variance in the same neighbor was granted there should not be an issue with this one.

Ms. Riley stated she agrees with Ms. Drulard and she believes that there is practical difficulty with a patio home being on a small lot, so she can support this variance.

Ms. Kreutzer stated that she also supports this variance, because there is over 20 feet between properties and that the hot tub can be moved.

Mr. Owens stated he doesn't see any practical difficulty, the lot lines are set the way that they are and this could be a safety issue with a 7 foot hot tub on a 10 foot slab of concrete.

Ms. Duncan asked Mr. Owens to explain his reasoning for him not seeing the practical difficulty.

Mr. Owens stated that there is nothing unique about this property compared to the other properties in the neighborhood, so he does not see practical difficulty.

Ms. Riley stated she sees the practical difficulty that when the LDC was written there were not many Patio Homes in Arvada with such small setbacks.

Mr. Owens stated they could have done a PUD instead of accepting the zoning that was on the property and he believes that the developer created this issue, and there is no guarantee in the LDC that someone is allowed a hot tub.

Public hearing reopened

Mr. Marquez asked staff if the variance was granted before for the same issue does that mean that this one should also be granted.

Mr. Betzing stated that any existing nonconforming or conforming uses of neighboring properties is not to be used as factor to grant or deny a variance.

Mr. Marquez asked staff if the 10 foot setback associated to anything else outside of the LDC i.e. the fire department etc...

Mr. Hammond stated that the 10 feet is for the noise not for any other reason.

Public hearing closed

Mr. Marquez stated he does see the practical difficulty do to the fact that it backs to open space and it is far away from neighboring properties.

Ms. Kreutzer stated there is not a safety issue with where the hot tub will be placed.

MOTION:

It was moved by Ms. Riley that variance request VAR2015-0001 Shawn Haggerty, 13758 W. 62nd Dr., to place a hot tub 1' from the rear (south) property line when Section 6.2.3 of the LDC requires a hot tub to be no closer than 10' from a rear property line, be granted.

This motion is based on Findings No. 1 through 8 on Page 13 of the Staff Report.

As to Finding No. 1, the special circumstance is that the being a patio home this lot is very small and backs to open green space.

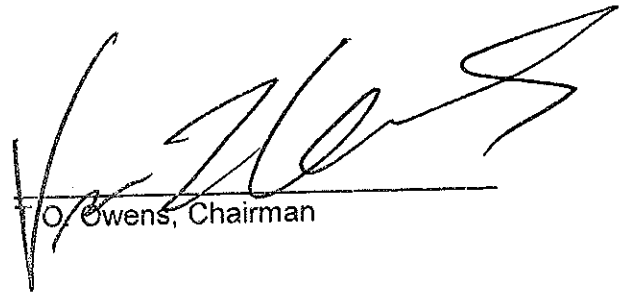
The following votes were cast on the motion:
Those voting Yes: Drulard, Duncan, Kreutzer, Riley, Marquez
Those voting No: Owens
Those absent: Terranova
The variance is granted.

Meeting adjourned at 7:21 pm

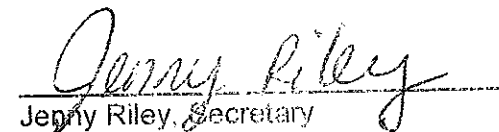
OTHER ITEMS --

Next meetings are:
02-24-2015 with 1 case
03-10-15 with 1 case
03-24-15 with 1 case as well.

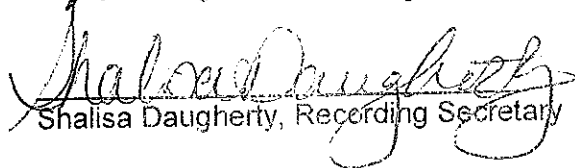
ADJOURNED -



O. Owens, Chairman



Jenny Riley, Secretary



Shalisa Daugherty, Recording Secretary