





**BOARD OF ADJUSTMENT PUBLIC HEARING**  
**February 11, 2016**  
**1:00 P.M.**

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**SUBJECT: CASE NO. B0A-2016-00001, RHONDA NAYLOR**  
**VARIANCE**

**Alan Snyder, Community Compliance Officer**

**January 21, 2016**

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**LOCATION:** The site is located at 9529 E. Caley Cir. in the Sterling Heights subdivision. The property is zoned R-PM (Residential-Moderate Density-Planned Unit Development) and is located within Election District 2.

**ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:**

- North - R-M- PUD (Residential- Moderate Density-Planned Unit Development)
- South - R-M-PUD
- East - R-M-PUD
- West - MU-PUD (Mixed Use)

**PROPOSAL:**

The owner, Rhonda Naylor, is requesting approval of a variance for a set of deck stairs that will encroach 1' 5" into the required side setback of 5'. The applicant is requesting the variance for the location of the egress stairs from the elevated deck because the deck was previously replaced/expanded without an approved permit. The original deck was built with the house permit in 1993.

**BACKGROUND:**

The subject property is zoned R-M PUD which allows for single family residences and Type A Group Homes.

**13-1004 CONDITIONS FOR VARIANCE**

The establishment of a hardship shall be clearly demonstrated by the applicant for variance, and the following conditions must be shown by the applicant:

**13-1004.01**

The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.

**13-1004.02**

Any variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.

13-1004.03

Because of special, applicable circumstances, including size, shape, topography, or location, the strict application of these Regulations will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

13-1004.04

That the condition or situation for which the variance is sought is not of so general a nature that the formulation of regulations would be necessary to insure consistent application of the regulations.

13-1004.05

That the granting of a variance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of these Regulations.

13-1004.06

That the granting of a variance will not be contrary to the objectives of the Arapahoe County Comprehensive Plan.

**DISCUSSION:**

Staff review of this application included a comparison of the proposal to the Comprehensive Plan, zoning and subdivision regulations, and an analysis of referral comments.

1. Comprehensive Plan:

The Comprehensive Plan designates this area as a Residential Neighborhood...

2. Ordinance Review and additional Background Information

The side setback for structures in the Sterling Heights subdivision is 5'. The applicant is requesting a variance to keep a set of installed stairs from an elevated deck that will encroach 1'5" into the 5' side setback. A deck was installed as part of the original house build but was replaced/expanded without a permit being issued. The applicant would like the deck stairs to be in the same location for egress purposes and is in the review process to have an approved building permit issued.

3. Referral Comments

Comments received as a result of the referral process are as follows:

- Board of County Commissioners: N/A
- Planning:
- Engineering:
- County Attorney:

**STAFF FINDINGS:**

Staff has visited the site, reviewed the plans and supporting documentation, referral comments, as well as citizen input in response to this application. Based upon review of applicable policies and goals in the Land Development Code and analysis of referral comments, our findings include:

1. The variance request is to keep a set of deck stairs that encroach into the side setback by 1' 5". The deck was built w/o a permit. A building permit application has been submitted and is in the review process.

**ATTACHMENTS:**

1. Variance application/letter of inten
2. Aerial of property
3. Ownership record
4. Site plan of new deck
5. Site plan of existing deck
6. Photos of deck
7. Sub-division set back requirements
8. Referral Comments
9. Map of Variances in area
10. Approval letter from adjacent neighbor @ 9527 E. Caley Cir.



ARAPAHOE COUNTY BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE

CASE NO. BOA-2016-00001

DATE Dec. 25, 2015 MANAGER ALAN

NAME OF APPLICANT Rhonda Naylor

ADDRESS 9529 E. Caley Circle

ZIP CODE 80111 PHONE 303-779-4646 E-MAIL rhondanaylor@comcast.net

ADDRESS OF PROPERTY NEEDING VARIANCE 9529 E. Caley Circle  
Englewood, CO 80111

LEGAL DESCRIPTION OF PROPERTY Lot 21

CURRENT ZONING ~~RM-PUD~~ R-PM SURROUNDING ZONING W-MU-PUD

STATE VARIANCE REQUEST IN (FEET & INCHES) 1'5"

EXPLANATION OF HARDSHIP (LIST REASON WHY VARIANCE IS NEEDED) Stairway on deck  
built at 3'7" from fence.

ZONING RESOLUTION REFERENCE:
REQUIRED HEIGHT, QUANTITY OR LOCATION:

OWNER OF PROPERTY (PLEASE PRINT)

Rhonda Naylor

Rhonda Naylor

PROPERTY OWNER'S SIGNATURE

Rhonda Naylor

APPLICANT'S SIGNATURE

REGULAR MEETING: SECOND THURSDAY OF EACH MONTH, 1:00 P.M. IN THE ARAPAHOE ROOM  
AT ARAPAHOE COUNTY PUBLIC WORKS AND DEVELOPMENT BUILDING:  
6924 S Lima Street., CENTENNIAL CO 80112 Phone: 720-874-6711

FEE: REGULAR MEETING: \$450.00  
FOLLOWING  
SPECIAL MEETING: \$900.00  
POSTING SIGN: \$ 11.00

TO FILE APPLICATION, SUBMIT THE

COMPLETED APPLICATION FORM  
PLOT PLAN (8 1/2" X 11" OR 8 1/2" X 14")  
FILING FEE  
OTHER SUBMITTALS-NO LARGER THAN 11" X 17"

YOU WILL RECEIVE POSTING INSTRUCTIONS FOR THE PROPERTY AFTER COMPLETED APPLICATION IS RECEIVED.

12.29.15  
DATE RECEIVED

Alan Snyder  
RECEIVED BY ZONING DEPARTMENT

Rhonda Naylor

9529 E. Caley Circle  
Englewood, CO 80111

E-Mail: [rhondanaylor@comcast.net](mailto:rhondanaylor@comcast.net)

January 6, 2015

Mr. Alan Snyder  
Arapahoe County Building Department  
[asnyder@arapahoegov.com](mailto:asnyder@arapahoegov.com)

Dear Mr. Snyder,

Thank you for considering the re-zoning of my staircase on my Trex Deck, built in 2012.

I asked my contractor to take out a building permit, and legally follow the building code in the construction of my deck. I am sorry to find out the staircase is 1 foot 5 inches too close to the property line.

I take care of my granddaughters, who were 2 at the time, and I wanted there to be no danger of them falling down the staircase. I asked for the stairs to be on the far side of the deck to be out of the way of their play on the deck and out the doorway. It was planned to have a return at the top of the staircase, so there would be fewer steps down, and a tumble from the top wouldn't land the toddlers all the way down the stairs.

The deck and stairway was to serve as an egress from the house in the case of an emergency.

My deck plan was approved by the Homeowners Association March 24, 2012. Trex Transcend decking, 18 ft by 18 ft (Gravel Path color) with Trex Transcend Railing, (Winchester Grey). Stairway with landing at top.

Thank you very much for your consideration.

Sincerely,

Rhonda Naylor



9464 E Caley Ave  
Englewood  
80111-5305

9527 E Caley Cir  
Englewood  
80111-5306

9529 E Caley Cir  
Englewood  
~~80111-5306~~  
**9529 E CALEY CIR**

9551 E Caley Cir  
Englewood  
80111-5306



ARAPAHOE COUNTY MAKES NO REPRESENTATION OR WARRANTY AS TO THE ACCURACY OF THIS MAP OR THE DATA THAT IT DISPLAYS. ARAPAHOE COUNTY ASSUMES NO RESPONSIBILITY OR LIABILITY TO ANY USER. THIS MAP IS NOT A LEGAL DOCUMENT. IT IS INTENDED TO SERVE AS AN AID IN GRAPHIC REPRESENTATION ONLY.

Map Generated On: 12/29/2015

Generated by Arapahoe County's **ArapaMAP**



Map Location

New Search

Printer Friendly

**PIN:** 033451228  
**AIN:** 2075-22-3-36-026  
**Situs Address:** 9529 E Caley Cir  
**Situs City:** Englewood  
 \*Photo Sketch  
[View Parcel Map](#)

**Full Owner List:** Naylor Rhonda  
**Ownership Type:** Fee Simple Ownership  
**Owner Address:** 9529 E Caley Cir  
**City/State/Zip:** Englewood, CO 80111-5306

**Neighborhood:** Sterling Heights  
**Neighborhood Code:** 62.00  
**Acreage:** 0.1540  
**Land Use:** Single Family  
**Legal Desc:** Lot 21 Blk 1 Sterling Heights

Treasurer's Tax Information  
 Sales by Tax Year and Neighborhood  
 2015/2016  
 2013/2014  
 2011/2012  
 2009/2010  
 2007/2008  
 2005/2006  
 Complete Neighborhood Sales Information History  
 Tax District Levies

	Total	Building	Land
2015 Appraised Value	516,000	326,000	190,000
2015 Assessed Value	41,074	25,950	15,124
		<b>2014 Mill Levy:</b>	95.198

Sale	Book Page	Date	Price	Type
	D202 6450	02-23-2012	0	
	B712 3557	09-11-2007	0	
	B114 3250	08-16-2001	435,000	
	A806 6026	04-22-1998	0	
	8037 0363	07-21-1995	293,500	
	7672 0400	08-12-1994	271,900	
	7349 0052*Multi Sched	12-23-1993	199,000	

Building	Building	Attributes	Recorded
	1	Quality Grade	Good Minus
		Improvement Type	Single Family
		Bedrooms	3.00
		Bathrooms	3.00
		Architectural	2 Story
		Heat Method	Forced Air Unit
		Cool Method	Central Air / Package Unit
		Year Built	1994
		Roof	Wood Shake/Shingle Roof
		Fireplaces	1.00
		Exterior Wall	Wood Siding
		Construction Type	D - Wood or Steel Studs Frame

Area	Building	Description	SqFt
	1	Second Floor	1181
		Attached Garage	586
		First Floor	1386
		Basement Total	902
		Covered Porch	20
		<b>Bldg Total Area:</b>	<b>2567</b>

Land Line	Units	Land Value	Land Use
	1.0000 LT	190,000	Single Family Residential

Note: Land Line data above corresponds to the initial appraised value and does not reflect subsequent appeal related adjustments, if any.

\* Not all parcels have available photos / sketches.

In some cases a sketch may be difficult to read. Please contact the Assessors Office for assistance. Measurements taken from the exterior of the building.







9529 E CAsLEY CR

BVI-2015-00058

DECK w/ PERMIT

ORIGINAL DECK  
BUILT w/ PERMIT

EXPANDED DECK  
w/ PERMIT

~~XXXX~~

~~XXXX~~



~~XXXX~~



square feet or 9.092 acres, more or less, containing an area of 396,052

# P92-38 STERLING HEIGHTS

## SITE DEVELOPMENT CRITERIA

Zoning Land Use	PDP		FDP	
	R-PM	PUD	R-PM	PUD
	Single Family Detached		Single Family Detached	
Density	4.4 DU/AC		3.85 DU/AC	
Minimum Lot Size	5500 SF		5500 SF	
Minimum Lot Width	55'		55'	
Number of Single Family Units	40 DU		35 DU	
<b>SETBACKS</b>				
Front	18'		18'	
Rear	18'		18'*	
Side	5'		5'	
Street Side (corner lots)	15'		15'	
Minimum Distance between structures	10'		10'	
Minimum Off Street Parking Per Unit	2		2	

Maximum Building Height 35' 35'

\* Covered patios, decks and other ancillary structures may be located within the setback area provided they are no closer than 10 feet from the rear property line.

### LAND USE

Single Family Lots	70.2%	70.2%
Public R.O.W.	21.7%	21.7%
Detention Pond	3.8%	3.8%
Open Spce Tracts	4.3%	4.3%
	100%	100%

NOTE: 1. Tract A is reserved for a Drainage and Utility Easement.

2. Tract F is reserved for a 30 foot Exclusive Water and Emergency Access Easement.

Tracts B, C, and D are reserved for Landscape Easements.

Tract E is reserved for an Access, Utility, and Easement.

Tracts A, B, C, D, E, and F are to be owned and maintained by the Homeowners Association.

BENCHMARK : Center of Section 22 BM 63S/97E  
Elevation = 5737.07 U.S.G.S. Datum.

Total Linear Footage of Streets = 1350' (internal)  
1250' (adjacent)

BOARD OF COUNTY COMMISSIONER APPROVAL  
This Final Development Plan

**CASE REFERRAL**

**DATE:** 01/21/2016

**CASE #:** BA2016-00001

**TO:** Chuck Haskins - Engineering

**FROM:** ARAPAHOE COUNTY BOARD OF ADJUSTMENT

**CASE MANAGER:** Alan Snyder

**HEARING DATE:** 02/11/2016

**DATE TO BE RETURNED:** 01/27/2016

Please examine this VARIANCE request, which has been referred to you because of the possible effect of the proposed land development upon your area and after review, check the appropriate line below and return to:

**RECORDING SECRETARY TO THE BOARD OF ADJUSTMENT  
PUBLIC WORKS AND DEVELOPMENT  
6924 South Lima Street  
Centennial, CO 80112**

If you have any questions/comments, please feel free to call at (720)874-6711 or fax (720)874-6611. Please respond as soon as possible or no later than the abovementioned date.

Have **NO** comments on this case as submitted.

**Cathleen Valencia** Digitally signed by Cathleen Valencia  
DN: cn=Cathleen Valencia, o, ou, email=CValencia@arapahoegov.com,  
c=US  
Date: 2016.01.26 10:00:39 -0700

\_\_\_\_\_  
Signature/Date

Have the following comments to make related to this case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature/Date

(attach additional sheets as necessary)

**Submit by Email**

**CASE REFERRAL**

**DATE:** 01/21/2016

**CASE #:** BA2016-00001

**TO:** Jason Reynolds - Planning

**FROM:** ARAPAHOE COUNTY BOARD OF ADJUSTMENT

**CASE MANAGER:** Alan Snyder

**HEARING DATE:** 02/11/2016

**DATE TO BE RETURNED:** 01/27/2016

Please examine this VARIANCE request, which has been referred to you because of the possible effect of the proposed land development upon your area and after review, check the appropriate line below and return to:

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PUBLIC WORKS AND DEVELOPMENT  
6924 South Lima Street  
Centennial, CO 80112**

If you have any questions/comments, please feel free to call at (720)874-6711 or fax (720)874-6611. Please respond as soon as possible or no later than the abovementioned date.

Have **NO** comments on this case as submitted.

**Jason Reynolds**

Digitally signed by Jason Reynolds  
DN: cn=Jason Reynolds, o=Public Works and Development,  
ou=Planning, email=jreynolds@arapahoegov.com, c=US  
Date: 2016.01.26 08:55:03 -07'00'

Signature/Date

Have the following comments to make related to this case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature/Date

(attach additional sheets as necessary)

**Submit by Email**



Jahan & Izabela Sadeghi  
9527 E. Caley Circle  
Englewood, CO 80111

January 18, 2016

Attn: Mr. Alan Snyder  
Arapahoe County Building Department  
[asynder@araphoegov.com](mailto:asynder@araphoegov.com)

RE: Zoning Matter for 9529 E. Caley Circle, Englewood, CO 80111

Dear Mr. Snyder,

After seeing the notice sign in our neighbor's yard (Rhonda Naylor), we believe it's prudent to write this letter to you. We are the neighbors to the north of Mrs. Naylor. It is our understanding that someone filed a complaint regarding Mrs. Naylor's deck stairs, specifically because the stairs are too close to our property line which may be a zoning violation. We would like the record to show that we do not have any issues with Ms. Naylor's deck or the proximity of the stairs to our property and we did not file the complaint. We are making this distinction because if anyone has reason to be upset about the proximity, it would be us as it's our property that is directly affected.

We purchased our home just about two years ago and as your records reflect, we encountered a massive issue with unpermitted decks and shed on the property. The previous sellers built the decks in such a poor manner that the county came in and immediately deemed them a life safety hazard and we were required to tear down approximately 1100 sq. ft. of deck and an adjacent shed. One of the decks was actually found to be encroaching on Mrs. Naylor's property. The reason we are providing you this background is because we suspect that the previous sellers might be the ones who filed the complaint as they may be acting out of spite for us filing a lawsuit against them.

In the two years we have known Mrs. Naylor, we have found her to be very respectful and safety oriented. In numerous conversations, she always noted that safety for her grandchildren was a top priority. This was the case for various projects around her home including her deck. It is our opinion that any violation was inadvertent as we believe her goal is to do things right and in a manner of upmost consideration for safety.

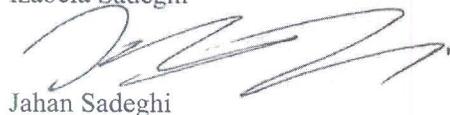
We hope the county can proceed to work with Mrs. Naylor to resolve this matter in an expeditious and cost effective manner.

Please let us know if we can provide of any further assistance, we can be contacted at 720-708-0530 or via email at [jahan888@hotmail.com](mailto:jahan888@hotmail.com).

Sincerely,



Izabela Sadeghi



Jahan Sadeghi

Cc: Joe Richards, Arapahoe County Building Department (via email)