

**REGULAR MEETING OF THE  
ARAPAHOE COUNTY BOARD OF ADJUSTMENT  
THURSDAY, 11 AUGUST 2016 , 1:00 P.M.**

**GENERAL BUSINESS ITEMS**

<b>APPROVAL OF THE MINUTES FROM 14 JULY 2016</b>	<b>VOTE:</b>
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**REGULAR AGENDA ITEMS**

<b>ITEM 1:</b>	<b>CASE NO. BOA-2016-00012</b>	<b>VOTE:</b>
<b>LOCATION:</b>	40067 E LOUISIANA DRIVE	
<b>ACREAGE:</b>	5 ACRES	<input type="checkbox"/> <b>IN FAVOR</b>
<b>EXISTING ZONING:</b>	R-A	<input type="checkbox"/> <b>OPPOSED</b>
<b>APPLICANT:</b>	JAYNE DILLING & ED McCREER	<input type="checkbox"/> <b>ABSTAIN</b>
<b>CASE MANAGER:</b>	MICHELLE LANTZ	
<b>REQUEST:</b>	TO CONSTRUCT A DETACHED BARN THAT WILL ENCROACH ON THE FRONT BUILDING LINE.	<input type="checkbox"/> <b>CONTINUED TO:</b> _____

**STUDY SESSION**

- Rules and Procedures
- Video Streaming

**ANNOUNCEMENTS:**

- The next regular Board of Adjustment meeting is scheduled for: **8 SEPTEMBER 2016.**
- Planning Commission, Board of Adjustment, and Board of County Commissioner agendas, and other important Arapahoe County information, may be viewed online at [www.arapahoe.gov](http://www.arapahoe.gov) or you may contact the **Zoning Division at 720-874-6711.**

**BOARD OF ADJUSTMENT MEMBERS:**

<b><u>REGULAR MEMBERS:</u></b>	<b><u>ALTERNATES:</u></b>
<a href="#"><u>Howard Buchalter, Chair</u></a>	<a href="#"><u>George A Robinson</u></a>
<a href="#"><u>Ronald Lombardo, Chair Pro Tem</u></a>	<a href="#"><u>Mary Garin</u></a>
<a href="#"><u>Ken Dingman</u></a>	<a href="#"><u>Liz Sindelar</u></a>
<a href="#"><u>Stephen Sholler</u></a>	<a href="#"><u>Ryan Turbyfill</u></a>
<a href="#"><u>Beth Kinsky</u></a>	

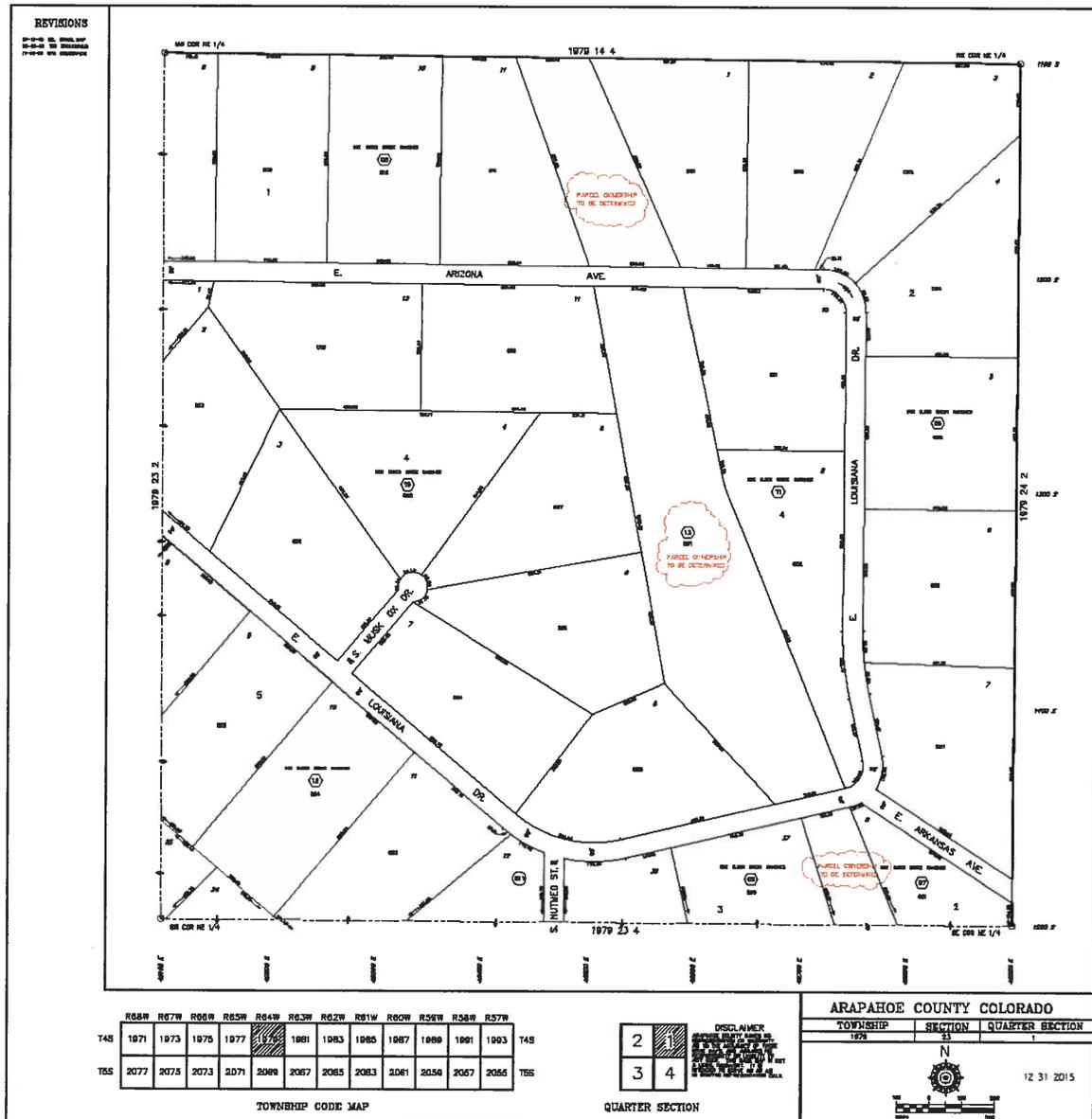
*Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Please contact the Zoning Division at 720-874-6711 or 720-874-6574 TDD, at least three (3) days prior to a meeting, should you require special accommodations.*

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

**SUBJECT: CASE NO. BOA-2016-00012, ED MCCREER**  
**VARIANCE**  
**MICHELLE LANTZ, COMMUNITY COMPLIANCE OFFICER**

**July 21, 2016**

**VICINITY MAP:** The site is located at 40067 E. Louisiana Drive in the Box Elder Creek Subdivision. The property is zoned R-A (Residential Agricultural) and located within Election District 3.



**BOARD OF ADJUSTMENT PUBLIC HEARING**  
**August 11, 2016**  
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**July 21, 2016**

**LOCATION:** The site is located at 40067 E. Louisiana Drive in the Box Elder Creek Subdivision. The property is zoned R-A (Residential Agricultural) and located within Election District 3.

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

- North - R-A (Residential/Single Family), existing fully developed subdivision
- South - R-A (Residential/Single Family), existing fully developed subdivision
- East - R-A (Residential/Single Family), existing fully developed subdivision
- West - R-A (Residential/Single Family), existing fully developed subdivision

**PROPOSAL:**

The applicant, Ed McCreer, for the owner, Jayne Dilling, is requesting approval of a variance to construct a 42 x 32 Accessory Structure (garage) in the front setback. The required front setback for accessory structures in the LDC Chapter 5: Rural Residential Zone Districts is "Front Building Line of Principal Structure". The proposed structure will not encroach into the required 15 foot side set back and will be 10 feet from the front property line.

**I. BACKGROUND**

The subject property is zoned R-A (Residential) The principal use permitted within this district is a single-family detached residential dwelling, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings and private stables. Minimum lot size is 2.41 acres and the maximum building height is 35 feet.

**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.

## II. 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:

Relation to the Comprehensive Plan. The R-A Zone District is intended to correspond to the Rural Areas designated in the Land Use Plan of the Comprehensive Plan. This zone district provides a transition between the Rural Town Centers and the agricultural areas in the rural portions of the County with limited, small-scale agricultural uses

### 2. Ordinance Review and additional Background Information

Chapter 5 of the Land Development Code stipulates that accessory buildings shall not be constructed in front of the principle structures front building line.

The property in question consists of 5 acres. The applicant is proposing to build a 42x32ft detached garage in front of the home due to the sloping and terrain of the property. Access will occur by use of the existing driveway. Staff has not received any comments from adjacent property owners.

### 3. Referral Comments

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

- Board of County Commissioners:
- Planning:
- Engineering:
- County Attorney:
- East Arapahoe County Advisory Planning Commission:

### **III. 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 proposed accessory structure does not meet the required front setback in the Land Development Code.

### **Attachments**

1. Variance application
2. Letter of Intent
3. Elevation Plans
4. Referrals



ARAPAHOE COUNTY BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE

CASE NO. BOA-2016-00012

\* DATE 7.14.16 \_\_\_\_\_ MANAGER \_\_\_\_\_

\* NAME OF APPLICANT Jayne Dilling Ed M<sup>c</sup>Creer \_\_\_\_\_

\* ADDRESS 40067 E. Louisiana Dr Bennett CO \_\_\_\_\_

\* ZIP CODE 80102 \* PHONE 303-406-1733 \* E-MAIL jaynedilling@mac.com \_\_\_\_\_

\* ADDRESS OF PROPERTY NEEDING VARIANCE 40067 E. Louisiana Dr Bennett CO \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY \_\_\_\_\_

CURRENT ZONING R-A SURROUNDING ZONING R-A

STATE VARIANCE REQUEST IN (FEET & INCHES) SEE ATTACHED

EXPLANATION OF HARDSHIP (LIST REASON WHY VARIANCE IS NEEDED) SEE ATTACHED

ZONING RESOLUTION REFERENCE:
REQUIRED HEIGHT, QUANTITY OR LOCATION:

OWNER OF PROPERTY (PLEASE PRINT)

\* Jayne L. Dilling

\* [Signature]  
PROPERTY OWNER'S SIGNATURE

\* [Signature]  
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.

7.15.16  
DATE RECEIVED

Michelly Jantz  
RECEIVED BY ZONING DEPARTMENT

7/14/16

Dear Board of Adjustment:

I am requesting a variance to construct a detached garage past our front building line. Due to sloping of the terrain of the property and the existing landscaping this is the only location for a detached garage. We are also getting older and need a garage to put our cars out of the weather and give us safe access during the winter months!

The distance from the proposed building to the road is approximately 28ft .

Thank you for your consideration of this request.

  
Jayne Dilling

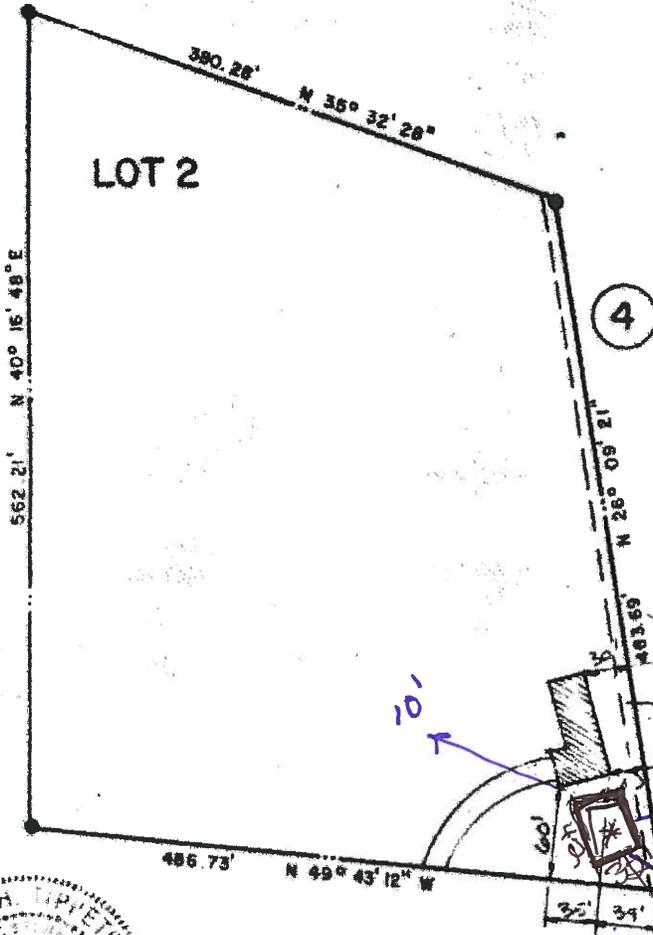
Ed M<sup>c</sup>CREEN





**Certificate of Survey**

PROPERTY IMPROVEMENT  
PLAN  
SCALE: 1" = 100.00'

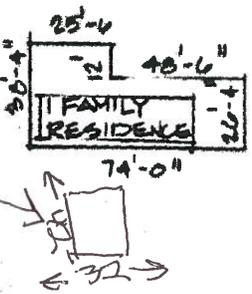


LEGAL DESCRIPTION:  
LOT 2, BLOCK 4,  
BOX ELDER CREEK RANCHES  
COUNTY OF ARAPAHOE  
STATE OF COLORADO

E.H. TIPPETS COMPANY  
CONSULTING ENGINEERS  
10601 W. 48TH AVE.  
WHEATRIDGE, COLORADO  
# B-12636  
Approved by  
ZONING ADMINISTRATION  
RDC 10 MAY 83



40067 LOUISIANA DRIVE



THIS IS TO ACKNOWLEDGE THAT THE ABOVE IS AN ACCURATE PLAN OF A SURVEY MADE THIS 21<sup>TH</sup> DAY OF SEPTEMBER 1982, OF THE PROPERTY DESCRIBED AS LOT 2 BLOCK 4, BOX ELDER CREEK SUBDIVISION, ARAPAHOE COUNTY, COLORADO. THIS INCLUDES THE LOCATION AND DIMENSIONS OF ALL BUILDING IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY IN EVIDENCE OR KNOWN TO ME. FOR LEGAL PURPOSES ONLY. THIS SURVEY SHOULD NOT BE USED FOR CONSTRUCTION OF ADDITIONAL IMPROVEMENTS OR SETTING OF CORNERS.

*E.H. Tippetts*  
E.H. TIPPETS P.E. & C.E.S.

SEP 30 1982

E.H. TIPPETS CO.

**PIN:** 033930398  
**AIN:** 1979-23-1-10-002  
**Situs Address:** 40067 E Louisiana Dr  
**Situs City:** Bennett

**Full Owner List:** Dilling Jayne  
**Ownership Type:** Fee Simple Ownership  
**Owner Address:** 40067 E Louisiana Dr  
**City/State/Zip:** Bennett, CO 80102-8436

**Neighborhood:** Box Elder Creek Ranches  
**Neighborhood Code:** 222.00  
**Acreage:** 5.0000  
**Land Use:** Single Family  
**Legal Desc:** Lot 2 Blk 4 Box Elder Creek Ranches

	<b>Total</b>	<b>Building</b>	<b>Land</b>
2016 Appraised Value	388,500	288,500	100,000
2016 Assessed Value	30,925	22,965	7,960

**2015 Mill Levy:** 68.446

<i>Sale</i>	<b>Book Page</b>	<b>Date</b>	<b>Price</b>	<b>Type</b>
	A800 9801	01-20-1998	220,000	

<i>Building</i>	<b>Building</b>	<b>Attributes</b>	<b>Recorded</b>
	1	Quality Grade	Average Plus
		Improvement Type	Single Family
		Bedrooms	3.00
		Bathrooms	2.00
		Architectural	1 Story/Ranch
		Heat Method	Baseboard
		Year Built	1982
		Roof	Asphalt/Composition Shingle Roof
		Fireplaces	1.00
		Exterior Wall	Wood Siding
		Construction Type	D - Wood or Steel Studs Frame

<i>Area</i>	<b>Building</b>	<b>Description</b>	<b>SqFt</b>
	1	Basement Total	1340
		Deck	184
		First Floor	2315
		Enclosed Porch	392
		<b>Bldg Total Area:</b>	<b>2315</b>

<i>Land Line</i>	<b>Units</b>	<b>Land Value</b>	<b>Land Use</b>
	5.0000 AC	100,000	Single Family Residential Acreage

*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.

The Arapahoe County Assessors Office does not warranty the accuracy of any sketch, nor assumes any responsibility or liability to any user.

Although some parcels may have multiple buildings and photos, at this time our system is limited to 1 sketch and 1 photo per parcel number. Sorry for any inconvenience.

[New Search](#)



**ARAPAHOE COUNTY**  
**COLORADO'S FIRST**

## Public Works and Development

6924 South Lima Street  
Centennial, Colorado 80112-3853  
Phone: 720-874-6500  
Fax: 720-874-6611  
TDD: 720-874-6574  
www.arapahoegov.com  
publicworks@arapahoegov.com

**DAVID M. SCHMIT, PE.**  
Director

I, Michelle Lantz, hereby certify that the attached notice of the public hearing for Board of Adjustment case no. BOA-2016-00012 was sent by regular U. S. Mail on the 22 day of July, 2016 to the property owner of record for the addresses indicated on the attached map.

Michelle Lantz  
Signature

7.22.16  
Date

## **Notice of Public Hearing**

**July 22, 2016**

**Sample of letter sent to owners**

**Re: Case: BOA-2016-00012 Ed McCreer , Jayne Dilling**  
**Location: 40067 E. Louisiana Drive, Bennett, CO, 80102**

Please be advised that Jeongmi & Nam Choi, have made application to Arapahoe County for a **Variance** on above referenced property. Variances require the approval of the Board of Adjustment.

A Public Hearing will be conducted on the referenced application at:

- **Type of Hearing:** Board of Adjustment
- **Time:** 1:00 pm
- **Date:** **August 11, 2016**
- **Location:** **6954 S Lima Street**  
Centennial, CO 80112  
Arapahoe Hearing Room

As neighboring landowner and members of the public, you are encouraged to attend this Public Hearing. For particularity as the content of this application, contact Jayne Dilling at **303-406-1733** or contact your case manager, **Michelle Lantz, Community Compliance Officer** at **720-874-6710**.



**NOTICE OF ZONING VARIANCE**  
NOTICE IS HEREBY GIVEN THAT THE PROPERTY UPON WHICH THIS SIGN IS POSTED SHALL BE CONSIDERED FOR A VARIANCE IN ZONE CATEGORY \_\_\_\_\_ IN REQUIREMENTS. ADDITIONAL INFORMATION MAY BE OBTAINED FROM THE RECORDING SECRETARY TO THE ARAPAHOE COUNTY BOARD OF ADJUSTMENT AT 724-474471. SUCH HEARING IS TO BE HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ AT \_\_\_\_\_ IN THE ARAPAHOE LIBRA BLDG ROOM 101A 1 LIBRARY CENTENNIAL, COLORADO. OR AS SOON THEREAFTER AS POSSIBLE.  
DATE OF POSTING: \_\_\_\_\_  
NAME OF APPLICANT: \_\_\_\_\_

## Michelle Lantz

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**From:** Jayne L Dilling <jaynedilling@icloud.com>  
**Sent:** Sunday, July 24, 2016 6:25 PM  
**To:** Michelle Lantz  
**Subject:** Permission to attend hearing for Variance

To Whom this may Concern;

I hereby give permission for Edward McCreer to represent me at the Variance hearing on 8/11/16 at 1300.  
I am unable to attend.

Thank you,

Jayne Dilling  
303-406-1733  
40067 E. Louisiana Dr.  
Bennett, Co 80102

**CASE REFERRAL**

**DATE:** 07/22/2016

**CASE #:** BA-2016-00012

**TO:** Steve Byer - Building

**FROM:** ARAPAHOE COUNTY BOARD OF ADJUSTMENT

**CASE MANAGER:** Michelle Lantz

**HEARING DATE:** 08/11/2016

**DATE TO BE RETURNED:** 07/30/2016

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.

Have the following comments to make related to this case:

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

Detailed plans have not yet been submitted for a thorough review. However, the 15' and 10' side / front setbacks would appear to comply with Residential Code setback requirements. It is not entirely clear what the clear width of projections between the house and the proposed garage are to be, though if it is the 10' shown on the site plan, then no rated walls or protected openings would be required. This will be addressed on the building permit plan review.

Steve Byer

Digitally signed by Steve Byer  
Date: 2016.07.25 17:33:34 -0600

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

(attach additional sheets as necessary)

**Submit by Email**

## CASE REFERRAL

DATE: 07/22/2016

CASE #: BA-2016-00012

TO: Chuck Haskins - Engineering

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Michelle Lantz

HEARING DATE: 08/11/2016

DATE TO BE RETURNED: 07/30/2016

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.

Have the following comments to make related to this case:

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

Staff assumes that additional access drives are not included with this request. If garage requires additional roadway access, additional review will be required. GESC permitting will be reviewed with building permit request.

There is a 10 ft equestrian easement that runs along the SE property line - please ensure garage does not encroach into easement or have any overhangs, etc that might impede equestrian traffic.

Sarah L White

Digitally signed by Sarah L White  
DN: cn=Sarah L White, o=co, email=swhite@arapahoegov.com, c=US  
Date: 2016.07.26 17:20:19 -0600

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

(attach additional sheets as necessary)

**Submit by Email**

## CASE REFERRAL

DATE: 07/22/2016

CASE #: BA-2016-00012

TO: Jason Reynolds - Planning

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Michelle Lantz

HEARING DATE: 08/11/2016

DATE TO BE RETURNED: 07/30/2016

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.

Have the following comments to make related to this case:

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

The topography in the area is relatively flat. Based on the County's 10' contours, slopes are around 3% on average.

The shape/size/slope on the lot are similar to many lots in the area. The zoning is intended to preserve an open rural feel (5-201.03)

There are other options for storage on the property - there appear to be relatively flat areas both north and east of the largest structure on the property, one of which has been used for outdoor storage (see aerial, attached).

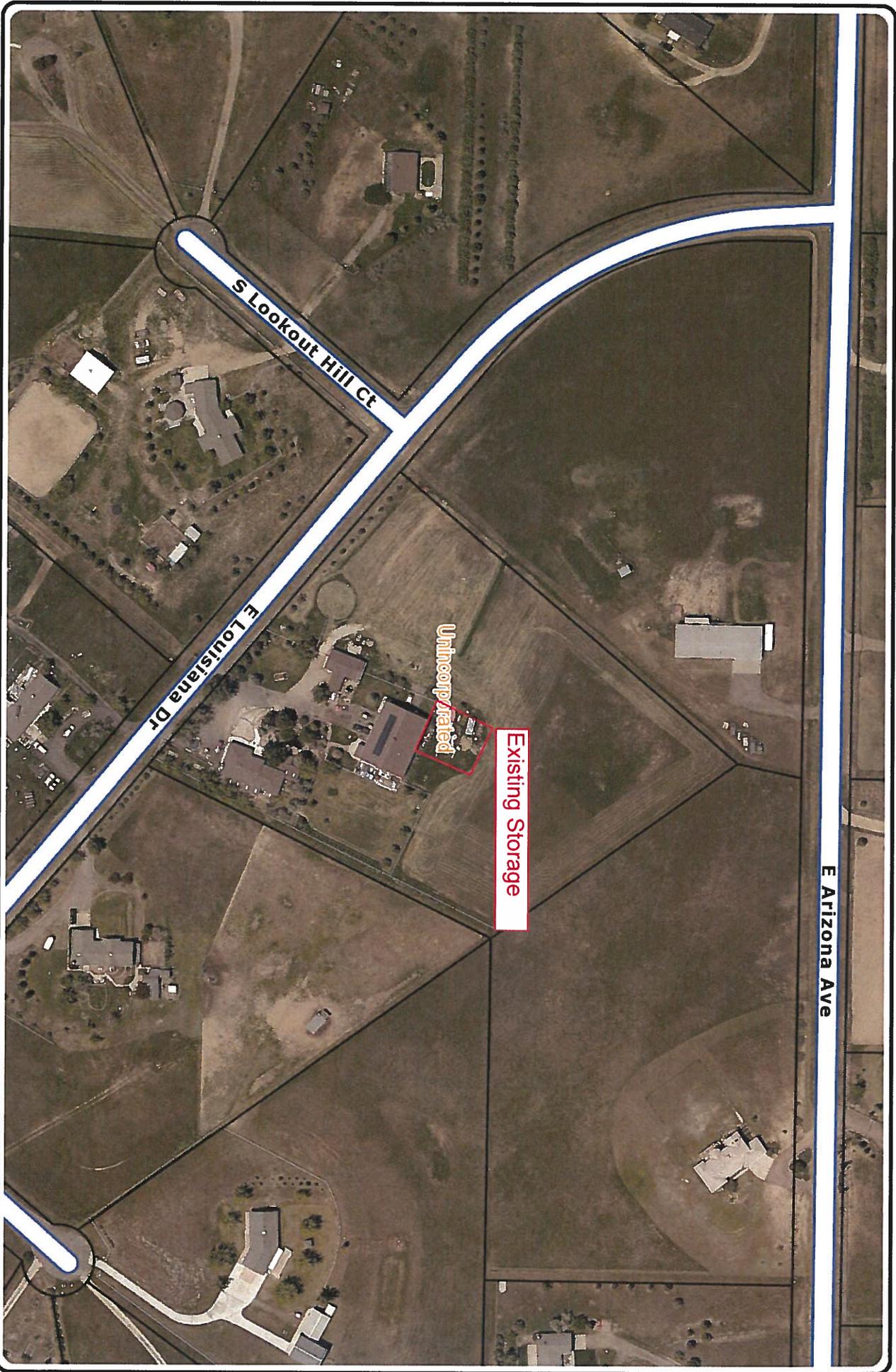
\_\_\_\_\_  
Jason Reynolds

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

Digitally signed by Jason Reynolds  
DN: cn=Jason Reynolds, ou=Public Works and Development, ou=Planning, email=jreynolds@arapaho-co.us, c=US  
Date: 2016.08.01 11:28:12 -0500

(attach additional sheets as necessary)

**Submit by Email**



# 40067 E Louisiana Drive



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: 8/1/2016



Generated by Arapahoe County's **ArapahoeMAP**

Map Location