



**REGULAR MEETING OF THE
 ARAPAHOE COUNTY BOARD OF ADJUSTMENT
 THURSDAY, OCTOBER 13, 2016 1:00 P.M.**

GENERAL BUSINESS ITEMS

APPROVAL OF THE MINUTES FROM SEPTEMBER 23, 2016	VOTE:
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REGULAR AGENDA ITEMS

ITEM 1:	CASE NO. BOA-2016-00017	VOTE:
LOCATION:	21111 E HIGHWAY 30	
ACREAGE:	5 ACRES	IN FAVOR
EXISTING ZONING:	R-A	OPPOSED
APPLICANT:	TOM RECK	ABSTAIN
CASE MANAGER:	ALAN SNYDER	
REQUEST:	TO ENCROACH 25' ON THE REQUIRED 50' SIDE SETBACK FOR A PROPOSED REZONING TO B-5	<input type="checkbox"/> CONTINUED TO:

ANNOUNCEMENTS:

- The next regular Board of Adjustment meeting is scheduled for: **November 14, 2016.**
- Planning Commission, Board of Adjustment, and Board of County Commissioner agendas, and other important Arapahoe County information, may be viewed online at www.arapahoegov.com or you may contact the Zoning Division at 720-874-6711.

BOARD OF ADJUSTMENT MEMBERS:

REGULAR MEMBERS:	ALTERNATES:
Howard Buchalter, Chair	George A Robinson
Ronald Lombardo, Chair Pro Tem	Mary Garin
Ken Dingman	Liz Sindelar
Stephen Sholler	Ryan Turbyfill
Beth Kinsky	

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.

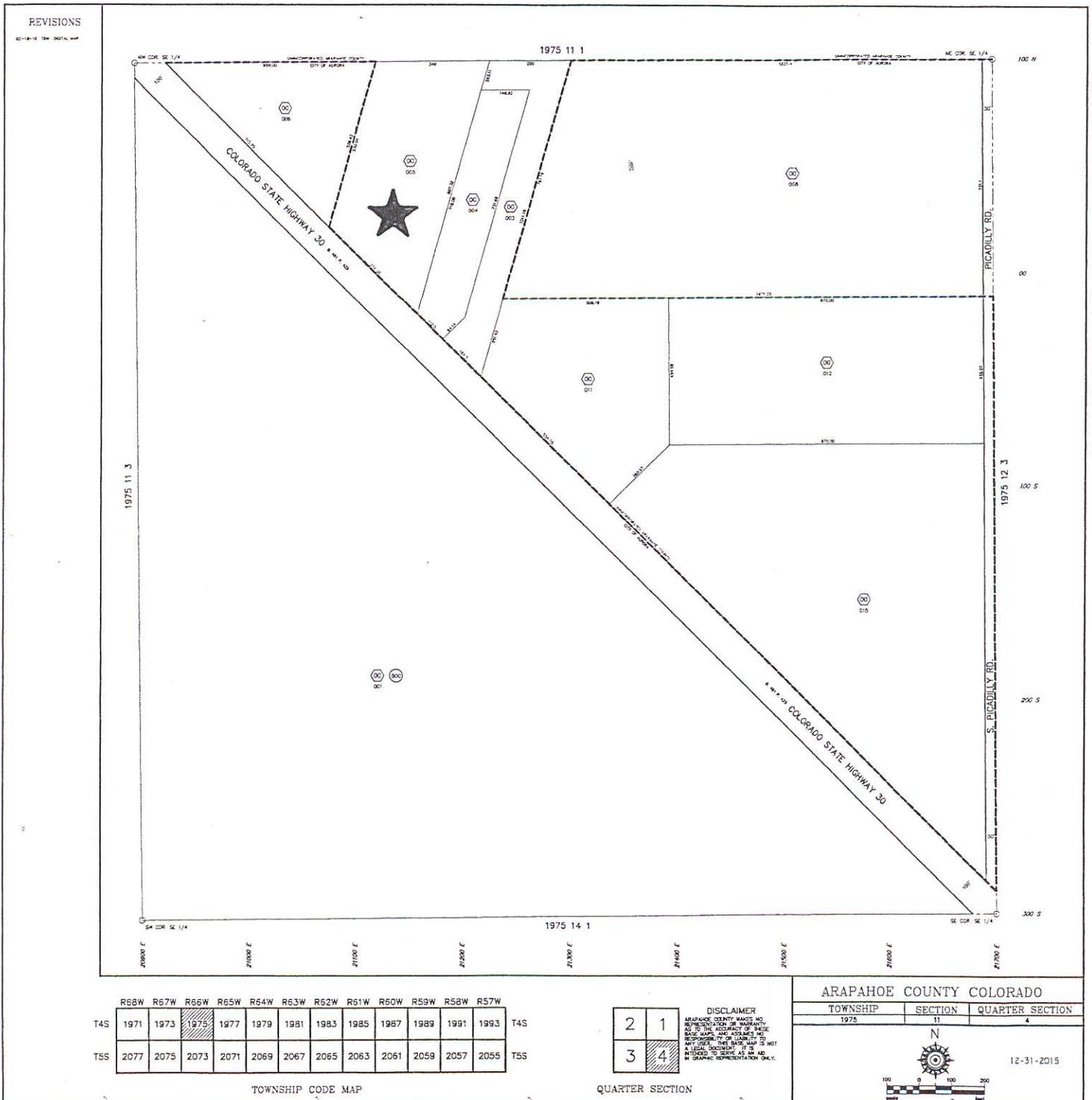
**BOARD OF ADJUSTMENT PUBLIC HEARING
OCTOBER 13, 2016
1:00 P.M.**

**SUBJECT: CASE NO. BOA-2016-00017, TOM RECK
VARIANCE**

Alan Snyder, Community Compliance Officer

September 23, 2016

VICINITY MAP; the site is located at 21111 E, Highway 30. The property is zoned R-A (Residential- Agricultural) and located within Election District 3.



**SUBJECT: CASE NO. BOA-2016-00017, TOM RECK
VARIANCE**

Alan Snyder, Community Compliance Officer

September 23, 2016

LOCATION: The site is located at 21111 E. Highway 30. The property is zoned R-A (Residential-Agricultural) and located within Election District 3.

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

- North - A-1 (Agricultural)
- South - City of Aurora
- East - R-A (Residential-Agricultural)
- West - City of Aurora

PROPOSAL:

The owners, Freund Family Investments LLC, represented by Tom Reck, are requesting approval of a variance to construct a new building on the site. They are asking for a variance of the side setback of 50' to be reduced to 25'. The owners are in negotiations with the Arapahoe County Planning Department to re-zone the property to a Commercial Use which will be zoned B-5.

I. BACKGROUND

The subject property is zoned R-A (Residential-Agricultural) which allows Agricultural/Ranch uses and single-family dwelling units and Type A group Homes as principal permitted use. The maximum building height is 35 feet. The minimum lot size for the R-A zone district is 105,000 sf. (2.41.acres). The applicant is proposing to re-zone the property to B-5 and construct an office/warehouse.

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:

The Comprehensive Plan designates this area for employment uses.

2. Ordinance Review and additional Background Information

The property in question consists of 5 acres (217,800 sf). The applicant is proposing to re-zone the property to a B-5 zone district and eventually develop the property into an office warehouse site. There are underlying floodplain issues with the property and the only available building location is shown on the attached site plan. The property owners were sent a letter from the Engineering

Dept. on May 9, 2013 for non-compliance to the Arapahoe County Land Development Code for Floodplain and GESC violations. The owners were issued a Notice of Zoning Violation ZVI-2016-00435 on June 26, 2016 for non-compliance to the Arapahoe County Land Development Code for the same violations. These violations remain un-resolved.

3. Referral Comments

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

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

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 addition will encroach into the side setback. The addition will meet the 25' rear setback requirement.
2. There has been one inquiry call.

Attachments:

1. Variance application
2. Letter of intent
3. Proposed site plan/aerial of property/floodplain delineation
4. Property ownership data
5. R-A/B-5 setback requirements
6. Engineering/Planning referral
7. Copies of Engineering Letter and ZVI-2016-00435
8. Map of Variances in Area - None



ARAPAHOE COUNTY BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

CASE NO. BOA-2016-00017

DATE 9.6.2016 MANAGER Alan Snyder

NAME OF APPLICANT TOM RECK, ARCHITECT

ADDRESS 3764 S. BENTON WAY

ZIP CODE 80235 PHONE 720-314-2847 E-MAIL tomreck37@gmail.com

ADDRESS OF PROPERTY NEEDING VARIANCE 2111 E. 6TH AVE (HIGHWAY 30)
AURORA, CO 1975-11-4-00-005

LEGAL DESCRIPTION OF PROPERTY SEE ATTACHED

CURRENT ZONING A-R SURROUNDING ZONING N-A-1 E. A-R W.

STATE VARIANCE REQUEST IN (FEET & INCHES) WILL BE REQUESTING B-5 SOUTH-BUCKLEY FIELD & NAT. GUARD

SETBACK A VARIANCE FROM 50' TO 25' ALONG EAST PL.

EXPLANATION OF HARDSHIP (LIST REASON WHY VARIANCE IS NEEDED) THE FLOOD PLAIN WAS REVISED IN 2013 WHICH ENLARGE THE F.I.P & REDUCED THE DEVELOPABLE AREA OF THIS TRACT. THE ONLY DEVELOPABLE PORTION OF THIS TRACT, BECAUSE OF TOPOGRAPHY & F. PLAIN, IS THE S.E CORNER OF THE TRACT. THE 2013 REVISION, REDUCED THE ORIGINAL 119,500 SF OF NON-FLOOD PLAIN LAND TO 56,100SF. THE

PROPERTY WEST OF THIS TRACT WAS REMOVED FROM THE F.I.P IN 2013 AS IT HAD BEEN

ZONING RESOLUTION REFERENCE:
REQUIRED HEIGHT, QUANTITY OR LOCATION:

4 TO 5' OF FILL PLAC ON IT.

OWNER OF PROPERTY (PLEASE PRINT)

FREUND FAMILY INVESTMENTS

Kenneth Freund
PROPERTY OWNER'S SIGNATURE

Tom Reck
APLICANT'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.

9.6.2016
DATE RECEIVED

TK
RECEIVED BY ZONING DEPARTMENT

Reck and Associates

Architecture, Planning
Interior Design

3766 S Benton Way
Denver, Colorado 80235
(720)314-2847

August 29, 2016

Board of Adjustment
Arapahoe County, Colorado
6924 S Lima
Centennial, Colorado

LETTER OF INTENT

We are requesting a variance from the required side yard setback of fifty feet along the east property line to a setback distance of 25 feet.

The present zoning of this property and the adjacent east property is A-1. We are proposing to rezone our property to M-5 and build a 10,000 square foot office warehouse building. The present M-5 zoning requires a 50 foot setback when the adjacent property is a A-1 zone. We believe that granting this variance is necessary due to modifications in the flood plain which severely limit use of the property, and that the side yard reduction will not infringe on the use of the adjacent easterly property due to the existing structures and walls built by the adjacent owners directly on the property line.

Hardship

This property was purchased by the Freund family in early 2000s with hopes of developing it. At the time of purchase the rear 47% of the land lay in the flood plain which left 114,150 square feet available for development. The property to the west (located within Aurora) was owned by a building demolition company which was using the property to dump dirt and concrete from their work. Across sixth Ave. lay the new National Guard facility with a large parking lot as well as Buckley Field. Neither one of these uses led one to believe that A-1 zoning should be expected to remain on the Freund's property.

In 2013 the FEMA revised the flood plain along Murphy Creek. This modification extended the 100yr and 10year lines into our property while excluding the westerly property adjacent to ours. We suspect that part of this modification was due to the westerly adjacent property being raised approximately four feet from the fill activity occurring on that tract.

This change reduced our then developable land to approximately 56,100 square feet, a 51% reduction, and the most useable area is located in the eastern corner adjacent Sixth Ave. Placing a building on the westerly property line adjacent to industrial zoned property is not practical because the land is about 5 feet below the level of Sixth Avenue. So we are forced to locate any development adjacent to the A-R adjacent tract.

Granting special privileges inconsistent with other properties in the area.

We do not believe that granting this variance will infringe upon the A-R property and certainly is not inconstance with their infringement on our property. Zoning regulations require that the assessor buildings they placed on and somewhat over our common property line be set back 15 feet. There now exists a 5 foot high concrete masonry wall extending from the front property line northerly 100 feet. The wall changes to 8 feet high and extends back another 100 feet to where a glass walled green house begins and metal faced and roofed structures continues for another 100 feet. Our proposed building which would start at a point of their green house is located would be 25 feet from the back side of their structures to the backside of ours. We see little need of a larger setback. And certainly it will not be detrimental to the adjacent property owners or community at large.

Special Applicable circumstances

The revision of the flood plain has had significant impact on this property and the ability to develop for any use. One noticeable factor has been the removal of the adjacent westerly property from the flood plain which probably occurred because of the raised level from the amount of fill material placed on the site. Their actions caused, to some extent, the intrusion of the flood plain into this property. Certainly we could be proposing a much larger development if the original boundary were still existed.

But we are proposing a smaller development all within the existing flood plain regulations and all other zoning regulations except for the side yard setback variance. The existing topography dictates that the development should be placed on the eastern portion of the land that remains developable. We are proposing to place our building north of the adjacent owners home and only adjacent accessory buildings which infringe on the setback imposed on them. They seem to have no regard for our rights.

Certainly uses of the adjacent lands, military airport, military training center, landfill suggest that our proposed development will not infringe on them. We have met with Planning staff several times about our plans and have not found any negative response.

Situation for which the variance is sought

The variance which we seek is very specific to this site and only for this building. All other regulations of codes are to be met.

Variance will not be detrimental

This variance will have no detrimental effect upon the general public but in fact will bring improvements to the drainage system of Sixth Avenue. The waters from roadside swale located on both sides of the road will be improved and flow into a detention pond we are building before flowing into the large flood plain that extends to Murphy Creek.

We hope that you will look favorably on this request and grant this variance. The Freund family has been a long time citizen of the Aurora community having developed many shopping centers, banks, apartment buildings, offices, warehouses and other facilities. They will develop this facility which will be a welcomed facility for the businesses of this area.

Sincerely,



Thomas E Reck
Reck and Associates Architects
Colo License 20553

FREUND FAMILY INVESTMENTS LLC

22 October 2013

To whom it may concern,

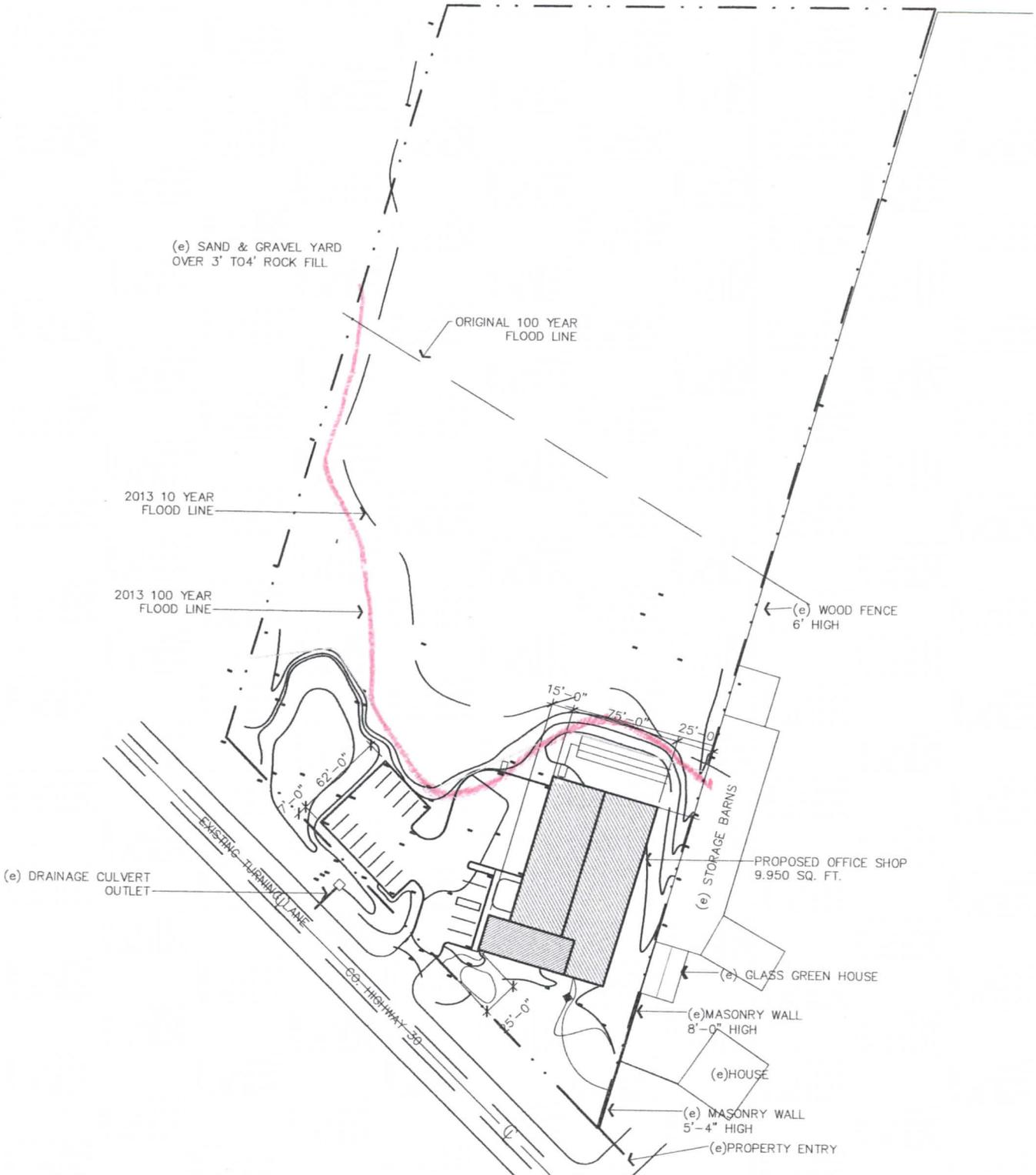
This letter is to serve as a statement of fact that Mr. Tom Reck is the designated agent for our property located on State Hwy 30 in Arapahoe County. He has full rights to work with all Jurisdiction bodies.

If you have any questions please call Ken Freund or I at 303-361-9100

Regards,

Kenneth Freund Sr.
Managing Member

A handwritten signature in blue ink that reads "Kenneth J. Freund". The signature is written in a cursive style with a large initial "K".



(e) SAND & GRAVEL YARD
OVER 3' TO 4' ROCK FILL

ORIGINAL 100 YEAR
FLOOD LINE

2013 10 YEAR
FLOOD LINE

2013 100 YEAR
FLOOD LINE

(e) WOOD FENCE
6' HIGH

(e) DRAINAGE CULVERT
OUTLET

EXISTING TURNING LANE

CO. HIGHWAY 39

PROPOSED OFFICE SHOP
9,950 SQ. FT.

(e) STORAGE BARN

(e) GLASS GREEN HOUSE

(e) MASONRY WALL
8'-0" HIGH

(e) HOUSE

(e) MASONRY WALL
5'-4" HIGH

(e) PROPERTY ENTRY

Sheet Number:

BOA1

1605-BOA1-.dwg

Date:
08/28/16

Project Number:
1805

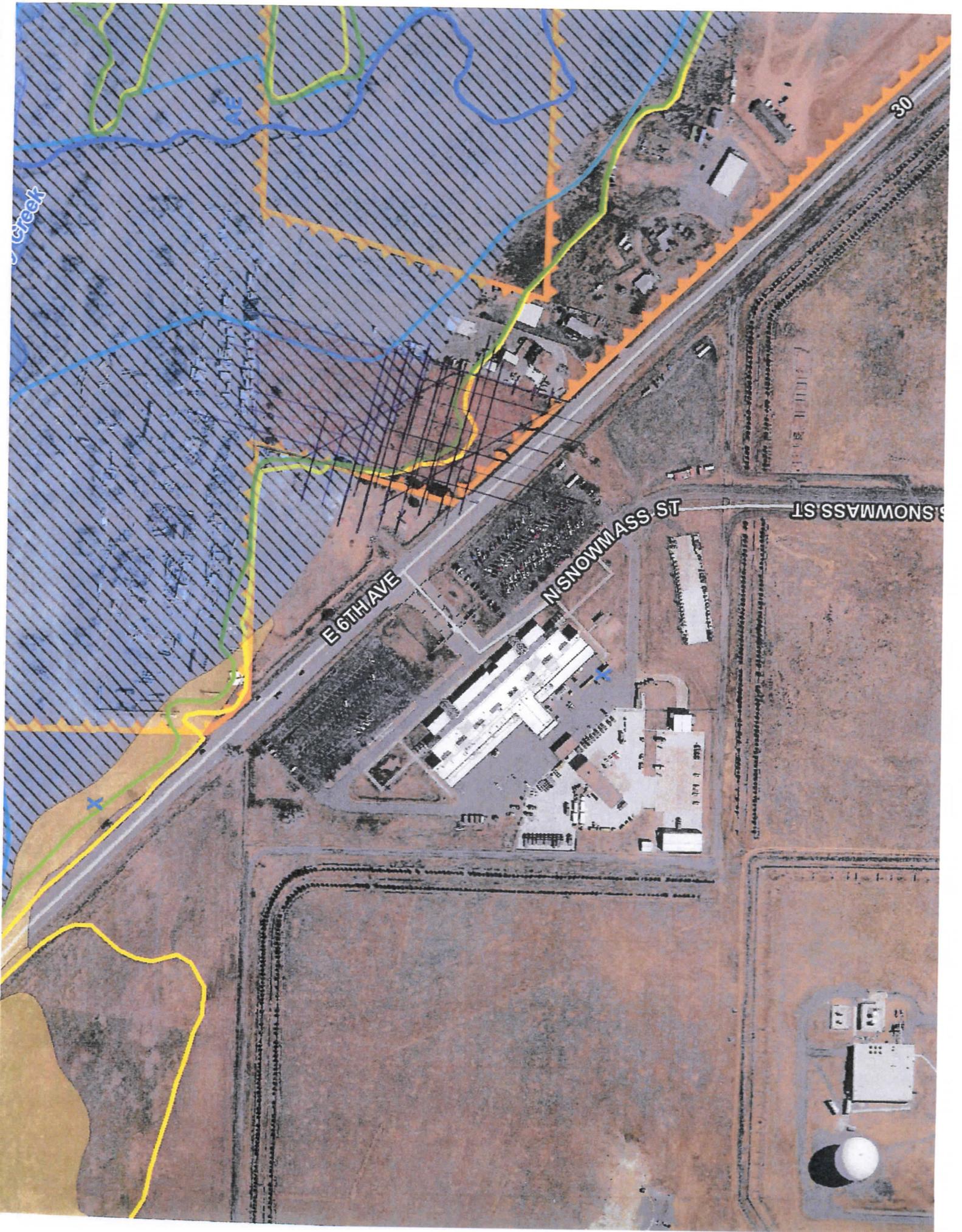
**BOARD OF ADJUSTMENT
OFFICE WAREHOUSE**

21111 E SIXTH AVE

**RECK
AND
ASSOCIATES**
Architecture
Planning
Interior Design



3706 S Boston Way
Denver, CO 80235
303-477-6312
Cell: 720-341-2847



New Search

Printer Friendly

PIN: 031345731
AIN: 1975-11-4-00-005
Situs Address: 21111 E State Highway 30
Situs City: Aurora
 *Photo

[View Parcel Map](#)

Full Owner List: State Highway 30 Llc
Ownership Type: Sole Ownership
Owner Address: 1950 Chambers Rd
City/State/Zip: Aurora, CO 80011

Neighborhood: Twnshp 1975-1977 And 2071-2073
Neighborhood Code: 2945.00
Acreage: 5.0000
Land Use:
Legal Desc:

Beg At Se Cor Sec 11-4-66 Th N 70.4 Ft Th Nwly Alg St Hiway No 30 1124.40 Ft Th Nwly 1396.30 Ft To The True Pt Of Beg Th Nely 807.32 Ft Th W 340 Ft Th Swly 530.04 Ft Th Sely 374.30 Ft To Pt Of Beg Sec 11-4-66

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
2016 Appraised Value	180,000	0	180,000
2016 Assessed Value	52,200	0	52,200

2015 Mill Levy: 93.013

Sale	Book Page	Date	Price	Type
	D604 0742	04-21-2016	0	
	D306 5240	08-23-2012	0	
	B710 4689	08-10-2007	250,000	
	5949 0765	06-15-1990	0	

Land Line	Units	Land Value	Land Use
	5.0000 AC	180,000	Vac Unplatted > 5.0 Acres but < 10.0 Acres

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

LEGAL DESCRIPTION PROVIDED BY CLIENT:

A PARCEL OF LAND IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 66 WEST, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 66 WEST, THENCE N 00°09' WEST 70.4 FEET;
THENCE NORTH 44°45' WEST 1124.40 FEET; THENCE NORTH 44°46' WEST 1396.30 FEET TO A POINT ON THE NORTHEASTERLY LINE OF STATE HIGHWAY NO. 30, FOR THE TRUE POINT OF BEGINNING,
THENCE NORTH 16°00' EAST 807.32 FEET; THENCE SOUTH 89°52' WEST 340 FEET; THENCE SOUTH 16°00' WEST, 530.04 FEET TO THE NORTHEASTERLY LINE OF SAID STATE HIGHWAY NO. 30, THENCE SOUTH 44°46' EAST 374.30 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF ARAPAHOE, STATE OF COLORADO.

NOTES:

1. ALL DIMENSIONS SHOWN HEREON ARE AS MEASURED.
2. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY.
3. LOCAL EXISTING PINS WERE USED FOR THE BOUNDARIES OF THIS SURVEY.
4. ALL ELEVATIONS AND CONTOURS ARE ASSUMED.

CERTIFICATION:

THIS IS TO CERTIFY THAT ON MAY 25TH, 2010, THE LOT BOUNDARIES SHOWN HEREON WERE LOCATED UNDER MY SUPERVISION, AND THAT ALL LOT DIMENSIONS, EASEMENTS AND RIGHTS-OF-WAY SHOWN ARE FROM OFFICIAL PLATS. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD DONE BY MARK D. SCHEAR. IN MY PROFESSIONAL OPINION MONUMENTS FOUND ARE ORIGINAL MONUMENTS, AND WERE ACCEPTED AS SAME. BOUNDARY MONUMENTS ONLY ARE TO BE USED FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. LOCATION OF ALL EASEMENTS, AND RIGHTS-OF-WAY IN EVIDENCE OR KNOWN TO ME ON THE PREMISES ON THIS DATE ARE ACCURATELY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAT TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Chapter 5: Rural Residential Zone Districts A-2, R-A, and R-E

Growth Boundaries of Arapahoe County, as approved by the Denver Regional Council of Governments; and

2. The zone district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
3. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are available to serve the zone district at the time the need for such service is expected to occur.

SECTION 5-300 A-2, R-A, AND R-E DISTRICT
PERFORMANCE STANDARDS AND ALLOWED
USES

Section 5-301 Rural Residential Zone District - Performance Standards

<u>Table 5-2 A. Rural Residential Performance Standards</u> NP = Not Permitted			
MINIMUM LOT SIZE	A-2	R-A	R-E
	9 Acres	2.41 Acres (105,000 sf)	1.61 Acres (70,000 sf)
LOT WIDTH (minimum)	A-2	R-A	R-E
	165'	125'	110'
ANIMALS (maximum per lot)	A-2	R-A	R-E
Pets	4	4	3
Agricultural Animals per acre	no limit	1	NP
Agricultural Animals, Small, Non-Commercial	no limit	no limit	NP
BUILDING HEIGHT	A-2	R-A	R-E
Building Height (maximum)	35'	35'	35'
SETBACKS	A-2	R-A	R-E
Front	50'	50'	25'
Side	25'	25'	25'
Rear	50'	25'	25'
Side Corner	50'	50'	25'
Accessory Front	Front Building Line of Principal Structure	Front Building Line of Principal Structure	Front Building Line of Principal Structure
Accessory Side	25'	15'	5'
Accessory Rear	25'	10'	10'
Commercial Feed Lots (from all property lines)	NP	NP	NP

Section 7-301 Commercial Zone District Performance Standards

Table 7-3 A. Performance Standards B-1, B-3, B-4 & B-5	B-1	B-3	B-4	B-5
MINIMUM YARD REQUIREMENTS -. Setbacks may differ subject to IBC requirements. Buildings are not permitted in easements unless a letter from utility easement holder is recorded.				
Setback from property lines abutting adjacent residential uses	50'	50'	50'	50'
Setback from property lines abutting adjacent public ROW	25'	25'	25'	25'
Setback from front property line if the building is oriented toward the street and accesses the public sidewalk.	10'	10'	10'	25'
Setback from property lines abutting commercial business or industrial zones or uses except as provided for elsewhere in this Land Development Code	10'	10'	25'	10'
Setback from interior property lines for multiple parcels managed as a single development.	10'	10'	10'	10'
Minimum separation between structures	IBC	IBC	IBC	IBC
Setback between designated parking areas and property lines	10'	10'	10'	10'
Note: Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow for snow and ice melt on adjacent streets and sidewalks				
Note: May be subject to specific overlay district regulations (AIA, CAEPA, Strasburg Downtown Overlay, and others as specified in this Land Development Code – see Chapter 10)				
LOT SIZE – All site designs must demonstrate compliance with all site development standards in LDC & applicable building codes.				
MAXIMUM BUILDING HEIGHT - (including mechanical appurtenances)	35'	50'	50'	50'
MINIMUM UNOBSTRUCTED OPEN SPACE				
Single story structure	20%	20%	20%	20%
For each additional story – additional 5% open space is required up to a maximum of 35%.				

CASE REFERRAL

DATE: 09/07/2016

CASE #: BA2016-00017

TO: Jason Reynolds - Planning

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 10/13/2016

DATE TO BE RETURNED: 09/16/2016

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 site is significantly constrained by 100-year flood plain. While other nearby sites are similarly constrained, they were permitted to develop before the flood plain was updated and affected more of the lot area. The proposed 25' setback should allow adequate room for landscape screening from the residential use located east of the property.

Jason Reynolds

Signature/Date

Digitally signed by Jason Reynolds
DN: cn=Jason Reynolds, o=Arpahe County Board of Adjustment, ou=Planning, email=jreynolds@arapahoe.com, c=US
Date: 2016.09.16 10:20:11 -0500

(attach additional sheets as necessary)

Submit by Email

CASE REFERRAL

DATE: 09/07/2016

CASE #: BA2016-00017

TO: Chuck Haskins - Engineering

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 10/13/2016

DATE TO BE RETURNED: 09/16/2016

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

ESD approves of the setback variance request with the following condition:

- 1) The applicant works with the Arapahoe County Zoning and Engineering Services Division staff to resolve all active Zoning violations that exist for the property.

Spencer M. Smith



Signature/Date

(attach additional sheets as necessary)

Submit by Email



6924 S. Lima Street
Centennial, Colorado 80112-3853
Phone: 720-874-6500
Fax: 720-874-6611
TDD: 720-874-6574
www.co.arapahoe.co.us
publicworks@co.arapahoe.co.us

DAVID M. SCHMIT, P.E.
Director

7011-2000-0002-1171-1299

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 9, 2013

Scott Paul and Shannon Freund
P.O. Box 110036
Aurora, CO 80042-0036

**Re: Parcel No. 1975-11-4-00-005
Request for Compliance**

Dear Mr. and Mrs. Freund:

This letter is to notify you that your property with the above-referenced parcel number is not in compliance with the Arapahoe County Land Development Code. It has been brought to Staff's attention that there are violations of the Arapahoe County Floodplain Management Regulations, and the Grading, Erosion, and Sediment Control (GESOC) Regulations.

Floodplain/Floodway

Your property is located in the 100-year floodplain and floodway of Sand and Murphy Creeks. You have been filling and grading within the 100-year floodplain and floodway on your property without the required approvals. A Conditional Letter of Map Revision (CLOMR) is required to be approved by FEMA for any project that impacts the floodplain and floodway prior to construction. An Arapahoe County Floodplain Development Permit is required for any development within the floodplain.

Additionally, Section 404 of the Clean Water Act requires approval prior to discharging dredged or fill material into the waters of the United States. You have been grading and filling without an approved Section 404 Permit, or without documentation from the Corps of Engineers indicating that a 404 Permit is not required.

GESOC

You have been filling and grading on your property without a Grading, Erosion and Sediment Control (GESOC) Permit.

The Arapahoe County Land Development Code (LDC) is the governing regulation for floodplain development standards and grading, erosion and sediment control regulations

within the County. Failure to comply with the requirements of the LDC is subject to enforcement and penalties.

Please contact me by email at: sthompson@arapahoegov.com, or by phone at: 720.874.6569 within 10 days of receipt of this letter, so that Staff can work with you to develop a plan to bring your property into compliance. Failure to respond will result in Notice of Zoning Violation.

Regards,


Stacey Thompson
Arapahoe County Public Works and Development
Engineering Services Division

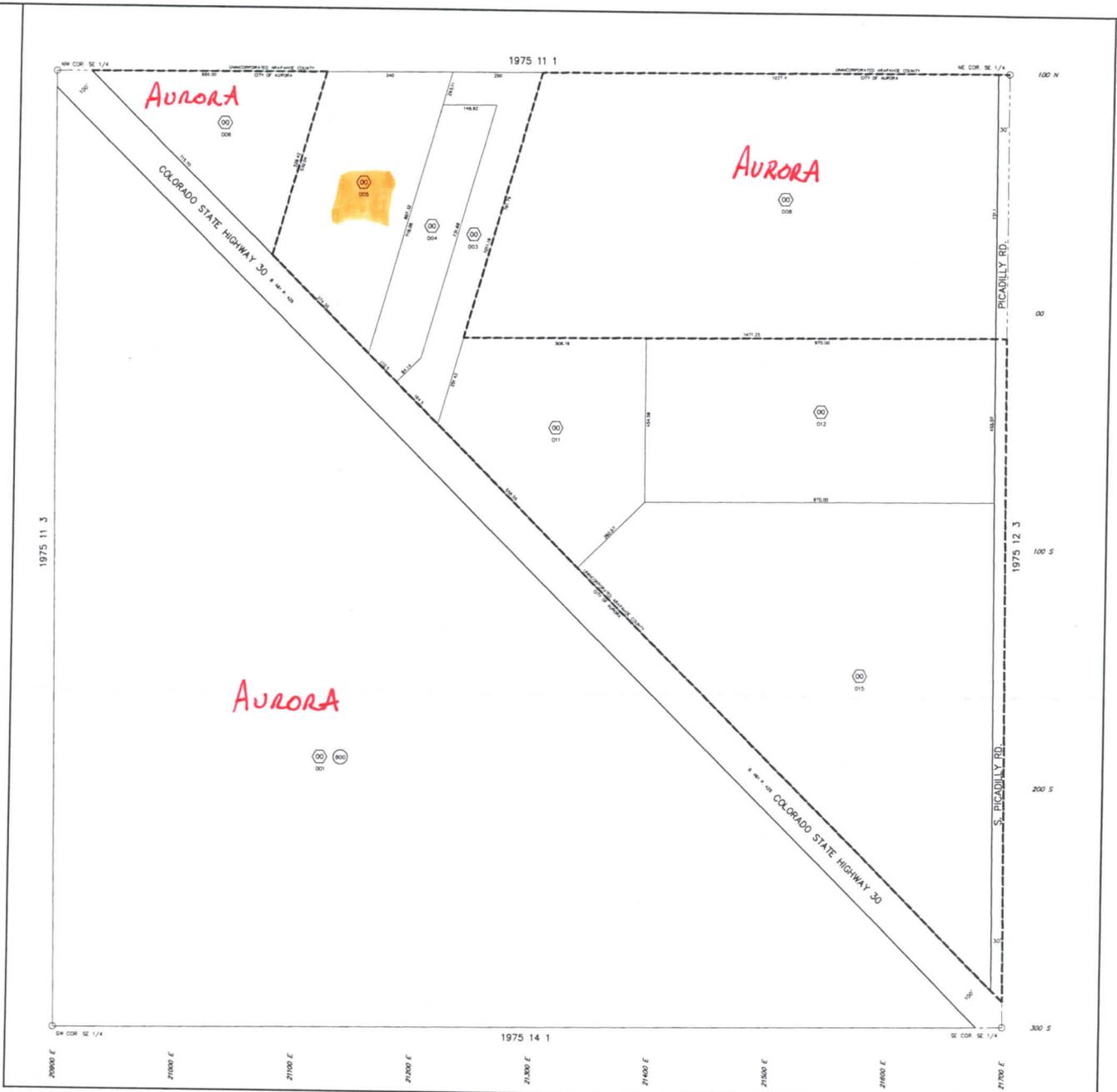
Cc: Chuck Haskins, Engineering Services Division Manager
Tom McNish, Assistant County Attorney
Steve Miller, Environmental Manager
Tammy King, Zoning Administrator
Wayne Habenicht, Engineering Inspector
D13-006
RDR

No VARIANCES IN AREA

BOA-2016-00017

REVISIONS

22-18-12 TSP DIGITAL MAP



R68W	R67W	R66W	R65W	R64W	R63W	R62W	R61W	R60W	R59W	R58W	R57W
T4S 1971	1973	1975	1977	1979	1981	1983	1985	1987	1989	1991	1993
T5S 2077	2075	2073	2071	2069	2067	2065	2063	2061	2059	2057	2055

TOWNSHIP CODE MAP



QUARTER SECTION

DISCLAIMER
ARAPAHOE COUNTY MAKES NO REPRESENTATION OR WARRANTY AS TO THE ACCURACY OF THIS BASIC MAP, AND ACCEPTS NO RESPONSIBILITY OR LIABILITY TO ANY USER. THIS BASIC MAP IS NOT A LEGAL DOCUMENT. IT IS INTENDED TO SERVE AS AN AID IN GRAPHIC REPRESENTATION ONLY.

ARAPAHOE COUNTY COLORADO

TOWNSHIP	SECTION	QUARTER SECTION
1975	11	4

12-31-2015

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 (B-5) IN SETBACK

REQUIREMENTS. ADDITIONAL INFORMATION MAY BE OBTAINED FROM THE RECORDING SECRETARY TO THE ARAPAHOE COUNTY BOARD OF ADJUSTMENT AT 720-874-6711. SUCH HEARING IS TO BE HELD ON 13 DAY OF OCTOBER, 2016, AT 1:00 PM

M. IN THE ARAPAHOE LIMA BOARD ROOM AT 6954 S. LIMA ST., CENTENNIAL, COLORADO, OR AS SOON THEREAFTER AS POSSIBLE.

DATE OF POSTING: 27 SEPTEMBER, 2016
NAME OF APPLICANT: FREUND FAMILY

BOA-2016-00017

9-27-2016

1/4

3/4



3/6



4/6



5/6





7/6