



**REGULAR MEETING OF THE
 ARAPAHOE COUNTY BOARD OF ADJUSTMENT
 THURSDAY, 14 JANUARY 2016, 1:00 P.M.**

GENERAL BUSINESS ITEMS

APPROVAL OF THE MINUTES FROM 12 NOVEMBER 2015	VOTE:
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REGULAR AGENDA ITEMS

ITEM 1:	CASE NO. BOA-2015-00025	VOTE:	
LOCATION:	6346 S. EMPORIA CIRCLE		
ACREAGE:	N/A	<input type="checkbox"/>	IN FAVOR
EXISTING ZONING:	R-4PUD	<input type="checkbox"/>	OPPOSED
APPLICANT:	DAVID WILSON	<input type="checkbox"/>	ABSTAIN
CASE MANAGER:	ALAN SNYDER		
REQUEST:	8' FENCE ON THE REAR PROPERTY LINE	<input type="checkbox"/>	CONTINUED TO:

ITEM 2:	CASE NO. BOA-2015-00026	VOTE:	
LOCATION:	1670 (1650) S. BEELER STREET		
ACREAGE:	N/A	<input type="checkbox"/>	IN FAVOR
EXISTING ZONING:	R-3	<input type="checkbox"/>	OPPOSED
APPLICANT:	RICHARD PEARSON	<input type="checkbox"/>	ABSTAIN
CASE MANAGER:	ALAN SNYDER		
REQUEST:	TO BE ALLOWED AN EXISTING GARAGE THAT EXCEEDS THE ALLOWABLE 1000SF BY 711SF AND THE ALLOWABLE HEIGHT OF 15' BY 6"	<input type="checkbox"/>	CONTINUED TO:

ITEM 3:	CASE NO.	VOTE:	
LOCATION:			
ACREAGE:		<input type="checkbox"/>	IN FAVOR
EXISTING ZONING:		<input type="checkbox"/>	OPPOSED
APPLICANT:		<input type="checkbox"/>	ABSTAIN
CASE MANAGER:			
REQUEST:		<input type="checkbox"/>	CONTINUED TO:

ITEM 4:	CASE NO.	VOTE:	
LOCATION:			
ACREAGE:		<input type="checkbox"/>	IN FAVOR
EXISTING ZONING:		<input type="checkbox"/>	OPPOSED
APPLICANT:		<input type="checkbox"/>	ABSTAIN
CASE MANAGER:			
REQUEST:		<input type="checkbox"/>	CONTINUED TO:

ANNOUNCEMENTS:

- The next regular Board of Adjustment meeting is scheduled for: _____.
- 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 or you may contact the Zoning Division at 720-874-6711.

BOARD OF ADJUSTMENT MEMBERS:

REGULAR MEMBERS:	ALTERNATES:
Robert A Fletcher, Chair	George A Robinson
Ken Dingman, Cahir Pro Tem	Mary Garin
Howard Buchalter	Elizabeth Crowe
Ronald Lombardo	Ryan Turbyfill
Stephen Sholler	
Beth Kinsky	

BOARD OF ADJUSTMENT PUBLIC HEARING
December 10, 2015
1:00 P.M.

**SUBJECT: CASE NO. B0A-2015-00025, DAVID WILSON
VARIANCE**

Alan Snyder, Community Compliance Officer

November 30, 2015

LOCATION: The site is located at 6346 S. Emporia Cir. in the Cherry Creek Farm subdivision. The property is zoned R-4 PUD (Residential-Planned Unit Development) and is located within Election District 2.

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

- North - R-4 PUD (Residential-Planned Unit Development)
- South - R-4 PUD
- East - R-4 PUD
- West - R-4 PUD

PROPOSAL:

The owner, David Wilson, is representing the property owners of 6342,6344,6348,6356 and 6358 S. Emporia Cir. as well. They are requesting a variance to construct an 8' tall fence along their rear yards. There is a large apartment complex to the South and it generates a considerable amount of traffic, noise, light trespass (headlights) and the prospect of an increase in the amount of foot traffic between the complex and the neighbor's rear property lines.

BACKGROUND:

The subject property is zoned R-4 PUD which allows for single family, multi-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 maximum allowed fence height is 6' per Section 12-800 of the Land Development Code. Sound walls 8' in height are allowed along arterial roadways. This request requires a Variance approval because of the fence locations. Reasons for the request include: possible decrease in neighborhood safety, noise and light trespass abatement.

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:

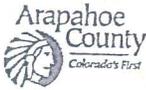
STAFF FINDINGS:

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 proposed variance request will increase the existing allowed fence height from 6' to 8' for the six affected properties.

ATTACHMENTS:

1. Variance application
2. Letter of intent
3. Aerial of properties
4. Ownership records of all affected properties
5. Photos of existing fences and grade difference between the affected properties
6. Referral Comments
7. Map of Variances in area



ARAPAHOE COUNTY BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

CASE NO. BOA-2015-00025

✓ DATE 10/30/15 ✓ MANAGER ALAN SNYDER

✓ NAME OF APPLICANT DAVID WILSON

✓ ADDRESS 6346 S. EMPORIA CIR

✓ ZIP CODE 80111 ✓ PHONE 303 350 7304

ADDRESS OF PROPERTY NEEDING VARIANCE SEE LETTER

dwilso20@comcast.net

LEGAL DESCRIPTION OF PROPERTY dwilso20@comcast.net

✓ CURRENT ZONING R.4 PUD SURROUNDING ZONING _____

STATE VARIANCE REQUEST IN (FEET & INCHES) SEE LETTER

8' FENCE HEIGHTS

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

ZONING RESOLUTION REFERENCE:
REQUIRED HEIGHT, QUANTITY OR LOCATION:

OWNER OF PROPERTY (PLEASE PRINT)

✓ DAVID WILSON

✓ [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:
10730 E BRIARWOOD AVE., CENTENNIAL CO 80112 Phone: 720-874-6711

FEE: REGULAR MEETING: \$450.00
FOLLOWING
SPECIAL MEETING: \$900.00

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.

10.30.2015
DATE RECEIVED

[Signature]
RECEIVED BY ZONING DEPARTMENT

Alan Snyder

From: David Wilson <dwilson@tamlegal.com>
Sent: Tuesday, November 24, 2015 3:30 PM
To: Alan Snyder
Subject: David Wilson/6346 S. Emporia Cir 80111 Zonig Variance
Attachments: Zoning.01.pdf

Mr. Snyder,

Please find attached a letter explaining the basis for the zoning variance application for this property.

Should you have any questions, please do not hesitate to contact me.

David E. Wilson
Attorney

p. 303.292.2700
f. 303.295.0414
e. dwilson@tamlegal.com

T A M

Treece Alfrey Musat P.C.
Attorneys at Law

633 17th Street, Suite 2200
Denver, Colorado 80202
www.tamlegal.com

David E. Wilson

6346 S. Emporia Cir, Englewood, Colorado 80111 (303) 792-2892

November 23, 2015

Alan Snyder
Arapahoe County Public Works and Development
6924 South Lima Street
Centennial, CO 80112

RE: Zoning Variance Application: 6346 S. Emporia Cir, Englewood (applicant)
6342 S. Emporia Cir;
6344 S. Emporia Cir;
6348 S. Emporia Cir;
6356 S. Emporia Cir; and,
6358 S. Emporia Cir.

Dear Mr. Snyder,

The following letter is written to provide a background for the zoning variance application at my home at 6346 S. Emporia Cir, Englewood, CO 80111. My neighbors, listed above, all of whose property is contiguous to mine, have joined my request for a variance.

I wish to install an 8' tall fence along my back property line. My home, as well as the other five homes, backs up to the Apple Tree Condominiums, and primarily to a roadway, parking lot, and dumpsters for this condominium.

The purpose of the requested variance is primarily security. Instances of people coming over the fence into yards (including my own) have occurred. My neighbor at 6344 S. Emporia Cir, has had her dogs threatened by people walking along the condominium roadway.

Further, the fence will assist in both light and noise mitigation. The parking lot is brightly lit up and the buildings have security lights which shine in windows and into yards. In addition to building lights, car headlights are visible over the fence, shining light into our homes. Also, loud car stereos are played in this parking lot, in addition to tenants working on cars. Additional fence height will reduce these intrusions into our property.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

David E. Wilson

New Search

Printer Friendly

PIN: 031831202
AIN: 2075-22-4-01-015
Situs Address: 6342 S Emporia Cir
Situs City: Englewood
 *Photo Sketch
[View Parcel Map](#)

Full Owner List: Mills Andrew J Jr & Elizabeth C
Ownership Type: Joint Tenancy
Owner Address: 6342 S Emporia Cir
City/State/Zip: Englewood, CO 80111-5538

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1280
Land Use: Single Family
Legal Desc: Lot 22 Blk 1 Cherry Creek Farm 1st Flg

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	373,300	303,300	70,000
2015 Assessed Value	29,715	24,143	5,572
		2014 Mill Levy:	95.198

Sale	Book Page	Date	Price	Type
	A714 7760	11-14-1997	205,000	
	6850 0460	03-19-1993	152,000	
	5891 0613	03-15-1990	111,000	
	5203 0621	06-30-1987	107,000	
	5158 0621	05-27-1987	0	
	5158 0626	05-27-1987	0	
	4672 0176	01-01-1986	123,500	
	3527 0149	11-01-1981	115,000	

Building	Building	Attributes	Recorded
	1	Quality Grade	Average
		Improvement Type	Single Family
		Bedrooms	4.00
		Bathrooms	3.00
		Architectural	2 Story
		Heat Method	Forced Air Unit
		Cool Method	Central Air / Package Unit
		Year Built	1978
		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	Attached Garage	420
		Covered Porch	42
		Patio slab or Terrace	120
		Basement Finish	836
		First Floor	1360
		Second Floor	836
		Basement Total	1360
		Bldg Total Area:	2196

Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	Single Family Residential

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

New Search

Printer Friendly

PIN: 031831211
AIN: 2075-22-4-01-016
Situs Address: 6344 S Emporia Cir
Situs City: Englewood
 *Photo Sketch

[View Parcel Map](#)

Full Owner List: Peavy Catherine T
Ownership Type: Sole Ownership
Owner Address: 3018 S Broadway
City/State/Zip: Englewood, CO 80113

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1230
Land Use: Single Family
Legal Desc: Lot 21 Blk 1 Cherry Creek Farm 1st Flg

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	321,800	251,800	70,000
2015 Assessed Value	25,615	20,043	5,572

2014 Mill Levy: 95.198

Sale	Book Page	Date	Price	Type
	D406 6659	07-25-2014	335,900	
	B121 2839	12-03-2001	0	
	B000 6031	01-14-2000	209,000	
	6640 0185	09-30-1992	127,500	
	6015 0276	08-24-1990	109,000	
	4381 0252	02-01-1985	105,000	
	2545 0441	01-01-1977	61,000	

Building	Building	Attributes	Recorded
	1	Quality Grade	Average
		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	1978
		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	Attached Garage	455
		Deck	120
		Covered Porch	42
		First Floor	903
		Second Floor	804
		Basement Total	903
		Bldg Total Area:	1707

Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	Single Family Residential

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* Not all parcels have available photos / sketches.

New Search

Printer Friendly

PIN: 031831229
AIN: 2075-22-4-01-017
Situs Address: 6346 S Emporia Cir
Situs City: Englewood
 *Photo Sketch
[View Parcel Map](#)

Full Owner List: Wilson David E
Ownership Type: Fee Simple Ownership
Owner Address: 6346 S Emporia Cir
City/State/Zip: Englewood, CO 80111-5538

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

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1270
Land Use: Single Family
Legal Desc: Lot 20 Blk 1 Cherry Creek Farm 1st Flg

Tax District Levies

	Total	Building	Land
2015 Appraised Value	396,900	326,900	70,000
2015 Assessed Value	31,593	26,021	5,572
	2014 Mill Levy:		95.198

Sale	Book Page	Date	Price	Type
	B709 5817	07-02-2007	332,000	
	5959 0689	06-28-1990	116,500	
	5495 0152	07-26-1988	114,000	
	4135 0447	04-01-1984	0	
	3548 0779	12-01-1981	117,500	

Building	Building	Attributes	Recorded
	1	Quality Grade	Average Plus
		Improvement Type	Single Family
		Bedrooms	2.00
		Bathrooms	4.00
		Architectural	2 Story
		Heat Method	Forced Air Unit
		Year Built	1978
		Fireplaces	1.00
		Exterior Wall	Wood Siding
		Construction Type	D - Wood or Steel Studs Frame

Area	Building	Description	SqFt
	1	Second Floor	836
		First Floor	1360
		Basement Finish	962
		Attached Garage	420
		Basement Total	1340
		Deck	225
		Covered Porch	42
		Bldg Total Area:	2196

Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	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.

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New Search

Printer Friendly

PIN: 031831237
AIN: 2075-22-4-01-018
Situs Address: 6348 S Emporia Cir
Situs City: Englewood
 *Photo Sketch

[View Parcel Map](#)

Full Owner List: Doering Jason W, Doering Samantha A
Ownership Type: Joint Tenancy
Owner Address: 6348 S Emporia Cir
City/State/Zip: Englewood, CO 80111-5538

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1150
Land Use: Single Family
Legal Desc: Lot 19 Blk 1 Cherry Creek Farm 1st Flg

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	323,100	253,100	70,000
2015 Assessed Value	25,719	20,147	5,572

2014 Mill Levy: 95.198

Sale	Book Page	Date	Price	Type
	D506 3255	06-16-2015	409,000	
	B612 6977	08-23-2006	0	
	B409 9575	10-02-2003	0	
	B008 7348	06-30-2000	210,000	
	6176 0081	05-29-1991	0	
	4104 0536	02-01-1984	127,000	
	3758 0348	12-01-1982	0	
	2901 0605	10-01-1978	82,600	

Building	Building	Attributes	Recorded
1	1	Quality Grade	Average
		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	1978
		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	Attached Garage	454
		Patio slab or Terrace	195
		Basement Total	560
		First Floor	1026
		Second Floor	800
		Bldg Total Area:	1826

Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	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.

New Search

Printer Friendly

PIN: 031831245
AIN: 2075-22-4-01-019
Situs Address: 6356 S Emporia Cir
Situs City: Englewood
 *Photo Sketch
[View Parcel Map](#)

Full Owner List: Larsen Eric, Larsen Coreen R
Ownership Type: Joint Tenancy
Owner Address: 6356 S Emporia Cir
City/State/Zip: Englewood, CO 80111-5538

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

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1150
Land Use: Single Family
Legal Desc: Lot 18 Blk 1 Cherry Creek Farm 1st Flg

	Total	Building	Land
2015 Appraised Value	311,900	241,900	70,000
2015 Assessed Value	24,827	19,255	5,572
		2014 Mill Levy:	95.198

Sale	Book Page	Date	Price	Type
	2551 0175	02-01-1977	54,800	

Building	Building	Attributes	Recorded
	1	Quality Grade	Average
		Improvement Type	Single Family
		Bedrooms	3.00
		Bathrooms	3.00
		Architectural	2 Story
		Heat Method	Forced Air Unit
		Year Built	1978
		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	Attached Garage	455
		Patio slab or Terrace	120
		Covered Porch	42
		First Floor	903
		Second Floor	741
		Basement Total	903
		Bldg Total Area:	1644

Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	Single Family Residential

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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

New Search

Printer Friendly

PIN: 031831253
AIN: 2075-22-4-01-020
Situs Address: 6358 S Emporia Cir
Situs City: Englewood
 *Photo Sketch

[View Parcel Map](#)

Full Owner List: Jenkins Bret, Jenkins Lewis H
Ownership Type: Joint Tenancy
Owner Address: 6358 S Emporia Cir
City/State/Zip: Englewood, CO 80111-5538

Neighborhood: Cherry Creek Farm
Neighborhood Code: 428.00
Acreage: 0.1670
Land Use: Single Family
Legal Desc: Lot 17 Blk 1 Cherry Creek Farm 1st Flg

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	384,200	314,200	70,000
2015 Assessed Value	30,582	25,010	5,572
	2014 Mill Levy:		95.198

Sale	Book Page	Date	Price	Type
	D402 1221	03-17-2014	0	
	B713 7507	10-19-2007	330,000	
	A814 4747	09-03-1998	221,900	
	7469 0703	03-03-1994	0	
	3181 0346	03-01-1980	107,000	

Building	Building	Attributes	Recorded
	1	Quality Grade	Average Plus
		Improvement Type	Single Family
		Bedrooms	4.00
		Bathrooms	3.00
		Architectural	2 Story
		Heat Method	Forced Air Unit
		Cool Method	Central Air / Package Unit
		Year Built	1978
		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	Attached Garage	420
		First Floor	1360
		Second Floor	836
		Basement Total	1340
		Patio slab or Terrace	280
		Bldg Total Area:	2196

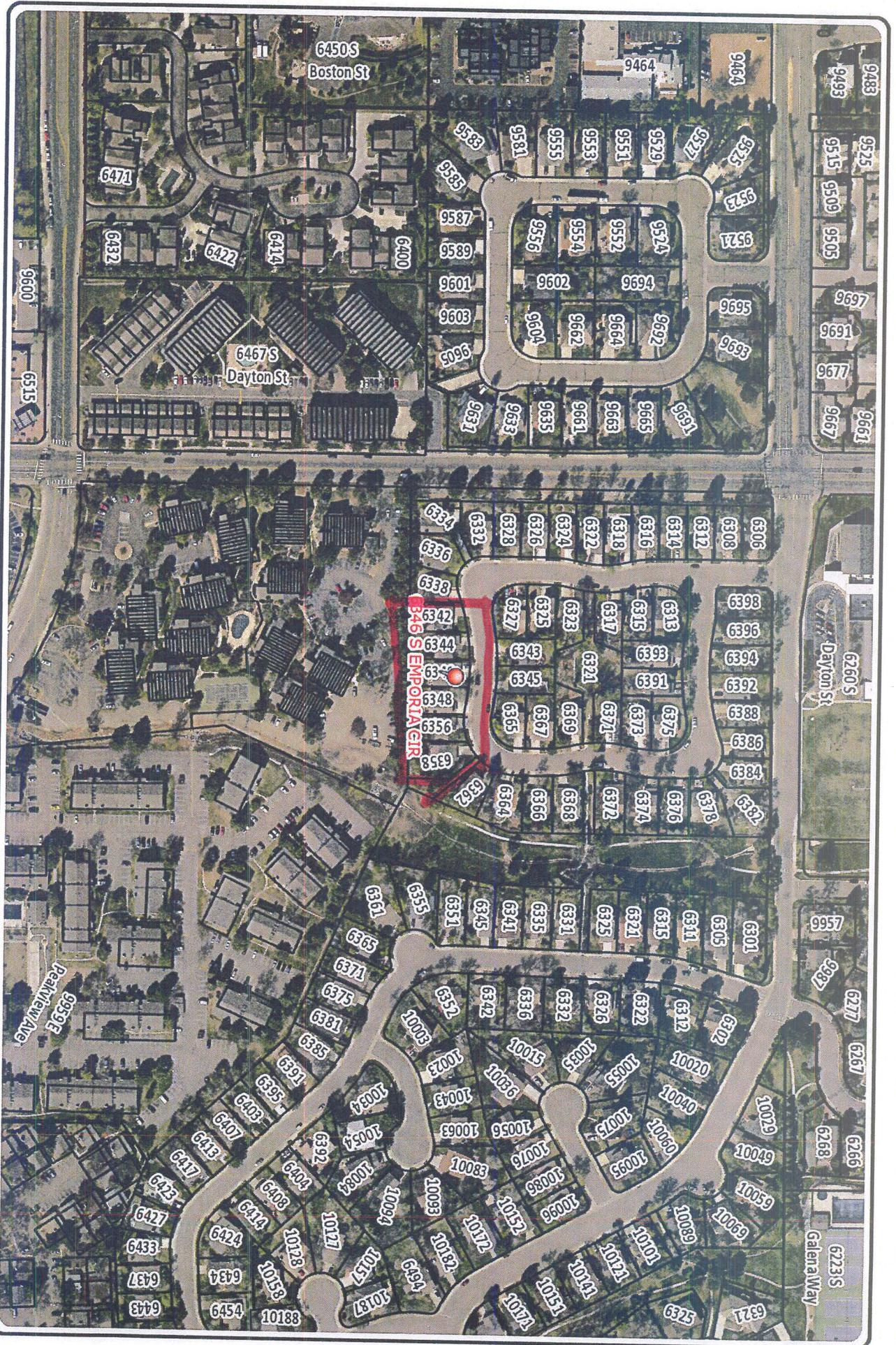
Land Line	Units	Land Value	Land Use
	1.0000 LT	70,000	Single Family Residential

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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: 10/30/2015

Generated by Arapahoe County's **ArapaMAP**



Map Location



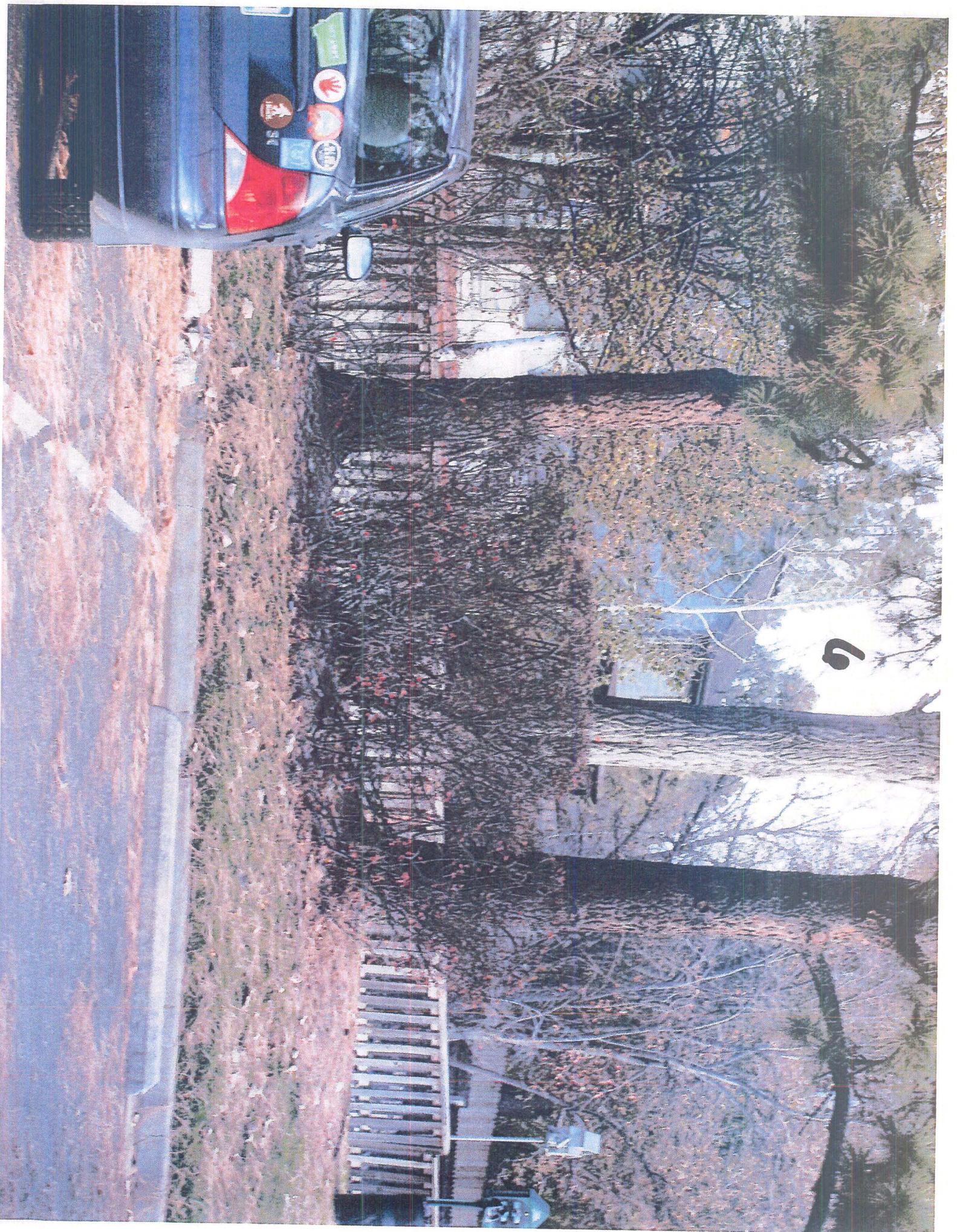


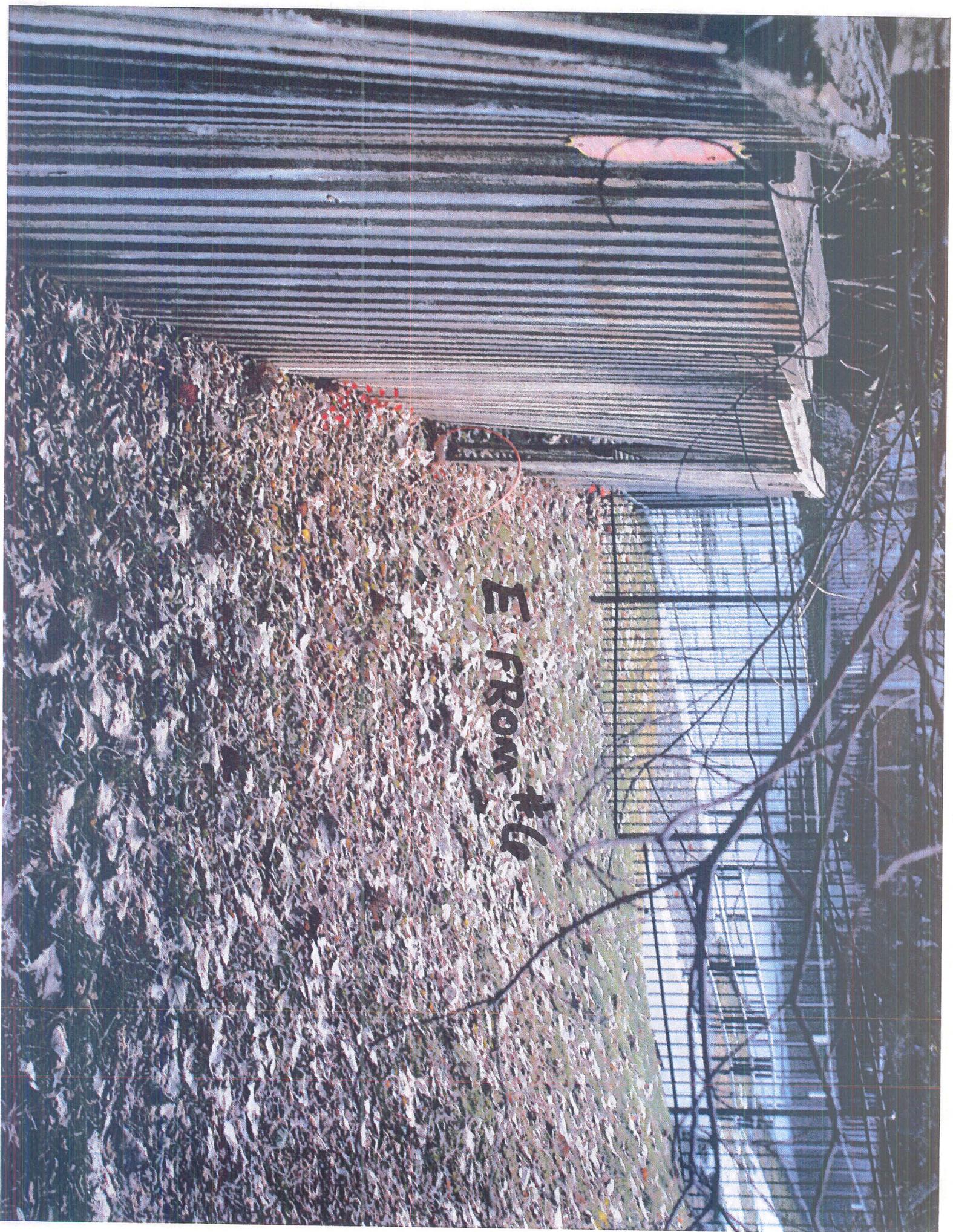












E FROM #6

WEST
#6 FROM



CASE REFERRAL

DATE: 11/25/2015

CASE #: BA-2015-00025

TO: Jason Reynolds - Planning

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 12/10/2015

DATE TO BE RETURNED: 12/02/2015

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.

Jason Reynolds

Digitally signed by Jason Reynolds
DN: cn=Jason Reynolds, o=Public Works and Development,
ou=Planning, email=jreynolds@arapahogov.com, c=US
Date: 2015.12.02 09:38:55 -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: 11/25/2015

CASE #: BA-2015-00025

TO: Chuck Haskins - Engineering

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 12/10/2015

DATE TO BE RETURNED: 12/02/2015

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 project site is outside the FEMA 100-year floodplain; however, please utilize necessary construction Best Management Practices (BMPs) to minimize erosion and offsite sediment transport.

Cathleen Valencia

Digitally signed by Cathleen Valencia
DN: cn=C, o=Arapahoe County, ou=Engineering Services
Date: 2015.12.21 15:12:11-0700

Signature/Date

(attach additional sheets as necessary)

Submit by Email

BOARD OF ADJUSTMENT PUBLIC HEARING
January 14, 2016
1:00 P.M.

**SUBJECT: CASE NO. BOA-2015-00026, RICHARD PERSON
VARIANCE**

Alan Snyder, Community Compliance Officer

December 23, 2105

LOCATION: The site is located at 1650 S. Beeler St. in the Paula Dora Subdivision. The property is zoned R-3 (Obsolete-Residential) and located within Election District 4.

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

North - R-A (Residential-Agricultural)
South - R-3
East - R-3
West - R-5 PUD/MU-PUD

PROPOSAL:

The owner, Richard Person, represented by Mark Adcock, is requesting approval of a variance for an existing detached accessory structure that exceeds the allowed height of 15' by 6". The allowed accessory structure square footage is 1000 sf and the accessory structure exceeds the 1000sf maximum by 711 square feet. The accessory structure was built on or around 2000 without an approved building permit being issued.

I. BACKGROUND

The subject property is zoned R-3 (Residential) which allows single-family dwelling units and Type A group Homes as principal permitted uses. The structure was built without a building permit being issued but does not meet the required front, rear and side setbacks.

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 residential uses.

2. Ordinance Review and additional Background Information

The property in question consists of 1.27 acres. The applicant is requesting approval of a variance for an over-height and over-sized accessory structure built on or around 2000 without an approved building permit being issued.

3. Referral Comments

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

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

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:

Attachments

1. Variance application
2. Letter of intent
3. Site plan
4. Aerial of property
5. Paula Dora 4 Plat/Address Plat
6. Referrals from Engineering/Planning/Building
7. Map of variances in area
8. Photos of structure

BOARD OF ADJUSTMENT PUBLIC HEARING
January 14, 2016
1:00 P.M.

**SUBJECT: CASE NO. BOA-2015-00026, RICHARD PEARSON
VARIANCE**

Alan Snyder, Community Compliance Officer

December 23, 2105

LOCATION: The site is located at 1650 S. Beeler St. in the Paula Dora Subdivision. The property is zoned R-3 (Obsolete-Residential) and located within Election District 4.

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

North - R-A (Residential-Agricultural)
South - R-3
East - R-3
West - R-5 PUD/MU-PUD

PROPOSAL:

The owner, Richard Pearson, represented by Mark Adcock, is requesting approval of a variance for an existing detached accessory structure that exceeds the allowed height of 15' by 6". The allowed accessory structure square footage is 1000 sf and the accessory structure exceeds the 1000sf maximum by 711 square feet. The accessory structure was built on or around 2000 without an approved building permit being issued.

I. BACKGROUND

The subject property is zoned R-3 (Residential) which allows single-family dwelling units and Type A group Homes as principal permitted uses. The structure was built without a building permit being issued but does not meet the required front, rear and side setbacks.

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 residential uses.

2. Ordinance Review and additional Background Information

The property in question consists of 1.27 acres. The applicant is requesting approval of a variance for an over-height and over-sized accessory structure built on or around 2000 without an approved building permit being issued.

3. Referral Comments

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

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

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:

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4. Aerial of property
5. Paula Dora 4 Plat/Address Plat
6. Referrals from Engineering/Planning/Building
7. Map of variances in area
8. Photos of structure



ARAPAHOE COUNTY BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

CASE NO. BOA-2015-00026

DATE 12-11-15 MANAGER MARK ADLOCK, ARCHITECT
NAME OF APPLICANT RICHARD PEARSON
ADDRESS 1650 SO. BEELER
ZIP CODE 80247 PHONE 720-435-8865 E-MAIL MARKADLOCK@GMAIL.COM
ADDRESS OF PROPERTY NEEDING VARIANCE 1670 S. BEELER
1973-22-3-02-0296

LEGAL DESCRIPTION OF PROPERTY LOT 3 S 1/2 BLK 6, PAULA DORA
CURRENT ZONING OBSOLETE R-3 SURROUNDING ZONING OBSOLETE R-3
STATE VARIANCE REQUEST IN (FEET & INCHES) BUILDING HEIGHT 15'-6"
(ACCESSORY STRUCTURE)

EXPLANATION OF HARDSHIP (LIST REASON WHY VARIANCE IS NEEDED)
6" HEIGHT FOR ACCESSORY STRUCTURE
S.F OF EXIST'G STRUCTURE = 1711 S.F.

ZONING RESOLUTION REFERENCE:

REQUIRED HEIGHT, QUANTITY OR LOCATION:

OWNER OF PROPERTY (PLEASE PRINT)

Richard Pearson
Richard Pearson
PROPERTY OWNER'S SIGNATURE

Mark Adlock, Architect
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 December 2015
DATE RECEIVED

Sam King
RECEIVED BY ZONING DEPARTMENT

December 11, 2015

Tammy King

Zoning Administrator

Arapahoe County

6924 So. Lima Street

Centennial, Colorado 80112

LETTER OF INTENT / VARIANCE

PROPERTY ADDRESS: 1670 SO. BEELER STREET
DENVER, COLORADO 80247

OWNER: RICHARD PEARSON
1650 SO. BEELER STREET
DENVER, COLORADO 80247

BACKGROUND INFORMATION / NARRATIVE

THE OWNER, RICHARD PEARSON PURCHASED LOTS 1 THROUGH 6 OVER 25 YEARS AGO. HE HAS LIVED IN THE EXISTING HOME AT 1650 SO. BEELER SINCE THAT TIME. OVER THE YEARS MR. PEARSON HAS SOLD 3 OF THE 6 LOTS HE OWNED BUT CURRENTLY STILL OWNS LOTS 1, 2 AND 3. THESE LOTS CORRESPOND WITH THE FOLLOWING ADDRESSES: 1650, 1660 AND 1670 SO. BEELER STREET.

NOTE: THE SUBDIVISION OF THE PARCEL INTO 6 LOTS WAS RECORDED BY THE PREVIOUS OWNER IN JUNE OF 1974.

IN OR AROUND 2000 MR. PEARSON CONTACTED THE BUILDING / ZONING DEPARTMENT IN REGARDS TO BUILDING A NEW STRUCTURE AND WAS TOLD THAT FOR HIM TO BUILD A NEW ACCESSORY STRUCTURE HE WOULD FIRST HAVE TO TEAR DOWN EXISTING ACCESSORY STRUCTURES THAT CURRENTLY SAT ON THIS LOT. MR. PEARSON REMOVED THE EXISTING ACCESSORY STRUCTURES AND BASED ON WHAT HE THOUGHT WAS CORRECT BUILT HIS NEW ACCESSORY STRUCTURE MEETING THE REQUIRED SETBACKS.

MR. PEARSON WAS NOT AWARE THAT HE WAS REQUIRED TO OBTAIN A BUILDING PERMIT, HE ONLY UNDERSTOOD THAT HE WAS REQUIRED TO REMOVE THE EXISTING ACCESSORY STRUCTURES.

MR. PEARSON KNEW THAT HE DID NEED TO MEET ALL SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE.

HIS REAR SET BACK IS 15'-6"

HIS SOUTH SIDE SETBACK IS 8'-8"

HIS FRONT SETBACK IS OVER 200' FROM BEELER

HIS NORTH SIDE SETBACK EXCEEDS 80'

MR. PEARSON WAS UNAWARE OF MAXIMUM SQUARE FOOTAGE REQUIREMENTS AND HIS ONLY KNOWLEDGE OF HEIGHTS OF STRUCTURES IN THIS R-3 OBSOLETE ZONING WAS THE 25' MAXIMUM HEIGHT REQUIREMENT STATED IN THE ZONING CODE.

MR. PEARSONS ACCESSORY STRUCTURE REQUIRES A VARIANCE FOR THE FOLLOWING REASONS:

1. BUILDING HEIGHT IS 15'-6". THIS EXCEEDS THE ALLOWABLE 15' MAXIMUM HEIGHT REQUIREMENT.
2. THE EXISTING ACCESSORY STRUCTURE IS 1711 SQUARE FEET. THE ALLOWABLE SQUARE FOOTAGE PER ZONING IS 1000 S.F.

WE ARE ASKING FOR A VARIANCE FOR THE ABOVE TWO MENTIONED ITEMS.

WE WOULD ALSO LIKE TO POINT OUT THAT MR. PEARSONS NEXT DOOR NEIGHBOR, KEITH HOMBURGER WAS ABLE TO OBTAIN A BUILDING PERMIT FOR A 2400 S.F. ACCESSORY STRUCTURE THAT EXCEEDED THE 15' HEIGHT REQUIREMENT AT AROUND THE SAME TIME MR. PEARSON BUILT HIS ACCESSORY STRUCTURE.

PUBLIC RECORDS SHOW MR. HOMBURGER OBTAINING A PERMIT FROM ARAPAHOE COUNTY AROUND APRIL 2000 FOR THE CONSTRUCTION OF A "DETACHED GARAGE / STORAGE BUILDING 2400 S.F." FOR HIS ADDRESS AT 9301 E. MEXICO WHICH IS CONTIGUOUS WITH MR. PEARSON'S PROPERTY.

A SITE VISIT WILL SHOW THAT MR. HOMBURGER'S BUILDING WHICH IS MUCH LARGER AND TALLER THAN MR. PEARSONS IS MADE OF SIMILAR MATERIALS AND IS ERECTED ONLY ABOUT 30' FEET TO THE EAST OF MR. PEARSON'S ACCESSORY STRUCTURE.

IN SUMMARY WE WOULD HOPE THAT THE VARIANCE BOARD WILL SEE THAT DURING THE TIME FRAME IN QUESTION, ARAPAHOE COUNTY WAS ALLOWING PERMITTED STRUCTURES TO BE BUILT IN THIS AREA THAT EXCEEDED NOT ONLY THE 1000 S.F. MAXIMUM REQUIREMENT BUT ALSO ALLOWED ACCESSORY STRUCTURES TO BE BUILT HIGHER THAN THE 15' MAXIMUM REQUIREMENT.

PLEASE DO NOT HESITATE TO CALL ME IF YOU HAVE ANY QUESTIONS.

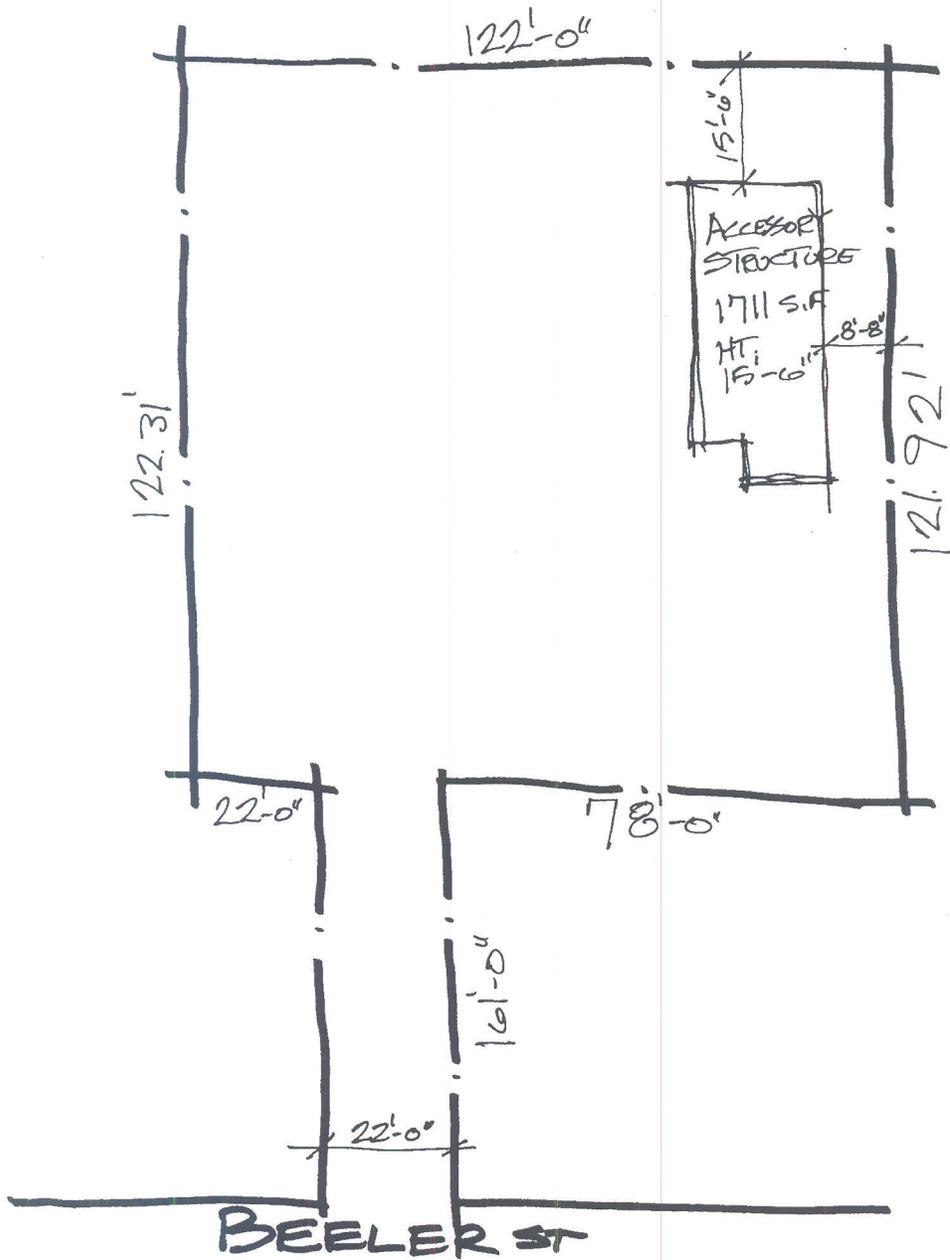
THANK YOU,

MARK ADCOCK, ARCHITECT

720-435-8865

1MARKADCOCK@GMAIL.COM

AGENT FOR THE OWNER.



SITE PLAN
 NO SCALE
 ← NORTH

1670 BEELETR
 DENVER, COLO.
 80247

LEGAL: LOT 3
 S 1/2 BLK 6
 PAULA DORA



1650 S BETTER ST



0 55 110 220 330 440 Feet

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: 12/23/2015

Generated by Arapahoe County's **ArapahoeMAP**



Map Location

CASE REFERRAL

DATE: 12/14/2015

CASE #: BA2015-00026

TO: Jason Reynolds - Planning

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 01/14/2016

DATE TO BE RETURNED: 12/23/2015

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.

Jason Reynolds

Digitally signed by Jason Reynolds
DN: cn=Jason Reynolds, o=Public Works and Development,
ou=Planning, email=jreynolds@arapahoe.gov, c=US
Date: 2015.12.14 15:05:16 -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: 12/14/2015

CASE #: BA2015-00026

TO: Chuck Haskins - Engineering

FROM: ARAPAHOE COUNTY BOARD OF ADJUSTMENT

CASE MANAGER: Alan Snyder

HEARING DATE: 01/14/2016

DATE TO BE RETURNED: 12/23/2015

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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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

Ensure there are no adverse drainage impacts from existing structure onto adjacent properties.
Any downspouts on the building will need to be placed in a way that doesn't direct the runoff onto adjacent properties.
This referral is for the accessory structure only. Any future residence will need to obtain building permit, at which time additional analysis may be needed.

Sarah L White

Digitally signed by Sarah L White
DN: cn=Sarah L White, o, ou, email=swhite@arapahoegov.com, c=US
Date: 2015.12.22 14:58:56 -0700

Signature/Date

(attach additional sheets as necessary)

Submit by Email



090-RUY

SUPREME





