



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

- North - R-PSF (Residential/Single Family Planned Unit Development), existing fully developed subdivision
- South - R-3 (Residential/Single Family), existing fully developed subdivision
- East - South Parker Road (CDOT); Business and Commercial Planned Unit Development
- West - R-PSF (Residential/Single Family Planned Unit Development)

### **I. BACKGROUND**

The subject property is zoned R-2 (Residential), with a Location & Extent and Use by Special Review establishing the quasi-public use of a religious community center.

#### **5-5.4 D APPROVAL CRITERIA FOR A 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:

1. The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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 single family residential, with secondary uses including places of worship.

### 2. Ordinance Review and additional Background Information

Section 4-1.3.N of the Land Development Code stipulates that privacy fences in residential zone districts shall not exceed six feet in height.

The property, while in a residential district, has a large parking lot serving the religious community center. The parking lot abuts neighboring single-family properties in the locations where the eight-foot-fence is proposed to be constructed. The residential property adjacent to the northwest corner of the subject property has already installed a new fence atop a retaining wall.

The applicant has submitted a permit application to construct a fence of composite "TREX" material, which is a low maintenance alternative to wood. Combined with the height increase, the proposed fence should provide additional buffering against sound and light for properties on both sides.



Diagram of the proposed construction submitted by the applicant.

**3. Referral Comments**

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

- Supporting statement signed by abutting residents: Attached
- Planning: Attached (no comments)
- Engineering: Attached (no comments)
- County Attorney: Attached (no objections)
- South Metro Fire District: Attached (no objections)

**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 fence exceeds the allowable six feet of height allowed by the Land Development Code, Section 4-1.3.N.

2. The existing use is as a religious center, and abuts six (6) single-family residential properties.

**Attachments**

1. Variance application
2. Letter of Intent
3. Fence Contractor documents
4. Statement(s) supporting the proposal, signed by abutting neighbors
5. Referral responses



ARAPAHOE COUNTY BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE

CASE NO. BOA-2023-00004

DATE 9-14-2023 MANAGER Roy W. Rimer

NAME OF APPLICANT Hirbo, Hirbo (For Colorado muslim society)

ADDRESS 2071 S. Parker Rd

ZIP CODE 80231 PHONE 720-298-0613 E-MAIL hirbo@coloradomuslimsociety.org

ADDRESS OF PROPERTY NEEDING VARIANCE 2071 S Parker Rd, Denver, CO 80231

LEGAL DESCRIPTION OF PROPERTY Lot 1 Welch Sub 7th Flg

CURRENT ZONING R-2 SURROUNDING ZONING R-3, R-PSF, MU, B-3PUD

STATE VARIANCE REQUEST IN (FEET & INCHES) Increase fence height limit an additional 2ft for an 8ft fence.

EXPLANATION OF HARDSHIP (LIST REASON WHY VARIANCE IS NEEDED) See attached.

ZONING RESOLUTION REFERENCE:
REQUIRED HEIGHT, QUANTITY OR LOCATION:
<u>8ft tall fencing on the south and west perimeters</u>

OWNER OF PROPERTY (PLEASE PRINT)

Colorado Muslim Society

[Signature] (For Colorado muslim society)  
PROPERTY OWNER'S SIGNATURE

[Signature] (For Colorado muslim society)  
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.

9/14/2023

DATE RECEIVED

Roy W. Rimer - Zoning Inspector

RECEIVED BY ZONING DEPARTMENT



## Colorado Muslim Society (CMS)

2071 S Parker Road, Denver, CO 80231

Email: [info@coloradomuslimsociety.org](mailto:info@coloradomuslimsociety.org) | Ph: 303-696-9800

[www.coloradomuslimsociety.org](http://www.coloradomuslimsociety.org)



September 1, 2023

Arapahoe County Public Works & Development  
Planning Division  
6924 S. Lima St.  
Centennial, CO 80112

RE: Proposed Fence Replacement with 8' Height

Dear Public Works & Development:

Colorado Muslim Society (CMS) would like to upgrade /replace the current fence shared with the following neighbors and E. Evans Way with an 8' high quality Trex material fence:

9440 E. Evans Way  
9445 E. Evans Way  
2141 S. Dallas St.  
2131 S. Dallas St.  
2121 S. Dallas St.

The purpose of this project is to replace the existing wood fence which is damaged/deteriorated with a new maintenance free Trex fence. The existing fence ranges between 6', 7' and 8' in height. To protect the privacy of our next-door neighbors (due to the daily high volume of visitors to CMS), we would like to install an 8' fence. Our contractor Superior Fence & Rail of Denver was told by Arapahoe County that a site plan amendment is required for this purpose. We appeal to Arapahoe County to approve this change as soon as possible in order to proceed with this project.

Please coordinate this project with our member volunteer Mr. Issa Ashour. His contact information is:

[Issa.ashour@live.com](mailto:Issa.ashour@live.com)

303-472-5451

Thank you.

Sincerely,

Colorado Muslim Society  
Ibrahim Hirbo, CMS President

business, colorado muslim society

Date 4/19/2023

Customer's Last Name, First Name

2071 S Parker Rd

Service Address

Denver CO, 80231

City, State, Zip

(720) 298-0613

hirbo@coloradomuslimsociety.org

Preferred Phone No.

Customer's E-mail Address

Municipality

Yes Permit required?  
 No

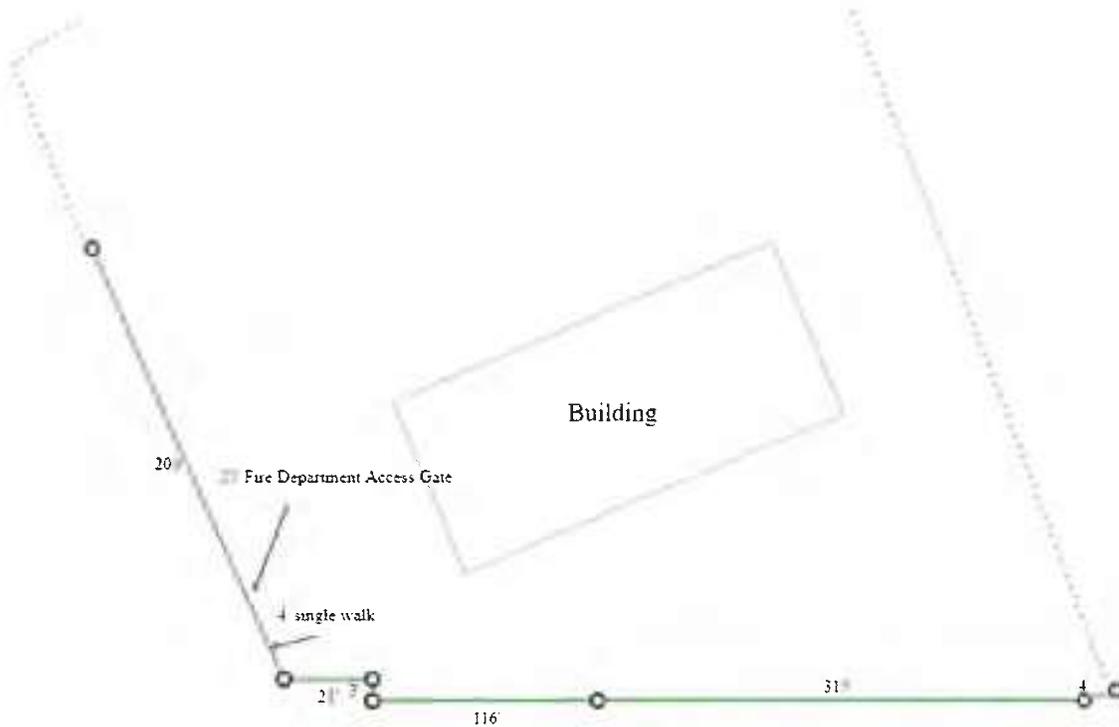
Homeowner to obtain permit  
(Superior Fence & Rail requires copy of permit before installation)

Superior Fence & Rail to obtain permit

Yes Plot plan or survey available?  
 No

**APPROXIMATE LAYOUT**

FENCE FOOTAGE CONTAINED IN THIS PROPOSAL IS APPROXIMATE. BASED ON THE FIELD MEASUREMENT, FINAL PRICE WILL BE ADJUSTED BASED ON ACTUAL FENCE FOOTAGE USED, AS SET FORTH IN TERMS AND CONDITIONS)



Superior Fence & Rail Contact Information:

Superior Fence & Rail of Denver, LLC  
5180 Smith Road Unit E  
Denver, CO 80130  
(720) 674-0670

FENCE TO FOLLOW GRADE OF PROPERTY: PLEASE INITIAL

*[Handwritten Signature]*



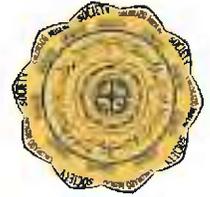


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Email: [info@coloradomuslimsociety.org](mailto:info@coloradomuslimsociety.org) | Ph: 303-696-9800

[www.coloradomuslimsociety.org](http://www.coloradomuslimsociety.org)



August 15, 2023

Dear neighbor,

I trust this letter finds you in good health. My name is Ibrahim Hirbo and I am the President at Colorado Muslim Society.

I am writing to update you on our project regarding the replacement of our existing fence. As you may have seen, some of our fence on the wooden section of the property is damaged and others are worn out from wear and tear. This fence is a mixture of 6', 7' and 8' sections.

The new fence will be an 8ft TREX SECLUSIONS COMPOSITE FENCING. This new fence will replace the existing wooden cedar fence from one end of the property to the other. Our primary goal for selecting an 8ft fence is to provide a much-needed privacy to our neighbors as well as security for each other.

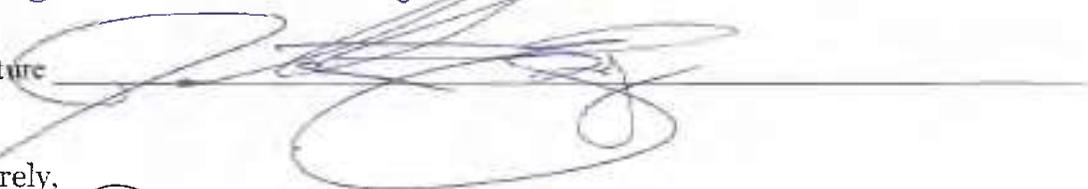
Superior Fence & Rail is the contractor and construction will be performed in accordance with the city and county code. The total cost of this project will be entirely covered by Colorado Muslim Society. In regards to the old fence, Superior Fence & Rail will be responsible for hauling them away and dispose of properly.

The original construction plans for the Islamic Center had called for a 6' fence. Arapahoe County will only allow us to do a 6' fence unless we apply for a variance and have all the neighbors who share the fence with the center approve the 8' fence. Your signature below indicates to the county that you agree to an 8' fence.

Name: Jonathan Borgia

Address: 2121 S Dallas St. Denver, CO 80231

Email: jonathanborgia@gmail.com Tel: 808 294 5000

Signature: 

Sincerely,



Colorado Muslim Society  
Ibrahim Hirbo, CMS President



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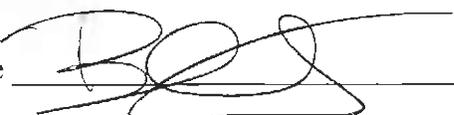
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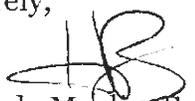
Name: BRAD MCHARGUE

Address: 2131 S. DAWAS ST

Email: bmchargue@gmail.com Tel: 941-228-5830

Signature 

Sincerely,

  
Colorado Muslim Society  
Ibrahim Hirbo, CMS President



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Name: Daq Dandy

Address: 9446 E Evans way

Email: dudley122@gmail.com Tel: 303-877-6712

Signature Daq Dandy

Sincerely,

Colorado Muslim Society  
Ibrahim Hirbo, CMS President



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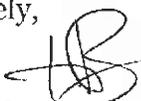
Name: Kurbonali Khasanov

Address: 9445 E Evans Way Denver CO 80231

Email: Kurbon57@gmail.com Tel: 720-272-8484

Signature 

Sincerely,



Colorado Muslim Society  
Ibrahim Hirbo, CMS President



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Name: Guy SCAVETTA

Address: 2141 S. DALLAS ST.

Email: romigs@gmail.com Tel: 303 981 3932

Signature Guy Scavetta

Sincerely,

Colorado Muslim Society  
Ibrahim Hirbo, CMS President



**Arapahoe County Public Works and Development**

**Zoning**

6924 S. Lima Street  
 Centennial, Colorado 80112  
 Phone: (720) 874-6711  
 www.arapahoegov.com

***Zoning Referral Routing***

**Case Type:** \_\_\_\_\_

**Sent Date:** \_\_\_\_\_

**Case Number:** \_\_\_\_\_

**Return Date:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Case Manager:** \_\_\_\_\_

The enclosed case has been submitted to the Arapahoe County Zoning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

**Arapahoe County Agencies**

**Referral Agencies**

- \_\_\_ Attorney's Office
- \_\_\_ Board of County Commissioners
- \_\_\_ Building
- \_\_\_ Engineering
- \_\_\_ Engineering (Access)
- \_\_\_ Mapping
- \_\_\_ Transportation/Traffic
- \_\_\_ Open Space
- \_\_\_ Planning
- \_\_\_ Road & Bridge
- \_\_\_ Sheriff's Department
- \_\_\_ Weed Control

- \_\_\_ Public Health
- \_\_\_ Fire District \_\_\_\_\_
- \_\_\_ East End Advisory
- \_\_\_ Colorado Department of Transportation
- \_\_\_ Colorado State Patrol
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_

Have NO Comments to make on the case as submitted.

Have the following comments to make related to the case:

COMMENTS:

**NAME** \_\_\_\_\_ **DATE** \_\_\_\_\_

**AGENCY** \_\_\_\_\_



**Arapahoe County Public Works and Development**

**Zoning**

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 Centennial, Colorado 80112  
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Have NO Comments to make on the case as submitted.

Have the following comments to make related to the case:

COMMENTS:

NAME \_\_\_\_\_ DATE \_\_\_\_\_

AGENCY \_\_\_\_\_

## Roy Rimer

---

**From:** Robert Hill  
**Sent:** Friday, September 15, 2023 11:12 AM  
**To:** Roy Rimer  
**Cc:** Caitlyn Mars  
**Subject:** RE: Fence Variance at CMS - DRC Topic

I did and I am ok with the variance.

Robert J. Hill  
Senior Assistant County Attorney  
Arapahoe County, Colorado  
5334 S. Prince St.  
Littleton, CO 80120-1136  
303-795-4639  
Direct dial: 303-795-4563  
[rhill@arapahoegov.com](mailto:rhill@arapahoegov.com)

---

**From:** Roy Rimer <RRimer@arapahoegov.com>  
**Sent:** Friday, September 15, 2023 10:51 AM  
**To:** Robert Hill <RHill@arapahoegov.com>  
**Cc:** Caitlyn Mars <CMars2@arapahoegov.com>  
**Subject:** Fence Variance at CMS - DRC Topic

Hi Bob,

Before I invite the BOA for Sept 12 for this variance (I just sent the referral) I just wanted to make sure you heard the conversation about using a variance instead of a L&E amendment or USR to increase the fence height at DRC on Weds and there is no legal issue with that.

Thanks,



**Roy W. Rimer**

Zoning Inspector  
Public Works & Development  
6924 S Lima St. | Centennial, CO 80112  
Direct: 720-874-6752 | Zoning: 720-874-6711  
[www.arapahoegov.com](http://www.arapahoegov.com)

***Please Note: Under the Colorado Open Records Act (CORA), messages sent by or to me on this Arapahoe County owned e-mail account may be subject to public disclosure.***

# SOUTH METRO FIRE RESCUE FIRE MARSHAL'S OFFICE

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Roy Rimer, Zoning Inspector  
Arapahoe County Public Works – Planning Division  
6924 S. Lima St, Centennial CO 80112  
720-874-6752  
RRimer@arapahoegov.com

Project Name: Parker Fence Height Variance  
Project File #: **BOA-2023-00004**  
S Metro Review # REFOTH23-00185

Review date: September 19, 2023

Plan reviewer: Jeff Sceili  
720-989-2244  
[Jeff.Sceili@Southmetro.org](mailto:Jeff.Sceili@Southmetro.org)

**Project Summary:** Applicant is seeking a variance on fence height for neighbors.

Code Reference: 2021 Fire Code Edition, 2021 Building Code Edition

South Metro Fire Rescue (SMFR) has reviewed the above project and has no objection to the proposed variance.