



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 14, 2023**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Board of Adjustment (BOA) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following BOA members were present: Jesse Armstrong, Howard Buchalter, Chair; Beth Kinsky, Chair-Pro-Tem; Michael Frishman; and Dave Evans.</p> <p>Also present were: Caitlyn Mars, Zoning Administrator; Roy Rimer, Zoning Inspector; Kim Lynch, Planning Technician, and Terri Maulik, Recording Secretary.</p>
CALL TO ORDER	<p>Mr. Buchalter called the meeting to order at 1:00 p.m. and noted a quorum of the Board was present. The BOA members confirmed their continuing qualifications to serve. The meeting was held in person and streamed through the Granicus Live Manager platform.</p>
DISCLOSURE MATTERS	<p>There were no BOA member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Kinsky and duly seconded Mr. Armstrong to accept the minutes from the June 29, 2023, BOA meeting, as presented.</p> <p>The motion passed on a 4-0 vote.</p>
REGULAR ITEMS:	
BOA-2023-00003	<p>CASE NO. BOA-2023-00003, 4949 S MALAY WAY / REAR SET BACK REQUEST FOR VARIANCE – ROY RIMER, ZONING INSPECTOR, PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Rimer stated all noticing/posting requirements had been met; therefore, the BOA had jurisdiction to proceed. He provided a summary of the applicant's request to construct a deck and wheelchair ramp that would encroach 11 feet into the 20-foot minimum, leaving only a 9-foot set back from the adjacent property line.</p>



	<p>Brian Johnson, Contractor, on behalf of Samatha Oshel, property owner, addressed the BOA. He explained the variance was needed to provide sufficient egress from the home for an individual in a wheelchair. He stated he would be building the deck and ramp at no cost so the owner could get into the home.</p> <p>Ms. Oshel addressed the BOA seeking their approval of the variance. She explained that Victor Castillo, who resided in the home with her, was a quadriplegic and the modifications would improve his independence, freedom, and quality of life. Further, she stated the addition of the deck would create an emergency / fire exit that Mr. Castillo could go in and out of independently. Ms. Oshel said the deck and ramp would allow Mr. Castillo access to the backyard so he could enjoy time with family, the garden, and fresh air.</p> <p>Victor Castillo explained he was paralyzed from medical malpractice and that Ms. Oshel was his everything. He said that she took care of him, providing all the things he was no longer able to do for himself.</p> <p>Mr. Buchalter opened the hearing for public testimony. There were no public comments. The public hearing was closed.</p> <p>There were discussions regarding setbacks and home ownership. It was stated both Ms. Oshel and Mr. Castillo considered themselves owners of the property.</p> <p>Ms. Mars clarified that the variance was strictly for the deck, not the ramp.</p> <p>It was moved by Ms. Kinsky and duly seconded by Mr. Armstrong to approve the rear 9-foot set back variance as requested. It was then moved by Mr. Buchalter to amend the motion to specify the reasons for the approval, to include that the strict application of the regulations would result in practical difficulties, that there were exceptional circumstances applicable to the property, and the granting of the variance would not be substantially detrimental to the public good.</p> <p>The amendment to the motion was accepted by Ms. Kinsky.</p> <p>The vote was:</p> <p>Mr. Armstrong, Yes; Mr. Buchalter, Yes; Mr. Evans, Yes; Mr. Frishman, Yes; Ms. Kinsky, Yes.</p>
ADJOURNMENT	<p>There being no further business to come before the Board of Adjustment, the meeting was adjourned.</p>