

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY BOARD OF ADJUSTMENT
THURSDAY, MAY 8, 2025**

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: Dave Fallon, Alternate; Howard Buchalter, Chair; Michael Frishman; and Dave Evans. Jesse Armstrong appeared and was excused. Beth Kinsky was expected but did not arrive. It was later discovered that Kim reported her expected arrival in error and Mr. Armstrong could have stayed but all was in order as there was a quorum.</p> <p>Also present were Matt Hader, Senior Assistant County Attorney; Caitlyn Mars, Zoning Administrator (remote); Brant Love, Zoning Inspector; Brittany Worley, Zoning Inspector; Kim Lynch, Recording Secretary.</p>
CALL TO ORDER	<p>Mr. Buchalter called the meeting to order at 1:05 p.m. He noted that 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 Mr. Evans and duly seconded Mr. Frishman to accept the minutes from the January 7, 2025, BOA meeting, as presented.</p> <p>The motion passed on a 3-0 yes vote.</p>
REGULAR ITEMS:	
BOA-2024-00008	<p>CASE NO. BOA-2024-00008; VARIANCE REQUEST TO ENCROACH INTO THE SIDE SETBACK - ZONING COMPLIANCE SPECIALIST: BRANT LOVE 21005 E. Radcliff Place in the Copperleaf Subdivision</p> <p>Mr. Buchalter asked the Assistant County Attorney if the BOA had jurisdiction to proceed. Mr. Hader stated proper notice had been given therefore the BOA had jurisdiction had jurisdiction to proceed.</p>

Mr. Love provided a summary of the applicant's request for a variance from the required 5-foot side setback along the western property line to allow a 3-foot encroachment. He said this is a 60% reduction in the setback resulting in expanded use to within 2-feet of the property line and 7-feet from the neighboring residence. He said within the proposed encroachment, the applicant intended to build a walkway and landing/staircase to create an additional side entrance to the home. He described how this entrance would allow more direct access to the basement of the home by way of an internal staircase. He indicated the applicant had represented that this entrance would not serve as access to a separate accessory dwelling unit (ADU) but was, instead, an entrance to be utilized by a roommate residing in the basement. He said the applicant had advised that their roommate had full access to and utilized the main floor and kitchen area when needed. He concluded that the applicant had been informed of the additional review requirements of the Building and Zoning Divisions if he wished to build out the basement as an ADU.

Mr. Justin Romero and his contractor were present. Mr. Romero, the homeowner, reported he had gone forward with this variance, and neighbors had agreed it would be unobtrusive. He explained he was a former vet with sleeping difficulties due to PTSD and that he and his partner had a roommate residing in the basement. He maintained this proposed door was intended to allow the roommate coming and going to not disturb the rest of the household. He added that drainage improvements had been made and proposed in the project design.

Mr. Lampe, general contractor, explained the window well safety, doorway elevations, landing, footings and retaining walls and how these would be accommodating the drainage requirements.

There was discussion surrounding whether the project met the criteria for an ADU and all the criteria for the variance. Mr. Love responded it did not. When asked if others in this community property had a similar side setback variance, Mr. Love replied that based upon his inspection there were others. Mr. Romero responded that the hardship was in the narrow access entry for a renter which opened to the front and back of the home which resulted in him waking when the roommate came in at odd hours. He also presented written approval for the project heard today from his HOA.

Mr. Buchalter opened the hearing for public testimony. There were no public comments. The public hearing was closed. There were no final questions of the applicant.

The motion was made regarding the variance, I have reviewed the staff findings and agree these are tight quarters for very small lots, however, I am not persuaded that this meets the necessary criteria and move to deny the application.

	<p>It was moved by Mr. Buchhalter and duly seconded by Mr. Frischman to deny the proposed variance adjustment to the side of the house.</p> <p>The vote was:</p> <p>Mr. Buchalter, Yes; Mr. DeBrun, Yes; Mr. Evans, Yes; Mr. Frishman, Yes; Ms. Kinsky, Absent.</p>
ADJOURNMENT	<p>There being no further business to come before the Board of Adjustment, the meeting was adjourned.</p>