



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY BOARD OF ADJUSTMENT
THURSDAY, NOVEMBER 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 Robert Hill, Senior County Attorney; Caitlyn Mars, Zoning Administrator; Roy Rimer, Zoning Inspector; Brittany Worley, Zoning Inspector; Kim Lynch, Recording Secretary.</p>
CALL TO ORDER	<p>Mr. Buchalter called the meeting to order at 1:30 p.m. due to confusion about the meeting's alternate location. 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 Ms. Kinsky to accept the minutes from the September 14, 2023, BOA meeting, as presented.</p> <p>The motion passed on a 4-0 vote: Mr. Robinson abstained.</p>
REGULAR ITEMS:	
BOA-2023-00004	<p>CASE NO. BOA-2023-00004, SUBJECT: CASE NO. BOA-2023-00004, COLORADO MUSLIM SOCIETY VARIANCE - ROY RIMER, ZONING INSPECTOR, PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Buchhalter asked the County Attorney if the Board had jurisdiction to proceed.</p> <p>Mr. Hill stated all noticing/posting requirements had been met; therefore, the BOA had jurisdiction to proceed.</p>



	<p>Mr. Rimer provided a summary of the applicant's request to replace the existing wood fence that has 6, 7, 8-foot sections with a new maintenance free 8-foot Trex fence to protect the privacy of adjacent neighbors.</p> <p>Mr. Issa Ashour, maintenance and caretaker of the mosque, stated the reason for this request was to provide noise mitigation for adjacent residents. He explained that parking lot for daily services abutted private property. He reported he had spoken with 5 residents individually and they were appreciative of the fact the mosque was respectful of their privacy. He concluded that grant funds and members would be covering the cost of the project.</p> <p>There were discussions regarding the shared fence, and it was reported that existing residents did all sign letters agreeing to the additional height of the fence. There was an inquiry into how this application was comparable to other religious societies in the neighborhood. Mr. Rimer gave testimony there were no other comparable instances of a similar variance.</p> <p>Mr. Buchalter opened the hearing for public testimony. There were no public comments. The public hearing was closed.</p> <p>It was moved by Mr. Robinson, amended by Mr. Buchalter, and duly seconded by Ms. Kinsky to approve 8-foot fence height variance as requested. He specified 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 vote was:</p> <p>Mr. Robinson, Yes; Mr. Buchalter, Yes; Mr. Evans, Yes; Mr. Frishman, Yes; Ms. Kinsky, Yes.</p>
BOA-2023-00005	<p>CASE NO. BOA-2023-00005, DEBORAH MCCABE VARIANCE - ROY RIMER, ZONING INSPECTOR, PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Buchhalter asked the County Attorney if the Board had jurisdiction to proceed.</p> <p>Mr. Hill stated all noticing/posting requirements had been met; therefore, the BOA had jurisdiction to proceed.</p> <p>Mr. Rimer provided a summary of the applicant's request to construct a covered patio that would extend 7 feet, equivalent to 3 feet beyond the previously approved 4-foot variance to the setback.</p>



	<p>Ms. McCabe, homeowner with previous variance for deck, attested this request for a new variance resulted from a slight overhang of gutters as designed by her contractor.</p> <p>There were discussions regarding the surrounding properties patios and covers with amended setback. It was decided a 30-day continuance was required to obtain additional information.</p> <p>Mr. Buchalter opened the hearing for public testimony. There were no public comments. The public hearing was closed.</p> <p>It was moved by Ms. Kinsky and duly seconded by Mr. Buchalter to continue the hearing to a date certain of December 14, 2023 at 1:00pm in the Lima Arapahoe Room for the variance as requested for additional engineering review and additional design drawings to clarify the need for the addition 3 feet of setback.</p> <p>The vote was:</p> <p>Mr. Robinson, 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>