

**1:00 P.M.**

12/18/20

This aerial map shows a residential area with a red-outlined parcel labeled 1830. The parcel is situated between the High Line Canal and S Uinta Way. The map includes labels for 'PRIVATE RD', 'High Line Canal', 'Unincorporated', 'S Uinta Way', 'S Xenia Ct', 'S Valentia St', 'Quebec Way', and various lot numbers. The area is divided into several sections by streets and the canal.

**BOARD OF ADJUSTMENT PUBLIC HEARING**

**January 14, 2021**

**1:00 P.M.**

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**SUBJECT: CASE NO. BOA-2020-00004, FANTA BLAWER**

**SPECIAL EXCEPTION USE**

**Michelle Lantz, Zoning Inspector**

**12/18/20**

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**LOCATION:** The site is located at 1830 S. Quebec Way. The property is zoned R-1-A (Residential) and located within Election District 4

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

- North - RR-B (Residential/Single Family), existing fully developed subdivision
- South - RR-A (Residential/Single Family), existing fully developed subdivision
- East - PUD (multi family)
- West - City and County of Denver

**PROPOSAL:**

The applicant Fanta Blawer, and owner, Eli Levy, is requesting approval to allow for a large child care home. The Land Development Code defines this use as:

CHILD CARE HOME, LARGE A dwelling unit used for the purposes of providing care for seven (7) to twelve (12) children.

A. Child care may be provided to children from 24 months to 13 years of age. This does not prohibit the care of children ages 13 to 18.

B. Care may be provided to no more than two (2) children under the age of two (2) whether or not other siblings are in care.

**I. BACKGROUND**

The Land Development Code currently lists "Day Care Home" as an allowed home occupation for up to (6) six children. The six children in care at any given time would include if the provider has children not attending full day school.

TABLE: 3-3.10.1 NUMBER OF CHILDREN PERMITTED IN DAY CARE HOME	
Provider's children not attending full-day school	Maximum number of day care children permitted at one time
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6
Provider's children under 12 years attending full-day school	Additional day care children permitted during school hours
0	0
1	1
2	2

#### 5-5.1 APPROVAL STANDARDS

A Special Exception Use shall be approved only if the Board of Adjustment finds that the proposed Special Exception Use:

- A. Complies with the minimum zoning requirements of the zoning district in which the Special Exception Use is to be located;
- B. Complies with the submittal requirements of this Chapter;
- C. Complies with the Arapahoe County Subdivision Regulations;
- D. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- E. Will be consistent with the Arapahoe County Comprehensive Plan;
- F. Will not result in an over-intensive use of land;
- G. Will not have material adverse effect on community capital improvement programs;
- H. Will not require a level of community facilities and service greater than that which is available;
- I. Will not cause significant air, water, or noise pollution or any other detrimental environmental impacts;
- J. Will be adequately landscaped, buffered, and screened;
- K. Will not otherwise be detrimental to health, safety, or welfare of the present or future inhabitants of the County.

#### 5-5.1. LENGTH OF APPROVAL

A Special Exception Use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The Special Exception Use may transfer with the sale of the land.

## 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.

### 2. Ordinance Review and additional Background Information

The Arapahoe County Land Development Code allows a “Child Care Home, Large” with the approval of a Special Exception Use granted by the Board of Adjustment.

### 3. Referral Comments

Comments received as a result of the referral process are attached to this report.

## 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:

- No neighborhood opposition
- This use is allowed with approval of a Special Exception Use

### **Attachments**

1. Application
2. Letter of Intent
3. Referral Comments