

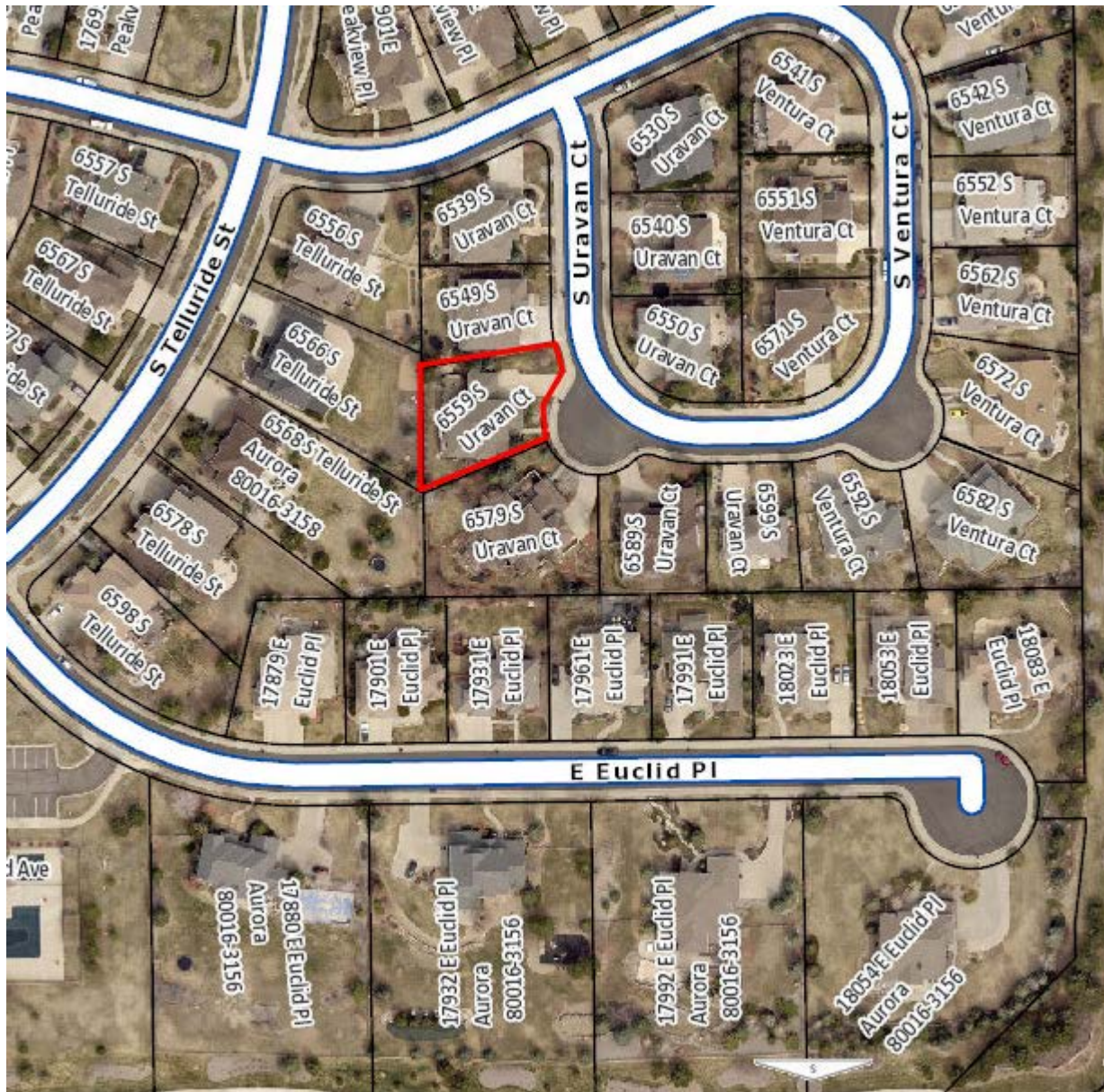
BOARD OF ADJUSTMENT PUBLIC HEARING
September 9, 2021
1:00 P.M.

SUBJECT: CASE NO. BOA-2021-00005, JOSEPH & GUI BONAGUIDI
VARIANCE

Michelle Lantz, Zoning Inspector

September 2, 2021

VICINITY MAP: The site is located at 6559 S Uravan Court in The Farm Subdivision. The property is zoned R-PSF (Residential) and located within Election District 2.



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LOCATION: The site is located at 6559 S. Uravan Court in The Farm Subdivision. The property is zoned R-PSF (Residential) and located within Election District 2.

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

- North - R-PSF (Residential/Single Family), existing fully developed subdivision
- South - R-PSF (Residential/Single Family), existing fully developed subdivision
- East - R-PSF (Residential/Single Family), existing fully developed subdivision
- West - R-PSF (Residential/Single Family), existing fully developed subdivision

PROPOSAL:

The applicant, Steve Sparhawk, and owner Joseph & Gui Bonaguidi, are requesting approval of a variance to construct a covered deck in the rear setback. The required rear setback is 20 feet and the proposed covered deck would encroach 9 feet into the rear setback making the covered deck 11 feet from the rear property line.

I. BACKGROUND

The subject property is zoned R-PSF (Residential) which allows single-family dwelling units and Type A group Homes as principal permitted uses. The home was constructed in 2002 under permit BLD-2002-39445. To the best of our knowledge the deck was constructed with the home but was not clear on the original plot plan prior to construction that a deck was proposed in the rear setback nor was it shown on the improvement location certificate (ILC) completed after the home was built. Both the plot plan and ILC are attached to this report.

5-5.4 D CONDITIONS FOR 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.

2. Ordinance Review and additional Background Information

The subject property is part of Final Development Plan P00-009, The Farm at Arapahoe County Filing NO.9.

ZONING:

1. EXISTING ZONING: R-PSF (RESIDENTIAL P.U.D. - SINGLE FAMILY).

SINGLE-FAMILY DETACHED STANDARDS

PERMITTED USES:

SINGLE FAMILY DETACHED, AS USED AND ILLUSTRATED HEREIN, IS MEANT TO INCLUDE STANDARD SINGLE FAMILY HOMES, QUASI-PUBLIC USES (CHURCHES, LIBRARIES, PRE-SCHOOL CENTERS), SALES AND INFORMATION CENTERS, TEMPORARY CONSTRUCTION TRAILERS, STORAGE RELATING TO CONSTRUCTION OR DEVELOPMENT ACTIVITIES, AND AGRICULTURE USES (INCLUDING WHEAT FARMING AND GRAZING OF LIVESTOCK ONLY UNTIL HOUSES ARE BUILT), SHALL BE ALLOWED.

	PDP (AREA 1)	FDP CASE NO: P00-009
MINIMUM LOT AREA:	8,000 SQ. FT. * (SEE NOTE 1)	8,000 SQ. FT. * (SEE NOTE 1)
MINIMUM LOT WIDTH AT FRONT BUILDING LINE:	65 FEET	65 FEET
MINIMUM LOT WIDTH AT CUL-DE-SAC FRONTAGE:	35 FEET	35 FEET
MINIMUM SETBACKS FROM LOT LINE OR RIGHT-OF-WAY:		
FRONT	20 FEET (SEE NOTE 2 & 3)	20 FEET (SEE NOTE 2 & 3)
SIDE	5 FEET (SEE NOTE 2 & 3)	5 FEET (SEE NOTE 2 & 3)
REAR	20 FEET (SEE NOTE 2 & 3)	20 FEET (SEE NOTE 2 & 3)
SIDE-CORNER LOT	10 FEET (SEE NOTE 2 & 3)	10 FEET (SEE NOTE 2 & 3)
MINIMUM DISTANCE BETWEEN STRUCTURES:	15 FEET (SEE NOTE 4)	15 FEET (SEE NOTE 4)
MAXIMUM BUILDING HEIGHT:	35 FEET (SEE NOTE 2)	35 FEET (SEE NOTE 2)
MAXIMUM LOT COVERAGE OF STRUCTURE:	30% (ONE ACRE LOTS)	30% (ONE ACRE LOTS)
MINIMUM NO. OF OFF-STREET PARKING SPACES:	2 SPACES PER DWELLING UNIT	2 SPACES PER DWELLING UNIT

3. Referral Comments

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

- Planning: In favor – see comments
- Engineering:
- South Metro Fire: No comment
- Building: No comment

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 subject property is located within Unincorporated Arapahoe County and is eligible to apply for a Variance through the Arapahoe County Board of Adjustment.
2. No opposition from internal referrals, external referrals or neighbors at the time of this report.

Attachments

1. Variance application
2. Letter of Intent
3. Site Plans
4. Referrals