

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY BOARD OF ADJUSTMENT  
THURSDAY, FEBRUARY 9, 2023**

<b>ATTENDANCE</b>	<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. The following BOA members were present: Howard Buchalter, Chair; Beth Kinsky; Michael Frishman; and Dave Evans.</p> <p>Also present were Caitlyn Cahill, Recording Secretary; Roy Rimer, Zoning Inspector; Ernie Rose, Zoning Inspector, and Robert Hill, Assistant County Attorney</p>
<b>CALL TO ORDER</b>	Chair Buchalter called the meeting to order at 1:30 p.m. and noted a quorum of the BOA 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.
<b>DISCLOSURE MATTERS</b>	There were no BOA member conflicts with the matters before them.
<b>APPROVAL OF THE MINUTES</b>	<p>The BOA unanimously approved the minutes for September 2022 with no changes.</p> <p>The BOA required the October 2022 minutes be continued until the next hearing to approve as there were only two BOA members present that were at the October 2022 hearing.</p>
<b>BOA-2022-00004</b>	<p>The property owner, Saranga (Sal) Komanduri, presented for the property at 10644 E Maplewood Drive, which is zoned R-3 PUD. Additionally, two employees from Colorado Elite Deck and Fence, Janessa Denman and Jon Lang, spoke on behalf of the property owner. BOA was presented with a request for a variance to bring an existing deck into compliance with current building code while encroaching 10 feet into the 20-foot rear setback. The size of the current deck would not change with the proposal but would allow the owners to bring the existing deck into compliance under an approved building permit.</p> <p>Jurisdiction for BOA to hear the case was established as verified by legal counsel. BOA heard from Zoning Inspector Ernie Rose, who testified to the following information:</p> <ol style="list-style-type: none"> <li>1. The County has no record of a variance approval or of a building permit for the original deck.</li> <li>2. An Improvement Location Certificate from construction of the house does not show a deck and shows that the house is built 22 feet from the back</li> </ol>

	<p>property line.</p> <ol style="list-style-type: none"> <li>3. The 20 'rear setback for the zoning district does not leave room for a deck and the property slopes away from the house toward the back property line.</li> <li>4. The requested encroachment into the setback is for 8 feet not 12 feet.</li> </ol> <p>Mr. Buchalter opened the hearing for public testimony.</p> <p>Saranga Komanduri, Janessa Denman, and Jon Land testified to the following information:</p> <ol style="list-style-type: none"> <li>1. Mr. Komanduri is the owner seeking the variance.</li> <li>2. A prior owner installed the deck.</li> <li>3. Most other properties in the neighborhood have decks or patios and can use their back yards.</li> <li>4. Unless a variance is granted, there is not enough room behind the house to have a deck and not encroach into the rear setback.</li> <li>5. The Property owner expressed his intention to replace trees that were removed with other landscaping to provide screening.</li> </ol> <p>The following residents went on the record to speak in opposition of the variance request. They were concerned with privacy and a negative impact to property values:</p> <ul style="list-style-type: none"> <li>- Jennifer Nash; 10695 E Fair Ave</li> <li>- Patricia Gavan; 10665 E Fair Ave</li> <li>- Ian Douglas; 10635 E Fair Ave</li> </ul> <p>There were no further public comments. The public hearing was closed.</p> <p>The BOA, after discussion and consideration of the evidence and testimony provided at the hearing, found that the property was eligible under the Arapahoe County regulations to request a variance as defined in the Arapahoe County Land Development Code.</p> <p><b>A motion was made by Mr. Buchalter to approve the variance, articulating that the approval criteria as set in the Land Development Code was met.</b></p> <p>Ms. Kinsky asked to amend the motion, adding that it was strongly encouraged that the applicant consider planting trees as an additional shield between the neighboring properties.</p> <p>Mr. Buchalter accepted the amendment to his motion.</p> <p><b>The motion was made by Mr. Buchalter and duly seconded by Mr. Frishman to approve the variance as requested with the recommendation that trees be planted along the rear property line.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>ADJOURNMENT</b>	<p>There being no further business to come before BOA, the meeting was adjourned.</p>