



NEIGHBORHOOD BOARD OF ADJUSTMENT

Minutes

March 16, 2022

Meeting Summary

The minutes of the November 17, 2021 Neighborhood Board of Adjustment meeting were approved.

Public Hearing - NBOA 2022-1 Broadlands Filing No. 7, Lot 16 - Consideration of a variance to allow for a rear yard encroachment for a pergola was approved by a vote of 5 to 0.

Public Hearing - NBOA 2022-3 Anthem Filing No. 20 Replat A, Lot 150 - Consideration of a variance to allow for a rear yard encroachment for a deck extension was approved by a vote of 5 to 0.

Public Hearing - NBOA 2022-4 Country Meadow Estates Replat A, Lot 2, Block 1 - Consideration of a variance to allow for a 48" Fence on the Front and Side Property Lines was approved by a vote of 5 to 0.

Roll Call - 6:00 P.M.

Chair Hardouin called the meeting to order at 6:01 p.m.

Board Members Present: Michael Fried
Larry Hardouin
Curt Ophaug-Johansen
David Nelson
Carole Hertel

Board Members Absent: Thomas Orlando
Alan Orman

Staff Members Present: Branden Roe, Principal Planner
Kayla Tift, Associate Planner
Ted Harberg, Planning Technician
Cassi Morgan, Administrative Technician II

Chair Hardouin stated there was a quorum present.

Petitions and Communications

Brandon Roe, Principal Planner announced that Board Member's Hardouin, Ophaug-Johansen and Orman were reappointed to the Board for 4 year teams. New Board Member Deven Fox was appointed to a 4 year term as an Alternate Board Member.

Disposition of Minutes

The minutes of the November 17, 2021 Neighborhood Board of Adjustment meeting were approved by a vote of 5 to 0.

Public Hearing - NBOA Resolution No. NBOA 2022-1 Broadlands Filing No. 7, Lot 16 - Consideration of a variance to allow for a rear yard encroachment for a pergola.

Location: 14149 Augusta Dr.
Applicant: George Shipp

Chair Hardouin opened the public hearing at 6:04 p.m.

Kayla Tift, Associate Planner, summarized the staff report and asked that the staff report be made part of the record.

No members of the public requested to speak.

The applicant George Shipp answered questions from the Board regarding the request.

Chairman Hardouin closed the public hearing at 6:09 p.m.

Board Member Ophaug-Johansen moved for approval of NBOA Resolution No. NBOA 2022-1 Broadlands Filing No. 7, Lot 16 - Consideration of a variance to allow for a rear yard encroachment for a pergola with the following findings:

1. The applicant's property is a single family dwelling located in the Broadlands subdivision and zoned PUD.
2. The PUD zoning requires a minimum 25 ft. rear yard setback.
3. The proposed pergola requiring a variance will be approximately 15 ft. by 10 ft. and will encroach 10 ft. into the rear yard setback. The pergola will cover an existing concrete patio and will not remove or cover any existing yard, nor will it exceed roof eave height.
4. The proposed pergola will allow the opportunity to create some shade for outdoor dining and relaxing as the existing patio is of little to no use due to sun heat and glare.
5. A public hearing was held on March 16, 2022. Evidence presented to the board included letters from two neighboring property owners within the Broadlands subdivision in support of the requested variance.
6. The requested variance will not impair the purpose of the zoning regulations to prevent the overcrowding of land or to avoid an undue concentration of population.
7. The requested variance may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of Title 17 of the Broomfield Municipal Code.
8. By reason of exceptional conditions, the strict application of the regulations would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the applicant.
9. Granting the variance will not authorize any use other than the use permitted in the zoning district.

Board Member Nelson seconded the motion.

The resolution passed by a vote of 5 to 0.

Public Hearing - NBOA Resolution No. NBOA 2022-3 Anthem Filing No. 20 Replat A, Lot 150 - Consideration of a variance to allow for a rear yard encroachment for a deck extension.

Location: 3671 Mount Powell Dr.
Applicant: Rob Schmidt

Chair Hardouin opened the public hearing at 6:12 p.m.

Kayla Tift, Associate Planner, summarized the staff report and asked that the staff report be made part of the record.

No members of the public requested to speak.

Board Members' comments and questions followed.

Chairman Hardouin closed the public hearing at 6:17 p.m.

Board Member Ophaug-Johansen moved for approval of NBOA Resolution No. NBOA 2022-3 Anthem Filing No. 20 Replat A, Lot 150 - Consideration of a variance to allow for a rear yard encroachment for a deck extension with the following findings:

1. The applicant's property is a single family dwelling located in the Anthem subdivision and zoned PUD.
2. The PUD zoning requires a minimum 20 ft. rear yard setback for decks on ranch style homes. Deck stairs may encroach up to 5 ft.
3. The subject property is a ranch style home with a walkout basement. The property is an internal lot, located adjacent to similar single-family residences and backs to open lands and the Highlands Community Center.
4. The property's existing deck is flush with the rear of the home. The proposed deck extension will add approximately 8 ft. to the length of the existing deck, and will measure approximately 12 ft. 10 in. in height. The applicant is not requesting deck stairs for the deck extension.
5. The proposed deck extension will be located approximately 14 ft. from the rear property line, an encroachment of 6 ft. into the required 20 ft. rear yard setback.
6. The requested variance will allow for a more usable outdoor space. The current deck is insufficient in size to both cook and socialize. The extended deck will provide sufficient space for both cooking and dining. It will also include a seating area.
7. A public hearing was held on March 16, 2022. Evidence presented to the board included letters from two neighboring property owners on either side of the subject property in support of the requested variance. The applicant has also received the approval of the Anthem Highlands Community Association.
8. The requested variance will not impair the purpose of the zoning regulations to prevent the overcrowding of land or to avoid an undue concentration of population.
9. The requested variance may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of Title 17 of the Broomfield Municipal Code.
10. By reason of exceptional conditions, the strict application of the regulations would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the applicant.
11. Granting the variance will not authorize any use other than the use permitted in the zoning district.

Board Member Nelson seconded the motion.

The resolution passed by a vote of 5 to 0.

Public Hearing - NBOA Resolution No. NBOA 2022-4 Country Meadow Estates Replat A, Lot 2, Block 1 - Consideration of a variance to allow for a 48" Fence on the Front and Side Property Lines.

Location: 14802 Clay St.
Applicant: Adam & Kristen Stevens

Chair Hardouin opened the public hearing at 6:21 p.m.

Kayla Tift, Associate Planner, summarized the staff report and asked that the staff report be made part of the record.

No members of the public requested to speak.

Board Members' comments and questions followed.

Chairman Hardouin closed the public hearing at 6:27 p.m.

Board Member Ophaug-Johansen moved for approval of NBOA Resolution No. NBOA 2022-4 Country Meadow Estates Replat A, Lot 2, Block 1 - Consideration of a variance to allow for a 48" Fence on the Front and Side Property Lines with the following findings:

1. The applicant's property is a single family dwelling zoned A-1(A) Adams County Legacy and is located in the Country Meadows Estates subdivision.
2. The A-1(A) zoning establishes a maximum 42 in. fence height for fences located within the 30 ft. of the front property line.
3. The subject property is a corner lot located adjacent to W 148th Ct. to the north and Clay St. to the west.
4. The applicant is requesting a variance to allow for a 48 in. split rail fence with wire mesh internal to the property to be located within the 30 ft. front set back along both W. 148th Ct. and Clay St.
5. The proposed fence will protect the property's septic system and provide safety for an inground pool the applicant plans to install on the property. The septic system limits the placement of the fence within the property as no fencing is allowed to run through the drain field. Additionally, building codes require a minimum 48 in. fence to enclose pools.
6. Granting the variance will allow the applicant to have an enclosed back yard with a single height fence that protects the pool and septic system.
7. A public hearing was held on March 16, 2022. Evidence presented to the board included letters from two neighboring property owners in support of the requested variance.
8. The requested variance will not impair the purpose of the zoning regulations to prevent the overcrowding of land or to avoid an undue concentration of population.
9. The requested variance may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of Title 17 of the Broomfield Municipal Code.
10. By reason of exceptional conditions, the strict application of the regulations would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the applicant.
11. Granting the variance will not authorize any use other than the use permitted in the zoning district.

Board Member Fried seconded the motion.

The resolution passed by a vote of 5 to 0.

Special Reports

NONE

Adjournment - 6:30 p.m.

Approval

Minutes Prepared by:

Juni Morgan
Recording Secretary

Approved by:

J. H. L.
Chair