

ITEM 1995-A-23

INITIATED BY Jackson M. Kelly

ACTION PROPOSED Setback Variance

TO BE PRESENTED BY Gary Hammond, Senior Planner



DATE 5/23/95

COMMENTS

SEE ATTACHED STAFF REPORT

SUGGESTED MOTION:

MOVED BY: _____

That variance request 1995-A-23, Jackson M. Kelly, 6853 Johnson Street, to construct a two-story elevated deck setback 6 feet 6 inches from the rear (west) property line when Section 4.5.4.J of the Zoning Ordinance requires a minimum rear setback of 10 feet, be (granted) (denied).

This motion is based on the following findings of fact: (Page 2)

YES _____ NO _____ ABSENT _____

Jackson M. Kelly
Variance
Case No. 1995-A-23

DATE: May 23, 1995

LOCATION: 6853 Johnson Street

ZONING: R-L (Residential- Low Density)

REQUEST: The applicant is requesting a variance to construct a two-story elevated deck setback 6 feet 6 inches from the rear (west) property line when Section 4.5.4.J of the Zoning Ordinance requires a minimum rear setback of 10 feet.

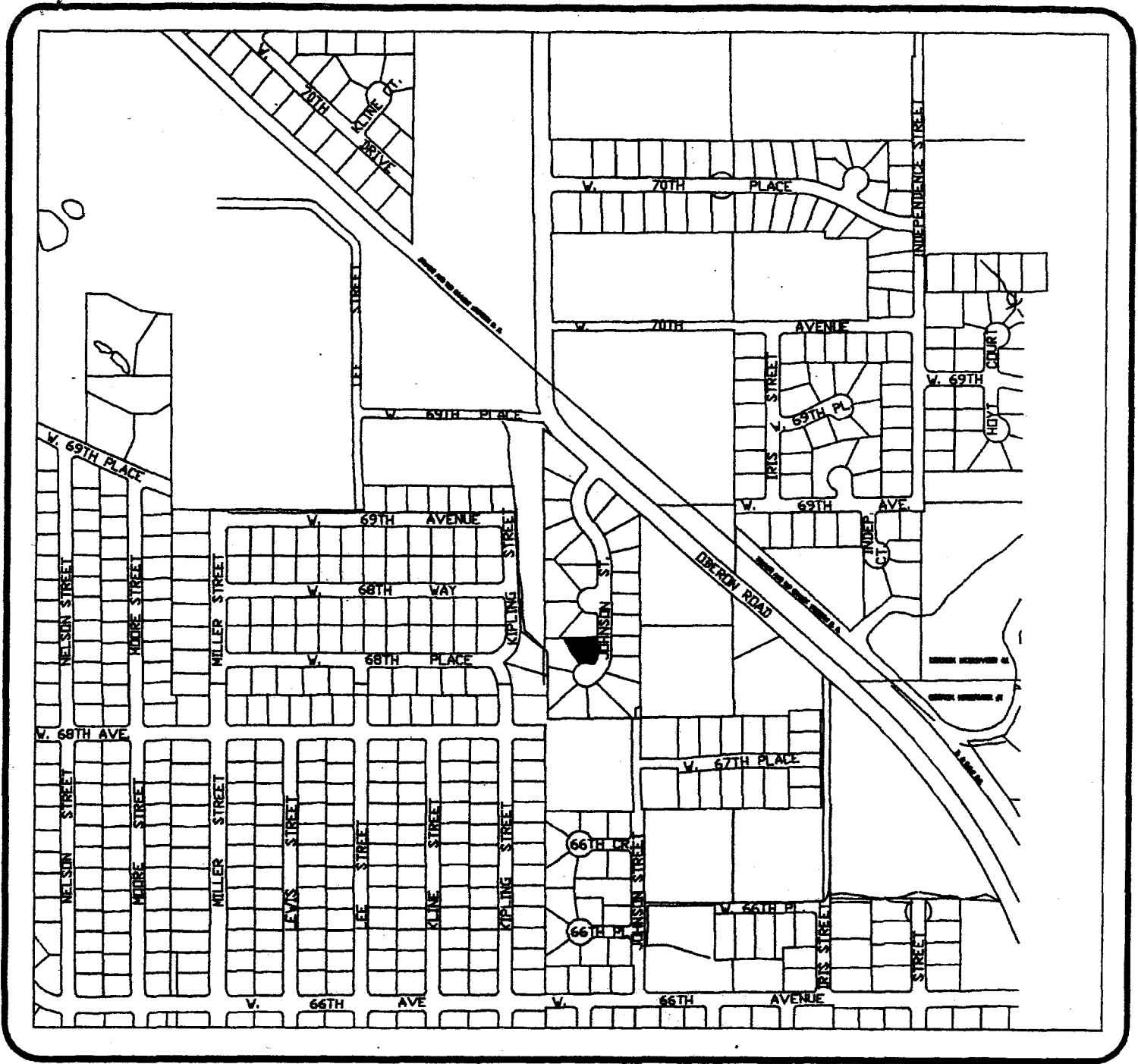
BACKGROUND: This lot is located in West Chase Subdivision and was platted in 1987. The lot is irregular in shape and is 8,754 square feet in size. Standard lots in an R-L District are at least 7,500 square feet in size. The applicant's house was constructed on the lot in 1990. The house is a two-story with a walkout basement. An elevated deck exists on the west side of the house, at the first story level. Another deck will be added on the second level.

APPLICANT'S REASONS FOR THE REQUEST: The applicant would like to construct two new decks each measuring 16' X 24' or 384 square feet in size. The house is positioned at the rear of the lot and the lot is irregular in shape. In addition, the rear property line extends at a 45 degree angle across the back of the house. Plans indicate that the decks will be 6'-6" at one corner to 14' feet at the other. For appearance reasons the applicant would prefer to build "rectangular decks". The covenants for the subdivision require that all decks be of "like shape, materials and railings."

STAFF COMMENTS: There is no utility easement on the west side of the property. The applicant's request is the most practical location for a deck addition on the house. However, the applicant should explain to the Board why the decks could not be built to the north of the existing deck location, meeting the setback requirement.

The applicant should check with the Building Department so that information can be provided concerning what will be required in order to build the decks.

STAFF RECOMMENDATION: Staff presents this case without a recommendation.



KELLY VARIANCE
 6853 JOHNSON ST.
 1995-A-23

vicinity map

north 



CITY OF ARVADA
 PLANNING DEPARTMENT
 8101 Ralston Road
 Arvada, Colorado 80002

APPLICATION FOR A REQUEST FOR A VARIANCE FROM THE ORDINANCE

All parts of the application must be completed and submitted to the Planning Department no later than the dates stated in the procedures. Incomplete or inaccurate applications will not be considered for action by the Board of Adjustment and are void.

(Please print or type all material)

GENERAL INFORMATION

1. NAME OF APPLICANT Jackson M. Kelley
2. DATE April 4, 1995
3. ADDRESS OF APPLICANT 6853 Johnson St., Arvada, CO 80004
Street City Zip
4. PHONE NUMBER (303) 431-4960 (303) 230-2790 (Beeper)
Home Office

VARIANCE INFORMATION

1. ADDRESS OF REQUEST 6853 Johnson St., Arvada, CO 80004
Street City Zip
2. SUBDIVISION NAME West Chase
3. BLOCK NO. _____
4. LOT NO. 15 Zoned R-L Ie
5. METES & BOUNDS LEGAL (if applicable) _____

6. VARIANCE REQUESTED We request permission to construct a deck attached to the west side of our home. 6'x24' DECK SET BACK 6'6" FROM REAL WEST PROPERTY LINE WHERE A 10 FT SET BACK IS REQUIRED.

OFFICIAL USE ONLY

Case No. 1995-A-23
 Date of Meeting 5-9-95
 Board Action _____

 Signature of Chairman

FEE PAID
 CITY OF ARVADA

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APR 06 1995

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PAYMENT RECEIVED

SUMMARY:

FOR APPROVAL:

The Board of Adjustment could approve the request if it finds all of the following:

1. The applicants have met the requirements of Section 10.4.3.A of the Zoning Ordinance.
2. The reasons set forth in the application justify granting the variance.
3. The variance is the minimum variance that will make possible the reasonable use of the lot.
4. Granting the variance will be in harmony with the general purpose and intent of the Zoning Ordinance.
5. Granting the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties because

DENIAL:

The Board of Adjustment could deny the request if it finds any of the following:

1. There are no practical difficulties that are unique to the applicant's property.
2. The applicant has not justified granting of the variance.

The Board of Adjustment may wish to add to or delete from the above findings of fact based upon the testimony given at the public hearing.

Kelly.rep

7. REASONS FOR YOUR VARIANCE REQUEST - YOU SHOULD **ANSWER ALL QUESTIONS** and provide as much information as possible in order to give the Board of Adjustment the necessary facts to review your case.

"The strict application of the provisions of the Zoning Ordinance would result in practical difficulties that are inconsistent with the general purpose and intent of the Zoning Ordinance of the City of Arvada."

- A. Why can't you meet the requirements of the Zoning Ordinance? What would be your difficulty if you were forced to comply with the conditions as stated in the Ordinance?

The house is positioned to the rear third of the lot.

It would job off 2'8" of the S.W. corner of the deck.

"There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood."

- B. Are there any unusual or extraordinary conditions that apply to your property that do not exist with other properties in your neighborhood?

The shape of the lot is very irregular. The west boundary set back

cuts across the rear of the proposed deck at a 45⁰ angle.

"The granting of such a variance will not be substantially detrimental to the public interest or to the property improvements in such district in which the variance is sought, and will not materially impair the purpose of the Zoning Ordinance of the City of Arvada."

- C. Why do you think that granting your request will be good rather than bad for the surrounding neighborhood?

The esthetic appearance of the deck would be compromised.

"The special conditions and circumstances do not result from actions or prior actions of the applicant."

- D. Did you do something that now causes you to request a variance? If yes explain.

At ground level a corner of the existing patio extends 2'8" into the ten foot setback. For appearance reasons we prefer to build rectangular stacked decks above the existing patio.

No _____

- E. Other information that you think will help the Staff and Board of Adjustment understand why you are requesting a variance.

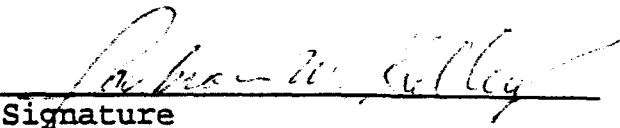
The covenants of the neighborhood dictate that all decks be of like shape, materials, and railings.

Attach a plan showing your proposed variance which shall include all existing and proposed setback dimensions. Also include the distance from your proposed structure to existing buildings on the adjacent property.

SIGNATURE PAGE

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL THE CITY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION.

IT IS UNDERSTOOD THAT ONLY THOSE POINTS SPECIFICALLY MENTIONED ARE AFFECTED BY ACTION TAKEN ON THIS APPEAL.

DATE APRIL 5, 1995 PROPERTY OWNER 
Signature

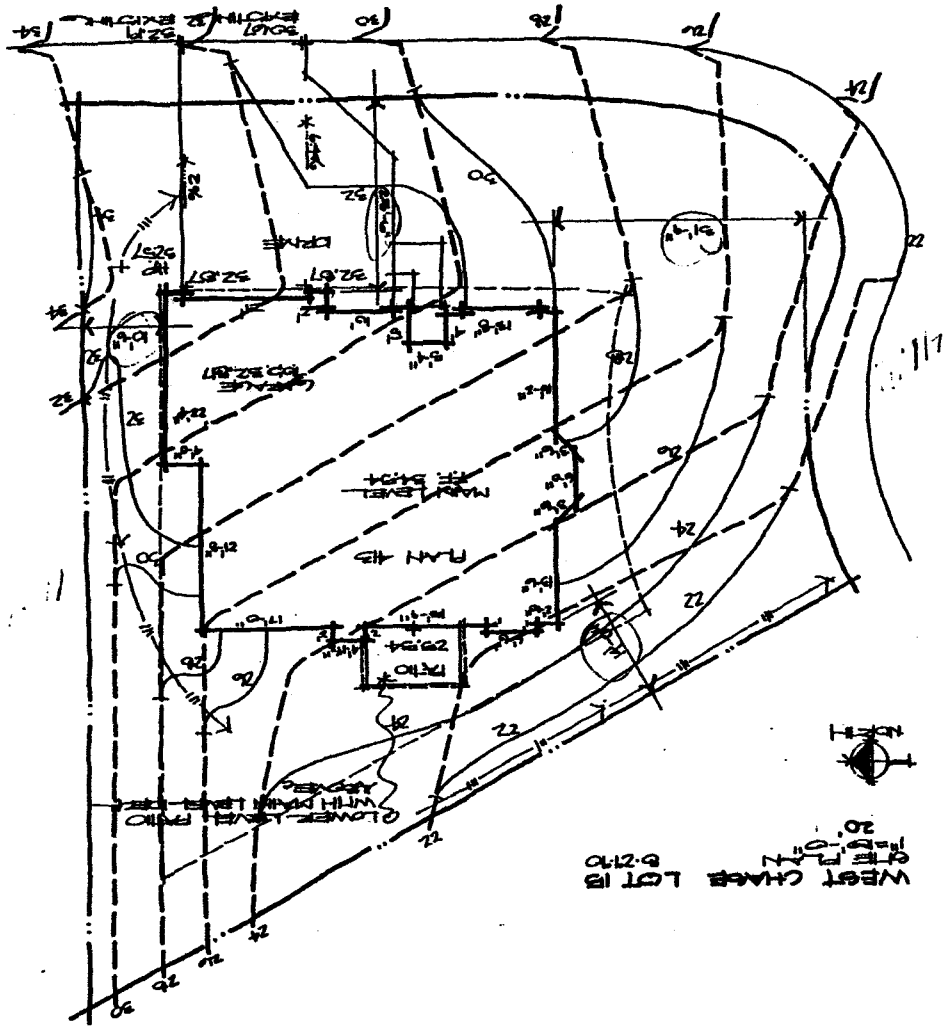
NOTICE: If the property owner does not sign the application, the attached form labeled "Appointment of Agent to Represent Owner" must be signed. This form must also be signed if an agent such as a contractor is to represent the owner at the Board of Adjustment meeting.

BUILDING DEPARTMENT
CITY OF BOSTON

D - I - A - P
OCT 4 1990
THANK YOU
D - I - A - P

OK
Planning
9-12-90

8754



WEST CHANGE LOT 13
20'



Two sets of building plans and one plot plan must accompany this application

CITY OF ARVADA

8101 RALSTON ROAD 431-3800

BUILDING INSPECTION DIVISION

This form to be used only for one and two Single Family Dwellings and accessory structures

PERMIT NO. _____

This application will become a permit to perform the indicated work only upon validation by the Building Inspection Division. Permit will expire 180 days from date of issuance if work is not started within that time or if work is suspended for 180 days.

LEGAL DESCRIPTION: ZONED RL OWNER'S NAME JACKSON M. KELLEY TELEPHONE HOME 431 4960

Mets and Bounds Description Attached: YES NO WORK PERFORMED BY: CONTRACTOR OWNER WORK 780 6241

JOB ADDRESS 6853 JOHNSON ST CONTRACTOR _____ LICENSE NO. _____

LOT NO. 15 BLOCK NO. _____ ADDRESS _____ PHONE _____

SUBDIVISION WEST CHASE FILING _____ COUNTY JEFFERSON CITY & STATE _____ ZIP _____

LOT WIDTH: 85 DEPTH: 106 AREA: 8754

INDICATE WHICH OF THE FOLLOWING OFF-SITE IMPROVEMENTS NOW EXIST:

Curb and Gutter Street Paving Water Sewer Storm Drainage

Have you made arrangements with the City of Arvada for those not now existing? Yes _____ No

Are there any special assessments against this property: Yes _____ No

SET BACKS FROM PROPERTY LINE: (Circle Front) N 10'6" S 33' @ 26' W 14'

CORNER LOT: YES NO (On irregular lots, show least distance from building to property lines, not maximum or average.)

INDICATE SQUARE FOOTAGE OF PROPOSED CONSTRUCTION:

Basement: Fin. Area _____ Unfin. Area _____

1st Floor: Fin. Area _____ Unfin. Area _____

2nd Floor: Fin. Area _____ Unfin. Area _____

3rd Floor: Fin. Area _____ Unfin. Area _____

Fire Place Yes _____ No _____

Solid-fuel burning appliance Yes _____ No _____

If pre-fab provide _____

I.C.B.O.# _____

Mfg. _____

Model # _____

Garage Area _____

Deck Area 720

Roofed Patio Area _____

Room Addition _____

Solar Panels _____

Provide information below

Other _____

Soil Report and Foundation Engineering Submitted Yes _____ No _____ Open Hole Inspection Yes _____ No _____

Type of Heating System Proposed: _____

Contract bid or valuation of job \$ _____

Additional Information: _____

The undersigned certifies to the accuracy of all measurements and allegations shown herein.

Signature: _____ Contractor

Signature: Jackson M. Kelley Homeowner

Date: APRIL 5, 1995

OFFICE USE ONLY

Valuation _____

Permit Fee _____

Use Tax _____

Assessments _____

Total Fees _____

Remarks _____

Insulation R-values: Walls _____

Ceiling _____ Floors _____

Heating B.T.U. Rating _____

Foundation Engineering _____

Type Construction Masonry _____ Frame _____

Flood Plain Check Approved Disapproved _____

Comments _____

By _____ Date _____

Plot Plan Check _____

Building Permit Approved

Chief Building Inspector

By _____ Date _____

The issuance of a permit or the approval of drawings and specifications shall not be construed to be a permit for, nor an approval of, any violation of the provisions of this Building Code or any other ordinance, law, rule or regulation. A permit issued shall be invalid if, in the work completed, a violation of this Building Code ensued. When such violation occurs and correction notices are not followed, the permit shall be deemed to be cancelled and the building, structure or utility shall be made to conform with the provisions of this Building Code or shall be removed or demolished.

The issuance of a permit based upon drawings and specifications, shall not prevent the Division from thereafter requiring the correction of violations in said drawings and specifications or from stopping unlawful building operations being carried on thereunder.

TRANSAMERICA TITLE INSURANCE COMPANY

Commitment No.: 5322927C-4

SCHEDULE B

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

- 1. Rights or claims of parties in possession not shown by the public records.**
- 2. Easements, or claims of easements, not shown by the public records.**
- 3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.**
- 4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. Taxes due and payable; and any tax, special assessments, charge or lien imposed for water or sewer service, or for any other special taxing district.**
- 7. Gas main easement as described on said Plat as follows:
Six foot wide easements are hereby granted for the exclusive use of gas mains on both sides of all streets within the subdivision. These easement are located on private property immediately adjacent to all platted roadways. Other utilities shall have the right to cross at approximately right angles but in no event shall any water meters, valves, street lights or power poles, mail boxes, other structures, trees and shrubs be allowed in the above described areas. Concrete drives and sidewalks are permissible as long as they cross at substantially right angles and do not exceed 26 feet in width.**
- 8. Ordinance No. 2404, assessing the cost of weed mowing against certain lots and tracts of land within the City and Jefferson County, recorded April 30, 1987 as Reception No. 87055916.**

TRANSAMERICA TITLE INSURANCE COMPANY

Commitment No.: 5322927C-4

SCHEDULE B - Continued

EXCEPTIONS

9. Terms, agreements, provisions, conditions and obligations as contained in Subdividers Agreement recorded July 9, 1987 as Reception No. 87089235.
10. Easement and right of way to construct, operate, maintain, repair and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across and along a course as said lines may be hereafter constructed and replaced, as granted to Public Service Company of Colorado by The Genesee Company, recorded October 30, 1987 as Reception No. 87133378, affecting the following described property:

Eight (8.0) feet wide easements in West Chase for the exclusive use of electric, telephone, gas, cable television and postal facilities. These easements are located on private property immediately adjacent to both sides of all platted roadways. Other utilities shall have the right to cross at substantially right angles, but in no event shall any water meters, other structures, trees or shrubs be allowed in the above described areas. Concrete drives and sidewalks are permissible as long as they cross at substantially right angles and do not exceed 26 feet in width.
11. Covenants, Conditions and Restrictions, which do not contain a forfeiture or reverter clause, but omitting restrictions, if any, based on race, color, religion, or national origin as contained in instrument recorded December 30, 1988 as Reception No. 88126276, and any and all amendments and supplements thereto.