



PLANNING AND ZONING COMMISSION

**Minutes
June 27, 2016**

Meeting Summary

PZ 2016-24, a Resolution Approving a Variance for Anthem Filing No. 13, Lot 138, 2790 Trinity Loop, to Allow Rear Yard Encroachments to Construct Two Pergolas was approved with the following findings of fact: 3.1 The Homeowner's Association supports the application; 3.2 No parties appeared in opposition of the application; and 3.3 Due to the orientation of the home there is a hardship to the homeowner for not getting beneficial use of their backyard due to the heat; was approved by unanimous vote of the Commission.

PZ 2016-25, A Resolution Approving a Variance for Aspen Creek Filing No. 7, Lot 6, Block 6, 13814 Sagar Drive, to allow a 6.1 Foot Rear Yard Encroachment to construct a Deck and Stairway with the following findings of fact: 3.1 The Homeowner's Association supports the application; 3.2 No parties appeared in opposition of the application; 3.3 The location of the home is within the required 25-foot setback, leaving no room to increase the depth of the elevated deck or reconfigure the stairway; and 3.4 The encroachment of the proposed deck and spiral stairway is not detrimental to the neighborhood., was approved by approved unanimous vote of the Commission.

Roll Call - 7:00 P.M.

Chairman Silvers called the meeting to order at 7:00 p.m.

Commission Members Present: Susan Barkman
Chuck Hastings
Archie Lind
Benjamin Maresca
David Milender
Tom Silvers
Kathryn Turner

Commission Members Absent: David Lemmon

Staff Members Present: John Hilgers, Planning Director
Erika Delaney Lew, Assistant City Attorney
Alice Hanson, Senior Planner
Michael Sutherland, Senior Planner
Diana Kjeshus, Recording Secretary

Chairman Silvers stated there was a quorum present.

Disposition of Minutes

Commssioner Hastings stated that his 'no' vote on PZ 2016-19, A Resolution Recommending Approval of a Planned Unit Development Plan – Fourth Text Amendment, Site Development Plan Amendment, and Final Plat for Great Western Filing No. 4, Replat H was because he made the comment during the hearing; asking the applicant if the design was done to building standard/code, the applicant responded that he did not, and therefore he voted against the motion because he felt the applicant did not provide adequate justification for his variances.

Commissioner Hastings also stated that on PZ 2016-21, A Resolution Approving the Site Development Plan for the Overlook District Filing No. 1, Replat C (Atria at Broomfield Corporate Center), his 'No' was because he (Mr. Hastings) had made comments about Mr. Donfrio's comments about the east-west interconnectivity/roadways and the applicant had no remorse relative to the misrepresentation. Mr. Hastings said that this was a clarification of his no vote.

Staff will review the previous minutes. The minutes of the June 13 meeting will stand as corrected should it be noted that Mr. Hastings' clarification of his "No" vote not be recorded appropriately and comments not recorded appropriately.

Petitions and Communications - None

Public Hearing – PZ Resolution No. 2016-24
Variance Application to Allow a 10.2 Foot Rear Yard Encroachment and a Four Foot Rear Yard Encroachment to construct Two Pergolas
Location: 2790 Trinity Loop
Subdivision: Anthem Filing No. 13
Applicant: Lee Carlson

Chairman Silvers opened the public hearing at 7:05 p.m.

Michael Sutherland, Senior Planner, summarized the staff report and asked that the staff report be made part of the record. The application for the 2790 Trinity Loop variance is complete and public notification for this hearing has been completed in accordance with Broomfield Municipal Code. Mr. Sutherland asked that the staff memorandum be entered into the public record.

The property owner and applicant, Lee Carlson, provided a packet of information which is attached to the memo as Attachment 1. The approved site development plan for this property requires a twenty-five foot rear yard setback. The applicant requests approval of a variance to allow a 173 square foot pergola at a 14.8 foot setback from the rear property line and a 24 square foot pergola at a 21 foot setback from the rear property line, as shown in the applicant's proposed site plan.

Lee Carlson, applicant, was present to answer questions from the Commission. He spoke of the lack of their ability to use their backyard due to the sun. They have consent from both adjacent neighbors and they believe it will add to the value of their home. They also have HOA approval.

Public comment was requested, there was no one wishing to speak.

Commissioners comments and concerns:

- Concerned about the swing relative to the fire pit and window well; and
- Concerned about the sunshine in the evening and the use of a shade in the evening, or the possibility of extending the pergola.

The applicant responded to the comments:

- The shade is gone by 12 noon. There is a sun calculator that shows the sun is in the backyard from 11 a.m. on.
- The applicant said their intent is to have a roller shade for use in the evening. The HOA's approval is not necessary as it will not be attached to the house.

Chairman Silvers closed the public hearing at 7:13 p.m.

PZ 2016-24 was Read By Title.

Commissioner Hastings moved for approval of PZ 2016-24, a Resolution Approving a Variance for Anthem Filing No. 13, Lot 138, 2790 Trinity Loop, to Allow Rear Yard Encroachments to Construct Two Pergolas was approved with the following findings of fact.

- 3.1 The Homeowner's Association supports the application;
- 3.2 No parties appeared in opposition of the application; and
- 3.3 Due to the orientation of the home there is a hardship to the homeowner for not getting beneficial use of their backyard due to the heat. .

Commissioner Maresca seconded the motion.

Discussion of the motion was called for, there was none.

The motion was approved by unanimous vote.

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| <p>Public Hearing – PZ Resolution No. 2016-25 Variance Application to Reduce the Rear Yard Setback from 25 feet to 18.9 feet for construction of a Deck and Stairway Location: 13814 Sagar Drive Subdivision: Aspen Creek Filing No. 7 Applicant: Robert and Stephanie St. John</p> |
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Chairman Silvers opened the public hearing at 7:14 p.m.

Senior Planner Alice Hanson summarized the staff report and asked that the staff report be made part of the record. The public notice requirements, including advertising, mailed notices to properties within five hundred feet, and posting of the property have been met for this hearing.

The request is for a 6.1 foot variance to permit construction of a deeper deck and stairway to the backyard, the rear yard would be reduced from 25 feet to 18.9 feet with the granting of the variance. The applicants, Robert and Stephanie St. John, desire to enlarge the elevated deck on the back of their home. In order to increase the depth of the deck the current stairway would be removed and replaced by a spiral staircase on the side of the deck. The current stairway encroaches in the setback based on an administrative modification permitting the subject lot (along with two others) a stairway that encroaches up to 4.5 feet (The amendment did not apply to the deck). The current request exceeds this approval and would allow a 6.1 foot encroachment of the deck and stairway. The applicant provided a letter of support from the three abutting neighbors and the HOA.

The Broomfield Municipal Code permits considerations of variations from the Code by the Planning and Zoning Commission based on the following criteria (02-40-070): 1) That there are peculiar and exceptional practical difficulties or undue hardship upon the owner of the property; 2) That relief of the hardship will not cause substantial detriment to the neighborhood or public good (or impair the intent/purpose of Title 17); and 3) The variance does not authorize a use that is not permitted in the zoning district.

Robert St. John, applicant, was present to answer questions from the Commission. The adjacent property owners have concurred to the variances.

Public comment was requested, there was no one wishing to speak.

Commissioner's comments and questions were requested, there was none.

Chairman Silvers closed the public hearing at 7:20 p.m.

PZ 2016-25 was Read By Title.

Commissioner Hastings moved for approval of PZ 2016-25, A Resolution Approving a Variance for Aspen Creek Filing No. 7, Lot 6, Block 6, 13814 Sagar Drive, to allow a 6.1 Foot Rear Yard Encroachment to construct a Deck and Stairway with the following findings of fact:

- 3.1 The Homeowner's Association supports the application
- 3.2 No parties appeared in opposition of the application
- 3.3 The location of the home is within the required 25-foot setback, leaving no room to increase the depth of the elevated deck or reconfigure the stairway.
- 3.4 The encroachment of the proposed deck and spiral stairway is not detrimental to the neighborhood.

Commissioner Turner seconded the motion.

Discussion of the motion was called for, there was none.

The motion was approved by unanimous vote of the Commission.

Special Report

The Planning staff will keep the Commission informed of the schedule for July. The Comprehensive Plan will be presented to the Commission either August 8 or 22.

Staff said the variances, such as those heard tonight, are scheduled as quickly as possible. The required legal notices require about two weeks prior to the heard. In most cases the variances are scheduled for an agenda within a month. If variances are within 10%, approval is done administratively.

Adjournment – 7:24 p.m.

Approval

Minutes Prepared by:

Diana Kjelskus, Recording Secretary

Approved by:

Chairman