

Board of Adjustment

Agenda

September 20, 2023
City Hall Council Chambers
749 Main Street
6:30 PM

Members of the public are welcome to attend and give comments remotely; however, the in-person meeting may continue even if technology issues prevent remote participation.

- You can call in to + 1 346 248 7799
Webinar ID # 810 7350 9524, Passcode: 969190
- You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/boa

The Board will accommodate public comments during the meeting. Anyone may also email comments to the Board prior to the meeting at Planning@LouisvilleCO.gov.

1. Call to Order – 6:30 PM
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – April 19, 2023
5. Public Comments on Items Not on the Agenda
6. Regular Items
 - a) **836 Rex St – Variance Request** – A request for a variance for a 1.5-foot side setback to a street where 15 feet is required for a second-story garage addition.

VAR-000478-2023 – Public Hearing

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

- Applicant/Owner: Judy Herlihy
- Case Manager: Amelia Brackett Hogstad, Senior Planner
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing
 - ✓ Board discussion
 - ✓ Board action

- b) **125 Cherrywood Ln – Variance Request** – A request for a front setback variance to allow a 14.1-foot setback where a minimum 18-foot setback is required.

VAR-000480-2023 – Public Hearing

- Applicant: Bill Anner, GJ Gardner Homes
- Owner: Roger Wilkerson and Linda Gallegos
- Case Manager: Rob Zuccaro, AICP, Community Development Director
 - ✓ Open Public Hearing
 - ✓ Opening Statement by Chair
 - ✓ Public Notice and Application Certification
 - ✓ Disclosures
 - ✓ Staff Presentation and Questions of staff
 - ✓ Applicant Presentation and Questions of applicant
 - ✓ Public Comment
 - ✓ Applicant discussion of public comment, if any
 - ✓ Closing statement by staff and applicant and Final questions by board
 - ✓ Close public hearing
 - ✓ Board discussion
 - ✓ Board action

2. Staff Comments
3. Board Comments
4. Items Tentatively Scheduled for the Meeting on October 18, 2023
 - a) 953 St Andrews Lane Variance
5. Adjourn

Board of Adjustment Meeting Minutes

**April 19, 2023
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order – Chair **Berger** calls the meeting to order at 6:30 PM.

Roll Call is taken and the following members are present:

Board Members Present: Scott Berger, Chair
 Matt Nakari, Vice Chair
 Joel Hawksley
 James Stuart
 Karen Cooper
 Sherry Sommer

Board Members Absent:

Staff Members Present: Rob Zuccaro, Community Development
 Director
 Ellie Hassan, Planner II

Approval of Agenda

The agenda is approved by all members.

Approval of Minutes

The minutes from the March meeting are approved as written by all members present.

Public Comments

None is heard.

Regular Items

- A. **625 Augusta Dr** (VAR-000458-2023) – A request for a variance for a 255 square-foot portion of a deck to encroach up to 9-foot 4-inches into a required 20-foot rear yard setback.

Applicant: Steve Sparhawk, DeckTec Outdoor Designs, Inc.
Case Manager: Ellie Hassan, Planner II

Berger reviews the procedures for the meeting; opens the public hearing; and states there are six criteria, which must be met for the board to approve a variance request.

Berger states that for the requested variance to be approved, five votes will be needed to be affirmative.

Hassan verifies the application to be heard this evening is complete, and was mailed to the surrounding property owners on April 4, 2023 published in the Boulder Daily Camera on April 2, 2023 and the property was posted on April 4, 2023.

Cooper moves and **Nakari** seconds a motion that confirms that all requirements have been satisfied and the application submitted by the applicant has been properly filed. Motion passes unanimously by a voice vote.

Berger asks if anyone at the hearing has any objections to the hearing procedures he described and asks if there were any other preliminary matters that needed to be taken care of. None is heard.

Staff Presentation:

Hassan begins her presentation by saying that the property is located along an interior lot on Augusta Drive in the Coal Creek Filing 4 neighborhood. The rear yard faces out onto the Coal Creek Golf Course. The property is located in the Coal Creek Ranch Filing 4 Planned Unit Development and Subdivision. It is also part of the Coal Creek Ranch General Development Plan, which was last amended in 1996. An administrative variance was granted to the previous property owners in 2019 for a deck addition with a 2-foot encroachment into the rear yard setback. The extent of the variance can be seen on the left.

The applicants propose an addition to the existing main-level deck areas that would span the length of the rear of the house. The total footprint of the deck including the stairs would be approximately 594 square-feet, with 169 square-feet being a covered deck. The overall deck is 28ft long and 45 ft. wide. The deck is about 9 ft. - 4 in. above grade and the covered patio is about 20 ft. - 2 in. above grade at the highest roof ridge.

Approximately 255 square-feet of the deck will encroach into the 20-foot rear-yard setback area. The encroachment area has a maximum depth of 9 ft. – 4 in., and is 45 ft. wide. About half of the covered deck is in the setback encroachment. The area in the setback allows the deck to wrap-around and connect the two exterior patio doors on the house.

She concludes her presentation by reviewing the six-variance criteria. The following indicates staff's analysis of each criteria:

Criteria 1 - Criterion Met

- Staff finds the property has an unusual rear lot line and meets this criterion. The line steps inwards, which creates a unique "pinch point" towards the center of the rear yard. The depth at this point is about 88 ft., whereas the side property lines are 95 ft. on the northeast and 98.6 ft. on the southwest.

Criteria 2 - Criterion Met

- The property has a nonlinear rear lot line and is smaller than many other lots in the subdivision, creating a combined condition that does not exist elsewhere in the neighborhood. Although there are other lots in the Coal Creek Filing 4 subdivision that have concave lot lines, the subject property has a smaller lot area and more intensive "pinch point" than other properties.

Criteria 3 - Criterion Met

- The subject property's rear lot creates a unique physical circumstance that limits reasonable development when compared to similarly zoned properties that have a consistent lot depth and linear rear yard.

Criteria 4 - Criterion Met

- The Coal Creek Ranch Filing 4 neighborhood was platted in 1992 and the existing house was built in 1999. The applicant purchased the home in 2021, and therefore did not create the unique lot conditions.

Criteria 5 - Criterion Met

- Staff finds that the proposal would not alter the essential character of the neighborhood. Per the exhibit on the left, if the rear property lines were a straight line connecting the rear property corners, no portion of the proposed deck would encroach into the 20 ft. rear setback. A recent deck permit at 631 Augusta proposed a similar distance from the property line with roughly the same square-footage of deck area.

Criteria 6 - Criterion Met

- The deck is the minimum size needed to provide a functional outdoor living space of similar size to decks on neighboring properties. The stairs provide access to the backyard and both the deck and stairs comply with side yard setbacks.

Staff Recommendation:

Staff finds the proposal meets the variance review criteria and recommends approval with no conditions.

Board Questions of Staff:

Sommer asks if staff has a graphic of the deck that overlays on the property.

Hassan says she did provide a site plan of the deck.

Applicant Presentation:

Steve Sparhawk, DeckTec Outdoor Designs, Inc.

Sparhawk discusses how they meet the 20-foot setback. He believes this will enhance the neighborhood as well as the property.

Applicant Questions of Staff:

None is heard.

Public Comment:

None is heard.

Closing Statement by Applicant:

None is heard.

Closing Statement by Staff:

Stuart asks if there letters of support.

Hassan says there were a few and they are in the meeting packet.

Discussion by Board:

Sommer wonders how reasonable and a minimum are computed. She discusses the variance granted four years versus this current one.

Cooper says there are large sized homes along the golf course and they all have garden views and large decks since there is so much golf course area. It does not encroach at all for other properties or the golf course. In her perspective, whether it is two or nine feet, it will look the same.

Hawksley agrees with Cooper and talks about the impossibility of having a deck span the rear of the home without having this setback.

Sommer discusses the hardship criteria and how that is applied.

Cooper says she does not think people go into buying any home thinking about zoning and code. They are evaluating what other neighbors have in the neighborhood and assuming they could do the same to their property.

Stuart says it depends on how you define hardship. This property owner did not create the lot line as it is.

Hawksley says as a City, we set setback criteria. Unfortunately, streets are not straight and lots change shape. We factor in if the general rules or criteria then fit in for this lot.

Sommer believes that owners cannot claim ignorance when buying a lot. She asks for a scenario when this would not be allowed or a reasonable request to be given.

Nakari says we did have a case about a year ago that had a deck that encroached on the neighbor's property. We did not approve that case. This proposal does not encroach on another property though. He believes this proposal meets the spirit of the lot.

Cooper believes this is the most reasonable design that they could do in order to conform to the neighborhood.

Sommer asks about precedent and judgment in regards to proposals.

Zuccaro says it is important to know that any individual variance you rule on does not set any kind of precedent for future applications. We include other properties in the packet to provide context to the neighborhood because some of the criteria talks about how this property compares to other properties in the neighborhood.

Hawksley moves and **Nakari** seconds a motion to approve a request for a variance for a 255 square-foot portion of a deck to encroach up to 9-foot 4-inches into a required 20-foot rear yard setback at 625 Augusta Dr. Motion passes by a 5-1 roll call vote.

Name	Vote
Scott Berger	Yes
Matt Nakari	Yes
Joel Hawksley	Yes
James Stuart	Yes
Karen Cooper	Yes
Sherry Sommer	No
Motion passed/failed:	Pass

B. **956 Eldorado Ln** (VAR-000460-2023) – A request for a variance for a 145 square-foot, 5.8-foot encroachment into the required 18-foot street side setback for a new single-family residence.

Applicant: Bridgette Cole, Boulder Creek Neighborhoods

Case Manager: Ellie Hassan, Planner II

Hassan verifies the application to be heard this evening is complete, and was mailed to the surrounding property owners on April 4, 2023, published in the Boulder Daily Camera on April 2, 2023, and the property was posted on April 4, 2023.

Hawksley moves and **Nakari** seconds a motion that confirms that all requirements have been satisfied and the application submitted by the applicant has been properly filed. Motion passes unanimously by a voice vote.

Berger asks if anyone at the hearing has any objections to the hearing procedures he described and asks if there were any other preliminary matters that needed to be taken care of.

Nakari discloses that he has known the applicant for several years but he has not had any site visits.

Hawksley discloses that he lost his home due to the Marshall Fire.

Staff Presentation:

Hassan begins her presentation by saying that the property is located on a corner lot off Eldorado Ln and Larkspur Ln in the Cornerstone neighborhood. The neighborhood aerial does not reflect current conditions, as this neighborhood was affected by the Marshall fire. The property is located in the Cornerstone Planned Unit Development and Subdivision. It is also part of the Centennial

Valley General Development Plan, which was last amended in 2015. The original home was built in 1992 and was destroyed in the 2021 Marshall Fire.

The applicant is proposing a new one-story ranch home to replace the previous two-story home destroyed in the Marshall Fire.

The original 1992 house is shown on the left and the proposed house is shown on the right.

The request before the Board of Adjustment is to allow a 145 square-foot portion of the house on the north to encroach 5.8 ft. into the street side setback, resulting in a variable 12.3 ft. to 16.78 ft. street side setback along the entire northern portion of the home.

The applicants are also requesting a Fire Recovery variance for a 10% interior side setback encroachment on the southern property line, which is reviewed administratively. The Board is only reviewing the northern street side setback encroachment at this hearing.

She concludes her presentation by reviewing the six-variance criteria. The following indicates staff's analysis of each criteria:

Criteria 1 - Criterion Met

- Staff finds the property has unusual lot lengths for a corner lot. The front lot length is 46 ft. and the rear lot length is about 69 ft. While the roughly 70 ft. width at the mid-point of the property is typical for the neighborhood, the narrowness along the front portion of the lot is unique.

Criteria 2 - Criterion Met

- The combination of lot lengths on 956 Eldorado creates a building envelope that is more constrained than other corner lots in the neighborhood. Although other corner lots have more constrained individual lot lines, the front, rear, and internal side lot lines at 956 Eldorado are all below average. No other corner lots have this combination of below-average lot line lengths.

Criteria 3 - Criterion Met

- Staff finds that the combination of the below average lot lines create a physical circumstance that cannot reasonably be developed. The mid-property width of 70 ft. creates a buildable width of about 47 ft. (70 ft. minus the 18 ft. street side and 5 ft. side setbacks). Generally, one-story ranch homes have a larger footprint compared to a two-story home, which requires a greater buildable width. The property therefore cannot be reasonably developed to have a one-story home without an encroachment into one or more setbacks.

Criteria 4 - Criterion Met

- The original structure was lost to the Marshall Fire, which was out of the control of the applicants. The applicants would like to rebuild their home in order to age in place in the neighborhood rather than relocate.

Criteria 5 - Criterion Met

Criteria 6 - Criterion Met

- The proposal is a pre-designed spec home that has limited options for reduction in any of the floorplan dimensions. The location of the home on the lot is the minimum encroachment needed and is otherwise conforming to front and rear setbacks, as well as height.

Staff Recommendation:

Staff finds the proposal meets the variance review criteria and recommends approval with no conditions.

Board Questions of Staff:

Nakari asks that for the four lot lines, this proposal fits within three of them.

Hassan says it fits within the front and rear setback but third is only because of the fire recovery administrative variance.

Applicant Presentation:

Bridgette Cole, Boulder Creek Neighborhoods

Cole gives background of the property owner's history in regards to their original house. The applicant wants a one-story house and this is one of the smaller houses in this neighborhood. We have approximately 14 letters of support and no letters of opposition.

Applicant Questions of Staff:

None is heard.

Public Comment:

Judy Kern, Louisville Resident

Kern thanks the City for all the work they are doing. She asks the board to approve this proposal. This is an unusual lot and if she did what the applicant was doing, she would not need a variance. This variance will not change the look and feel to the property and neighborhood.

Beth Widner, Louisville Resident

Widner is in support of this proposal and has a friendship with the applicant.

Closing Statement by Applicant:

None is heard.

Closing Statement by Staff:

None is heard.

Discussion by Board:

Stuart says he thinks all the six criteria and he is supportive of the proposal.

Berger and **Cooper** agree with **Stuart**.

Hawksley says he opposes this variance request because it is a significant request with 150 sq ft of a request. The spirit of criteria four specifically disqualifies this application because they could build whatever they want. By choosing this floorplan, the applicant is choosing the hardship. It is difficult for him to come to this conclusion since he is also a fire victim.

Sommer says looking at criteria three, there seems to be a tradeoff between a one and two story home. She comments on criteria four and believes that it is a hardship that the owners brought upon themselves. She asks if it is cheaper to get a spec home that comes with limited floorplans.

Cole mentions that they can keep their costs down if they have multiple homes that select the same floor plan or have limited options for floor plans. If they had a custom home, it would be so much more expensive. Of the one-story homes they have, she does not believe any of the floor plan options would fit on this lot.

Hawksley mentions that the homeowner has decided to go with this developer. He also mentions how this proposal does not meet criteria six.

Cooper mentions other rebuild variances that have passed and how those have met criteria four.

Hawksley says to reference the other rebuild variance, that was an increase of seven sq ft and was much more minor than this proposal.

Cole says part of the issue is if they did a custom home, it would be too expensive for the owner and is not an option.

Sommer asks if other decisions have been made on corner or narrow lots.

Cooper points out that the board for past decision making has relied upon staff's recommendation as they have done much more research on each proposal and are the most knowledgeable when it comes to the criteria and the interpretation of the criteria.

Hawksley says that the board recently denied an application that was a rebuild that staff recommended approval.

Cooper says that is correct. There were neighbors that strongly opposed and the applicant had another option of where they could put their deck.

Hawksley says that denial was dependent upon criteria four.

Nakari says the city staff does a great job of showing how they have interpreted the criteria. We need to remember that what we do tonight does not affect past or future variance requests.

Berger thinks all criteria are met and he plans to recommend approval.

Sommer says she thinks this is an unnecessary hardship since they have to rebuild.

Hawksley says his concern is that we have zoning laws for a reason and that the Marshall Fire is a hardship, it would set a precedence for all rebuild homes. He thinks staff's interpretation of criteria four is incorrect because the floor plan can be changed.

Stuart says the purpose of the variance is to ensure that the changes will fit within the character of the neighborhood. He says his interpretation of the board is within the six criteria, they should make the applicant and neighbors happy.

That is why he takes neighbor's feedback so seriously. Nitpicking rules is not doing the residents justice.

Hawksley says that argument implies that the owner will not be able to rebuild if they do not get this variance. That is not the case though. Public comment is valuable but this house has not been built yet. The people providing public comment are also not professionals, but residents only.

Sommer mentions the importance of safety and how that applies to variances.

Hawksley says this lot is bigger than its two adjoining neighbors and yet they still cannot build a single story ranch house.

Cole says those adjoining lots only have a five-foot setback and we are mainly discussing the side yard setback, which is 18-feet. The shape of the lot is unique and the front of it is so narrow.

Stuart moves and Nakari seconds a motion to approve the request for a variance for a 145 square-foot, 5.8-foot encroachment into the required 18-foot street side setback for a new single-family residence at 956 Eldorado Ln. Motion passes by a 5-1 roll call vote.

Name	Vote
Scott Berger	Yes
Matt Nakari	Yes
Joel Hawksley	No
James Stuart	Yes
Karen Cooper	Yes
Sherry Sommer	Yes
Motion passed/failed:	Pass

C. Drainageway A-1 – Floodplain Development Permit (FLP-000459-2023) – A request for a floodplain development permit to replace a culvert and make other channel improvements for Goodhue Ditch (Drainageway A-1) crossing Garfield Avenue.

Applicant: Davis Partnership Architects

Case Manager: Rob Zuccaro, Community Development Director

Zuccaro verifies the application to be heard this evening is complete, and was mailed to the surrounding property owners on April 4, 2023, published in the Boulder Daily Camera on April 2, 2023, and the property was posted on April 4, 2023.

Nakari moves and **Stuart** seconds a motion that confirms that all requirements have been satisfied and the application submitted by the applicant has been properly filed. Motion passes unanimously by a voice vote.

Berger asks if anyone at the hearing has any objections to the hearing procedures he described and asks if there were any other preliminary matters that needed to be taken care of. None is heard.

Staff Presentation:

Zuccaro begins his presentation by showing an aerial image for the Drainageway. This is part of the Goodhue Ditch and this is to replace a culvert. He discusses what a floodplain permit is and what the floodplain zone is. On a map, he shows the 100-year floodplain and the 500-year floodplain.

He then shows an image of the construction documents. He discusses the pathways of the drainage and how that relates to the elevation. LMC Section 17.56.164 is discussed and says that an alteration of watercourse allows alternation of the watercourse subject to a CLOMR (Conditional Letter of Map Revision). Section 17.56.210 discusses the floodplain development permit procedures.

Staff Recommendation:

Staff finds that the request meets municipal code standards and recommends approval.

Board Questions of Staff:

Berger says you mentioned that there may be some areas that would be more impacted by flooding. Can you speak more on that?

Zuccaro says within the floodplain report, there is a table. The existing flood elevation is 79.36 and after the culvert, there is an increase in elevation. Mapping that out in the topography, you can actually see the elevation going up and where that expands on the property. It is a pretty minimal expansion.

Hawksley asks if this change will trigger re-assessment rates for homeowner insurances that back to this.

Zuccaro says the insurance requirement only comes into play if it is affecting the structure itself. As long as the new flood map and new elevation is not hitting that structure. Flood insurance is only required if the floodplain is affecting the structure.

Hawksley mentions his concern about homeowners receiving an increase insurance rate on their floodplain insurance and wonders the implication of approving this.

Cooper mentions that her property touches the 500-year floodplain and she is not impacted structurally.

Sommer asks if there are other floodplain maps not adopted by a government entity.

Zuccaro says our floodplain maps were all updated in 2019 so they are all very current. He speaks more on flood insurance. There is nothing in the code about flood insurance. We see it as a benefit to remove structures from the floodplain since it eliminates risk. We do not require them to get insurance though.

Hawksley mentions that there is one property that is in floodplain that was not before.

Cooper says though that it is not a requirement to get floodplain insurance.

Berger asks the number of properties that are in the floodplain and how that number would change after this adoption.

Zuccaro says he does not know that number.

Hawksley asks what the board's guidance or criteria are in order to vote on this proposal.

Zuccaro mentions the public benefits of this proposal

Tyler **Trojan** points out that the map they are seeing could be exaggerated a bit on the lot lines. It might barely touch the property corner.

Hawksley says what is margin of error on these drawings?

Don **Jacobs** says if you go by FEMA, they measure everything to a hundredth of a foot. If you are within 10 percent, you are very close. He addresses the question about if we can do this without any rise in the downstream section. The reason we are doing that is because the culvert that was put in the side of the road was man made and is too small. The water jumps out of the channel and filters onto Garfield Avenue. This culvert would remove that.

Sommer asks about giving homeowners a false sense of security.

Jacobs says we can only do the best we can with the data and models we have. We have worked extensively to come up with this model. He mentions that all the neighbors have been notified with maps and certified letters, giving them a chance to express concern.

Public Comment:

Nataly Handlos, Resident of Louisville

Handlos says they support this project and have been notified properly.

Bev Baker, Resident of Louisville

Baker says she cannot wait for this to be done. She supports this project as well.

Discussion by Board:

Hawksley moves and **Nakari** seconds a motion to approve the request for a floodplain development permit to replace a culvert and make other channel improvements for Goodhue Ditch (Drainageway A-1) crossing Garfield Avenue. Motion passes unanimously by a roll call vote.

Staff Comments

None is heard.

Board Comments

None is heard.

Items Tentatively Scheduled for the Meeting on May 17, 2023

None is heard.

Adjourn

This meeting adjourns at 8:20 PM.

**CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT**
September 20, 2023

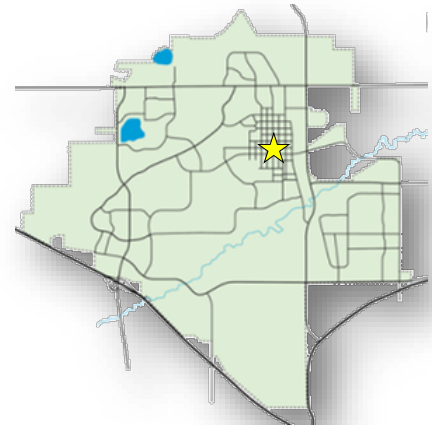
OWNER/APPLICANT: Judy Herlihy
819 Sunlight Way
Superior, CO 80027

STAFF PLANNER: Amelia Brackett Hogstad, Senior Planner

LOCATION: 836 Rex Street
Lots 3-4 Block 7 Murphy Place

ZONING: Residential Medium Density (R-M)
Old Town Overlay

REQUEST: **Case #VAR-0478-2023** – Request for a variance for a 1.5-foot side setback to a street where 15 feet is required for a second-story garage addition.



SUMMARY:

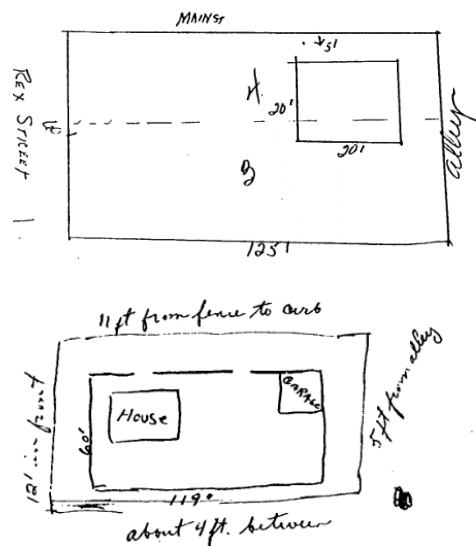
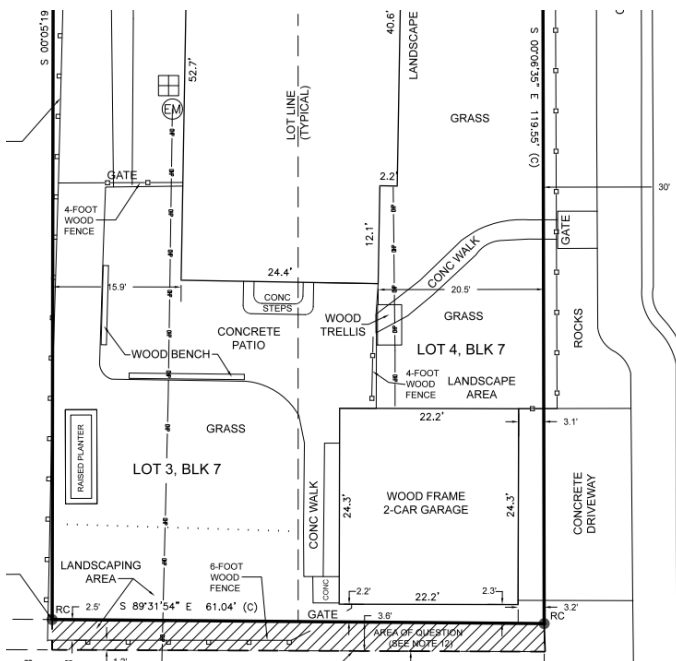
The applicant requests approval of a variance from the Old Town Overlay side-to-street setbacks to allow construction of a second-story addition over an existing garage.

BACKGROUND:

The owner of the subject property applied for a building permit for a second-story garage addition in January 2023. The City denied the permit because the proposal expanded an existing non-conformity by adding a second story to an existing garage with a 3.1-foot setback, plus a deck encroachment that resulted in an overall 1.5-foot setback from the property line. The Louisville Municipal Code (LMC) Section 17.36 that governs Nonconforming Uses precludes expansion on nonconforming structures with the following language:

...A nonconforming structure or use may be continued and maintained in reasonable repair but shall not be structurally altered, extended, or expanded.

The subject property is located on a corner lot abutting an alley in the Murphy Place subdivision, platted in 1907. The Old Town Overlay and the Residential Medium Density Zone District (R-M) govern zoning for the property. The primary structure, which is not part of the variance request, was built circa 1932. The age of the garage is difficult to determine. There was a 16x12 wood-and-dirt detached garage on the property as far back as 1960, according to the 1960 Assessor’s Card. The building permit record shows a garage added or expanded in 1967 with hand-drawn site plans (not to scale) that show a 20x20 garage in the southeast corner of the lot. The survey submitted for the 2023 building permit application shows a 24.3x22.2-foot garage in the southeast corner of the lot. Given this information, despite the slight difference in size, it is likely that the current garage was built in the 1960s or before.

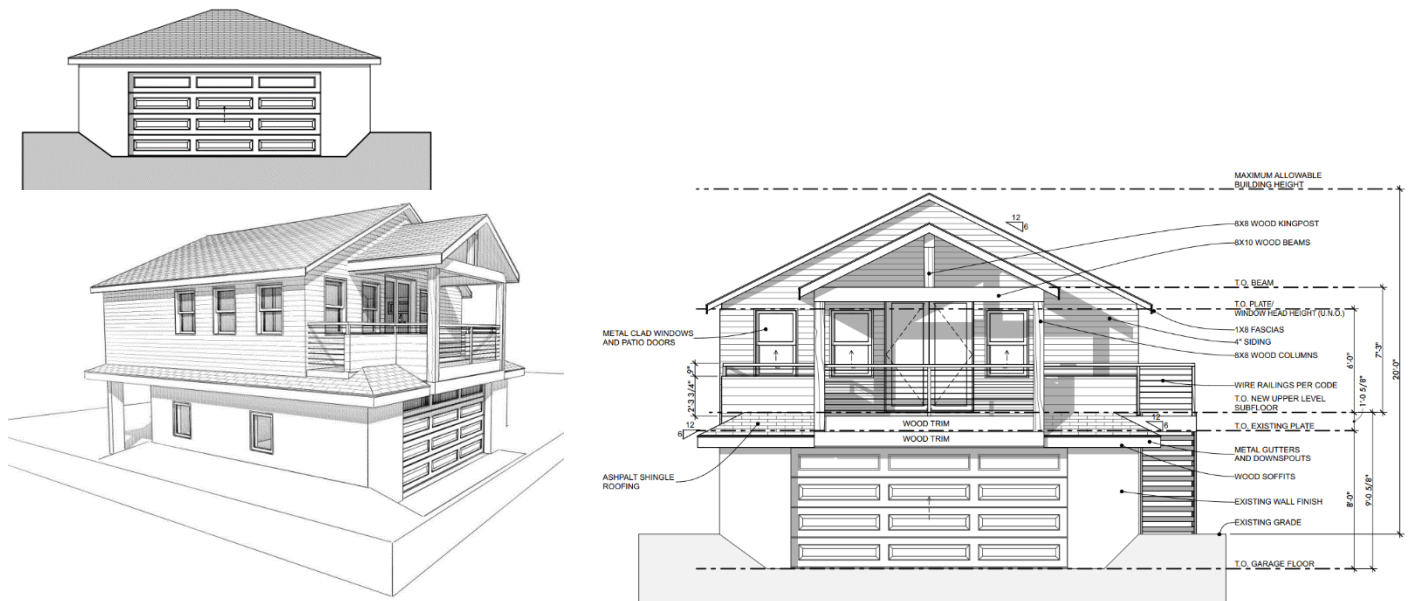


In the Old Town Overlay, LMC Section 17.12.050, setbacks are based on lot width. The subject property has a lot width of approximately 61.04 feet at the rear and 60.63 feet at the front. Therefore, the relevant setbacks from the property line for the detached garage are as follows:

Street Side Yard Setback: 15 feet
 Rear Yard Setback: 0 feet

PROPOSAL:

The requested variance would allow a second-story addition on the existing garage and a setback from the property line abutting Main Street of 1.5 feet.



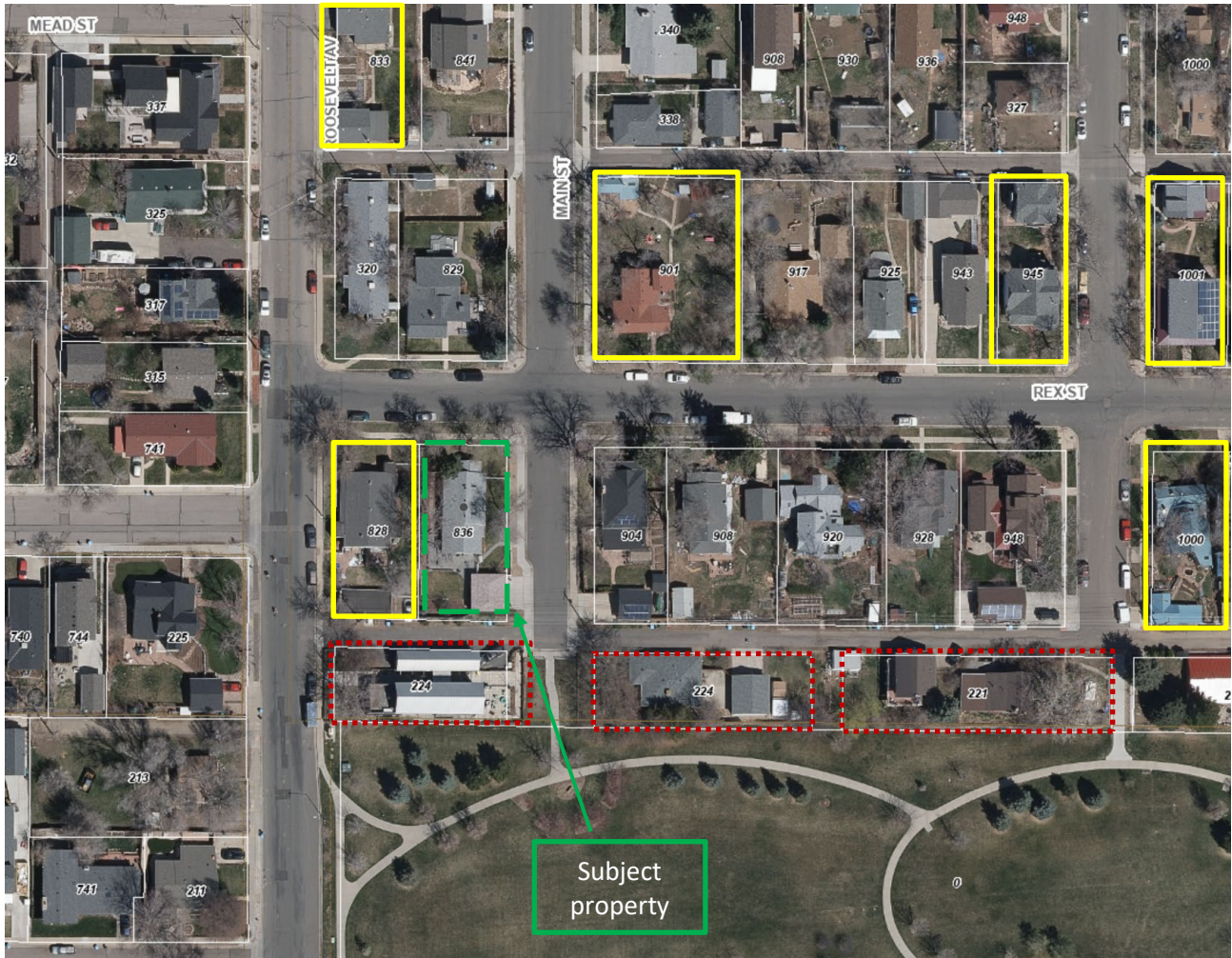
Existing elevation (top left) with proposed street-facing elevations and renderings (bottom).

REVIEW CRITERIA:

The Board of Adjustment has authority to grant or deny a variance request based on the review criteria found in LMC Sec. 17.48.110. The following are staff’s analysis of the criteria with recommended findings on each. In reviewing an application, the Board must find that all six variance criteria have been met.

1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

The subject property has an existing garage from the 1960s or earlier that was placed closer to Main Street than current zoning allows. There are a number of these types of properties in the surrounding area: corner lots with alley access that have older, street-facing garages that do not meet setbacks. Given the presence of these other garages, the garage on the subject property does not constitute a unique physical circumstance or condition. **Staff finds the proposal does not meet this criterion.**



The properties outlined in yellow are corner lots with alley access that have street-facing garages that do not meet required setbacks. The properties dotted in red have garages that are subject to alley-adjacent setbacks only. The subject property is dashed in green.

2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

The existence of a garage that does not meet a side-to-street setback is not unique in the neighborhood or district. There are at least six properties in the adjacent blocks that have the same circumstances, and at least two in the rest of Old Town. **Staff finds the proposal does not meet this criterion.**

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.

Second-story additions on garages are a common development in Old Town. To build a second-story addition that met setbacks, the applicant would have to cantilever the addition to the west or east or construct a separate accessory structure. Alternatively, the existing garage would have to be demolished and replaced farther into the lot. These options would

increase the lot coverage, decrease the usable backyard space, and/or require the destruction of an existing building. In addition, the existing garage is far enough into the setback that starting the development of the addition 15 feet back would still require greater cantilevering or result in a smaller addition than would otherwise be possible by maximizing the existing garage footprint. Staff finds that the location of the existing garage prevents the reasonable development of a second-story garage addition without a variance. **Staff finds the proposal meets this criterion.**

4. *That such unnecessary hardship has not been created by the applicant.*

The existing nonconforming setback dates from the 1960s or earlier and is not the result of any actions by the applicant. **Staff finds the proposal meets this criterion.**

5. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.*

The neighborhood includes a number of garages with near-zero setbacks from streets and alleys, including a two-story garage immediately to the south of the subject property. In addition, the street layout in this part of Old Town is such that major streets, such as Main Street and Front Street, dead-end into Community Park and the East-West alley abutting the south of the subject property operates as a throughway for pedestrians, cyclists, and drivers along Community Park. This street layout results in a neighborhood character wherein streets and alleys share similar uses and feelings, unlike other areas of Old Town where the differentiation between the setback-to-the-street and the alley-setback distances help mitigate the impact of accessory structures on streets versus alleys. In addition, the strip of Main Street immediately adjacent to the subject property has an inward jog that results in a deeper-appearing setback for the existing garage. **Staff finds the proposal meets this criterion.**



Aerial showing jog and narrowing on Main Street.



Streetview of neighborhood showing street and alley layout.

6. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.*

The applicant is proposing to build a deck that further encroaches into the setback, instead of requesting a variance that meets the existing garage setback of 3.1 feet. In order to meet this criterion, staff finds that the proposal would need to be redesigned to meet the existing 3.1-foot setback of the garage. **Staff finds the proposal has not met this criterion.**

PUBLIC COMMENTS:

Over a dozen public comments, received as of September 10, are attached.

STAFF RECOMMENDATION:

Staff recommends denial of the variance, given that not all six of the criteria are met in accordance with Section LMC Sec. 17.48.110.

BOARD ACTION:

The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request additional information if they feel it is needed for their proper consideration of the variance application. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:

1. Application Materials
2. Public Comments

To Whom it May Concern:

My name is Judy Herlihy and I am the homeowner and resident of 836 Rex St., the small bungalow and separate garage on the corner of Rex and Main.

I am requesting a variance and permit approval for guest quarters I have been trying to build, for over 3 years, above my garage.

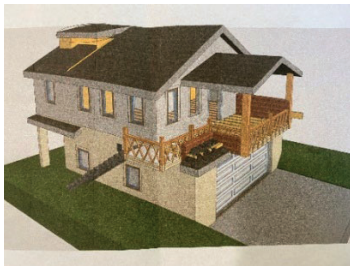
As a single senior, my home is great for me but cannot accommodate visiting family or guests. I have had to use a pull-out sofa in my tiny office, which takes up the entire room, when unfolded. I also hope to use the proposed guest space for a caretaker, if needed in my future (I am 82).

3 Years ago, I hired a builder for this project. After too many delays that he attributed to hold-ups with my permit, I took charge and discovered the permit had never been requested. I paid him 40k for the architectural plans, "permits" and foundation work. He is no longer responding to me. I am hurt and frustrated, but would like to move on with this project that I continue to have so much hope for.

I am requesting that I be allowed to proceed, by keeping the 2nd floor addition within the footprint of the existing garage, except for the back side, into my yard. If I were to comply with the 15' offset on the Main St. side, I would have to slide the entire addition, further into my backyard/garden. The size and footprint of the entire structure would be greatly and unnecessarily increased. It just doesn't seem to make sense, both visually and architecturally.

The proposed front wall, on the Main St. side, is already set back from the existing garage footprint, to allow for the small front porch (for neighborly interaction). I am happy to reduce or remove this porch so it does not protrude over the existing garage footprint.

I believe my garage has unique and unusual physical circumstances. My home and garden are alongside the popular pedestrian thoroughway/entrance to Community Park. Several visitors per day stop at my fence to visit and see my garden (my pre-retirement profession was horticulture). The let-down happens when they see, not only my old, unmatching garage, but the numerous messy powerlines and towering modern black box house behind it. I believe my proposed addition would so beautifully cover this and improve the Old Town charm and aesthetic experience for the entrance to the park.



My neighbors have all been rooting for me and are happy to chime in with their full support. Thank you so much for your consideration of this project. It would mean so much to me.

Sincerely,

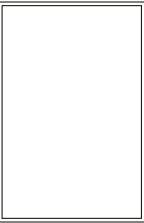
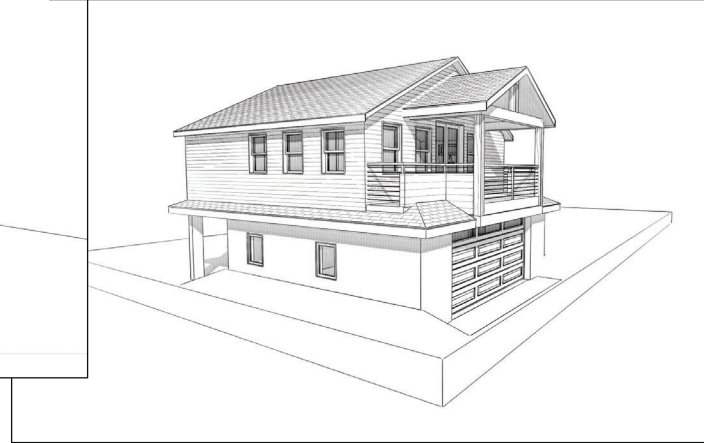
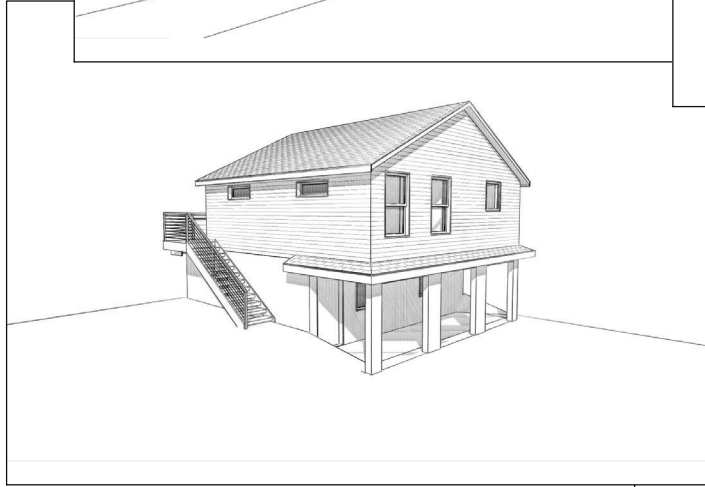
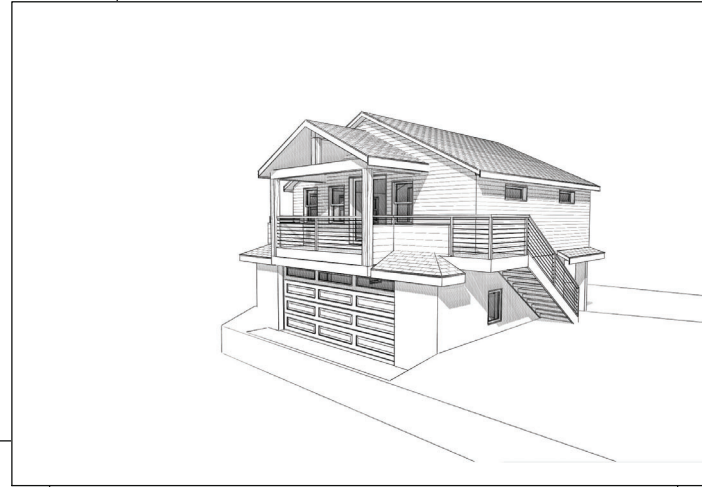
Judy Herlihy

Herlihy Residence

836 Rex Street, Louisville, CO 80027

SHEET INDEX	
A-1	COVER SHEET
A-2	SURVEY
A-3	SITE PLAN
A-4	EXISTING FLOOR AND ROOF PLANS, EXISTING ELEVATIONS
A-5	PROPOSED FLOOR PLANS AND ROOF PLAN
A-6	PROPOSED ELEVATIONS AND BUILDING SECTIONS
EMP-1	ELECTRICAL, HVAC, PLUMBING PLANS

Review comments sent
02/03/2023



OWNER / SITE: **Herlihy Residence**
836 Rex Street, Louisville, CO 80027

BUILDER:

COVER SHEET

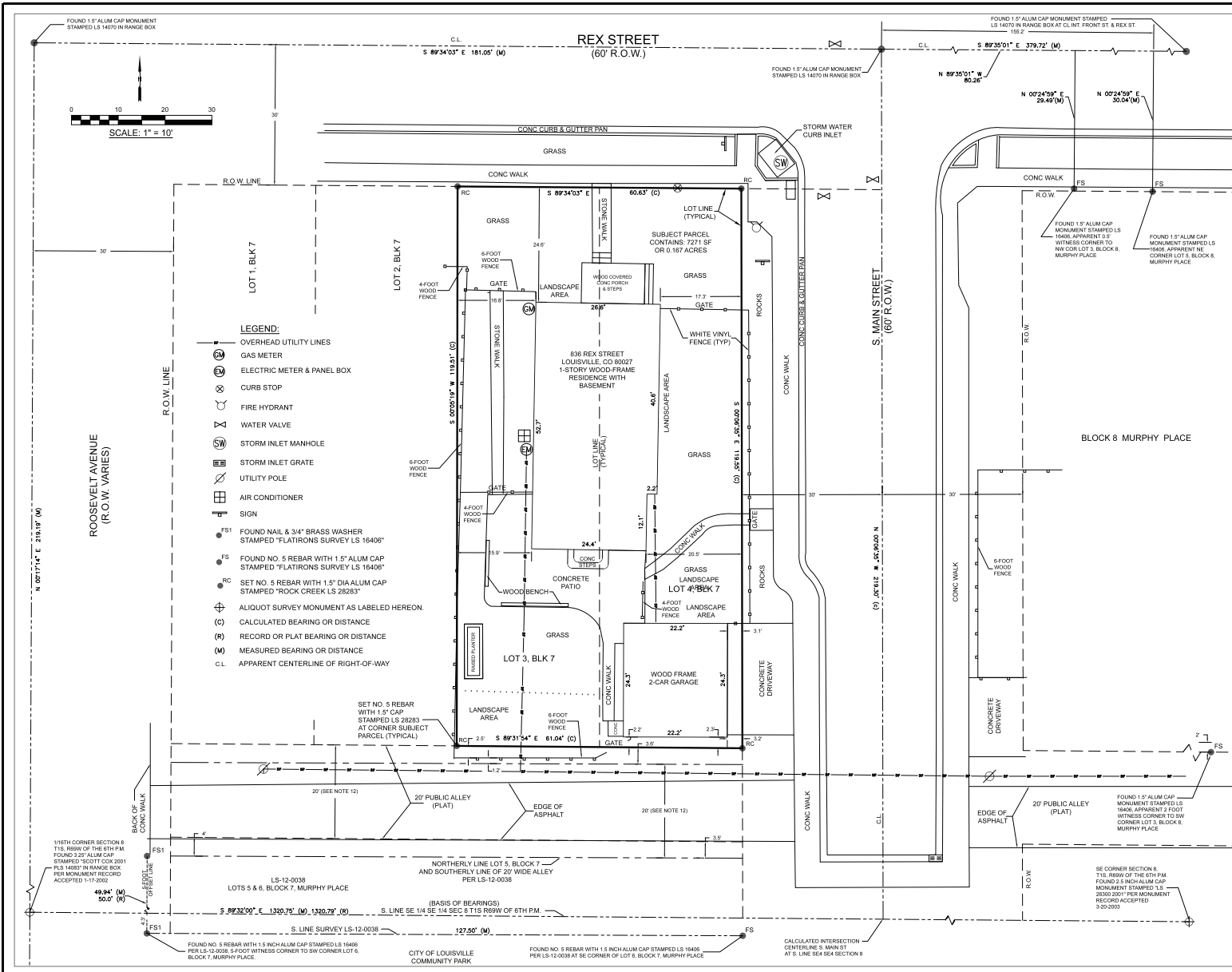
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JOB NUMBER: 2025
ISSUE DATE: 1/20/23
REVISIONS:



COVER SHEET

SHEET:
A-1



IMPROVEMENT SURVEY PLAT

LOTS 3 & 4, BLOCK 7 MURPHY PLACE
 PART OF THE SOUTHEAST QUARTER OF
 SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69
 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 CITY OF LOUISVILLE, COUNTY OF BOULDER,
 STATE OF COLORADO

LEGAL DESCRIPTION: (FROM TITLE COMMITMENT)

LOTS 3 AND 4 BLOCK 7,
 MURPHY PLACE SUBDIVISION
 COUNTY OF BOULDER,
 STATE OF COLORADO.

NOTES:

- 1) THIS IMPROVEMENT SURVEY PLAT (ISP) HAS BEEN PREPARED IN CONFORMANCE WITH CRS 38-51-102 (9).
- 2) THIS ISP AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSE BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.
- 3) UTILITIES DEPICTED HEREON FROM SURFACE EVIDENCE ONLY. UNDERGROUND UTILITIES ARE NOT SHOWN.
- 4) DIMENSIONS ARE SHOWN HEREON ARE IN U.S. SURVEY FEET. BUILDING DIMENSIONS SHOWN ARE MEASURED AT FOUNDATION OF STRUCTURE. BUILDING OVERHANGS ARE NOT DEPICTED.
- 5) EXISTING SURVEY MONUMENTS AS RECOVERED DURING FIELD SURVEYING AND LAND SURVEY PLATS ON DEPOSIT WITH BOULDER COUNTY WERE USED IN BOUNDARY CALCULATIONS.
- 6) BASIS OF BEARINGS, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS SOUTH 89 DEGREES 32 MINUTES EAST BETWEEN A FOUND 3.25 INCH ALUMINUM CAP STAMPED "PLS 14033 2001" IN RANGE BOX AT THE EAST 8TH CORNER OF SAID SECTION 8 AND A FOUND 2.5 INCH ALUMINUM CAP MONUMENT STAMPED "LS 26300 2001" IN RANGE BOX AT THE SOUTHEAST CORNER OF SAID SECTION 8.
- 7) SUBJECT PARCEL CONTAINS: 7271 SQUARE FEET OR 0.167 ACRES MORE OR LESS.
- 8) BUILDING OVERHANGS ARE NOT SHOWN.
- 9) TREES AND LANDSCAPING FEATURES ARE NOT SHOWN.
- 10) LAND TITLE GUARANTEED COMPANY TITLE COMMITMENT NO. K 70446841 WITH EFFECTIVE DATE 8-4-2015 AT 5:00 P.M. WAS PROVIDED FOR USE ON THIS SURVEY. THIS DOCUMENT WAS USED FOR THE RESEARCH OF EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.
- 11) THE PLAT OF MURPHY PLACE, RECORDED MAY 25, 1937, IN BOOK 3 AT PAGE 38, RECEPTION NO. 57381 DOES NOT SHOW ANY EASEMENTS ON THE SUBJECT PROPERTY.
- 12) THE LOCATION OF THE 20-FOOT WIDE PUBLIC ALLEY IN BLOCK 7, MURPHY PLACE IS SHOWN PER THE RECORD PLAT. THIS ALLEY IS ALSO DEPICTED ON AN IMPROVEMENT SURVEY PLAT (ISP) PREPARED BY FLATRONS, INC. STAMP DATED 11-1-11 BY PLS NO. 16406 AND DEPOSITED WITH BOULDER COUNTY FEBRUARY 16, 2012 AS "LS-12-0038" AS PREPARED FOR LOTS 5 & 6 OF BLOCK 7, MURPHY PLACE. THIS ISP SHOWS THE 20-FOOT WIDE ALLEY SOUTH OF THE LOCATION OF THE ALLEY PER THE PLAT OF MURPHY PLACE SUBDIVISION, AS SHOWN AND LABELED HEREON.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO JUDITH HENRY ON THIS IMPROVEMENT SURVEY PLAT WAS PREPARED UNDER MY RESPONSIBILITY ON APRIL 18, 2020 AND THAT THERE ARE NO ENCROACHMENTS OR VIOLATIONS OF EVIDENCE OF ANY EASEMENTS, RIGHTS-OF-WAY ACROSS OR PROPERTY, EXCEPT AS INDICATED ON THIS PLAT.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER THE DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

ROBERT A. RICKARD, PLS NO. 28283 DATE _____
 FOR AND ON BEHALF OF ROCK CREEK SURVEYING, LLC

DEPOSIT CERTIFICATE:

ACCEPTED FOR DEPOSIT IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, AT BOULDER, COLORADO, ON THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____ AM AS SURVEY PLAT NO. _____ BY _____ BOULDER COUNTY CLERK AND RECORDER

IMPROVEMENT SURVEY PLAT
 836 REX STREET, LOUISVILLE, CO 80027

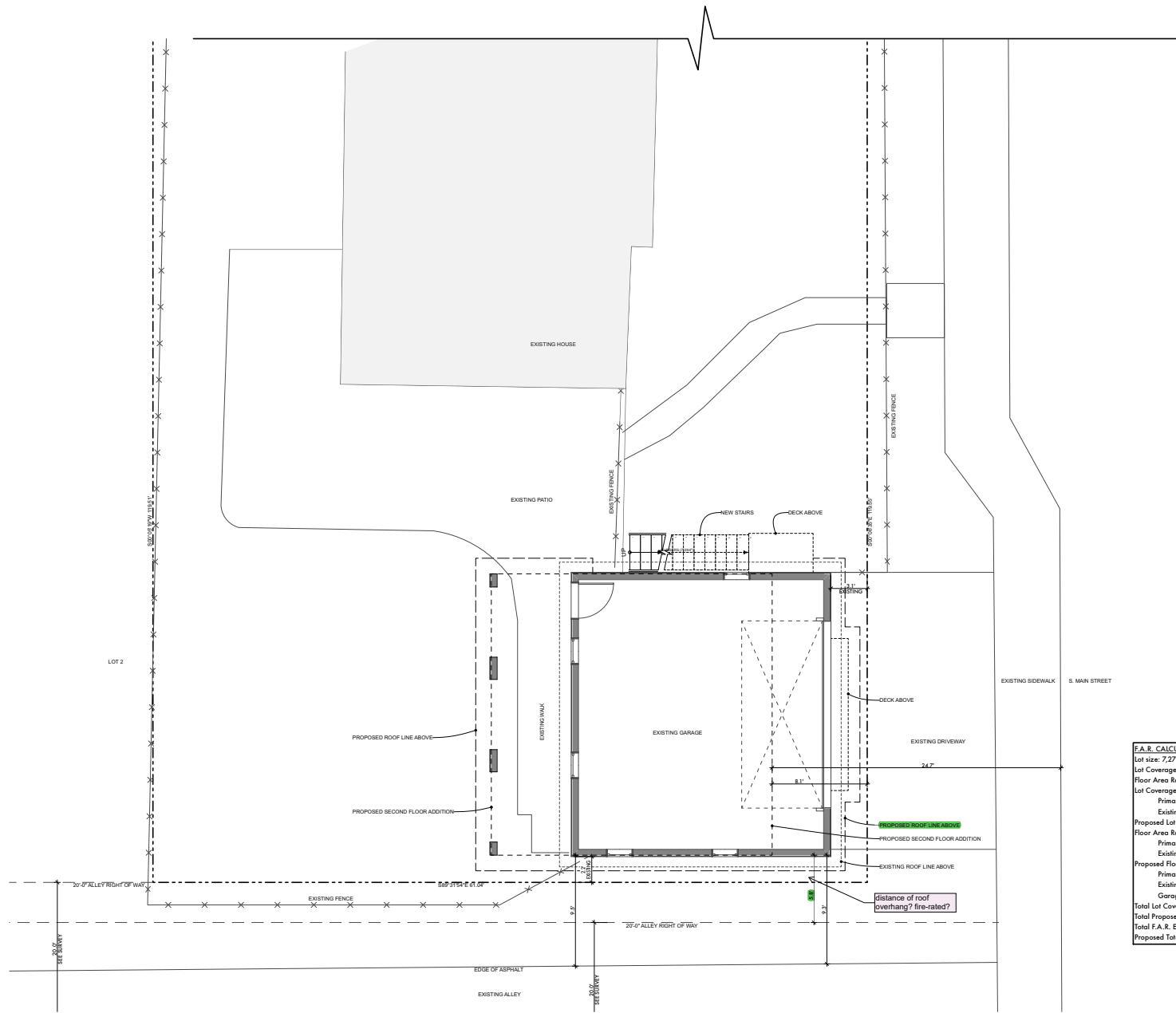
NO.	REVISIONS

ROCK CREEK SURVEYING, LLC.
 3021 GARDENIA WAY
 SUPERIOR, CO 80027
 303-521-7376

DRAWN: RAR
 FIELD DATES: APRIL 11, 2020

REVISION:
 SCALE: 1" = 10'
 DATE: APRIL 18, 2020

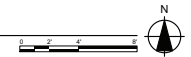
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F.A.R. CALCULATIONS

Lot size:	7,271 sq. ft.
Lot Coverage Allowance:	2,455 sq. ft.
Floor Area Ratio Allowance:	2,799 sq. ft.
Lot Coverage Existing:	1,906 sq. ft.
Primary Structure Main Level:	1,367 sq. ft.
Existing Garage:	539 sq. ft.
Proposed Lot Coverage:	Unchanged
Floor Area Ratio Existing:	262%
Primary Structure Main Level:	1,170.50 sq. ft.
Existing Garage:	483.5 sq. ft.
Proposed Floor Area Ratio:	Unchanged
Primary Structure Main Level:	Unchanged
Existing Garage Main Level:	Unchanged
Garage Addition Second Level:	511.88 sq. ft.
Total Lot Coverage Existing:	1,906 sq. ft.
Total Proposed Lot Coverage:	Unchanged
Total F.A.R. Existing:	1,654 sq. ft.
Proposed Total F.A.R.:	2,165.88 sq. ft.

1 Site Plan
SCALE: 1/4" = 1'-0"



OWNER / SITE

Herthy Residence
856 Rex Street, Louisville, CO 80027

BUILDER:

SITE PLAN

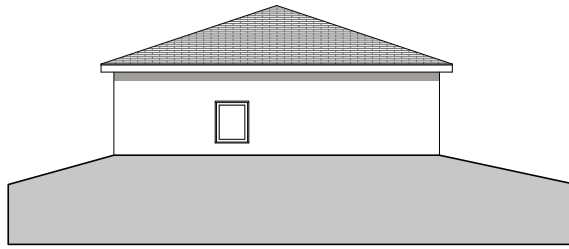
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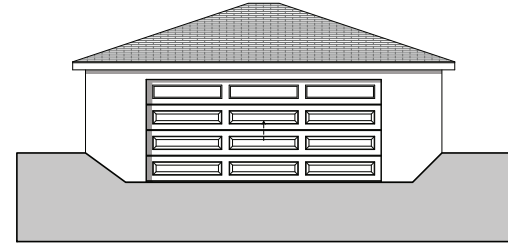
REVISIONS:

SITE PLAN

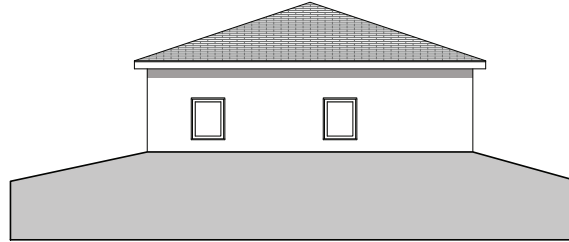
SHEET:
A-3



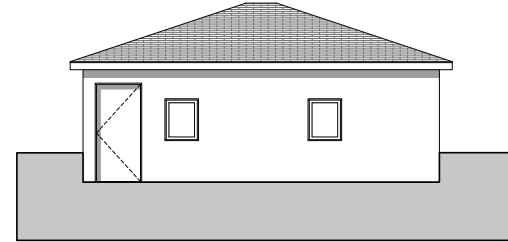
1 Existing North Elevation
SCALE 1/4" = 1'-0"



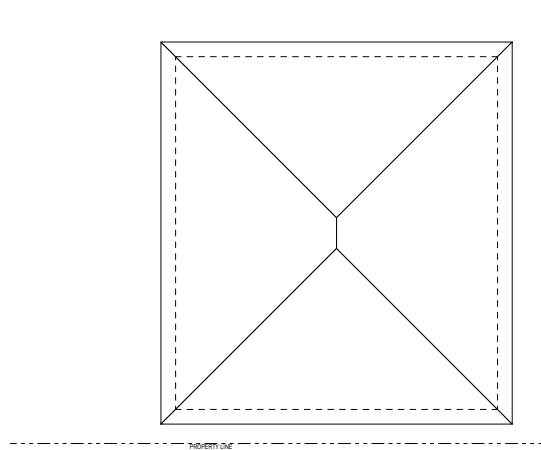
2 Existing East Elevation
SCALE 1/4" = 1'-0"



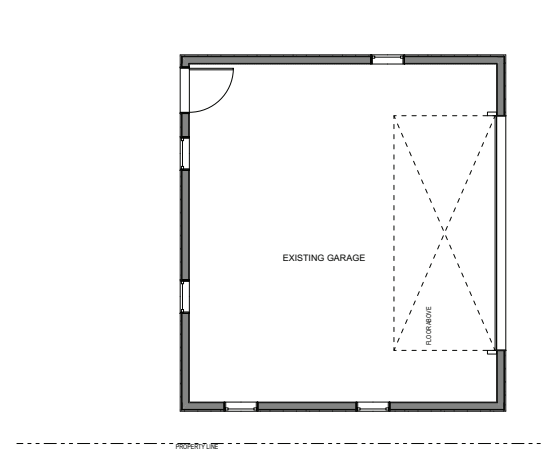
3 Existing South Elevation
SCALE 1/4" = 1'-0"



4 Existing West Elevation
SCALE 1/4" = 1'-0"



5 Existing Roof Plan
SCALE 1/4" = 1'-0"



6 Existing Main Level Floor Plan
SCALE 1/4" = 1'-0"



OWNER / SITE: **Herihy Residence**
836 Rex Street, Louisville, CO 80027

BUILDER:

EXISTING FLOOR AND ROOF PLANS, EXISTING ELEVATIONS

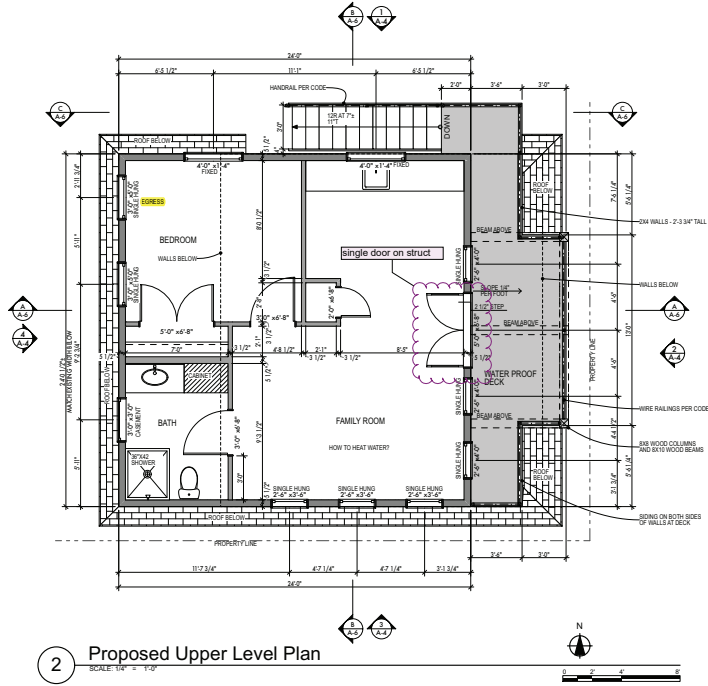
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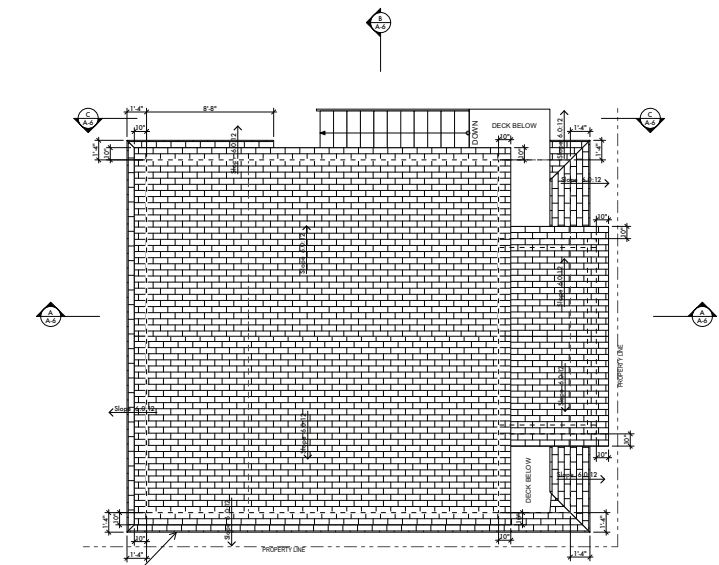
EXISTING FLOOR AND ROOF PLANS, EXISTING ELEVATIONS

SHEET: **A-4**

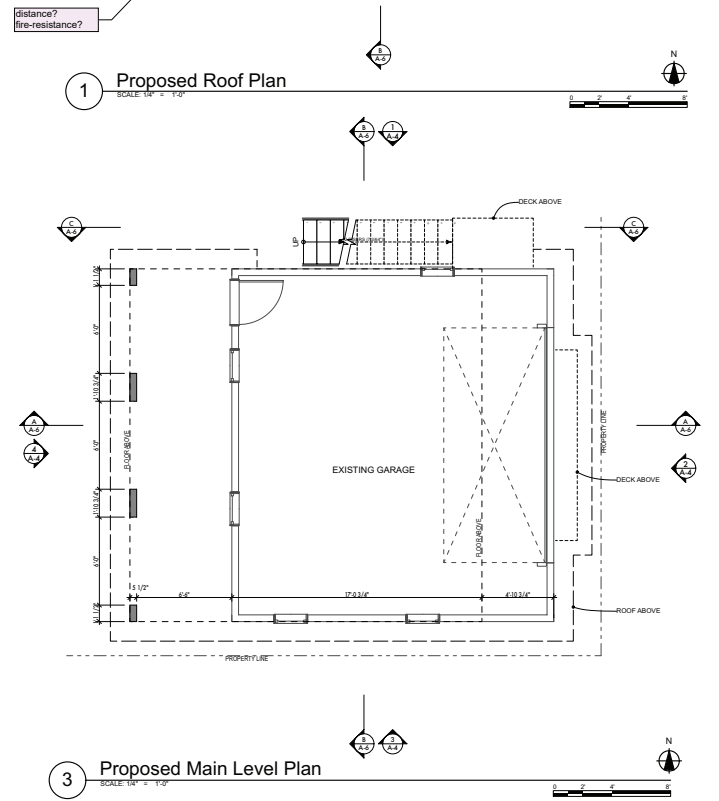
A-5 PROPOSED FLOOR PLANS AND ROOF PLAN: Project: 12023 at 857 AM by Kevin Williams, P.E., P.E. BIM Model: 2023-01-10 and Service Innovations: Enclosure: 2023 Healthy Building C11014



2 Proposed Upper Level Plan
SCALE: 1/8" = 1'-0"



1 Proposed Roof Plan
SCALE: 1/8" = 1'-0"



3 Proposed Main Level Plan
SCALE: 1/8" = 1'-0"

OWNER / SITE

Herithy Residence
856 Rex Street, Louisville, CO 80027

BUILDER:

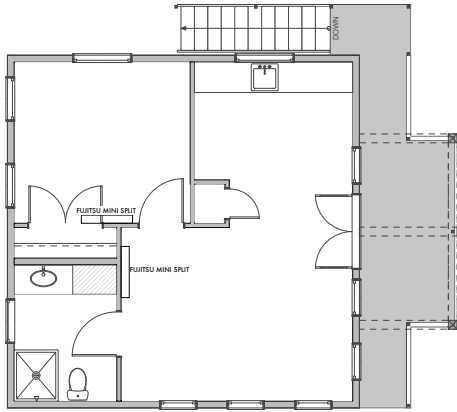
PROPOSED FLOOR PLANS AND ROOF PLAN

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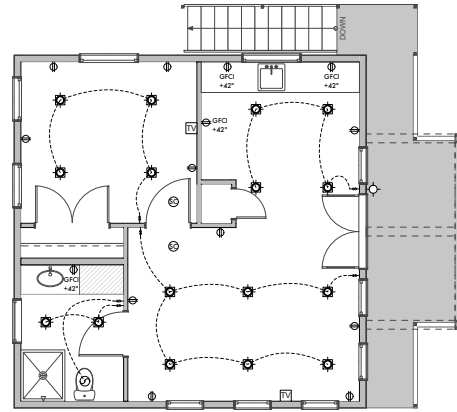
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ISSUE DATE: 1/20/23
REVISIONS:

PROPOSED FLOOR PLANS AND ROOF PLAN

SHEET:
A-5

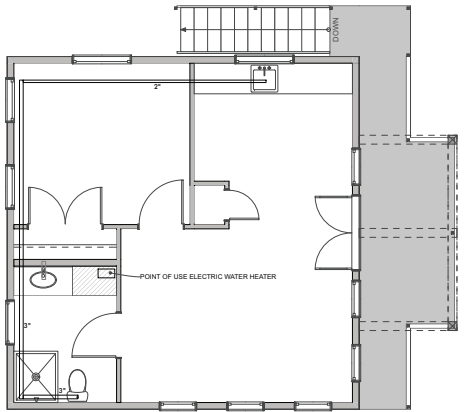


1 Upper Level HVAC Plan
SCALE: 1/4" = 1'-0"



2 Upper Level Electrical Plan
SCALE: 1/4" = 1'-0"

ELECTRICAL SYMBOLS KEY	
	SURFACE MOUNTED OR HANGING FIXTURE
	RECESSED CAN FIXTURE
	RECESSED CAN FIXTURE (WALL WASH)
	WALL MOUNTED FIXTURE / WALL SCONCE
	FLUORESCENT SURFACE MOUNTED FIXTURE
	LED STRIP FIXTURE
	TRACK LIGHT
	LANDSCAPE LIGHT
	DUPLEX RECEPTACLE OUTLET / UNDER COUNTER OUTLET
	WATERPROOF DUPLEX RECEPTACLE OUTLET
	DUPLEX RECEPTACLE OUTLET SPLIT WIRED
	QUAD DUPLEX RECEPTACLE OUTLET
	DUPLEX RECEPTACLE OUTLET FLOOR MOUNTED
	220 VOLT OUTLET
	TELEPHONE OUTLET
	CABLE TELEVISION OUTLET
	CEILING EXHAUST FAN
	GARAGE DOOR OPENER
	SINGLE SWITCH
	THREE-WAY SWITCH
	FOUR-WAY SWITCH
	DIMMER SWITCH
	JUNCTION BOX
	SMOKE AND CARBON MONOXIDE DETECTOR
	CEILING FAN W/ LIGHTS
NOTE: ALL FIXTURE AND OUTLET LOCATIONS SUBJECT TO CODE COMPLIANCE AND STRUCTURAL TRAINING MEMBER LOCATIONS	



3 Upper Level Plumbing Plan
SCALE: 1/4" = 1'-0"



OWNER / SITE: **Healthy Residence**
856 Rex Street, Louisville, CO 80027

BUILDER:

ELECTRICAL, HVAC, PLUMBING PLANS

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ELECTRICAL, HVAC, PLUMBING PLANS

SHEET:
EMP-1

GENERAL STRUCTURAL NOTES:

Design Criteria:

- Building Code:
 - All work shall be performed in accordance with the 2016 IRC and all amendments of the City of Louisville, Colorado. (Note: It is beyond the scope of these general notes to list all of the requirements of the governing code. The contractor is responsible for complying with detailed requirements affecting installation procedure, inspectors and quality control, whether or not they are listed in the general notes or on the drawings).
- Design Loads:
 - Roof Load:
 - Snow Load: 30 psf
 - Dead Load: 15 psf
 - Floor Loads:
 - Dead Load: 10 psf
 - Live Load: 40 psf
 - Wind Speed: $V_w = 115$ mph, 3 sec. gust, ex. B
 - Seismic Design Category: B

Consent:

These structural notes form a part of the agreement between the structural engineer and the client.

- Contractor is responsible for following all applicable building code requirements, minimum standards of the industry, as well as all local, state, and federal regulations and requirements, whether or not they are listed in the general notes or on the drawings. This includes building inspections & observations. It is beyond the scope of these general notes to list all of the requirements of the governing code.
- Contractor shall thoroughly review the plans and specifications prior to commencing construction.
- Contractor shall verify existing conditions (including existing soil conditions), dimensions, and elevations as required prior to construction, and shall notify architect/engineer immediately upon discovery of any conditions differing from those shown or noted in writing.
- Contractor shall verify and coordinate all drawings with each other and with the general notes, general requirements, dimensions, specifications, and structural notes. Where there is a discrepancy or conflict between the architectural drawings, the structural drawings or the specifications, as to the size or spacing of structural members, the most stringent requirements shall apply.
- Contractor shall be architect/engineer for clarification in writing whenever a conflict is identified.
- Contractor shall be responsible for including the cost of implementing all provisions shown, specified, or as required by regulations.
- Sections and details shown or noted apply to similar conditions elsewhere, not specifically shown or noted.
- If the architect or structural engineer, as a claimant or a defending party, is at any time a party to litigation involving any claim related to the work described on these drawings, and should claimant not prevail substantially against defending party in such litigation, all litigation expenses, witness fees, court costs, and attorney fees incurred by the defending party in defending against such claim, shall be paid by the claimant.
- These plans have been engineered for construction at one specific building site. Client and contractor assumes all responsibility for use of these plans at any other building site.
- In an effort to resolve any conflicts that arise during the design and construction of the project or following the completion of the project, the client and the consultant agree that all disputes between them arising out of or relating to this agreement or the project shall be submitted to non-binding mediation unless the parties mutually agree otherwise. The client and the consultant further agree to include a similar mediation provision in all agreements with independent contractors and consultants related for the project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with their subcontractors, sub consultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between the parties to all these agreements.
- All structural elements require ongoing, continued maintenance. Structural elements vary in their normal life expectancy, deterioration, deformation, and movement.
- All building and structural elements, including foundation soils, shall be protected from water and negative drainage.
- Ownership of documents and designs: All engineering documents and design developed by Lopez Smolens Associates remains the property of the company and are to be used on this project only under the terms of this letter of agreement. The client shall not, without prior written approval of Lopez Smolens Associates, use the documents or designs provided under this letter of agreement on other projects or design, sell, or transfer the same to others. These documents are copyrighted and are subject to copyright protection as an "engineering work" under the latest version of the Copyright Law of the United States of America.
- All shop drawings required for a project shall first be reviewed, finalized & dated by the contractor for general placement, dimensions, and completeness.
- Shop drawing review or jobsite observations performed by architect or structural engineer does not constitute acceptance of work that is defective or in noncompliance with the drawings, specifications, building codes or manufacturer's recommendations.
- Structural engineer's approval must be secured for all substitutions or changes prior to purchase or installation.
- Contractor shall provide supplemental support w/ structural engineer's stamped design for roof and/or ceiling mounted mechanical equipment.
- Contractor is responsible for all temporary shoring as required by OSHA and local building Department.
- Contractor shall notify required building department officials, architect, or engineer a minimum of four (4) business days prior to a required or needed "inspection" (construction observation).
- Lopez Smolens Associates' liability is limited to the fee for services related to this project.

Foundations:

- Foundations have been designed without geotech engineer's soil investigation. Design criteria below (assumed for the purpose of this design), should be confirmed by a geotech engineer, at the owner's expense, during excavation. This procedure may require revisions to foundation design if geotech engineer determines that such criteria are inappropriate for this site.
- Design Criteria:
 - Soils Report Information
 - Prepared by: N/A
 - Report number: N/A
 - Date: N/A
 - Foundation Design Loads
 - Allowable Bearing: 1500 psf (Assumed. Verify on site)
 - Minimum Exterior Footing Depth: 36" (Fixed)
 - Minimum Interior Footing Depth: Appropriate soils
 - Equivalent Fluid Pressure: 50 psf (Assumed)
- Non-expansive backfill shall be compacted in 8" or optimum moisture content per soil engineer's recommendations. When no soil report is provided, use a lift thickness of 6 to 8 in, or less in loose thickness, compact to 95% of standard proctor dry density per ASTM D958, with a moisture content of optimum to 3% above optimum.
- Foundation walls should be temporarily internally braced as required during backfill and compaction. Contractor shall be responsible for adequately bracing top and bottom of foundation/basement walls prior to backfilling and compaction.
- Foundation walls and grade beams having earth placed on each side shall be backfilled evenly on both sides of the wall to maintain constant elevation.
- Vertical crawl spaces (1 sq ft per 150 sq ft) or completely seal as required by code.
- Concrete must be placed continuously without horizontal cold joint. If cold joint is necessary, notify engineer for additional vertical reinforcement detail.
- Vertical all crawl spaces (1 sq ft per 150 sq ft) or completely seal as required by code.
- Top of foundation walls must be anchored securely to first floor framing.
- Use min. 2x6 sill plate, offset splices by 2'-0" min. for double or multiple sill plates, all multiple sill plates shall also be nailed to the plate below w/ a min. of 16d nails @ 4'-0" staggered.
- Anchor plates to foundation walls with 5/8" diameter anchor bolt at 24" o.c., maximum (or as noted on plans). Bolts to be centered in all directions.
- Square washers or approved alternate are required per AISC SDPWS 4.3.6.4.3.
- All sill plates shall be fully engaged by concrete anchor bolts and washers.
- Anchor floor framing to date with Stripson AISI at each third joint at bearing walls, and with solid blocking spaced at 32" o.c. at nonbearing walls.
- First floor joists shall be solid blocked where parallel to foundation wall, 32" o.c. for a minimum of 4 joists bays for 10'-0" tall basement walls, 3 joist bays for 8'-0" tall basement walls, 2 joist bays for 5'-0" crawl space walls, and 1 joist bay for 4'-0" crawl space walls.
- Foundation walls have been designed to be full height unless otherwise noted. Changes in wall heights may require re-engineering, including design as a cantilevered retaining wall.
- All foundation wall steel beam pockets shall be cleaned and fully grouted after the steel beam is placed. Refer to detail regarding additional horizontal reinforcing in concrete foundation wall "behind" the beam pocket.
- All concrete foundation walls shall have control joints, 1/8" wall thickness deep, placed full height vertically on each side of the wall at a maximum spacing of 20' o.c., and shall be caulked flush with the surface of the wall on each side, top.

Concrete & Reinforcement:

- Include similar content to all applicable provisions of ACI 301 (Standard Specifications for Structural Concrete), ACI 318 (Building Code Requirements for Reinforced Concrete), and International code conform to ACI 317, unless otherwise noted. When cold weather exists, all concrete work shall conform to ACI 308 (properly protect from freezing). When hot weather exists, all concrete work shall conform to ACI 305 (proper curing required).
- Concrete specification matrix (if element is not listed contact engineer for specification):

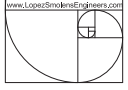
MAX.	INTENDED USE	F _u (ksi)	MAX. W/C	MAX. AGG. S _z	MAX. SLUMP	AIR	ENR	MIN. CEMENT	OTHER	TEST	
										IN	OUT
	NOTES										
A	Parr (Concrete)	4.0	0.45	1	5.7	NO*	18				
B	Formwork on Grade	4.0	0.45	1	4	NO*	18				
C	Leaving Site	4.5	0.45	1	4	NO*	18				
D	Columns and Beams	4.0	0.45	1	4	NO	18				
E	Structural Slabs	4.0	0.45	3/4	5	NO*	18	MIN/24"			
F	Exposed Aggregate	4.0	0.45	3/8	4	NO*	18			Test Seal	
G	Foundation Walls & Beams	4.0	0.45	1	4	NO*	18				

- * or less W/C allowed when concrete is placed during hot weather as defined by ACI 308
- 28-day compressive strength unless otherwise noted.
 - Water content limit (concrete) is 8% unless otherwise noted, except for concrete used in 10%.
 - Aggregate shall conform to requirements of ASTM C33.
 - See first two items for adjustment in slump allowing adjustments to facilitate placement working at the site of the approved mix design by manufacturer.
 - See ASTM C94.
 - Current type shall be III, unless otherwise noted. Type II cement, as a minimum, shall be used in concrete exposed to all or higher sulfate content. See electrical engineering report.
- Deformed reinforcement:
 - ASTM A615 Grade 40 for #3,
 - ASTM A615 or ASTM A706, Grade 60 for #4 and larger
 - #5 corner bars may be Grade 40. Minimum 24" overlap.
 - Welded wire fabric shall conform to ASTM A185
 - Welding of reinforcing steel not allowed unless noted otherwise and shall conform to ASTM 706
 - Reinforcing shall be detailed per ACI 318
 - Splices, dowel projection, or embedment shall be min. 32 bar diameters, but not less than 18 inches, unless otherwise noted.
 - Provide corner bars, minimum 24" x 24" or continuous reinforcement at all corners and intersections.
 - In continuous members, splice top bars at mid-span between supports and splice bottom bars over supports.
 - Typical foundation reinforcement (minimum):
 - For a wall height greater than or equal to 4'-0" (2) - #5 x cont. top and bottom of wall, near center, #4 vert. @ 24" o.c. at inside face of wall w/ #6 hook in footing (where applicable); and (2) - #4 x cont. at footings. Reference drawings for additional required reinforcement.
 - Provide (2) - #5 around all openings with bars extending 24 inches beyond opening horizontally on each side, min.
 - Vertically reinforce each side of openings, and at all wall height changes (top and bottom of walls with (2) - #5 vertical reinforcement full height of walls.
 - Provide (2) - #4 @ 24" vert. full height minimum in all found, walls at beam bearing locations.
 - Reference drawings and details for additional required reinforcement.
 - At the time concrete is placed, steel reinforcement shall be free from rust, loose mill scale, oil, paint, and other coatings preventing bond between steel and concrete.
 - Minimum cover for reinforcing to be as follows:
 - On earth side when placed against earth - 3"
 - On earth side when formed and in exterior walls - 2"
 - On inner-sides of walls and beams - 1"
 - Welded wire fabric (or other slab reinf.) - centerline of slab on chairs
 - Place top reinforcement not more than 2" from top of wall or over beam.
 - Place bottom reinforcement not more than 4" from bottom of conc. wall or grade beam.
 - For location, size, and details of all openings, including windows, sleeves, inserts, conduits, pipes, slots, and related items required to be located prior to placing concrete, refer to architectural, mechanical, electrical, and other drawings and construction trades for the project prior to commencing construction.

Wood Framing (2016 Code):

- Maximum moisture content for framing lumber = 19 %
 - Minimum requirements for species & grades of lumber (design values based on information contained in 2015 National Design Specification (NDS) for Wood Construction):
 - 2x4 studs for nonbearing interior partitions: Hem-Fir or White Wood (Pine), Stud Grade minimum.
 - 2x4 studs for bearing walls and/or exterior walls:
 - Up to 8'-0" length - Doug-Fir Stud Grade 8-0/116" and longer - Doug-Fir No. 2
 - 2x6 studs:
 - Up to 8'-0" length - Doug-Fir Stud Grade 8-0/116" and longer - Doug-Fir No. 2
 - Joists, beams, and rafters:
 - 2" - 4" thick, 2" and wider: Doug Fir-Larch No. 2 (F_b = 900 psi, E = 1,800,000 psi)
 - Boullaps Fir-Larch No. 2 (F_b = 1350 psi, F_v = 1,400,000 psi)
 - Glue and nail with 16d nails @ 8" o.c., max. for each 2x staggered.
 - Timbers (5x 5" & larger):
 - Beams & Strippers - Douglas Fir-Larch No. 1 (F_b = 1350 psi, F_v = 170 psi, E = 1,800,000 psi)
 - Posts & Timbers - Douglas Fir-Larch No. 1 (F_b = 1200 psi, F_v = 1000 psi, E = 1,800,000 psi)
 - Members noted as LSL (Laminated Strand Lumber) shall be 1/2" wide x depth indicated on plan and have the following minimum design criteria:
 - F_b = 1700 psi, F_v = 425 psi, F_t = 1835 psi, F_c = 710 psi, E = 1,300,000 psi
 - Note: 1/8" wide Rim Board products may not be substituted where an LSL is specified
 - Members noted as LVL (Laminated Veneer Lumber) shall be 1/2" wide x depth indicated on plan and have the following minimum design criteria:
 - F_b = 1700 psi, F_v = 425 psi, F_t = 1835 psi, F_c = 750 psi, E = 2,000,000 psi
 - Members noted as PSL (Parallel Strand Lumber) shall be 3/2" wide x depth indicated on plan and have the following minimum design criteria:
 - Columns: F_b = 2400 psi, F_v = 180 psi, F_t = 2500 psi, F_c = 545 psi, E = 1,800,000 psi
 - Beams: F_b = 2900 psi, F_v = 290 psi, F_t = 2900 psi, F_c = 625 psi, E = 2,000,000 psi
 - Members noted as GL (Glued Laminated Softwood Timber) shall be 2x4V-U combination for single spans (marked and placed with the correct side up) and 2x4P-U combination for multiple spans and have the following minimum design criteria:
 - 2x4V-U: F_b = 2400 psi, F_v = 190 psi, E = 1,800,000 psi
 - 2x4P-U: F_b = 2400 psi, F_v = 190 psi, E = 1,800,000 psi
 - Engineered Joists to be I/J Prefabricated Wood Joists. Substitution of equivalent Joist by different manufacturer is acceptable with engineer approval. Install Joists per manufacturer recommendations. Do not cut or notch the flange. Holes in web to be per manufacturer recommendations.
 - plywood:
 - All plywood and/or OSB roof, floor, and wall sheathing shall be engineered grades with APA grade stamp indicating appropriate maximum span rating.
 - Supply 2" nominal or wider, framing behind all vertical wall panel edges. Attach blocking behind horizontal panel seams where indicated in the design drawings.
 - All exterior stud walls shall be sheathed with 1/2" plywood (or OSB) sheathing conforming to IRC section 2304.5.1. Attach to framing using minimum 5d common nails spaced at 6" o.c., maximum at plywood panel edges, and at 12" o.c. in the "field", unless otherwise noted.
 - Where plywood is applied to both faces of a wall and nail spacing is less than 6" o.c., on either side, panel joints shall be required to fall on different framing members or framing shall be 3" nominal or thicker & nails on each side shall be staggered.
 - All plywood floor & roof sheathing shall be APA rated exterior sheathing, exposure I. Panel identification index and/or thickness shall be as noted on the drawings & left visible where possible. Glue plywood floor sheathing to floor joists with adhesive conforming to 2018 IRC. Sheathing to be continuous over two or more spans with strength axis perpendicular to supports.
 - Floor sheathing to be a minimum of 3/4" plywood (or OSB) with a panel rating of 4024. Attach to framing using minimum 5d common nails spaced at 6" o.c., maximum at plywood panel edges, and at 12" o.c. in the "field", unless otherwise noted.
 - Roof sheathing to be a minimum of 3/4" plywood (or OSB) with a panel rating of 2416. Attach to framing using minimum 5d common nails spaced at 6" o.c., maximum at plywood panel edges, and at 12" o.c. in the "field", unless otherwise noted.
 - Connectors & Nailing:
 - Unless otherwise noted, steel connectors, manufactured by Simpson Strong-Tie Company (or equivalent), shall be used to join rafters, trusses, joists, and beams to other members. Connector models not otherwise noted shall utilize type "L" or type "H" hangers of a size specified designed for the member supported as shown in the manufacturer's published tables for max. loading for member spans. All nails used with connectors to be as specified by steel connector manufacturer.
 - Provide Simpson, or equivalent, steel construction connectors for wood columns to foundation, and wood columns to construction above.
 - Except as noted otherwise, minimum nailing shall be provided as specified in Table 2304.6.1 and Tables 2304.8.1(1)-2304.8.5).
 - Glue & nail all multiple members min. 12x12 common nails @ 6" staggered for each member.
 - Lead holes for lag screws shall be 40% to 70% of the shank diameter for the threaded portion and equal to the shank diameter for the unthreaded shank portion, per NDS 11.1.3
 - All bolts and nuts must be fitted with cut steel washers.
 - No checks or splits allowed at areas to be bolted.
 - For uplift, the following stipulations are to be provided at a minimum:
 - H-24 hurricane tie @ the ends of ea. roof truss or rafter.
 - H8 hurricane tie @ the ends of ea. girder truss.
 - H8 hurricane tie within the first 6'-0" from the end of the wall sheathing wall corner
 - Double joists under partitions where joists are parallel to partitions:
 - Space double joists at walls to allow for plumbing where necessary.
 - Double joists under partitions where joists are perpendicular to and supporting a bearing wall from above, install solid blocking between the joist under the wall and for three (3) joist bays beyond the wall. (2) joist bays in each direction.
 - Solid block between floor joists (and beams) at column/nom-inbove locations, two (2) bays back, each side.
 - Cross bridle all floor joists at midspan at 8'-0" o.c., maximum. Provide solid blocking of rim joists at all joist supports and joist ends.
 - Columns and built up posts must have a continuous load path to the foundation. Provide vertically oriented "squeash" blocks or built up posts between the sub-floor and the wall top plate or sill plate at all joist supports and joist ends.
 - Columns and built up posts between floor to floor framing or from floor to roof framing, unless otherwise specifically noted or shown. Do not install an intermediate plate in any stud wall.
 - All window headers shall have a min. of 2x2-10's w/ 2x6 King ea. end, unless otherwise noted.
 - Provide additional continuous wall studs (King studs) at each side of all window & exterior door openings. The number of additional continuous studs at each side of any opening shall equal half of the number of studs interrupted by the opening, unless otherwise noted.
 - All walls shall have fire blocking as per the IRC, IBC, and as required by the authority having jurisdiction.
 - Cutting, notching, or drilling of structural members is not allowed unless noted otherwise, specifically approved by the engineer, or allowed per the manufacturer's specifications. Wood I-beam flanges shall not be cut or notched in any way.
 - Install beams, joist, etc. with crown up.
 - All joists, sills, and columns bearing on or immediately adjacent to concrete or masonry shall be pressure-treated Douglas-Fir (PTDF). Place 6" mil plastic sheathing between all concrete & wood. All field end, notches and drilled holes of pressure preservative treated wood are to be retreated in the field in accordance with IRC Section R017.1.1 and AWPMA No. 6.
- Trusses:
 - Lower chord of gable and trusses shall be anchored to wall plate with 18 ga. framing anchors at 4'-0" o.c., and laterally braced to roof rafter at 4'-0" o.c., maximum, for a min. length of 10'.
 - Asymmetrically pre-engineered wood truss ends shall be marked and identified for correct placement.
 - Roof truss suppliers shall provide complete truss system, designed by an engineer registered in Colorado. Engineered systems shall include truss design, erection plan, truss to truss and truss to beam connections, and permanent and temporary bracing & bracing. Truss shop drawings shall also be provided.
- Balloon frame gable end walls w/ cathedral ceilings. All wall studs need to be continuous from bottom plate to rafters.

Lopez Smolens Associates Consulting Structural Engineers
 3405 Penrose Pl #1004
 Boulder, CO 80501
 Office 303 447-2813
 www.lopezsmolens.com



The engineer and his consultants do not warrant or guarantee the accuracy and completeness of the work product herein beyond a reasonable degree. If any mistakes, omissions or discrepancies are found to exist within the work product, the engineer shall be promptly notified so that he may have the opportunity to take whatever steps necessary to resolve them. Failure to promptly notify the engineer of such conditions shall absolve the engineer from any responsibility for the consequences of such discrepancies. Actions taken without the engineer's consent shall become the responsibility of the engineer, but of the parties responsible for taking such action.

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lan Smith
 Digitally signed by lan Smith
 Date: 2022.10.26 15:55:07 -0600

HERLHY ADDITION
 836 WEST ST.
 LOUISVILLE, CO

Issued Date: 10/26/22
 Issued By: IS
 Issued For: [blank]
 Orig. Permit Set: 10/26/22

REVISIONS

Project No.: S20365
 Structural Notes
 Sheet No.: S1

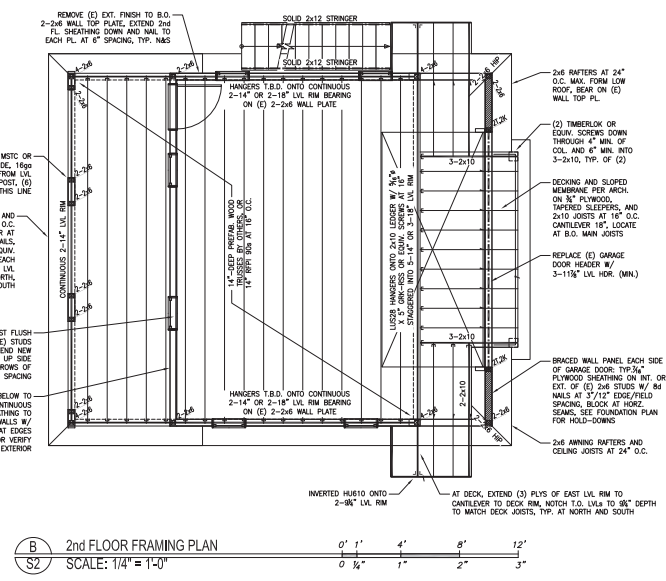
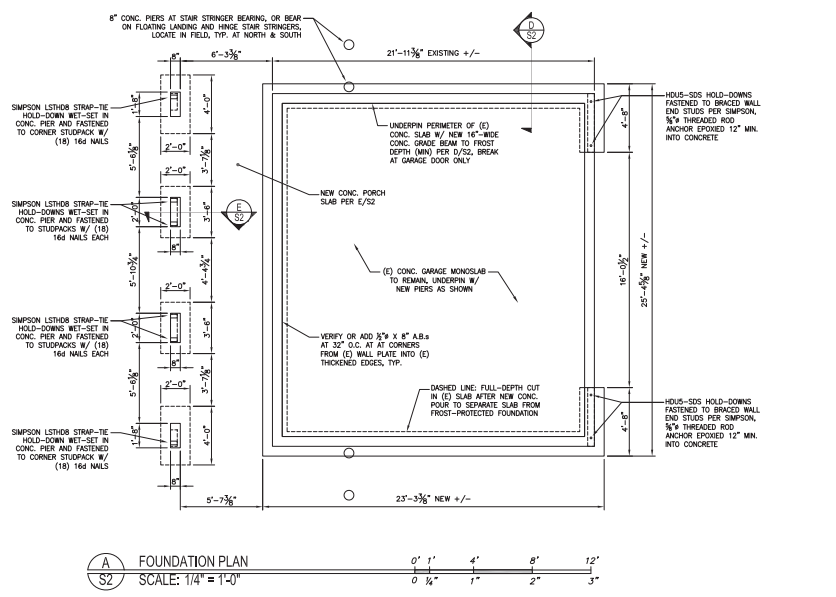
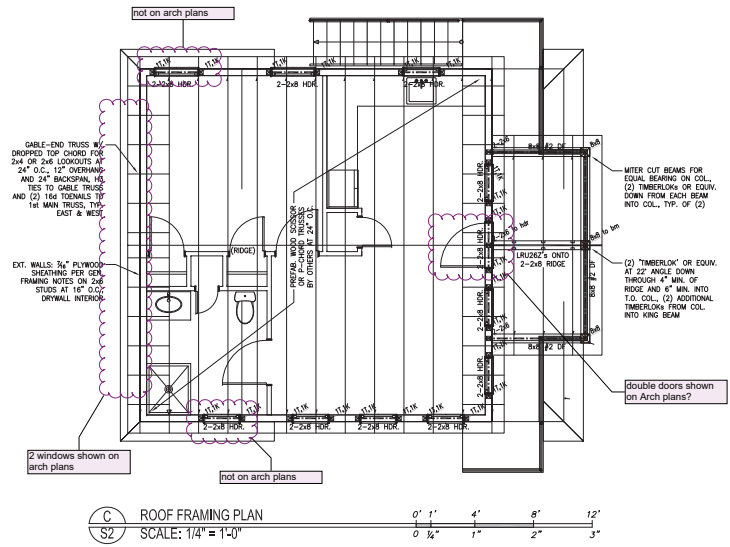
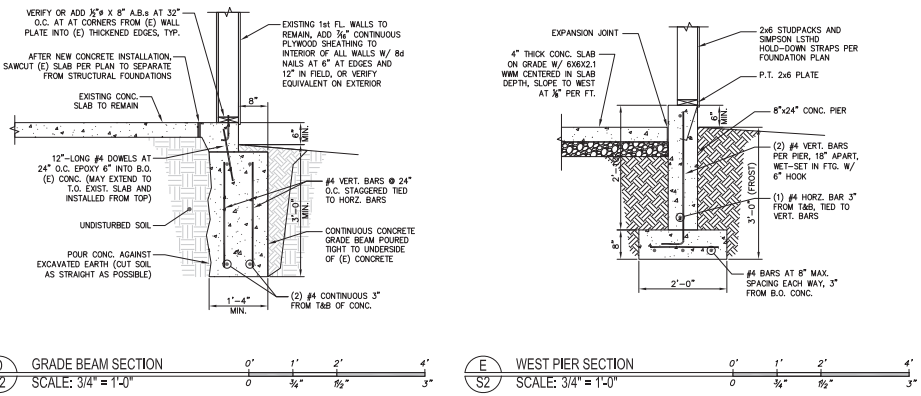
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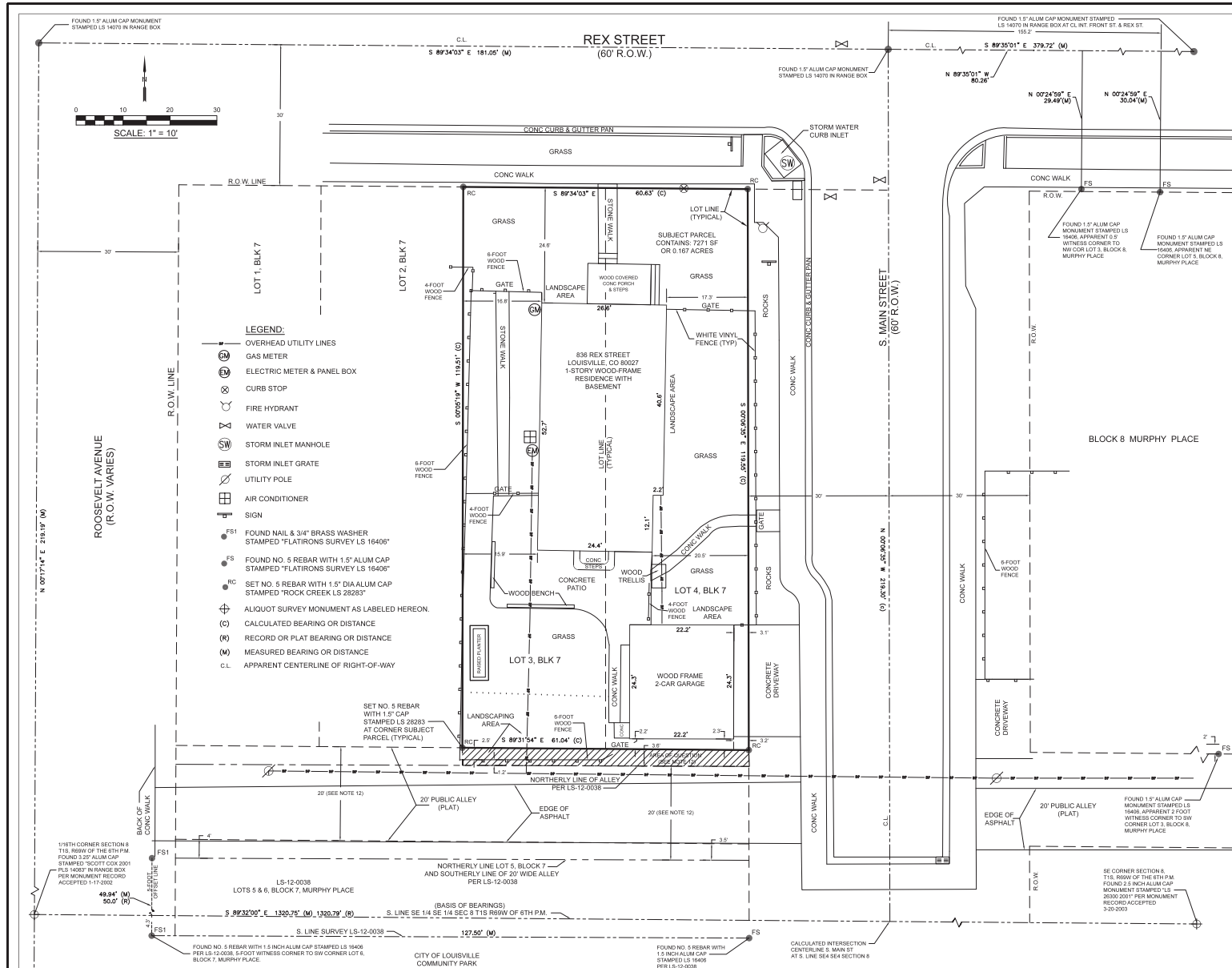
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HERLIHY ADDITION
 836 REX ST.
 LOUISVILLE, CO

DATE	10/26/22
DRAWN BY	IS
APPROVED BY	
ORIG. PERMIT SET	10/26/22
REVISIONS	
PROJECT NO.	S20365
STRUCTURAL PLANS	
SHEET TITLE	S2





IMPROVEMENT SURVEY PLAT

LOTS 3 & 4, BLOCK 7 MURPHY PLACE
 PART OF THE SOUTHEAST QUARTER OF
 SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69
 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 CITY OF LOUISVILLE, COUNTY OF BOULDER,
 STATE OF COLORADO

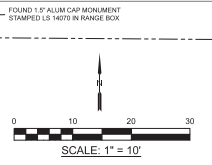
LEGAL DESCRIPTION: (FROM TITLE COMMITMENT)
 LOTS 3 AND 4, BLOCK 7,
 MURPHY PLACE SUBDIVISION
 COUNTY OF BOULDER,
 STATE OF COLORADO.

- NOTES:**
- 1) THIS IMPROVEMENT SURVEY PLAT (ISP) HAS BEEN PREPARED IN CONFORMANCE WITH CRS 38-51-102 (9).
 - 2) THIS ISP AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSE BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.
 - 3) UTILITIES DEPICTED HEREON FROM SURFACE EVIDENCE ONLY. UNDERGROUND UTILITIES ARE NOT SHOWN.
 - 4) DIMENSIONS ARE SHOWN HEREON ARE IN U.S. SURVEY FEET. BUILDING DIMENSIONS SHOWN ARE MEASURED AT FOUNDATION OF STRUCTURE. BUILDING OVERHANGS ARE NOT DEPICTED.
 - 5) EXISTING SURVEY MONUMENTS AS RECOVERED DURING FIELD SURVEYING AND LAND SURVEY PLATS ON DEPOSIT WITH BOULDER COUNTY WERE USED IN BOUNDARY CALCULATIONS.
 - 6) BASIS OF BEARINGS, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS SOUTH 89 DEGREES 32 MINUTES EAST BETWEEN A FOUND 3.25 INCH ALUMINUM CAP STAMPED "PLS 1603 2001" IN RANGE BOX AT THE EAST 8TH CORNER OF SAID SECTION 8 AND A FOUND 2.5 INCH ALUMINUM CAP MONUMENT STAMPED "LS 28300 2001" IN RANGE BOX AT THE SOUTHEAST CORNER OF SAID SECTION 8.
 - 7) SUBJECT PARCEL CONTAINS: 7271 SQUARE FEET OR 0.167 ACRES MORE OR LESS.
 - 8) BUILDING OVERHANGS ARE NOT SHOWN.
 - 9) TREES AND LANDSCAPING FEATURES ARE NOT SHOWN.
 - 10) LAND TITLE GUARANTEED COMPANY TITLE COMMITMENT NO. K 7044841 WITH EFFECTIVE DATE 9-4-2015 AT 5:00 P.M. WAS PROVIDED FOR USE ON THIS SURVEY. THIS DOCUMENT WAS USED FOR THE RESEARCH OF EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.
 - 11) THE PLAT OF MURPHY PLACE, ENCUMBERED MAY 25, 1907, IN BOOK 3 AT PAGE 59, RECEPTION NO. 57381 DOES NOT SHOW ANY EASEMENTS ON THE SUBJECT PROPERTY.
 - 12) THE LOCATION OF THE 20-FOOT WIDE PUBLIC ALLEY IN BLOCK 7, MURPHY PLACE IS SHOWN PER THE RECORD PLAT. THIS ALLEY IS ALSO DEPICTED ON AN IMPROVEMENT SURVEY PLAT (ISP) PREPARED BY FLATIRONS, INC. STAMP DATED 11-1-11 BY PLS NO. 16409 AND DEPOSITED WITH BOULDER COUNTY FEBRUARY 18, 2012 AS "LS-12-0038" AS PREPARED FOR LOTS 5 & 6 OF BLOCK 7, MURPHY PLACE. THIS ISP SHOWS THE 20-FOOT WIDE ALLEY SOUTH OF THE LOCATION OF THE ALLEY PER THE PLAT OF MURPHY PLACE SUBDIVISION, AS SHOWN AND LABELED HEREON. THE DIFFERENCE IN THE LOCATION OF THE 20-FOOT WIDE ALLEY IS SHOWN WITH CROSS-HATCHING AS AN AREA OF QUESTION. THE 8-FOOT WOOD FENCE, GATE AND LANDSCAPING IMPROVEMENTS ON LOTS 3 AND 4 OF BLOCK 7 (THE SUBJECT PARCEL FOR THIS SURVEY) EXTEND INTO THE AREA OF QUESTION.

SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY TO JUDITH HERLIHY ON THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED UNDER MY RESPONSIBLE CHARGE ON APRIL 18, 2020 AND THAT THERE ARE NO ENCROACHMENTS OR VISIBLE EVIDENCE OF ANY EASEMENTS, RIGHTS-OF-WAY ACROSS SAID PROPERTY, EXCEPT AS INDICATED ON THIS PLAT.
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



ROBERT A. RICKARD, PLS NO. 28283
 FOR AND ON BEHALF OF
 ROCK CREEK SURVEYING, LLC
DEPOSIT CERTIFICATE:
 ACCEPTED FOR DEPOSIT IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, AT BOULDER, COLORADO, ON THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____ M.
 AS SURVEY PLAT NO. _____
 BY _____
 BOULDER COUNTY CLERK AND RECORDER



- LEGEND:**
- OVERHEAD UTILITY LINES
 - GAS METER
 - ELECTRIC METER & PANEL BOX
 - CURB STOP
 - FIRE HYDRANT
 - WATER VALVE
 - STORM INLET MANHOLE
 - STORM INLET GRATE
 - UTILITY POLE
 - AIR CONDITIONER
 - SIGN
 - FS1 FOUND NAIL & 3/4" BRASS WASHER STAMPED "FLATIRONS SURVEY LS 16406"
 - FS FOUND NO. 5 REBAR WITH 1.5" ALUM CAP STAMPED "FLATIRONS SURVEY LS 16406"
 - RC SET NO. 5 REBAR WITH 1.5" DIA ALUM CAP STAMPED "ROCK CREEK LS 28283"
 - ALIQUOT SURVEY MONUMENT AS LABELED HEREON.
 - CALCULATED BEARING OR DISTANCE
 - RECORD OR PLAT BEARING OR DISTANCE
 - MEASURED BEARINGS OR DISTANCE
 - CL APPARENT CENTERLINE OF RIGHT-OF-WAY

IMPROVEMENT SURVEY PLAT
 836 REX STREET, LOUISVILLE, CO 80027

REVISIONS

ROCK CREEK SURVEYING, LLC.
 3021 GARDENIA WAY
 SUPERIOR, CO 80027
 303-521-7376

DRAWN: RAR
 FIELD DATES: APRIL 11 & 21, 2020

REVISION:
 SCALE: 1" = 10'
 DATE: APRIL 23, 2020

Amelia Brackett Hogstad

From: Lynn Tidd <lynntidd55@gmail.com>
Sent: Friday, August 25, 2023 12:48 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex St

Categories: case mgmt LR pres etc

You don't often get email from lynntidd55@gmail.com. [Learn why this is important](#)

Hello Amelia,
I hope that my email finds you well.

I am writing on behalf of Judy Herlihy, who owns the property at 836 Rex St. She is wanting to make a small addition to her house that would build on the existing footprint. I am in agreement with her that it makes sense both structurally and aesthetically to follow the existing footprint. We live at 317 Roosevelt Ave and would have no negative issues with the addition as she is proposing it.

Thank you for listening.

Lynn R. Tidd, MSC, MFCT
COACH, ADVOCATE, CONSULTANT

Masters of Counseling, Marriage, Family, Child Therapy

Relationships, Individuals, Children & Adolescents, Special Needs

720-238-1645

lynntidd55@gmail.com

www.dynamic-connections-lt.com

"Maybe this was meant to happen, this discovery of cracks where now a different, new light can shine through." Nima Lane

==CAUTION: EXTERNAL EMAIL==

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Amelia Brackett Hogstad

From: JEFFREY MEIER <jeffmeier@comcast.net>
Sent: Tuesday, September 5, 2023 3:45 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex St Variation Request

Hello Amelia,

I support my neighbor, Judy Herity's request for the variance so she can build the guest house over her garage. Judy has been waiting for the addition to her home for many years. At 82 years old, she is looking forward for a positive response so she can proceed with her plans

Thank you!

Jeff

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Amelia Brackett Hogstad

From: Annie Davids <annie@davidsfamily.com>
Sent: Thursday, August 31, 2023 6:41 PM
To: Amelia Brackett Hogstad
Subject: Support for Addition at 836 Rex Street

You don't often get email from annie@davidsfamily.com. [Learn why this is important](#)

Hello Amelia,

We are Brad and Annie Davids of 410 Main Street, in Louisville. Our friend and neighbor, Judy Herlithy, who lives a block away from us at 836 Rex Street has shared with us about her experience over the last several years in trying to complete an addition to her garage. We completely support her proposed plan as it stands now. We do not think she should have to move her addition back 15 feet (per code).

Her home is absolutely adorable and reflects the charm of downtown Louisville so perfectly! The addition she is proposing carries on that charm. The addition is tall (because it's above the garage), but she is at the end of the street and right next to a very tall house so it would blend in perfectly!

It also would be such a wonderful addition for her to have so that she might be able to "age in place" when the time comes. The proposed addition would be a perfect place for one of her children or a caregiver to live in.

Please approve her build with the current foundation footprint, waving the setback requirement.

Sincerely,
Annie and Brad Davids
303.908.6327

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Amelia Brackett Hogstad

From: Donna Feldman <donnafeldman@mac.com>
Sent: Tuesday, August 29, 2023 5:33 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex St.

Categories: case mgmt LR pres etc

You don't often get email from donnafeldman@mac.com. [Learn why this is important](#)

Dear Amelia:

I'm writing to give my opinion about a proposed addition to the home on 836 Rex St. in Old Town, owned by Judy Herlihy.

I've lived in Old Town for 35 years. We have a house built in 1907, and we've remodeled it numerous times over the years, without adding square footage.

Our first project was a garage in 1989, and at the time, we were told living space added to a garage was prohibited. That seemed ridiculous. Why not make use of an existing building instead of expanding the footprint? Judy's plan does just that. Her house is small, and she lacks space for visitors. Adding appropriately designed space over the existing garage is a perfect solution. Furthermore, this type of addition was common in years past in many cities, to create more affordable living space.

I'm completely in favor of this project. Louisville has a very significant and growing population of older residents who do not want the bother and expense of a giant house, such as are being built in many neighborhoods. Louisville needs to encourage more projects like this, to make the city more liveable and amenable to the needs of older adults.

Regards,

Donna Feldman
1029 Grant Ave.
donnafeldman@mac.com

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Amelia Brackett Hogstad

From: Gary Larson <gary42larson@gmail.com>
Sent: Monday, August 28, 2023 5:26 PM
To: Amelia Brackett Hogstad
Subject: Garage Renovation at 836 Rex St., Louisville

Categories: case mgmt LR pres etc

You don't often get email from gary42larson@gmail.com. [Learn why this is important](#)

Ms Hogstad,

Although I live on the North side of Louisville, in Steel Ranch, I frequently walk downtown, around Community Park and back to Steel Ranch. Over the years I have met and talked frequently with Judy Herlihy at 836 Rex St.

As a community activist, we've had many discussions about my constructive interactions with city personnel on: the 2012 approval of the "Foundry" at Hwy 42 and Paschal (which fell apart); the recent, fortunate cancelation of the efforts of a different, high-density Foundry builder in October 2022; and the recent, unfortunate voting failure of the more improved version of Redtail Ridge.

Judy has explained to me how she wants to build a small unit above, and within, her small garage footprint. She wants this in order to accommodate a future caretaker, as she is in her 80s.

If she wanted to build a larger rental unit, I would not favor this type of growth in the downtown area. Since she wants it for herself and family, I wholeheartedly support this design enabling her to "age-in-place".

One of the many reasons that make Louisville a special place are the people who put down roots here and want to stay here through their lives. We should try to accomodate this effort to age in place when a simple design like this is compatible with the neighborhood, and not an eyesore.

Please give your support to Judy in her efforts to add a unit above her garage footprint, so she can continue contributing to, and living in Louisville.

Thank you,
Gary Larson

Gary Larson * 2189 Park Lane * Louisville, CO 80027
E: gary42larson@gmail.com * M: 303.717.5555

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Amelia Brackett Hogstad

From: Ruta, Lauren (NYC-OWW) <Lauren.Ruta@orionworldwide.com>
Sent: Monday, August 28, 2023 4:10 PM
To: Amelia Brackett Hogstad
Subject: FW: 836 Rex Street

Categories: case mgmt LR pres etc

You don't often get email from lauren.ruta@orionworldwide.com. [Learn why this is important](#)

Passing this along from a neighbor who is out of town and asked me to forward to you.

Thank you!



LAUREN RUTA

SVP, Partnership Development

M: 1 347-852-1140

E: Lauren.ruta@orionworldwide.com

100 West 33rd Street, New York, NY 10001

An Interpublic Group Company (NYSE: **IPG**)

From: Fran Ryan <fryancomm@gmail.com>
Sent: Monday, August 28, 2023 3:15 PM
To: Ruta, Lauren (NYC-OWW) <Lauren.Ruta@orionworldwide.com>
Subject: Re: 836 Rex Street

Hello!

I live at 841 Parkview Street. I am one block north of Judy's home on Main and Rex. I wholeheartedly support her vision to finish out her re-model by adding an addition over the garage. Her idea keeps within the recently added garages in old town. It is my observation that most of the new builds have apartments over the garage space. I noticed that one of my neighbors on Parkview built the garage and apartment first and is now re-modeling the home.

There have been considerable apartments built over garages in old town. It is only right that Judy is given the same permissions given to everyone else in old town.

Judy has spent considerable time and effort to keeping her landscape pristine and beautiful. Her addition will surely be another beautiful addition to our neighborhood

Thank you for all you are doing to help Judy be successful with her proposal

Franny Ryan
303-748-2137

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Amelia Brackett Hogstad

From: Lizzie Raudenbush <lraudenbush@gmail.com>
Sent: Monday, August 28, 2023 3:43 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex Street

Categories: case mgmt LR pres etc

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Attn: Louisville Planning Department

To Whom it May Concern,

I am a Louisville resident and I am writing in support of the request made by Judy Herlihy to add to her property above her garage at 836 Rex Street.

My son and I walk by the property at 836 Rex Street on our frequent trips to Community Park and we would be excited to see the improvements made to the property that have been proposed by Judy.

Specifically, we agree with the property owner that the aesthetic from the street level would look better for the community if her plans were approved as-is, without requiring her to change the plans to push the unit "backwards" by 15 feet in the direction of the yard.

Thank you for your thoughtful consideration,

Lizzie Raudenbush
303-877-8508
lraudenbush@gmail.com

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Amelia Brackett Hogstad

From: Mary OBrien <maryjjobrien@gmail.com>
Sent: Monday, August 28, 2023 3:33 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex St Garage addition - Herlihy application

Categories: case mgmt LR pres etc

You don't often get email from maryjjobrien@gmail.com. [Learn why this is important](#)

To the Commission:

I have seen Judy Herlihy's plans to add a small guest house over her garage. The planned addition looks attractive and will fit in with the character of the neighborhood. There are several nearby houses that are much taller, so the height should not be an issue. Judy looks forward to providing a space for out-of-town visitors to stay.

I hope that her plans will be approved.

Sincerely,
Mary O'Brien
Louisville, CO

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Amelia Brackett Hogstad

From: Ruta, Lauren (NYC-OWW) <Lauren.Ruta@orionworldwide.com>
Sent: Monday, August 28, 2023 3:04 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex Street

Categories: case mgmt LR pres etc

You don't often get email from lauren.ruta@orionworldwide.com. [Learn why this is important](#)

Hi Amelia,

I hope you had a wonderful weekend!

My name is Lauren and I am a resident at 829 Rex Street located directly across the street from Judy's house. My husband and I moved here from NYC four years ago and instantly fell in love with our new home in Louisville. The town itself is great but it is all of the wonderful people we have met along the way that make it feel like home. One of those people is, Judy. Over the years she has always told us about the addition she planned to put above her garage and we have been anxiously waiting to see the final results as we know it would bring a lot of value to the neighborhood.

Having good neighbors is a rare thing to come by and we want Judy to be able to remain our neighbor for as long as possible. Having this addition will allow her to do that as if there is ever a need for a caretaker they could reside in the newly built addition. On top of that Judy undoubtedly has the best yard in Louisville. Her garden is immaculate and anyone who is walking to the park has the privilege of observing her beautiful flowers as they pass by. If she had to end up moving the garage back it would take away from her gardening space which we would never want to see occur.

The addition over the garage will complete her lot and bring value for years to come. I do not like to put others down but the large black house behind hers can be a bit of an eye sore and her addition blocking that would bring some charm back to the street.

We are hopeful Judy will be granted this variant to build on her existing footprint and we can see the new addition completed in the coming months. If you would like to chat in more detail please reach to me.

Thank you for your time.

Lauren Baylis (Ruta)



LAUREN RUTA

SVP, Partnership Development

M: 1 347-852-1140

E: Lauren.ruta@orionworldwide.com

100 West 33rd Street, New York, NY 10001

An Interpublic Group Company (NYSE: )

Amelia Brackett Hogstad

From: Wayne Varra <varrawayne@gmail.com>
Sent: Monday, August 28, 2023 11:37 AM
To: Amelia Brackett Hogstad
Subject: 836 Rex proposal

Categories: case mgmt LR pres etc

You don't often get email from varrawayne@gmail.com. [Learn why this is important](#)

Dear Amelia

I am in support for my neighbor Judy Herlihy who wants to add a addition to her garage above her detached garage at 836 Rex Louisville Co. I live across the street and have no problem with the project please feel free to contact me with questions

Wayne varra
224 Main St
Llouisville, Co.
720-412-2409

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Amelia Brackett Hogstad

From: Molly Fortuna <Molly.fortuna@comcast.net>
Sent: Monday, August 28, 2023 8:59 AM
To: Amelia Brackett Hogstad
Cc: Molly Fortuna
Subject: Support addition at 836 Rex St.

Categories: case mgmt LR pres etc

[You don't often get email from molly.fortuna@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Ms. Hogstad,

I want to express my strong support for Ms Herlihy at 836 Rex St. to build an addition above her garage. It makes sense to add this addition to her garage as it will be structurally and aesthetically most practical and pleasing visually. It also limits the structure to the current footprint on the property. Ms. Herlihy has displayed great regard already to the charm of her neighborhood as her yard is lovely and always well manicured.

Please consider her request to limit the addition to her current structure's footprint.

Kind regards,

Molly Fortuna
710 Nighthawk Circle
Louisville, CO
303-859-5398

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Amelia Brackett Hogstad

From: TALBOT WILT <talbotwilt@hotmail.com>
Sent: Sunday, August 27, 2023 4:31 PM
To: Amelia Brackett Hogstad
Cc: Judy HERLIHY
Subject: 836 Rex Street Variance

Categories: case mgmt LR pres etc

I am writing to state my wife's (Diana Serpe) and my support of Judy Herlihy's proposed ADU at 836 Rex Street in Louisville. Diana and I live at 908 Rex Street, just two houses down from Judy. We pass Judy's garage and house every time we head out our back alley onto Main Street, which is typically several times a day. There have been many times that Diana and I have commented to one another that Judy did a wonderful job on the restoration of her house.

When we learned last year that Judy was having the foundation of her historic garage improved so as to be able to add a second floor ADU we were all for it. The garage in its current state is a very non-descript structure that is limited in aesthetic value to Judy's property and to our neighborhood in general.

The second story addition above the existing garage footprint, as proposed by Judy, would provide for much needed secondary housing in Louisville, as well as be a significant improvement aesthetically to that alley corner. Diana and I whole heartedly support the request Judy is making for a variance in order to allow this project to move forward.

Respectfully,
Talbot Wilt

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Amelia Brackett Hogstad

From: YogaPeryl <perylmanning@gmail.com>
Sent: Sunday, August 27, 2023 8:24 AM
To: Amelia Brackett Hogstad
Subject: 836 Rex St.

Categories: case mgmt LR pres etc

You don't often get email from perylmanning@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

I am writing in support of my neighbor, Judy Herlilhy at 836 Rex St. She has been planning and trying to execute an addition over her garage for over 3 years now. The planned addition appears charming and would blend very well into our beautiful little neighborhood.

I know that one of the reasons she needs the addition is to provide space for a caretaker, should she need one. She is 82, and I think we are all very empathetic to her desire to take ownership of her future and stay in her home as long as possible.

I don't see any reason not to allow her to both increase the value and utility of her property and I think it would only be beneficial to us, her neighbors.

Best,

Peryl Cain

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Amelia Brackett Hogstad

From: audrey fallik <audreyscorpio@hotmail.com>
Sent: Saturday, August 26, 2023 9:30 PM
To: Amelia Brackett Hogstad
Subject: Property at 836 Rex Street, Louisville (for Judy Herlihy)

Categories: case mgmt LR pres etc

You don't often get email from audreyscorpio@hotmail.com. [Learn why this is important](#)

This is in support for approval on behalf of Ms. Herlihy for the planned expansion of her house. Such expansion makes sense from various perspectives. It would add to, rather than detract from, the value and charm of what is a delightful area that is very near Community Park. It would be structurally and aesthetically sound. It would provide space for visits from out of town family members, including, but not limited to, grandchildren. Finally, it would enable Ms. Herlihy, at 82 years old, to provide a livable space for a provider of personal care, should such need arise in her advancing years.

Please consider all factors that support of approval for the plan.

Thank you,

Audrey & Howard Fallik
720-364-9264

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Amelia Brackett Hogstad

From: Shawn Stark <shawnstark@me.com>
Sent: Saturday, August 26, 2023 11:31 AM
To: Amelia Brackett Hogstad
Subject: 836 Rex St.

Categories: case mgmt LR pres etc

[You don't often get email from shawnstark@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello Amelia,

I live at 834 Parkview St., a block away from 836 Rex St.

Our neighbor Judy clearly cares about protecting the character and charm of our neighborhood. Her garage addition plan makes sense on so many levels. It allows her to keep the entirety of her back yard for gardening, which certainly beautifies the neighborhood. It eases the transition from a small house to the much larger modern house to her south. It improves the appearance of her existing blocky garage. And it follows the existing footprint of the structure.

In addition, Judy is being thoughtful about her needs for the future. As an EMS captain at our local fire department, I fully understand the benefit of planning that allows our older residents to stay in their homes and have caregivers on site. This kind of planning benefits everyone, including the first responders who respond daily to emergencies that could have been prevented if the patient had just a bit of extra help.

I urge city planners to approve Judy's project as it is presented. Making her shift the structure to maintain setbacks (that were imposed on her with the widening of park access) does not make sense.

Thank you,
Shawn Stark
303-918-4413

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Amelia Brackett Hogstad

From: Bart Wear <wearbart@gmail.com>
Sent: Saturday, August 26, 2023 8:47 AM
To: Amelia Brackett Hogstad
Subject: 836 Rex St.

Categories: case mgmt LR pres etc

[You don't often get email from wearbart@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Amelia,

I am writing to support the 2nd story addition to the garage at the above referenced address.

The proposed addition is on a dead end street and utilizing the current footprint would maintain the openness between structures on the adjacent lot.

I also feel this type of addition is the only way affordable housing can be added to old town.

Thanks for considering this,

Bart Wear
948 Rex St.
303-898-2400

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Amelia Brackett Hogstad

From: Mary Kovach <ctheworld4@yahoo.com>
Sent: Friday, August 25, 2023 6:44 PM
To: Amelia Brackett Hogstad
Subject: 836 Rex Street

Categories: case mgmt LR pres etc

[You don't often get email from ctheworld4@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi Amelia- I spoke with Judy Herlihy about her garage addition. We feel her addition is completely appropriate and functional. The design would add warmth and charm to the existing neighborhood while increasing value to the area.

We hope the city will approve this addition.

Best,

Mary Kovach
337 Roosevelt Ave
Louisville, CO 80027

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Amelia Brackett Hogstad

From: Ingrid Lechner <ingrid.lechner42@gmail.com>
Sent: Friday, August 25, 2023 4:28 PM
To: Amelia Brackett Hogstad
Subject: Support for Proposed Addition at 836 Rex St.

Categories: case mgmt LR pres etc

You don't often get email from ingrid.lechner42@gmail.com. [Learn why this is important](#)

Hello Amelia,

We are Michael and Ingrid Lechner of 520 Main St, in Louisville. Our friend and neighbor, Judy Herlithy, who lives two blocks away, has been sharing her experience in trying to complete an addition to her garage the last several years. Simply, we are in favor of her proposal.

- She is a master gardener and having to move her addition back 15 feet (per code) would destroy any part of her small backyard. The backyard is full of flowers and plants that would be missed every season by the many of us who walk by her home with our dogs, children, and grandchildren on our way to and from the park daily. We already miss the poppies and other beautiful flowers that were destroyed around her garage in the first part of the project and unable to be replanted with the project at its current standstill.
- Her addition, being at the end of Main St and next door to a tall multi story home, would fit right in and modernize her garage to match her home with those around hers. Her added curb appeal would increase the value of all of our nearby homes.
- She has spoken of her daughter and son in law moving in soon to be her caretakers. Without the addition, she does not have room for her daughter and son in law to live with her let alone invite her grandchildren and friends to stay. Our grown children grew up with her grandchildren and it's a joy when they are all home visiting just a few blocks away.

Please approve her build with the current foundation footprint; waving the setback requirement.

With appreciation,
Ingrid and Michael Lechner
303-665-5194

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CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
September 20, 2023

APPLICANT/OWNER: Bill Anner, GJ Gardner Homes, Applicant
Roger Wilkerson and Linda Gallegos, Owner

STAFF PLANNER: Rob Zuccaro, AICP, Community Development Director

LOCATION: 125 Cherrywood Ln
Lot 56, Cherrywood II Subdivision

ZONING: Planned Community Residential (PCZD-R/P-R)

REQUEST: **Case #VAR-000480-2023** – A request for a front setback variance to allow a 14.1-foot setback where a minimum 18-foot setback is required



SUMMARY:

The applicant requests approval of a 14.1-foot front setback where 17 ft. is required by he Cherrywood II Planned Unit Development (PUD), to allow the construction of a 6 square-foot portion of a covered porch and 86 square-foot portion of a garage (see Attachment 1 for application materials).

BACKGROUND:

The property is located in the Cherrywood II PUD and Cherrywood II Subdivision, both of which the City approved in 1991. The original home was built in 1993 and was destroyed in the 2021 Marshall Fire. The following is a summary of the development standards based on the Cherrywood II PUD:

Minimum Lot Area:	5,500 sq. ft.
Front Setback:	18 ft.
Interior Side Setback:	5 ft.
Rear Setback:	15 ft.
Maximum Height:	35 ft.

The City issued a building permit for a new residence in November 2022. The approved plans had a front setback of 19 ft., which met zoning standards. As part of the City’s construction inspection process, a builder must provide a certification by a licensed land surveyor demonstrating compliance with the approved building setbacks prior to pouring concrete for the foundation. This certification requirement typically ensures the identification of a construction error before further building takes place. In this case, the City did receive the required Foundation Setback Certification and City inspection staff cleared the project to continue with construction in December of 2022 (see attached and Figure 1). The surveyor was in error in certifying the setback, as the foundation was not set properly to meet building setback requirements. The City does not require any additional setback verification until the end of construction, just prior to issuing a Certificate of Occupancy. The City received the final survey for the project in August of 2023, when the City and builder identified the setback encroachment issue. At that time, construction of the home was complete and the homeowner was ready to move into the rebuilt home.

Figure 1: Erroneous Foundation Setback Certification

Foundation Setback Certification

This form, including the Exhibit on the reverse side, must be fully completed by a Professional Land Surveyor licensed in the State of Colorado. This Certification must be signed and stamped and submitted for review and approval before proceeding with any further construction.

DATE: 12-21-22


PERMIT #: RES-2883-2022

ADDRESS: 125 Cherrywood Lane


Lot 56, Block _____, Cherrywood II _____ Subdivision

I hereby certify that the location of the foundation for the property described above has been measured by me, or directly under my supervision. The foundation setbacks as stated herein have been found by me to be as follows:

The **MINIMUM SETBACK DISTANCES** from the property lines to the foundation are in conformance with the approved building permit plans.

Signed  _____

Print Brian D. Larson Date 12-21-22



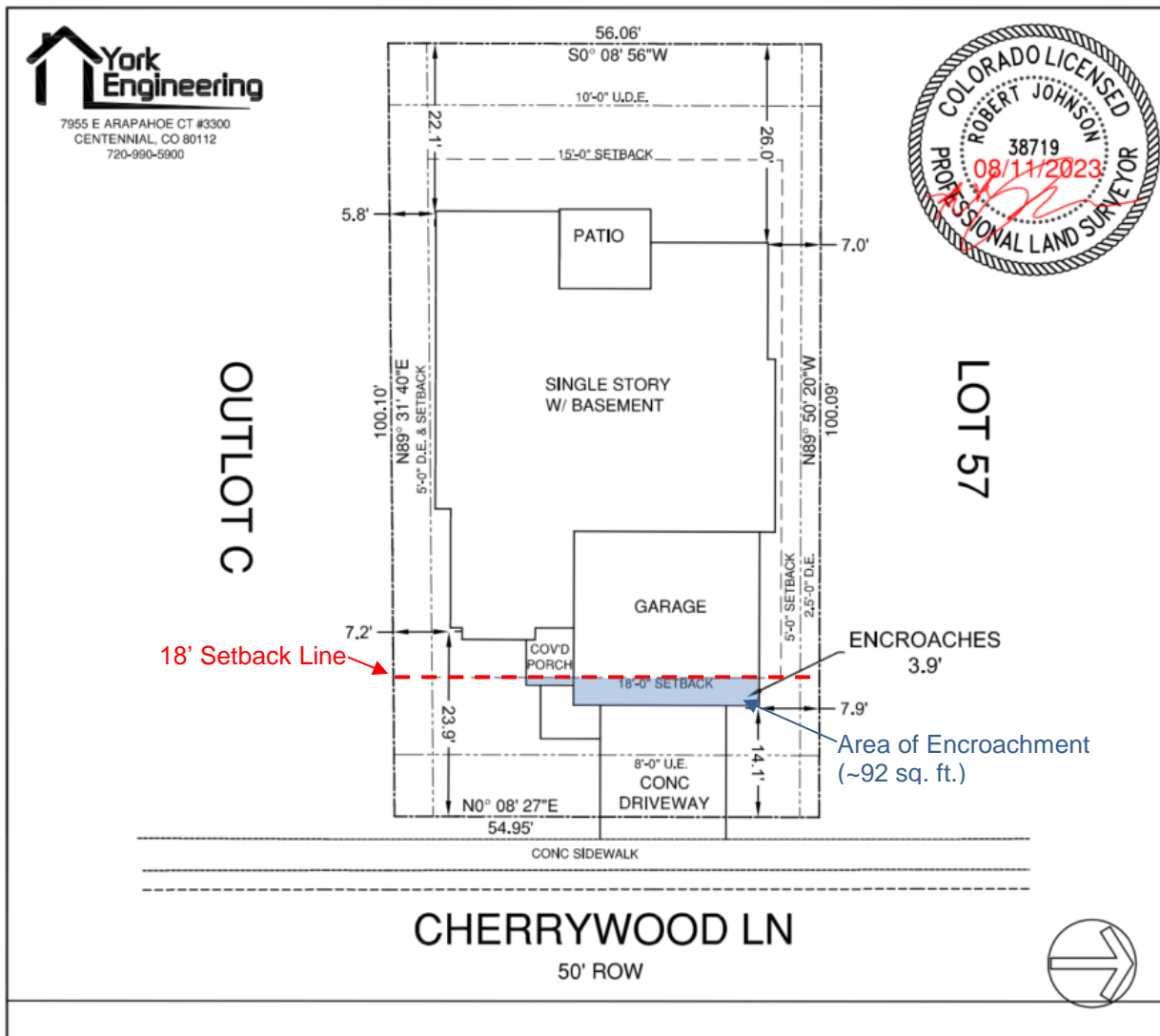
PROPOSAL:

The newly constructed home is a single-story ranch style home with a basement. The first-story enclosed area of the home is 2,376 sq. ft. including the finished area and garage, with 1,704 sq. ft. of finished and unfinished basement area.

Part of the garage and covered area of the front porch encroach into the setback, up to 3.9' at the northeast corner of the garage. This represents an approximate 22% encroachment into the 18-foot front setback.

The Zoning Administrator may consider up to a 10% encroachment administratively if the variance meets the established criteria. However, since this encroachment exceeds the 10% threshold, the Board of Adjustment must review the request.

Figure 2: Final Setback Survey and Encroachment Areas



The result of the home being set further to the front of the lot results in a 14.1' deep driveway. This undersized driveway would likely not accommodate vehicle parking without

the vehicle encroaching over the sidewalk. The City's zoning code requires two off street parking spaces for each resident. The garage would accommodate the two minimum spaces that the City code requires.

Figure 3: Side Elevations – Areas of Encroachment Highlighted in Blue

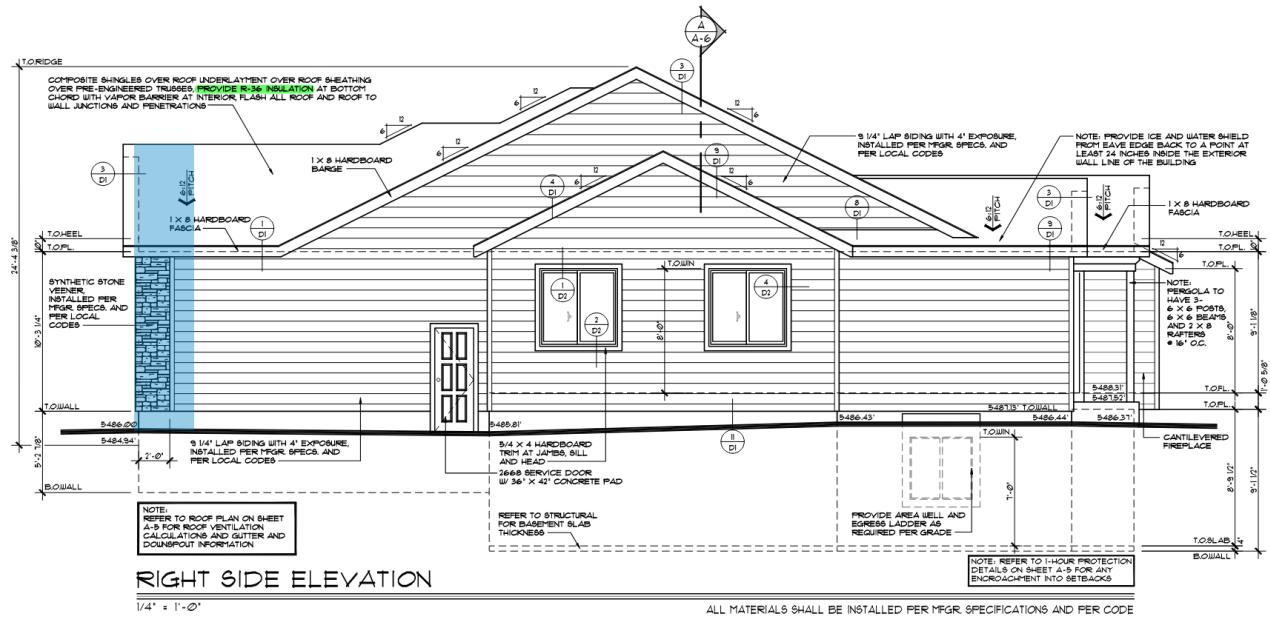
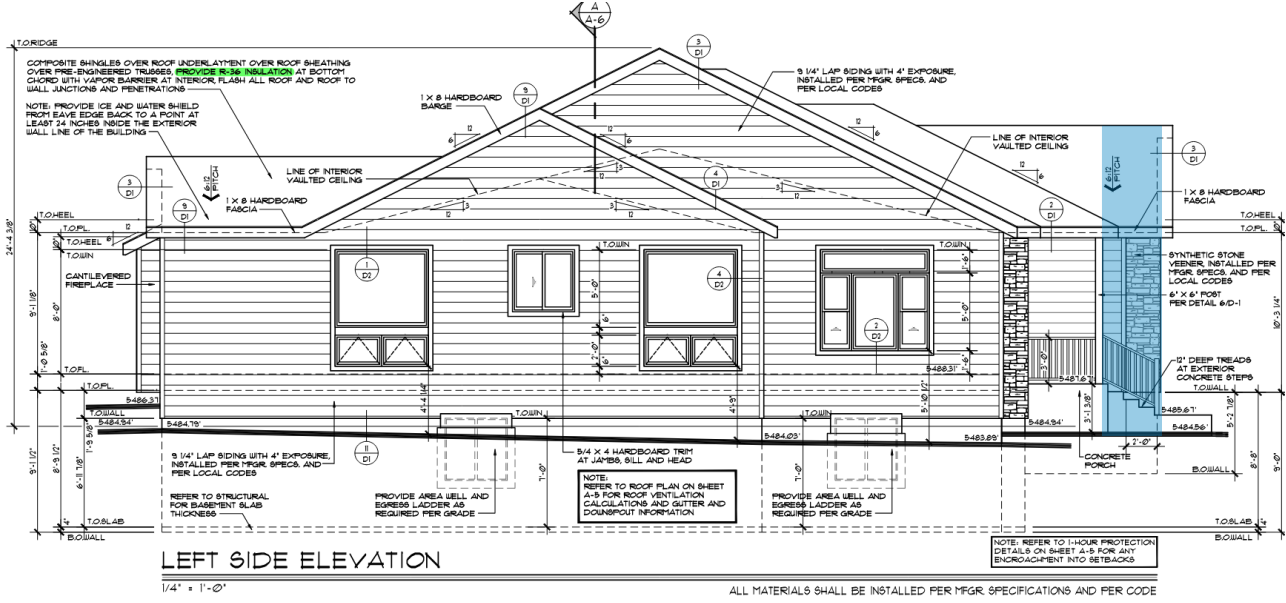


Figure 4: Looking West at Front of Home



Figure 5: Looking North



Figure 6: Looking South



REVIEW CRITERIA:

The Board of Adjustment has authority to grant or deny a variance request based on the review criteria found in Municipal Code Sections 17.48.110.B.1-6. The following are staff's analysis of the criteria with recommended findings on each.

1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

City staff does not typically find a construction error and the resulting physical location of the building to qualify for this criterion. However, staff sees this case as distinct, in that there was an error by the surveyor and an erroneous Foundation Setback Certification submitted demonstrating false setback compliance early in the construction process. The City approved the foundation location and the builder then completed construction of the home based on this certification. If an applicant were to approach the City for the same variance request prior to construction, even at an early stage of construction when the builder could have more easily rectified the encroachment, City staff would not support this request.

In addition, if there is an error during construction it typically results in a much smaller encroachment, in the range of inches. A construction error of nearly four feet and 22% of a measureable standard is exceedingly rare in staff's experience.

Staff finds that a unique circumstance exists wherein an erroneous Foundation Setback Certificate was submitted, creating a hardship and unique physical circumstance that the builder relied on to complete the construction process.

Staff finds the proposal meets this criterion.

2. *That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.*

The unique condition is not typically found in this neighborhood or in any new construction projects because the City and builders would rely on surveys for the accurate location of structures.

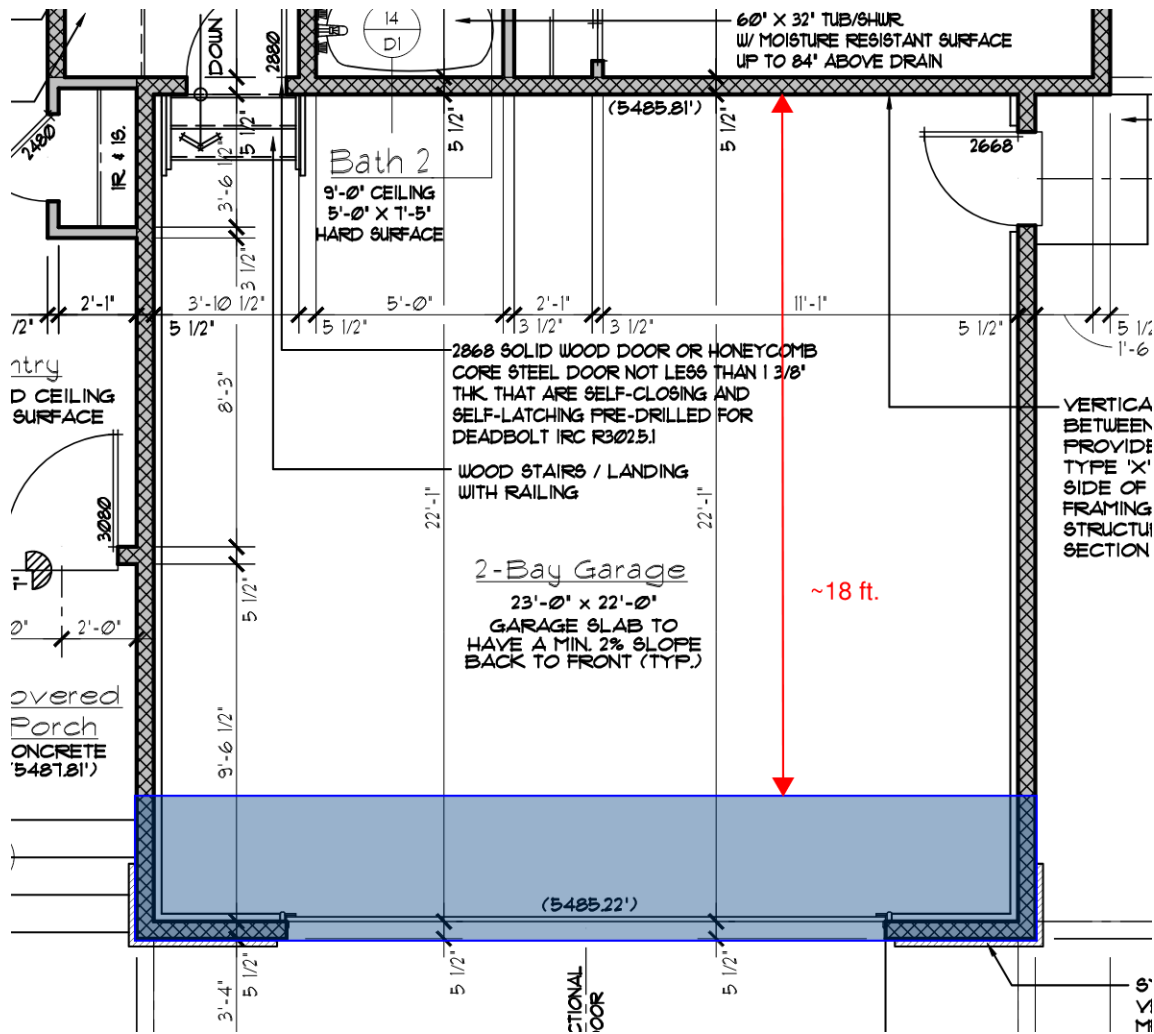
Staff finds the proposal meets this criterion.

- That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.

At this point, the only viable alternative is to reconstruct the garage and front porch to meet the setback. If the builder reconstructed the garage to remove nearly 4 feet, the remaining depth of the garage would be approximately 18 feet. The garage is not oversized as built, and it would be difficult to fit a standard-sized vehicle in an 18-foot deep garage. Therefore, staff recommends a finding that the home would not have a reasonably sized garage without the variance.

Staff finds the proposal meets this criterion.

Figure 7: Garage Depth if Reconstructed



4. *That such unnecessary hardship has not been created by the applicant.*

Staff finds that there was an unnecessary hardship created by the erroneous Foundation Setback Certification. This hardship was not caused by the builder or homeowner, since they reasonably relied on the accuracy of this certification to complete the construction of the home.

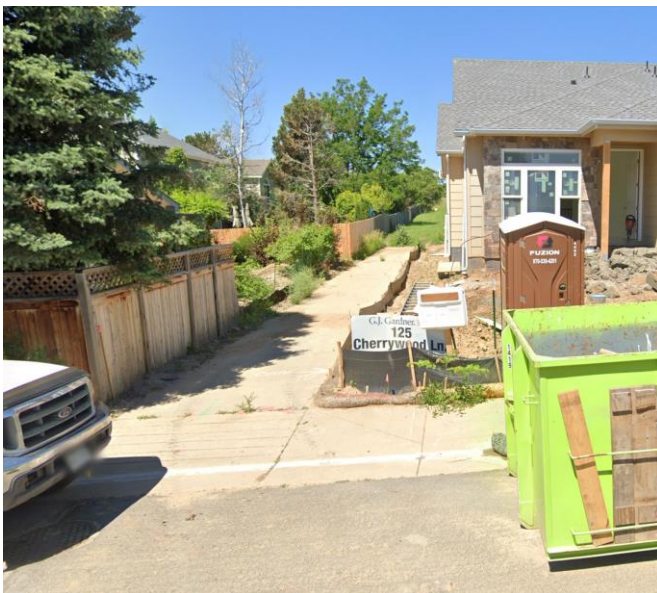
Staff finds the proposal meets this criterion.

5. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.*

Because the setback encroachment is into the front setback and not the side setback, the home will not be closer to neighboring homes. In addition, the applicant provided support emails from the owners of 101 Cherrywood Ln, 102 Cherrywood Ln, 105 Cherrywood Ln, 106 Cherrywood Ln, 109 Cherrywood Ln, 110 Cheerywood Ln, 114 Cherrywood Ln, 115 Cherrywood Ln, 117 Cherrywood Ln, 118 Cherrywood Ln, 121 Cheerywood Ln, 122 Cherrywood Ln, 129 Cherrywood Ln (see attached). No written objections have been submitted to staff.

Figure 5 above provides a view of 125 Cherrywood Lane and several other new homes extending to the north. Although the home at 125 Cherrywood Lane is closer to the street than other homes extending north up the block, it does not appear out of place with the other homes on the block. To the south is a trail connection that buffers 125 Cherrywood Lane to the home to the south. The home to the South is also oriented to Cypress Lane.

Figure 8: Trail Connection on South Side of Home



6. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.*

Reconstructing the garage to eliminate or lessen the setback would not provide relief to the stated hardship of the initial foundation location and surveyor error in issuing the Foundation Setback Certification.

Staff finds the proposal meets this criterion.

PUBLIC COMMENTS:

Public comments received to date are included as Attachment No. 5.

STAFF RECOMMENDATION:

Staff recommends approval without conditions.

BOARD ACTION:

The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request additional information if they feel it is needed for their proper consideration of the variance application. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:

1. Application Materials
2. Cherrywood II PUD
3. Cherrywood II Subdivision
4. Foundation Setback Certification
5. Public Comment



Community Development

749 Main Street • Louisville CO 80027 • 303.335.4592 • www.louisvilleco.gov

ELECTRONIC LAND USE HEARING REQUEST

CASE NO. _____

APPLICANT INFORMATION

Firm: GJ Gardner Homes-Adams County, Inc.
 Contact: Bill Anner
 Address: 12001 Tejon St., #110
Westminster, CO 80234
 Mailing Address: Same
 Telephone: 303-658-0146
 Fax: 303-658-0941
 Email: bill.anner@gjgardner.com

OWNER INFORMATION

Firm: Roger Wilkerson & Linda Gallegos
 Contact: Roger Wilkerson
 Address: 125 Cherrywood Lane
Louisville, CO 80027
 Mailing Address: Same
 Telephone: 720.289.5119
 Fax: _____
 Email: roger-wilkerson@comcast.net

REPRESENTATIVE INFORMATION

Firm: GJ Gardner Homes-Adams County, Inc.
 Contact: Bill Anner
 Address: 12001 Tejon St, #110
Westminster, CO 80234
 Mailing Address: Same
 Telephone: 303-658-0146
 Fax: 303-658-0941
 Email: bill.anner@gjgardner.com

PROPERTY INFORMATION

Common Address: 125 Cherrywood Lane, Louisville 80027
 Legal Description: Lot 56 Bk _____
 Subdivision CherrywoodII
 Area: 5526 Sq. Ft.

TYPE (S) OF APPLICATION

- Annexation
 Zoning
 Preliminary Subdivision Plat
 Final Subdivision Plat
 Minor Subdivision Plat
 Preliminary Planned Unit Development (PUD)
 Final PUD
 Amended PUD
 Administrative PUD Amendment
 Special Review Use (SRU)
 SRU Amendment
 SRU Administrative Review
 Temporary Use Permit: _____
 CMRS Facility: _____
 Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

I hereby request the public hearing(s) on this application be scheduled to be conducted by Electronic Participation in accordance with the attached Resolution No. 30, Series 2020, as adopted by the City Council on April 7, 2020, and in accordance with Resolution No. 38, Series 2020, as adopted by City Council on June 2, 2020 if such hearing(s) can be scheduled during a time period when in-person meetings are not being held due to a health epidemic or pandemic. I acknowledge that holding a quasi-judicial hearing by Electronic Participation may present certain legal risks and involves an area of legal uncertainty, and that having this application heard at a meeting held by Electronic Participation is optional and undertaken at my own risk. I also understand that in-person meetings are preferred for quasi-judicial hearings, and that even if electronic hearing(s) are scheduled, this application will be heard at an in-person meeting if in person meetings have resumed by the scheduled hearing date(s). I further agree to defend and indemnify the City of Louisville in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.

SIGNATURES & DATE

Applicant: Bill Anner 8/24/23
 Print: Bill Anner
 Owned by: Linda Gallegos Roger Wilkerson 8/24/2023
DocuSigned by: F28C37B1EB18489 DocuSigned by: 17C2B45C01B483...
 Print: Roger Wilkerson/Linda Gallegos
 Representative: Bill Anner 8/24/23
 Print: Bill Anner

CITY STAFF USE ONLY

- Electronic Hearing Approved: _____
 Date(s) of Hearing(s): _____



8/24/23

Louisville Board of Adjustment

Re: 125 Cherrywood Lane

After a review of the Improvement Location Survey ("ILC") and recent discussions with professionals, it has come to my attention that an error was made by the surveyor, resulting in the home at 125 Cherrywood Lane being 3.9' closer to the street than it should have been. This mistake has inadvertently led to the property being non-compliant with the front yard setback requirement as stipulated in the City of Louisville.

Not only does the surveyor stake the "dig" prior to setting the foundation, but the city has a check in the process when the foundation is put in place. This is called the Foundation Setback Certification. That requires a surveyor to go out to the property, confirm that the Setbacks are being met and then complete a form complete with the Engineers stamp that the property met the certification. This is generally when an error like this would be "flagged" by the engineer or the City and it could still be rectified. The engineer did that work and did complete the certification on 12/21/22. That certification indicated that all setbacks were adhered to. Unfortunately, the same mistake was made as in the original calculation and, though the certification says it met the setback, it did not.

With the rebuild process for the Marshall Fire victims, the City has allowed staff to grant variances of up to 10% on an administrative basis. Almost assuredly, the City would have granted a 1.8' (10% of the 18' setback) variance. Unfortunately, this property is 25" beyond that 10%.

Given the circumstances, I kindly request that the Louisville Board of Adjustments consider granting a variance from the front yard setback requirement to rectify this unintended non-compliance. The mistake made by the surveyor has placed an undue burden on the property owners, Roger Wilkerson & Linda Gallegos, through no fault of theirs.

12001 Tejon St., #110
Westminster, CO 80234
T. 303.658.0146 E. bil.anner@gjgardner.com

gjgardner.com

G.J. Gardner. HOMES

Granting the variance would not create any burden on adjoining property owners or create any dangers with respect to the use of the property. In fact, the variance request has been shared with the neighbors and you package includes emails from at least 17 of them in support of the variance. As of this submittal, nobody has come forward objecting to the variance. In its current position the driveway is 24' long to the street.

In addition, granting the variance does not change the character of the property or neighborhood. Prior to creating the ILC, the issue went unnoticed by neighbors, owners and the builder.

I am committed to working closely with the appropriate authorities to remedy this situation promptly. If required, I am willing to provide any additional information or documentation to support this case during the review process.

Thank you for your attention to this matter. I understand the importance of adhering to zoning regulations, and I am hopeful that a variance can be granted to address this issue. I eagerly await further instructions on the process and any documentation required to proceed.

Please feel free to contact me at 303.658.0146 or bill.anner@gjgardner.com if you require any additional information or clarification. I appreciate your time and consideration and look forward to a positive resolution to this matter

Sincerely,



Bill Anner

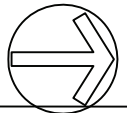
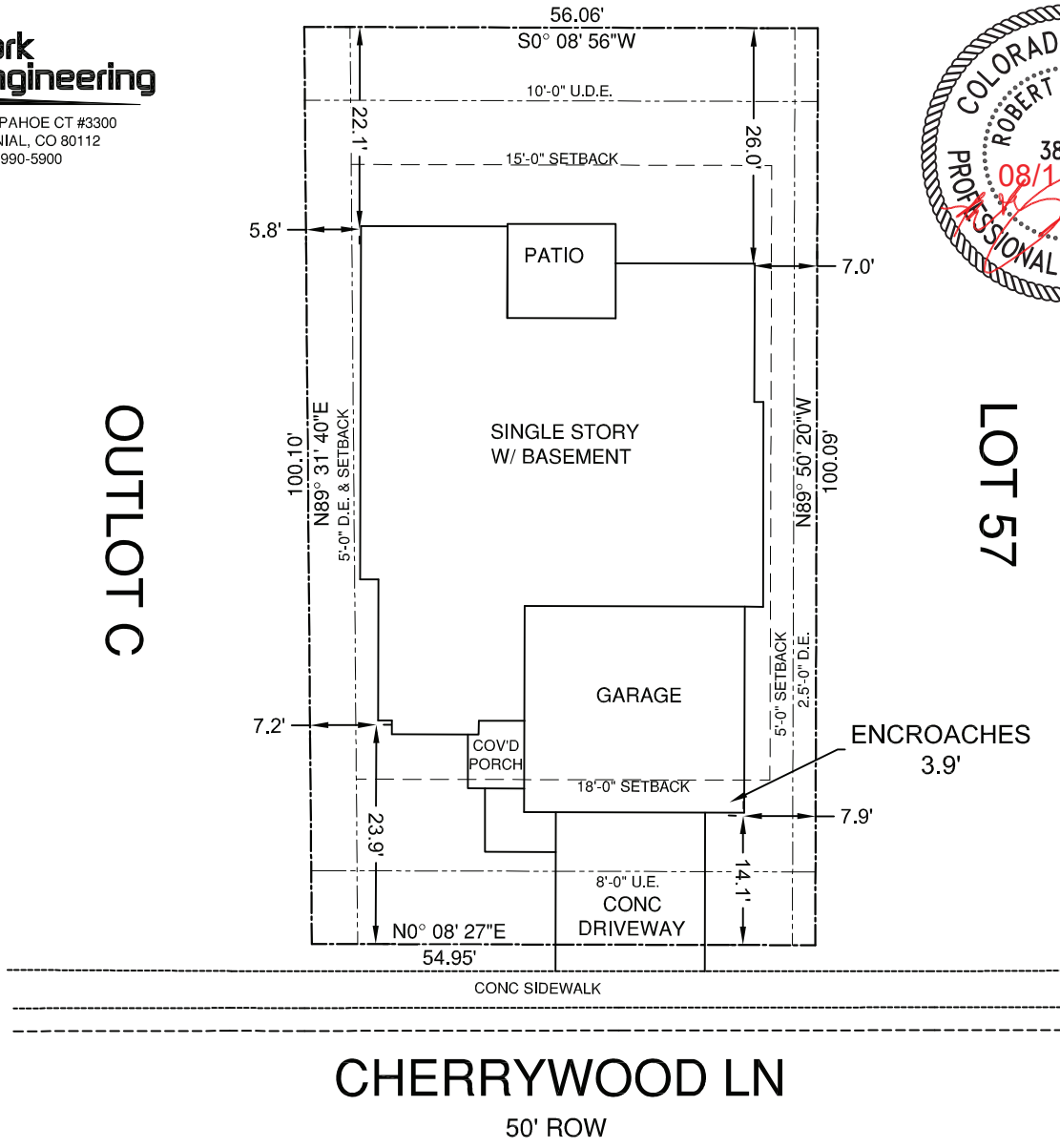


7955 E ARAPAHOE CT #3300
CENTENNIAL, CO 80112
720-990-5900



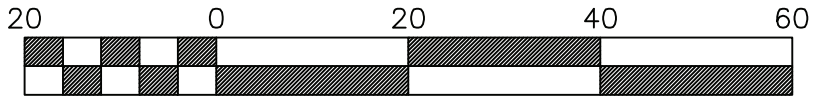
OUTLOT C

LOT 57



LEGAL DESCRIPTION

LOT 56
CHERRYWOOD II SUBDIVISION
125 CHERRYWOOD LANE, LOUISVILLE
COUNTY OF BOULDER
STATE OF COLORADO



Scale 1" = 20'

IMPROVEMENT LOCATION CERTIFICATE

I ROBERT B. JOHNSON PLS HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR GJ GARDENER HOMES, THAT IT IS NOT A SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, AUGUST 09, 2023, EXCEPT UTILITIES CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS OR ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL EXCEPT AS NOTED.

DISCLAIMER
 This plan is not 100% to scale as internal dimensions may vary however total square footage shown are correct to Sales Proposal. Any furnishings, fixtures or appliances shown other than those noted in your specifications are for effect only and not included.

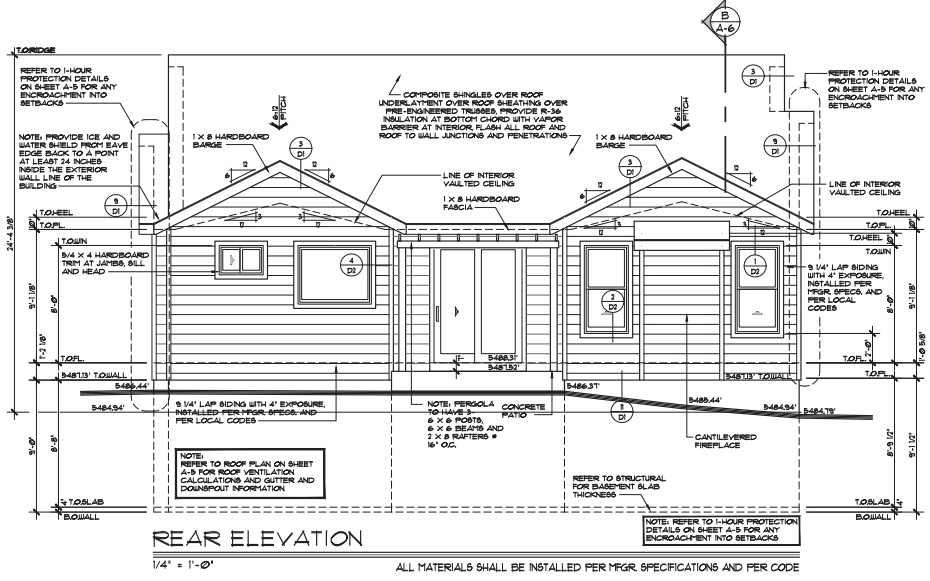
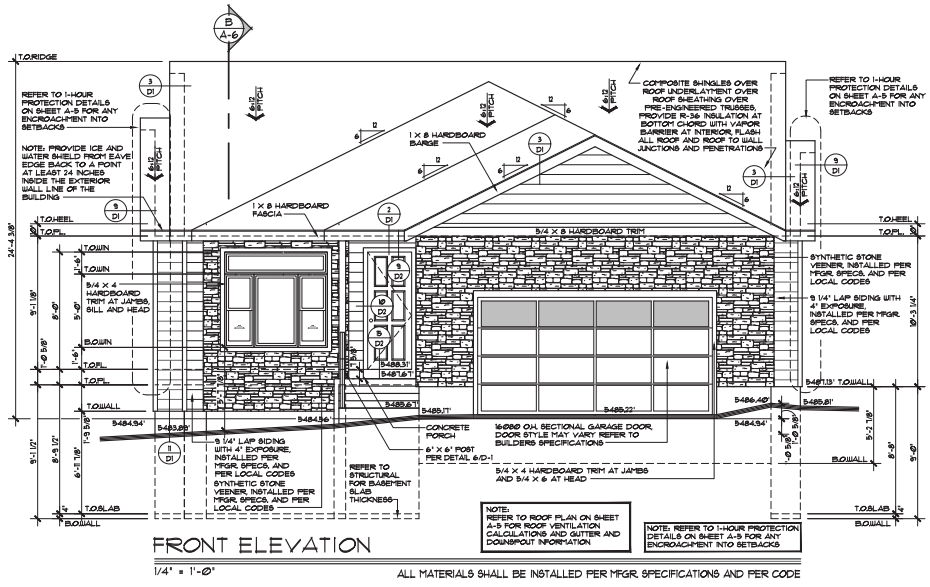
COPYRIGHT
 This drawing remains the property of GJ Gardner Homes and may not be used or reproduced in whole or in part without written permission.

Drawing Approval

Initial Initial Date

By Initialing Above I/We Acknowledge that these drawings will become part of the Contract with GJ Gardner Homes Adams County, Inc. Once Initialed and confirmed by the Builder, these drawings will supersede any previously dated Initialed Drawings.

Builder Date



GJ Gardner Homes
 12000 Taylor Street, Suite 110
 Westminster, Colorado 80234
 Phone: (303) 658-0146
 Fax: (303) 658-0541

GJ Gardner Homes Copyright
 This plan is not 100% to scale as internal dimensions may vary however total square footage shown are correct to Sales Proposal. Any furnishings, fixtures or appliances shown other than those noted in your specifications are for effect only and not included.
 COPYRIGHT © 2012 GJ Gardner Homes and may not be used or reproduced in whole or in part without written permission.

CONTRACTOR'S RESPONSIBILITY
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION BETWEEN THE OWNER, THE CONTRACTOR AND THE CONSULTANT. ALTHOUGH THE CONSULTANT SHALL BE RESPONSIBLE FOR THE DESIGN AND CALCULATIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT. THE CONSULTANT SHALL RELIEVE THE CONTRACTOR FROM LIABILITY FOR ALL CONSTRUCTION AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSEQUENCES ARISING OUT OF HIGH CHANGES.

Wilkerson Residence
 125 Cherrywood Lane
 Louisville, Colorado 80027
 Boulder County

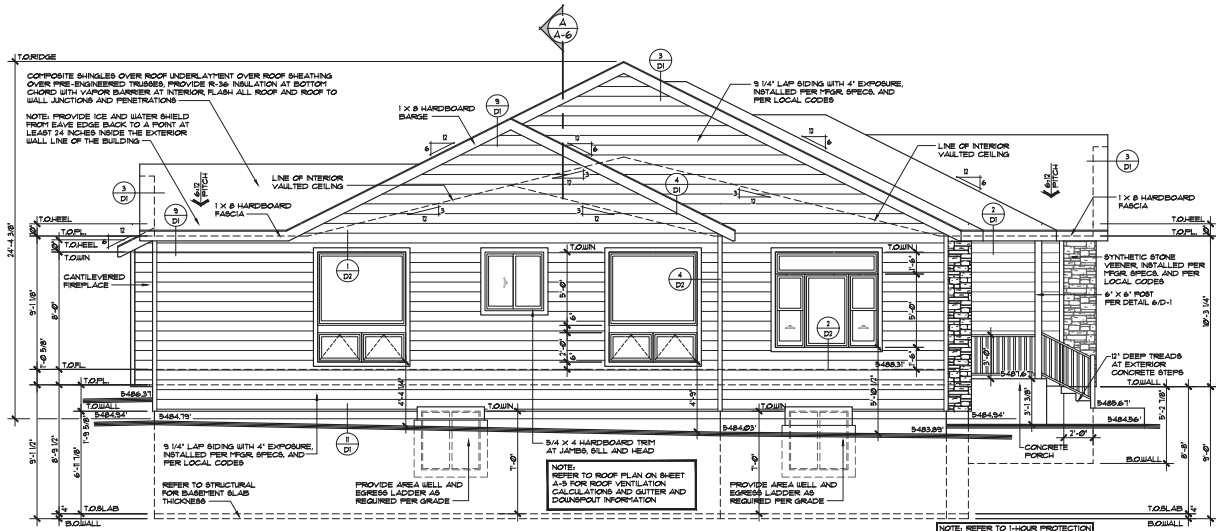
Issue Dates
 Estimating Set
 11-15-2022
 Permit Set
 10-3-2022

Owner Sign Off

Plan Number
 Wilkerson
 Residence

Sheet Number
 A-3

SOME DETAILED ITEMS ON THESE PLANS ARE BOLLER-PLATE DETAILS AND MAY NOT REPRESENT WHAT IS TO BE INCLUDED IN THE CONSTRUCTION OF THE HOUSE. REFER TO GJ GARDNER - ADAMS STANDARD INCLUSION DOCUMENT AND CONTRACT SPECIFICATIONS TO DETERMINE ALL INCLUSIONS OF THE PROJECT. REFER TO THE CONTRACT PLANS FOR FLOOR PLAN LAYOUT, 4 ROOF DIMENSIONS ONLY, GJ GARDNER - ADAMS STANDARD INCLUSIONS AND CONTRACT SPECIFICATION SHEET SUPERCEDES ALL SPECIFICATIONS SHOWN ON PLANS.



LEFT SIDE ELEVATION
1/4" = 1'-0"

ALL MATERIALS SHALL BE INSTALLED PER MFG. SPECIFICATIONS AND PER CODE

DISCLAIMER
This plan is not 100% to scale as internal dimensions may vary however total square footage shown are correct to Sales Proposal. Any furnishings, fixtures or appliances shown other than those noted in your specifications are for effect only and not included.

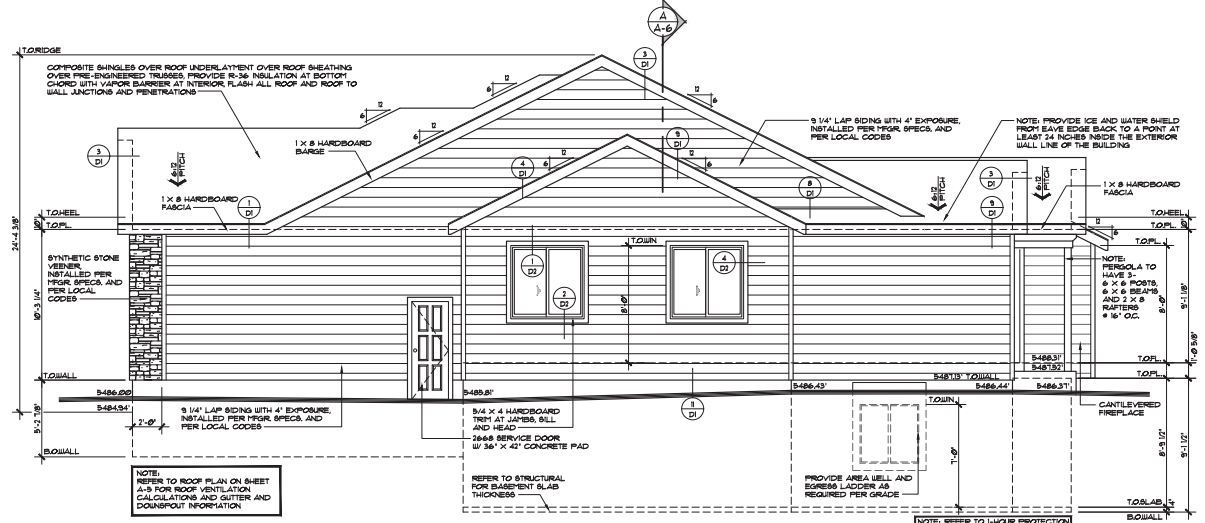
COPYRIGHT
This drawing remains the property of GJ Gardner Homes and may not be used or reproduced in whole or in part without written permission.

Drawing Approval

Initial	Initial	Date

By Initialing Above I/We Acknowledge that these drawings will become part of the Contract with GJ Gardner Homes Adams County, Inc. Once Initialed and confirmed by the Builder, these drawings will supersede any previously dated Initialed Drawings.

Builder _____ Date _____



RIGHT SIDE ELEVATION
1/4" = 1'-0"

ALL MATERIALS SHALL BE INSTALLED PER MFG. SPECIFICATIONS AND PER CODE

G.J. Gardner Homes
12000 Tejon Street, Suite 110
Westminster, Colorado 80234
Phone: (303) 658-0146
Fax: (303) 658-0541

DISCLAIMER This plan is not 100% to scale as internal dimensions may vary however total square footage shown are correct to Sales Proposal. Any furnishings, fixtures or appliances shown other than those noted in your specifications are for effect only and not included.

COPYRIGHT This drawing remains the property of G.J. Gardner Homes and may not be used or reproduced in whole or in part without written permission.

NOTE TO CONTRACTOR: THIS DRAWING IS THE PROPERTY OF G.J. GARDNER HOMES. THE CONTRACTOR AND THE CONSULTANT, ALTHOUGH THEY COLLABORATE, CANNOT GUARANTEE PERFECTION. ANY ADJUSTMENT OR DISCREPANCY DISCOVERED SHALL BE REPORTED IMMEDIATELY TO THE CONSULTANT. THE CONSULTANT SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND MATERIALS. THE CONSULTANT SHALL BE RESPONSIBLE FOR ALL CONSEQUENCES ARISING OUT OF HIGH CLEARANCE.

Wilkerson Residence
125 Cherrywood Lane
Louisville, Colorado 80027
Boulder County

Issue Dates
Estimating Set
1-18-2022
Permit Set
10-3-2022

Owner Sign Off

Plan Number
Wilkerson
Residence

Sheet Number
A-4

SOME DETAILED ITEMS ON THESE PLANS ARE BOILER PLATE DETAILS AND MAY NOT REPRESENT WHAT IS TO BE INCLUDED IN THE CONTRACT PLANS FOR FLOOR PLAN LAYOUT 4 ROOF DIMENSIONS ONLY. GJ GARDNER - ADAMS'S STANDARD INCLUSIONS AND CONTRACT SPECIFICATIONS SHALL SUPERCEDES ALL SPECIFICATIONS SHOWN ON PLANS.

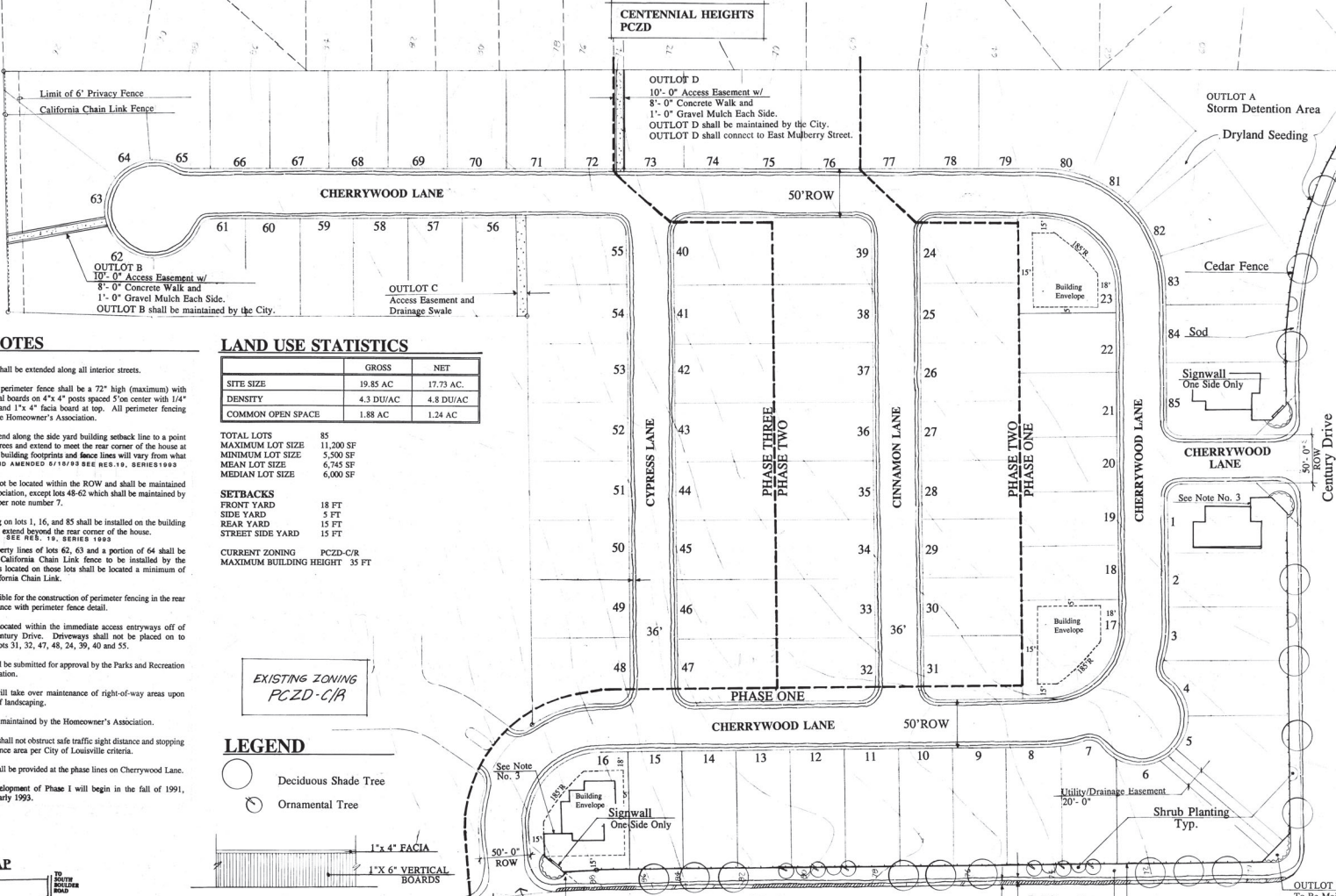
RE CITY RECREATION CENTER

CENTENNIAL HEIGHTS PCZD

OUTLOT D
10'-0" Access Easement w/
8'-0" Concrete Walk and
1'-0" Gravel Mulch Each Side.
OUTLOT D shall be maintained by the City.
OUTLOT D shall connect to East Mulberry Street.

OUTLOT A Storm Detention Area

P-R UNDEVELOPED



DEVELOPER / OWNER
STORCK DEVELOPMENT CORPORATION
P.O. Box 8368
Fort Collins, CO 80524

Richard R. Storck
10/22/91

PROJECT NOTES

- 1. A Hollywood curbwalk shall be extended along all interior streets.
2. Unless otherwise noted, perimeter fence shall be a 72" high (maximum) with 1"x6" rough cedar vertical boards on 4"x4" posts spaced 5' on center with 1/4" spacing between boards and 1"x4" fascia board at top. All perimeter fencing shall be maintained by the Homeowner's Association.
3. Perimeter fence shall extend along the side yard building setback line to a point where it will turn 90 degrees and extend to meet the rear corner of the house at lots 1, 16 and 85. Actual building footprints and fence lines will vary from what is shown on this plan. PUD AMENDED 5/18/93 SEE REG. 19, SERIES 1993
4. Perimeter fencing shall not be located within the ROW and shall be maintained by the Homeowner's Association, except lots 48-62 which shall be maintained by individual home owners per note number 7.
5. Side yard to street fencing on lots 1, 16, and 85 shall be installed on the building setback line and shall not extend beyond the rear corner of the house. PUD AMENDED 5/18/93 SEE REG. 19, SERIES 1993
6. Fencing on the rear property lines of lots 62, 63 and a portion of 64 shall be restricted to a 42 inch California Chain Link fence to be installed by the developer. Privacy fences located on those lots shall be located a minimum of fifteen feet from the California Chain Link.
7. Home owners are responsible for the construction of perimeter fencing in the rear of lots 48 - 62 in accordance with perimeter fence detail.
8. Driveways shall not be located within the immediate access entryways off of McCasin Avenue or Century Drive. Driveways shall not be placed on to Cherrywood Lane from lots 31, 32, 47, 48, 24, 39, 40 and 55.
9. Final landscape plans shall be submitted for approval by the Parks and Recreation Department before installation.
10. The City of Louisville will take over maintenance of right-of-way areas upon construction acceptance of landscaping.
11. Outlots A and C shall be maintained by the Homeowner's Association.
12. Landscaping and fencing shall not obstruct safe traffic sight distance and stopping distance and vision clearance area per City of Louisville criteria.
13. Temporary cut de sacs shall be provided at the phase lines on Cherrywood Lane.
14. It is anticipated that development of Phase I will begin in the fall of 1991, followed by Phase II in early 1993.

LAND USE STATISTICS

Table with 3 columns: SITE SIZE, GROSS, NET. Rows include MAXIMUM LOT SIZE, MINIMUM LOT SIZE, MEAN LOT SIZE, COMMON OPEN SPACE.

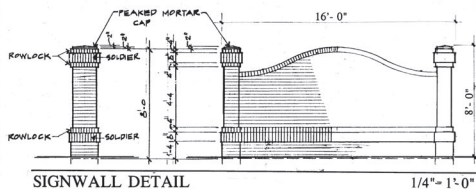
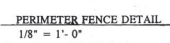
Table with 2 columns: SETBACKS, CURRENT ZONING. Rows include FRONT YARD, SIDE YARD, REAR YARD, STREET SIDE YARD, PCZD-C/R, MAXIMUM BUILDING HEIGHT.

EXISTING ZONING PCZD-C/R

LEGEND

- Deciduous Shade Tree
Ornamental Tree

VICINITY MAP



PLANNING COMMISSION CERTIFICATE

APPROVED THIS 21st DAY OF October, 1991 BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO. Resolution No. 171, Series 1991.

CITY COUNCIL CERTIFICATE

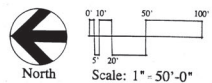
APPROVED THIS 21st DAY OF October, 1991 BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO. Resolution No. 171, Series 1991.

CLERK AND RECORDER CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 3:47 O'CLOCK, P.M., THIS 21st DAY OF October, 1991, AND IS DULY RECORDED IN PLAN FILE NO. 24-2-3-11. FEE \$10.00. FILM NO. 2499 RECEPTION NO. 1139312

CHERRYWOOD II

Louisville, Colorado
FINAL PUD SUBMITTAL
SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN

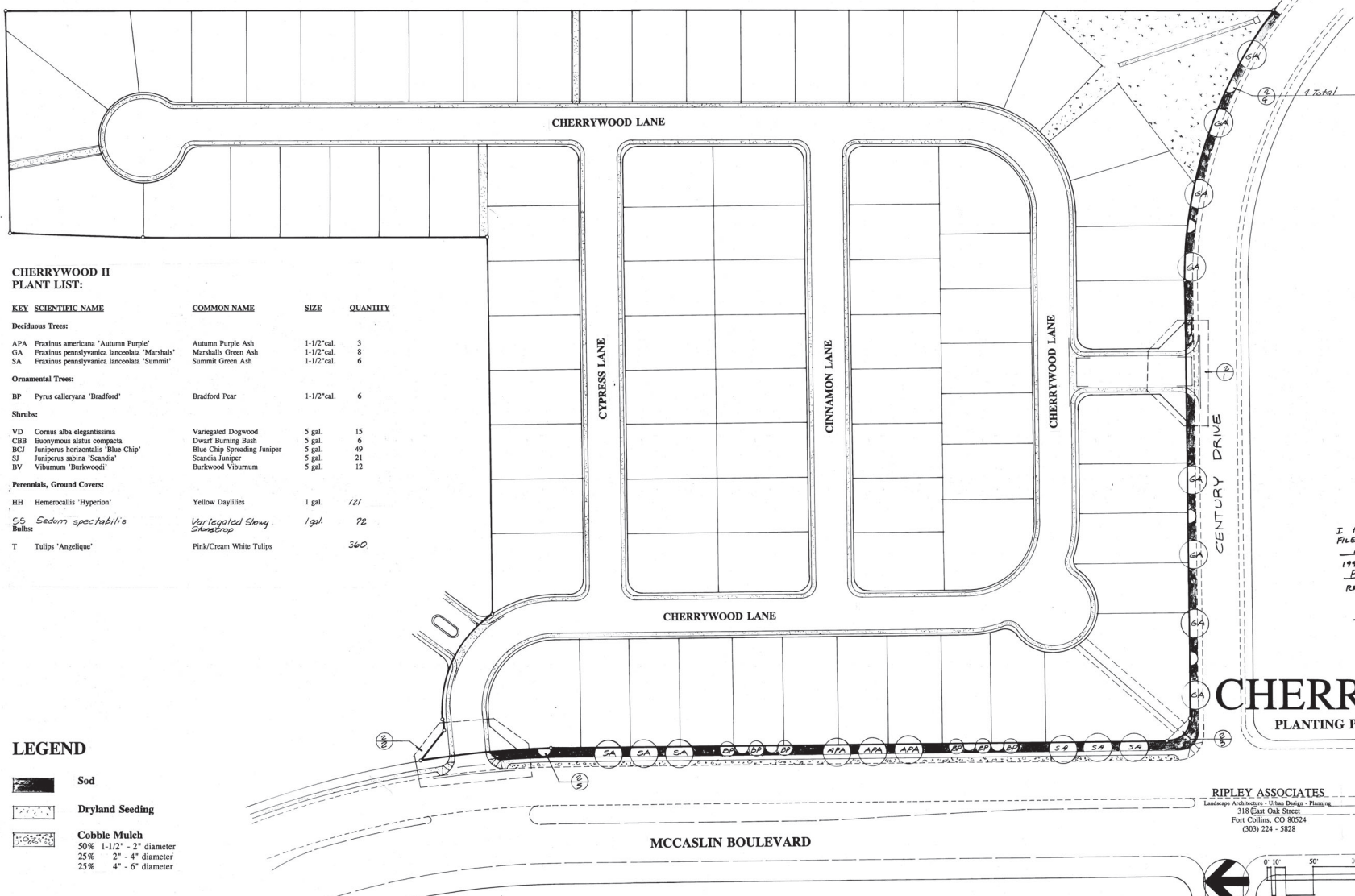


REVISION DATE: October 22, 1991

DATE: September 23, 1991

Sheet 1 of 1

84132313 10/20/91 03:51 PM REAL ESTATE RECORDS
F1699 CHARLOTTE HOUSTON BOULDER CITY CO RECORDER



**CHERRYWOOD II
PLANT LIST:**

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	QUANTITY
Deciduous Trees:				
APA	Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	1-1/2" cal.	3
GA	Fraxinus pennsylvanica lanceolata 'Marshals'	Marshalls Green Ash	1-1/2" cal.	8
SA	Fraxinus pennsylvanica lanceolata 'Summit'	Summit Green Ash	1-1/2" cal.	6
Ornamental Trees:				
BP	Pyrus calleryana 'Bradford'	Bradford Pear	1-1/2" cal.	6
Shrubs:				
VD	Cornus alba elegantissima	Variegated Dogwood	5 gal.	15
CBB	Euonymus alatus compacta	Dwarf Burning Bush	5 gal.	6
BCJ	Juniperus horizontalis 'Blue Chip'	Blue Chip Spreading Juniper	5 gal.	49
SJ	Juniperus sibirica 'Scandia'	Scandia Juniper	5 gal.	21
BV	Viburnum 'Burkwoodi'	Burkwood Viburnum	5 gal.	12
Perennials, Ground Covers:				
HH	Hemerocallis 'Hyperion'	Yellow Daylilies	1 gal.	121
SS	Sedum spectabilis	Variegated Shiny Stonecrop	1 gal.	72
Bulbs:				
T	Tulips 'Angelique'	Pink/Cream White Tulips		360

LEGEND

- Sod
- Dryland Seeding
- Cobble Mulch
 - 50% 1-1/2" - 2" diameter
 - 25% 2" - 4" diameter
 - 25% 4" - 6" diameter

CLEAR AND REORDER CERTIFICATE:
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED IN MY OFFICE AT 03:51 o'clock
P. M., THIS 30th DAY OF October,
1991, AND IS DULY RECORDED IN PLAN FILE
P-26.F.3#12.13. FEE \$20.00 FILM 1699
RECEPTION NO. 1139313

Charlotte Houston
RECORDER

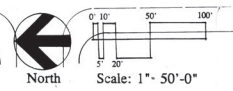
Ronita J. Sullivan
DEPUTY

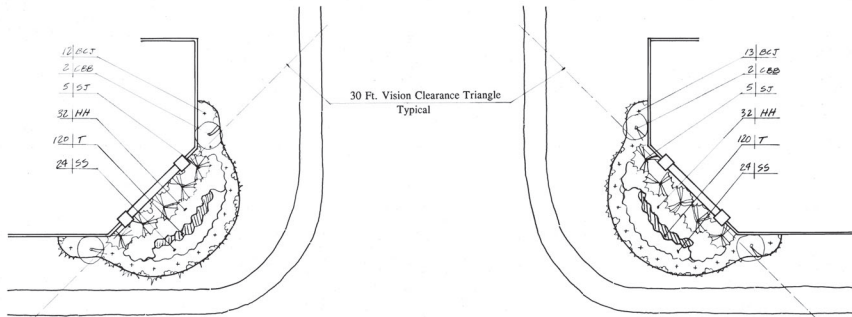
**CHERRYWOOD II
PLANTING PLAN**

RIPLEY ASSOCIATES
Landscape Architecture - Urban Design - Planning
318 East Oak Street
Fort Collins, CO 80524
(303) 224 - 5828

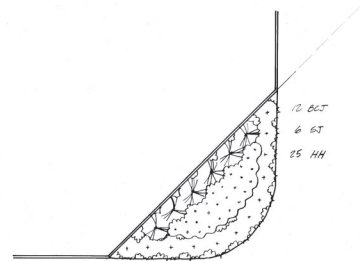
DATE: 9-23-91

REVISIONS:
68 10-17-91

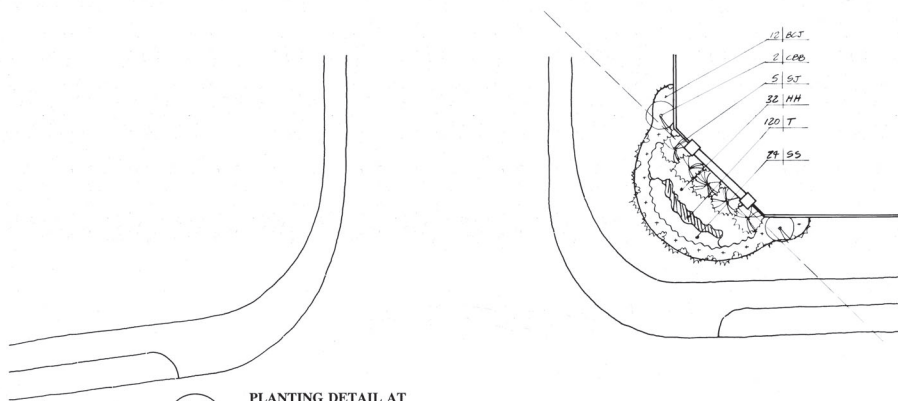




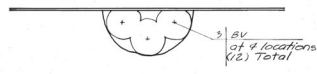
1 PLANTING DETAIL AT CHERRYWOOD LANE AND CENTURY DRIVE
1" = 10'-0"



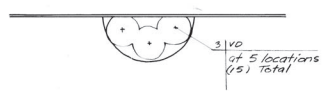
3 PLANTING DETAIL AT MCCASLIN BOULEVARD AND CENTURY DRIVE
1" = 10'-0"



2 PLANTING DETAIL AT CHERRYWOOD LANE AND MCCASLIN BOULEVARD
1" = 10'-0"



4 CENTURY DRIVE SHRUB PLANTING
1" = 10'-0"



5 MCCASLIN BOULEVARD PLANTING
1" = 10'-0"

NOTES

- All shrub beds shall be defined with steel edging and mulched with a two-^{four}/_{inch} layer of gravel mulch over weed barrier.
- Plantings within vision clearance areas shall be less than 2.9 feet above top of curb.

CHERRYWOOD II

PLANTING DETAILS

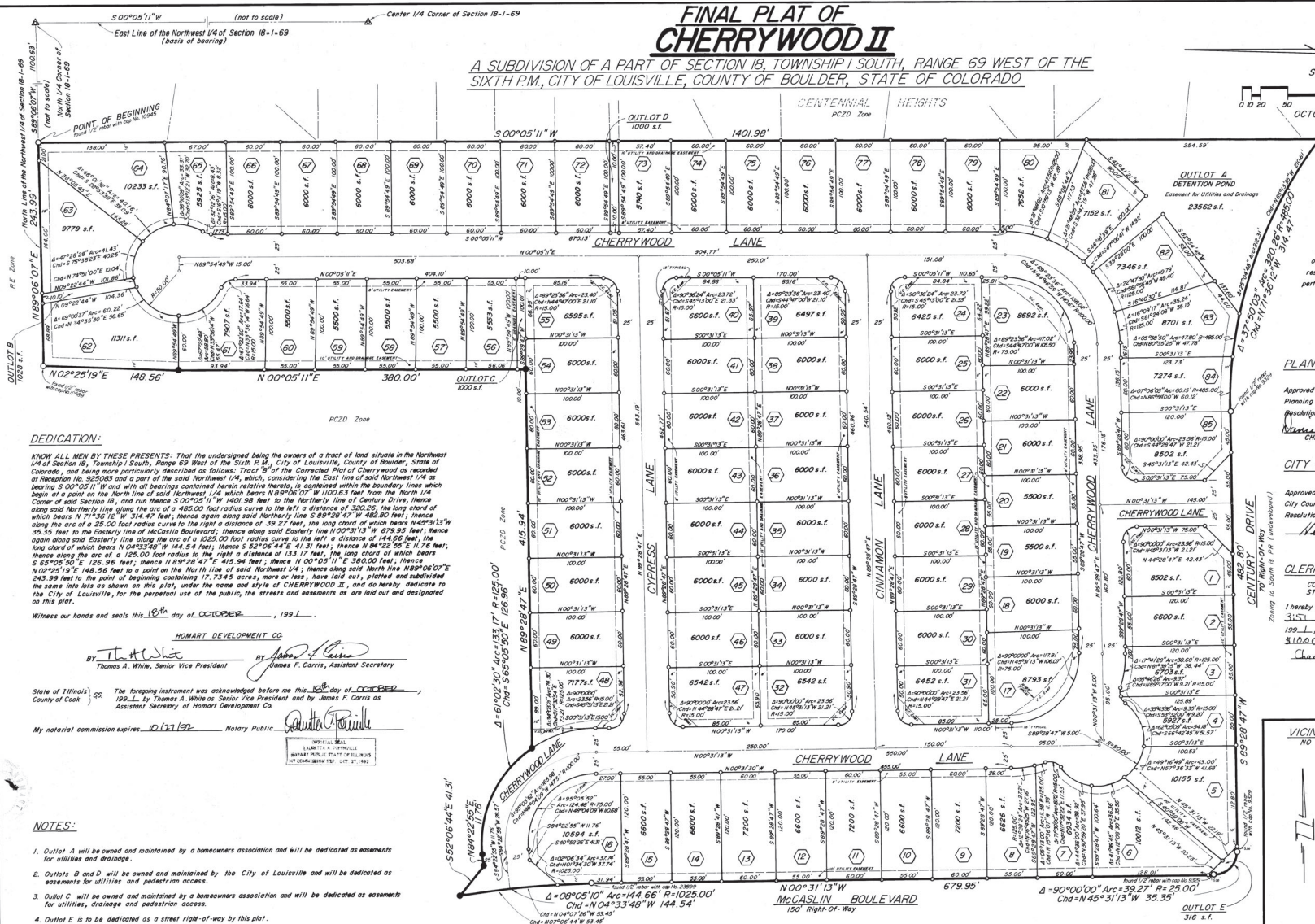
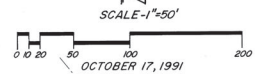
RIPLEY ASSOCIATES
Landscape Architecture - Urban Design - Planning
318 East Oak Street
Fort Collins, CO 80524
(937) 224-5828

DATE: 9-22-91

REVISIONS:
REV. 10-17-91

FINAL PLAT OF CHERRYWOOD II

A SUBDIVISION OF A PART OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE SIXTH P.M., CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO



SURVEYOR'S CERTIFICATE:

I, Phillip I. Robinson, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat of CHERRYWOOD II truly and correctly represents the results of a survey made under my supervision and has been performed in accordance with Colorado State law.

Phillip I. Robinson
Colorado Registered P.E. & L.S. No. 4502

PLANNING COMMISSION CERTIFICATE:

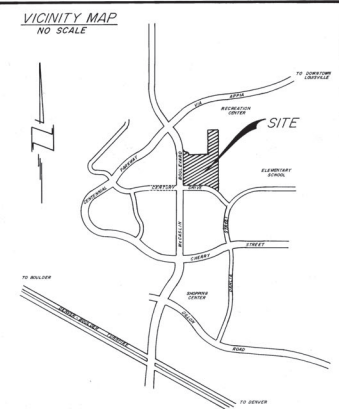
Approved this 31st day of October, 1991, by the Planning Commission of the City of Louisville, Colorado.
Resolution No. 17, Series 1491
Chairman: [Signature] Secretary: [Signature]

CITY COUNCIL CERTIFICATE:

Approved this 15th day of October, 1991, by the City Council of the City of Louisville, Colorado.
Resolution No. 17, Series 1491
Mayor: [Signature] City Clerk: [Signature]

CLERK AND RECORDER CERTIFICATE:

I hereby certify that this instrument was filed in my office at 3:51 p.m., on the 30th day of October, 1991, and is duly recorded in plan file P-26-E-3-414, fee \$10.00, paid \$10.00, film No. 1428, Reception No. 1159314.
Charlotte Huston, Recorder
[Signature], Deputy



DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned being the owners of a tract of land situate in the Northwest 1/4 of Section 18, Township 1 South, Range 69 West of the Sixth P.M., City of Louisville, County of Boulder, State of Colorado, and being more particularly described as follows: Tract B of the Corrected Plat of Cherrywood as recorded at Reception No. 3255083 and a part of the said Northwest 1/4, which, considering the East line of said Northwest 1/4 as bearing S 00°05'11" W and with all bearings contained herein relative thereto, is contained within the boundary lines which begin at a point on the North line of the Northwest 1/4 which bears N 89°06'07" W 1100.63 feet from the North 1/4 Corner of said Section 18, and run thence S 00°05'11" W 1401.98 feet to the Northernly line of Century Drive, thence along said Northernly line along the arc of a 148.00 foot radius curve to the left a distance of 353.26, the long chord of which bears N 71°36'12" W 314.47 feet; thence again along said Northernly line S 89°28'47" W 482.80 feet; thence along the arc of a 25.00 foot radius curve to the right a distance of 39.27 feet, the long chord of which bears N 49°31'13" W 35.35 feet to the Easternly line of McCaslin Boulevard; thence along said Easternly line N 00°31'13" W 679.95 feet; thence again along said Easternly line along the arc of a 1025.00 foot radius curve to the left a distance of 144.66 feet; thence along the arc of a 125.00 foot radius to the right a distance of 133.17 feet, the long chord of which bears S 05°05'50" E 126.96 feet; thence N 89°28'47" E 415.94 feet; thence N 00°05'11" E 380.00 feet; thence N 02°25'19" E 148.56 feet to a point on the North line of said Northwest 1/4; thence along said North line N 89°06'07" E 243.99 feet to the point of beginning containing 17.7345 acres, more or less, here laid out, platted and subdivided the same into lots as shown on this plan, under the name and style of CHERRYWOOD II, and do hereby dedicate to the City of Louisville, for the perpetual use of the public, the streets and easements as are laid out and designated on this plat.

Witness our hands and seals this 16th day of October, 1991.

HOMART DEVELOPMENT CO.
By: [Signature] Thomas A. White, Senior Vice President
By: [Signature] James F. Carris, Assistant Secretary

State of Illinois) The foregoing instrument was acknowledged before me this 16th day of October, 1991, by Thomas A. White as Senior Vice President and by James F. Carris as Assistant Secretary of Homart Development Co.
County of Cook ss

My material commission expires: 10/17/92. Notary Public: [Signature]

NOTES:

1. Outlot A will be owned and maintained by a homeowners association and will be dedicated as easements for utilities and drainage.
2. Outlots B and D will be owned and maintained by the City of Louisville and will be dedicated as easements for utilities and pedestrian access.
3. Outlot C will be owned and maintained by a homeowners association and will be dedicated as easements for utilities, drainage and pedestrian access.
4. Outlot E is to be dedicated as a street right-of-way by this plat.
5. V.C. Esmt. = Vision Clearance Easement for stopping and corner sight distance. No buildings, fences or plantings shall block the view across this easement.
6. • Indicates 1/2" rebar set with cap No. 4502
7. All side lot lines have a 2' wide Drainage Easement.

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

49113214 10/28/91 03:51 PM REAL ESTATE RECORDS F:\69 CHARLOTTE HUSTON BOULDER CITY CO RECORDER

Foundation Setback Certification

This form, including the Exhibit on the reverse side, must be fully completed by a Professional Land Surveyor licensed in the State of Colorado. This Certification must be signed and stamped and submitted for review and approval before proceeding with any further construction.

DATE: _____

PERMIT #: _____

ADDRESS: _____

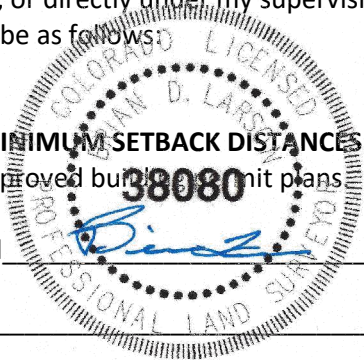
Lot _____, Block _____, _____ Subdivision

I hereby certify that the location of the foundation for the property described above has been measured by me, or directly under my supervision. The foundation setbacks as stated herein have been found by me to be as follows:

The **MINIMUM SETBACK DISTANCES** from the property lines to the foundation are in conformance with the approved building permit plans.

Signed _____

Print _____ Date _____



- OR -

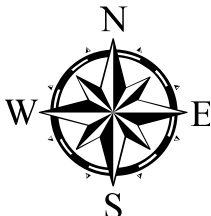
The **MINIMUM SETBACK DISTANCES** from the property lines to the foundation are identified on the attached exhibit

Signed _____

Print _____ Date _____

For additional information on building survey requirements please contact the City of Louisville
Department of Planning and Building Safety at 303-335-4592

EXHIBIT



Notice to Surveyor

1. Foundation corners with setback distances shall be identified.
2. Drawing must be properly oriented (North = top of page)
3. Show the street in front of the property.
4. If drawing is to-scale, provide the scale. If not to-scale, show as N.T.S.

Steve Dec <sdec300@gmail.com>

8/21/2023 2:19 PM

Re: Request for letters

To Mario Jannatpour <movetocolo@gmail.com> Copy Maria McClure <mmclure2010@gmail.com> • Raman Sharma <yourcoloradohomesearch@gmail.com> • Mandi Mayfield <mandi.mayfield@gmail.com> • Roger Wilkerson <roger-wilkerson@comcast.net> • cherrywoodlane@googlegroups.com

Hi Roger and Linda,
We have reviewed your plan and have no objections whatsoever.
Steven Dec and Claire Largesse
114 Cherrywood Lane

On Mon, Aug 21, 2023 at 12:48 PM Mario Jannatpour <movetocolo@gmail.com> wrote:

Hi Roger and Linda! Smitha and I have reviewed your plan. We have no objection to your requested setback.

Mario Jannatpour and Smitha Sundaresan
106 Cherrywood Ln, Louisville, CO 80027.

Thanks

Mario

On Mon, Aug 21, 2023 at 12:39 PM Maria McClure <mmclure2010@gmail.com> wrote:

Dear Roger and Linda

I have no objection to your variance. Your home looks beautiful and I hope to have you back in the neighborhood soon.

Maria McClure
105 Cherrywood Lane

On Mon, Aug 21, 2023 at 12:35 PM Raman Sharma <yourcoloradohomesearch@gmail.com> wrote:

Hi Roger and Linda,

Sorry to hear that you are having to deal with this.
Thank you for sending us the plan.

We have no objections to your requested setbacks. Hope this helps out!

Neelam Sharma
121 Cherrywood Lane

Joyce Tennigkeit <cnjtennigkeit@hotmail.com>

8/21/2023 2:55 PM

RE: [EXTERNAL] Request for letters

To Nicole Mansour <nicole.mansour@efirstbank.com> • Roger Wilkerson <roger-wilkerson@comcast.net> • cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com>

Roger and Linda,
We have reviewed the plan and we have no objections to the requested setbacks.
Cris and Joyce Tennigkeit
122 Cherrywood Lane

Sent from [Mail](#) for Windows

From: '[Mansour, Nicole](#)' via [Cherrywood Lane](#)
Sent: Monday, August 21, 2023 2:44 PM
To: [Roger Wilkerson](#); cherrywoodlane@googlegroups.com
Subject: RE: [EXTERNAL] Request for letters

Roger,
We have reviewed the plan and have no objections to your requested setbacks.

Best of luck navigating this process,
Nicole and Oliver Mansour
117 Cherrywood Lane



Nicole Mansour
Executive Vice President
NMLS ID 566265
FirstBank – Boulder County
500 South McCaslin Boulevard Louisville, CO 80027
T 303.543.3642 | efirstbank.com | [Blog](#)

From: cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com> **On Behalf Of** Roger Wilkerson
Sent: Monday, August 21, 2023 11:27 AM
To: cherrywoodlane@googlegroups.com
Subject: [EXTERNAL] Request for letters

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb.

Steve Litz <stevenlitz@yahoo.com>

8/21/2023 4:23 PM

Re: Request for letters

To cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com> • Roger Wilkerson <roger-wilkerson@comcast.net>

Hi Roger and Linda,

We have reviewed the plan and we have no objections to the requested setbacks.

Steven and Beth Litz
115 Cherrywood Lane

On Monday, August 21, 2023 at 10:26:56 AM PDT, Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

--

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cherrywoodlane+unsubscribe@googlegroups.com.

To view this discussion on the web visit

https://groups.google.com/d/msgid/cherrywoodlane/653480767_34967_1692638809516%40connect.xfinity.com.

For more options, visit <https://groups.google.com/d/optout>.

Nicole Mansour <nicole.mansour@efirstbank.com>

8/21/2023 2:44 PM

RE: [EXTERNAL] Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net> •
cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com>

Roger,
We have reviewed the plan and have no objections to your requested setbacks.

Best of luck navigating this process,
Nicole and Oliver Mansour
117 Cherrywood Lane



Nicole Mansour

Executive Vice President

NMLS ID 566265

FirstBank – Boulder County

500 South McCaslin Boulevard Louisville, CO 80027

T 303.543.3642 | efirstbank.com | [Blog](#)

From: cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com> **On Behalf Of** Roger Wilkerson

Sent: Monday, August 21, 2023 11:27 AM

To: cherrywoodlane@googlegroups.com

Subject: [EXTERNAL] Request for letters

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Geir Kvaran <geir_kvaran@hotmail.com>

8/21/2023 6:38 PM

Re: Variance request

To Roger Wilkerson <roger-wilkerson@comcast.net>

Geir Kvaran & Sandie Collins, the neighbors to the South have no objections to this variance.

Sent from my iPhone

On Aug 21, 2023, at 6:27 PM, Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Hi Geir -

This is a bit of a form letter that we're sharing with the neighbors, so I apologize if it sounds a bit formal or impersonal. We simply want to be clear with everyone with the situation we're up against...

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan, that you have no objection to our requested setback, and your address?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119
<125 Cherrywood Lane_ILC_081123.pdf>

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

--

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cherrywoodlane+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/cherrywoodlane/653480767.34967.1692638809516%40connect.xfinity.com>.

For more options, visit <https://groups.google.com/d/optout>.

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-
- image001.png (28 KB)

Maria McClure <mmcclure2010@gmail.com>

8/21/2023 12:39 PM

Re: Request for letters

To Raman Sharma <yourcoloradohomesearch@gmail.com> Copy

Mandi Mayfield <mandi.mayfield@gmail.com> • Roger Wilkerson <roger-wilkerson@comcast.net> •
cherrywoodlane@googlegroups.com

Dear Roger and Linda

I have no objection to your variance. Your home looks beautiful and I hope to have you back in the neighborhood soon.

Maria McClure
105 Cherrywood Lane

On Mon, Aug 21, 2023 at 12:35 PM Raman Sharma <yourcoloradohomesearch@gmail.com> wrote:

Hi Roger and Linda,

Sorry to hear that you are having to deal with this.
Thank you for sending us the plan.

We have no objections to your requested setbacks. Hope this helps out!

Neelam Sharma
121 Cherrywood Lane

Mike Robinson <mjrobinson80@hotmail.com>

8/21/2023 12:16 PM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net>

Hi Roger,

This email is to acknowledge that you have sent your setback plan and we have no objection to the requested setback.

Thanks,
Mike and Sara Robinson
129 Cherrywood Lane

From: cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com> on behalf of Roger Wilkerson <roger-wilkerson@comcast.net>

Sent: Monday, August 21, 2023 11:26 AM

To: cherrywoodlane@googlegroups.com <cherrywoodlane@googlegroups.com>

Subject: Request for letters

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

--

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cherrywoodlane+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/cherrywoodlane/653480767.34967.1692638809516%40connect.xfinity.com>.

For more options, visit <https://groups.google.com/d/optout>.

Raman Sharma <yourcoloradohomesearch@gmail.com>

8/21/2023 12:35 PM

Re: Request for letters

To Mandi Mayfield <mandi.mayfield@gmail.com> Copy Roger Wilkerson <roger-wilkerson@comcast.net> • cherrywoodlane@googlegroups.com

Hi Roger and Linda,

Sorry to hear that you are having to deal with this.
Thank you for sending us the plan.

We have no objections to your requested setbacks. Hope this helps out!

Neelam Sharma
121 Cherrywood Lane



Raman Sharma
REALTOR®, BROKER ASSOCIATE

CNE | CRS | SRS



720.343.9949



GriffithHomeTeam.com

YourColoradoHomeSearch@gmail.com



DENVER BRONCOS: SOLD ON RE/MAX PROFESSIONALS



Transaction Coordination Team
TC@GriffithHomeTeam.com



Owen Westbrook <owen.westbrook@gmail.com>

8/21/2023 11:41 AM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net>

Hi Roger,

Sorry to hear about that unfortunate survey issue. Hope it doesn't delay your move in. Please see below.

To whom it may concern,

Roger Wilkerson and Linda Gallegos have sent me their site plan dated 8/11/23, and I have no objection to their requested setback encroachment

Best,
Owen Westbrook
Owner, 109 Cherrywood Ln

On Mon, Aug 21, 2023 at 11:26 AM Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

--

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For more options, visit <https://groups.google.com/d/optout>.

Dan Harvey <danpharvey@gmail.com>

8/21/2023 12:19 PM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net>

Hi Roger - I reviewed the plan and I do not have any objection to a variance for this property.

Dan Harvey (118 Cherrywood Lane, Louisville).

On Mon, Aug 21, 2023 at 11:26 AM Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,

Roger Wilkerson and Linda Gallegos

720.289.5119

--

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For more options, visit <https://groups.google.com/d/optout>.

Mario Jannatpour <movetocolo@gmail.com>

8/21/2023 12:48 PM

Re: Request for letters

To Maria McClure <mmcclure2010@gmail.com> Copy Raman Sharma <yourcoloradohomesearch@gmail.com> • Mandi Mayfield <mandi.mayfield@gmail.com> • Roger Wilkerson <roger-wilkerson@comcast.net> • cherrywoodlane@googlegroups.com

Hi Roger and Linda! Smitha and I have reviewed your plan. We have no objection to your requested setback.

Mario Jannatpour and Smitha Sundaresan
106 Cherrywood Ln, Louisville, CO 80027.

Thanks

Mario

On Mon, Aug 21, 2023 at 12:39 PM Maria McClure <mmcclure2010@gmail.com> wrote:

Dear Roger and Linda

I have no objection to your variance. Your home looks beautiful and I hope to have you back in the neighborhood soon.

Maria McClure
105 Cherrywood Lane

On Mon, Aug 21, 2023 at 12:35 PM Raman Sharma <yourcoloradohomesearch@gmail.com> wrote:

Hi Roger and Linda,

Sorry to hear that you are having to deal with this.
Thank you for sending us the plan.

We have no objections to your requested setbacks. Hope this helps out!

Neelam Sharma
121 Cherrywood Lane

ROBERT KIEPE <kiepeout@comcast.net>

8/21/2023 11:52 AM

Re: 125 Cherrywood Lane setback

To Roger Wilkerson <roger-wilkerson@comcast.net>

To whom it may concern,

My wife and I own 102 Cherrywood Lane. We have reviewed the corrected site plan for 125 Cherrywood lane and support granting a variance for the encroachment into the required front yard setback.

Sincerely,

Bob and Denise Kiepe
102 Cherrywood Lane

--

Mandi Mayfield <mandi.mayfield@gmail.com>

8/21/2023 12:27 PM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net> Copy cherrywoodlane@googlegroups.com

Hi Roger and Linda,

Thank you for sending us the plan. We have no objections to your requested setbacks.

Mandi & Doug Mayfield
101 Cherrywood Lane

Sent from my iPhone

On Aug 21, 2023, at 11:26 AM, Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

As you can imagine, we were very disappointed to learn this last-minute news. Our builder had outsourced the survey, so they were taken by surprise as well. We have been granted a Temp. Certificate of Occupancy and are scheduled to appear before the Board of Adjustment on September 20th to request the variance. If you are willing to do so, would you please send us an email stating that we have sent you the plan and that you have no objection to our requested setback?

Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

--

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<125 Cherrywood Lane_ILC_081123.pdf>

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For more options, visit <https://groups.google.com/d/optout>.

John H. Barrett <johnbarrettlaw@gmail.com>

8/21/2023 12:07 PM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net>

We are neighbors of Roger Wilkerson and Linda Gallegos at 125 Cherrywood Ln Louisville. We have reviewed the plot plan and have no objection to the encroachment. We look forward to having Roger and Linda as neighbors again. John and Carol Barrett 110 Cherrywood Ln Louisville CO 80027

John H. Barrett
Attorney at Law
357 S. McCaslin Blvd. Ste. 200
Louisville CO 80027
303-928-2300
johnbarrettlaw@gmail.com
Website: www.johnbarrettlawyer.com

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On Mon, Aug 21, 2023 at 11:26 AM Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

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Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

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For more options, visit <https://groups.google.com/d/optout>.

Maggie Dailey <maggiehailey@gmail.com>

8/21/2023 12:17 PM

Re: Request for letters

To Roger Wilkerson <roger-wilkerson@comcast.net> • Paul Dailey <pdailey@lumenpulse.com>

Hi Roger,

I'm so sorry that you and Linda are having to go through this.

We have received your email and have no objection to the requested setback.

I hope it gets worked out quickly for you!

Best,
Maggie and Paul Dailey

Sent from my iPhone

On Aug 21, 2023, at 11:26 AM, Roger Wilkerson <roger-wilkerson@comcast.net> wrote:

Good morning,

As some of you have heard, we learned the day before our planned move-in date that our plot was surveyed incorrectly. This resulted in a setback encroachment of 3.9" feet from the curb. It is about 25 inches in excess of what could have been granted without a hearing. As the attached plot map shows, this encroachment does not affect properties on either side of us, but it does result in a smaller front yard and driveway.

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Please do not hesitate to reach out with any questions. We appreciate any support you can offer.

Thank you,
Roger Wilkerson and Linda Gallegos
720.289.5119

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- 125 Cherrywood Lane_ILC_081123.pdf (337 KB)