

EDGEWATER BOARD OF ADJUSTMENT

RESOLUTION NO. BOA 2015 - 03

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE FROM THE REQUIREMENTS OF CODE SECTION 16-6-70 (LOT COVERAGE IN R-2 ZONE DISTRICT) TO ALLOW LOT COVERAGE OF 41% AT 2438 AMES STREET, EDGEWATER, COLORADO

WHEREAS, the Edgewater Board of Adjustment (the "Board") has received an application for a variance and related documents (collectively, the "Application") from the owner of that property located at 2438 Ames Street, Edgewater, Colorado (the "Property");

WHEREAS, the Property is located in the Residential 2 (R-2) zone district;

WHEREAS, pursuant to Edgewater Municipal Code ("Code") Section 16-6-70, not more than thirty-five percent (35%) of the area of a lot within the R-2 district may be covered by the principal building and all accessory buildings; and

WHEREAS, the Application seeks approval for lot coverage of forty-one percent (41%) on the Property to accommodate the construction of a two-car garage for each of the two dwelling units being constructed thereon; and

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on November 10, 2015, at which time the applicant and all other interested parties were given the opportunity to be heard and evidence admitted, as reflected in the record of those proceedings;

WHEREAS, Code Section 16-24-60(b) sets forth variance approval criteria; and

WHEREAS, based upon all of the testimony and evidence received at the November 10, 2015 public hearing, the Board finds that the Application meets each of the variance approval criteria set forth in Code Section 16-24-60(b).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. **Findings:** The Application filed by Kieran Kealey dba Emerald Green Building, as the owner of 2438 Ames Street, for a variance from the maximum lot coverage of thirty-five percent (35%) under Code Section 16-6-70, to accommodate the construction of two (2) two-car garages on the Property with a resulting lot coverage of forty-one percent (41%), satisfies each of the variance approval criteria set forth in Code Section 16-24-60(b), as follows:

(1) The property has extraordinary or exceptional physical conditions that do not

generally exist in nearby properties in the same zoning district;

Finding: The location of two (2) townhomes on the Property may create a need for 6 associated vehicle parking spaces (at 2-3 vehicles per unit). This unique need requires more lot coverage to accommodate some or most of the parking on-site rather than on Ames Street, a street that is already crowded with on-street parking for both residential and commercial uses in the area of the Property.

(2) The extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief;

Finding: Reasonable use of the property for two (2) townhomes will be difficult without the requested relief. Up to three (3) vehicles may need to park in or near the Property to accommodate all the occupants of these new structures. A new duplex is also being located on this same block at 2444 Ames. Street parking within this block is already in high demand, given its proximity to 25th Avenue and the commercial establishments located on the east end of 25th Avenue within the City. Without the provision of off-street parking for at least two (2) vehicles per dwelling unit, parking for the residents of this Property may prove to be frustrating and difficult and may prevent the reasonable use of the Property for its intended purpose.

(3) The granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood or the community as a whole;

Finding: Granting of the variance will not adversely impact surrounding properties; in fact, it would benefit surrounding properties by removing or reducing the need of the future residents of the Property to park on the street in the 2400 block of Ames, a street block that has an existing high demand for and use of on-street parking.

(4) The granting of the variance will not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character;

Finding: Based on the factors noted under # 3 above, the Board finds that the variance will not be detrimental to public health, safety or welfare or injurious to surrounding property values and character.

(5) The granting of the variance shall not be substantially inconsistent with any plans adopted by the City;

Finding: Plans referenced by the City Planner include the City of Edgewater Comprehensive Plan Community Character and Design goal to “Preserve and enhance the residential character of lower density neighborhoods” and objective to “...encourage compatible architectural styles, scale of structures and lower

density.” While it is true that most existing structures in the area do not have two (2) two-car garages associated with them, many structures in the area are single-family dwellings with an associated two-car garage. Providing each dwelling unit on the Property with a two-car garage is consistent with the goal of preserving the residential character of the subject neighborhood.

(6) The granting of the variance shall not materially weaken the general purpose of this Chapter 16 or any other zoning regulations of the City;

Finding: The variance request is relatively nominal as a proposed increase of only 6%. The remainder of the project meets all requirements of Chapter 16 of the Code. Therefore, granting this 6% variance will not materially weaken the general purpose of said Chapter 16.

(7) The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property;

Finding: Each proposed garage is designed to be the smallest area reasonably possible to accommodate two-cars. Therefore, the amount of the variance requested is only the extent necessary to locate the garages and thereby afford reasonable use of the Property for two (2) townhomes.

(8) The unique conditions of the property under which the variance is sought were not created by the owner of the property or his or her agent.

Finding: The location of the Property on a block within Edgewater that is experiencing exponential growth, both in terms of new residential development and near-by commercial redevelopment, both of which are creating unprecedented demand for street parking on this particular City block, is not a condition created by the Applicant or his agent.

Section 2. Decision: Based on the findings set forth in Section 1 above, the Board hereby APPROVES the Application. Pursuant to Code Section 16-24-60(c), the variance authorized hereby is transferable and shall run with the land unless expired for lack of action pursuant to Code Section 16-24-60(d).

DONE and ORDERED by a vote of 3 to 1 on November 10, 2015.

/s/ Karen Hing, Chair

ATTEST:

/s/ Beth A. Hedberg, MMC
City Clerk and Clerk to the Board

APPROVED AS TO FORM:

/s/ Carmen Beery, City Attorney