

**BOARD OF ADJUSTMENT AND APPEALS  
CITY COUNCIL CHAMBERS**

**MINUTES  
JULY 11, 2011**

The Longmont Board of Adjustment and Appeals met Monday, July 11, 2011, at 7:00 p.m. in the City Council Chambers, at 350 Kimbark Street. Members present were Claude Traufeld, Martin Orner, Bud Bernardoni, Shannon Evins and Sandi Sugden. Mark Flower was absent. Also present were Senior Planner Ava Pecherzewski, Chris Allison, Chief Building Official and Linda Meade, Recording Secretary.

MR. ORNER MADE A MOTION TO APPROVE THE JUNE 6, 2011, MINUTES. MR. BERNARDONI SECONDED. THE VOTE WAS UNANIMOUSLY IN FAVOR.

Mr. Traufeld explained the Rules of Procedures.

**VA2011007 – 2140 Bowen Street - Variance request to construct a detached garage that exceeds the maximum building footprint (Applicants: Martin and Cindy Nolting).**

Chief Building Official Chris Allison went over rules and regulations from the Development Code that the Board is required to follow when hearing variance cases.

Senior Planner Pecherzewski recapped the case for the Board since this was a tabled case from the June meeting and alternate board member Ms. Sugden was not in attendance last month.

Mr. Martin Nolting explained his request for a 768 sq. ft., two-car detached garage. Mr. Nolting said one hardship is that his existing one-car garage is not wide enough or long enough to fit a modern-sized car. He now uses it for storage. He stated that the sizes of vehicles have increased and yet Codes have not been changed to keep up with this, so the footprint limitations on accessory buildings is not consistent with what is currently required to fit a modern vehicle. His house footprint is very small but he has a very large lot on a cul de sac. He said the garage will be roughly 15' from the west side property line. Mr. Nolting added that parking his vehicles in the garage will create less congestion for on-street parking in the cul de sac.

Mr. William Barth, 2136 Bowen Street, provided an ILC to the Board and said based on his own property lines he did not think Mr. Nolting had enough room to for a driveway to access the new garage.

Mr. Jeff Fenrick, 2130 Bowen Street, asked questions for clarification from the Board and staff, and stated that he didn't have any issues.

Mr. Orner said he was confused about Mr. Barth's testimony that he got a survey done and confirmed that the fence is over the property line, therefore his interpretation of the proposed location of the garage would be closer to the property line than is in the staff report. Mr. Allison reminded the Board that the variance application before them is not

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a setback variance but a building footprint variance. Mr. Allison said that even if Mr. Barth's ILC is correct and the fence is 3-feet off, the garage would still be 12 feet away from the side property line, when the Code says only a 5-foot side setback is required for the garage. Mr. Allison reiterated that this Board is here only to determine whether or not he can build the size of garage he wants to in his back yard.

MR. ORNER MADE A MOTION TO APPROVE A SIZE VARIANCE OF 268 SQ. FT. TO CONSTRUCT A GARAGE, DUE TO THE EXCEPTIONAL TOPOGRAPHICAL CONDITION OF THE LOT, BECAUSE STRICT APPLICATION OF THE REGULATIONS WOULD RESULT IN PECULIAR, EXCEPTIONAL AND UNDUE HARDSHIP ON THE PROPERTY OWNER WHICH IS NOT SELF IMPOSED, AND WOULD NOT CREATE ANY SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD NOR IMPAIR THE INTENT AND PURPOSES OF THE ZONING ORDINANCES OR COMPREHENSIVE PLANS OF THE CITY, WOULD NOT CREATE A SAFETY HAZARD, THAT THE HOUSE IS A BI-LEVEL HOUSE WITH A SMALL FOOTPRINT, THERE IS ONLY AN EXISTING ONE CAR GARAGE THAT WAS NOT BUILT TO CURRENT VEHICLE SIZE STANDARDS, THERE ARE NOW FOUR ADULTS OF DRIVING AGE, IT IS LOCATED ON A CUL DE SAC LIMITING PARKING SPACE AND FINALLY THAT EXCEPTIONAL CIRCUMSTANCES APPLY TO THIS PIECE OF PROPERTY AND THAT THIS REQUEST IS THE LEAST DEVIATION FROM THE CODE TO ACHIEVE RELIEF. MR. BERNARDONI SECONDED THE MOTION. THE VOTE WAS FOUR IN FAVOR WITH MS. EVINS DISSENTING.

**GRANTED**

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#### **OTHER BUSINESS**

Items from the Board – None.

The meeting was adjourned at 7:40 pm

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Claude Traufield

Chairperson

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Linda Meade

Recording Secretary