



## Council Request Update

May 2, 2019

**Council Request:** 19-084

**Requested by:** Council Member Sierra

**Request:**

1. What are the number of variances that have been requested for the 5% administrative adjustment over the last 5 years?
2. How many of these have been approved and not approved over the same time frame?

**Assigned to:** Community Development

**Response:** Please see the response and follow-up response from Planning Manager Wade Burkholder



**TO:** Mayor Olson and Council Members

**THRU:** Dorothy Hargrove, Interim City Manager  
Brad Power, Community Development Director

**FROM:** Wade Burkholder, Community Development Planning Manager

**DATE:** April 30, 2019

**SUBJECT:** Council Request CR19-084: Number of administrative adjustments of zoning lot area or width requirements for residential properties over the past five years.

1. Council Member Sierra asked how many variances have been requested for the 5% administrative adjustment to lot width or lot area and how many have been approved for residential properties over the past five years. The information below indicates two administrative adjustments have been submitted and approved while one is submitted and pending a decision.

<b>Year</b>	<b>Number Requested</b>	<b>Number Approved</b>	<b>Number Denied</b>	<b>Pending</b>
2014	0	-	-	-
2015	0	-	-	-
2016	1	1	-	-
2017	1	1	-	-
2018	0	-	-	-
2019	1	-	-	1





**TO:** Mayor Olson and Council Members

**THRU:** Dorothy Hargrove, Interim City Manager  
Brad Power, Community Development Director

**FROM:** Wade Burkholder, Community Development Planning Manager

**DATE:** May 2, 2019

**SUBJECT:** Follow-up to CR19-084: Number of administrative adjustments of zoning lot area or width requirements for residential properties over the past five years.

As a follow-up to Council Request 19-084, the attached letter denies the requested five percent administrative adjustment that was requested for 2990 South Sherman Street.



May 1, 2019

Rebecca Aldaco  
Zaga Design Group  
3195 West 34<sup>th</sup> Avenue  
Denver, CO 80211

RE: VAR2019-005 Administrative Adjustment Application  
2990 S. Sherman St., Englewood, CO

Dear Ms. Aldaco:

I have reviewed your application for an administrative adjustment to the minimum lot width for the property located at 2990 S. Sherman St. and regret to inform you the request has been denied. The lot width for constructing a triplex on this lot is 25 feet per dwelling or 75 feet. The lot width of 72 feet, which the lot possesses, does lie within the 5% administrative adjustment criteria authorized by the Unified Development Code.

However, the lot area for a triplex development requires 9,000 square feet and this parcel only possesses 8,964 square feet, and therefore is not large enough to accommodate a triplex development. Neither the submitted application nor the narrative addresses a request for an adjustment to the lot area.

Please note that administrative adjustments may be permitted to the minimum lot width *or* the minimum lot area in the Summary Table of Dimensional Requirements for Principal Uses and Structures in Section 16-6-1 of Title 16. A development for which a minimum lot width or minimum lot area adjustment is granted shall not be eligible for additional variances or additional administrative adjustments based on the reduced lot width or area. Therefore, an adjustment to **both** lot width and lot area may not be granted.

Finally, according to Section 16-2-17 (F) an administrative adjustment shall only be approved if it meets **all** of the criteria 1 through 5 below or if it meets criteria 6 below:

1. The requested adjustment is consistent with the Comprehensive Plan and the stated purpose of this Title.
2. The requested adjustment meets all other applicable building and safety codes.
3. The requested adjustment does not encroach into a recorded easement.
4. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

5. The requested adjustment is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard sought to be modified. For purposes of this provision only, determination of "practical difficulty or some unusual aspect" may include consideration of:

- a. The historic aspect and development of the subject property;
- b. The use and development of the subject property compared to similar properties in the vicinity and in the same zone district;
- c. The property's use and development under previously applicable zoning, as relevant;
- d. Any intervening public action (e.g., condemnation for public right-of-way); or
- e. Other similar factors that support a finding of a practical difficulty or unusual aspect that is not of the applicant's own making or under the applicant's direct control.

6. The requested adjustment is required or advisable to comply with the requirements of the Federal Fair Housing Act, and does not create significant adverse impacts on the surrounding neighborhood.

The application does not include rationale for how the proposed administrative adjustment request is consistent with the Comprehensive Plan. Additionally, the requested adjustment does not meet all other applicable building codes (lot area requirement). Furthermore, the lack of documentation that the adjustment is necessary to compensate for practical difficulty or unusual site conditions not shared by other landowners in general is not proven. Therefore this application is denied.

Please note that per Section 16-2-8 of the Unified Development Code this decision may be appealed as outlined below:

*Appeals from Administrative Decisions.* Any person aggrieved by any notice, order, or final decision issued by the City Manager or designee, or by any administrative officer of the City pursuant to the provisions of this Title, may appeal the notice, order, or final decision to the Board of Adjustment and Appeals, unless this Title specifies that the appeal shall be to another body. Such appeal shall be filed within thirty (30) days from the date of receipt of such notice, order, or decision in the manner provided by the rules of procedure adopted by said Board. The Board shall, at its next regular meeting, schedule a public hearing on the appeal, after which it shall reverse or affirm, wholly or in part or modify the notice, order, or decision and may remand the matter to the original decision-maker for further proceedings not inconsistent with the Board's decision. Such appeals shall be reviewed by the Board pursuant to the same criteria used by the decision-maker whose notice, order, or decision is being

appealed. The decision of the Board shall be in writing, and a copy of the written decision shall be given to the appellant. The Board's decision on the appeal shall be final.

The appeal process and application can be found online at:  
<https://www.inglewoodco.gov/inside-city-hall/city-departments/community-development/zoning-application-and-checklists>

Please let me know if you have any additional questions.

Sincerely,

Wade Burkholder, AICP  
Community Development Department Planning Manager

Cc: File  
Dorothy Hargrove, Interim City Manager  
Brad Power, Community Development Director  
Will Charles, Planner 1