

RESOLUTION OF CITY OF LAKEWOOD BOARD OF ADJUSTMENT

On May 7, 2014 the Lakewood Board of Adjustment reviewed Case No. VM-14-002 for a 9.6 foot variance to allow a walkout deck extension with stairs to be constructed within 10.4 feet of the rear property line where 20.0 feet is required for the single family residence located at 2599 S. Kilmer St.

Motion was made by BOARD MEMBER GOLDIE and seconded by BOARD MEMBER COHN to DENY, which passed by a vote of 5 to 0. The roll having been called, the vote of the Lakewood Board of Adjustment was as follows:

Johann Cohn	Aye
Stuart Crawford	Nay
Jay Goldie	Aye
Henry Hollender	Aye
Julia Kirkpatrick	Aye
Carrie Mesch	Absent
Dale Miller	Aye

FINDINGS OF FACT AND ORDER

The Board of Adjustment finds that:

- A. The strict application of the setback requirement would not result in peculiar or unnecessary hardship on the property owner as the slope in the rear yard is typical within Solterra and the lot shape is not unusual; and
- B. There is no extraordinary situation or condition on this lot. Any hardship supporting a request for a variance would be self-imposed as the applicant chose the vacant lot and master planned home; and
- C. The requested variance does not comply with the purpose and intent of setbacks and the requested variance will not observe the spirit of the Lakewood Zoning Ordinance; and
- D. The requested variance may substantially or permanently impair the appropriate use or development of the adjacent properties; and
- E. The requested variance is not the minimum that will afford relief as demonstrated by the attached drawings of the proposed walkout deck extension with stairs, further there is no hardship for developing lots within new subdivisions; and
- F. The notification and posting requirements, as stated above in the Notification section, have been satisfied.

THEREFORE

The Board of Adjustment **DENIES** the Variance request, Case Number VM-14-002, to allow for a 9.6-foot variance to the 20.0-foot rear setback to build a walkout deck extension with stairs to within 10.4 feet of the rear property line.

Carrie Mesch
Carrie Mesch, Chair

Jay Goldie
Jay Goldie, Secretary

CERTIFICATION

I, WALTER M. JAUCH, Secretary to the City of Lakewood Board of Adjustment, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Board of Adjustment at a Public Hearing held in Lakewood, Colorado, on the 7th day of May, 2014 as the same appears in the minutes of said meeting.

May 7, 2014
Date approved

Walter M. Jauch, Secretary to the
Board of Adjustment