



City of Greenwood Village

Minutes – Final

Board of Adjustments and Appeals

6060 South Quebec Street
Greenwood Village, CO
80111

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Thursday, April 24, 2025

6:00 PM

Council Chambers

DINNER (5:00 PM)

REGULAR MEETING (6:00 PM)

1. CALL TO ORDER

The Board of Adjustments and Appeals of the City of Greenwood Village met in a regular session in the Council Chambers at Greenwood Village City Hall, 6060 South Quebec Street, Greenwood Village, County of Arapahoe, State of Colorado, at 6:00 p.m.

2. ROLL CALL

Present: 7 - Susan Calonge, Thomas Foottit, Michael Weiner, Arthur Aaron, Richard Myers, Preston Moxcey, Paul Wilson

Absent: 1 - Barry McCoin

Presiding:

3. PLEDGE OF ALLEGIANCE

Board member Aaron led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

A. Tentative Minutes 03.27.25 *2025-12-11*

A motion was made by Boardmember Thomas Foottit; to Approve Tentative Minutes 03.27.25. The motion carried by unanimous voice vote.

Yes: 7 - Susan Calonge, Thomas Foottit, Michael Weiner, Arthur Aaron, Richard Myers, Preston Moxcey, Paul Wilson

No: 0 - None

Recused: 0 - None

5. PUBLIC COMMENT

No public comment was requested at the meeting.

6. PUBLIC HEARINGS

A. PZ-25-04-VAR – 5091 Emporia; Variance (2025-120)

Planner Timmerman stated that a notice of the date, time, and place of the hearing was published on the City website at least 15 days prior to the hearing, as required by the Greenwood Village Municipal Code. Notice of the hearing was also posted on the property for at least 15 days prior to the hearing, as required by the Greenwood Village Municipal Code. Notice of the hearing date, time, and place was also sent by mail to property owners as required by the Greenwood Village Municipal Code for this type of hearing at least 15 days prior to the hearing.

Planner Timmerman presented staff presentation.

Board member Moxcey wanted to clarify who was responsible for maintaining the wall. Planning Manager Stertz clarified that the homeowner was responsible for maintaining the wall.

Shawn Bailey 5091 Emporia St was sworn in. Open concerns were wall maintenance, a four-car garage would attract more people, and the distance of the garage to the wall. Option 2 would be difficult due to architectural design and detrimental to the home's resale value. Option 1 also no longer works without extreme engineering challenges.

Sound wall maintenance with minimal space may be possible, but the HOA is also weighing in on the wall to confirm that it is currently structurally sound. The wall is the responsibility of the homeowners.

Regarding the garage, creating a greater capacity in the house. Most communities have more cars parked in the front. It doesn't make a difference in the number of people in the house.

Concern over proximity to the wall.

Moxcey verified that only one

Boardmember Myers asked if the garage is attached to the house. Applicant verified it would be connected to the house through a new door. The goal is to make it architecturally compatible with the house

Board member Footitt asked if this plan was the only option he would construct. Applicant replied that the goal was to park two large SUVs, one car and storage. The other options aesthetically were not lined up, and the difference in price would double due to restructuring with engineering.

Board member Moxcey asked to clarify which plan was being approved. The applicant confirmed that it was the four-car plan only.

Boardmember Wilson asked to clarify distances 4 ft and 8 and 5/8 inches. The cost of wall maintenance is high and that type of equipment would not fit in that space.

The Chair asked if there were further comments. There were no new comments. Six comments were received at the original hearing.

Closed public hearing for deliberation

Board member Aaron said it's hard to disagree with the staff analysis. No "A" criteria were met. Lacking those, it would be hard to approve

Board member Wiener found that no A criteria were met. Perhaps they also disagreed with the first of the "B" criteria. Also concerned about future wall repair.

Board member Footitt shared the same concerns, plus concerns about utility easements. Do not know about future utility needs, which may cost other owners in the future?

Board member Wilson was concerned with the maintenance of the wall. Would not be in favor.

Board member Meyers agreed with staff of "A" criteria. In other cases, an alternative has been available; in this case, a more suitable alternative exists. Would not approve the variance.

Board Member Moxcey agreed with everyone. Inclined to deny.

Chair Calonge addressed Bailey, and the board is inclined to deny. Bailey also confirmed that most of the easements were onto the public right-of-way. Appreciated the board's consideration.

The Planning Manager gave the applicant options. The applicant asked if there would be a new variance in the future; would this variance be weighed in that case? Planning Manager Stertz confirmed that this case would not be considered in the future.

The applicant chose to withdraw the case.

B. PZ-25-06-VAR – 5750 Oak Creek Ln; Variance. (2025-118)

Planning Manager Stertz stated that a notice of the date, time, and place of the hearing was published on the City website at least 15 days prior to the hearing, as required by the Greenwood Village Municipal Code. Notice of the hearing was also posted on the property for at least 15 days prior to the hearing, as required by the Greenwood Village Municipal Code. Notice of the hearing date, time, and place was also sent by mail to property owners as required by the Greenwood Village Municipal Code for this type of hearing at least 15 days prior to the hearing.

Planning Manager Stertz presented the staff report. Manager Stertz also noted that three comments were entered by the public. All three comments were printed and are in support of the application.

Board member Weiner clarified that both driveways go through the greenbelt. If the street were straight, would it be an issue for the front setback? Planning Manager Stertz replied that it would not be.

Board member Wilson asked if the home office was original to the house. No substantial remodeling previously. Home office was laid out previously, encroaching.

Board member Moxcey clarified that they are being asked for the variance of a non-conforming, side encroachment and front encroachment. Planning Manager confirmed approval would make all three points legal.

Board member Foottit requested clarification on the variance. Manager Stertz confirmed they would like to add a living room without disturbing the rest of the floor plan. The least impactful to the home and the neighborhood would be the variance. Board member Foottit clarified, is there a need to show that an addition is needed? Planning Manager Stertz agreed.

Board member Meyer asked if we know if other homes have additions that encroach on the property. This has been an issue in Green Oaks and there were additions based on previous readings.

Board member Moxcey asked to verify why this did not fulfill other "A-1" criteria. Planning Manager Stertz verified the encroachments.

Board Member Wiener asked if the new addition is roughly the same encroachment as the home office. Is there also a permanent deck encroachment, and is roughly the same encroachment?

Board Member Meyers stated that, according to the diagram, the neighbors are non-conforming as well.

Board member Aaron commented that A-1 seems to be in the affirmative. He would also support the affirmative of A-3

Michelle Wilson 350 Clayton Unit D, Denver CO 80206 sworn in. James Buckley 5750 Oak Creek Ln, Greenwood Village CO 80201 sworn in. Applicant gave their presentation.

Board member Weiner confirmed that the new addition goes as far as the new addition. What is the distance from the property line? Applicant clarified 49 feet from the neighbor's house.

Board member Foottit confirmed that the original intention was for a horse travel. Applicant confirmed that it was originally intended for a non-manicured area. Also, it can no longer be

confirmed that the primary use of the space would be a family room. The structure does have a basement, but that has a low ceiling.

Board member Wilson asked if there would be a crawl space. Confirmed crawl space but no basement.

Board Member Aaron asked in there a 10 right-of-way

Board member Moxcey asked if any of the support letters were from his neighbor with the adjoining driveway. Applicant confirmed

Closed to the public hearing

Board Member Footitt concern with A criteria. A-1 is confirmed, and perhaps A-3 not as much, but all B criteria are met.

Board Member Meyers agreed with A-1 affirmative and all the B criteria. HOA has agreed, and he confirms.

Board Member Moxcey is inclined to vote yes.

Board Member Wilson thinks the addition would balance the house.

Board Member Weiner relies on A-1 for side setback and A-3 for front setback. Agreed with staff.

Board Member Aaron agreement

Board Member Calogne confirmed that no trees are coming out.

A motion was made by Boardmember Richard Myers, seconded by Boardmember Preston Moxcey; to Approve PZ-25-06-VAR – 5750 Oak Creek Ln; Variance. The motion carried by unanimous voice vote.

Yes: 7 - Susan Calonge, Thomas Footitt, Michael Weiner, Arthur Aaron, Richard Myers, Preston Moxcey, Paul Wilson

No: 0 - None

Recused: 0 - None

7. DISCUSSION ITEMS

No discussion items were presented. The next meeting will be May 22, 2025.

8. ADJOURNMENT

There being no further business, the meeting adjourned.



Susan Calonge, Chair