

CITY OF BOULDER BOARD OF ZONING ADJUSTMENT MEETING AGENDA

DATE: Tuesday, April 9th, 2024

TIME: 4 p.m. PLACE: Virtual

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE GIVEN BY THE CITY OF BOULDER, BOARD OF ZONING ADJUSTMENT, AT THE TIME AND PLACE SPECIFIED ABOVE. ALL PERSONS, IN FAVOR OF OR OPPOSED TO OR IN ANY MANNER INTERESTED IN ANY OF THE FOLLOWING VARIANCES FROM THE LAND USE REGULATIONS, TITLE 9, BOULDER REVISED CODE 1981; MAY ATTEND SUCH HEARING AND BE HEARD IF THEY SO DESIRE. (APPLICANT OR REPRESENTATIVE MUST APPEAR AT THE MEETING.)

1. CALL TO ORDER

A. Swearing in of New BOZA Member, Ben Doyle

2. BOARD HEARINGS

A. Docket No.: BOZ2024-00002 Address: 624 Maxwell Avenue Applicant: Ivan Barkhorn

Setback & Building Separation Variances: As part of a proposal for an addition to the back of a non-standard historic home, the applicant is requesting a variance to the side (east), rear (south) and building separation standards for a principal structure in the RL-1 zoning district. The resulting east interior side setback (taken from the subject addition) will be approximately 2.5 feet where 5 feet is required and 2 feet exists today. The resulting south rear yard setback (taken from the subject addition) will be approximately 16.8 feet where 25 feet is required and 16.8 feet exists today. The resulting building separation between the subject addition and an existing accessory detached building will be approximately 1.8 feet (taken from roof overhangs/eaves) where 6 feet is required and 1.8 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

B. Docket No.: BOZ2024-00004

Address: 900 Pearl Street, Suite 200

Applicant: Dale Hubbard, Surround Architecture

Sign Spacing Variance: As part of a proposal to install a new projecting tenant sign at 900 Pearl Street, the applicant is requesting a variance to the minimum sign spacing standards pursuant to Boulder Revised Code Section 9-9-21. The resulting distance between the subject proposed sign and the nearest existing sign will be approximately 20 feet 8 inches where 25 feet is required and no sign for this tenant exists today. Section of the Land Use Code to be modified: Section 9-9-21, BRC 1981.

3. GENERAL DISCUSSION

- **A. Approval of Minutes:** The 3/12/24 BOZA Meeting minutes are scheduled for approval.
- **B.** Matters from the Board
- C. Matters from the City Attorney
- D. Matters from Planning and Development Services

4. ADJOURNMENT

For more information call Brian Holmes at 303-441-1880 or via e-mail holmesb@bouldercolorado.gov. Board packets are available after 4 p.m. Friday prior to the meeting, online at www.bouldercolorado.gov, or at the Planning & Development Services Center, located at 1739 Broadway, third floor.

* * * SEE REVERSED SIDE FOR MEETING GUIDELINES * * *

CITY OF BOULDER BOARD OF ZONING ADJUSTMENT MEETING GUIDELINES

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

ACTION ITEMS

An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation.*
- Applicant presentation.*Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation.*

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two
 weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will
 be distributed at the board meeting.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
- Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

*The Chairperson, subject to the board approval, may place a reasonable time limitation on presentations.



City of Boulder Planning and Development Services

1101 Arapahoe Avenue • Boulder, CO 80306

Phone: 303-441-1880 • Web: boulderplandevelop.net

BOARD OF ZONING ADJUSTMENT (BOZA) VARIANCE APPLICATION FORM

APPLICATION DEADLINE IS THE SECOND MONDAY OF EACH MONTH.

MEETING DATE IS 4PM (MST) ON THE SECOND TUESDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information and materials may result in rejection or delay of the application.

GENERAL DATA

	(To be completed in full by the applicant.)
•	Street Address or General Location of Property: 624 Maxwell Ave Boulder CO 80304
•	Legal Description: Lot A,B,C Block 3 Subdivision Canfield's Subdivision (Or attach description.)
•	Lot Size: 3,426-SF

Existing Use of Property: Residential, Single-Family

 Detailed Description of Proposal (Specific Variance[s] Requested Including All Pertinent Numerical Values (e.g.: Existing, Required and Proposed Setbacks for the Subject Setback Variance):

In order to add a partial rear 2nd story to a 1909 house contributing to the Mapleton Hill Historic District, we are requesting the following: Eastern Side Yard Setback: Requesting a 2.5' setback where 2.0' is the existing and 5.0' is required.

Southern Rear Yard Setback: Requesting matching the existing 16.8' setback where 25' is required to insulate and condition the existing mudroom and rebuild the eave to increase headroom. The 2nd story addition rear wall is proposed to match the existing at 23.7' setback where 25' is required.

Building Separation: Requesting matching the existing carriage house and mudroom room separation. The eaves are 1.8' apart and walls are 4.9', where 6' is required.

*Total gross floor area existing: 1,317	*Total gross floor area proposed: 2,005
*Total gross building coverage existing: 1,369	*Total gross building coverage proposed: 1,369
*Building height existing: ±22.1	*Building height proposed: ±22.1 (no change)

^{*}See definitions in Section 9-16-1, B.R.C. 1981.

ner: Ivan Barkhorn					
1542 High St					Telephone: 303 589 2386
Boulder	State: <u></u>	00	_Zip Code:	80304	Email: ivanbarkhorn@comcast.net
tact (if other	than owner	Ely Merheb			
		PO Box 3633			Telephone: 720 772 6892
Boulder	State:	CO	_ Zip Code:	80307	Email: ely.merheb@verso-arch.com
	1542 High St Boulder stact (if other	Boulder State: Contact (if other than owner	1542 High St Boulder State: CO Atact (if other than owner): Ely Merheb PO Box 3633	Boulder State: CO Zip Code: tact (if other than owner): Ely Merheb PO Box 3633	Boulder State: CO Zip Code: 80304 stact (if other than owner): Ely Merheb PO Box 3633

APPLICATION TYPES (Check All That Apply For This Application)

4	Setback (BRC 9-7-1)
	Porch Setback & Size (BRC 9-7-4)
	Building Separation (BRC 9-7-1)
	Bulk Plane (BRC 9-7-9)
	Side Yard Wall Articulation (BRC 9-7-10)
	Building Coverage (BRC 9-7-11 or BRC 9-10)
	Floor Area Ratio (BRC 9-8-2)
	Parking in Front Yard Landscape Setback (BRC 9-7-1 & 9-9-6)
	Size and Parking Setback Requirements for Accessory Units (BRC 9-6-4)
	Cumulative Accessory Building Coverage (BRC 9-7-8)
	Mobile Home Spacing Variance (BRC 9-7-13)
	Use of Mobile Homes for Non-Residential Purposes (BRC 10-12-6)
	Solar Exception (BRC 9-9-17)
	Sign Variance (BRC 9-9-21)
	Fence and Wall Variance (BRC 9-9-15)

APPLICATION REQUIREMENTS

All variance applications are electronic submittal and review. Visit the Planning & Development Services Online Center for additional information & guidance on the application process and how to apply. As a minimum, the following items MUST ultimately be provided for an application to be considered complete:

- ✓ A completed and signed BOZA Application Form;
- If the applicant is other than owner(s), a written consent of the owner(s) of the property for which the variance is requested;
- ✓ A detailed written statement thoroughly describing the variance request(s) and addressing all pertinent review criteria for approval see BOZA Info & Criteria Guide;
- ☑ A signed and stamped Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor;
- ☑ A site development plan including setbacks, building elevations, interior layout/floor plans and any other pertinent exhibits;
- A demolition plan clearly differentiating between existing/remaining and proposed portions of the structure(s);
- Any other information pertinent to the variance request (e.g. neighbor letters, photos, historic records/approvals, renderings, etc.);
- A completed and signed 'Sign Posting Acknowledgement Form' Note: The applicant is responsible for posting the property in compliance with city requirements. Obtaining sign(s) will be messaged to an applicant once it has been placed on an agenda. The applicant will be responsible for posting the required sign(s) within 10 days of the hearing date. Failure to post the required sign(s) may result in the postponement of the hearing date.
- ☑ A Board of Zoning Adjustment application fee (as prescribed in the current 'Schedule of Fees' which can be found at bouldercolorado.gov/plan-develop).

NOTE:	SEE SECTION	N 9-2-3(I)	. B.R.C.	1981 FOR	VARIANCE	EXPIRATION	INFORMATION

 Date: March 12, 2024

Project: Maxwell Bungalow #2317

624 Maxwell Ave Boulder CO 80303

BOZ2024-00002



S9-7-1 BOZA Setback Variances

The Applicant is seeking a BOZA Variance to the side yard 5' minimum setback, the rear yard 25' minimum setback and the 6' minimum building separation code requirements. The Variance request aligns with the intent of Section 9-7-2(b)(6) allowing Existing Nonstandard Side Yard Setbacks for Existing Single-Family Detached Dwelling Units. The single-story 1909 bungalow is a contributing structure in the Mapleton Hill Historic District. The proposed setbacks are as follows:

Eastern Side Yard Setback: Requesting a 2.5' setback where 2.0' is the existing and 5.0' is required. The proposed 0.5' inset avoids creating Solar Access conflicts.

Southern Rear Yard Setback: Requesting matching the existing 16.8' setback where 25' is required. We are proposing to convert the existing unconditioned mudroom and mechanical room access into a conditioned space, and to rebuild the existing roof to create a balcony above while reducing the eave slope to increase the mudroom headroom. The rear 2nd story addition south wall will align with the current at 23.7' where 25' is required.

Building Separation: The existing carriage house ca 1929 and the existing 1909 mudroom and mechanical room access do not meet the 6.0' minimum separation required between buildings. The walls are currently 4.9' apart and the eaves are 1.8' apart. The proposed mudroom, balcony and carriage house repairs and modifications will occur within these existing dimensions.

Additional Setback Information:

Front Yard Setback: No new construction proposed but the porch is at 11.1' and the building at 18.3' where 17' and 25' are required respectively.

Western Side Yard Setback: Requesting a 13.7' setback where 13.2' is the existing and 10.0' is required.

Aggregate Side Yard Setback: Requesting a 16.2' setback where 15.0' is required.

Bulkplane: The lot is exempt as it is under 45' wide, but the proposed complies with the allowed encroachments and stays within the existing conditions.

This 1909 bungalow is a contributing building to the Mapleton Hill Historic District complying with **Variance Criteria 9-2-3(h)(4)**. The proposed improvements and addition align with existing conditions and do not substantially increase encroachments, hardships that were not created by the applicant as the structure predates current zoning regulations. The proposed plans are per the Design Guidelines for Historic Districts that recommend additions be limited to the rear, be subordinate, and be proportional in size, scale and style. As shown in the drawings and photographs provided, the proposed only affects the rear (southern end) of the building so the Maxwell Avenue façade remains historic and undisturbed. The addition stacks above already existing square footage, avoiding an increase in the building cover or alteration to the urban fabric. Stacking also allows the preservation of the existing ca1924 carriage house, which in turn limits expansion at the ground level.

The proposed design was coordinated and approved by the Landmarks Design Review Committee (LDRC). The Landmark Alteration Certificate has been issued along with a letter of support for the requested variances from the COB Historic Preservation Planners. (Please reference HIS2024-00007). During the review process, we explored multiple rooflines, window configurations and side setback dimensions before landing on the approved design. This design was found to be the most effective in reducing the scale and massing of the addition, while creating a new roofline in harmony with the existing structure. The current setback dimensions allow enough space for the creation of two proportional dormers that are clearly separated by the middle inset. The height of the new roof was allowed to match that of the existing to achieve a greater slope at the dormers. The new balcony is also integral to the approval as the LDRC determined the addition windows should match the horizontal proportions of the gable ends. Therefore, the only way to meet code required egress is through the balcony doors.

Furthermore, the proposed meets the approval requirements per S9-2-3(h)(5):

(A) The variance will not alter the essential character of the neighborhood. The proposed complies with the Design Guidelines for Historic Districts that recommend additions be limited to the rear, be subordinate, and be proportional in terms of size, scale and style. This is why it received a Landmark Alteration Certificate. The addition stacks above already existing square footage at the rear of the building only, therefore not visible from the front of the house.

- (B) The proposed will not impair the reasonable use, enjoyment, or development of adjacent properties, as it is in keeping with existing conditions and it does not substantially increase any of the existing encroachments. All three adjacent neighbors have been notified of the project scope. We have included the documentation shared and an approval letter signed by the closest neighbors at 610 Maxwell.
- (C) The proposed modifications and addition are the minimum variance that would afford relief and the least modification of applicable BRC provisions. They allow expansion of the small house while staying within the existing boundaries, therefore minimizing impact to the neighbors, and complying with the Design Guidelines for Historic Districts. The COB Historic Preservation Planners have issued a letter of support for the design as they state: "construction of an addition in a by-right location would likely have an adverse effect on the historic character of the landmark property." The design minimizes impact by:
 - Stacking the addition above existing square footage to avoid building cover increase and allow preservation of the historic carriage house. The ground floor cannot be expanded without demolishing the carriage house and an increased rear setback variance would be required.
 - Insetting the new 2nd story side walls 6" from the existing to avoid creating solar access conflicts and to make the addition subordinate to the existing. This also allows enough space to create the two dormers separated by a middle inset, as requested by the LDRC. The side setbacks are in keeping with Section 9-7-2(b)(6) exception for existing buildings.
 - Stacking the new 2nd story rear wall directly above the existing results in only a 5% encroachment that is in keeping with the historic form of the building.
 - Insulating and conditioning the existing mudroom and mechanical room/crawl space access increases interior square footage without creating further encroachments or altering the historic character of the structure or neighborhood.
 - Aligning the proposed balcony above the existing mudroom to maximize the existing building cover. The east and west sides are proposed to match the solid siding below for design continuity and privacy. The south end continues the solid siding up to the top of the flooring and an open wood railing stacks above. All three sides would be 36" maximum height. The balcony is integral to the LDRC approved design as it provides the code required egress and allows the use of the requested horizontally proportioned windows to match the gable ends.
 - Preserving the carriage house to meet the Design Guidelines for Historic Districts, even though it does not meet current building separation requirements.
- (D) The proposed does not conflict with the provisions of Section 9-9-17 Solar Access. Please reference the Solar Access Diagram showing that though there will be an insubstantial increase in the shadows, it does not affect the protected areas of either east or west neighbors. The increases are within the allowed northern 25' front setback.

Thank you for your consideration of this application. The Applicant believes all information necessary for evaluation is provided and that it demonstrates the variance requests align with the BRC and the Design Guidelines for Historic Districts. Granting the proposed variances will not cause detriment to adjacent properties, nor will it impair the intent or purpose of the City of Boulder Charter and Revised Code. Should further information be necessary, please do not hesitate to contact Verso LLC.

Sincerely,

Ely Merheb AIA + LEED

Principal \ verso LLC

Photos of 624 Maxwell Ave (Yellow outlines represent location of the proposed improvements & addition)





North / Front Façade. The front will be preserved as it is mostly original and will not be affected by the addition.

East Façade. The proposed only affects the rear of the house.



West Façade. The proposed only affects the rear of the house.





East / Rear Elevation. The rear façade is the only allowable location for additions per the Historic District Design Guidelines. The proposed is in keeping with alterations in the historic district and has been approved by the LDRC. The 2nd story addition and modifications are only visible from the rear and utilize already existing building cover. The unconditioned mudroom will be insulated, the openings modified, and the roof rebuilt to create a new balcony above.



CITY OF BOULDER Planning & Development Services Historic Preservation

1739 Broadway P.O. Box 791 Boulder, Colorado 80306

Phone: (303) 441-1880 | bouldercolorado.gov

TO: Board of Zoning Adjustment

Brian Holmes, Zoning Manager

Robbie Wyler, Senior Zoning Plans Examiner

FROM: Marcy Gerwing, Principal Historic Preservation Planner

Clare Brandt, Historic Preservation Planner

DATE: March 8, 2024

RE: Support for requested variance at 624 Maxwell Ave.

Background

Constructed around 1909, the one-story brick bungalow at 624 Maxwell Ave. is a contributing building to the Mapleton Hill Historic District.



Figure 1. Façade of 624 Maxwell Ave. facing north onto Maxwell Avenue.

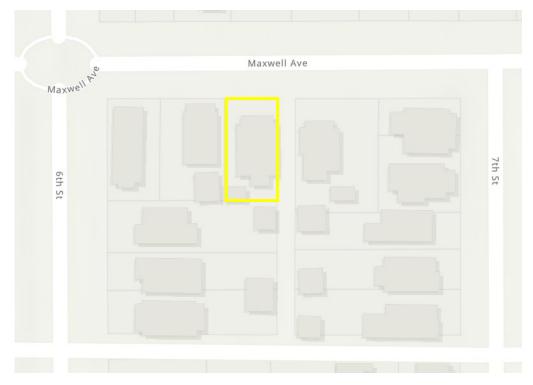


Figure 2. Location of 624 Maxwell Ave. showing Maxwell Avenue and alley on east side of property.

On March 8th, 2024, the Landmarks Design Review Committee (LDRC review 01.24.2024 and 02.21.2024) approved a Landmark Alteration Certificate for a second story addition at the rear and construction of a balcony over the existing mudroom (ref: HIS2024-00007). In its review, the LDRC considered that the general mass, scale and form of the proposed additions were consistent with the *General Design Guidelines for Boulder's Landmarks and Historic Districts*.

The Landmarks Board Support

The Landmarks Board supports the requested variance under 9.2.3(h)(4) *Designated Historic Property,* of the Boulder Revised Code, finding that construction of an addition in a by-right location would likely have an *adverse effect* on the historic character of the landmark property.

Please feel free to contact us if you have questions or need more information.

Sincerely,

Clare Brandt
Historic Preservation Planner
O: # (303) 441-1994
brandtc@bouldercolorado.gov

Parcel Description

(PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY)
DEED RECORDED ON 10/18/2023 AT REC. NO. 4025375

THE EAST 43 1/3 FEET OF LOTS LETTERED "A" AND "B" AND THE EAST 1/3 FEET OF THE NORTH 20 FEET OF LOT LETTERED "C" IN CANFIELD'S SUBDIVISION OF A PART OF BLOCK 3 IN MAPLETON, AN ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, TOGETHER WITH ALL WATER RIGHTS BELONGING TO SAID LOTS AS SET OUT IN BOOK 130 AT PAGE 363 OF BOULDER COUNTY RECORDS, RESERVING AND TOGETHER WITH A RIGHT OF WAY FOR A SEWER, COUNTY OF BOULDER, STATE OF COLORADO.

IMPROVEMENT SURVEY PLAT

A PORTION OF LOTS A, B, AND C, CANFIELD'S SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

Legend

- FOUND MONUMENT AS DESCRIBED
- (AM) AS MEASURED AT TIME OF SURVEY
- (P) AS PER THE PLAT OF CANFIELD'S SUBDIVISION RECORDED ON 07/28/1896 AT BOOK 2, PAGE 118
- (R) AS PER RECORD INFORMATION

CONCRETE

EDGE OF ASPHALT

-× × FENCE
- SIGN

DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)

CONIFEROUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)

WM) WATER METER

EM ELECTRIC METER

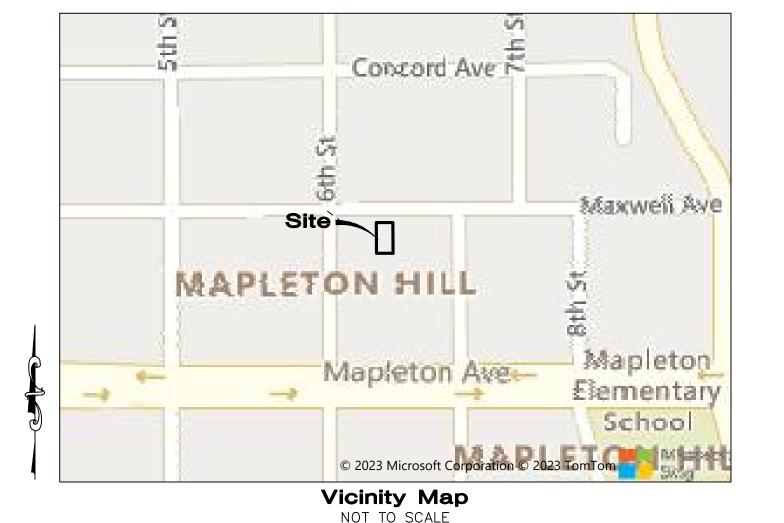
OVU — OVERHEAD UTILITY LINE

UTILITY POLE
TRI TELEPHONE RISER

GAS METER

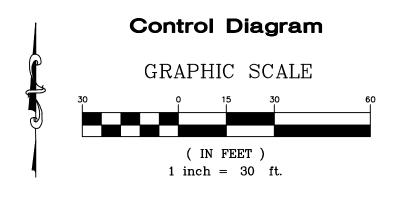
+ LOCATION OF BUILDING HEIGHT/FINISHED FLOOR

FFE FINISHED FLOOR ELEVATION
LEV ELEVATION



FOUND #3 REBAR— IN RANGE BOX BENCHMARK X7—1—1

BENCHMARK X7-1-1 AS-MEASURED ELEV: 5441.54' BASIS OF BEARINGS PUBLISHED ELEV: 5441.61 N89'42'44"E 341.23' (AM) MAXWELL AVE N RANGE BOX -ONSITE BENCHMARK FOUND 1.5" COPPERWELD \sim (60' R.O.W.) FOUND 1.5" COPPERWELD MONUMENT "PLS 2928" MONUMENT "PLS 2928" 86.8' (R) ELEV: 5448.88' N89°42'44"E 86.80' (AM) N89°42'44"E 43.27' (AM) REBAR 1.4' [>] 43 1/3'(R) SOUTH PORTION OF LOT L (P) LOT A (P) PORTION OF PORTION OF LOT B (P) LOT B (P) LOT B (P) : 1/3, N 20' PORTION OF LOT C (P) LOT C (P) LOT C (P) LOT J (P) FOUND 1.5" YELLOW -S IO' LOT C (P) PLASTIC CAP E 1/3' LOT C (R)"SCOTT COX ASC FOUND 1 1/2" ALUMINUM CAP-LS 24310" "FSI LS 16406" LOT I (P) 2' WITNESS CORNER FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP SIO'LOTD(P) "FLATIRONS SURV 19588"



Boundary Closure Report

COURSE: N89°42'44"E LENGTH: 43.27'
COURSE: S00°18'01"E LENGTH: 80.00'
COURSE: S89°42'44"W LENGTH: 43.28'
COURSE: N00°17'42"W LENGTH: 80.00'

AREA: 3462 SQ. FT. ERROR CLOSURE: 0.00 ERROR NORTH: -0.000

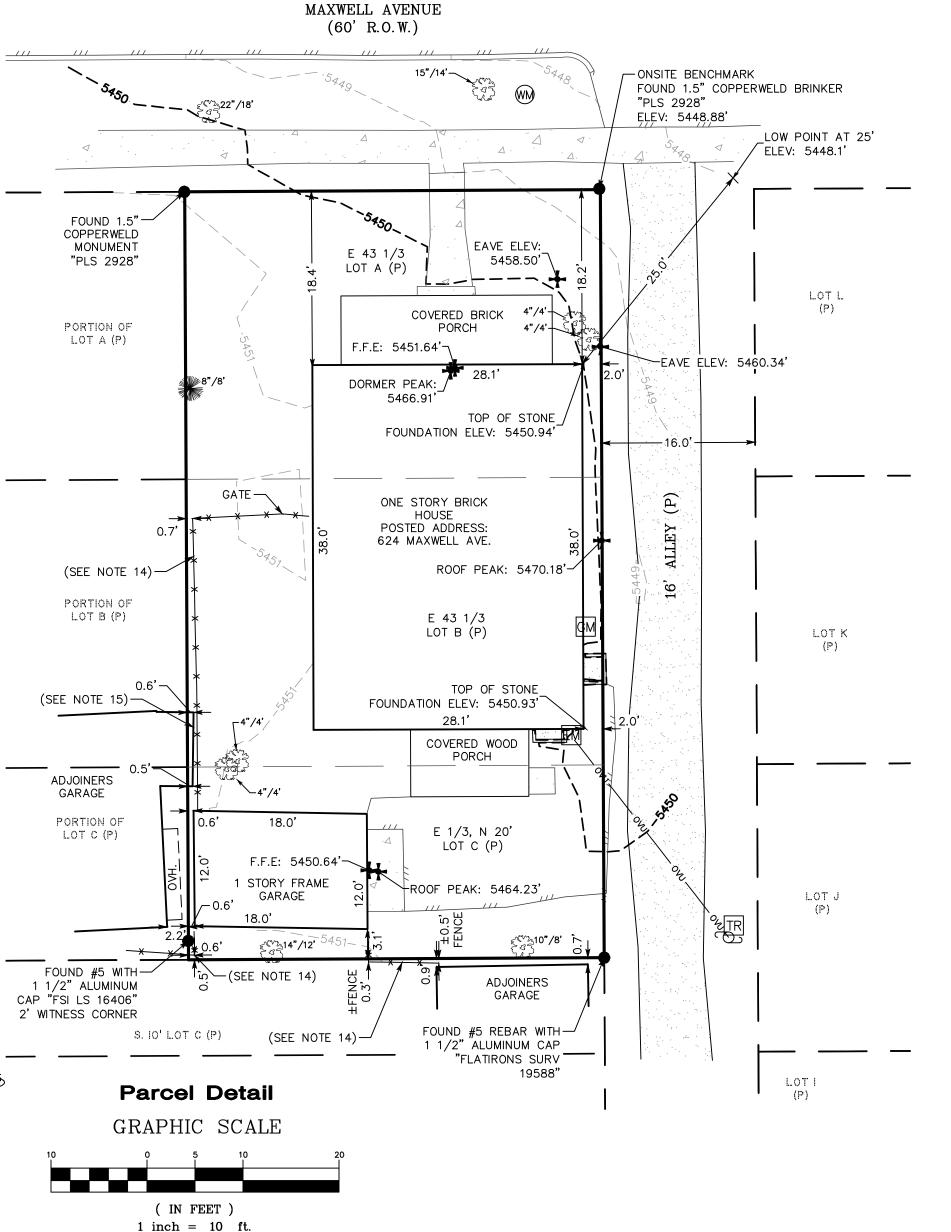
.00 COURSE: S89°44'23"W 00 EAST: -0.003

PRECISION 1: 246550000

Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR DEPOSITING ON

THIS ____, 20__.



Note

- 1. FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER 2309—122, DATED AUGUST 30, 2023 AT 12:00 A.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS—OF—WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
- 2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 3. THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF IVAN BARKHORN, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- 4. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- 5. BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N89°42'44"E ALONG THE CENTER LINE OF MAXWELL AVENUE, BETWEEN A FOUND #4 REBAR IN RANGE BOX AT THE INTERSECTION OF MAXWELL AVENUE AND 6TH STREET AND A FOUND #3 REBAR IN RANGE BOX AT THE INTERSECTION OF MAXWELL AVENUE AND 7TH STREET AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- 6. ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELDWORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
- 7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
- 8. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- 9. THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.
- 10. BENCHMARK INFORMATION: SMARTNET NORTH AMERICA CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK WAS USED TO ESTABLISH A GPS DERIVED ELEVATION ON AN ON-SITE BENCHMARK AT THE NORTHEAST CORNER OF SUBJECT PROPERTY, BEING A FOUND 1.5" COPPERWELD MONUMENT "PLS 2928" WITH AN ELEVATION OF 5448.88 FEET (NAVD 88). CITY OF BOULDER POINT X7-1-1 BEING A FOUND #3 IN RANGE BOX LOCATED AT THE INTERSECTION OF MAXWELL AVENUE AND 7TH STREET, WITH A PUBLISHED ELEVATION OF 5441.61 FEET, WAS CHECKED INTO WITH AN AS-MEASURED ELEVATION OF 5441.54 FEET. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THE ELEVATION OF THE ON-SITE BENCHMARK.
- 11. SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.
- 12. DATES OF FIELDWORK: NOVEMBER 1, 2023 AND DECEMBER 4, 2023
- 13. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

 #9 MARCH 20, 1890 BK 130, PG 363 EXCEPTIONS IN TITLE CONTAINED IN
- 14. FENCES ARE NOT COINCIDENT WITH PARCEL LINES AS SHOWN HEREON.
- 15. ADDITION TO ADJOINERS GARAGE CROSSES WESTERLY PARCEL LINE AS SHOWN HEREON.
- 16. THE DEED RECORDED 10/18/2023 UNDER REC. NO. 4025375 RESERVES "A RIGHT OF WAY FOR A SEWER". NO VISIBLE SURFACE EVIDENCE OF A SEWER WAS OBSERVED DURING THE FIELD WORK. NO LOCATION INFORMATION IS GIVEN IN THE DEED OR OTHERWISE IN THE ABOVE REFERENCED TITLE COMMITMENT.

Surveyor's Statement

I, JESS J. KUNTZ, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO IVAN BARKHORN, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 1, 2023 AND DECEMBER 4, 2023; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (9) "IMPROVEMENT SURVEY PLAT", IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JESS J. KUNTZ COLORADO P.L.S. #38409 VICE PRESIDENT, FLATIRONS, INC.

Barkhorn

- 2 M 4 M 0 V 8 C

PREPAR Ivan Ba

> D N. BROADWAY, SUITE 209 IVER, CO 80221

nd Surveying Services
www.FlatironsInc.com
655 FOURTH AVE 700
LONGMONT, CO 80501
(303) 776–1733 DEP

5 IRIS AVE, JITE 395 ER, CO 80301



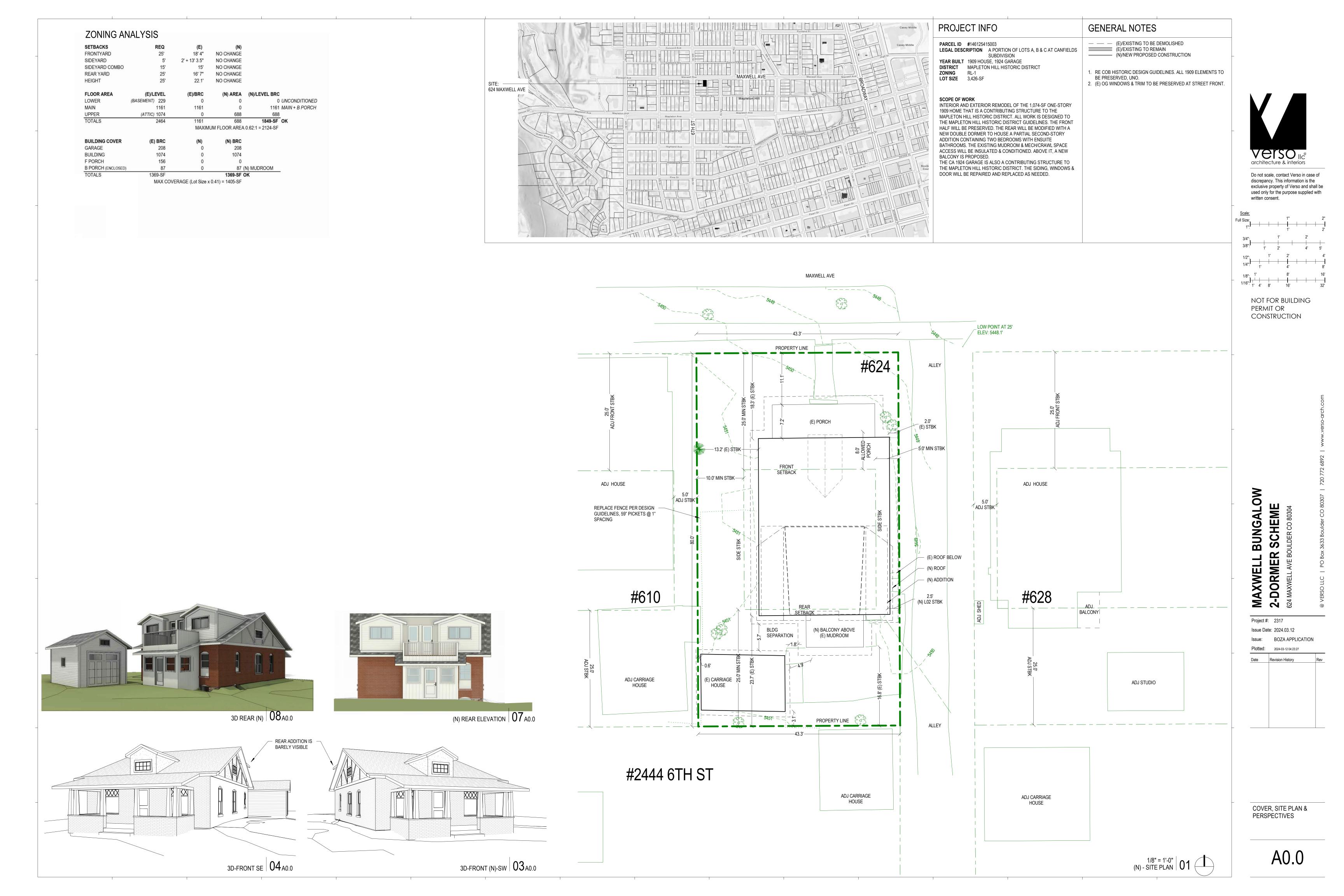


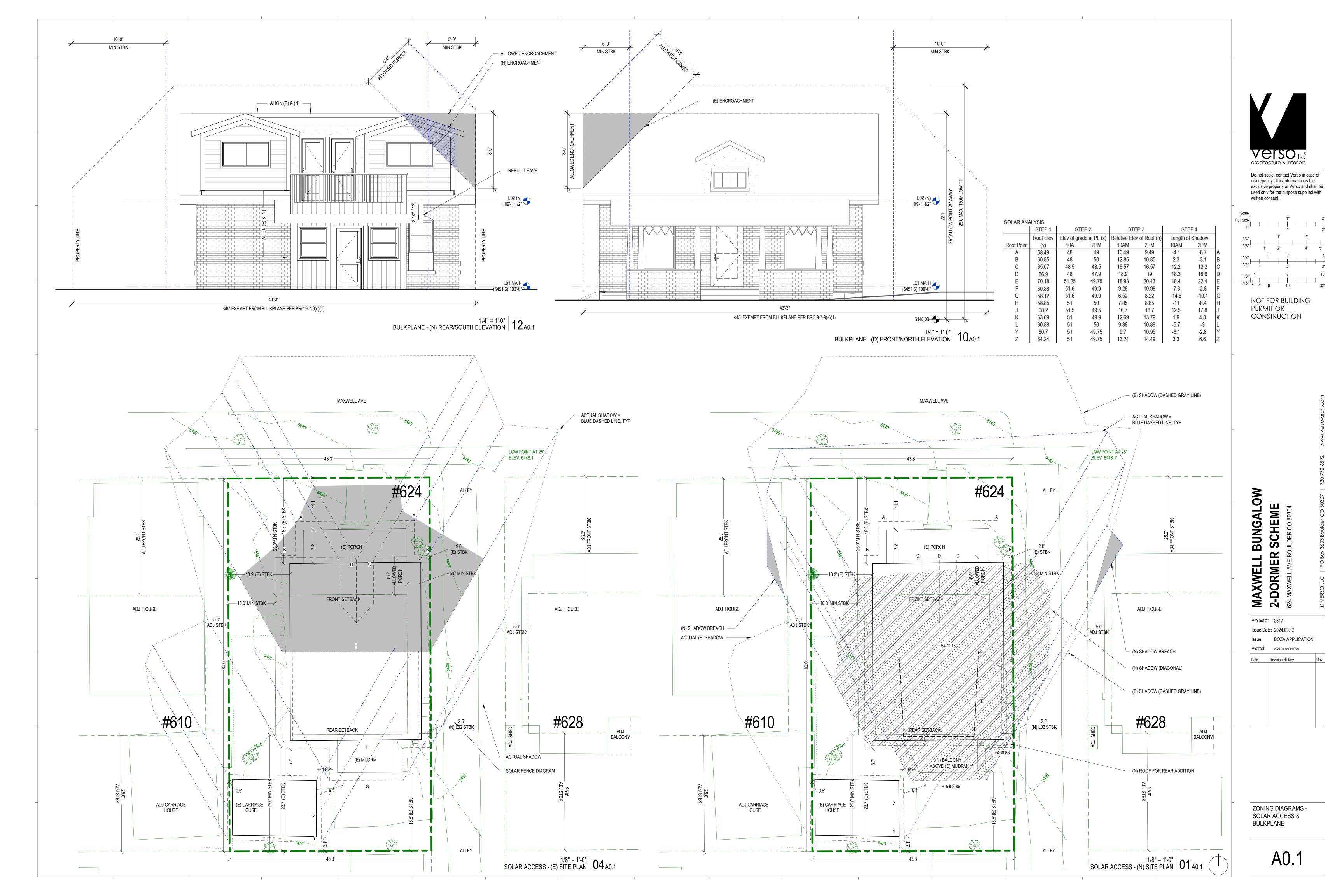
JOB NUMBER: 23-80,749

23-80,749 DATE: 12-27-2023

DRAWN BY:
E. PRESCOTT
CHECKED BY:
JK/WW/JZG

SHEET 1 OF

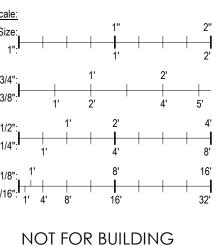






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Do not scale, contact Verso in case of discrepancy. This information is the exclusive property of Verso and shall be used only for the purpose supplied with written consent.



NOT FOR BUILDING PERMIT OR CONSTRUCTION

MAXWELL BUNGALOW
2-DORMER SCHEME
624 MAXWELL AVE BOULDER CO 80304

Project #: 2317

Issue Date: 2024.03.12

Issue: BOZA APPLICATION

Plotted: 2024-03-12 04:23:30

Date Revision History Re

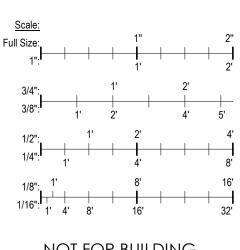
(D) & (N) L00, L01 & L02 PLAN

A2.0



Verso IIce architecture & interiors

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NOT FOR BUILDING PERMIT OR CONSTRUCTION

Project #: 2317 Issue Date: 2024.03.12 Issue: BOZA APPLICATION

A3.0

BOZ2024-00002

I do not have much issue with the proposed side yard set backs but I ask that the balcony over the existing back porch footprint, which encroaches significantly into the rear yard set back be denied. The applicant's rational for "needing" the balcony appears to be a misinterpretation of the relevant code.

"The new balcony is also integral to the approval as the LDRC determined the addition windows should match the horizontal proportions of the gable ends. Therefore, the only way to meet code required egress is through the balcony doors."

I believe this is an incorrect interpretation of the code for egress. This requirement can be met with windows that meet the minimum requirements set forth in the following link or with a much smaller "Juliette" balcony. https://bouldercolorado.gov/sites/default/files/2021-03/guide-emergency-openings.pdf

Is it appropriate that Landmarks Design review make the final determination in the matter of an encroachment into the set back?

From a safety perspective, it would likely be easier to exit a window, walk to the edge of the roof, hang over the edge and then drop. A balcony complicates egress in that there is a much higher drop from top of rail to ground and minimal roof area to facilitate a lower drop.

I question the rationale for requiring the balcony and ask that this encroachment into the rear setback be denied and this detail be sent back to Design Review.

In the packet for this proposal there are 3 criteria that the proposal must meet.

A) The variance will not alter the essential character of the neighborhood. The proposed complies with the Design Guidelines for Historic Districts that recommend additions be limited to the rear, be subordinate, and be proportional in terms of size, scale and style.

The approval from Landmarks Design review did not go to a public hearing and, although the owner did share his plans, we were not notified by the city that there was a design in progress that warranted any comment from the community. I do not find this proposal to be proportional in terms of size, scale and style—yet another project where the criteria to not create a "false history" overrides good design. Sigh! Please send this back to Design Review.

(B) The proposed will not impair the reasonable use, enjoyment, or development of adjacent properties, as it is in keeping with existing conditions and it does not substantially increase any of the existing encroachments.

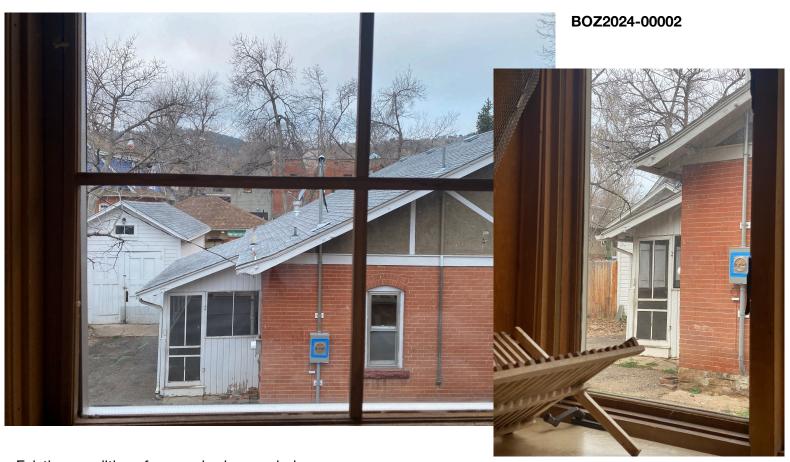
The balcony included in this proposal does impair the use and enjoyment of my home which is immediately adjacent to 624 Maxwell, separated only by a public alley with each property having very narrow side yards. I am one of the 2 neighbors that did not sign off on the letter presented to us by Mr Barkhorn. My neighbor who did sign, described as the "closest" neighbor, is a bit closer but their's is a 1 story house and 624 Maxwell has a side yard big enough for fencing and screening with vegetation.

Because the space between my home and 624 Maxwell is public we can neither build fences that would help screen out a second level balcony nor is there room for any vegetation that would serve to screen and provide privacy other than the 3 small, upright trees that were planted between our living room windows several years ago. I do not have the opportunity to screen the balcony from my upper level windows thus my use and enjoyment is diminished by this substantial encroachment..

This proposal substantially increases the existing encroachment with the addition of the balcony over the existing back porch. The proposed balcony aligns with my small 2 story back porch (done well before any code requirements) and will be clearly visible from my second story windows. My bedroom is on the second level and in close proximity to the new balcony. Sound carries in this neighborhood and we still often have our windows open through the night to cool our homes. My peace and quiet will be diminished.

I enjoy working in my small vegetable garden where, in-spite of the alley, I have a bit of privacy that will no longer be there for me with a balcony built within the required setback overlooking the alley and my rear garden. When my neighbors to my immediate east sought approval for their pop-up, I pondered how I would feel with the new windows and their very small balcony overlooking my main garden and concluded that a set of eyes, from a distance of about 30 feet from my house, might notice that, in my old age, I had toppled over and might need rescuing. I wrote a letter in support of their project as there is a good distance between our homes and their balcony is barely visible I can not support this project in its entirety and ask that you deny the balcony that encroaches into the rear

set back and will significantly diminish my reasonable use and enjoyment of my property..



Existing conditions from my bedroom window

-----and from my kitchen window.



Narrow alley and even narrower setbacks between my house and 624 Maxwell. The distance between house walls is about 22 feet and there is no opportunity to develop screening of adjacent property

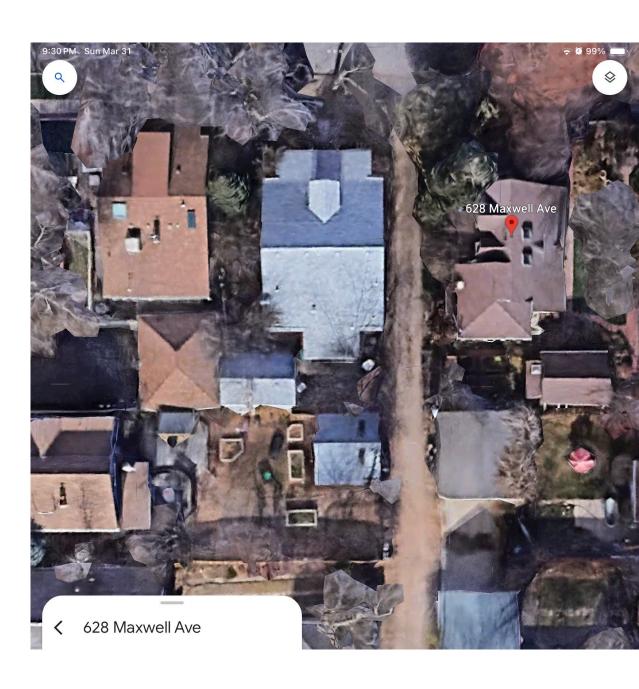
the space between 624 Maxwell and neighbor to west.

Catherine Schweiger 628 Maxwell Avenue Boulder **BOZA**

BOZ2024-00002

Catherine Schweiger 624 Maxwell Avenue Boulder, Colorado

From Google showing the density of structures in this area with subject property in center/grey roof.





Date: March 10, 2024

Project: Maxwell Bungalow #2317

624 Maxwell Ave Boulder CO 80304

Notification & Request for Written Approval

Dear Kathryn,

I am the architect for 624 Maxwell, working with Ivan Barkhorn. I am submitting a zoning variance application and am hoping that you would be comfortable signing a note of support for the project.

As you can see in the drawings at the end of this note, the proposed plan is to upgrade the house (and grounds) to match those around it, and to add a second story dormer to the rear of the house, along with a small balcony over the existing mudroom area. The proposed plan has been designed to meet the Mapleton Hill Historic District Guidelines in collaboration with the Landmark Design Review Committee.

As with many houses in your neighborhood, the house is on a small lot, and does not meet several current zoning standards. As a result, I am asking for three variances, all of which are consistent with the existing house's footprint:

- 1. The existing eastern wall of the house has a 2.5' setback from the alley. Current zoning asks for 5.0'. The addition would match the existing setback and thus require a variance
- 2. The existing southern wall of the house has a 16.8' setback from the southern property line. Current zoning asks for 25'. The addition, including the mudroom and small deck, would match the existing setback and thus require a variance
- The existing carriage house and enclosed porch (both built before 1930) are 4' 11" apart. Current zoning asks for 6' of separation. The mudroom and small deck that are a part of the addition would match the existing separation and thus require a variance

Of course, no part of the proposed expansion or construction activity will be located on your property – all elements of the proposal are located within the bounds of the property at 624 Maxwell Avenue and meet all other zoning provisions.

If you feel comfortable supporting the application for the variances listed above, would you mind signing below?

I, Michael and Kathryn, have been notified of and support the proposed Setback Variances described above.

4/2/24 Signature Michael Bauer and Kathryn Morgan

2444 6th St Boulder CO 80304

amichaelbauer@gmail.com, 720 495 3875

Please contact us with any additional questions. We appreciate your review and consideration,

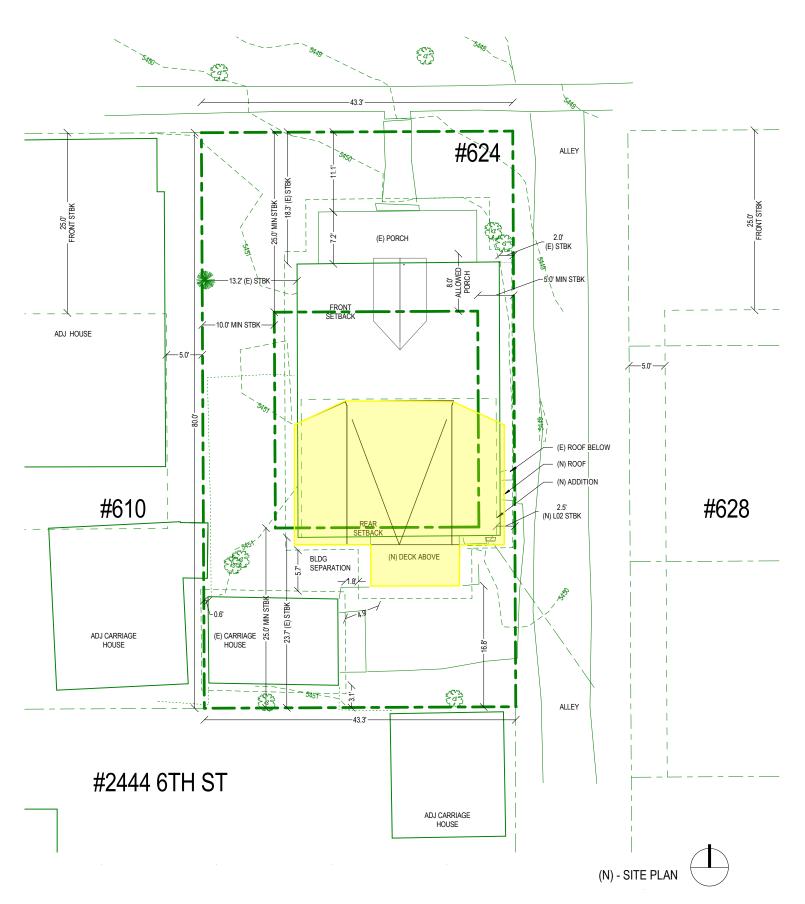
Ely Merheb \ AIA, LEED AP



(N) - FRONT/NORTH ELEVATION



(N) - EAST ELEVATION



BOARD OF ZONING ADJUSTMENT (BOZA) VARIANCE APPLICATION FORM

APPLICATION DEADLINE IS THE SECOND MONDAY OF EACH MONTH.

MEETING DATE IS 4PM (MST) ON THE SECOND TUESDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information and materials may result in rejection or delay of the application.

GENERAL DATA

(To be completed in full by the applicant.)

- Street Address or General Location of Property: 900 Pearl Street, Suite 200
- Legal Description: Lot 4, 5, 6 Block 64 Subdivision (See Survey Attached) (Or attach description.)
- Lot Size: (See Survey Attached)
- Existing Use of Property: Residential & Commercial
- Detailed Description of Proposal (Specific Variance[s] Requested Including All Pertinent Numerical Values (e.g.: Existing, Required and Proposed Setbacks for the Subject Setback Variance):

Requesting a variance for spacing of a projecting sign.

Please see written statement for more detail.

*Total gross floor area existing: N/A	*Total gross floor area proposed: N/A
*Total gross building coverage existing: N/A	*Total gross building coverage proposed: N/A
*Building height existing: N/A	*Building height proposed: N/A

^{*}See definitions in Section 9-16-1, B.R.C. 1981.

♦ Name of Owner: West Pearl 200 LLC

Address: 900 Pearl Street, Suite 200
 Telephone: 303-440-8089

City: Boulder
 State: CO
 Zip Code: 80302
 Email:

♦ Name of Contact (if other than owner): Dale Hubbard

Address: 900 Pearl Street, Suite 200
 Telephone: 720-244-8119

City: Boulder State: CO Zip Code: 80302 Email:

dale.hubbard@surroundarchitecture.com

<u>APPLICATION TYPES</u> (Check All That Apply For This Application)

	Setback (BRC 9-7-1)
	Porch Setback & Size (BRC 9-7-4)
	Building Separation (BRC 9-7-1)
	Bulk Plane (BRC 9-7-9)
	Side Yard Wall Articulation (BRC 9-7-10)
	Building Coverage (BRC 9-7-11 or BRC 9-10)
	Floor Area Ratio (BRC 9-8-2)
	Parking in Front Yard Landscape Setback (BRC 9-7-1 & 9-9-6)
	Size and Parking Setback Requirements for Accessory Units (BRC 9-6-4)
	Cumulative Accessory Building Coverage (BRC 9-7-8)
	Mobile Home Spacing Variance (BRC 9-7-13)
	Use of Mobile Homes for Non-Residential Purposes (BRC 10-12-6)
	Solar Exception (BRC 9-9-17)
X	Sign Variance (BRC 9-9-21)
	Fence and Wall Variance (BRC 9-9-15)

APPLICATION REQUIREMENTS

All variance applications are electronic submittal and review. Visit the Planning & Development Services Online Center for additional information & guidance on the application process and how to apply. As a minimum, the following items MUST ultimately be provided for an application to be considered complete:

- A completed and signed BOZA Application Form;
- If the applicant is other than owner(s), a written consent of the owner(s) of the property for which the variance is requested;
- A detailed written statement thoroughly describing the variance request(s) and addressing all pertinent review criteria for approval see BOZA Info & Criteria Guide;
- A signed and stamped Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor;
- A site development plan including setbacks, building elevations, interior layout/floor plans and any other pertinent exhibits;
- ☐ A demolition plan clearly differentiating between existing/remaining and proposed portions of the structure(s); NOT APPLICABLE
- Any other information pertinent to the variance request (e.g. neighbor letters, photos, historic records/approvals, renderings, etc.);
- A completed and signed 'Sign Posting Acknowledgement Form' Note: The applicant is responsible for posting the property in compliance with city requirements. Obtaining sign(s) will be messaged to an applicant once it has been placed on an agenda. The applicant will be responsible for posting the required sign(s) within 10 days of the hearing date. Failure to post the required sign(s) may result in the postponement of the hearing date.
- A Board of Zoning Adjustment application fee (as prescribed in the current 'Schedule of Fees' which can be found at bouldercolorado.gov/plan-develop).

NOTE: SEE SECTION 9-2-3(I), B F.C. 1981 FOR VARIANCE EXPIRA	TION INFORMATION
Applicant Signature	Date02/02/2024
Owner (if other than Applicant) Signature	Date



Sign Code Variance Request

December 20, 2023

900 Pearl Street, Suite 200

ATTN: Board of Zoning Adjustment (BOZA)

We are writing to formally request a variance from the local building codes pertaining to the horizontal and vertical distance regulations for projecting signs. The documentation shared within our application demonstrates how the proposed location serves as an essential means to direct traffic to our office space, while also supporting the existing cadence along Pearl Street. The signage is consistent with the character of the neighborhood and respects the natural demise of the building. We have an approved revocable permit, and this is the only comment remaining on the permit application.

While we fully understand the importance of adhering to local building codes and regulations, we believe that the unique circumstances of our business location and the strategic importance of the sign cadence along Pearl Street warrants an exception to the existing regulations. We kindly request consideration of our application and we are willing to answer any questions that may assist in the evaluation process.

Sign Code Variance Criteria

(s) Appeals and Variances

- (4) Setbacks, spacing of freestanding and projecting signs, and sign noise limitations are the only requirements which the BOZA may vary. If an applicant requests that the BOZA grant such a variance, the board shall not grant a variance unless it finds that each of the following conditions exists:
 - (A) There are special physical circumstances or physical conditions, including, without limitation, buildings, topography, vegetation, sign structures, or other physical features on adjacent properties or within the adjacent public right of way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area; or
 - a. The designers of the building at 900 Pearl were careful to create a street façade that respected the scale that already existed in the adjacent historic structures. While the building extends all the way to 9th Street, there is a natural demising of the building at 900 Pearl Street created by the vertical circulation mass that separates the residential condos from the commercial business spaces to the East. The code required distance of 25 feet between projecting signs would put our sign on the residential side of the building, counter to the logic of the structure, and visually confusing to visitors of the business.
 - (B) For variances from the noise limitations of subparagraph 9-9-21(b)(3)(L), "Sound," B.R.C. 1981, the proposed variance is temporary in duration (not to exceed 30 days) and consists of a temporary exhibition of auditory art; and

2520 Broadway Boulder, CO 80304



- a. Does not apply. See response to section (A) above.
- (C) The variance would be consistent with the purposes of this chapter and would not adversely affect the neighborhood in which the business or enterprise or exhibition to which the applicant desires to draw attention is located; and
 - a. The proposed signage location maintains the existing cadence along the street front, further reinforcing the character of the neighborhood. It also helps to promote the separation between commercial and residential spaces already set forth in the larger programming of the building. The natural undulations in the brick façade as well as the projecting canopies help to create a visual separation between the proposed signage for our business and the existing signage for the business below.
 - b. At a proposed distance of 20'-8" from the existing projecting sign, we are exceeding the average distance between the (3) business adjacent to our office space, more closely adhering to the code while still supporting the existing street language and scale.
- (D) The variance is the minimum one necessary to permit the applicant reasonably to draw attention to its business, enterprise, or exhibition.
 - a. The variance requested is the minimum one necessary to reasonably draw attention to the business given the natural architectural logic of the building at the vertical circulation corridor. The location of the signage is crucial for directing clients to our office space. The proposed location also helps to support the privacy and security of individuals residing in the condos, ensuring pedestrian traffic is led to the correct area of the building.
 - b. The proposed location is the farthest possible distance from the existing projecting sign while remaining in the vicinity of the business.

Thank you for your time and consideration. We greatly appreciate the work the Board of Zoning Adjustments does to maintain the integrity of our community, and we look forward to the possibility of contributing positively to it.

Sincerely, Dale Hubbard, AIA

LIGHT POLE FOUND MONUMENT AS DESCRIBED SET NO 5 REBAR W/ 1½" ALUMINUM CAP FLATIRONS SURV LS-16406 GRATE INLET WATER VALVE WATER METER CONCRETE FENCE GROUND PLAT AS MEASURED THIS SURVEY (AM) (R) (C) RECORD CALCULATED BASED ON FOUND MONUMENTS

CONDOMINIUM MAP OF

900 WEST PEARL CONDOMINIUMS - AMENDMENT NO. 3

THE WEST ONE-HALF OF LOT 4, LOT 5, AND A PART OF LOT 6, BLOCK 64, OLD TOWN OF BOULDER, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,

CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

Parce

SHEET 1 OF 6 PEARL STREET (80° R.O.W.) BLOCK 64 W 1/2 0F LOT4 LOT 5 82 ALLEY (PLAT) . 20 11 10 8 WALNUT STREET (80' R.O.W.) GRAPHIC SCALE

Parcel Description

THE WEST 1/2 OF LOT 4, ALL OF LOTS 5 AND 6, BLOCK 64, IN WEST BOULDER, NOW A PART OF THE CITY OF BOULDER, EXCEPT THAT PORTION CONVEYED TO THE CITY OF BOULDER IN DECEMBER 2, 1964 ON FILM 521 AS RECEPTION NO. 771960, COUNTY OF BOULDER, STATE OF COLORADO.

Owner's Certificate MAXIM FINANCIAL REAL ESTATE, LLC, A LIMITED LIABILITY COMPANY IS THE OWNER OF THE

Described freen. BY: Manager

STATE OF COLORADO COUNTY OF BOULORA)

OF MAXIM FINANCIAL REAL ESTATE, LLC.

WINESS MY HAND AND SEAL

MY COMMISSION EXPIRES: 2-2-06 Hathlus billing

MY ADDRESS IS: 31 Empire Place Lordmont, Co. 80501

KATHLEEN

CONSENT TO CONDOMINIUM MAP OF 900 West Pearl
BANK OF AMERICA, NATIONAL ASSOCIATION, ("GRANTEE") DEED OF TRUST BENEFICIARY
UNDER A DEED OF TRUST DATED JAME 5, 2003 AND RECORDED JUNE 24, 2003 UNDER
RECEPTION NUMBER JACOSOS OF THE RECORDS OF THE CLEEN AND RECORDER OF BOULDER
RECEPTION NUMBER JACOSOS OF THE RECORDS OF THE CLEEN AND RECORDINATED
AND CREATION OF UNITS AND COMMON ELEMENTS AS EPERITED IN THIS CONDOMINIUM MAP
OF 900 WEST PEARL, AND THE RIGHTS OF GRANTEE SHALL BE SUBGROMATED THERETO, SO
THAT THE TERMS OF THIS CONDOMINUM MAP SHALL APPLY AS THOUGH RECORDED FROM
TO THE SAID DEED OF TRUST, AND THE RIGHTS UNDER SAID DEED OF TRUST ARE MODIFIED
HEREDY. Consent to Condominium Map of 900 West Pearl

BANK AMERICAL ATTOMAL ASSOCIATION ra SCent

COUNTY OF ALPHANE____ THE FOREGOING CONSENT TO CONDOMINIUM MAP OF 900 WEST PEARL WAS ACKNOWLEDGED BEFORE ME THIS 2 TO DAY OF THE CONTROL OF THE CONT

NATIONAL ASSOCIATION.

WITNESS MY HAND AND OFFICIAL SEAL OF MY COMMISSION EXPIRES: 1/25/06 Mary Elizabeth Balosh

Clerk and Recorder's Certificate

COUNTY OF BOULDER)

I HERBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 2.51 O'CLOCK P.M., THIS 3.2 DAY OF JUHE 2005 AND IS

DULY RECORDED IN PLAN FILE 2-13 F-3 *4,5,6,7,8,9

FEES \$ C O PAID. LINDA N. SALAS RECORDER

RECEPTION NO. 2693325 FILM # ---

Surveyor's Statement

P-63 F-3#4 (10f6)

SUPPEYOR'S STATEMENT.

JOHN B, GUYTON, BENG A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE CONDOMINUM MAP OF THE 900 WEST FEARL CONDOMINUM MAP OF THE 900 WEST FEARL CONDOMINUM MAP OF THE 900 WEST FEARL SUBSTANTIALLY OFFICES THE LOCATION AND THE HORIZONTAL AND VERTICAL MEASUREMENTS SUBSTANTIALLY OFFICES THE LOCATION AND THE HORIZONTAL AND VERTICAL MEASUREMENTS OF THE GROUND, THE LOCATION AND THE CELLWISS AS CONSTRUCTED, AND THE ELEVATION OF THE PROSPECT FLOORS, AND THE CELLWISS AS CONSTRUCTED, AND THE ADMINISTRATION OF THE PROSPECT FLOORS, AND THE CELLWISS AS CONSTRUCTED, AND THE ADMINISTRATION OF THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE ADMINISTRATION OF THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE ADMINISTRATION OF THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE PROSPECT FLOORS AND THE CELLWISS AS CONSTRUCTED, AND THE CELLWISS AS CONSTRUCTED.

JOHN B. GUYTON COLORADO PLLS. #18406 PEI JOB NO. 03-41,812
PRESIDENT, FLAIRFONS SORVEYING, INC.

SI JOB NO.

Flatirons Surveying, Inc. 5717 ARAPAHOE ROAD 655 FOURTH AVENUE 6050 PHONE: (303) 743-7001 PHONE: (303) 776-4355 PAR: (303) 443-9830 FAR: (303) 776-4355

RWS 3/17/0

NOTES:

NEWS THE CUARANTE COMPANY COMMITMENT NUMBER WORDORSON, DATED NOWMERS 03, 2004 AT 5:00 P.M., WAS STRINELY RELIED LIPON FOR RECORDED NOWMERS 03, 2004 AT 5:00 P.M., WAS STRINELY RELIED LIPON FOR RECORDED NORMATION RECORDED TO THE SURVEY THE PROPERTY SHOWN AND DESCRIBED HEREON OS ALL OF THE PROPERTY DESCRIBED WAS DESCR 2). ACCORDING TO CO, CORD, DAW YOU WIST COMMENCE ANY LEGAL, ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU RIST DISCOVER SUCH DEFECT, IN NO EVENT MAY NAVE ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED WORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. BASIS OF BEARINGS: THE EAST R.O.W. LINE OF 9th STREET IS ASSUMED TO BEAR SOUTH 15'02'28" EAST BETWEEN FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON.

4) BENCHMARK INFORMATION: BENCHMARK "E", CITY OF BOULDER DATABASE WAS USED TO ESTABLISH A BENCHMARK FOR THE SUBJECT PROPERTY, BENCHMARK "E" IS DESCRIBED AS A ONE-HALF INCH IRON ROO IN A RANGE BOX LOCATED AT THE INTERSECTION OF 11th AVENUE AND SPRUCE STREET, THE CITY OF BOULDER DATUM ELEVATION FOR THIS BENCHMARK IS, 550-604 FEET.

6) ALL EXTERIOR WALLS AND WALLS BETWEEN UNITS ARE COMMON ELEMENTS. ALL INTERIOR WALLS WHICH ARE BEARING WALLS OR CONTAIN PLUMBING, GAS PIPES/AND OR ELECTRICAL WIRING SERVING MORE THAN ONE UNIT (UTILITY WALLS) ARE COMMON ELEMENTS. ALL EXTERIOR WALLS AND WALLS RETWEEN LINITS ARE COMMON ELEMENTS. ALL

ALL LIMITED COMMON ELEMENTS ARE APPURTENANT TO THE CONDOMINIUM UNIT BEARING THE SAME NUMERICAL DESIGNATION.

ALL INTERIOR DIMENSIONS ARE TO THE PROPOSED FINISHED SURFACES OF THE FLOOR CEILING AND WALLS.

NOT ALL INTERIOR WALLS ARE SHOWN IN THE INDIVIDUAL UNITS AND THE SQUARE FOOTAGE OF THE UNITS DOES NOT SUBTRACT THE AREA OF THE INTERIOR WALLS.

10) THERE ARE A TOTAL OF 21 REGULAR AND 1 HANDICAP PAINTED PARKING STALLS PLANNED ON THE SUBJECT PROPERTY.

11) THE WIDTHS OF THE BUILDING WALLS HAVE BEEN CALCULATED BY AN AVERAGE OF INTERIOR DIMENSIONS TAKEN ON THE INDIVIDUAL UNITS, HALLWAYS AND EXTERIOR DIMENSIONS AND ARE LISTED AS FOLLOWS:

12) AREAS DESIGNATED AS MECHANICAL AND STORAGE (NOT DIRECTLY RELATED TO A SPECIFIC CONDOMINIUM UNIT) ARE COMMON ELEMENTS AND ARE SUBJECT TO THE RIGHT OF THE CONDOMINIUM ASSOCIATION TO BE FURTHER DEFINED IN THE DECLARATION.

1.3) ALL PARKING STALLS ARE SUBJECT TO THE RIGHT OF THE CONDOMINIUM ASSOCIATION THROUGH ITS BOARD OF DIRECTORS, TO ASSIGN AND REASSIGN SAID PARKING STALLS TO OWNERS AS FURTHER DEFINED IN THE DECLARATION PARKING STALLS ARE APPURTENANT TO A UNIT PURCHASED AS LIMITED COMMON ELEMENTS.

14) THE LOCATIONS FOR UNDERGROUND UTILITIES ARE BASED UPON VISIBLE SURFACE 14) THE LOCATIONS FOR UNDERFORMIND UTILITIES ARE BASED UPON VISIBLE SURFACE EVIDENCE AND MARS PROVIDED BY THE APPROPRIATE UTILITY COMPANIES AND MONOPPALITIES. LOCATIONS OF UNDERFORMIND UTILITIES/STRUCTURES MAY VARY FROM LOCATION STRUCTURES AND THE CONTROL OF THE PROPRIETS OF THIS SURVEY TO LOCATE DURING UTILITIES AND THE WAY THE PROPRIETS SHOULD BE FIELD LOCATE DURING UTILITIES AND THE UTILITIES ALL UNDERFORMED UTILITIES SHOULD BE FIELD LOCATE DURING ON ON A ROBACEUT TO THE SUBJECT PROPERTY.

15) THE SUBJECT PROPERTY IS SUBJECT PROPERTY.
THE CONDITIONS OF WHICH ARE SET FORTH IN ORDINANCE 0-4218 AS PASSED AND ADDRED BY THE CITY OF BOULDER ON APRIL 19, 1977 (FILM 1036, RECEPTION NUMBER 308219) AND MODIFIED BY RECULTION NUMBER AS A ADDRED ON APRIL 21, 1981 (FLM 105C) MODIFIED BY RECULTION NUMBER AS A ADDRED ON APRIL 21, 1981 (FLM 105C) MODIFIED BY RECULTION NUMBER AS ADDRED ON APRIL 21, 1981 (FLM DECOMENTS.

16) THE SUBJECT PROPERTY IS SUBJECT TO THE "RELEASE AND RIGHT-OF-WAY" AGREEMENT ENTERED INTO BY AMOCO OIL COMPANY WHICH GRANTS AMOCO THE RIGHT TO ENTER THE PROPERTY TO CONDUCT ENVIRONMENTAL TESTING, FOR FURTHER INFORMATION, REFER TO THE DOCUMENT RECORDED ON FILM 2058 AT RECEPTION NUMBER 1524941.

17) THE SUBJECT PROPERTY IS SUBJECT TO THE DEVELOPMENT AGREEMENT WHOSE CONDITIONS ARE SET FORTH IN RECEPTION NUMBER 2349813, FOR FURTHER INFORMATION, REFER TO THE ABOVE MENTIONED DOCUMENT.

18) THE NEIGHBORING BUILDING EXTENDS INTO THE SUBJECT PROPERTY AS SHOWN HEREON.

20) SOME DETAILS ARE SHOWN BASED ON ARCHITECTURAL PLANS.

21) SOME DEMISING WALLS NOT CONSTRUCTED ARE SHOWN WITH DASHED LINES.

22) PURPOSE OF AMENDMENT NO. 1: THIS PLAT IS AN AMENDMENT TO THE CONDO MAP RECORDED AT RECEPTION NO. 2645408, ON NOVEMBER 24, 2004. THE PURPOSE OF THIS MANEROMENT NO. 1 IS TO GRAPHICALLY DEPICT EACH PARKING SPACE ON THE BASEMENT LEVEL AS LIMITED COMMON ELEWENTS.

23) PURPOSE OF AMENDMENT NO. 2: THIS PLAT IS AN AMENDMENT TO THE CONDO MAP RECORDED AT RECEPTION NO. 264508, ON NOVEMBER 24, 2004. THE PURPOSE OF THIS AMENDMENT IS TO SHOW THE ADDITION OF A THIRD FLOOR DECK AND TO REVISE PARKING STALL DESIGNATIONS.

24) PURPOSE OF AMENDMENT NO. 3. THIS PLAT IS AN AMENDMENT TO THE CONDO MAP RECORDED AT RECEPTION NO. 264508, ON NOVEMBER 24, 2004. THE PURPOSE OF THIS AMENDMENT IS TO REVISE PARKING STALL DESIGNATIONS AND ADD FLORE DECK DECIDIOR DECK DESIGNATIONS, ALSO, THIS AMENDMENT SHOWS THE ADDITION OF A PARTITION BETWEEN THE ARD FLORE DECKS OF UNITS 205 AND 207.

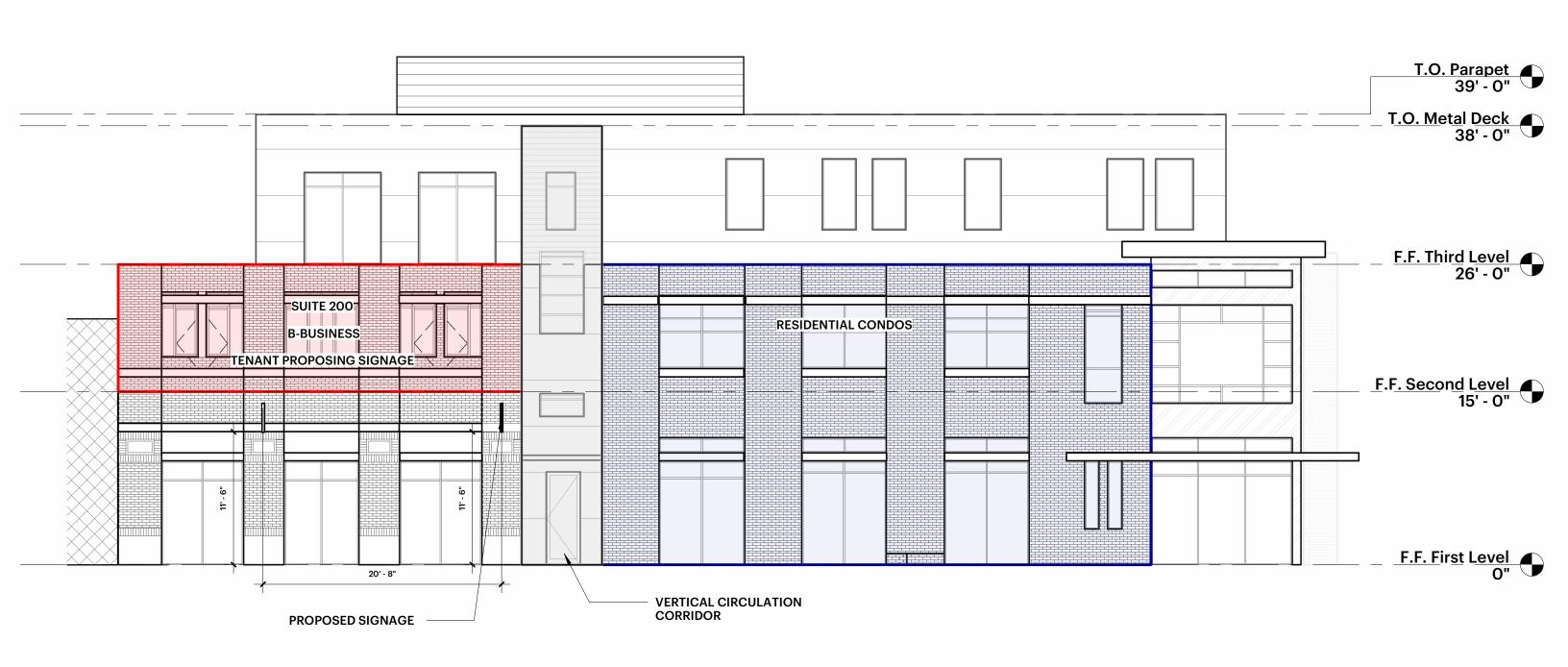
SURROUND SP.02 architecture PEARL STREET TREE GRATE TREE GRATE TREE GRATE AWNING AWNING AWNING EXISTING SIGN FOR A GROUND LEVEL TENANT (SIGN A1) PROPOSED PROJECTING SIGN 9TH STREET SUITE 200 B-BUSINESS 900 WEST PEARL STREET THREE STORY BUILDING WITH UNDERGROUND PARKING
(E) NOT IN SCOPE TENANT PROPOSING SIGNAGE 122' **SIGNAGE - SITE PLAN** 0' 5' 10' 15' 20'

REVOCABLE PERMIT: REV2023-00014

SIGN PERMIT: SGN2023-00127

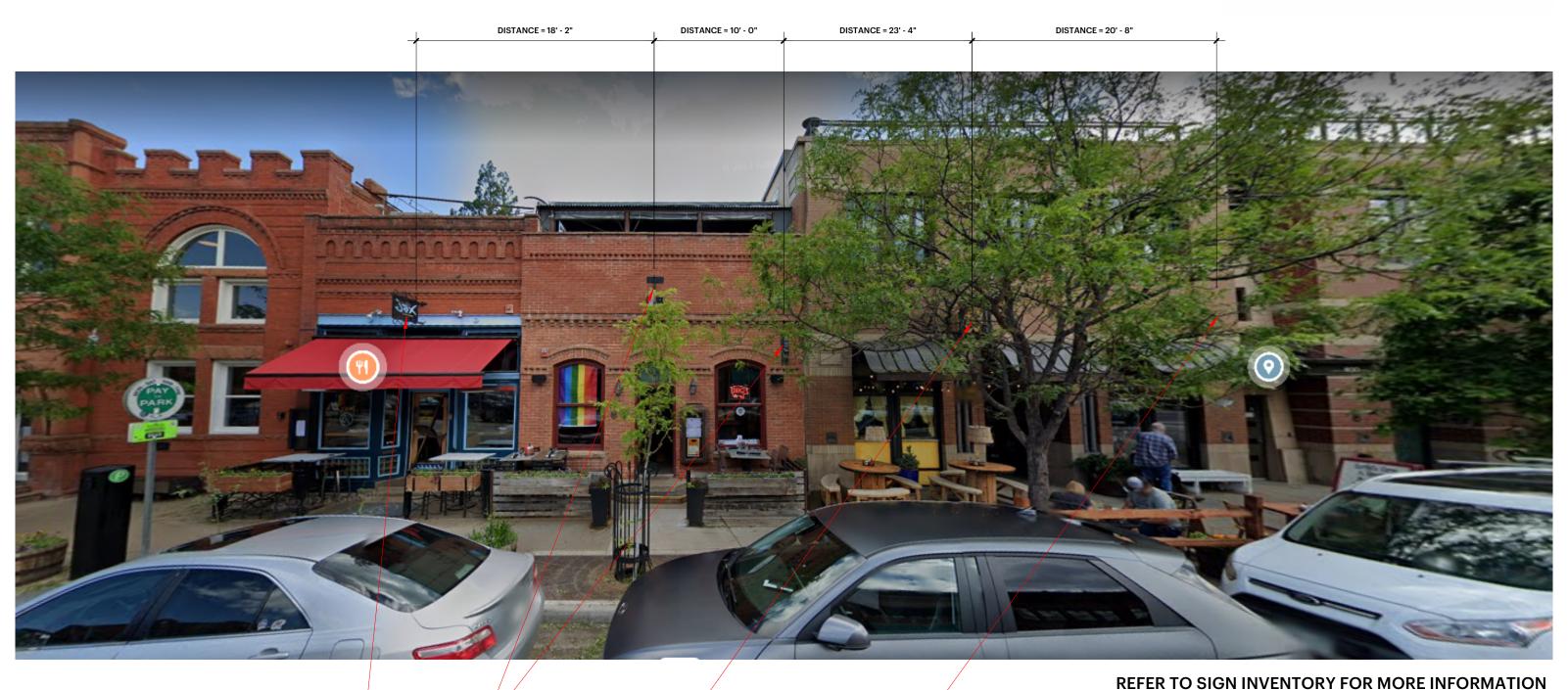
PROJECTING SIGN - SITE PLAN

SURROUND architecture









JAX (SIGN D1) —

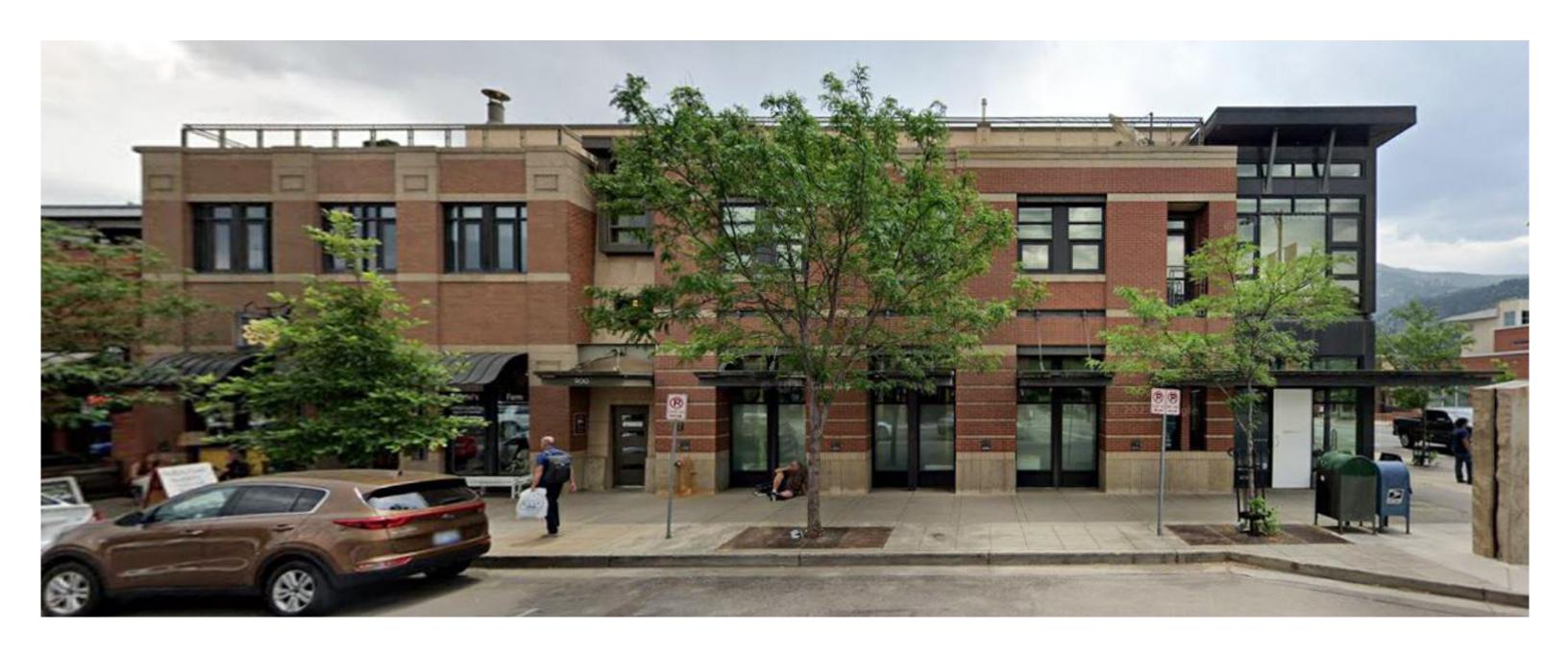
WEST END (SIGN C1 & C2)

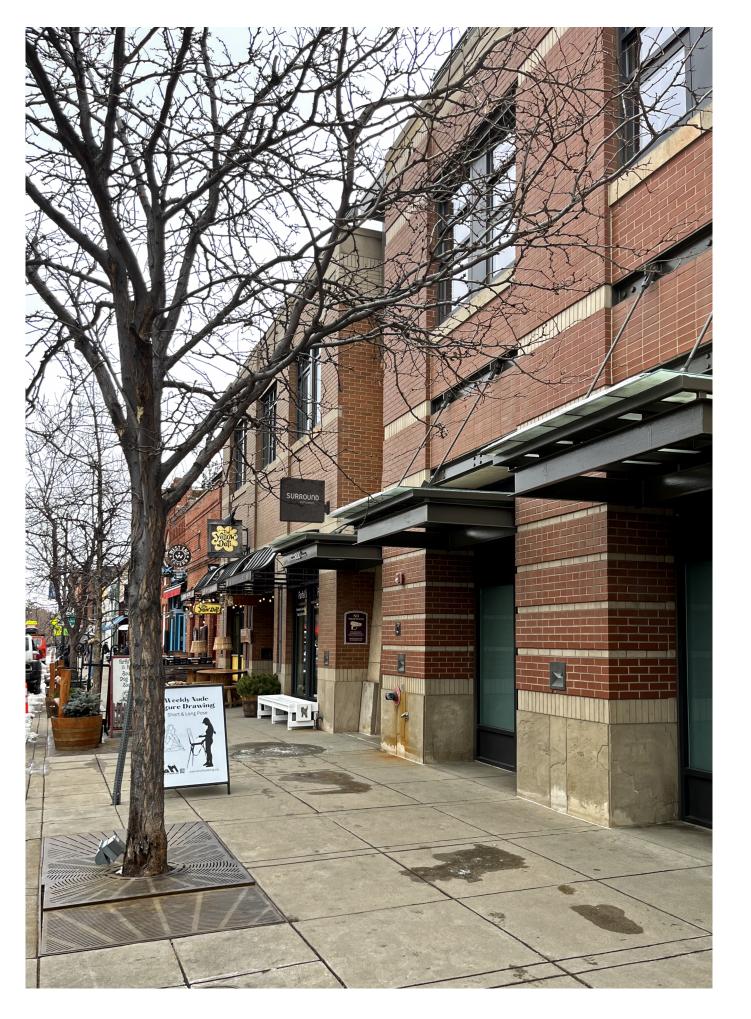
THE YELLOW DELI (SIGN A1)

PROPOSED SIGNAGE -

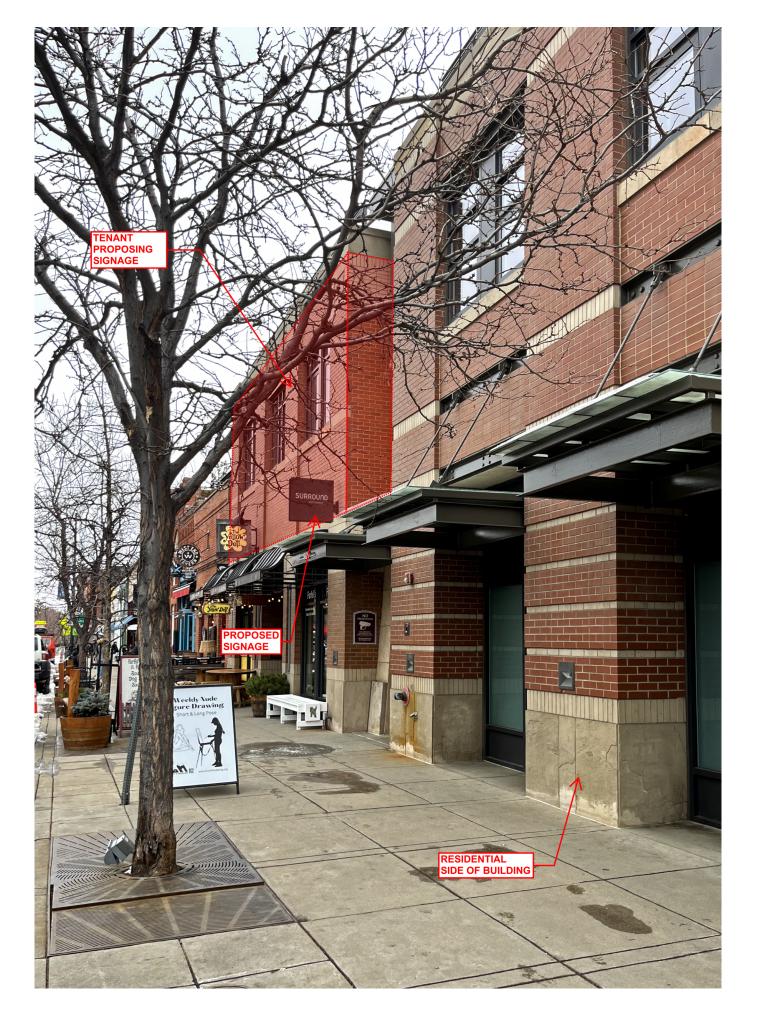
PROJECTING SIGN - PEARL STREET ELEVATION





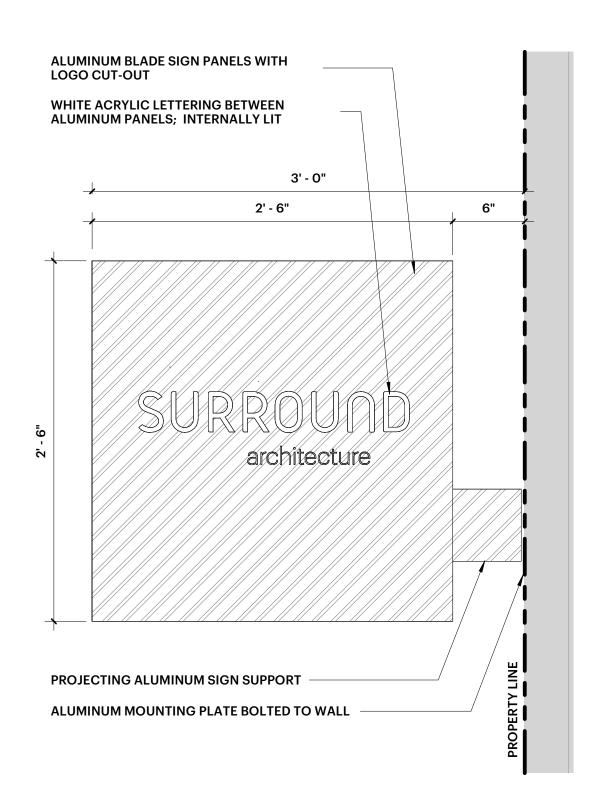


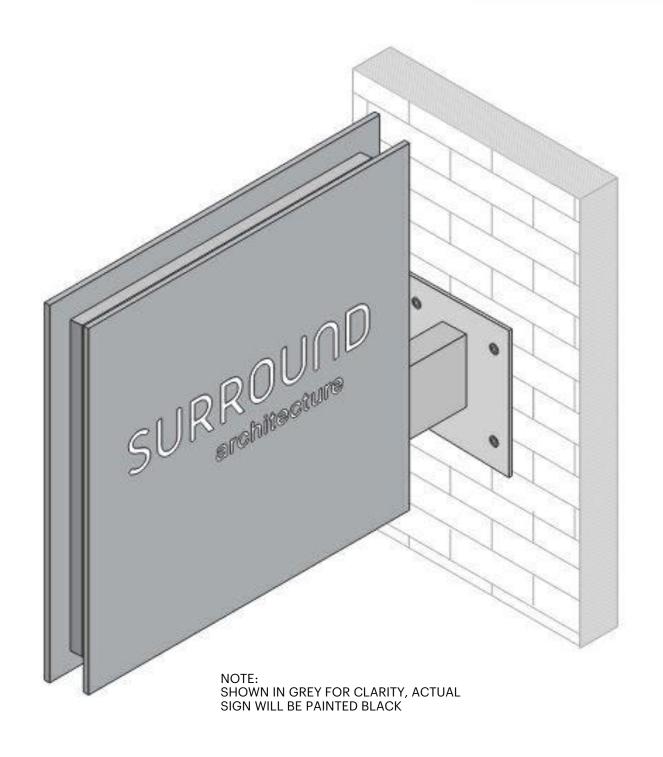














Sign Inventory

December 18, 2023

ATTN: Board of Zoning Adjustment (BOZA)

The following images exhibit the location of signs in the vicinity of 900 Pearl.

Sign A1 - 'The Yellow Deli' - 900 Pearl (Ground Tenant)

Total Number: Sign Type:

Projecting

11'-6" to Bottom of Sign, Height above Sidewalk:

Approx. 14'-0" +/- to Top of Sign



Sign C1 & C2 - 'West End Tavern' - 926 Pearl

Total Number:

Sign Type: Projecting

8'-6", 11'-7" to Bottom of Sign Height above Sidewalk:

Sign D1 - 'Jax Fish House' - 928 Pearl

Total Number:

Sign Type: Projecting

13'-5" to Bottom of Sign Height above Sidewalk:



2520 Broadway Boulder, CO 80304

CITY OF BOULDER BOARD OF ZONING ADJUSTMENT

ACTION MINUTES March 12, 2024 Virtual

Board Members Present: Jill Lester (Chair), Marine Siohan, Katie Crane,

Drew Eisenberg

Board Members Absent: Nikki McCord

City Attorney Representing Board: Erin Poe

Staff Members Present: Robbie Wyler, Amanda Cusworth, Thomas Remke

1. CALL TO ORDER:

Chair, J. Lester called the meeting to order at 4:01 p.m.

2. BOARD HEARINGS:

3. GENERAL DISCUSSION:

A. Approval of Minutes

On a motion by **K. Crane**, seconded by, **M. Siohan**, the Board of Zoning Adjustments voted 3-0 (**N. McCord** absent, **D. Eisenberg** absent from September meeting) to approve the September 12, 2023 BOZA minutes as submitted.

B. Matters from the Board

The board discussed their annual letter to council.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

Staff let the board know this may be **M. Siohan's** last meeting due to new board appointments being made at city council on March 14, 2024.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 5:02 P.M

APPROVED BY	
Board Chair	

