



**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA**

DATE: Tuesday, January 14, 2025

TIME: 4 p.m.

PLACE: Virtual Meeting

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

2. BOARD HEARINGS

A. Docket No.: BOZ2024-00017

Address: 2041 5th Street

Applicant: Henry Shaw Thomas

Wall Setback Variance: As part of a proposal to remodel the historic home, including a ~42 sqft expansion at the front entrance, the applicant is requesting a variance to the ‘Side Adjacent to Street = Front’ (north) setback standards for a principal structure in the RL-1 zoning district. The resulting north setback (*from the addition*) will be approximately 10.3 feet where 25 feet is required (*due to the adjacency rule*) and approximately 10.2 feet exists today (*from the closest point of the north face of the existing home*). Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The 10/08/24 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 Robbie Wyler (wylerr@bouldercolorado.gov), Brian Holmes (holmesb@bouldercolorado.gov) or Thomas Remke (remket@bouldercolorado.gov). Board packets are available after 4 p.m. Friday prior to the meeting, online at www.bouldercolorado.gov.

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



BOZ 2024-00008



BOZ 2024-00010

**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.

VIRTUAL MEETINGS

For Virtual Meeting Guidelines, refer to <https://bouldercolorado.gov/boards-commissions/board-of-zoning-adjustments-boza-agenda> page for the approved Board of Zoning Adjustment Rules for Virtual Meetings.

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

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
October 8, 2024
Virtual Meeting

Board Members Present: Jill Lester (Chair), Katie Crane,
Nikki McCord, Ben Doyle

Board Members Absent: Drew Eisenberg

City Attorney Representing Board: Erin Poe

Staff Members Present: Robbie Wyler, Amanda Cusworth

1. CALL TO ORDER:

J. Lester called the meeting to order at 4:02pm

2. BOARD HEARINGS:

A. Docket No.: BOZ2024-00009

Address: 2050 Mesa Drive

Applicant: Calisle Dean

Bulk Plane Variance: [*Returning Item Issued a Continuance at the August 13, 2024 BOZA Meeting*] As part of a proposal to construct a new single-family house on a substandard-sized vacant lot, the applicant is requesting a variance to the bulk plane requirements for a principal structure in the RMX-1 zoning district. The revised design results in a vertical bulk plane projection beyond the plane at the west side of the proposed house by approximately 4 feet (*at the greatest vertical measurement*). Section of the Land Use Code to be modified: Section 9-7-9, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the board.

Applicant's Presentation:

Peter Carey and Christopher Melton representing the applicant, answered questions from the board.

Public Hearing:

No one from the public addressed the board.

Board Discussion:

- **B. Doyle** appreciated the changes the applicant made since the August hearing particularly removing the encroachment on the east plane and the four foot remaining encroachment on the west side seems like a reasonable compromise.
- **J. Lester** agreed the applicant worked hard to bring it back in a way that can be approved.

Motion:

On a motion by **B. Doyle** and seconded by **K. Crane**, the Board of Zoning Adjustment approved 4-0 (**D. Eisenberg** absent) the application (**Docket BOZ2024-00009**) as submitted.

B. Docket No.: BOZ2024-00011

Address: 1313 7th Street

Applicant: Fred & Lisa Corrado

Setback Variance: As part of a proposal to reconstruct and increase in height a portion of the home's roof, the applicant is requesting a variance to both the rear (west) and interior side (north) setback standards for a principal structure in the RL-1 zoning district. This home is located on a substandard-sized lot and no new/additional floor area is proposed. The resulting rear setback will be approximately 3.9 feet (*at the closest point*) where 25 feet is required and approximately 3.9 feet exists today. The resulting interior side setback will be approximately 3.6 feet (*at the closest point*) where 5 feet is required and approximately 3.6 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the board.

Applicant's Presentation:

K. Callahan, representing the applicant, and **F. and L. Corrado**, the applicant, presented the item to the board and answered questions.

Public Hearing:

Sheila Goetz

Tom Krieger

Motion:

On a motion by **B. Doyle** and seconded by **J. Lester**, the Board of Zoning Adjustment approved 4-0 (**D. Eisenberg** absent) the application (**Docket BOZ2024-00011**) as submitted.

C. Docket No.: BOZ2024-00012

Address: 2715 Elm Avenue

Applicant: Kyle Luh

Parking Setback Variance: As part of a proposal to recognize and establish conforming off-street parking for the single-family home onto an existing driveway with access off Elm Avenue - a property that currently does not have conforming parking due to a prior attached garage conversion - the applicant is requesting a variance to the front yard landscape setback standards for parking in the RL-1 zoning district. The subject 9-foot-wide by 19-foot-deep parking space will be located approximately 13.7 feet from the front/south property line where 25 feet is required and no conforming or recognized parking exists at this location today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-9-6, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

There were no questions for staff.

Applicant's Presentation:

K. Callahan, representing the applicant, presented the item to the board and answered questions.

Public Hearing:

No one from the public addressed the board.

Motion:

On a motion by **B. Doyle** and seconded by **K. Crane**, the Board of Zoning Adjustment approved 4-0 (**D. Eisenberg** absent) the application (**Docket BOZ2024-00012**) as submitted.

D. Docket No.: BOZ2024-00013

Address: 435 Dewey Avenue

Applicant: Kim Parsons

Setback Variance: As part of a proposal to reconstruct and expand a portion of the home recently damaged by a fire, the applicant is requesting a variance to the interior side (west) setback standards for a principal structure in the RL-1 zoning district. The resulting side setback will be approximately 2.2 feet where 5 feet is required and approximately 2.2 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the board.

Applicant's Presentation:

J. Plagman with Human Nature Architecture, representing the applicant, presented the item to the board and answered questions.

Public Hearing:

No one from the public addressed the board.

Board Discussion:

- **N. McCord** stated she was in favor of it based on the H1 and H5 criteria.
- **B. Doyle** agreed.
- **J. Lester** would have liked to have seen the relationship between the other houses nearby and the impact to the neighbors. The applicant explained in further detail about the only impacted neighbor.

Motion:

On a motion by **K. Crane** and seconded by **B. Doyle**, the Board of Zoning Adjustment approved 4-0 (**D. Eisenberg** absent) the application (**Docket BOZ2024-00013**) as submitted.

3. GENERAL DISCUSSION:

A. Approval of Minutes

There were no minutes to approve at this time.

B. Matters from the Board

There were no matters from the board.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

J. Zeman was introduced as a new city intern.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:03 P.M

APPROVED BY

Board Chair

DATE



City of Boulder Planning and Development Services
 1101 Arapahoe Avenue • Boulder, CO 80306
 Phone: 303-441-1880 • Web: boulderplandevlop.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: 2041 5th St Boulder, CO 80302
- Legal Description: Lot _____ Block _____ Subdivision BOULDER O T EAST & WEST & NORTH - BO (Or attach description.)
- Lot Size: 7243 square feet N 50 FT LOTS 1-2 & E 30 FT OF N 50 FT LOT
- Existing Use of Property: Single family Residence 3 BLK 102 BOULDER WEST & 10 FT STRIP
- 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):
ONE
 Proposed Remodel Design results in an approximately 3'-0"x 14'-0" (40 sf) area on the Northeast corner of the existing house. The north Side Yard setback is non-conforming @ 10.3' where 25' is required per current zoning. The addition of the 52 sf maintains the 10.3' side yard setback that historically exists.

*Total gross floor area existing: 1653	*Total gross floor area proposed: 1705
*Total gross building coverage existing: 1381	*Total gross building coverage proposed: 1381
*Building height existing: 22'-1"	*Building height proposed: 22'-1"

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

- ◆ **Name of Owner:** Henry Shaw Thomas
 - Address: 2041 5th Street Telephone: _____
 - City: Boulder State: CO Zip Code: 80302 Email: _____
 - ◆ **Name of Contact (if other than owner):** Samuel Austin
 - Address: 1701 15th Street Unit 101 Telephone: 303-304-0868
 - City: Boulder State: CO Zip Code: 80302 Email: _____
- Samuel.Austin.Architect@gmail.com

APPLICATION TYPES (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)
- 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-developop).

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

Applicant Signature SA Date 11-26-2024
Owner (if other than Applicant) Signature H. Shan Thomas Date 12/04/2024

Written Statement for BOZA Setback Variance for 2041 5th St. Boulder, CO 80302

Nov 26, 2024

To: City of Boulder - BOZA Review Application

Re: Written Statement

Job Site Address: 2041 5th St. Boulder, CO 80302

Narrative:

Proposed Remodel Design results in an approximately 3'-0" x 14'-0" (42 sf) area on the Northeast corner of the existing house. The north Side Yard setback is non-conforming @ 10.3' where 25' is required per current zoning. The addition of the 42 sf maintains the 10.3' side yard setback that historically exists.

Total project areas will be 1693 sf 2 story residence with a 672 sf basement and 162 sf detached one car garage. Total proposed FAR is 1693 sf where the maximum FAR is 3549 sf, and total proposed building coverage is 1298 sf where the maximum building coverage is 2499 sf.

The existing 1913 building conforms to the setbacks at the time of construction, but zoning for the property was subsequently changed, which creates a non conforming setback condition for the existing structure. Both the front and back setbacks meet the current minimum setback requirement of 25'-0" minimums. The South Side Yard setback required minimums are met. The non conformance is the North Setback from a street is 10.3' where 25' is required. The proposal doesn't increase the current non-conformance. The proposal is to move the wall forward to the east within the envelope of the existing front porch, while maintaining the current building envelope. We have the approval from the Landmarks Board to shorten the existing porch by 3' to allow for the lengthening of the interior stairs. The purpose of the addition is to rebuild the stair to meet code.

In designing the remodel, it was determined that the most efficient and least impactful solution to meet the current owner's needs would be to shift the existing front door wall 3 feet to the East in order to create stairs that meet the current minimum standard. This solution allows for the minimum intervention of a contributing building within the Mapleton Historic District.

The hardship at this property results from the current zoning for a corner lot with adjacent property to the west facing the adjacent street creating a double 25' setback condition in the front yard and side yard in RL-1. The historic home was built in 1913 with different zoning regulations.

The request to maintain the existing non-conforming side yard setback of 10.3 ft rather than 25' ft for this 42 sf addition that encroaches into the existing porch area.

Criteria (City Code Excerpt of Section 9-2-3(h), B.R.C. 1981)

(h) Criteria for Variances. The Board of Zoning Adjustment may grant a variance only if it finds that the application satisfies all of the applicable requirements of paragraphs (1), (2), (3), or (4) of this subsection and the requirements of paragraph (5) of this subsection.

(1) Physical Conditions or Disability:

(A) That there are:

(i) Unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or

The non-conforming condition was uniquely created when the property was re-zoned to require a minimum 25' ft side yard setback on a corner lot where the adjacent property to the west faces Spruce St. creating 2 front yard setbacks. The non-compliance is the existing historic 10.3' on the north sideyard setback, where 25'-0" is required on the Spruce street side.

(ii) There is a physical disability affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property; and

No.

(B) The unusual circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located; and

The Mapleton Hill Historic neighborhood includes properties in both the RMX-1 and RL-1 zone district. This is a unique situation in the zoning rules that creates a double 25' setback condition on the North and East sides. The site is a 50' wide by 141' deep lot running E/W.

(C) Because of such physical circumstances or conditions the property cannot reasonably be developed in conformity with the provisions of this chapter; and

Due to the unique zoning situation, the property can't be reasonably developed to comply with the zoning regulations. The lot dimensions and the double 25' setback condition on the North and East sides prevent it being redeveloped.

(D) Such unnecessary hardship has not been created by the applicant.

The hardship from the unique zoning rules haven't been created by the applicant. The non-conforming side yard setback condition was created by City of Boulder rezoning and not by the applicant.

(2) Energy Conservation -

(A) The variance will permit construction of an addition to a building that was constructed on or before January 1, 1983; **-Not Applicable**

(B) The proposed addition will be an integral part of the structure of the building; (C) The proposed addition will qualify as a "solar energy system" as defined in Section 9-16, "Definitions," B.R.C. 1981, or will enable the owner of the building to reduce the net use of energy for heating or cooling purposes by a minimum of 10% over the course of a year of average weather conditions for the entire building; and **-Not Applicable**

(D) The costs of constructing any comparable addition within existing setback lines so as to achieve comparable energy purposes would be substantially greater than the cost of constructing the addition which is proposed for the variance.

Yes. The addition to the front facade will allow for a more energy efficient remodeling of the stair and upper dormer and allow for the area to be insulated and windows installed that are up to current energy code compliance.

(3) Solar Access

(A) The volume of that part of the lot in which buildings may be built consistent with this code has been reduced substantially as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981; **Solar Access is not impacted with the addition. The addition is within the existing building envelope.**

(B) The proposed building or object would not interfere with the basic solar access protection provided in Section 9-9-17, "Solar Access," B.R.C. 1981; and

Solar Access is not impacted with the addition. The addition is within the existing building envelope.

(C) The volume of the proposed building to be built outside of the building setback lines for the lot will not exceed the amount by which the buildable volume has been reduced as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981.

The addition is within the existing building envelope.

(4) Designated Historic Property - **Building is a contributing building within the Mapleton Historic District. The Landmarks Board has approved the proposed alterations with conditions see HIS2024-00191.**

The property could be reasonably developed in conformity with the provisions of this chapter, but the building has been designated as an individual landmark or recognized as a contributing building to a designated historic district. As part of the review of an alteration certificate pursuant to Chapter 9-11, "Historic Preservation," B.R.C. 1981, the approving authority has found that development in conforming locations on the lot or parcel would have an adverse impact upon the historic character of the individual landmark or the contributing building and the historic district, if a historic district is involved.

The property couldn't be reasonably developed due to the lot size and setback requirements. The property is in the Mapleton Hill Historic District and the existing building is a contributing structure within the District.

(5) Requirements for All Variance Approvals

(A) Would not alter the essential character of the neighborhood or district in which the lot is located;

The proposal is a very modest addition and interior remodel of stairs and bathroom to the existing home and is well within the FAR and Building Coverage requirements for the property. The resulting design is sympathetic to the essential historic nature of the existing Mapleton neighborhood.

(B) Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;

The addition in no way impairs the reasonable enjoyment or development of adjacent property.

(C) Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title; and

This is the minimum setback variance that would afford relief and would be the least modifications needed. Without the variance, the stair remodel will not be possible. The geometry of the stair and building has only 1 feasible solution which requires moving the east wall at the porch forward 3'. It is the minimum solution allowed by code.

This solution was presented to the Landmarks Board. They have agreed and have approved the addition with minor conditions. Marcy Cameron has indicated that a letter of support for the BOZA Variance regarding these design changes is forthcoming.

(D) Would not conflict with the provisions of Section 9-9-17, "Solar Access," B.R.C.1981.

The solar access to the neighboring properties is not impacted with this setback variance. The proposed area of non-conformance is only one story in height and does not exceed the 12 ft solar fence in the RL-1 Solar Access Area.

Parcel Description

(PROVIDED BY LAWYERS TITLE INSURANCE COMPANY)

DEED RECORDED ON 05/11/2005 AT REC. NO. 2687240

THAT PART OF LOTS 1, 2, AND 3, BLOCK 102, WEST BOULDER, AND A STRIP OF LAND 10.00 FEET IN WIDTH ADJOINING THE EASTERLY LINE OF LOT 1, DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHERE THE WEST LINE OF FIFTH STREET INTERSECTS WITH THE SOUTH LINE OF SPRUCE STREET (BEING 10.00 FEET EASTERLY FROM THE NORTHEAST CORNER OF LOT 1, BLOCK 102, WEST BOULDER);
 THENCE WESTERLY ALONG THE SOUTH LINE OF SPRUCE STREET, 140.00 FEET;
 THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF FIFTH STREET, 50.00 FEET;
 THENCE EASTERLY ALONG THE LINE PARALLEL WITH THE SAID SOUTH LINE OF SPRUCE STREET, A DISTANCE OF 140.00 FEET TO THE WEST LINE OF FIFTH STREET;
 THENCE NORTHERLY ALONG SAID WEST LINE OF FIFTH STREET TO THE POINT OF BEGINNING, SAID PROPERTY BEING THE NORTHERLY 50.00 FEET OF LOTS 1 AND 2 AND THE EASTERLY 30 FEET OF THE NORTHERLY 50 FEET OF LOT 3, BLOCK 102, WEST BOULDER, AND THE NORTHERLY 50 FEET OF A 10.00 FOOT STRIP ALONG THE EASTERLY SIDE OF SAID LOT 1, BLOCK 102, WEST BOULDER, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 AT PAGE 48, COUNTY OF BOULDER, STATE OF COLORADO.

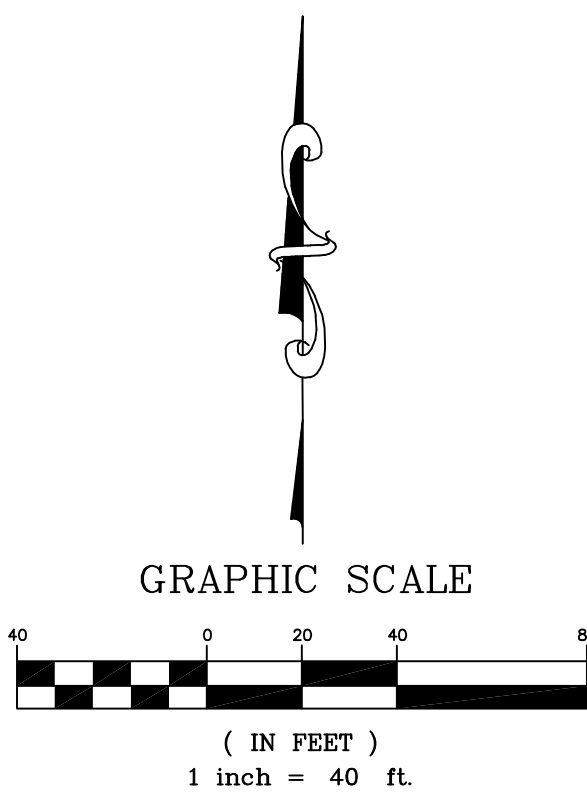
Legend

- + FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- ⊕ FOUND 3/4IN BRASS TAG "LS24302" 20' OFFSET
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATRONS SURV 16406" UNLESS NOTED OTHERWISE
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P) AS PER THE PLAT OF WEST BOULDER RECORDED WITH BOULDER COUNTY ON FEBRUARY 28, 1874 AT RECEPTION NO. 88000036
- (TC) AS PER DESCRIPTION IN TITLE DOCUMENT (SEE NOTE 1)

Boundary Closure Report

COURSE: N74°49'06"E LENGTH: 141.06'
 COURSE: S15°08'04"E LENGTH: 50.00'
 COURSE: S74°49'06"W LENGTH: 141.04'
 COURSE: N15°09'51"W LENGTH: 50.00'

PERIMETER: 382.10'
 ERROR CLOSURE: 0.01
 PRECISION 1: 38210



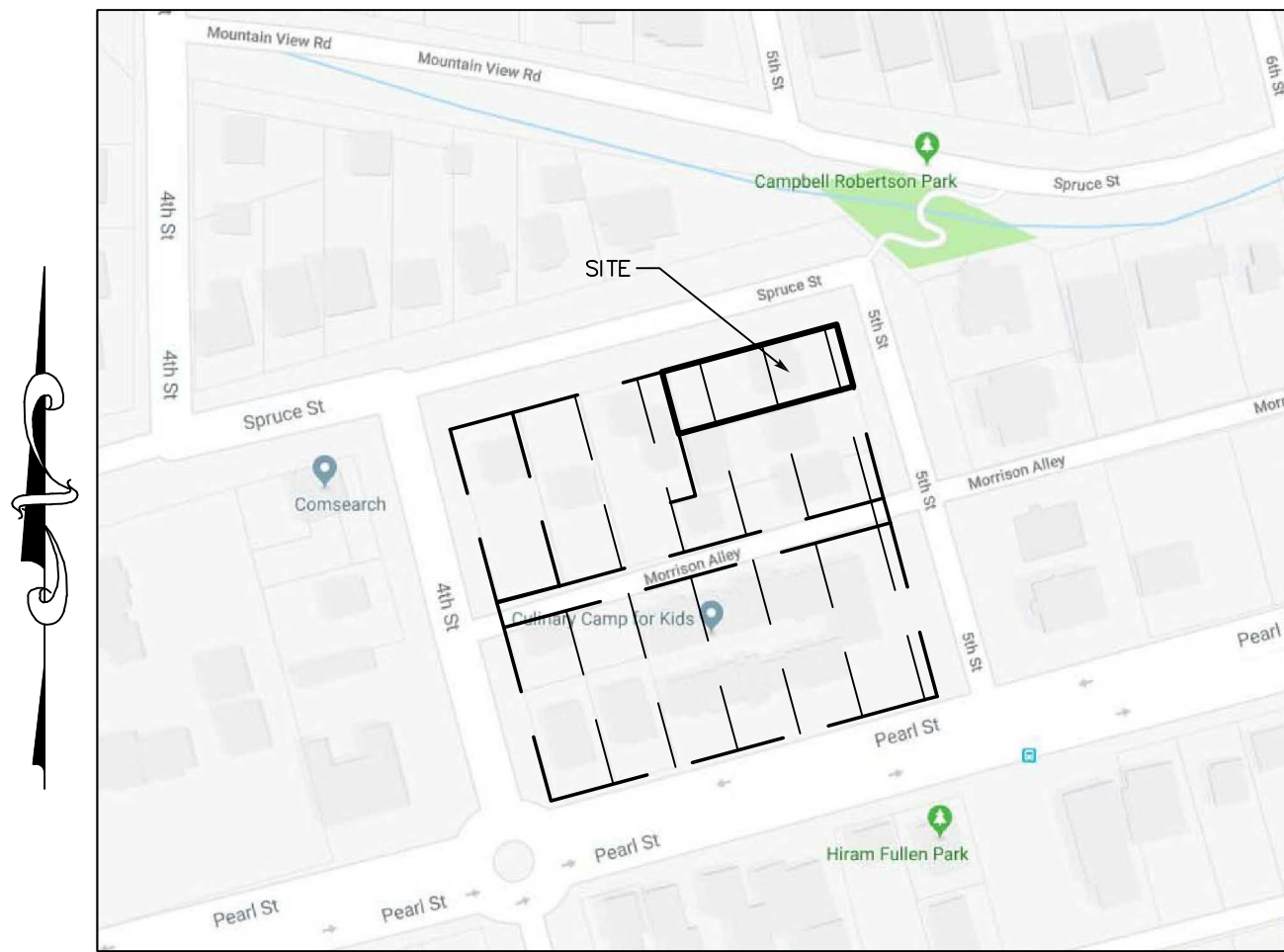
Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR RECORDING ON THIS _____ DAY OF _____ 20____

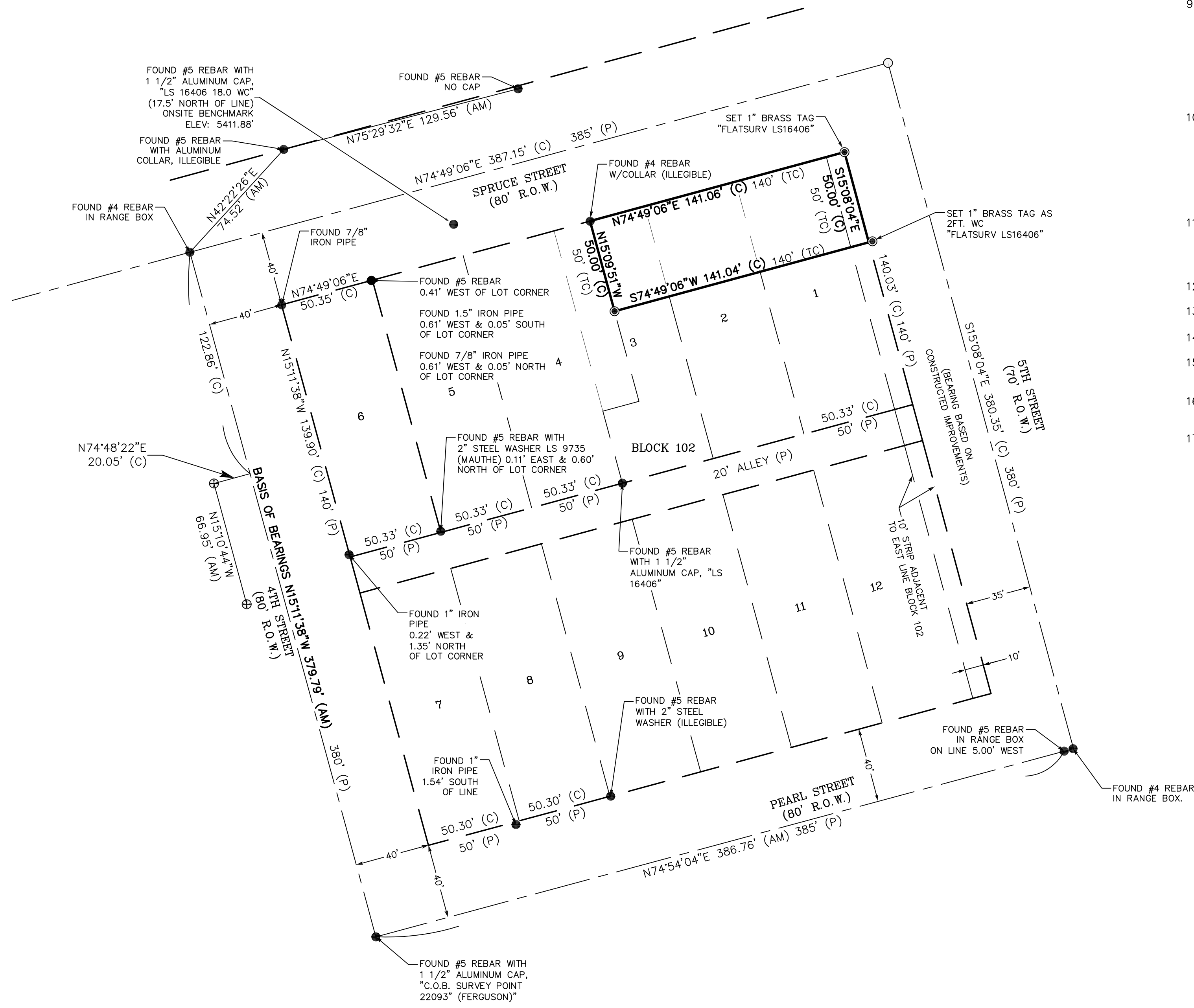
IMPROVEMENT SURVEY PLAT

PORTIONS OF LOTS 1, 2 AND 3, BLOCK 102, WEST BOULDER, 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 2



Vicinity Map
 NOT TO SCALE
 MAP DATA ©2019 GOOGLE



Notes

- LAWYERS TITLE INSURANCE COMPANY COMMITMENT NUMBER B28-2004250, DATED MAY 12, 2005 AT 8:00 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.
- 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.
- THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF MICHAEL H. HIGUERA AND MIMI MATHER, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N15°11'38"W ALONG THE CENTER LINE OF 4TH STREET, BETWEEN A FOUND 1.5" ALUMINUM CAP ON #5 REBAR STAMPED "22093 C.O.B. SURVEY POINT" AT THE INTERSECTION OF 4TH STREET & PEARL STREET AND A FOUND #4 REBAR IN RANGE BOX AT THE INTERSECTION OF 4TH STREET & SPRUCE STREET AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE 0501, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- 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.
- 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.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- 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.
- BENCHMARK INFORMATION: A GPS DERIVED ELEVATION WAS ESTABLISHED AT AN ONSITE BENCHMARK AT THE WITNESS CORNER, 18' NORTH OF THE NORTHWEST CORNER OF LOT 4, BLOCK 102, WEST BOULDER, BEING A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP, "LS 16406 18.0 WC" WITH AN ELEVATION OF 5411.88 FEET. A CHECK SHOT, 0.1", WAS TAKEN ON CITY BOULDER POINT TJS1-2, BEING A CHISELED SQUARE IN CONCRETE CURB LOCATED 0.3 MILES FROM SITE, WITH A PUBLISHED ELEVATION OF 5369.89 FEET (NAVD88). NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THIS ELEVATION.
- 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.
- FENCES ARE NOT COINCIDENT WITH PROPERTY LINES AS SHOWN HEREON.
- PLANTER BOXES EXTEND ACROSS PROPERTY LINES AS SHOWN HEREON.
- DATES OF FIELDWORK: APRIL 11, 2019 (CREW CHIEF N. WELLS)
- IMPROVEMENT SURVEY PLAT RECORDED WITH BOULDER COUNTY LAND USE AT LS-13-0183 (FSI JOB #13-61,474) WAS CONSIDERED FOR THIS BOUNDARY.
- OWNERSHIP INFORMATION IS PER BOULDER COUNTY WEBSITE AS RESEARCHED ON MAY 1, 2019 AND IS SUBJECT TO CHANGE.
- 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.

#01	NO DATE GIVE	NO RECORDING NO.	ANY UNPATENTED MINING CLAIMS
#02	NO DATE GIVE	NO RECORDING NO.	TAXES FOR YEAR 2005
#03	MAY 11, 2005	REC. NO. 2687241	DEED OF TRUST

Surveyor's Statement

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATRONS, INC., TO MICHAEL H. HIGUERA AND MIMI MATHER, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON APRIL 11, 2019; 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.

JOHN B. GUYTON COLORADO P.L.S. #16406
 CHAIRMAN & CEO, FLATRONS, INC.

REVISION	DATE
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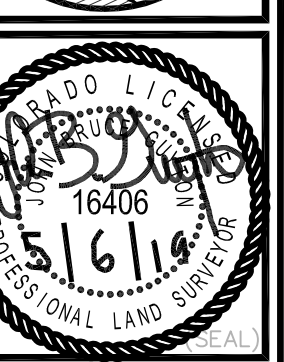
IMPROVEMENT SURVEY PLAT

PREPARED FOR
 MICHAEL H. HIGUERA
 AND
 MIMI MATHER

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Flatrons, Inc.
 Surveying, Engineering & Geomatics
 www.FlatronsInc.com

3825 IRIS AVE. STE. 395
 BOULDER, CO 80301
 PH: (303) 443-7001
 FAX: (303) 443-9830



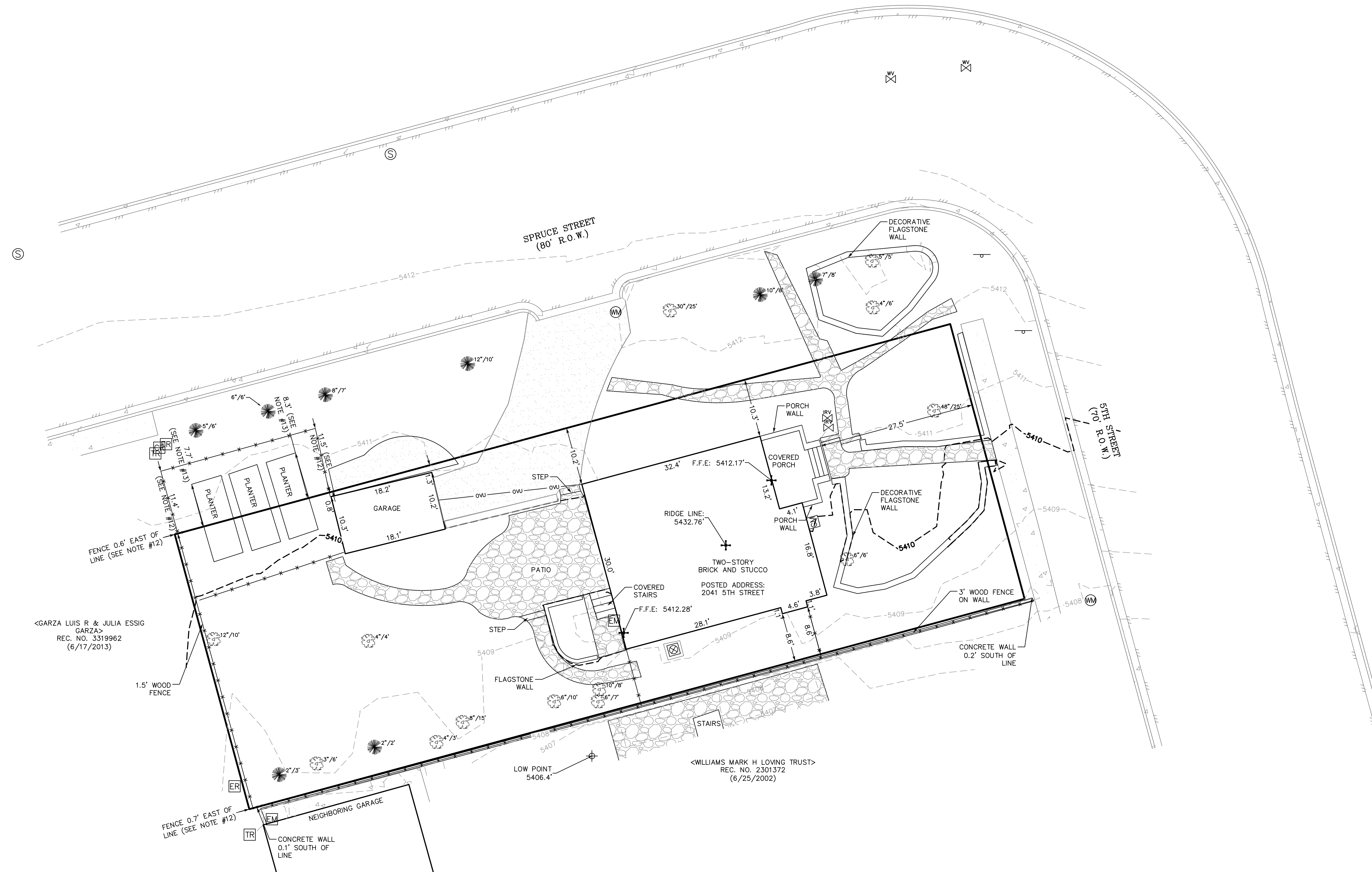
JOB NUMBER:
 19-72,890
 DATE:
 05-01-2019
 DRAWN BY:
 M. VOYLES
 CHECKED BY:
 TDH/WRB/SB

SHEET 1 OF 2

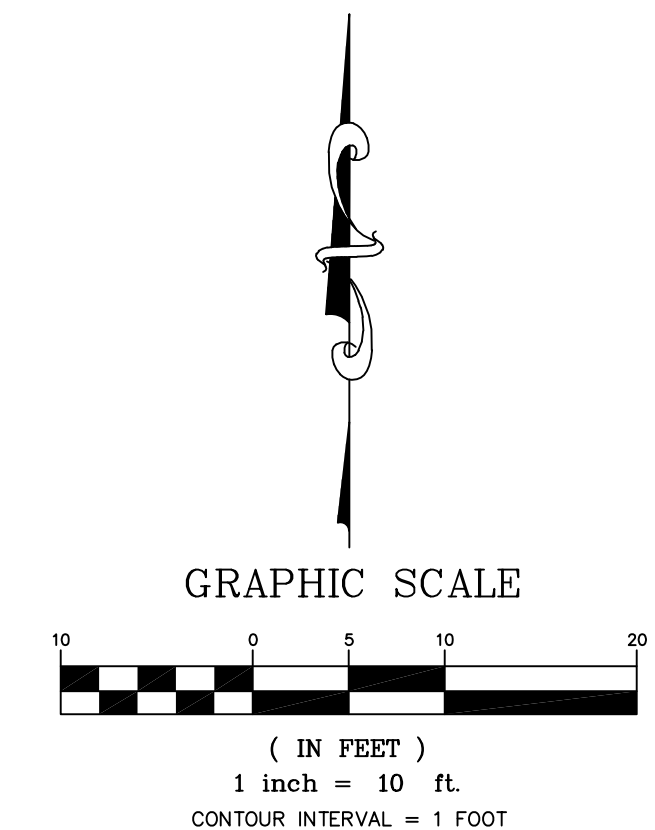
IMPROVEMENT SURVEY PLAT

PORTIONS OF LOTS 1, 2 AND 3, BLOCK 102, WEST BOULDER, 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 2 OF 2



- Legend**
- CONCRETE
 - EDGE OF ASPHALT
 - GRAVEL
 - FLAGSTONE
 - FENCE
 - SIGN
 - DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
 - CONIFEROUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
 - WATER VALVE
 - WATER METER
 - IRRIGATION VALVE
 - SANITARY SEWER MANHOLE
 - ELECTRIC METER
 - ELECTRIC RISER
 - CABLE/FIBEROPTIC RISER
 - OVERHEAD UTILITY LINE
 - TELEPHONE RISER
 - GAS METER
 - AIR CONDITIONER UNIT
 - LOCATION OF BUILDING HEIGHT/FINISHED FLOOR
 - PARCEL OWNERSHIP INFORMATION
 - BUILDING HEIGHT
 - FINISHED FLOOR ELEVATION
 - SPOT ELEVATION



REVISION	DATE
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IMPROVEMENT SURVEY PLAT
 PREPARED FOR
 MICHAEL H. HIGUERA
 AND
 MIMI MATHER
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Flatrons, Inc.
 Surveying, Engineering & Geomatics
 www.FlatronsInc.com
 3825 IRLS AVE. STE. 395 4501 LOGAN ST.
 BOULDER, CO 80301 DENVER, CO 80216
 PH: (303) 443-7001 PH: (303) 936-6997
 FAX: (303) 443-4355 FAX: (303) 923-3180



JOB NUMBER:
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 DATE:
05-01-2019
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M. VOYLES
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TDH/WRB/SB

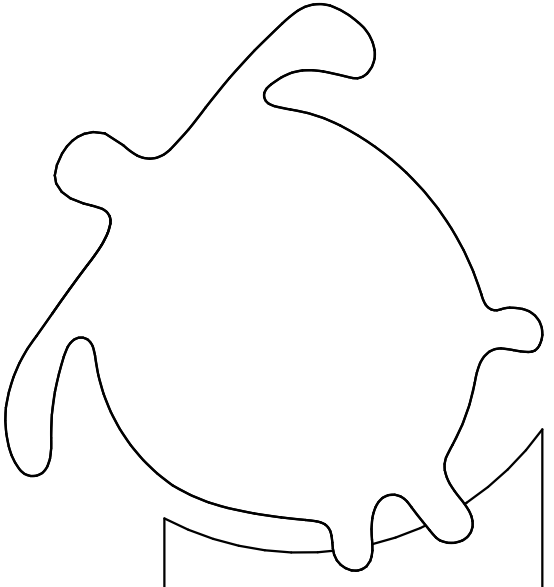
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LS-20-0140

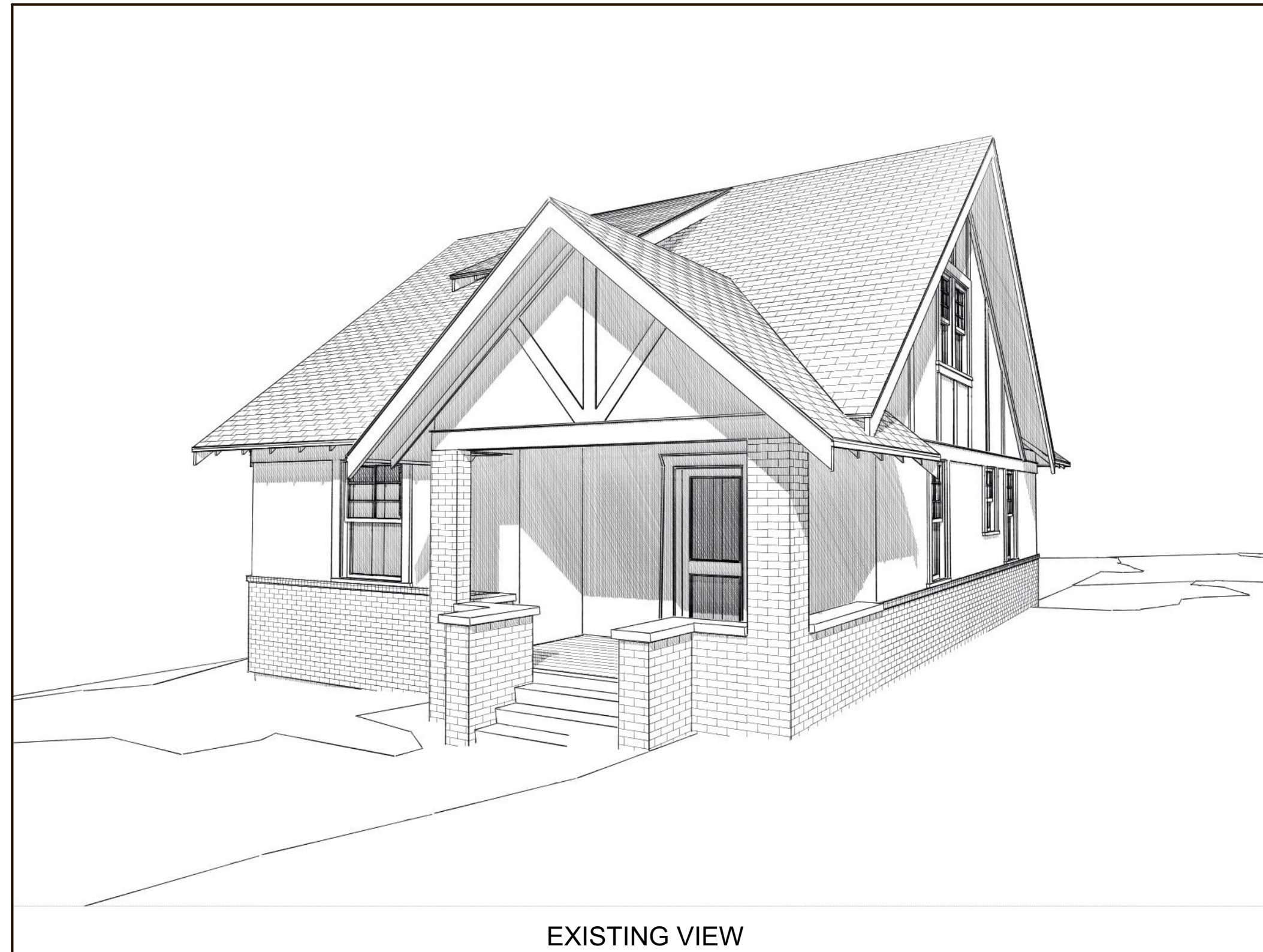
Spruce Sanctuary

2041 5th Street, Boulder, CO 80302

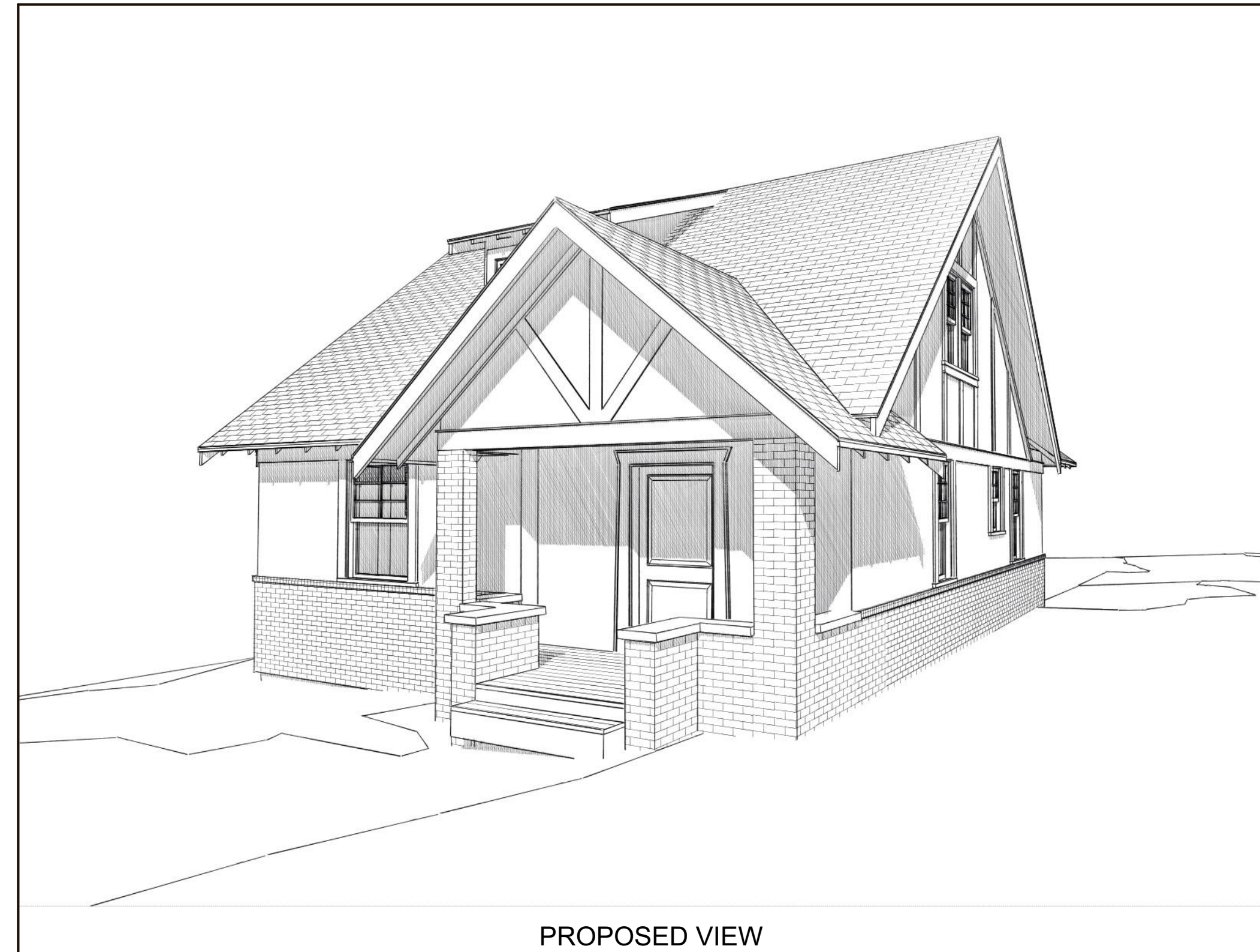


NOTICE: DUTY OF COOPERATION
Release of these plans contemplates further cooperation among the owner, his contractor and the architect. Design and construction are complex. Although the architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Communication is important, and every contingency cannot be anticipated. Any ambiguity or discrepancy associated with the use of these plans shall be reported immediately to the architect. Failure to notify the architect compounds misunderstandings and increases construction costs. A failure to cooperate by a single party to the architect shall relieve the architect from responsibility for all consequences. Changes made from the plans without the consent of the architect are unauthorized, and shall negate the architect's responsibility for consequences arising out of such changes.

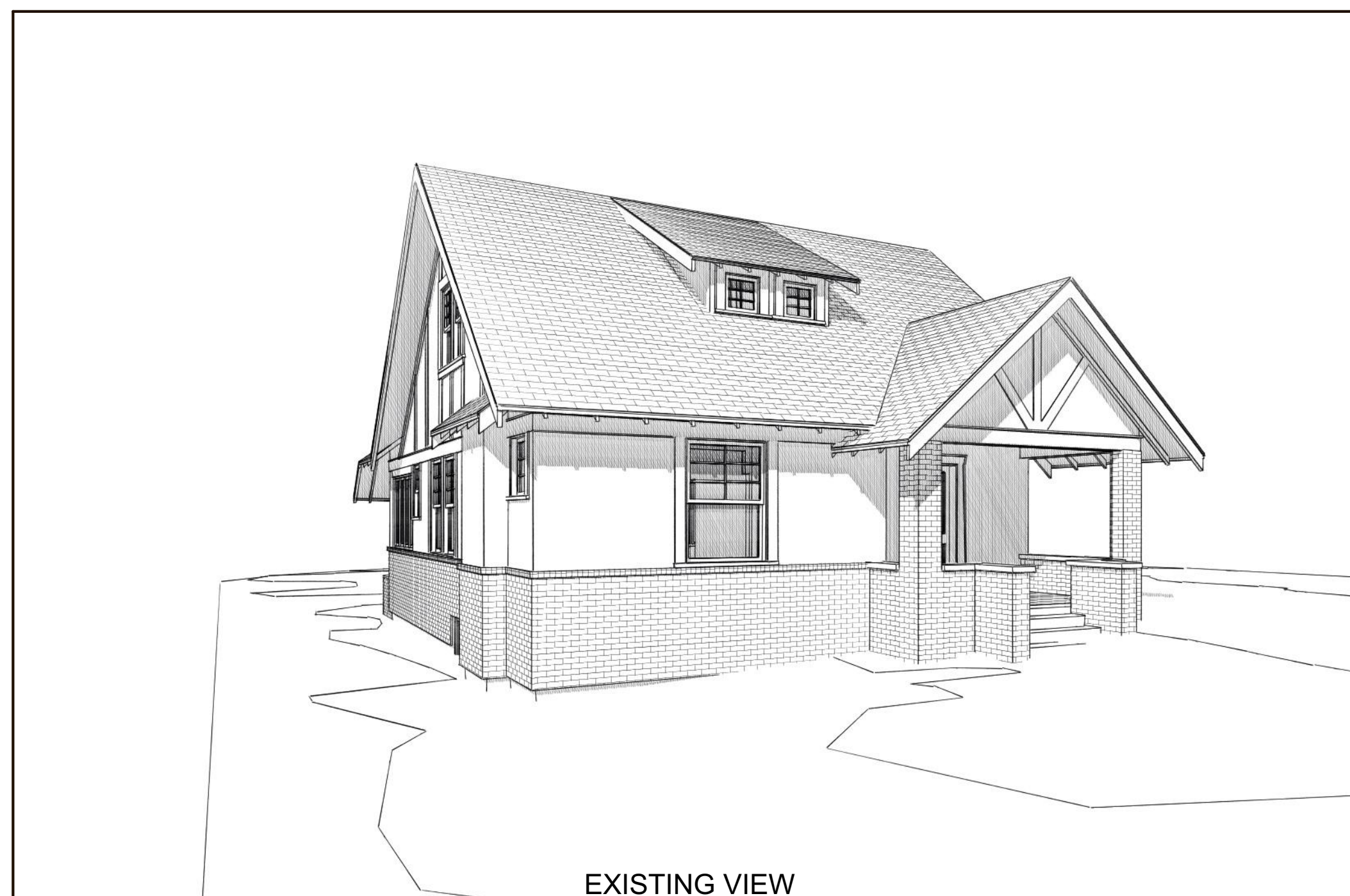
SHEET INDEX	
No.	Name
A-1	COVER SHEET
A-2	SITE PLAN
A-3	PROPOSED & EXISTING PLANS
A-4	PROPOSED & EXISTING PLANS
A-5	EXISTING & PROPOSED ELEVATIONS
A-6	EXISTING & PROPOSED ELEVATIONS
A-7	EXISTING & PROPOSED BUILDING SECTION



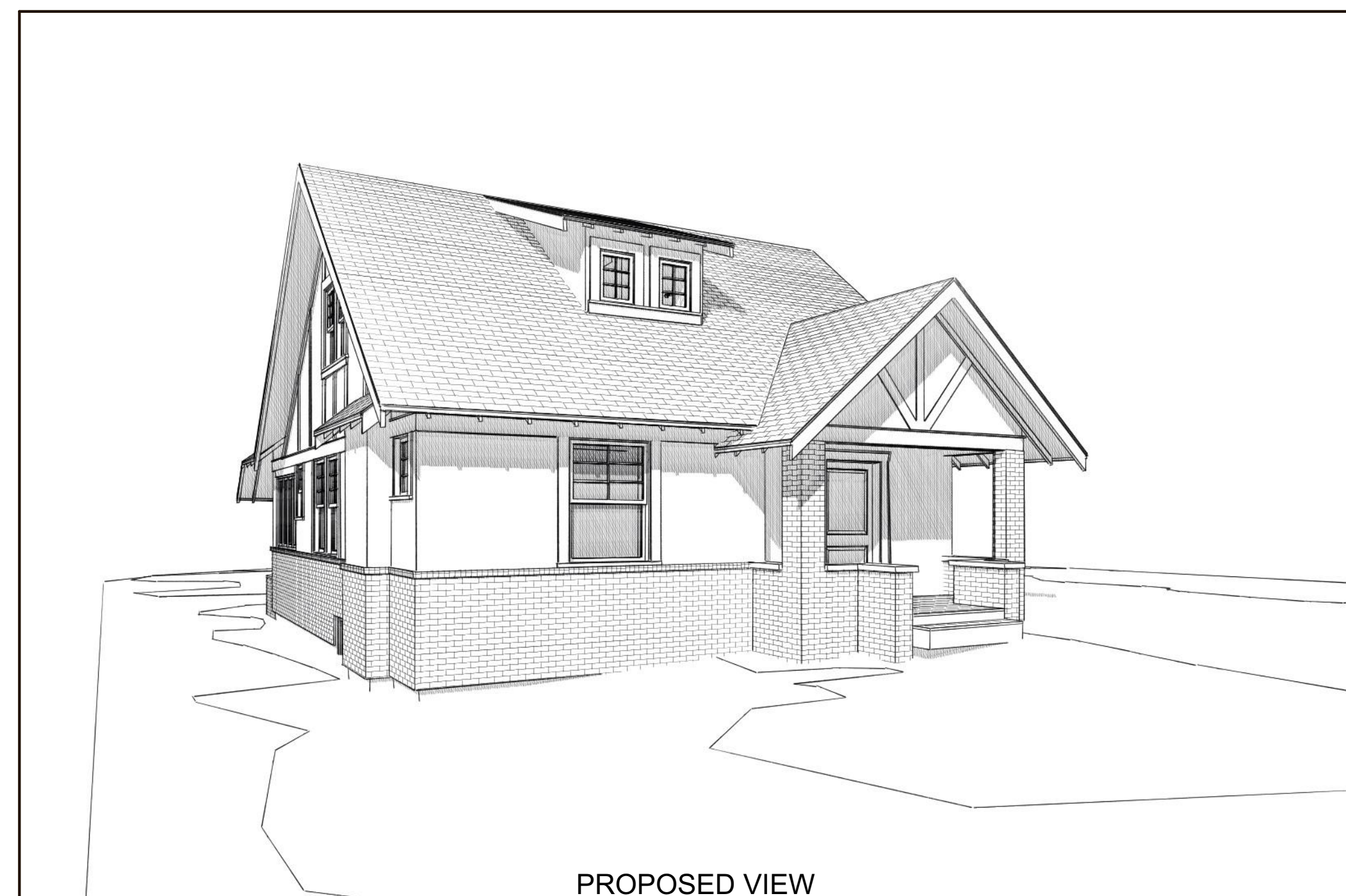
EXISTING VIEW



PROPOSED VIEW



EXISTING VIEW



PROPOSED VIEW

Samuel Austin & Company
Architects, Inc.
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Boulder, CO 80302
(303) 498-2099

Spruce Sanctuary
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Boulder, CO 80302

JOB# 2410

COVER SHEET

drawn by: CADDesigns

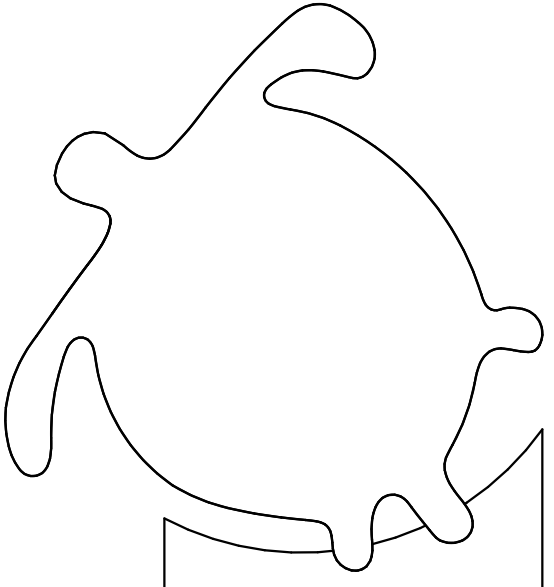
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A-1

1 of 7



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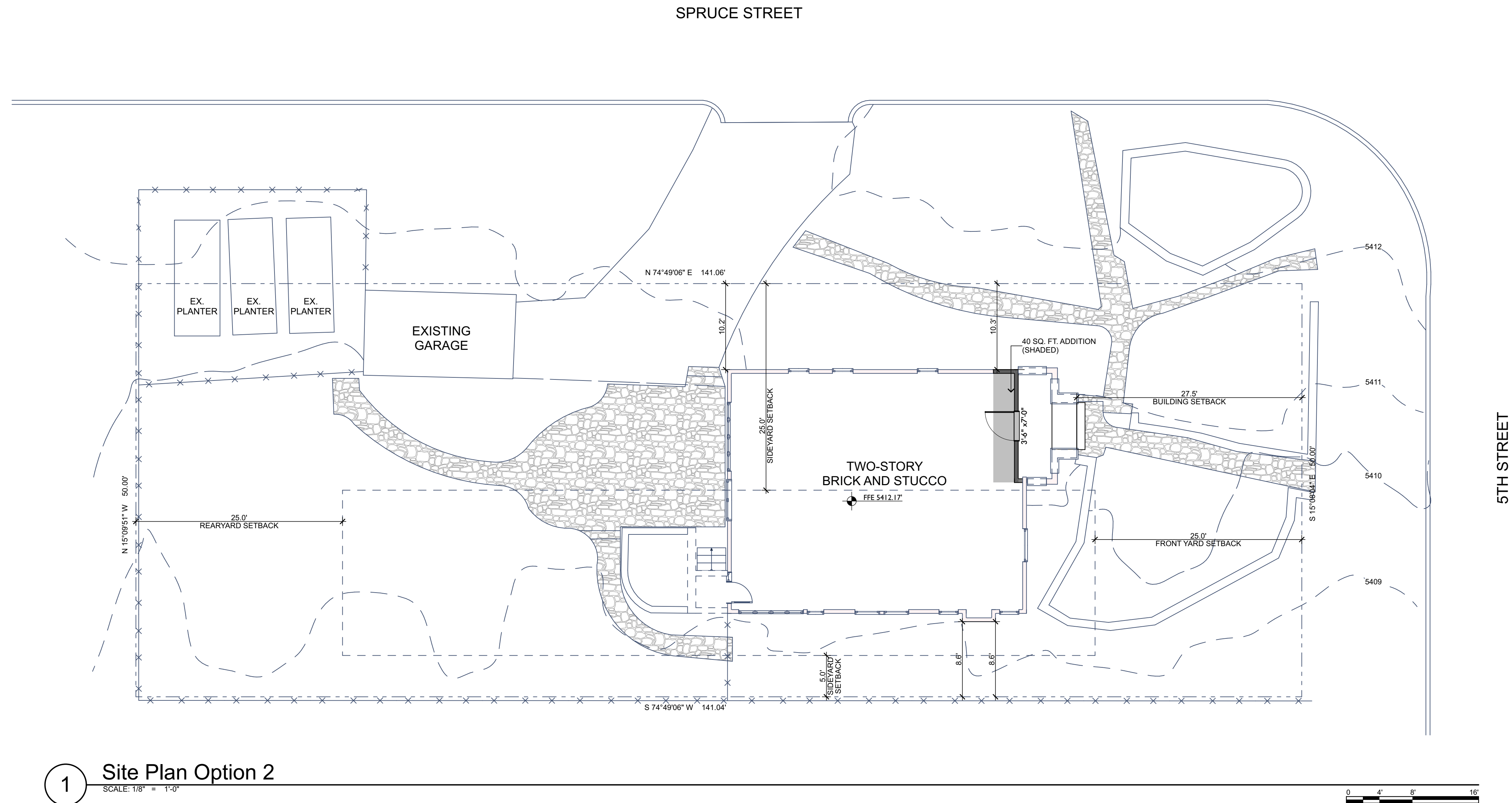
Spruce Sanctuary
 2041 5th Street
 Boulder, CO 80302

JOB# 2410

SITE PLAN

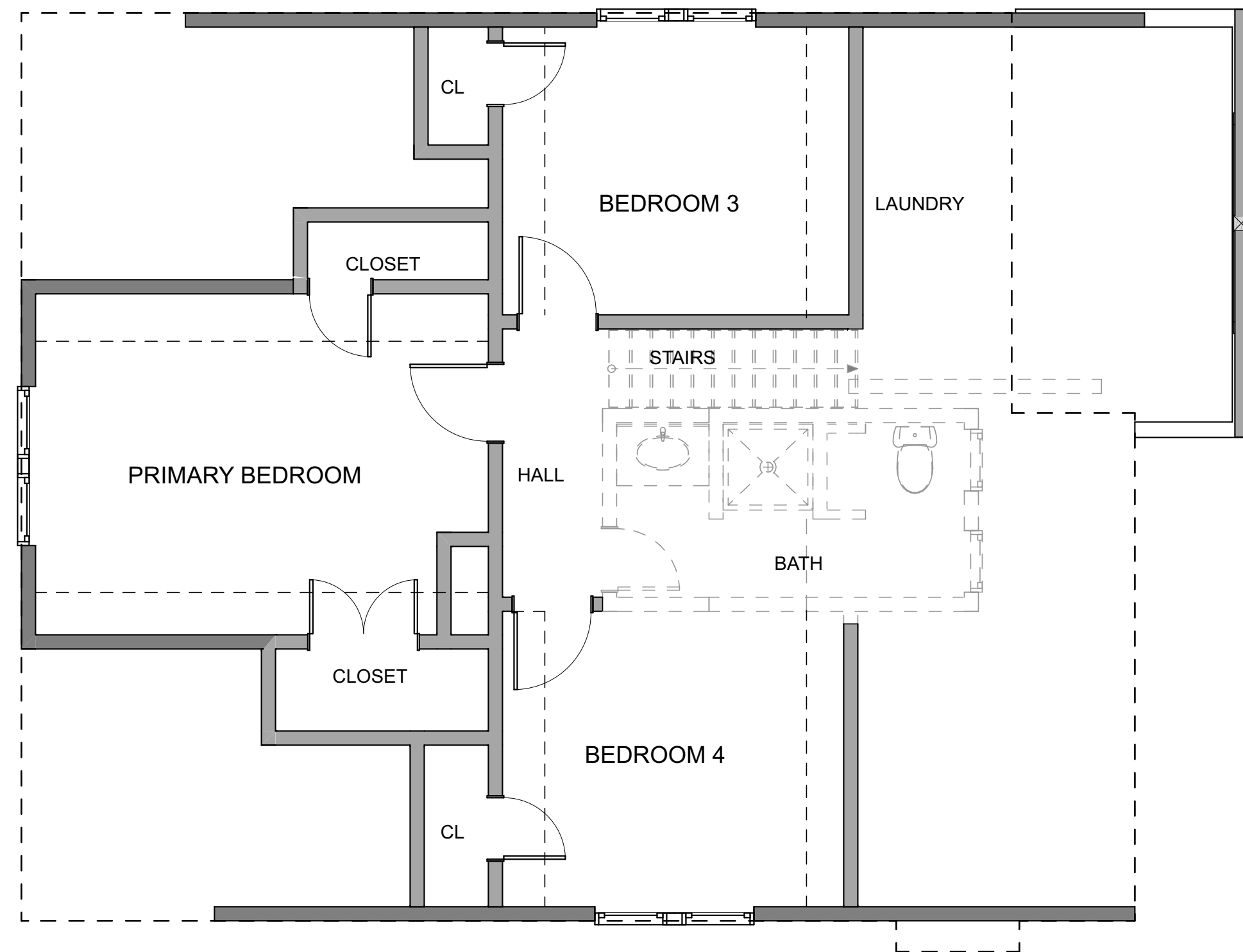
drawn by: CADDesigns
 issued: 12/17/24
 revised:

sheet
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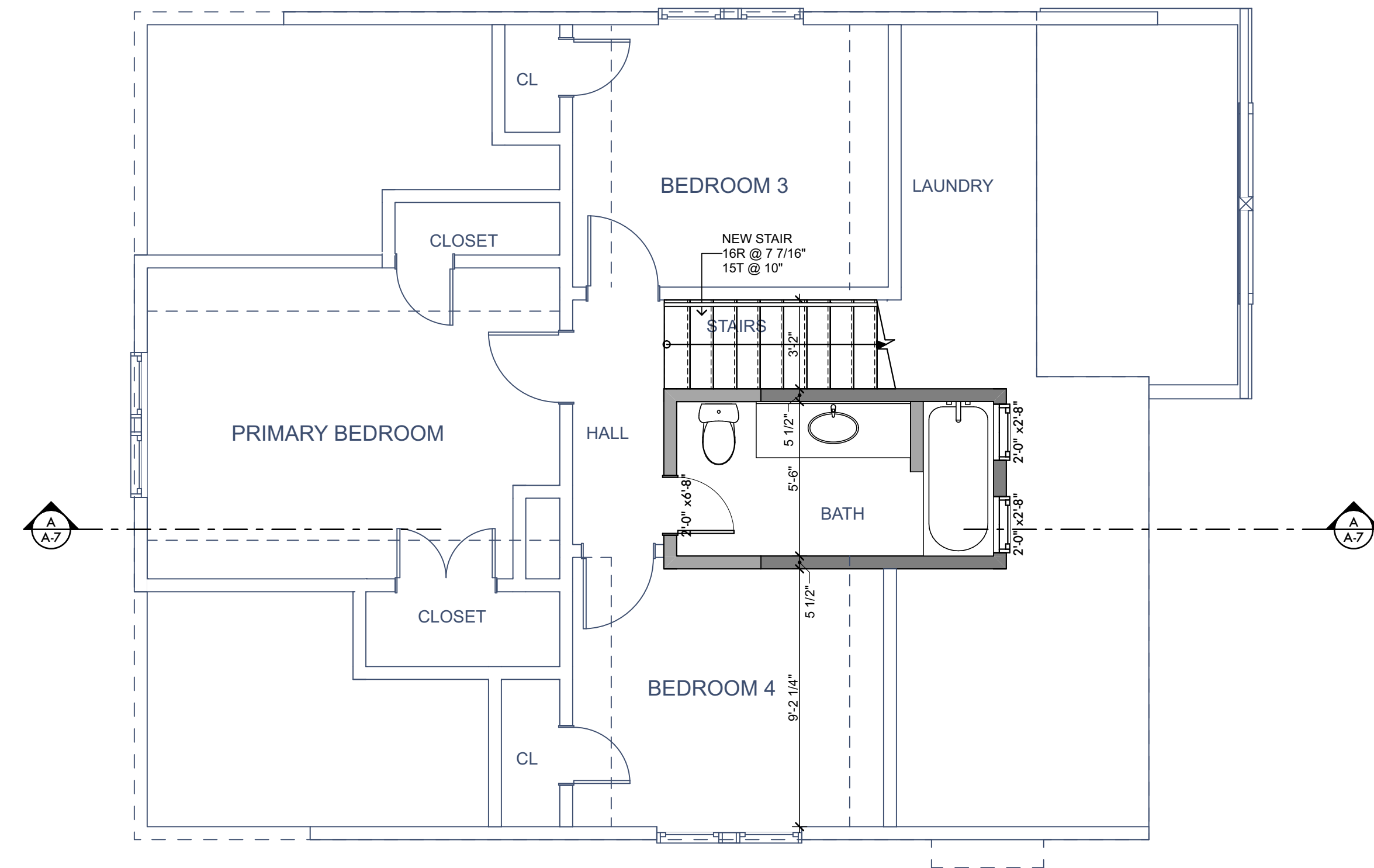


SPRUCE STREET

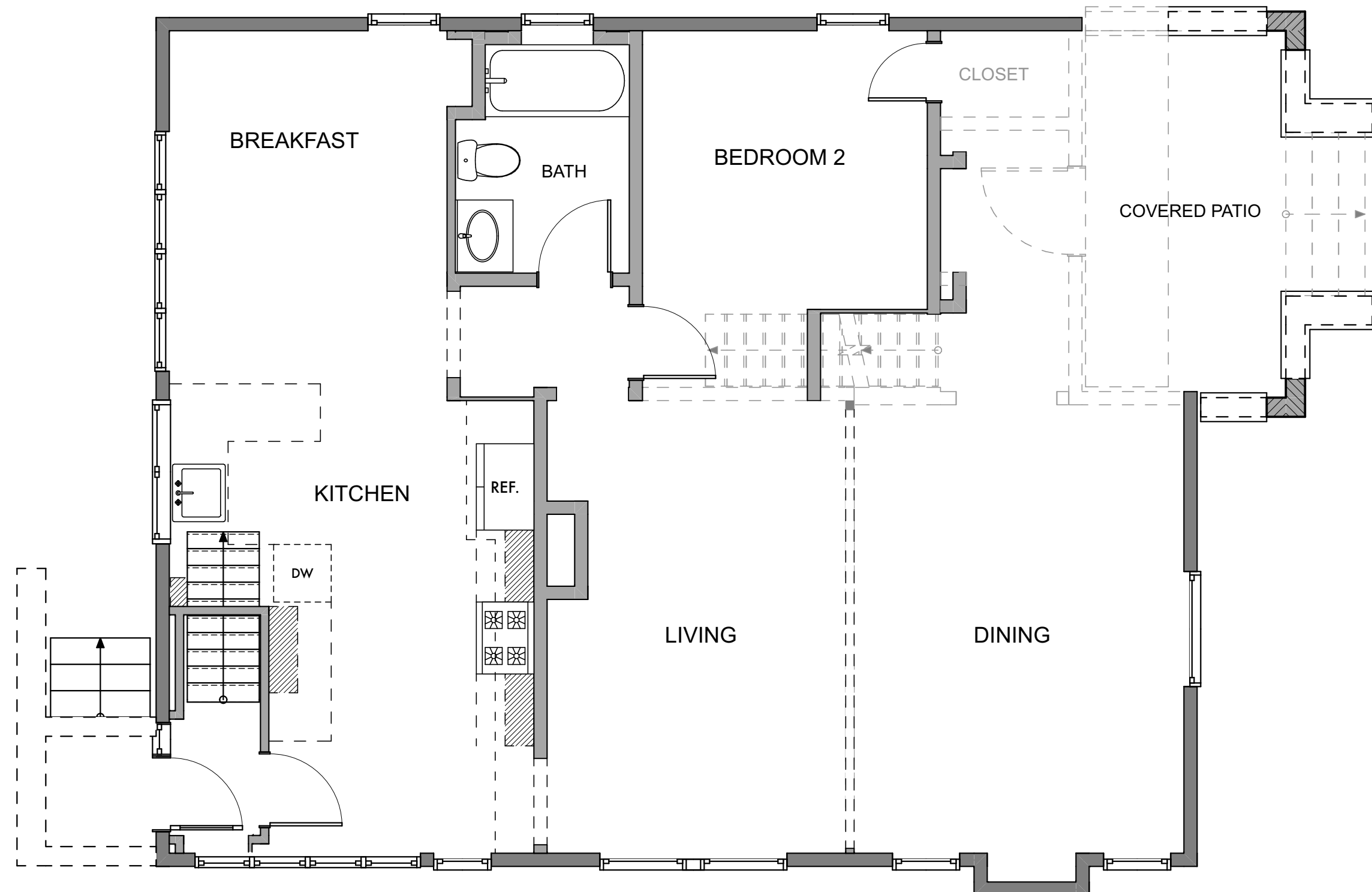
5TH STREET



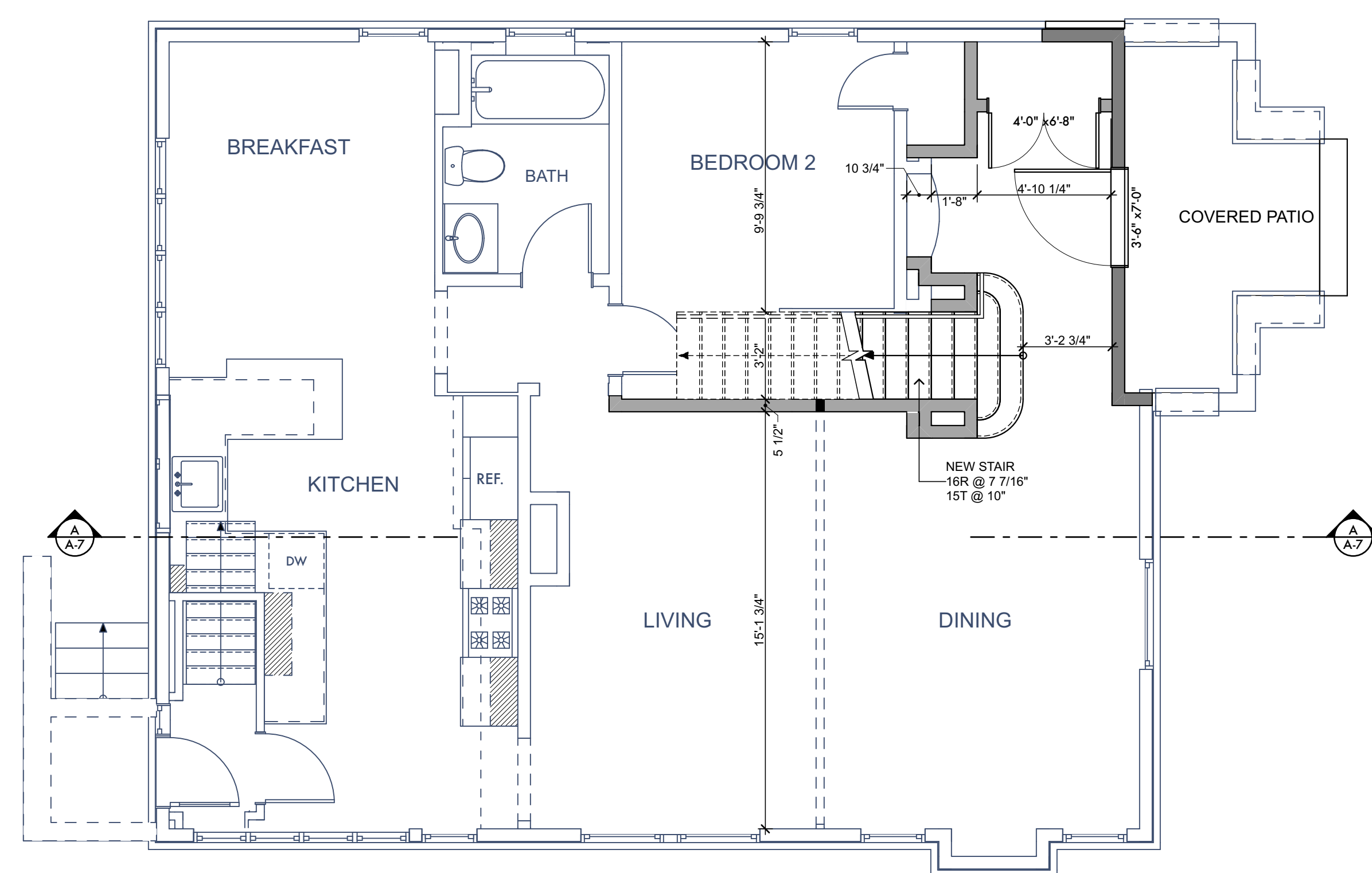
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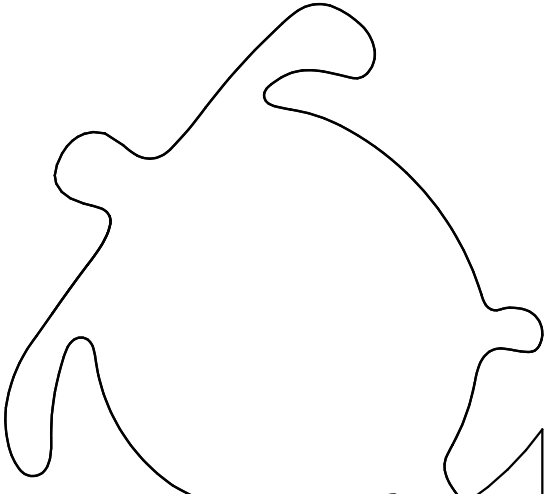
2 Proposed Upper Level Plan
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3 Main Level Existing/Demolition Plan Option 2
SCALE: 1/4" = 1'-0"



1 Proposed Main Level Plan
SCALE: 1/4" = 1'-0"



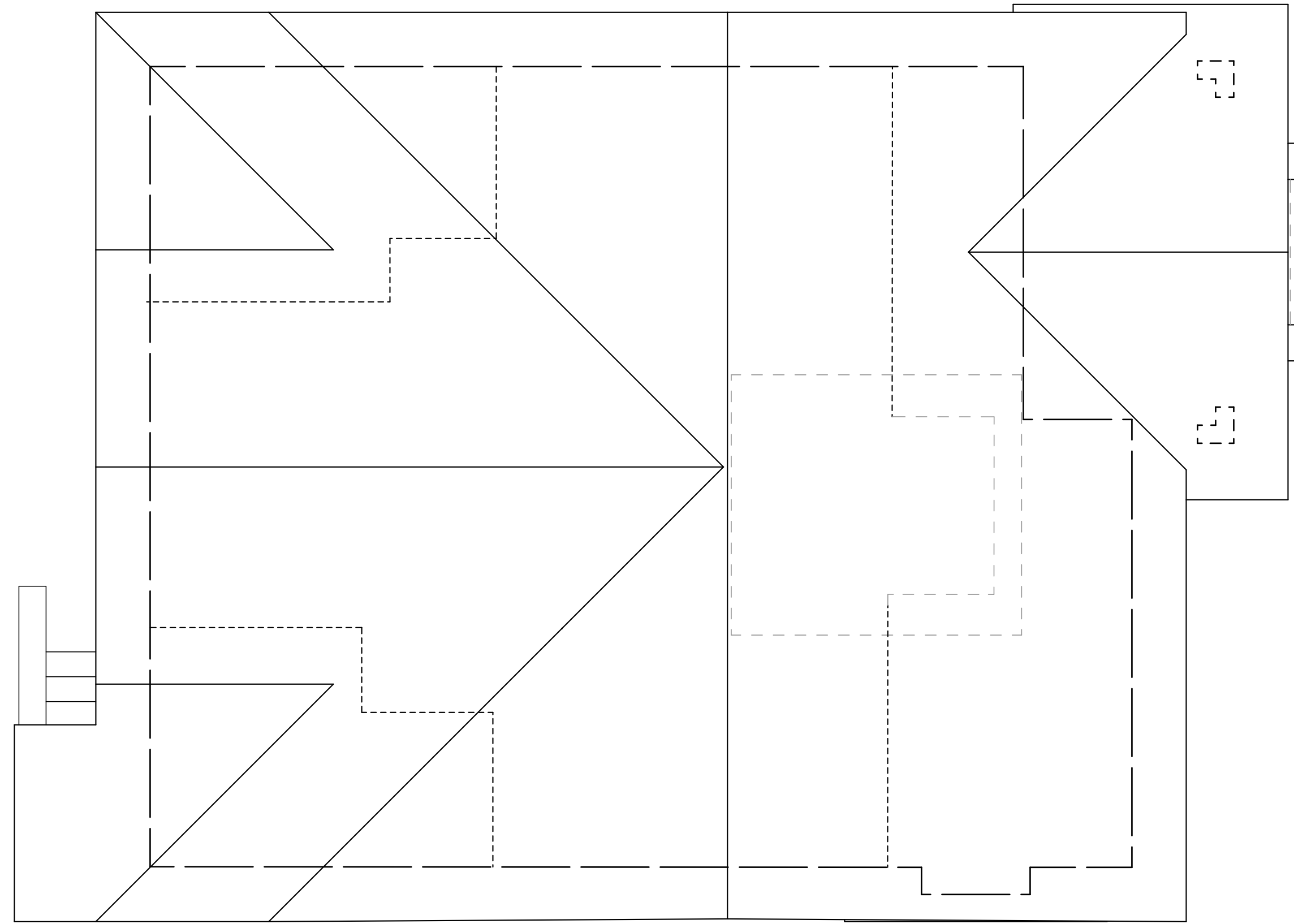
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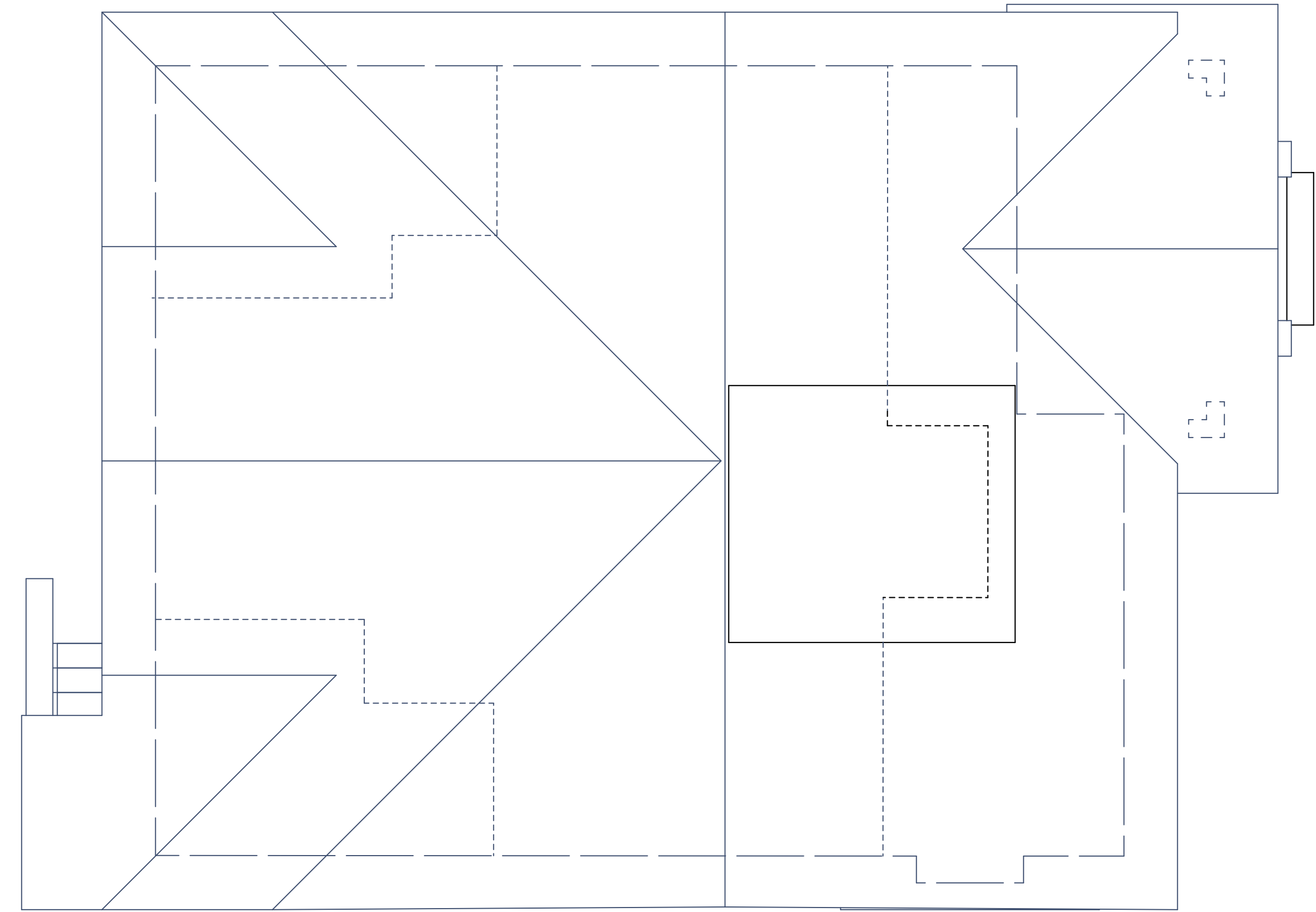
Spruce Sanctuary
2041 5th Street
Boulder, CO 80302

JOB# 2410
PROPOSED & EXISTING PLANS
drawn by: CADDesigns
issued: 12/17/24
revised:

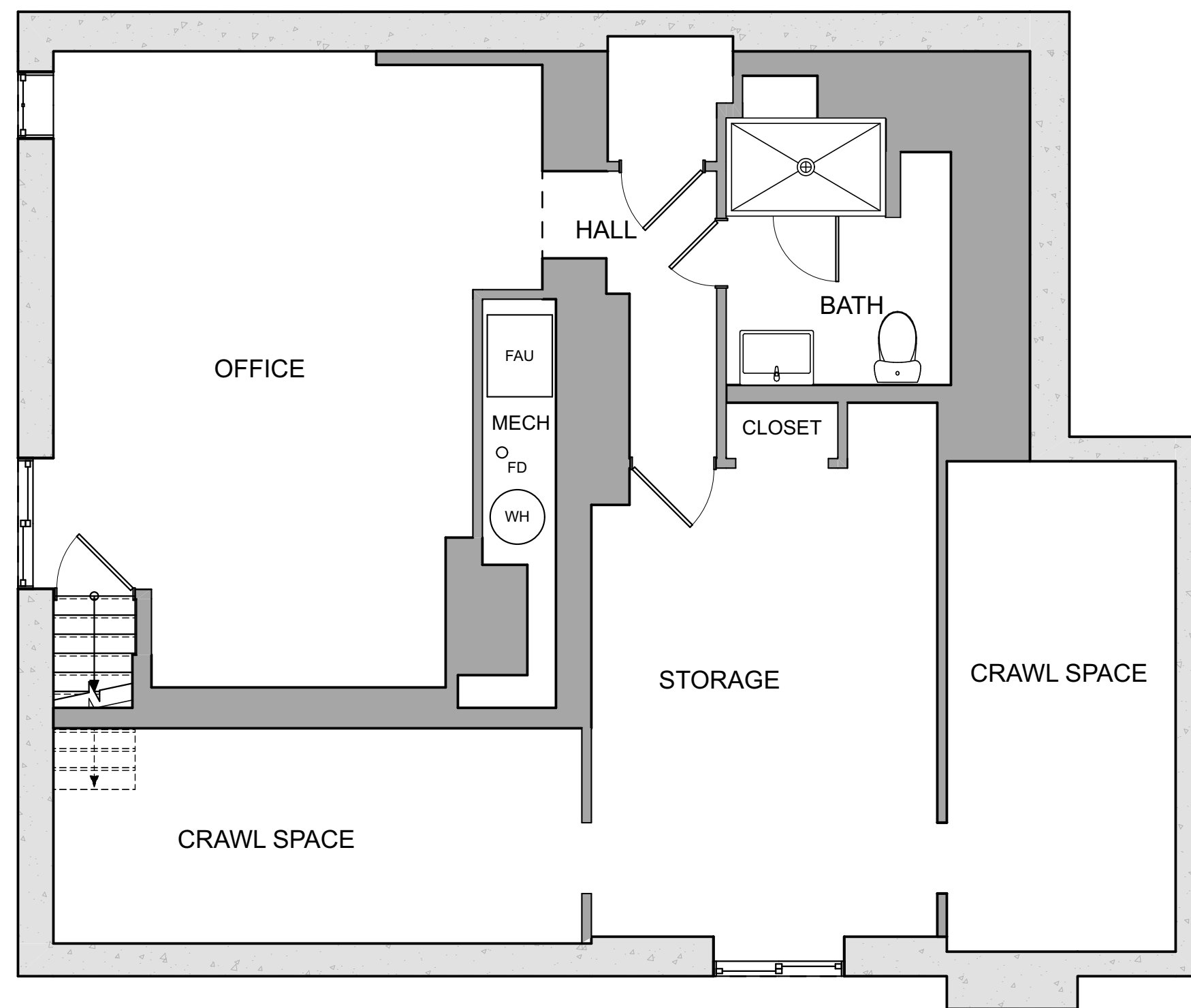
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3 of 7



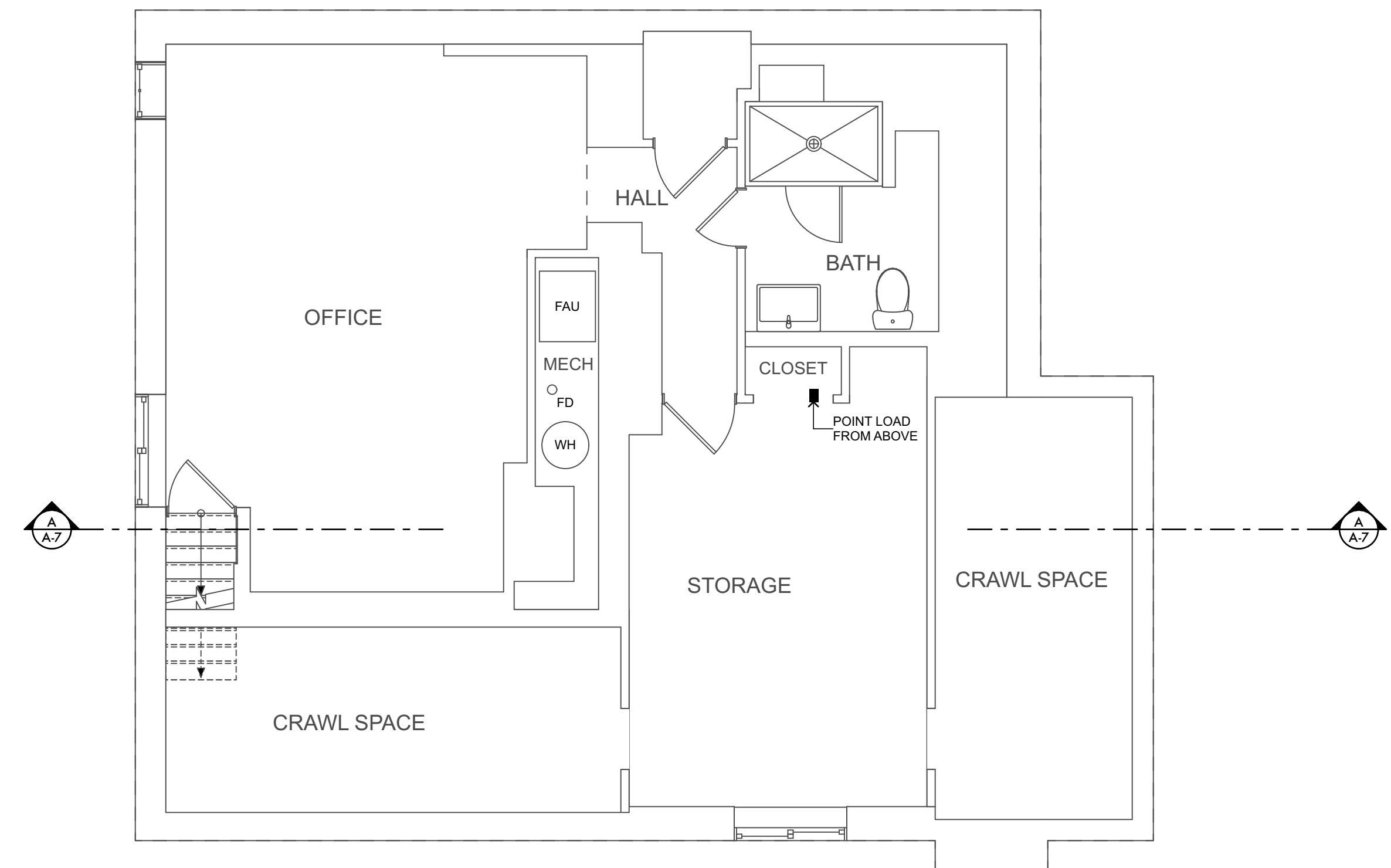
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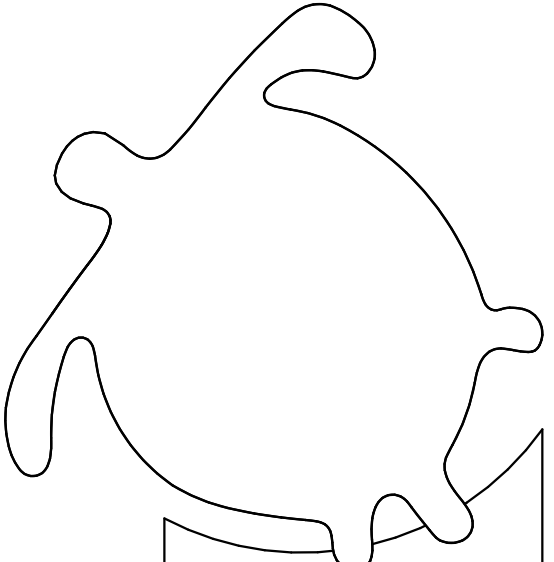
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0 2' 4' 8'



3 Lower Level Existing/Demolition Plan
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



1 Proposed Lower Level Plan
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



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JOB# 2410

PROPOSED & EXISTING PLANS

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sheet
A-4
4 of 7



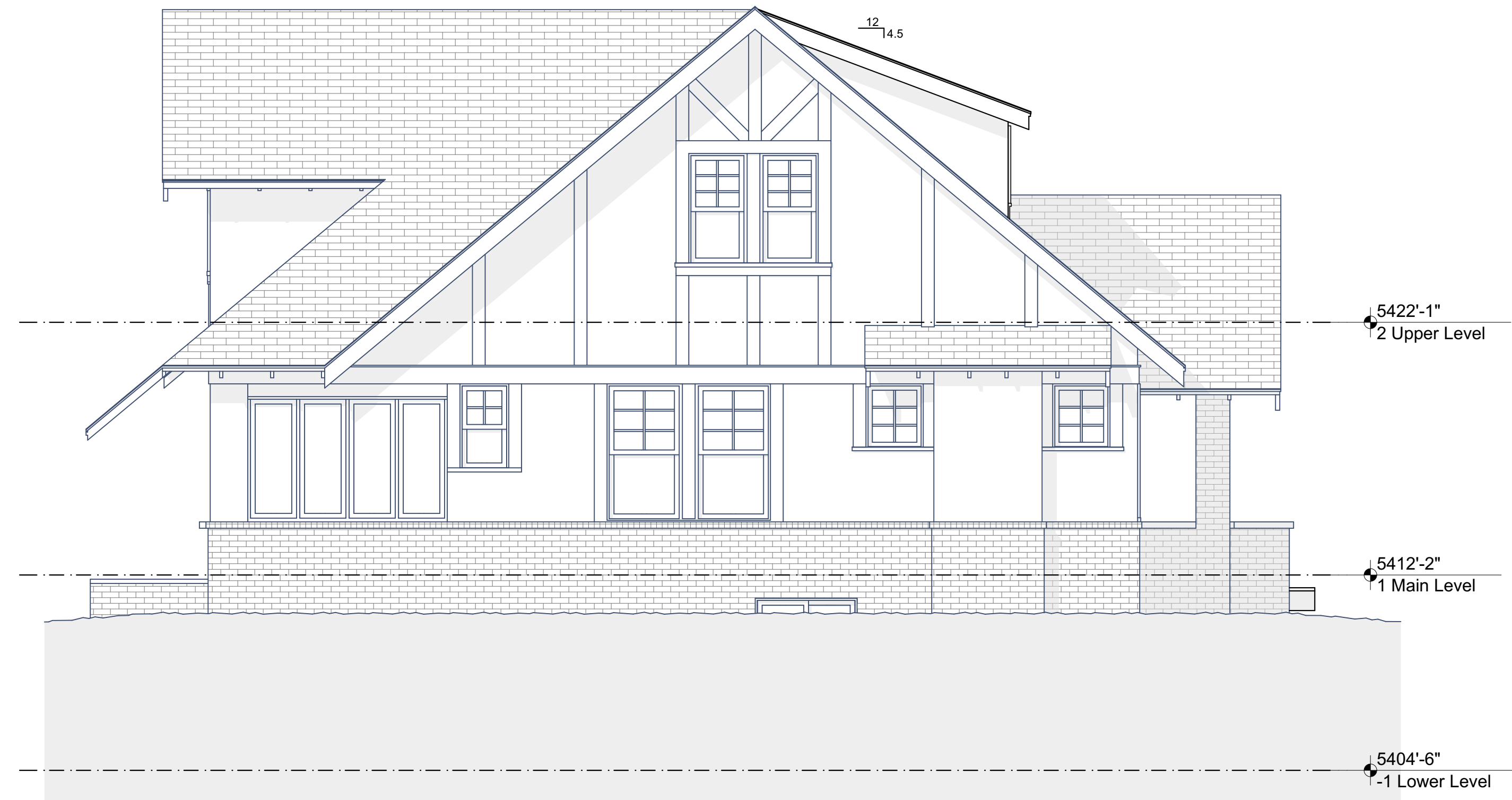
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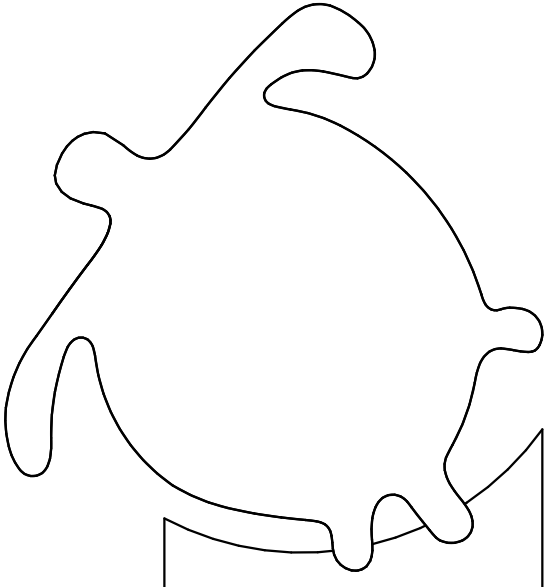
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SCALE: 1/4" = 1'-0"



3 Existing South Elevation
SCALE: 1/4" = 1'-0"



1 Proposed South Elevation
SCALE: 1/4" = 1'-0"



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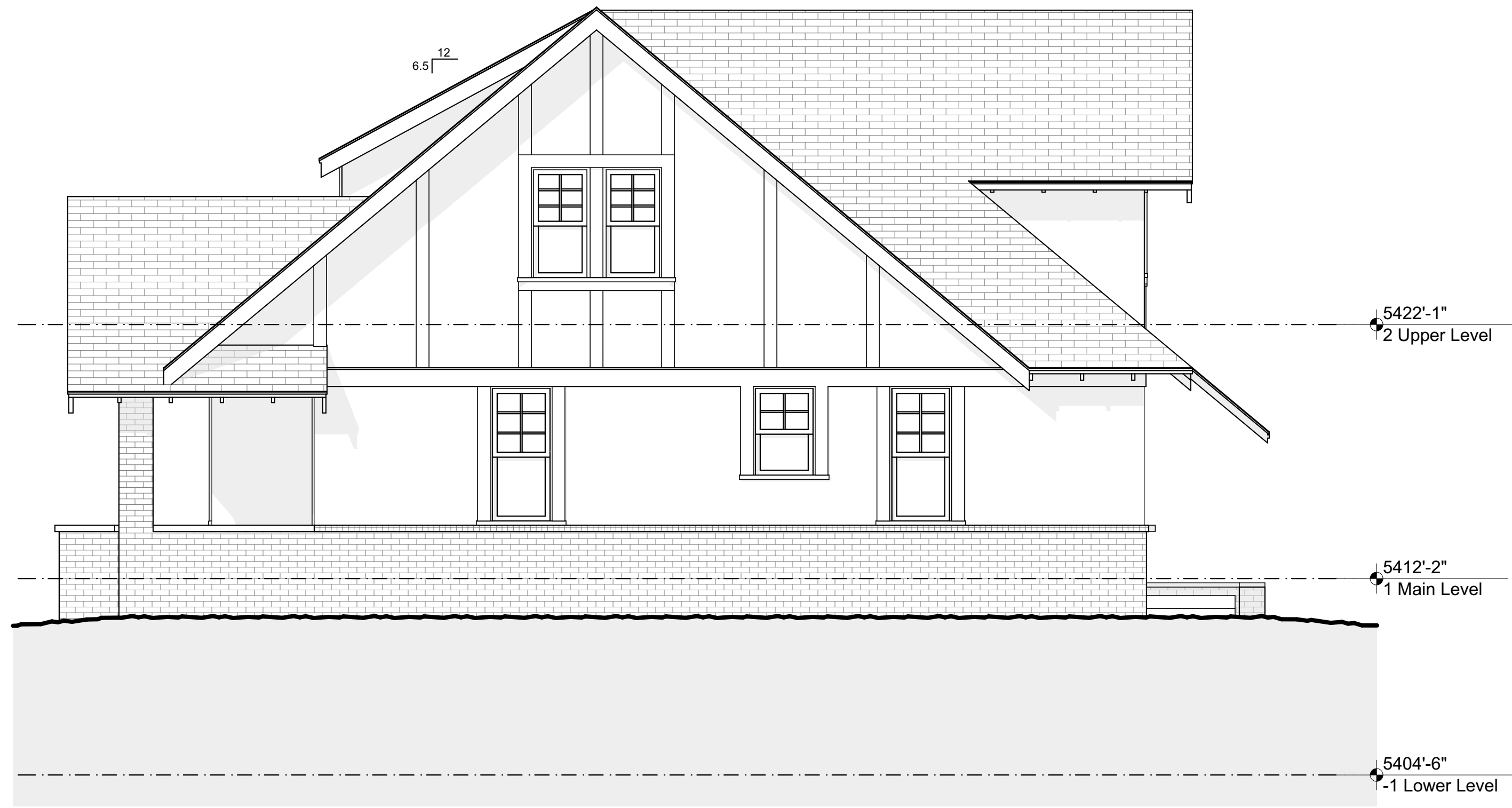
EXISTING & PROPOSED
ELEVATIONS

drawn by: CADDesigns

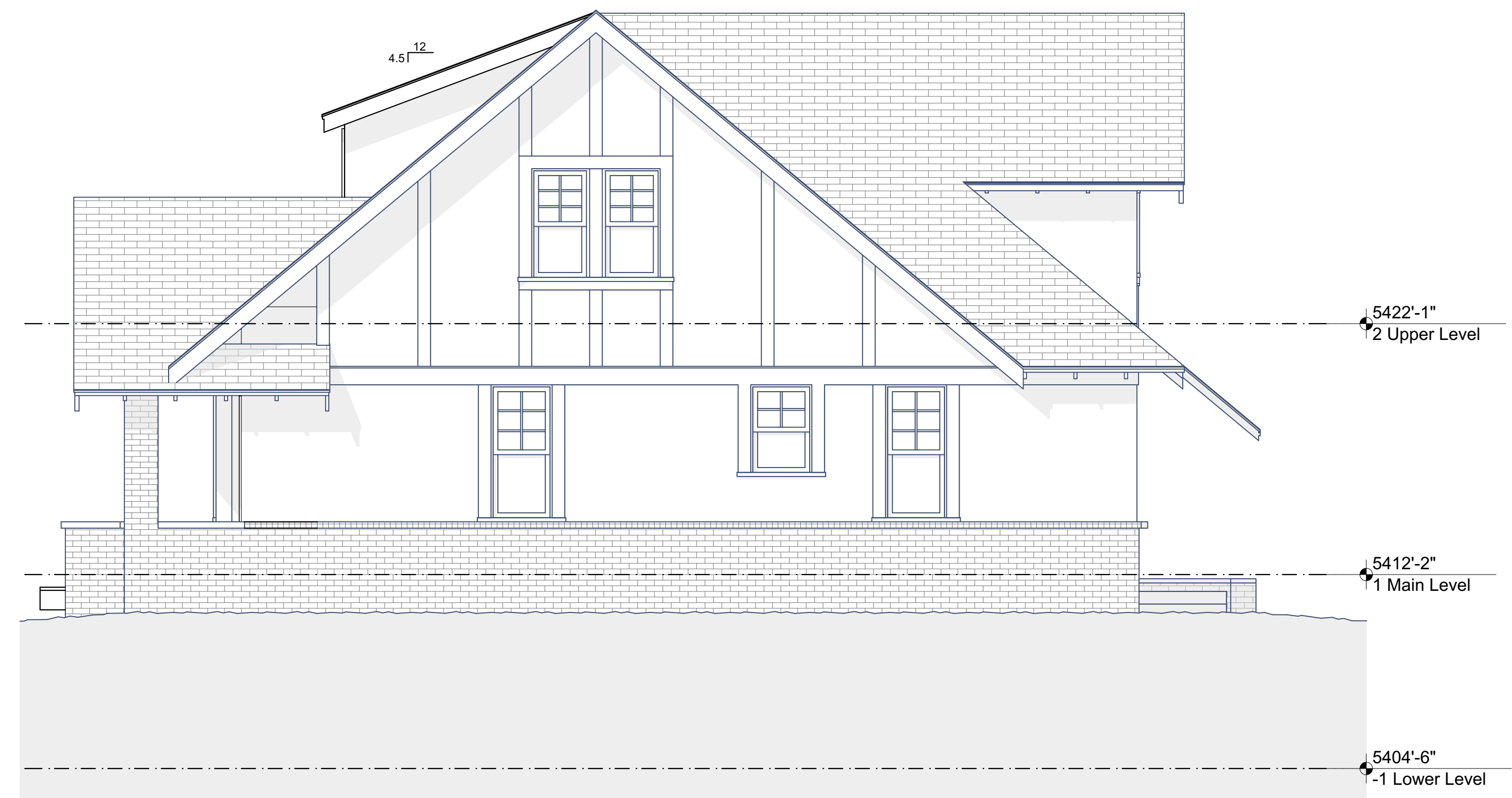
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5 of 7



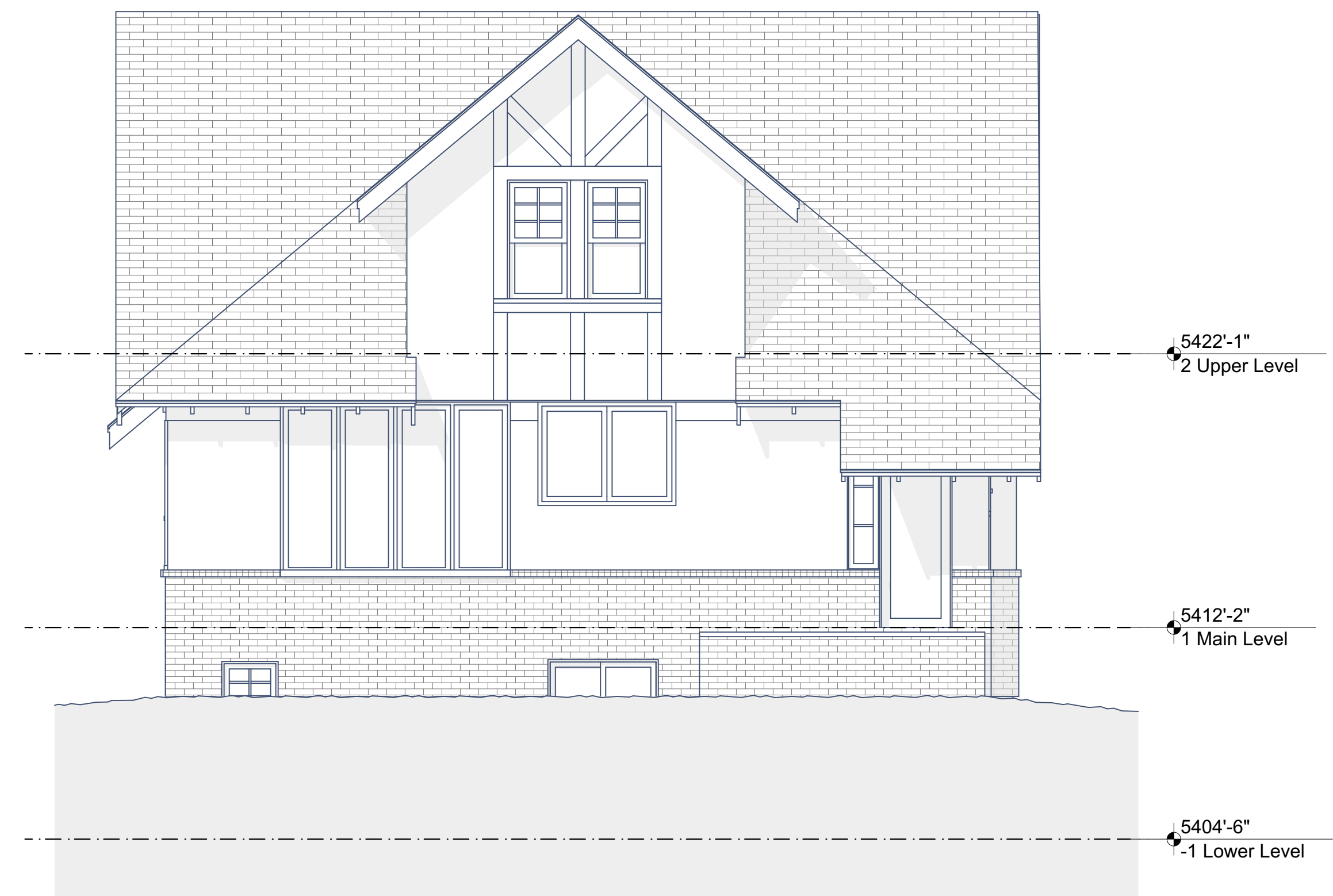
4 Existing North Elevation
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



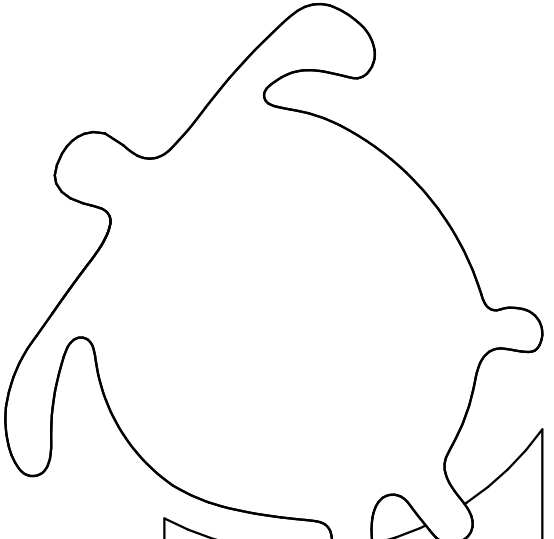
2 Proposed North Elevation
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



3 Existing West Elevation
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



1 Proposed West Elevation
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



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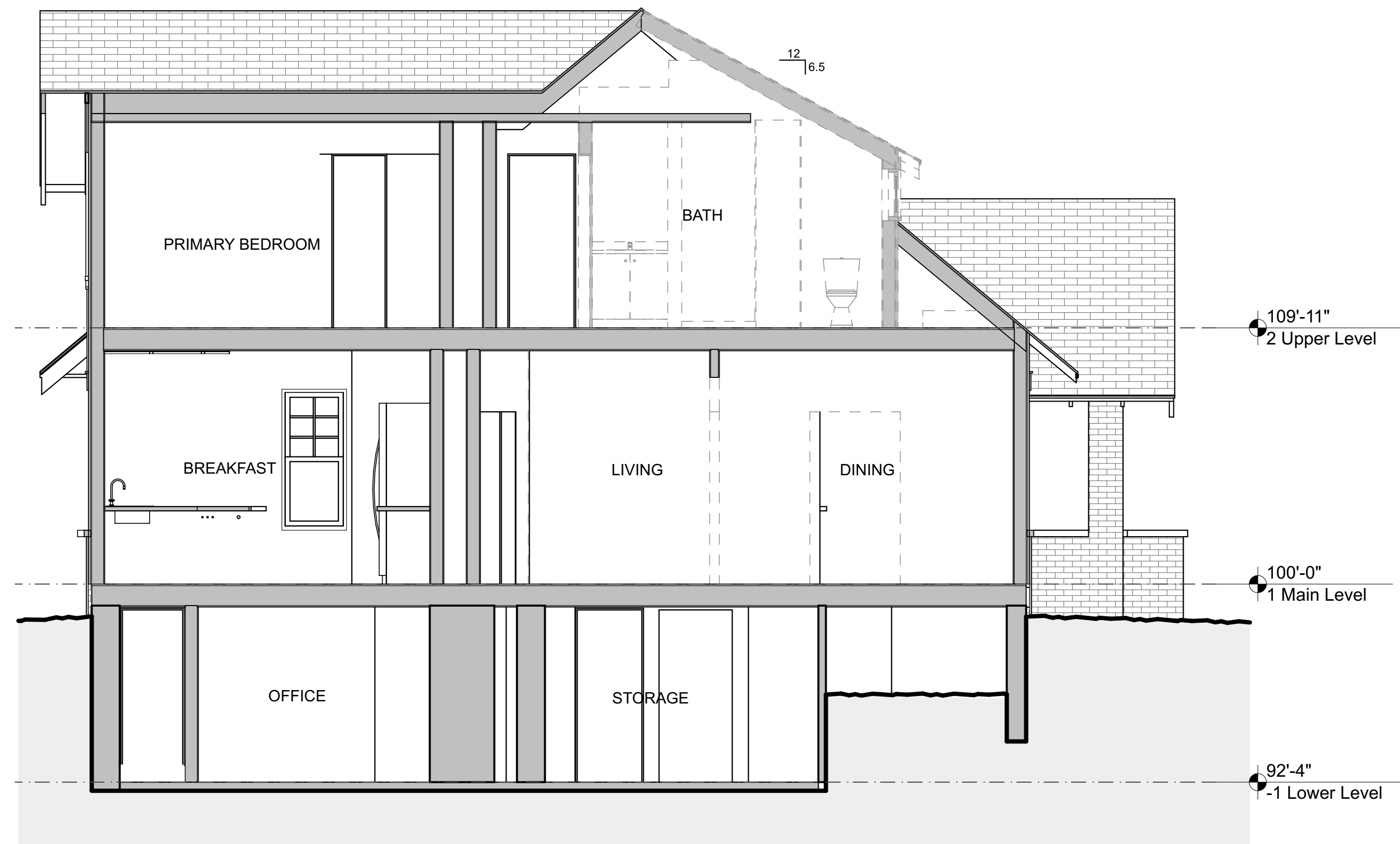
Spruce Sanctuary
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Boulder, CO 80302

JOB# 2410

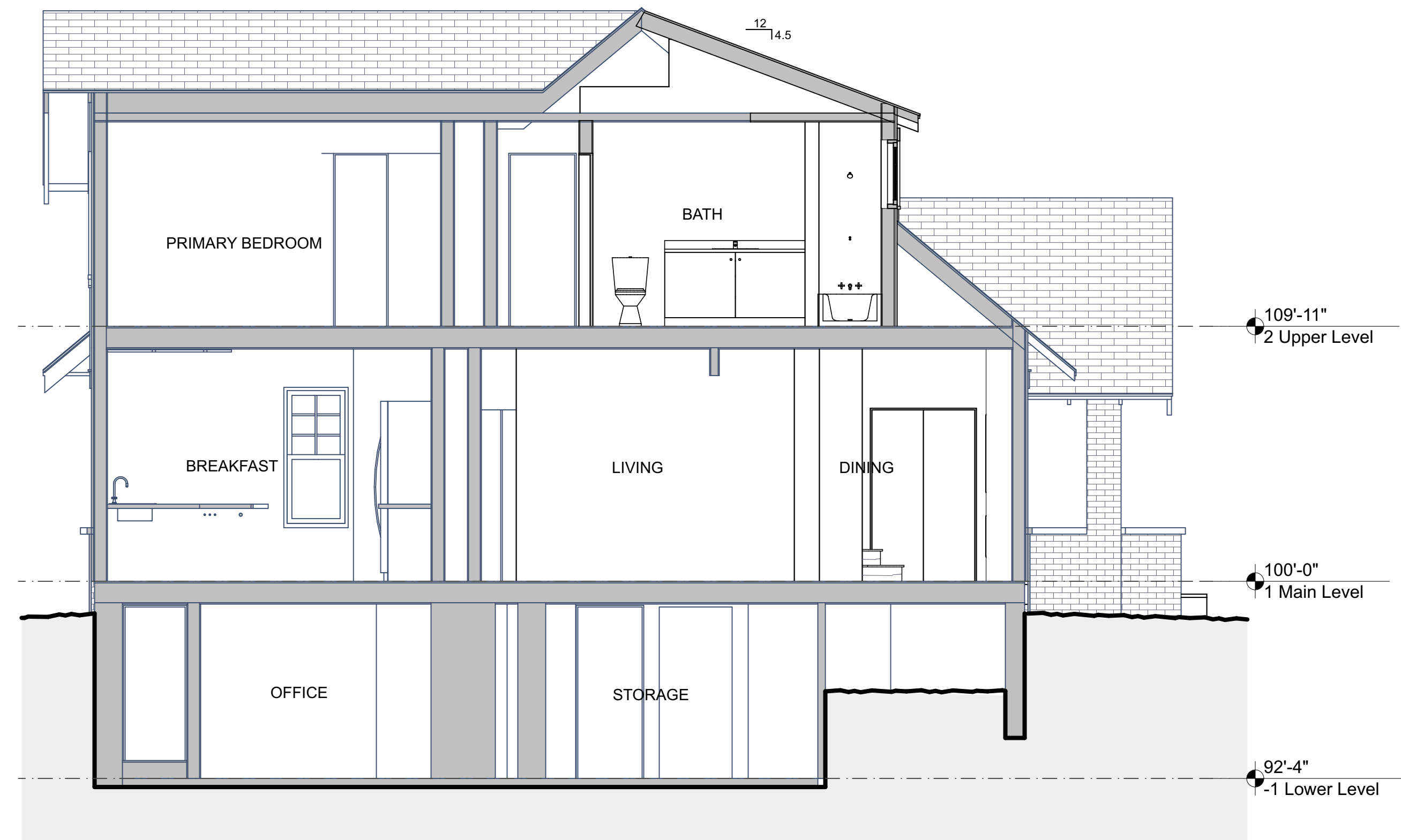
EXISTING & PROPOSED
ELEVATIONS

drawn by: CADDesigns
issued: 12/17/24
revised:

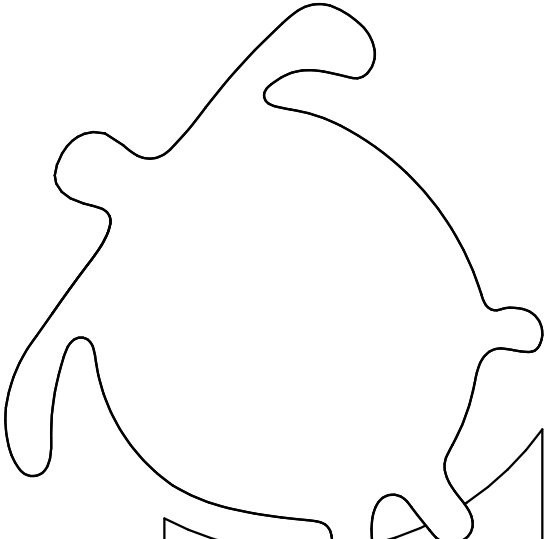
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A-6
6 of 7



A Existing/Demolition Section A
SCALE: 1/4" = 1'-0"



A Proposed Section A
SCALE: 1/4" = 1'-0"



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Spruce Sanctuary
2041 5th Street
Boulder, CO 80302

JOB# 2410
EXISTING & PROPOSED
BUILDING SECTION
drawn by: CADDesigns
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revised:



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: December 2, 2024

RE: Support for requested variance at 2041 5th St.

Background

Constructed around 1913, the one-and-one-half-story Craftsman-style Bungalow at 2041 5th St. is a contributing building to the Mapleton Hill Historic District. Character-defining features include its side gabled form, inset front porch with a front gable and brick detailing, low shed roof dormer, divided light windows, overhanging eaves with exposed rafter tails, and half-timbering. The building is clad in a textured stucco, with painted brick on the lower third of the first level.

On Nov. 6, 2024, the Landmarks Board conditionally approved a Landmark Alteration Certificate application to modify the front dormer and entry of the house (ref: HIS2024-00191). In its review, the Landmarks Board 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 owner/applicant is requesting a variance to maintain the existing non-conforming side yard setback.

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 due to the historic location and design of the building, construction of an addition in a by-right location would have an *adverse effect* on the historic character of the contributing property within the Mapleton Hill Historic District.

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



Figure 1. Façade of 2041 5th St. facing east onto 5th Street.

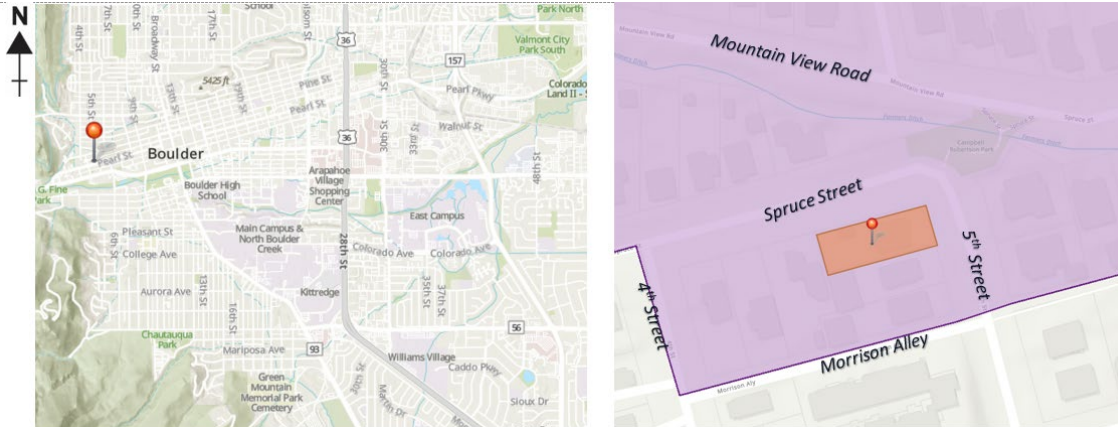


Figure 2. Left: Map of central Boulder showing Location of 2041 5th St. located west of downtown. Right: Location of 2041 5th St. on the corner of Spruce and 5th Streets, opposite Campbell Robertson Park.