

July 7, 2022

Variance Request to the City of Louisville Planning Department: planning@louisvilleco.gov

From, owners: Kurt & Cindy Firnhaber

Address: 984 Arapahoe Circle, Louisville, 80027

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Phone: 303-917-0914

Dear Planning Department,

I am requesting a variance for the above address for a deck to encroach on the rear set back of the property. My wife and I purchased this home from McStain in 1991 and it had a deck on the rear of the house that was 10' deep. This worked very well over the last 30 years and the 10' was just wide enough to hold a picnic table and be able to walk around it. The deck is also right off the family room and kitchen, so it was well placed and well used. The Marshall Fire took down this house and we are rebuilding the same house with the same footprint in the same location.

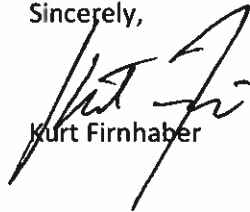
The reason that this variance is needed is because when the deck was built with the original home, the corners of the deck went over the rear setback by approx. 3.5 feet and the middle of the deck by approx. 5'. This all occurs because the lot line in the rear contains two lines that come towards the rear of the home. We have looked at alternatives, including pulling back the deck by 4 or 5' but it would no longer be a useable deck. Over the 30 years the deck never felt to be too close to neighbors or negatively impact them. We never heard a complaint. Below are the responses to the six criteria:

- 1) A unique physical circumstance with irregularity or narrowness: The rear property line is irregular in that it has two property lines which go inwards towards the home. Both corners of the home at the rear are far from the property setback, but the middle portion of the home is intersected by this inward property line. The property behind us is the inverse to this situation. Their property actually goes back further at the point where this deck is located.
- 2) Conditions do not exist through the neighborhood: The properties on either side of ours up and down the street do not have this same condition. Other properties have a straight rear property line, parallel to the rear of their home. As our property is on the inside of a slight curve in the street, the angle occurred in the middle of our rear property vrs between properties, which may have made more sense, when the neighborhood was laid out.
- 3) Because of existing conditions, the property cannot reasonably meet the conformity of the setbacks: This condition existed because of the awkward layout of this site that occurred when the neighborhood was created. The original home footprint cannot be moved further to the north as the garage sits on the front yard setback. There are no other alternatives for the original design to accommodate this deck within the setback.

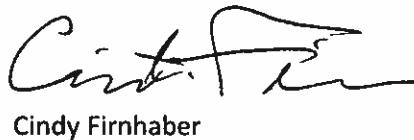
- 4) Applicant did not cause the hardship: This situation existed at the time of purchasing the home and we as the buyers did not have any reason to question if McStain was building the deck over the rear setback.
- 5) Variance will not alter the character of the neighborhood: The deck in this location is similar to that of the neighboring decks on this street. In fact, it will not change the character of the neighborhood because it was actually part of the character as it existed for thirty years.
- 6) The variance is the minimum variance to afford a remedy. The deck is not overly large or expansive. A deck going out ten feet meets the design requirements for a very basic deck meeting the needs of a picnic table for a family in a house of this size. We are not asking for an unreasonable size deck.

I appreciate your reviewing of this application. Cindy and I have put forward our plans for a building permit and intend to rebuild as soon as possible. It would be our desire to keep things simple and build back the home that was there, but according to the higher energy and building standards. Redesigning the floor plan of this house to be able to accommodate a reasonable size deck that does not go over the rear set back would be very expensive. We thank you for your review of this application and for your service to the City of Louisville,

Sincerely,



Kurt Firnhaber



Cindy Firnhaber

Separate Attachments:

Proof of ownership

Hearing Request Application

Original ILC showing deck in this condition in 1991

Floor plan, elevations and site plan