



8/24/23

Louisville Board of Adjustment

Re: 125 Cherrywood Lane

After a review of the Improvement Location Survey ("ILC") and recent discussions with professionals, it has come to my attention that an error was made by the surveyor, resulting in the home at 125 Cherrywood Lane being 3.9' closer to the street than it should have been. This mistake has inadvertently led to the property being non-compliant with the front yard setback requirement as stipulated in the City of Louisville.

Not only does the surveyor stake the "dig" prior to setting the foundation, but the city has a check in the process when the foundation is put in place. This is called the Foundation Setback Certification. That requires a surveyor to go out to the property, confirm that the Setbacks are being met and then complete a form complete with the Engineers stamp that the property met the certification. This is generally when an error like this would be "flagged" by the engineer or the City and it could still be rectified. The engineer did that work and did complete the certification on 12/21/22. That certification indicated that all setbacks were adhered to. Unfortunately, the same mistake was made as in the original calculation and, though the certification says it met the setback, it did not.

With the rebuild process for the Marshall Fire victims, the City has allowed staff to grant variances of up to 10% on an administrative basis. Almost assuredly, the City would have granted a 1.8' (10% of the 18' setback) variance. Unfortunately, this property is 25" beyond that 10%.

Given the circumstances, I kindly request that the Louisville Board of Adjustments consider granting a variance from the front yard setback requirement to rectify this unintended non-compliance. The mistake made by the surveyor has placed an undue burden on the property owners, Roger Wilkerson & Linda Gallegos, through no fault of theirs.

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G.J. Gardner. HOMES

Granting the variance would not create any burden on adjoining property owners or create any dangers with respect to the use of the property. In fact, the variance request has been shared with the neighbors and you package includes emails from at least 17 of them in support of the variance. As of this submittal, nobody has come forward objecting to the variance. In its current position the driveway is 24' long to the street.

In addition, granting the variance does not change the character of the property or neighborhood. Prior to creating the ILC, the issue went unnoticed by neighbors, owners and the builder.

I am committed to working closely with the appropriate authorities to remedy this situation promptly. If required, I am willing to provide any additional information or documentation to support this case during the review process.

Thank you for your attention to this matter. I understand the importance of adhering to zoning regulations, and I am hopeful that a variance can be granted to address this issue. I eagerly await further instructions on the process and any documentation required to proceed.

Please feel free to contact me at 303.658.0146 or bill.anner@gjgardner.com if you require any additional information or clarification. I appreciate your time and consideration and look forward to a positive resolution to this matter

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Anner", with a stylized, cursive script.

Bill Anner