

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 20
Series of 2010

TITLE: A RESOLUTION APPROVING A VARIANCE TO ALLOW THE AMOUNT OF TOTAL FLOOR AREA DEVOTED TO THE RESIDENTIAL USE OF THE STRUCTURE TO EXCEED THE AMOUNT OF FLOOR AREA DEVOTED TO THE COMMERCIAL USE IN A RESTRICTED-COMMERCIAL (R-C) ZONE DISTRICT

WHEREAS, Chapter 26, Article I of the Wheat Ridge Code of Laws establishes the procedures for the City's review and approval of Variances; and

WHEREAS, an application for a variance has been received from Bo Fuks and Hillary Harris to allow the amount of total floor area devoted to the residential use of the structure to exceed the amount of floor area devoted to the commercial use at property located at 4330 Harlan Street and zoned restricted-commercial (R-C); and

WHEREAS, the Community Development Director does not have jurisdiction to act upon the type of variance being request pursuant to Chapter 26, Section 115; and

WHEREAS, the request has been forwarded to City Council to be heard at a public hearing; and

WHEREAS, notice of the City Council public hearing was properly published in the Wheat Ridge Transcript on April 8, 2010.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

A SPECIAL USE PERMIT TO ALLOW A VARAINCE TO ALLOW THE AMOUNT OF TOTAL FLOOR AREA DEVOTED TO THE RESIDENTIAL USE OF THE STRUCTURE TO EXCEED THE AMOUNT OF FLOOR AREA DEVOTED TO THE COMMERCIAL USE IN A RESTRICTED-COMMERCIAL (R-C) ZONE DISTRICT BE APPROVED FOR THE FOLLOWING REASONS:


1. There will be no detrimental effect on health, safety, welfare, or convenience to the public in the area.
2. There will be no impact on the light, air, or water to adjacent property owners.
3. The variance will not create or contribute to blight in the neighborhood and will not over burden the capacities of the existing streets, parks, schools, and other public facilities and services.
4. The character of the area will not be altered by the request.
5. The applicants are proposing a substantial investment in the property which would not otherwise happen if the variance is denied.

6. The variance will result in the accommodations for person with disabilities to be made.

With the following conditions:


1. The area floor dedicated to the residence may not be increased either through the conversion of the studio to "livable space" or through the construction of additions to the structure that would be for residential use.
2. The structure may not be used wholly as a residential structure at any point.

DONE AND RESOLVED THIS 26th day of April 2010.



Jerry DiTullio, Mayor

ATTEST:



Michael D. Snow, City Clerk