



**BOARD OF ADJUSTMENT
Minutes of Meeting
July 22, 2010**

1. CALL THE MEETING TO ORDER

The regular meeting of the Wheat Ridge Board of Adjustment was called to order by Chair FISHER at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**Paul Griffith, District One, joined the Board as a regular member.
Jen Walters, District One, joined the Board as an alternate member.**

2. ROLL CALL

Board Members Present: Tom Abbott
Janet Bell
Bob Blair
Ryan Fisher
Paul Griffith
Paul Hovland
Bob Howard
Betty Jo Page

Board Members Absent: Larry Linker

Staff Members Present: Meredith Reckert, Senior Planner
Sarah Showalter, Planner II
Ann Lazzeri, Secretary

3. PUBLIC FORUM (This is the time for anyone to speak on any subject not appearing on the agenda.)

There were no members of the public who wished to speak at this time.

4. PUBLIC HEARING

- A. **Case No. WA-10-07:** An application filed by Barbara Sileo for approval of (A) a 10-foot variance to the 15-foot required rear yard setback and (B) a 5-foot variance to the required 15-foot side yard setback per Section 26-205 resulting in a 5-foot rear yard setback and a 10-foot side yard setback on property zoned Residential-One and located at 3845 Dudley Street.

The case was presented by Sarah Showalter. She entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. She reviewed the staff report and digital presentation and gave Board members copies of a letter from a property owner at 3881 Estes Street who was not in favor of the application. Staff recommended approval for reasons outlined in the staff report.

In relation to the side yard setback, Board Member ABBOTT commented that while it may be possible to build without a variance, it would not be practical.

**Barbara Sileo
3845 Dudley St., Wheat Ridge**

Mrs. Sileo, the applicant, was sworn in by Chair FISHER. She stated they have lived in their home for 38 years and the neighbors who would be affected the most are in favor of the expansion. The home has always been too small, but they stayed there because they loved the house. The addition next to the garage will be used for storage for a lawnmower and other yard equipment. The reason for making the improvements to the main floor, rather than adding a second story, is that it will make it easier for her to function with her condition of fibromyalgia. They also have a need for an office and additional bathroom. She stated they have made improvements over the years that have enhanced the property as well as the neighborhood. Those improvements have also increased the value of the house.

In response to a question from Board Member HOVLAND, Mrs. Sileo explained that these are not the final drawings. They did not wish to spend any more money for architectural drawings until they know if they will be granted a variance.

Upon a motion by Board Member ABBOTT and second by Board Member BELL, the following resolution was stated:

Whereas, the application Case No. WA-10-07(A) was not eligible for administrative review; and

Whereas, the property has been posted the fifteen days required by law and in recognition of one protest registered against it; and

Whereas, the relief applied for may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of the regulations governing the City of Wheat Ridge.

Now, therefore, be it resolved that Board of Adjustment application Case No. WA-10-07(A) be and hereby is APPROVED.

Type of Variance: A 10-foot variance to the 15-foot required rear yard setback per Section 26-205 resulting in a 5-foot rear yard setback for property zoned Residential-One.

For the following reasons:

- 1. The variance would not alter the essential character of the locality.**
- 2. The applicant is proposing a substantial investment in the property that may not be possible without the variance from the rear yard setback.**
- 3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.**
- 4. The request would not be detrimental to public welfare and would not be injurious to neighboring properties or improvements.**
- 5. The request would result in a reasonable accommodation of a person with disabilities.**
- 6. The proposed addition would have minimal impact, if any, on adjacent properties and the two abutting properties that would be most impacted are supportive of the request.**
- 7. With no basement, this home lacks practical and modern storage capacity. The addition, as proposed, offers an unobtrusive and much preferred alternative to a shed structure which would be allowed and could be placed within the required setbacks.**
- 8. Staff recommended approval.**
- 9. A majority of the criteria are met, according to staff.**
- 10. The actual encroaching portion of the structure is a very small percentage of the total addition.**

Board Member HOVLAND commented that the plan has been well thought out. They have a unique situation with the way the house is situated on the property.

Board Member PAGE referred to the letter of protest, and commented that because the property on the side is higher than the subject property there is no issue of light blockage.

The motion carried 8-0.

Upon a motion by Board Member HOVLAND and second by Board Member ABBOTT, the following resolution was stated.

Whereas, the application Case No. WA-10-07(B) was not eligible for administrative review; and

Whereas, the property has been posted the fifteen days required by law and in recognition of one protest registered against it; and

Whereas, the relief applied for may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of the regulations governing the City of Wheat Ridge.

Now, therefore, be it resolved that Board of Adjustment application Case No. WA-10-07(B) be and hereby is APPROVED.

Type of Variance: A 5-foot variance to the required 15-foot side yard setback per Section 26-205 resulting in a 10-foot side yard setback for property zoned Residential-One.

For the following reasons:

1. The variance would not alter the essential character of the locality.
2. The applicant is proposing a substantial investment in the property that may not be possible without the variance, especially for the variance for the rear yard.
3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
4. The request would not be detrimental to public welfare and would not be injurious to neighboring properties or improvements.
5. The request would result in a reasonable accommodation of a person with disabilities.
6. The proposed addition would have minimal impact, if any, on adjacent properties and the two abutting properties that would be most impacted are supportive of the request.
7. With no basement, this home lacks practical and modern storage capacity.
8. Staff recommended approval.
9. The encroachment is small in square footage because of the triangulation of the house on the property.

Board Member ABBOTT offered a friendly amendment to add an additional reason as follows: **While the addition may be possible without a variance, the Board feels it would not be practical.** The amendment was accepted by Board Member HOVLAND.

The motion carried 8-0.

5. CLOSE THE PUBLIC HEARING

Chair FISHER closed the public hearing.

6. OLD BUSINESS

Approval of Minutes – January 28, 2010.

It was moved by Board Member ABBOTT and seconded by Board Member PAGE to approve the minutes of January 28, 2010 as presented. The motion passed unanimously.

7. NEW BUSINESS

- Board Member PAGE asked if the Board wanted to sponsor a banner for the Carnation Festival again. Board members would each make a small contribution to the cost of the banner. There was consensus to sponsor a banner this year. Board Member PAGE will attend to all the details.
- Board Member FISHER requested that the minutes be sent out via e-mail within a week or two from the meeting.
- Meredith Reckert announced that Adam Tietz, Planner One, has resigned to attend graduate school in South Carolina. Also, Ryan Stachelski, Economic Development Director, has resigned to take a position with the City of Northglenn.

8. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. for Board members to view a training video (*Preventing Public Officials' Liability*) in the first floor conference room.

Ryan Fisher, Chair



Ann Lazzeri, Secretary