



**BOARD OF ADJUSTMENT  
Minutes of Meeting  
May 24, 2012**

**1. CALL MEETING TO ORDER**

The meeting was called to order by Chair ABBOTT at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL**

Board Members Present: Tom Abbott  
Sally Banghart  
Janet Bell  
Paul Hovland  
Betty Jo Page  
Jennifer Walter

Alternates Present: Russ Hedden  
Jennifer Walter

Board Members Absent: Bob Blair  
Paul Griffith

Staff Members Present: Meredith Reckert, Sr. Planner  
Lauren Mikulak, Planner I  
Ann Lazzeri, Recording secretary

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

No one wished to speak at this time.

**4. PUBLIC HEARING**

- A. Case No. WA-12-08:** An application filed by William L. Rickman for approval of a 7-1/2 foot variance from the 15-foot side yard setback requirement resulting in a 7-1/2 foot side yard setback on property zoned Residential-One (R-1) and located at 4090 Field Drive.

Board Member HOVLAND disclosed that he lives in the neighborhood and is acquainted with some of the people associated with the case; however, he has no financial or other

interest that would prevent him from hearing the case. He stated that he has had no conversations with the neighbors regarding this case.

The case was presented by Lauren Mikulak. She entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. She entered an addendum that was received after the staff report was prepared containing three letters: (1) letter from Carlo and Martha Spano, 4070 Field Drive expressing opposition to the application; (2) letter from Russ Ward, 3840 Field Drive expressing support of the application; and (3) e-mail from Lloyd Levy, 3275 Upham Street, expressing support of the application. Ms. Mikulak reviewed the staff report and digital presentation. Staff gave a recommendation of approval for reasons and, with a condition, as outlined in the staff report.

Board Member PAGE asked how many signers of the letter of opposition contained in the packet have variances or encroachments on their properties. Ms. Mikulak replied there were eight.

**William L. Rickman**  
**4194 Hooker Street, Denver, CO**

Mr. Rickman, the applicant, was sworn in by Chair ABBOTT. He stated that after looking for over a year, he and his wife settled on the subject property. The reason for the variance request is to build a garage to house his collector cars. They feel it is important to retain the architectural character of the house. Due to the location of the house on the property, a variance is necessary in order to build a garage in an aesthetically pleasing manner. He submitted drawings of the proposed addition for the Board to review. He stated that he plans to install additional landscaping as a buffer to the neighbors.

In reply to a question from Board Member GRIEGO, Mr. Rickman stated that the garage will only be used to house his show cars.

Board Member HOVLAND expressed concern that raising the proposed garage to be level with the house would make the structure appear massive to the property to the west. Mr. Rickman stated that the garage would have a vertical wall and that is the reason he plans to install additional landscaping to act as a buffer between the properties.

Chair ABBOTT shared the same concern expressed by Board Member HOVLAND.

Board Member HEDDEN asked if the addition would necessitate the removal of mature trees. Mr. Rickman stated that a mature tree may need to be removed but would be replaced. He also commented that with the exception of one bush, all other large mature foliage belongs to the adjacent property.

**Sandy Nance**  
**4097 Field Drive**

Ms. Nance was sworn in by Chair ABBOTT. She expressed opposition to the application because she believed it would destroy the character of the neighborhood. She was concerned that the variance would create a precedent. Chair ABBOTT advised Ms. Nance that each case is considered on its own merits and therefore a precedent is not set when a variance is granted. She stated she did have a bias because her neighbor built an 8-car garage and storage shed that destroyed her view. She suggested the applicant build a tandem garage that would eliminate the need for a variance. She stated that she did not know the owners of the property next door to the applicant at 4070 Field Drive.

**Hamilton Lokey**  
**4069 Field Drive**

Mr. Lokey was sworn in by Chair ABBOTT. He stated that he was speaking on behalf of the property owners next door to the subject property because they are out of town and unable to attend. They did write a letter that is included in the staff report. Mr. Lokey stated that he has been on that property many times and is familiar with the layout of their yard. He expressed concern for that property owner since the structure would be elevated and only 7-1/2 feet from their property line.

Board Member BANGHART commented that if the applicant were to build a tandem garage, there would still be a wall next door to the neighbor. Mr. Lokey commented that, without a variance, the wall would then be further from the property line.

**George Mayfield**  
**4065 Field Drive**

Mr. Mayfield was sworn in by Chair ABBOTT. He expressed opposition to the variance because of the impact on the neighbor's back yard and property value. He was also concerned about setting a precedent.

Chair ABBOTT asked the applicant to return to the podium to address questions.

**Mr. Rickman** commented that concerns seem to revolve around the elevation of the garage and the length of the wall. He stated that he believed his idea takes less of a footprint and minimizes the physical presence from Field Street. He commented that a tandem garage would have about the same bulk but would create a void on the west side that would create an unusable space. There is also a drainage swale that needs to be taken into consideration. He stated his belief that additional foliage added to that which already exists would provide a good buffer to the adjacent property.

In response to a question from Board Member BELL, Mr. Rickman stated that he would be willing to provide a landscape plan to the city.

Board Member GRIEGO commented that the wall to the west could be broken up with types of windows that would enhance the appearance while providing the security Mr. Rickman needs for his cars.

**Gail Rickman  
4194 Hooker Street**

Ms. Rickman was sworn in by Chair ABBOTT. She stated that she and her husband are responsible citizens who are community-minded and look forward to living in the house. She commented that her husband has successfully enhanced several properties around Denver. She believes the design for the proposed garage is clean and consistent and hadn't thought of it as being obtrusive.

**Upon a motion by Board Member GRIEGO and second by Board Member PAGE, the following resolution was stated:**

**WHEREAS, application Case No. WA-12-08 was not eligible for administrative review, and**

**WHEREAS, the property has been posted the fifteen days required by law and in recognition that there were protests 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 Case No. WA-12-08 be, and hereby, is APPROVED.**

**TYPE of VARIANCE: A 7-1/2 foot variance from the 15-foot side yard setback requirement resulting in a 7-1/2 foot side yard setback on property zoned Residential-One (R-1) and located at 4090 Field Drive.**

- 1. The variance would not alter the essential character of the neighborhood.**
- 2. The applicant is proposing a substantial investment in the property that may not be possible without the variance.**
- 3. The proposed investment is consistent with the Neighborhood Revitalization Strategy and other documents supported by the city that encourage property improvements.**
- 4. The unusual location of the home in the western corner of the lot reduces viable alternatives.**
- 5. The request would not be detrimental to public safety or welfare.**
- 6. The request is consistent with the existing conditions in the surrounding area, as several R-1 properties in the area have primary or accessory structures that encroach into side yard setbacks.**
- 7. Staff noted that 13 properties in area have encroachments, 8 of which have some record of a variance or administrative review.**
- 8. Some other alternative proposals would actually be detrimental to the property itself and to adjacent properties.**

**With the following conditions:**

1. **Design and construction of the addition will be generally consistent with Exhibit 3 subject to staff review and approval through review of a building permit.**
2. **The applicant shall submit a landscape plan working cooperatively with city staff to have an approved plan which will serve as a buffer to the neighbors to the west based on testimony heard during the meeting.**

Board Member HOVLAND commented he believes it is important that the proposal is consistent with the Neighborhood Revitalization Strategy and the applicants have worked extensively to make it as consistent with the neighborhood as possible.

Board Member PAGE commented that, in addition to the landscaping, the garage itself will create a sound buffer for the neighbors.

Board Member ABBOTT stated that he would vote against the motion because of the objections stated by neighbors and the scope and scale of the project along the property line.

Board Member BELL stated that she would support the motion because she believed there would be a greater impact to the neighbors from other alternatives. Extension of the garage toward the street would minimize the beauty of the side yard. Addition of landscaping to that which already exists would minimize the impact of the wall and the side yard would not become unusable space. She believed the applicant has found the best and most aesthetically pleasing solution.

Board Member WALTER stated that she agreed with staff's analysis. The applicant has met six of the seven criteria. The condition to add landscaping will mitigate visual impact to the neighbor.

**The motion carried 7-1 with Board Member ABBOTT voting no.**

Chair ABBOTT expressed appreciation to all those who participated in the hearing.

**5. CLOSE PUBLIC HEARING**

Chair ABBOTT closed the public hearing.

**6. OLD BUSINESS**

- Board Member PAGE reminded Board members about supporting a banner at the Carnation Festival.

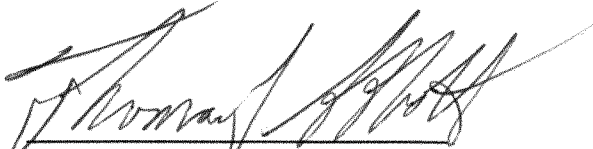
7. **NEW BUSINESS**

A. **Approval of Minutes – April 26, 2012 – It was moved by Board Member HOVLAND and seconded by Board Member BELL to approve the minutes as written. The motion passed unanimously.**

B. Meredith Reckert encouraged Board members to visit the 38<sup>th</sup> Avenue project.

8. **ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

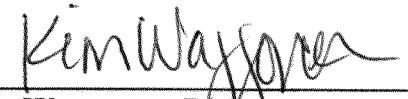


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Tom Abbott, Chair

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Ann Lazzeri, Recording Secretary  
(Minutes Preparation)



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Kim Waggoner, Recording Secretary  
(Minutes Approval)