



BOARD OF ADJUSTMENT

Minutes of Meeting

September 26, 2013

1. CALL MEETING TO ORDER

The meeting was called to order by Chair GRIFFITH at 7:05 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL

Board Members Present: Sally Banghart
Janet Bell
Paul Griffith
Paul Hovland
David Kuntz
Betty Jo Page

Alternates Present: None

Board Members Absent: Thomas Abbott
Lily Griego

Staff Members Present: Meredith Reckert, Sr. Planner
Wade Sanner, Planner I
Kim Waggoner, Recording Secretary

3. PUBLIC FORUM

No one wished to speak at this time.

4. PUBLIC HEARING

A. Case No. WA-13-16: An application filed by Lisa Sanchez for approval of a request for a 20-foot (80%) variance from the 25-foot side setback requirement resulting in a 5-foot side setback to allow a detached garage on property zoned Residential-Two (R-2) and located at 4390 Newland St.

The case was presented by Wade Sanner. He entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. Mr. Sanner reviewed the staff report and digital presentation. Staff found unique circumstances attributed to the request and recommends approval.

Board Member PAGE asked why the driveway doesn't exit onto 44th Avenue. Mr. Sanner stated 44th Avenue is a minor arterial and the traffic engineer was concerned about backing out onto 44th Avenue and the site restrictions.

Board Member BANGHART asked if there were any restrictions about the amount of pavement on a property. Ms. Reckert stated there is no maximum standard for pavement in residential zone districts but at least 25% of the lot must be landscaped.

Board Member KUNTZ asked if any landscaping will be required in the 5-foot setback. Mr. Sanner stated there is not a requirement. Ms. Reckert stated staff did not make that recommendation. It could be discussed with the applicant.

Board Member BELL asked if the applicant is required to have a fence. Ms. Reckert stated no.

**Tyson Remmert (for the applicant)
4390 Newland St.**

Mr. Remmert stated the applicant did not convert the garage into living space and wasn't aware it was unpermitted. The applicant is looking for off-street covered parking.

Mr. Remmert stated the gables are running east and west so when the rain gutters are installed they will be diverted from any property line or down the driveway into landscaped areas on the property.

Ms. Reckert stated there were no phone calls or written correspondence of objection.

Board Member BELL stated the location of the proposed garage does not obstruct the vision to 44th Avenue. She stated she would be voting in favor of the variance.

Upon a motion by Board Member HOVLAND and second by Board Member BANGHART, the following resolution was stated:

WHEREAS, application Case No. WA-13-16, 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 no protests registered against it;

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 IT BE RESOLVED that the Board of Adjustment Case No. WA-13-16 be, and hereby is APPROVED.

TYPE of VARIANCE: A 20-foot (80%) variance from the 25-foot side setback requirement to allow for the construction of a detached garage on a corner lot zoned Residential-Two (R-2)

For the following reasons:

1. **The variance will not alter the essential character of the locality.**
2. **The proximity of the lot to 44th Avenue and Newland Street results in a unique challenge and justifies the request for a decreased setback.**
3. **The detached garage is consistent with other detached garages in the surrounding neighborhood.**
4. **The request is in compliance with the intent of the zoning code, protecting the health and safety of residents in the neighborhood.**
5. **The request would not be detrimental to public welfare.**

With the following conditions:

1. **The design and location of the detached garage shall be consistent with the exhibits contained in the case file.**
2. **The setback variance applies only to those portions of the structure adjacent to the northern property line.**
3. **The first 25-feet of the driveway from the edge of pavement into the site be surfaced with concrete, asphalt, brick pavers or other similar hard surfaced material in compliance with Section 26-501.D.1 of the City Code.**
4. **The design and architecture of the proposed structure be similar in character to the existing house, subject to staff review and approval through review of a building permit.**

The motion was approved by a vote of 6-0.

5. **CLOSE PUBLIC HEARING**

Chair GRIFFITH closed the public hearing.

6. **OLD BUSINESS**

7. **NEW BUSINESS**

A. Approval of Minutes – July 25, 2013

It was moved by Board Member BANGHART and seconded by Board Member HOVLAND to approve the minutes as written. The motion passed 3-0 with Board Members GRIFFITH, KUNTZ and PAGE abstaining.

B. Ms. Reckert stated the following:

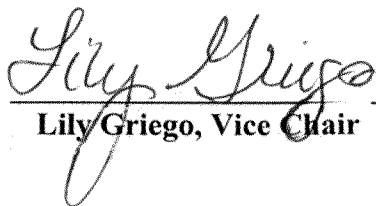
- There may be a flood plain case in October.
- The Boards and Commission Dinner is scheduled for October 16.
- City Election is on November 5.
- Ms. Reckert asked Ms. Waggoner if an application was received for an alternate. Ms. Waggoner stated there was an inquiry but she was unaware of a submitted application.
- CML Training for Boards & Commission members is scheduled for October 17 at the Colorado Municipal League building.
- Training for the Board of Adjustment with the City Attorney will be scheduled upon appointment of alternates.

Board Member HOVLAND inquired about the location of the flood plain variance case. Ms. Reckert stated it is south of 44th but on the north side of Clear Creek.

Board Member BELL inquired about the light rail and area around the commuter train end-of-line station. Ms. Reckert stated there has been much progress and updates to the Northwest Subarea Plan. City Council will hold a public hearing for adoption of the updated plan on October 14.

8. ADJOURNMENT

The meeting was adjourned at 7:40 p.m. by Chair GRIFFITH.


 Lily Griego, Vice Chair


 Kim Waggoner, Recording Secretary