



**BOARD OF ADJUSTMENT
Minutes of Meeting
January 22, 2009**

1. CALL THE MEETING TO ORDER

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

2. ROLL CALL

Board Members Present: Janet Bell
Bob Blair
Alan Bucknam
Paul Hovland
Larry Linker
Betty Jo Page

Board Members Absent: Tom Abbott

Staff Members Present: Adam Tietz, Planner I
Jeff Hirt, Planner II
Ann Lazzeri, Secretary

3. PUBLIC FORUM

No one wished to address the Board at this time.

4. PUBLIC HEARINGS

- A. Case No. WA-08-16:** An application filed by John and Janet Jackson for approval of a 5.5 foot side yard setback variance from the 30 foot side yard setback requirement when adjacent to a public street resulting in a 24.5 foot side yard setback for property zoned Residential One and located at 3225 Miller Street.

This case was presented by Adam Tietz. He entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. He reviewed the staff report and digital presentation. He noted that there were two letters of opposition contained in the staff report. Staff found there are unique circumstances attributed to the request that would warrant approval of a variance.

Board Member LINKER asked how far the garage would have to be shifted to the west in order to stay within the setback regulations. Mr. Tietz estimated another 15 or 20 feet.

John and Janet Jackson
3225 Miller Street

Mr. and Mrs. Jackson, the applicants, were sworn by Chair BUCKNAM. Mr. Jackson stated that his present garage only accommodates one vehicle and he would like to build another garage to accommodate their second vehicle. He stated the garage would match the exterior of their home.

Board Member LINKER asked the reason for a 5 foot variance. Mrs. Jackson stated that a regular sized garage would fit without a variance but they want to have a little room for storage space. She stated that storage space in the garage would eliminate an existing storage building on the property. Mr. and Mrs. Jackson also stated that a variance of 2.8 feet less than the original request would be sufficient.

In response to a question from Board Member BELL, Mr. Tietz explained that a decrease in a variance request would not require a new hearing. Only in cases of requests for an increased variance does it become necessary to advertise and conduct another hearing.

Board Member BELL commented that she is very familiar with this property and because of the drop-off from 32nd Avenue she did not believe the garage would be intrusive. Further, the garage would not be adjacent to another residence to the south.

Board Member BLAIR asked if the Jackson's had discussed the project with neighbors other than those who submitted letters of opposition. Ms. Jackson replied that they had contacted neighbors and some were in favor and some where opposed. Mr. Jackson said there was concern by some of the neighbors that the garage would create a visual barrier. He stated that the 7% slope from the street and placement of the garage behind the original garage and behind the fence would not present a visual barrier to the neighbors.

Chair BUCKNAM asked to hear from members of the public.

Glen and Lynn Honaman
3275 Miller

Mr. And Mrs. Honaman were sworn by Chair BUCKNAM. They live next door to the applicants and stated they had no problem with the addition of the garage on the Jackson's property. However, Mr. Honaman expressed concern with construction that is occurring in the neighborhood. He stated that construction on the property across the street from his property on 33rd has upset the flow of the

neighborhood. He and other neighbors want to keep the open feeling in their neighborhood.

Board Member HOVLAND commented that the proposed garage has a good design and would not be intrusive. Opposition was probably out of concern about the property across street and the Jackson's proposed garage is nothing of that scale.

Board Member BUCKNAM agreed that the perceived setback of the garage in relation to the street it fronts on would present minimal impact to the neighborhood.

Board Member LINKER asked if the roof would have a gable roof to match the house. The applicants indicated that it would have a gable roof. He stated that he would support the application although he did not believe there was a real hardship.

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

WHEREAS, the applicant was denied permission by an administrative officer; and

WHEREAS, Board of Adjustment Case No. WA-08-16 is an appeal to this Board from the decision of an administrative officer; and

WHEREAS, the property has been posted the fifteen days required by law, and in recognition 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 Application Case No. WA-08-16 be and hereby is APPROVED.

For the following reasons:

- 1. The side yard setback variance will not alter the character of the neighborhood in that the impact is diminished because of the grade change from 32nd Avenue.**
- 2. There will be no negative impact to the public welfare or other properties in the area as the garage is proposed to be built on the south side of the property away from other homes.**

3. **The request will not substantially increase the congestion in public streets, encroach into the sight distance triangle, increase the danger of fire or endanger the public safety.**
4. **There are unique conditions on the property that create a hardship for the garage to be built in compliance with the R-1 development standards.**
5. **The said hardships on the property have not been created by the owner or any person currently having an interest in the property.**
6. **The conditions necessitating the request are present in the neighborhood and are not unique to the property.**

With the following condition:

1. **The garage must be complimentary in building material and architectural style to the home subject to staff review and approval through review of a building permit.**

Board Member BLAIR asked if a smaller variance should be approved since the applicants indicated that would be acceptable.

Board Member BELL commented that, due to soil conditions in this area and the slope from 32nd Avenue, the original request would give the applicants a little leeway in case they run into soil problems. Further, the extra 2.8 feet would have no impact on the neighborhood.

The motion passed 6-0 with Board Member ABBOTT absent.

5. CLOSE THE PUBLIC HEARING

Chair Bucknam closed the public hearing.

6. OLD BUSINESS

There was no old business to come before the Board.

7. NEW BUSINESS

A. Approval of Minutes – December 10, 2008

It was moved by Board Member BLAIR and seconded by Board Member HOVLAND to approve the minutes of December 10, 2008 as presented. The motion passed unanimously.

B. Resolution Designating a Public Place for Posting of Notices of Public Meetings

The resolution identifies the lobby of the Municipal Building as the designated place for posting of public meeting notices.

It was moved by Board Member BELL and seconded by Board Member PAGE to approve Resolution 01-2009 establishing a designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law. The motion passed unanimously.

- C. Mr. Tietz stated that, according to revised BOA bylaws, four alternates are to be appointed to the Board by City Council to ensure that there would always be a full Board present to hear cases. He asked that Board members get in touch with staff with suggestions of people who could serve in this capacity.
- D. As part of the comprehensive plan review, Jeff Hirt asked if Board members would be willing to participate in a joint study session with Planning Commission to discuss residential development standards. There was consensus to participate in a joint study session. Board members will be advised when a date is set. Board Member HOVLAND stated that he would be out of town for the next scheduled Board meeting.
- E. Mr. Tietz referred to a letter in the packet from Wheat Ridge 2020 announcing its third Planning and Development Academy starting in February. Anyone who is interested in attending should contact Denise Balkas of Wheat Ridge 2020.

8. ADJOURNMENT

The meeting was adjourned at 7:57 p.m.


Alan Bucknam, Chair


Ann Lazzeri, Secretary