



**City of  
Wheat Ridge**  
**BOARD OF ADJUSTMENT**  
**Minutes of Meeting**  
**May 28, 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 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL**

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

Alternate Present: Bob Howard

Staff Members Present: Meredith Reckert, Senior Planner  
Jeff Hirt, Planner II  
Ann Lazzeri, Secretary

**3. PUBLIC FORUM**

No one wished to address the Board at this time.

**4. PUBLIC HEARING**

- A. Case No. TUP-09-01:** An application filed by Stephen Buss for Conti Automotive Repair for approval of a one-year temporary permit to allow a temporary storage container on property located at 9544 West 44<sup>th</sup> Avenue and zoned Commercial One.

The case was presented by Jeff Hirt. 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. Staff concluded that the findings of fact

were supportive of the request and recommended approval for reasons, and with conditions, as outlined in the staff report.

In response to a question from Board Member FISHER, Mr. Hirt explained that a one-year TUP may not be extended.

**Steve Buss**  
**9544 W. 44<sup>th</sup> Avenue**

Mr. Buss, the applicant, was sworn in by Chair BUCKNAM.

He stated that there was an old trailer and wooden storage shed in poor repair on the property when he purchased it last fall. In order to improve the property, he removed these two structures and replaced them with a new storage container painted the same color as the building. He did not realize that he was violating city code. He plans to continue improvements to the property by removing some equipment, parts and other tools. He also plans to do some concrete work and fence work. The container gives him extra room to shuffle equipment around and a place to keep construction materials and tools as needed. He estimated that a one-year temporary permit would give him adequate time to complete his projects.

Board Member BELL asked Mr. Buss if he would consider removing the bright yellow advertising signs on the container. Mr. Buss stated that he owns the container and that it would not be a problem to remove the signs.

In response to a question from Board Member FISHER, Mr. Buss stated that the container is not left open all day and is accessed only when necessary.

In response to a question from Board Member LINKER, Mr. Buss stated that he plans to remove the container at the end of a year. He is also giving consideration to building an addition at some time in the future. Board Member LINKER complimented Mr. Buss on the improvements he is making to the property.

Board Member BLAIR asked if any concerns had been expressed by neighbors. Mr. Hirt stated that his office has not received any negative comment about the TUP. Mr. Buss stated that one neighbor inquired about the nature of his application. When he explained, the neighbor indicated that he had no objection to the temporary permit.

In response to a comment by Board Member FISHER, Mr. Hirt explained that hardship does not need to be demonstrated for temporary permits.

There were no other individuals present to address the Board.

**Upon a motion by Board Member ABBOTT 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 application Case No. TUP-09-01 is an appeal to the Board from the decision of an administrative officer; and**

**Whereas, the property has been posted the fifteen days required by law and in recognition that there were no 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. TUP-09-01 be, and hereby is APPROVED.**

**For the following reasons:**

- 1. Approval of the temporary storage container would not alter the essential character of the locality.**
- 2. Approval of the temporary storage container would not be injurious to other properties in the neighborhood.**
- 3. The temporary storage container will not result in traffic congestion or traffic hazards.**
- 4. Approval of the temporary storage container will accommodate a business owner in need of storage and allow time to consider long-term options.**
- 5. There was notice from a nearby residential neighbor approving this variance.**
- 6. Staff notes in its comments that consideration is being given to revisions to the city's accessory building and temporary storage container regulations for commercial properties. The lack of flexibility to allow additional storage on commercial properties has been problematic for many businesses and property owners. It is anticipated that within the next year these regulations will be evaluated and there is the possibility that more flexibility may be provided in the code.**

**With the following conditions:**

1. **The temporary storage container shall be allowed for one year. The one-year time period shall begin with approval from the Board of Adjustment on May 28, 2009.**
2. **The applicant will remove or otherwise obscure all advertising signage from the container that is visible from a public way.**

**The motion carried 8-0.**

**5. CLOSE THE PUBLIC HEARING**

Chair BUCKNAM closed the public hearing.

**6. OLD BUSINESS**

Board Member ABBOTT asked about the status of the trailer located on the Beth Eden property. Ms. Reckert will look into the situation.

**7. NEW BUSINESS**

**A. Approval of minutes – April 23, 2009**

**It was moved by Board Member BELL and seconded by Board Member FISHER to approve the minutes of April 23, 2009 as presented. The motion passed unanimously.**

- B.** Board Member PAGE suggested that a procedure be established for seating alternates. There was a consensus to add an addendum to the bylaws. Staff will draft an addendum to be considered at the next meeting.

**8. ADJOURNMENT**

The meeting was adjourned at 7:38 p.m.



Alan Bucknam Chair



Ann Lazzeri Secretary