



BOARD OF ADJUSTMENT

Minutes of Meeting

December 10, 2008

1. CALL THE MEETING TO ORDER

The regular meeting of the Wheat Ridge Board of Adjustment was called to order by Chair PAGE 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: Tom Abbott
Janet Bell
Bob Blair
Alan Bucknam
Paul Hovland
Larry Linker
Betty Jo Page

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 HEARINGS

- A. **Case No. TUP-08-02:** An application filed by Eric Boivin of All Traffic Data for approval of a one-year temporary use permit to allow four temporary storage containers on property located at 9660 West 44th Avenue and zoned Commercial One.

This 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 recommended approval for reasons and with conditions as outlined in the staff report.

The applicant requested approval of a temporary use permit to allow existing temporary storage containers to remain on the site while he determines how to accommodate necessary storage within existing zoning regulations. The applicant

indicated there is not suitable space within the existing building to store his traffic data collection equipment.

In response to a question from Board Member BUCKNAM, Mr. Hirt stated that the storage units are screened by an approximately 7-foot fence adjacent to the property to the south. The units are estimated to be 2-3 feet from the fence. Because they are temporary units and not classified as structures, they are not subject to setback requirements.

Mr. Hirt commented that because the applicant's situation is not uncommon in the city, staff is working on a code amendment which would allow more flexibility for business property owners.

Eric Boivin
All Traffic Data
9660 W. 44th Avenue

Mr. Boivin was sworn by Chair PAGE. He stated that there is not sufficient room in his existing building to store traffic data collection materials and therefore he installed the storage units. He stated that if he could acquire adjacent property he would build additional space. If that is not possible, he is considering adding onto his building on the east side in order to eliminate the need for storage units.

Daniel Lynch
4371 Hoyt Court

Mr. Lynch was sworn by Chair PAGE. He owns the apartment building immediately adjacent to the applicant's property. He spoke in favor of the application and stated that he had no objection at all to the storage units. He stated that Mr. Boivin has made many improvements to enhance the appearance of his property.

Board Member BUCKNAM invited discussion regarding safety and access issues in regard to the setback issues.

Board Member BELL commented that, upon driving by the property, she didn't have a problem with the setback issue. The 7-foot fence prevents graffiti as well as people climbing on the units.

Board Member ABBOTT commented that, from a fire department viewpoint, the steel, windowless storage units would not present a fire hazard. However, there can be problems with having junk stored in setback areas.

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

WHEREAS, the applicant was denied permission by 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;

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-08-02 be and hereby is APPROVED.

For the following reasons:

- 1. Staff has recommended approval.**
- 2. Approval of the temporary storage containers would not alter the character of the locality.**
- 3. Approval of the temporary storage containers would not be injurious to other properties in the neighborhood.**
- 4. The temporary storage containers would not result in traffic congestion or traffic hazards.**
- 5. Approval of the temporary storage containers will accommodate a business owner in need of storage and allow time to consider long term options.**
- 6. The owner of the property immediately adjacent to the south testified in favor of the temporary use permit.**

With the following conditions:

- 1. The temporary storage container shall be allowed for one year. The one year time period shall begin with the approval from the Board of Adjustment on December 10, 2008.**
- 2. Nothing immovable, combustible or noncombustible shall be stored immediately around any side of the containers.**

The motion passed 7-0

5. CLOSE THE PUBLIC HEARING

Chair PAGE closed the public hearing.

6. **OLD BUSINESS**

- Board Member BELL encouraged Board members to attend the December 18th Planning Commission meeting when proposed code amendments will be discussed.
- Board Member ABBOTT commented that he is serving on the committee formed to review Comprehensive Plan. The process is consultant-facilitated. He encouraged Board members to attend public hearings on this matter. The first community meeting will be held on January 13, 2009, at 6:30 p.m. at the Wheat Ridge Recreation Center.

7. **NEW BUSINESS**

A. **Approval of Minutes – June 26, 2008**

It was moved by Board Member BELL and seconded by Board Member BUCKNAM to approve the minutes of June 26, 2008 as presented. The motion passed unanimously.

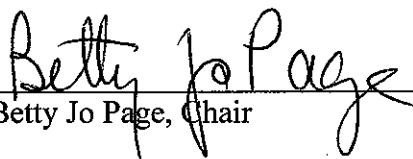
B. **Election of Officers**


Alan Bucknam was elected to serve as Chair of the Board of Adjustment.

Paul Hovland was elected to serve as Vice Chair of the Board of Adjustment.

8. **ADJOURNMENT**

The meeting was adjourned at 7:53 p.m.


Betty Jo Page, Chair


Ann Lazzeri, Secretary