



City of  
**Wheat Ridge**  
**BOARD OF ADJUSTMENT**  
**Minutes of Meeting**  
**June 25, 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  
Betty Jo Page  
Bob Howard, Alternate

Board Members Absent: Larry Linker

Staff Members Present: Meredith Reckert, Senior Planner  
Adam Tietz, Planner  
Ann Lazzeri, Secretary

**3. PUBLIC FORUM**

No one wished to address the Board at this time.

**4. PUBLIC HEARING**

- A. **Case No. WA-09-03:** An application filed by Taco Bell for approval of (A) a 28 square foot size variance from the maximum allowable 30 square feet for a menu board, resulting in a 58 square foot menu board and (B) a request for a 2'8" height variance from the maximum allowable 6 foot menu board height resulting in a 8'8" high menu board for property zoned Commercial-One and located at 4795 Kipling Street.

The case was presented by Adam Tietz. He entered all pertinent documents into the record. He reviewed the staff report and digital presentation. Staff found that variance criteria had been met and recommended approval for reasons, and with conditions, as contained in the staff report.

**Gene Summers  
Near Design and Planning**

Mr. Summers, representing Taco Bell, was sworn in by Chair Bucknam. He agreed with the staff report. He stated there was an error in his submittal. The proposed menu board is 54 square feet rather than 58. The menu board would be three inches higher than the existing menu board. He had no objection to only having one menu board. In fact, Taco Bell's prototype is to have only one menu board.

In response to a question from Board Member PAGE regarding the fence on the northern edge of the property, Mr. Summers stated that he didn't know who owns the fence, but was confident Taco Bell would look into it and remove it if possible.

Board Member ABBOTT commented that the landscaping wall was attractive.

Mr. Summers showed an architectural rendering of the proposed menu board to the Board.

Promotional banners were discussed. Meredith Reckert explained that businesses have the option of having one promotional banner.

Chair BUCKNAM asked if there were members of the public who wished to address this matter. Hearing no response, he closed the public hearing.

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

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

**Whereas, Board of Adjustment application Case No. WA-09-03(A) 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. WA-09-03(A) be, and hereby is APPROVED.

For the following reasons:

1. The request would not alter the character of the neighborhood.
2. The request would not be detrimental to public welfare.
3. The variance would result in the sign having a minimal impact on the surrounding properties.
4. The request results from part of a major investment in the property which helps to accomplish goals in the ASDM and NRS.
5. The existing sign is 56 square feet.

With the following condition:

1. No additional side or top panels will be added to the menu board. All special promotions and temporary menu items must be displayed within the menu board.
2. Only one menu board will be allowed.

Board Member BELL offered a friendly amendment to delete the portion of the condition that reads: *All special promotions and temporary menu items must be displayed within the menu board.* The amendment was accepted by Board Member ABBOTT.

The motion carried 8-0.

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

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

Whereas, Board of Adjustment application Case No. WA-09-03(B) 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. WA-09-03(B) be, and hereby is APPROVED.

For the following reasons:

1. The request would not alter the character of the neighborhood.
2. The request would not be detrimental to the public welfare.
3. The variance would result in the sign having a minimal impact on the surrounding properties.
4. The request results from part of a major investment in the property which helps to accomplish goals in the ASDM and NRS.
5. The existing sign is 5 inches lower.
6. Lowering the sign is impractical due to snow depths in the winter obscuring the signage.
7. As to the likely intent of the height restriction, the sign is not noticeable or readable from the street but is on an interior drive with a freestanding landscaped area and backdrop wall and, therefore the sign will not be obtrusive to passersby.

With the following condition:

1. No additional side or top panels will be added to the menu board.

The motion carried 8-0.

- B. Case No. WA-09-04:** An application filed by Robert Sherman for approval of up to a 10 foot side yard setback variance from the 15 foot side yard setback requirement resulting in a 5 foot side yard setback on property zoned Residential-One and located at 3305 Moore Street.

Meredith Reckert informed the Board that the applicant is out of town and missed a flight to return for this hearing. Therefore the applicant has requested that the hearing be continued.

It was moved by Board Member HOVLAND and seconded by Board Member BUCKNAM to continue Case No. WA-09-04 to July 23, 2009. The motion carried 8-0.

**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 – May 28, 2009**

**It was moved by Board Member BELL and seconded by Board Member FISHER to approve the minutes of May 28, 2009. The motion passed unanimously.**

B. **Policy for the use of alternate members**

Suggestions included:

- Anyone who accepts the position of alternate be strongly encouraged to attend a Board meeting as a means of orientation.
- If roll has been taken with the alternate seated and the regular member shows up, the alternate would sit through the entire case and vote on the case. The regular member would then be seated for additional cases.

**It was moved by Board Member BELL and seconded by Board Member FISHER to direct staff to incorporate the above suggestions into the proposed policy and bring them back for the Board's consideration. The motion carried 8-0.**

C. **Carnation Festival**

Board Member PAGE suggested that members of the Board support the Carnation Festival by making contributions to purchase a banner that would have wording similar to "Best Wishes from the Board of Adjustment." There was consensus to support this suggestion. Board Member PAGE will arrange all details.

8. **ADJOURNMENT**

The meeting was adjourned at 8:03 p.m.

  
Alan Bucknam Chair

  
Ann Lazzeri Secretary