



BOARD OF ADJUSTMENT
Minutes of Meeting
July 23, 2009

1. CALL THE MEETING TO ORDER

The regular meeting of the Wheat Ridge Board of Adjustment was called to order by Vice Chair HOVLAND 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: Tom Abbott
Janet Bell
Bob Blair
Ryan Fisher
Paul Hovland
Betty Jo Page
Bob Howard, Alternate

Board Members Absent: Alan Bucknam
Larry Linker

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

3. PUBLIC FORUM

No one wished to address the Board at this time.

4. PUBLIC HEARING

A. **Case No. WA-09-04 (continued from June 25, 2009):** 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.

The case was presented by Meredith Reckert. She entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. She reviewed the staff report and digital presentation. The applicant

received three letters of support from neighbors. Staff recommended approval for reasons outlined in the staff report.

Robert Sherman, the applicant, was sworn in by Vice Chair HOVLAND. He stated the house was built in 1927 and added on to several times. If the variance is granted, he plans to build an addition to accommodate a large walk-in closet. The structure, being an old farmhouse, has very small closets. He stated the addition would match the house's building materials and roof line.

In response to a question from Board Member BELL, Mr. Sherman stated that he would replace the large cedar tree demolished by the recent storm with a fast-growing type of tree. The tree had provided some screening from the adjacent property.

Board Member HOVLAND commented that the addition would be secluded and there have been no objections from the neighbors who would be most affected by the addition.

Board Member BELL commented that she could understand the need for a larger closet in this particular old farm house.

Vice Chair HOVLAND asked to hear from members of the public. 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-09-04 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-09-04 be, and hereby is APPROVED.

For the following reasons:

1. The variance would not alter the essential character of the locality.
2. The applicant is proposing a substantial investment in the property that may not be possible without the variance.
3. The request would not be detrimental to public welfare and would not be injurious to neighboring properties or improvements.
4. The conditions necessitating the variance request are present in the neighborhood and are not unique to the subject property.
5. The addition is over fifty percent west of the mid-line of the existing structure.
6. A letter of approval has been submitted by the neighbor immediately to the south.

With the following conditions:

1. The addition must follow existing architectural design and materials of the affected side of the existing house.
2. Upright landscaping material or other types of material shall be used to provide reasonable screening of this addition from the view of the street.
3. As the request is for up to ten feet, the Board requests the applicant and staff to work on reducing the variance to less than ten feet.

Board Member HOWARD offered a friendly amendment to state *that the addition cannot be built closer than five feet from the lot line*. The amendment was accepted by Board Members ABBOTT and BELL.

The motion carried 6-1 with Board Member HOWARD voting no.

- B. Case No. WA-09-05: An application filed by Catherine Snyder for approval of (A) a 5-foot rear yard setback variance from the 10-foot rear yard setback requirement resulting in a 5-foot rear yard setback; and (B) a 25-foot side yard setback variance from the 30-foot side yard setback requirement when adjacent to a public street resulting in a 5-foot side yard setback on property zoned Residential One and located at 2995 Webster Street.

The case was presented by Meredith Reckert. She entered all pertinent documents into the record and advised the Board there was jurisdiction to hear the case. She reviewed the staff report and digital presentation. Staff recommended approval for reasons outlined in the staff report.

Board Member BLAIR asked if there had been any response from the neighbors. Ms. Reckert stated that one phone call was received from an adjacent neighbor who, upon explanation of the variance request, indicated support of the application.

Catherine Snyder, the applicant, was sworn in by Vice Chair HOVLAND. She stated that she worked very hard to find a location for the shed that would be within the city guidelines, but came to the conclusion it could not be done without a variance. Her property is secluded with a six-foot fence. The proposed placement of the shed would be in the most inconspicuous portion of her property. Adjacent property to the west is not residential. She stated that many of her neighbors have sheds placed on the property line.

Ms. Reckert agreed that many of the neighbors do have sheds placed on the property line.

At the request of Board Member HOWARD, Ms. Snyder provided a photo of the shed she plans to have erected in her yard.

There were no members of the public present to address this matter. Vice Chair HOVLAND closed the public hearing

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

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

Whereas, Board of Adjustment application Case No. WA-09-05(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-09-05(A) be, and hereby is APPROVED.

For the following reasons:

- 1. There is an existing six-foot privacy fence to the north and west on the property.**
- 2. The house setback from the front of the lot is quite unique and sets it back further than required making placement of the shed impractical elsewhere.**
- 3. Placement elsewhere would ruin the aesthetics of the property.**

Board Member ABBOTT offered a friendly amendment: *Five of seven criteria have been met with numbers 8 and 9 not applicable.* The amendment was accepted by Board Members PAGE and FISHER

Board Member ABBOTT offered a second friendly amendment: *The shed location allowed by this rear yard variance directly abuts property zoned Planned Commercial Development with the subsequent required setback screening and landscaping of PCD along the long side of the shed.* The amendment was accepted by Commissioners PAGE and RYAN.

The amended motion carried 7-0.

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

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

Whereas, Board of Adjustment application Case No. WA-09-05(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-09-05(B) be, and hereby is APPROVED.

For the following reasons:

- 1. It would not alter the essential character of the locality.**
- 2. A substantial investment would be made in the property.**
- 3. It would not be detrimental to public welfare or injurious to other properties or improvements.**
- 4. Five of the seven criteria for the variance have been met. Criteria eight and nine are not applicable.**
- 5. The location of the shed would be in the least conspicuous place on the property.**
- 6. It would be adjacent to 38th Avenue which will be built to full width when that commercial property is developed.**
- 7. The six-foot security fence minimizes effect on the adjacent neighborhood.**

The motion carried 7-0.

5. CLOSE THE PUBLIC HEARING

Vice Chair HOVLAND closed the public hearing.

6. OLD BUSINESS

Ms. Reckert advised the Board that more information regarding a policy for seating alternates will be available at a later meeting.

Board Member PAGE reported that she submitted money for the Board of Adjustment banner at Carnation Festival.

7. NEW BUSINESS

A. Approval of minutes – June 25, 2009

It was moved by Board Member BLAIR and seconded by Board Member PAGE to approve the minutes of June 25, 2009 as presented. The motion carried unanimously.

8. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.


Paul Hovland, Vice Chair


Ann Lazzeri, Secretary