



**City of
Wheat Ridge**
BOARD OF ADJUSTMENT
Minutes of Meeting
October 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 7:05 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL

Board Members Present: Janet Bell
Bob Blair
Alan Bucknam
Ryan Fisher
Bob Howard
Betty Jo Page

Board Members Absent: Tom Abbott
Paul Hovland
Larry Linker

Staff Members Present: Adam Tietz, Planner I
Kathy Field, Admin. Assistant

3. PUBLIC FORUM (This is the time for anyone to speak on any subject not appearing on the agenda.)

There was no one present to address the Board at this time.

4. PUBLIC HEARING

- A. Case No. WA-09-10:** An application filed by Leroy Kuczek for approval of a 5 foot side yard setback variance from the 15 foot side yard setback requirement resulting in a 10 foot side yard setback for property zoned Residential-One (R-1) and located at 10561 West 38th Avenue.

The 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. Staff recommended approval for reasons set forth in the staff report.

In response to a question from Board Member BLAIR, Mr. Tietz stated that no negative comments had been received concerning this case.

Leroy A. Kuczek
10561 West 38th Ave.

Mr. Kuczek, the applicant, was sworn by Chair BUCKNAM. He stated that he has been working with the Manufactured Home Building Center of Colorado to select a model that would fit on his lot. Because the company is going out of business, he is able to purchase a better quality home for the same price as the first home he planned to buy. He believed the home would be an asset to the neighborhood. The utility poles in question are on his neighbor's property, however it is necessary to provide room for utility vehicles. Shifting the structure five feet to the east would accommodate this purpose.

Board Member BUCKNAM asked about structural issues associated with the existing house. Mr. Kuczek stated that the house was constructed around 1900 using a flooring system on top of unfired red brick that has resulted in an unstable foundation. The house also suffered significant damage from the storm that occurred this summer. He stated that he ordered a survey of the property which showed uneven boundaries.

There were no other individuals present who wished to address the Board. Chair BUCKNAM closed the public hearing.

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

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

Whereas, Board of Adjustment application Case No. WA-09-10 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, and with substantial compliance with recommendations of the Neighborhood Revitalization Study.

Now, therefore, be it resolved that Board of Adjustment application Case No. WA-09-10 be, and hereby is APPROVED.

Type of Variance: A 5 foot side yard setback variance to the required 15 foot side yard setback requirement resulting in a 10 foot side yard setback to allow for a single family home zoned Residential-One.

For the following reasons:

1. The side yard setback variance would not alter the character of the neighborhood.
2. There would be no negative impact to the public welfare or other properties in the area.
3. The request would 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. The conditions necessitating the request are present in the neighborhood and are not unique to the property.
5. Staff recommended approval.

Board Member FISHER stated that he believed the reasons for erecting a pre-fabricated home are justifiable.

Board Member BUCKNAM commented that he believed the house will add value to the neighborhood.

Board Member BELL expressed appreciation to the applicant for providing room for utility vehicles.

The motion carried 6-0.

- B. Case No. WA-09-11:** An application filed by David & Kathy Montgomery for approval of (A) a 600 square foot variance to the minimum 12,500 square feet, and (B) a 10 foot minimum lot width variance to the 80 foot lot width requirement to allow for a 3 family dwelling unit on property zoned Residential-Three and located at 4000 Jay Street.

The 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. Staff recommended approval for reasons, and with conditions, as set forth in the staff report.

**Kathy Montgomery
31001 Clubhouse Lane, Evergreen**

Ms. Montgomery was sworn by Chair BUCKNAM. She stated that the property is an existing three-unit rental that began as a single family dwelling in early 1960. It was converted illegally and is now in foreclosure and is visibly deteriorating. However, it can be a viable attractive property with improvements she plans to make if the variances are approved. She provided plans and cost breakdowns for proposed rehab improvements to the property.

There were no other individuals present who wished to address the Board. Chair BUCKNAM closed the public hearing.

Board Member BELL commended the applicant for undertaking an endeavor to improve this property.

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

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

Whereas, Board of Adjustment application Case No. WA-09-11(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-09-11(A) be, and hereby is APPROVED.

Type of Variance: Approval of a 600 square foot variance to the minimum 12,500 square feet resulting in an 11,900 square foot lot to allow a three family dwelling unit.

For the following reasons:

- 1. The applicant is proposing a major investment in the property and community.**
- 2. The request is consistent with the goals of the Neighborhood Revitalization Study.**
- 3. The request will not alter the character of the neighborhood.**
- 4. The request would not be detrimental to the public welfare.**

5. The variance is being requested to legitimize the illegal conversion of the home and construction of other structures by previous property owners.
6. The request will provide accommodation to people with disabilities.
7. The request will have a positive effect on property values in the neighborhood and will encourage other reinvestment in the neighborhood
8. The illegal units are already in existence and have been for several years.
9. There will be no change in the existing conditions.

With the following conditions:

1. All building permits must be obtained prior to beginning renovations to the property.
2. A maximum of three residential units will be allowed on this property. No additional units may be added to any of the structures. If additional units are added they will be required to be removed.
3. The storage shed in front of the three car garage must be removed.

The motion carried 5-1 with Board Member HOWARD voting no.

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

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

Whereas, Board of Adjustment application Case No. WA-09-11(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-09-11(B) be, and hereby is APPROVED.

Type of Variance: Approval of a 10 foot minimum lot width variance to the 80 foot lot width requirement to allow for a three-family dwelling unit on property zoned Residential-Three.

For the following reasons:

- 1. The applicant is proposing a major investment in the property and community.**
- 2. The request is consistent with the goals of the Neighborhood Revitalization Study.**
- 3. The request will not alter the character of the neighborhood.**
- 4. The request will not be detrimental to the public welfare.**
- 5. The variance is being requested to legitimize the illegal conversion of the home and construction of other structures by previous property owners.**
- 6. The request will provide accommodation to people with disabilities.**
- 7. The request will have a positive effect on property values in the neighborhood and will encourage other reinvestment in the neighborhood**
- 8. The illegal units are already in existence and have been for several years.**
- 9. There will be no change in the existing conditions.**

With the following conditions:

- 1. All building permits must be obtained prior to beginning renovations to the property.**
- 2. A maximum of three residential units will be allowed on this property. No additional units may be added to any of the structures. If additional units are added they will be required to be removed.**
- 3. The storage shed in front of the three car garage must be removed.**

Board Member BUCKNAM commented that approval of this application will improve an illegal situation and be an improvement to the neighborhood.

The motion carried 5-1 with Board Member HOWARD voting no.

5. CLOSE THE PUBLIC HEARING

Chair BUCKNAM closed the public hearing.

6. OLD BUSINESS

There was no other business to come before the Board.

7. NEW BUSINESS

A. Approval of minutes – September 24, 2009

It was moved by Board Member FISHER and seconded by Board Member BELL to approve the minutes of September 24, 2009 as presented. The minutes were approved by acclamation.

8. ADJOURNMENT

The meeting was adjourned at 8:28 p.m. to Wednesday, December 9, 2009.


Alan Bucknam, Chair


Ann Lazzeri Secretary