

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD APRIL 28, 2015

CALL TO ORDER – 7:10 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: T.O. Owens, Chairman; Dave Marquez, Vice Chairman; Jenny Riley, Secretary, Christine Duncan, Dave Marquez, Kathy Drulard, Cindi Kreutzer, Ted Terranova

Not Present:

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Gary Hammond, Senior Planner; Shalisa Daugherty, Administrative Specialist; Jodi Baros, Administrative Specialist, James Cramer, Planner 1

APPROVAL OF MINUTES FOR April 14, 2015 – The minutes for April 14th stand approved as printed.

PUBLIC HEARING –

**VAR2015-0006 – Echter's – 5150 Garrison**

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Mr. Echter spoke first about the history of Echter's and how it was annexed into Arvada from Jefferson County. The sign was put up before the annexation. The sign was replaced in 2000 and was permitted through the City of Arvada.

Mr. Terranova asked staff if the Land Development Code had any requirements for sign code variances in 2000 when the permit was pulled.

Mr. Hammond answered the permit was granted because no changes were being requested at that time. The sign was the same size and in the same place.

Mr. Terranova stated that the only change was the square footage from 47 to 56.

Ms. Kreutzer asked if the light will be on 24/7 or will it shut off at night?

Ms. Ramirez answered the electronic sign can be shut off and automatically will dim.

Mr. Owens asked if Mr. Echter would be open to turning off the electronic portion of the sign off at night.

Mr. Echter stated that he would be open to shutting it off nightly.

Mr. Terranova asked if the sign code changed in 2011 that caused this problem that we are having with the placement of this sign.

Mr. Hammond stated that no, this did not change, and that a monument sign of this size needs to be placed 25 ft. back according to the sign code.

Mr. Marquez asked if the sign could be a different size and scale.

Mr. Echter stated that he did not look into different options.

Mr. Marquez asked if the sign will be lit on all 4 sides.

Ms. Ramirez stated that it will be lit on front and back sides only.

Ms. Riley asked Mr. Echter if he looked at any other places on his site to place the sign elsewhere.

Mr. Echter stated that he did consider other locations but it would put the sign on the drive lane.

There being no one else wishing to speak, the public input portion of the hearing was closed.

Ms. Duncan stated she is in favor of this variance and they are just updating their sign.

Mr. Terranova stated that he supports this whole heartedly and the only change is the size from 47 to 56 sq. ft.

Ms. Kreutzer stated she will also be supporting this and the sign is not that different from what they currently have.

Ms. Riley stated she will also support this variance. She feels that the updates are consistent with changing times and it will benefit the community.

Ms. Drulard said thanks for coming out during your busiest time of the year. She can also support the variance and sees it as good for the business and the community.

Mr. Owens stated that he cannot approve on the basis of good community partner but he does see a significant grade change to properly display their business and he will support this variance, as well.

#### DISCUSSION OF MOTION:

##### MOTION 1:

##### Variance 1:

It was moved by Ms. Riley that variance request VAR2015-0006, Echanters, 5150 Garrison St., to construct a free-standing monument sign that is set back 5' from the front (west) property line when Section 6.17.4 of the LDC requires a 10' set back, be granted.

This motion is based on Findings No. 1 through 8 on Page 10 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact, that the property has a shallow parking lot, and a significant grade change.

The following votes were cast on the motion:

Those voting Yes: Duncan, Drulard, Marquez, Owens, Riley, Kreutzer, Terranova

Those voting No:

Those absent:

Those abstained:

The variance is granted.

MOTION 2:

Variance 2:

It was moved by Ms. Riley that variance request VAR2015-0006, Eichters, 5902 Garrison St., to construct a free-standing monument sign at a height of 12' when Section 6.17.4 of the LDC limits the height to 6', be granted.

This motion is based on Findings No. 1 through 8 on Page 10 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the grade change in relation to the subject property and the adjacent roadway.

The following votes were cast on the motion:

Those voting Yes: Duncan, Drulard, Marquez, Owens, Riley, Kreutzer, Terranova

Those voting No:

Those absent:

Those abstained:

The variance is granted.

MOTION 3:

Variance 3:

It was moved by Ms. Riley that variance request VAR2015-0006, Eichters, 5902 Garrison St., to construct a free-standing monument sign that is 56 sq. ft. in size when Section 6.17.4 of the LDC limits the size to 32 sq. ft , be granted.

This motion is based on Findings No. 1 through 8 on Page 10 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact the there is an elevation change in respect to the roadway and this will help citizens to see the sign when passing by .

The following votes were cast on the motion:

Those voting Yes: Duncan, Drulard, Marquez, Owens, Riley, Kreutzer, Terranova

Those voting No:

Those absent:

Those abstained:

The variance is granted.

**VAR2015-0007 – Shannon Heckler – 7410 W. 62<sup>nd</sup> Ave.**

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Mr. Heckler stated that he is requesting a variance to build a 1320 sq. ft. garage in his backyard. It will not impact anyone and the neighbors are for it.

Mr. Cramer stated that the home was built prior to the expansion of Wadsworth Bypass and is part of the Romans Subdivision and the letters that were received were from Colorado Homeless Families and his neighbors to the west and the south of his property.

Ms. Riley asked about the elevation of his property and the height of the garage and how they will line up.

Mr. Heckler from the base of the garage to the top is less than 16 ft. and the height of the garage is only going to be about 5 ft. visible

Mr. Marquez asked, Is the west property setback 5 ft.?

Mr. Cramer stated it is a 5 ft. setback.

Mr. Marquez did you look at other areas to place your garage?

Mr. Heckler stated that there is no other place for it. My intention is to build a house back there in the future.

Ms. Kreutzer asked, "Why do you want a garage that is bigger than your house?"

Mr. Heckler stated it will be for 2 vehicles, 1 motorcycle and just want to make sure to have enough room.

There being no one else wishing to speak, the public input portion of the hearing was closed.

Mr. Terranova stated that he can support this variance because the house came first and the road expansion came after. The garage will be covered by the wall.

Mr. Owens stated that he cannot support the variance because he does not see any special circumstance about the property and feels that this is just a case of something that a citizen wants and will be of no benefit otherwise.

Ms. Riley said the Mr. Owens took the words right out of her mouth and she cannot support this variance either.

Mr. Marquez agreed with Mr. Owens and Ms. Riley and he cannot support the variance.

Ms. Kreutzer stated she would like to support it but she cannot see where a 15 ft. setback would make such a difference.

Ms. Duncan stated that she believes that the noise is the difficulty and she agrees with Mr. Terranova that the wall will not make it visible and she could support this variance.

Mr. Terranova stated that he wanted to speak of the issue of if CDOT decided to widen the highway that they would have to remove the whole house first before the garage.

Mr. Terranova asked for public hearing to be open, to ask Mr. Heckler a question.

Mr. Heckler stated that at the end of the driveway is a 1000 sq.ft. garden and that is why he needed the garage placed where he is proposing it to be placed.

Mr. Owens asked staff the limit of administrative variance that can be granted.

Mr. Cramer answered that 20% of 100 which is 20 ft.

Mr. Owens closed the public hearing

Mr. Terranova asked if this is the highest and best use of this property.

Mr. Owens stated the reason that the Land Development Code is there is save the cost for the state if they need to go in and remove this property.

Mr. Terranova stated that if they need to take the garage that they would need to take the house first.

Ms. Drulard stated she agrees with Mr. Owens and cannot support this variance.

Ms. Riley stated that she agrees with Mr. Terranova but we as a board should not hinder any improvements to the road that may happen in the future.

DISCUSSION OF MOTION:

MOTION:

It was moved by Mr. Terranova that variance request VAR2015-0007, Shannon Heckler, 7410 W. 62<sup>nd</sup> Ave., to construct a detached garage set back 85' from the centerline of Wadsworth Blvd. (east property line) when Section 6.2.1[g] of the LDC requires a 100' setback from the centerline of a major arterial street segment, be granted.

This motion is based on Findings No. 1 through 8 on Page 12 of the Staff Report.

As to Finding No. 1, the special circumstance is the road was placed in the way of the house.

The following votes were cast on the motion:

Those voting Yes: Duncan, Kreutzer, Terranova

Those voting No: Owens, Riley, Marquez, Drulard

Those absent:

Those abstained:

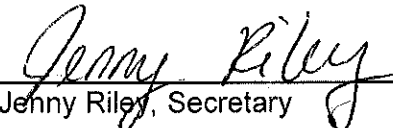
The variance is denied.

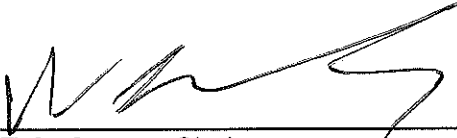
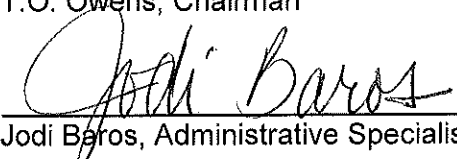
OTHER ITEMS –

Cancel BOA meeting on May 12, 2015.

The next meeting is scheduled for May 26, 2015 with one case.

MEETING ADJOURNED at 8:00

  
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Jenny Riley, Secretary

  
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T.O. Owens, Chairman  
  
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Jodi Baros, Administrative Specialist