

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD NOVEMBER 10, 2015

CALL TO ORDER – 7:01 P.M.

PLEDGE OF ALLEGIANCE -

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

Not Present:

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Rob Smetana, Planning Manager, James Cramer, Planner I, Jake Nitchals, Planner II, Jodi Baros, Recording Secretary

APPROVAL OF MINUTES FOR September 15, 2015 – The minutes for September 15th stand approved as printed.

PUBLIC HEARING –

VAR2015-0020 Carl and Sheila Rubin 10201 W. 77th Ave.

The public hearing was opened.

The property was posted and the fee was paid.

Ms. Drulard announced that the applicants are neighbors of hers and they live about 7 houses from her, but she does feel that she can hear this case.

Carl and Sheila Rubin, 10201 W. 77th Ave are asking for a variance for an existing shed to stay on their property. It was there when they bought the property on a foundation and it has dry wall and lights and a light in the attic. I was surprised that it did not have a variance. The back yard does not allow for a shed to be put there. It has been there for 25 years at least. He wants to reside the shed but he is not going to be put any work into if it he cannot keep it on the property. The shed has been re-roofed and it was permitted to do so. He is surprised that the question did not come up then about not having a variance for the shed.

Paul Williams asked to speak on behalf of the Rubins, we have lived next door to the property for 28 and ½ years. That building was there when we moved in and it has been neatly kept. It is not in the way and it is on a dead end street. We have no objections to this whatsoever.

Angie Downing asked to speak on behalf of the Rubins, I live directly across from them and I would be the one to have a complaint, looking at it. I have lived there for 7 years and I do not have any issue with this shed staying put right where it is.

Logene Williams asked to ask a question, she asked about the public hearing notice and the zoning of the property. It is zoned R-E (Residential Estates) and all the other houses around it are zoned R-1, according to Jefferson County.

Mr. Cramer addressed this issue and stated that he cannot speak on behalf of Jefferson County but according to our records, it is R-E zoning which is Residential Estates and are within the City limits of Arvada.

Additional Comments from Staff

Mr. Cramer stated that there are no comments from staff

Ms. Drulard, asked if the permit for the roof was obtained from the City of Arvada.

Ms. Rubin stated that yes it was.

Mr. Owens asked, how long ago was the permit issued for the shed?

Mr. Rubin stated that the permit was issued about ten years ago.

Ms. Wolfschlag asked if they have talked to the neighbors to the east?

Ms. Rubin stated that she thinks that this is why this issue was brought about because they wanted to build a shed and it raised a question about this existing shed.

Mr. Owens closed the Public Input portion of the Hearing

Ms. Kreutzer stated that she can support this variance because the street has been vacated and the shed is basically on the side of the house.

Ms. Wolfshlag stated that she can support this variance, due to it being a side yard not and not a front yard. The shed also is on a dead end street.

DISCUSSION OF MOTION:

MOTION:

It was moved by Ms. Wolfschlag that variance request VAR2015-0020, Carl and Sheila Rubin, 10201 W. 77th Pl., requests to leave as constructed a 157 square foot storage shed 9 feet 3 inches from the east (second frontage) property line when Section 6.2.1 of the Land Development Code requires a 30 foot front setback within the Residential Estate (R-E) Zoning District.

This motion is based on Findings No. 1 through 8 on Page 16 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that the street is a dead end where the right of way has been vacated on the property.

The following votes were cast on the motion:

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

Those voting No:

Those absent:


Those abstained:

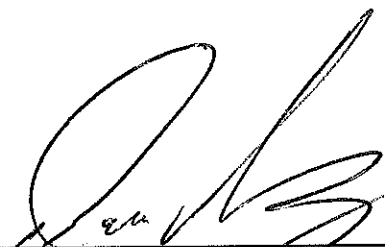
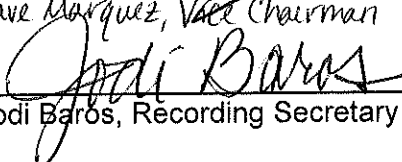
The variance is granted.

OTHER ITEMS –

Next Meeting is December 01, 2015 with two cases.

MEETING ADJOURNED at 7:27 P.M.


Jenny Wolfschlag, Secretary


T.O. Owens, Chairman
Dave Marquez, Vice Chairman

Jodi Baros, Recording Secretary