

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD DECEMBER 1, 2015

CALL TO ORDER – 7:10 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: Dave Marquez, Vice Chairman, Jenny Wolfschlag, Secretary, Kathy Drulard, Cindi Kreutzer, Ted Terranova

Not Present: T.O. Owens, Chairman, Christine Duncan

ALSO PRESENT: Randall Sampson, 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 November 10, 2015 – The minutes for November 10th stand approved as printed.

PUBLIC HEARING –

**VAR2015-0021 R Kevin Brown 7995 Sheridan Blvd.**

The public hearing was opened.

The property was posted and the fee was paid.

Richard Kevin Brown, I am the managing manager and there has been a sign at this property since we have been here and we request to leave as constructed the monument sign that was put up by a previous owner and add an additional electronic insert into the monument sign.

Mr. Marquez asked if there are additional comments from staff.

Mr. Cramer replied that there are no additional comments from staff at this time.

Mr. Terranova stated that on the report that the staff has said that it is a non-conforming sign and then there is a section that states that a non-conforming sign can be altered and that it cannot be more than fifty percent of the value of the sign.

Mr. Cramer replied that it is a non-conforming sign that can be kept the way that it is but the variance is to add electronics to the sign. The value of the requested change is greater than 50 percent of the value of the existing sign.

Ms. Wolfschlag asked "When will the sign be lit?" Will it be lit 24 hours a day or what hours?

Mr. Brown stated that the sign will be lit the hours that the establishment is open and not after hours.

Ms. Wolfschlag asked about the elevation of the sign and how many feet lower does it sit from the road?

Mr. Brown stated that it does sit several feet below that road and that is why they are requesting the variance. If you are heading south on Sheridan Blvd., it appears that it barely sits above the cars in the parking lot.

Ms. Drulard asked "What type of business are you looking to put here?"

Mr. Brown stated that it will be a full service restaurant.

Ms. Kreutzer asked if Ignite Ale House is closed?

Mr. Brown stated that yes the Ignite Ale House is closed.

DISCUSSION OF MOTION:

Mr. Terranova stated that he is in favor of this variance because the sign sits so low on the street and to have it any lower, it would hurt the business.

Ms. Wolfschlag stated that she agrees with Mr. Terranova and can support both the height and the sizing of the sign and it does fit with the characteristics of the area.

Ms. Kreutzer stated that if we lowered and made the sign smaller, it would make it more difficult for the sign to be seen, coming from any direction.

MOTION:

It was moved by Mr. Terranova that variance request VAR2015-0021, Ignite Ale House & Kitchen (R Kevin Brown), 7995 Sheridan Blvd., requests to add an electronic sign to the 60 square foot monument sign standing 12 feet tall (as previously constructed by a prior occupant of the building) when the Land Development Code limits a monument sign to 32 square feet and an overall height of six feet.

This motion is based on Findings No. 1 through 8 on Page 13 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that the property sits lower than the street.

The following votes were cast on the motion:

Those voting Yes: Kreutzer, Wolfschlag, Drulard, Marquez, Terranova

Those voting No:

Those absent: Owens, Duncan

Those abstained:

The variance is granted.

As to Finding No. 2, the special circumstance or condition includes the fact that the property sits lower than the street.

The following votes were cast on the motion:

Those voting Yes: Kreutzer, Wolfschlag, Drulard, Marquez, Terranova

Those voting No:

Those absent: Owens, Duncan

Those abstained:

The variance is granted.

**VAR2015-0022 Christine Gabrielson 7945 Eaton St.**

The public hearing was opened.

The property was posted and the fee was paid.

Ms. Christine Gabrielson stated that they are requesting to build an attached garage to their home because he husband is disabled and cannot get from the car into the home safely when the weather is wet or snowy. The previous owners had changed the one car garage into living space and now they would like to add an attached garage. Her husband does struggle with mobility due to a stroke during a liver transplant back in 2007. They did speak with all the neighbors and no one disagrees with them wanting to add a garage.

Mr. Marquez asked if there are any additional comments from staff.

Mr. Cramer replied that there are no additional comments from staff at this time.

**DISCUSSION OF MOTION:**

Ms. Drulard asked if they talked to City staff when they purchased the home back in July of this year?

Ms. Gabrielson stated that it looked like there was enough room to build a garage and just recently learned about the variance process.

Mr. Marquez asked if they had spoken with a contractor and what did they inform you about this issue?

Ms. Gabrielson stated that they did speak with a contractor and that is when they were told about the variance process.

**DISCUSSION OF MOTION:**

Ms. Kreutzer stated that she does have concerns with how close that the garage will be to the neighbor's property and that they would not be able to get through on that side of the house at all.

Mr. Terranova stated that there will be room in between for the fire department to have access.

Mr. Marquez asked "what the current front setback is on this property?"

Mr. Cramer answered that it is 25 feet from the front setback.

Mr. Terranova stated that Arvada has zero lot lines and the neighbor that is most affected by this garage is okay with it.

Ms. Wolfschlag agreed with Mr. Terranova and stated that there is really not another place to build a garage on this lot. They are aware that they need to meet different fire codes and are willing to do what they need to do to get permits.

MOTION:

It was moved by Ms. Wolfschlag that variance request VAR2015-0022, Christine Gabrielson, 7945 Eaton St., requests a variance to construct a 264 square foot attached garage setback eight inches from the side (north) property line when Section 6.2.1 of the Land Development Code (LDC) requires a minimum side and rear setback of ten feet.

This motion is based on Findings No. 1 through 8 on Page 13 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that the lot is relatively small

The following votes were cast on the motion:

Those voting Yes: Kreutzer, Wolfschlag, Drulard, Marquez, Terranova

Those voting No:

Those absent: Owens, Duncan

Those abstained:

The variance is granted.

OTHER ITEMS –

Next Meeting is December 15, 2015 with two cases.

MEETING ADJOURNED at 7:27 P.M.

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Jenny Wolfschlag, Secretary

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T.O. Owens, Chairman

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Jodi Baros, Recording Secretary