



# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
c3gov.com

## Meeting Minutes - Final Zoning Board of Adjustment

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Tuesday, August 12, 2025

5:30 PM

Council Chambers,

7887 E. 60th Ave Commerce City, CO 80022.

The public can participate virtually by registering in advance  
with the Zoom Registration:

[https://c3gov.zoom.us/webinar/register/WN\\_uOd0cuxiQ0O8RG1CQkXomg](https://c3gov.zoom.us/webinar/register/WN_uOd0cuxiQ0O8RG1CQkXomg)

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Meetings occur in person in the City Council Chambers (location above). The public can watch the meeting live on the city's public access TV or Xfinity cable channels 8 and 881 or on our YouTube channel. The Zoom link above allows virtual participation.

### 1. Call to Order

*The meeting was called to order at 5:30 PM.*

### 2. Roll Call

**Present** 4 - Board Member Gene Leffel, Board Member Joanne Hernandez, Board Member Joe Frey-Waite, and Board Member Shawn Poe

### 3. Pledge of Allegiance

### 4. Approval of Minutes:

[Min 25-167](#)

June 10, 2025 Meeting Minutes

**Attachments:** [Meeting Minutes June 10, 2025](#)

June 10, 2025 meeting minutes are approved. Motion by Board Member Frey Waite second by Board Member Douglas.

**Ayes:** 5 - Board Member Leffel, Board Member Hernandez, Board Member Frey-Waite, Douglas and Board Member Poe

### 5. Case(s):

[AV25-0002](#)

AV25-0002: Kim Clark is requesting a variance to reduce the Rear Yard setback standard from 20-feet to 11-feet for an existing patio cover. The 0.18 acre property is zoned Planned Unit Development.

**Attachments:**    [Variance Report](#)  
[Applicant Narrative](#)  
[Site Plan](#)  
[Vicinity Map](#)  
[Public Comment](#)

*Planner Nathan Chavez presented on behalf of staff*

*Board Members asked questions about the interaction of the Land Development Code and the PUD Zone Document and their setback requirements, written public comment received, notification to surrounding properties, the patio at the time of purchase, and other possible violations in the area.*

*Additionally, Code Enforcement Supervisor Ernesto Galvan-Marquez spoke to the Board of Adjustment on Code Enforcement process, how this violation was found, and future enforcement efforts in this area.*

*Applicant Troy and Kim Clark addressed the Board of Adjustment to provide some history on the structure.*

*There were 4 written comments, 1 phone call and 4 public commenter's (Barret Jensen, Tait McGowan, Major Madison Marvel, Payne Pignocco) on this case.*

**Board Member Douglas made a motion "I move that the Board of Adjustment enter a finding that the requested variance, for the property located at 16764 E 105th Avenue contained in case AV25-0002, meets the criteria of the Land Development Code and based upon such finding, approve the variance," seconded by Board Member Leffel.**

**Ayes:** 5 - Board Member Leffel, Board Member Hernandez, Board Member Frey-Waite, Douglas and Board Member Poe

**6. Action Items:**

**7. Board Business:**

*Board Member Douglas thanked the applicant for AV25-0002 for the diligence in going this process and the Board condolences for the loss that prevented their attendance at the June 10th meeting.*

**8. Attorney Business:**

[Pres 25-442](#)

ZBOA Rules of Procedures Revisions

**Attachments:**    [ZBOA Rules of Procedures 2025 Update](#)

*Senior Assistance City Attorney Eliot Shafer addressed staff's recommended changes to the Rules of the Procedure.*

*The Board discussed the suggested changes and made a few other changes. These suggested changes include changing the start to 6:00pm, additional structure integrated into the meetings, and additional training opportunities, and a time limit on*

*meetings.*

*Assistant City Clerk Kim Adame spoke about the expected training opportunities that her office is putting together.*

**9. Staff Business:**

*Planning Manager Vidlock let the Board know that there are additional cases coming to future meetings.*

**10. Adjournment**

*The meeting adjourned at 7:27 PM.*

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*Nic Berry, BOA Liaison*