

## COMMERCE CITY BOARD OF ADJUSTMENT

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April 12, 2016

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**CALL TO ORDER:** Chairman Pocs called the meeting to order at 5:30p.m.

**ROLL CALL:** Rebecca Skinner called roll. **Present:** Chairman Pocs, Vice-Chairman Leffel, Brinkerhoff, Harr, Haug,

**OTHERS PRESENT:** Steve Timms, Planning Manager  
Caitlin Hasenbalg Long, City Planner  
Robert Sheesley, Interim City Attorney  
Domenic Martinelli, City Planner (in audience)  
Bryan Boykin, Planning Intern (in audience)  
Kerry Romero, Administrative Supervisor  
Rebecca Skinner, Administrative Specialist

**MINUTES:** Vice-Chairman Leffel made a motion to approve the minutes of the July 14, 2015 meeting.

Motion seconded by Board Member Harr.

Chairman Pocs	Yes
Vice-Chairman Leffel	Yes
Brinkerhoff	Yes
Harr	Yes
Haug	Yes

5 – 0, Minutes are approved.

**CASES:** The Board of Adjustment proceeded with the public hearing.

*Case proceedings continued on the following pages.*

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**AV-1734-16: Eric Bush is requesting a 7 ft. variance to reduce the side setback from 10 ft. to 3 ft. to fit the proposed building for the property located at 5844 Dahlia Street, currently zoned I-2 and proposed to be rezoned C-3.** Mr. Sheesley introduced the case and asked the record reflect the file contained the relevant notification and publication information. Ms. Hasenbalg Long reviewed the presentation, including the Development Review Team's (DRT) recommendation for approval, subject to one condition. To date, staff received one letter objecting to the request from the previous property owner of the adjacent property to the north.

Mr. Jeff Wittebort, 155 S. Madison, Denver, Colorado, representative for Bush Development, addressed the Board.

### **Testimony from the Public:**

Brian Ruden, 1155 Orchard Street, Golden, Colorado, stated he is the potential tenant of the property and is in favor of the variance.

Carolynne White, Brownstein Hyatt Farber Schreck, 410 Seventeenth Street, Suite 2200, Denver, representative for Sans Souci, owner of the adjacent property located at 5850 Dahlia Street, expressed opposition to the variance and requested the variance be denied. Ms. White submitted Exhibit A, a summary of her presentation.

Nicole Delmage, 4420 Zuni Street, Denver, Architect representing San Souci, presented a diagram which was entered as Exhibit B in the file.

David Souci, owner of adjacent property at 5850 Dahlia Street, Commerce City, expressed his opposition to the request.

Mr. Ruden and Mr. Wittebort provided rebuttal statements.

There being no other persons present to testify, the public testimony portion of the hearing was closed and a motion was requested.

### **Discussion on the vote:**

The Board discussed the requested variance and the testimony and evidence presented.

### **Motion:**

Board Member Harr moves that the Board of Adjustment find that the requested Variance for the property located at 5844 Dahlia Street contained in case AV-1734-16 meets the criteria of the Land Development Code, and, based upon such finding, approve the Variance, subject to the following condition:

- A. This variance request is only granted for the C-3 zone district. If the proposed zone change from I-2 to C-3 is not approved, this variance shall be automatically void.

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Motion seconded by Board Member Brinkerhoff.

Chairman Pocs	Yes	
Vice-Chairman Leffel	Yes	
Brinkerhoff	Yes	
Harr	Yes	
Haug	No	4 - 1, Variance is approved as stated.

### **Attorney business**

Mr. Sheesley provided an update on the recent staffing changes in the City Attorney's office.

### **Staff business**

The next Board of Adjustment meeting is scheduled for May 10, 2016, as one case is scheduled.

**ADJOURN:** There being no further business to discuss, Chairman Pocs adjourned the meeting at 7:15 p.m.

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David Pocs  
Chairman

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Rebecca Skinner,  
Administrative Specialist