

## COMMERCE CITY BOARD OF ADJUSTMENT

April 11, 2017

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- CALL TO ORDER:** Chairman David Pocs called the meeting to order at 5:30p.m.
- PLEDGE:** Chairman David Pocs led the Pledge of Allegiance.
- ROLL CALL:** Lorena Ruiz called roll. **Present:** Pocs, Leffel, Amador and Haug.
- OTHERS PRESENT:** Domenic Martinelli, Planner  
Steve Timms, Planning Manager  
Matt Hader, Deputy City Attorney  
Candice Alexander, Administrative Specialist  
Lorena Ruiz, Administrative Specialist
- MINUTES:** Board Member Leffel made a motion to approve the minutes of the January 10, 2017 meeting. Board member Haug seconded the motion.
- |        |     |                         |
|--------|-----|-------------------------|
| Leffel | Yes |                         |
| Haug   | Yes |                         |
| Pocs   | Yes |                         |
| Amador | Yes | 4 – Yes, Motion passed. |
- CASES:** The Board of Adjustment proceeded with the public hearing.  
*Case proceedings continued on the following pages.*

**AH-1742-17: Fiore & Sons, Inc. is requesting approval of a height exception in order to allow the storage of mulch piles for the property located at 9109 Monaco Street, zoned I-2.** Mr. Hader stated the applicant was requesting to continue the case to a future hearing date.

**Motion:**

Councilman Amador made a motion to continue the case to a future Board of Adjustment agenda. The motion was seconded by Board member Leffel.

Amador	Yes	
Leffel	Yes	
Haug	Yes	
Pocs	Yes	4 – Yes, Motion passed.

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**AV-1738-17: Sinclair Transport Company is requesting approval of a 437 square foot sign variance in order to construct a 537 square foot wall sign at 8581 E. 96th Avenue, zoned I-3.** Mr. Hader introduced the case and noted that the file contained the relevant notification and publication information. Mr. Martinelli presented the staff report and presentation including the Development Review Team's recommendation for approval, subject to one condition.

The Board asked for clarification on the monument and pole sign requirements, if similar conditions have been added to other cases, and at what point throughout the process would the variance measurement occur.

Shannon Walsh, 8185 86<sup>th</sup> Avenue, Commerce City, was present on behalf of the applicant. She thanked staff for the presentation. She requested additional time to bring pole sign into compliance until 96<sup>th</sup> widening is complete.

In response to a question by the board, staff explained that there are no current plans to widen 96<sup>th</sup> Avenue.

The meeting was opened to the public. There being no persons present to testify, the public hearing was closed and a motion was requested.

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

The board was in favor of the request. They believed the existing non-conforming pole sign should not be incorporated as a condition to this case. They were concerned that the applicant would be required to remove the sign if a potential widening of 96th Avenue occurs in the future.

### **Motion:**

Board member Leffel made the following motion "I move that the Board of Adjustment find that the requested Variance for the property located at 8581 E 96th Avenue contained in case AV-1738-17 meets the criteria of the Land Development Code and, based upon such finding, approve the Variance." The motion was seconded by Board member Haug.

Leffel

Haug

Pocs

Amador      4 yes, Motion passed.

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### **Board Business**

Councilman Amador made a motion to continue the approval of the Rules of Procedure to the next scheduled meeting. Board member Leffel seconded the motion.

Amador

Leffel

Haug

Pocs 4 yes, Motion passed.

Board member Haug made a motion to continue the election of officers to the next scheduled meeting. Board member Leffel seconded the motion.

Haug

Leffel

Amador

Pocs 4 yes, Motion passed.

**ADJOURN:** There being no further business to discuss, Chairman Pocs adjourned the meeting at 6:12p.m.

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David Pocs,  
Chairman

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Lorena Ruiz,  
Administrative Specialist