

KAMO building, 6620 E. 56th Ave, Commerce City

REQUEST for VARIANCE

Monday, February 27, 2017

C 1. What is my hardship?

My hardship is that I bought the building on March 7, 2008. It was in a hot market and I overpaid for the building. Remember we had one of the worst financial crisis of all time a few months later. The crisis was real estate based and dropped my value by over \$ 100,000. So it took all this time to be able to get back to whole and be able to actually build the addition. So, have mostly been upside down on the building in our eight plus years.

The Commerce City Light Industrial code for 1-2 properties has a setback requirement of 20 feet on the side and a rear yard minimum of 25 feet. Though that works for a 50,000-sf lot, it does not work for my 19,000-sf lot. I need to ask for a variance from 20' on the side to 8'. The good news is if this variance is granted is that it is behind an 8' high cinder block wall. It is 9' on the adjoining lot, so it will not be very visible from their lot.

C 2. The hardship was not self-posed. To expand my building to accommodate the demand in the market place, I must consider if the East side of the building would work for my expansion. That side is used to park 7 trucks, 3 trailers, and 3 large trailer generators. If we built on that side then we would not be able to move the equipment and trucks in and out of the lot. It is very tight as it is. Anything less on that side would make the balance of the property ineffective. We would probably have to consider parking in the streets to make up for the loss it we built on the East side. Therefore, the only solution is to utilize the West side which is presently used as a patio with an old shed.

C 3a. Use adjacent to my property is as follows.

North: 56th Ave is four lanes before I get to Monaco Park and homes on the other side of the busy avenue.

South: An open lot owned by Inland Marine and Barry Hughes. It is an open field with equipment, boats, and trucks that are mostly back up items for his business.

In the space we are requesting a variance, they have a large 42 trailer along our property line that is used as a storage unit for them. Thus, our space for the proposed variance is completely blocked by this large trailer. It has been in the same spot for all 8 years that we have been in our space.

East: Water department and its water tower is to the East. Hardly anyone is there except for monitoring and maintenance. They come and go after short periods of time.

West: House owned by Barry Hughes and Inland Marine. It is a rental. We have a 8' tall cinder block wall that is stucco that divides the property and basically blocks out the renters view of our building.

So all lots around me are owned by one owner, Barry Hughes. His business is fixing dams around the western USA. The employees are hardly ever in the yard. Barry told me the men are out 2-3 weeks at a time, then return to Denver for a specified break and then they hit the road again. Thus, hardly anyone is around the property the better part of a month.

C3b. Perceived Loss to neighbor property.

All surrounding lots are I-2. This variance request would not affect them.

Doubtful the variance could or would affect their status as I-2 lots.

I cannot see how upgrading my building could possibly hurt anyone's value.

If anything the increase in my value should help raise their property value. The only side that could see the improvements would be from the South side which is an empty lot. However, a large trailer has been sitting there along our adjoining property line since we have been in our building eight years ago. It probably has been there for many years before we were there.

We have a thick vine growing in the fences line which blocks the view most of the time.

Consider in 8 years I have never seen anyone in the yard. I know they go in there, but very seldom and for short periods of time.

3c. Would the variance injure the legal use of any adjacent conforming property ?

Since the surrounding lots to the West and South are already I-2, there is very little concern of hurting their value or have a fear of changing their legal use.

4. Would requested variance alter character of Neighborhood.

All adjacent lots, 3 of them, are all zoned for I-2, so this variance will not affect their zoning.

Again, only the South side of the property would be able to see any of the improvements.

So my answer is emphatically NO. My property is surrounded by fences, trees, planters, cinder block walls, and heavy growth of vines intertwined in the fence.

5. Would variance block solar access? No. The proposed building is too low at 9' walls to block anyone nearby wanting to install solar panels.

Would it create glare? No walls are stucco and roof asphalt. Should be not glare.

Air pollution? No solid material of wooden walls with stucco and asphalt roofs do not pollute.

6. Will variance increase traffic and or parking problems.

The goal of the expansion is to build two extra offices for salesmen. So the impact would be two more cars. We have lots of parking on the property and long Niagara since the water tower is mostly empty. Monaco Park has parking across the street. Doubt that would come into play.

The back part of the expansion is for storage of tools, equipment, diamonds, and maintenance back up parts. The variance would allow for more space to store equipment under roofs rather than tarps or rickety old shed.

The other side of the Maintenance shop is not a problem, but it is for expanded garage to house our new Power Polishing equipment which includes a power trowel and a large scrubber.

7. Will variance create police, fire, or building hazard?

Cannot imagine a problem with police. It should actually eliminate theft as the rickety old building goes down and a new safer better locked building would replace it. Because we lack space we store expensive diamonds for grinding, and many hand tools in that building.

The building houses easily \$ 30,000 in tools, equipment, and diamonds.

There would be less chance of fire as the shed programmed to be torn down is most likely to be a fire hazard of any buildings on the Property .

Again a new building replacing a rickety old building will eliminate safety issues, not create them.

8. Why is variance the minimum needed?

Commerce City zoning rules for I-2 property is designed for lots of 50,000 sf or greater.

The City has no plan for smaller, grandfathered I-2 properties. The setbacks are unrealistic for smaller I-2 lots. Accommodations need to be done to help landowners to improve their properties. There is a need for a special set of codes for these smaller lots like mine.

The Commerce City code for I-2 property is 20'. We are requesting variance of 12 feet so we can be 8 feet from our property line.

To building anything less on the West side would not allow for two offices. We plan to have an 18 foot attachment to our existing building. This is barely enough for two offices of 9x 12. It is tight with the new plan but will be big enough for two offices and a conference room which we need.

Again the neighbors to the West is a rental property. They have no buildings close to our property. The cinder block walls blocks their view. Furthermore, their property is lower than ours so on their side of the block wall they have an 9 foot wall.

Literally, they would not be able to see any of the changes except the roof top which slopes away from them. Presently, they can see the shed roof that now exists. It is more prominent than the roof of the proposed addition.

9. Additional thoughts. Starbuds is building a property at 68th Place and Dahlia Street is very close to the set back lines and they are in plain view of heavy traffic. Their building is in clear sight. My addition is hidden.

By Sapp Brothers there are several properties that are close to one another and quite open to view of crowded setbacks. If their highly visible buildings are acceptable, our building completely out of site, should be acceptable.

Outside of Commerce City, but next door to Commerce City in Denver along Brighton Boulevard in the RiNo District, the new building are imposing and very close to the Boulevard. If their highly visible to very high traffic is acceptable, then our hidden building needing a variance should be acceptable.

Please see attached pictures to make the point of the old building that we now have.

The wall from both sides blocks any view of our buildings.

Submitted by Chuck Wagner, owner of KAMO, LLC which leases to All West Surface Prep

3-12-17