

Commerce City

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



Meeting Minutes - Draft

Tuesday, November 10, 2020

5:30 PM

Virtual via Zoom

Zoning Board of Adjustment

This meeting will be conducted electronically via Zoom. There will be no physical meeting. The public can access this meeting through the Zoom platform via the internet or phone for public input/testimony or as a witness; pre-registration is required through

<https://www.c3gov.com/government/boards-commissions/zoning-board-of-adjustment>, by contacting staff at 303.289-3679, or aullom@c3gov.com. For more information, visit <http://www.c3gov.com/government/city-council/virtual-meetings>. The meeting will also be live on Channel 8 and c3gov.com/video.

Call to Order

Chairman Leffel called the meeting to order at 5:31 p.m.

Roll Call

Present 5 - Board Member Chris Kuhn, Board Member David Brinkerhoff, Board Member Ellen Haug, Board Member Gene Leffel, and Council Regular Benjamin Huseman

Staff in attendance:

Jason Rogers, Community Development Director

Matt Hader, Deputy City Attorney

Jennifer Jones, Principal Planner

Stacy Wasinger, Planner

Tricia Mason, Community Development Manager

Alexa Ullom, Administrative Specialist

Approval of Minutes:

[Min 20-174](#)

September 8, 2020 Meeting Minutes

Attachments: [9.8.2020 - Meeting Minutes Draft](#)

A motion was made by Board Member Brinkerhoff, seconded by Board Member Kuhn, that these minutes be approved. VOTE:

Aye: 5 - Board Member Kuhn, Board Member Brinkerhoff, Board Member Haug, Board Member Leffel and Council Regular Huseman

Case(s):

[Pres 20-417](#)

AV-1654-07-20: Eugene Gerkov, on behalf of Viktor Nikolenko, is requesting the following variances for the property located at 5560 Locust Street, zoned I-2 (Medium Intensity Industrial District):

- 1) North side building setback variance of 15 feet (to allow a 5-foot setback);
- 2) Rear setback variance of 20 feet (to allow a 5-foot setback);
- 3) North and south buffer yard depth variance of 15 feet (to allow 5-foot buffer yards); and
- 4) Fence setback variance of 20 feet (to allow a 0-foot fence setback from Locust Street).

Attachments: [1 StaffReport AV1654-07-20](#)
 [2 VMap](#)
 [3 Applicants Narrative](#)
 [4 Site Plan](#)
 [5 Nikolenko Subdivision](#)
 [6 AV1654-07](#)
 [7 BOA presentation AV1654](#)

Matt Hader, Deputy City Attorney, introduced the case.

Stacy Wasinger, Planner, presented the case AV-1654-07-20 and noted DRT recommendation of approval.

Discussion from the board included property line, fencing material, and set backs. The board also discussed dust collection and any survey on the property.

Seeing no further questions for the planner, Chairman Leffel invited the applicant to speak.

*Eugene Gerkov, 12399 Piney Lake Road, Parker, CO 80138
Applicant introduced themselves and was available for questions. Applicant noted that the setbacks are to allow as much space as possible on the small size of the property. Currently business is using a water jet method which does not require a dust removal, and would not create much traffic only having 3-4 employees.*

Board discussed with applicant the property line, property survey, material of fence currently and what will be proposed for future fencing, and traffic safety.

Seeing no further questions for the applicant, Chairman Leffel invited the public to speak.

Seeing no public comment, Chairman Leffel closed the public hearing portion of the meeting. The board then further discussed traffic obstruction, fence setbacks, property line, and the City Comp Plan.

Seeing no further comments from the board, Chairman Leffel called for a motion.

A motion was made by Mayor Huseman:

I move that the Board of Adjustment find that Variance Requests 1, 2, and 3 for

the property located at 5560 Locust Street contained in case AV-1654-07-20 meets the criteria of the Land Development Code and, based upon such finding, approve the Variances, subject to the following conditions:

A. The variance is granted for the specific request made in this case and any deviation from this variance will require a new application and hearing before the Board of Adjustment.

B. A six-foot screen-style fence of appropriate materials per LDC Sec. 21-7731 shall be constructed on the south and north property lines.

I move that the Board of Adjustment find that a 10 foot fence setback variance for the property located at 5560 Locust Street contained in case AV-1654-07-20 meets the criteria of the Land Development Code and, based upon such finding, approve the Variances, subject to the following conditions:

A. The variance is granted for the specific request made in this case and any deviation from this variance will require a new application and hearing before the Board of Adjustment.

B. The fence shall meet all other LDC Sec. 21-7731 standards, including materials and height.

Seconded by Board Member Kuhn. VOTE:

Aye: 5 - Board Member Kuhn, Board Member Brinkerhoff, Board Member Haug, Board Member Leffel and Council Regular Huseman

Board Business:

None

Attorney Business:

None

Staff Business:

Jennifer Jones informed the board that there will most likely be a December 8th Board of Adjustment meeting.

Adjournment

The meeting adjourned at 6:46 p.m.