

MINUTES

PUBLIC HEARING

Jonathan Giallanzo called the meeting to order at 7:00 p.m. Mr. Giallanzo outlined the duties and responsibilities of the Board.

BA2012-07: RANDY BLOUNT, RENT TO OWN AUTO CENTER VARIANCE REQUEST TO THE ZONING CODE, SECTION 6, C-2 (D) SETBACK REQUIREMENTS FOR PARKING AND THE FIFTEEN (15) FOOT LANDSCAPE BUFFER BETWEEN RESIDENTIAL AND COMMERCIAL AT 1204 JEFFCO BLVD.:

Randy Blount explained that he has received conditional approval from the Planning Commission and City Council. One of the conditions of approval is getting a variance for an additional 15 foot buffer in addition to the existing fence between the residential and commercial properties. To create an additional 15 foot buffer in addition to the existing fence would require the removal of an extensive amount of asphalt on the site creating the loss of numerous parking spots, already being stressed by the 15 foot street setback that they are agreeing to, and therefore stressing their business even further. Mr. Blount also stated that he has written a letter of guarantee to assure the City of Arnold that during their lease term of occupancy, the six (6) foot white vinyl fence that acts as a buffer and shields this site from the adjoining residential neighborhood will not be removed or altered. The letter also states that they will repair and maintain the buffer fence as needed. If the fence were ever destroyed or came down for any reason, they would rebuild it. The property owner Tom Sorrell also submitted a guarantee letter.

Nick Dalba asked who built the fence. Mary Holden explained that the fence is on the subdivision property and the subdivision installed it. Mr. Sorrell entered into a boundary adjustment with the adjacent property owners in 2005.

Jon Giallanzo questioned the hardship or uniqueness.

Mr. Blount explained that the hardship it would create is they would have to tear the building down and move it forward to get an additional 15 foot buffer in and then it would also be impossible to then use the driveway to enter the lower level of the building rendering the building useless to them.

Mr. Blount also addressed a concern that there would be a lot of traffic generated. Arnold Rental had 70 to 80 people in and out of there a day. The traffic in this facility is nowhere near that amount. On an average they write 30 rental contracts a month, therefore; the traffic issue would be alleviated.

Jane Konsewicz, 1286 Windcrest, subdivision trustee – the fence is on her property. The trustees are aware of the fence agreement. Concerned about future uses – ***against variance.***

Phil Amato, Ward 3 Councilman representing Windcrest Subdivision, explained he is not against business just feels this business is not a good choice for this location. Shared a photo indicating where the cars would actually be parked. When looking across the street you can only see the top of Shop n Save's roof; blind curve - when people are going to rent a car, looking at the cars while pulling in will cause a slowdown of traffic on Jeffco; accident waiting to happen; bus stop right there also – ***against variance***.

Paul Freese, Ward 3 Councilman representing Windcrest Subdivision, read through the required criteria to base a variance on (health, safety & welfare, hardship, uniqueness) and does not believe Mr. Blount has proved any of these – ***against variance***.

Jon Giallanzo asked how many from the subdivision are against this variance. Mr. Freese stated there were probably 40 possibly 50 that were at the council meeting.

Mike Evans, 509 Hannah Way, also spoke about the traffic/safety issue. Compared this business to his family business (Just Pools) stating they may only write 30 contracts a month but a lot of people come through just to look. He also commented that Arnold is a very business friendly city – ***against variance***.

Connie Garrett, 1294 Windcrest, concerned with people test driving cars in their subdivision; too many children around. Also feels there is a traffic/safety issue – ***against variance***.

Tom Sorrell, 5509 Kerth Rd., property owner, gave brief history of this location; bus blocks the intersection when dropping kids off. Traffic and curb are not an issue. As far as the boundary adjustment, if he had not agreed to it, Windcrest Subdivision would not be there.

Randy Blount commented that they rent cars, they do not sell them; when people enter their lot it is before the subdivision; a lot less business and traffic with this business than there was with Arnold Rental; suggested moving the bus stop.

Connie Garrett commented that they indirectly sell cars (rent to own).

Mike Evans stated that moving a bus stop is completely absurd. He also stated that there are kids in the subdivision that are special needs children.

Phil Amato expressed that he is uncomfortable with a bus stop located next to a lot full of cars where a predator could be sitting/watching.

There being no further questions or comments, the public hearing adjourned at 7:50 p.m.

REGULAR MEETING

The regular meeting was called to order at 7:55 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF MEMBERS: Paul Rodenroth, Dale Bast, Walter Bowers, Nick Dalba and Jonathan Giallanzo. 5 members present.

Mary Holden, Community Development Director
Bob Sweeney, City Attorney

Court Recorder: Charmaine Spradling

VARIANCE REQUEST:

A. BA2012-07: Jon Giallanzo questioned the buffer and how we have gotten here to this point.

Mary Holden explained that the buffer has always been established in the commercial zone district. This property has been zoned commercial for years, the property that is now Windcrest Subdivision was also commercial and was rezoned to residential. This site was built under the zoning code at that time. The only setback required when it is commercial to commercial is the front yard setback. Our zoning code does not mandate a preexisting commercial property install a landscape buffer when residential is built adjacent to the commercial. As a result, the residential subdivision installed their own buffer on their property. Arnold Rental moved to a new location and the site was vacant for more than 60 days, negating any grandfathered protection. Our Zoning Code states that when a conditional use goes on a grandfathered property, the grandfather status is negated.

Nick Dalba asked since the building is already there and they cannot achieve the 15 foot buffer, would that be considered a hardship. Mary stated that it would.

Jon Giallanzo asked if the subdivision can impose a financial hardship from our variance request because they own the fence; therefore, if the fence is removed the property owner or any future property owner would have the financial obligation to reinstate that fence.

Motion by Nick Dalba to approve BA2012-07, Rent To Own Auto Center variance request to the Zoning Code, Section 6, C-2, A 15 foot landscape buffer between residential and commercial at 1204 Jeffco Blvd., based on the hardship of the building location; sighting the findings and conditions on the staff report; for the lease space only; and under the condition that if and when that fence is removed, the commercial owners either need to move the building losing the variance or replace the fence. Second by Paul Rodenroth.

Roll call vote: Jonathan Giallanzo, yes; Dale Bast, yes; Walter Bowers, yes; Nick Dalba, yes; Paul Rodenroth, yes. 5 yeas, 0 nays – **Variance Approved.**

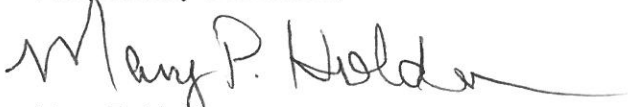
APPROVAL OF MINUTES: Motion by Nick Dalba to approve the minutes from the December 4, 2012 meeting as presented. Second by Paul Rodenroth. Voice Vote – **Unanimously Approved.**

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Mary P. Holden". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mary P. Holden
Community Development Secretary
Acting Board Secretary