

Minutes of the
Board of Adjustment and Appeals of the City of Cherry Hills Village, Colorado
Held on Thursday, January 6, 2011 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chairman Hoellen called the meeting to order at 6:30 p.m.

ROLL CALL

Present at the meeting were the following members of the Board of Adjustment and Appeals: Chairman Earl Hoellen, Vice Chair Suzy Love, Board Member Jamie Seitz and Councilor Mark Griffin.

Also present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; David Foster, Deputy City Attorney; and Laurel Landsman, Community Development Clerk.

Absent was Board Member Dave Heller.

ELECTION OF CHAIR AND VICE CHAIR

Chairman Hoellen stated that he would accept nominations for Chair and Vice Chair of the Board.

Board Member Seitz made a motion, which was seconded by Board Member Susan Struna, to retain Chairman Hoellen and Vice Chair Love as Chair and Vice Chair of the Board.

The motion passed unanimously.

APPROVAL OF MINUTES

Board Member Struna made a motion, which was seconded by Vice Chair Love, to accept the August 5, 2010 minutes as written.

The motion passed unanimously.

AGENDA ITEMS

Glenmoor Country Club, 110 Glenmoor Drive, Request for Approval of a Variance to Allow a Setback Encroachment of 38.2 Feet into the Minimum 50-Foot Rear Setback in order to Expand Restroom Facilities and add a "Snack Shack" to an Existing Mechanical Room and Pool Restroom Facility

Mr. Zuccaro stated that the applicant has requested a variance to allow an encroachment in the rear-yard setback in order to construct an addition to an existing mechanical room and restroom that are part of the Glenmoor Country Club pool facilities. He continued that the subject property is 54 acres and zoned O-1, Open Space, Parks and Recreation District.

Mr. Zuccaro continued that the proposed addition to the building includes an expansion of the existing restroom and snack bar and will add 803 square feet to the existing 1,380-square foot building. The existing building encroaches 38.2 feet into the setback and the proposed addition will encroach 24 feet into the setback.

Mr. Zuccaro stated that the applicant has submitted a written response to the variance approval criteria that the Board must use in determining whether or not to approve a variance request. He continued that staff has found that all criteria set forth in the Staff Memorandum has been met.

Mr. Zuccaro asked if the Board has any questions for staff or the applicant.

Vice Chair Love asked why in the applicant's written response the proposed addition was listed as both 813 and 803 square feet.

Mr. Zuccaro responded that he was not sure but that the applicant may be able to clarify the square footage of the proposed addition.

Chairman Hoellen asked why the Board is reviewing a variance for the entire building.

Mr. Zuccaro responded that if a building has previously been approved for a variance, only the new portion of the structure requires a variance. However, since the property has not been previously approved for a variance, the entire structure requires a variance.

Board Member Struna asked if approval of the proposed variance would open the door for additional building in the future.

Mr. Zuccaro responded that the applicant would have to apply for another variance if they were to propose additional development in the setback and if any addition was greater than 1,000 square feet an Expanded Use Permit would be required.

Chairman Hoellen stated that the public hearing was open and asked the applicant to address the Board's questions.

Mr. Peter Nielsen, agent for Glenmoor Country Club, stated that the restroom facilities by the pool are currently not meeting the needs of club members. The expansion of the facilities would include a changing area, lockers, storage room and laundry area. The correct square footage of the proposed addition is 803 square feet.

Mr. Nielsen continued that the addition would not be visible from East Belleview Avenue where the encroachment would be located. A stone veneer is being added to the walls surrounding the area in order to further disguise the clubhouse and surrounding structures. He asked if the Board has any additional questions regarding the proposal.

Chairman Hoellen asked why the storage room could not be relocated to the other side of the building.

Mr. Nielsen responded that there is a small storage unit used in the summer for the putting green, which is located on the other side of the building.

Chairman Hoellen asked if the applicant could build a storage area by the putting green rather than an expansion of the restroom facilities in order to meet the needs of club members.

Mr. Nielsen responded that a storage area for the pool would be unsafe for staff members who are carry items from the storage area to the pool.

Chairman Hoellen stated that if no members of the public wished to speak, the Board could begin its discussion of the proposed addition.

Board Member Struna stated that she visited the site and said that because the structure is hidden behind the walls of the property it would have not impact and it seemed to improve the look of Glenmoor Country Club.

Chairman Hoellen responded that if the addition would not be visible then he would be less opposed to it.

Mr. Zuccaro stated that if the Board approved the addition, it would be a conditional use and any future building would have to be presented to City Council prior to construction.

Chairman Hoellen stated that a recent variance in Devonshire Heights was denied in part due to the same circumstances. He added that he is struggling with fairness in this regard.

Mr. Foster responded that any previous cases do not create a precedent for future cases.

Chairman Hoellen stated that he understood but would still like to be consistent when applying the variance approval criteria.

Vice Chair Love asked what the protocol would be if the applicant wanted to add to the existing structure in the future.

Mr. Zuccaro responded that if a variance was required and the development was less than 1,000 square feet they would have to come back before the Board. If the addition was 1,000 square feet or more the City Council would review the proposal regardless of whether or not a variance was required.

Board Member Struna stated that she does not want to hand the applicant the ability to expand in the future.

Mr. Foster responded that the Board could add a condition to the variance stating that any future building would require additional approval.

Chairman Hoellen stated that he would entertain a motion.

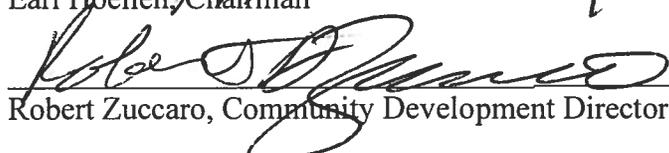
Board Member Seitz made a motion, which was seconded by Board Member Struna, to approve the request by Glenmoor Country Club for a variance to allow a setback encroachment of 38.2 feet into the minimum 50-foot rear setback in order to expand restroom facilities and add a "snack shack" to an existing mechanical room and pool restroom facility with the condition that the applicant does not seek further expansion of the existing structure through a variance.

The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:14 p.m.


Earl Hoellen, Chairman


Robert Zuccaro, Community Development Director