

**CITY OF BRIGHTON**  
**BOARD OF ADJUSTMENT**  
**MINUTES**

August 14, 2018

**Approved as presented**

*By order of the City Council, the Planning Commission is the acting Board of Adjustment.*

**I. CALL TO ORDER**

**Acting Chairman Balderas called the meeting to order at 7:30 p.m.**

**II. ROLL CALL**

Roll call was taken with the following Commissioners/Board Members in attendance: William Leck, Fidel Balderas, Rex Bell and Oliver Shaw. Alternate, Steve Ginevan was also present and seated as a voting member.

Chris Maslanik and Alternate Craig Davis Jr. were excused from attendance.

**STAFF PRESENT:** Jason Bradford, Planning Manager; Mike Tylka, Associate Planner; Daniel Harvey, Interim City Counsel; Diane Phin, Commission Secretary.

**III. Minutes from the April 10, 2018 BOA meeting were approved as presented.**

**Motion by Commissioner Bell  
Second by Commissioner Leck**

**Voting Aye: All Present  
Motion passes 5-0**

**IV. PUBLIC INVITED TO BE HEARD ON ITEMS NOT ON THE AGENDA**

None recognized

**V. PUBLIC HEARING ITEM**

643 S. 2nd – Variance: Mike Tylka presenting

**Chair invited Staff to present, summarized:**

Mr. Tylka confirmed legal publication was completed for this hearing. He entered the staff report into public record and discussed the item as outlined in the staff report. Mr. Tylka stood ready for questions.

**Chair called for questions from the Board to Staff, summarized:**

- Commission asked for clarification on a past neighborhood meeting that concerned another property on the block next to this one. It regarded neighborhood conflict about the access from the dead-end alley. Commission wants to make sure that with their decision on this application, it won't be detrimental to the other neighborhood. Staff stated it is a dead-end alley, but they do not recall that meeting.

**Chair called for the Applicant to address the Board, summarized:**

Valerie Escatel, Applicant, 643 S. 2nd Ave., Brighton CO, 80601  
Ms. Escatel confirmed the access would only be from the street not the alley.

**Chair called for the public to address the Board, summarized:**

None recognized.

**Chair closed the public portion at 7:45 p.m.**

**Chair called for questions from the Board to Staff, summarized:**

- Commission questioned if this really is a legitimate hardship. Staff explained that the lot size is significantly larger and is unique within the subdivision. Because it is a larger lot, it needs more room for accessory structure square footage.
- There was also concern for the possibility of a business being run here. Staff re-iterated the R-1 zone district does not allow for any commercial uses. A small home occupation is all that would be allowed.
- It was confirmed this building will only be used for storage.

**THE BOARD THEREFORE ORDERS AS FOLLOWS:**

- 1. That the request for the Variance as set forth in the Application, is hereby APPROVED, and that such approval does not adversely affect the public health, safety and welfare.**
- 2. The Applicant shall obtain any necessary City Building Permits and approval of the new accessory structure according to all applicable guidelines and regulations prior to commencing any construction on the Property. The Applicant shall otherwise conduct all activities on the Property in accordance with such Permits, and shall obtain, maintain and fully comply with any and all other Permits, licenses or approvals, such as may be required for the Applicant's contemplated activities on the Property. Failure by the Applicant to obtain, maintain or comply with any such permit or required approval shall result in the immediate termination and revocation of this Order.**
- 3. These written Findings and the Board's Determination shall become a permanent and substantive part of the Official Minutes of the Board of Adjustment, and shall be incorporated therein by this reference as of the date of the above-referenced public hearing. A copy of these Findings and Determination shall be delivered to the Applicant in accordance with Zoning Regulations, Sections II.H. and V.N of the Land Use and Development Regulations and Guidelines.**

**Motion by Commissioner Shaw**

**Second by Commissioner Leck**

**Voting Aye: All Present**

**Motion passes: 5-0**

**VI. OLD BUSINESS**

None

**VII. NEW BUSINESS**

None

**VIII. REPORTS**

None

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**IX. ADJOURNMENT**

**Motion to adjourn at 7:58 p.m.**

**Motion by Commissioner Shaw  
Second by Commissioner Ginevan**

**Voting Aye: All Present**