Request for Comments

Case Name: Iniguez Rosemary Fence Variance

Case Number: VSP2022-00010

December 1, 2022

The Adams County Board of Adjustment is requesting comments on the following application: Variance to allow for a 6 feet privacy fence within the front setback where a maximum privacy fence height of 3.5 feet within the front setback is allowed for a residentially used property. This request is located at 8401 ROSEMARY ST. The Assessor's Parcel Number is 0172128211007.

Owner Information: RODRIGUEZ JOSE INIGUEZ
8401 ROSEMARY ST
COMMERCE CITY, CO 800225056

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 12/28/22 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to DDeBoskey@adcogov.org.

Once comments have been received and the staff report written, the staff report may be forwarded to you by request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

David DeBoskey
Planner I
To: Adams County Community & Economic Development Department  
From: Jose Iniguez  
Date: April 27th, 2022  
Re: Fence Height for 8401 Rosemary St. Commerce City, CO 80022

Introduction  
This letter is to inform the county of the reason why part of the fence on my property exceeds the height limit for a residential home. It is also to ask the county for permission to keep the aforementioned at the current height based on the reasons that will be listed below.

Explanation  
I had a fence built on the south side of my property at a height of 6ft. The following reasons are:

1. The home located at 8391 Rosemary St, which is located directly across 84th Ave, is a rental property with many tenants living there. Many of which sleep in their vehicles on that property and would repeatedly look into our dining room windows, screen doors, etc. I do not care where anyone sleeps or what arrangement they have there but when they also relieve themselves outside right in front of my windows, it becomes bothersome for my family and I. I have spoken to the owner about this behavior with no results. I have also called the Commerce City police department about this issue but it never went to the extent of a report. I decided it would be time to solve the issue myself by building this privacy fence. It has solved the issue for me, and I do not have to keep pushing my neighbor to fix the problem.

2. The wood part of the fence, which is the portion in question, does not span the whole south side of the property line. It only spans a length of 45ft which is enough to cover the side of my house. The rest of the fence is steel and has visibility over to Rosemary Street for anyone coming towards the intersection. This was made into the plans to ensure that people are able to see oncoming traffic to ensure they are able to cross safely.

3. This area has become a hot spot for theft and arson in the past years. This is because of the lack of lighting on the street and overall increase in crime. When we had our smaller fence, we had repeated break in attempts on our work and personal vehicles. We have spoken to city officials about this issue as well, but because there is a debate about who this area belongs to, nothing has been done. Commerce City says it belongs to Adams County unincorporated and vice versa. I was told I would need to provide lighting for the street if I wanted it. We know that this fence will likely not stop one of those attacks but it will deter people from entering the property and trying.

4. Lastly, there have been incidents of violence right outside my home recently. On April 3rd there was a case of assault outside my home. Two teens were walking down 84th and a man following them got out of his vehicle and began assaulting one of the teens. He slammed him against my fence and I called the police. I have video evidence which was submitted to the police department. It was submitted to Officer Micheal Rahn (Badge #: 5597). As some of the fence was damaged Officer S. T. Guthrie (Adams Patrol Division Badge #: 491) came out and assessed the damages. I was told to keep everything closed.
and to keep my area safe because of this incident. After events like these, you can see why I would like to keep my fence the way it is.

**Closing Argument**
As I finish this letter, I hope that I have made my case for this issue. As a father, grandfather, and homeowner I want my family to feel comfortable, safe, and at peace with being on our property. I have lived here for about 16 years and want to feel well enough to live here another 30 years. I apologize for not notifying the county before building it but I made a mistake with not getting the correct information. I appreciate your time and thank you for your consideration.
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.
DEVELOPMENT APPLICATION FORM

Application Type:

- Conceptual Review
- Subdivision, Preliminary
- Subdivision, Final
- Plat Correction/Vacation
- Preliminary PUD
- Final PUD
- Rezone
- Special Use
- Temporary Use
- Variance
- Conditional Use
- Other:____________________________________________________

PROJECT NAME: Fence Replacement.

APPLICANT

Name(s): Jose Iniguez Phone #: 303-520-3069
Address: 8401 Rosemary St.
City, State, Zip: Commerce City, CO 80022
2nd Phone #: Email: Jiniguez303@gmail.com

OWNER

Name(s): Jose Iniguez Phone #: 303-520-8069
Address: 8401 Rosemary St.
City, State, Zip: Commerce City, CO 80022
2nd Phone #: Email: Jiniguez@gmail.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: Phone #:
Address:
City, State, Zip:
2nd Phone #: Email:
### DESCRIPTION OF SITE

<table>
<thead>
<tr>
<th>Address:</th>
<th>8401 Rosemary St.</th>
</tr>
</thead>
<tbody>
<tr>
<td>City, State, Zip:</td>
<td>Commerce City, CO 80022</td>
</tr>
<tr>
<td>Area (acres or square feet):</td>
<td>13,000 sq ft.</td>
</tr>
<tr>
<td>Tax Assessor Parcel Number:</td>
<td>0172128211007</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>Residential</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Residential</td>
</tr>
<tr>
<td>Proposed Land Use:</td>
<td>N/A</td>
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</tbody>
</table>

Have you attended a Conceptual Review?  YES [ ]  NO [ ]

If Yes, please list PRE#: [ ]

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Jose Iniguez</th>
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<tbody>
<tr>
<td>Owner's Printed Name</td>
<td>Jose Iniguez</td>
</tr>
<tr>
<td>Date:</td>
<td>3/3/22</td>
</tr>
<tr>
<td>Name:</td>
<td>Jose Iniguez</td>
</tr>
<tr>
<td>Owner's Signature</td>
<td></td>
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