

CASE SUMMARY
Consent Agenda

BOA Hearing Date: December 7, 2022

22-125151VC Special Exception

Owner/Applicant: Kevin McClung

Location: 6925 S. Wadsworth Court, Littleton
Section 26, Township 5 South, Range 69

Approximate Area: 0.19 Acres

Zoning: Planned Development (Columbine West ODP)

Purpose: Renewal of a Special Exception for a Home Occupation of firearm sales and transfers.

Case Manager: Megan Hazen

Issues:

- None

Recommendations:

- **Staff:** Recommends approval

Interested Parties:

- None

Level of Community Interest:

- Low

Case Manager Information: Phone: 303-271-8745 e-mail: mhazen@jeffco.us

Staff Report

BOA Hearing Date: December 7, 2022

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Previous Actions: 21-127312VC
17-106518CV

Surrounding Zoning: North: Planned Development (Columbine West ODP)
South: Planned Development (Columbine West ODP)
East: Planned Development (Columbine West ODP)
West: Planned Development (Columbine West ODP)

Existing Use: Single-family residential

Existing Structures: Single family detached residence with an attached garage.

Services: South Metro Fire District

BACKGROUND/DISCUSSION:

The applicant is requesting a renewal of a Special Exception to allow a Home Occupation for firearm sales and transfers. The applicant requests a five-year term for the Special Exception renewal. A Special Exception for this Home Occupation was first granted by the Board of Adjustment on October 20, 2021, for a term of one year.

The Home Occupation takes place in a secured, windowless room in the basement of the home, which is approximately 94 square feet. Firearms are stored in a locked safe with sole access to the applicant. The applicant is the only employee of the business, and retail visits are limited to appointment only, one vehicle at a time. Any visitors to the home park in the driveway or along S. Wadsworth Ct. The applicant has stated that the majority of the business will be conducted at gun shows.

SITE CHARACTERISTICS AND IMPACTS:

The 0.19-acre property is in Littleton within the Columbine West Planned Development, and building standards are based on Residential-One B zoning regulations. Surrounding properties are single-family homes. The impact of this Home Occupation to the surrounding community is expected to be minimal.

NOTIFICATION:

As a requirement of the Jefferson County Zoning Resolution (JCZR), the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to adjacent property owners, (which includes the property owners on the opposite side of the residential street) and to the Homeowners' Associations within which the property is located. The notification was sent 14 days prior to the Board of Adjustment Hearing.
2. One double-sided sign, identifying the nature of the Special Exception Request, was provided to the applicant for posting on the site. The sign was provided to the applicants with instructions that the sign be posted 14 days prior to the Board of Adjustment Hearing.

The Registered Associations that received notification are CoHope, Columbine West Civic Association, Precedent at Stony Creek, Jefferson County Horse Council, and PLAN Jeffco.

During the processing of the application, Staff did not receive any responses related to this request.

ANALYSIS:

The proposed request complies with all the criteria for a Home Occupation as outlined in Section 11.B.2.d. of the Jefferson County Zoning Resolution. Sales are not listed as a permitted home occupation, so a Special Exception from the Board of Adjustment is required per Section 21.F of the Jefferson County Zoning Resolution.

1. The Board shall not permit any home occupation specifically excluded in the Home Occupations Section of this Zoning Resolution.
Firearm sales and transfers are not specifically excluded in the Home Occupations Section of the Zoning Resolution.
2. Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete rehearing thereon by the Board of Adjustment.
The Board of Adjustment approved this Special Exception for a Home Occupation, 21-127312VC, for an initial period of one year. The applicant is now seeking to renew the approval for a term of five years.
3. The Board shall, at the time of approval thereof, establish restrictions on location, access, water and sewer facilities and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County.
A reasonable stipulation deemed necessary for the protection of the health, safety, and welfare of the citizens of Jefferson County is for the applicant to maintain a Federal Firearms License for this home occupation for firearm sales and transfers. This is a reasonable stipulation, because Jefferson County does not enforce federal regulations, and there is not a need, in Staff's opinion, to restrict the location, access, or water and sewer facilities.
4. In approval or denial of home occupations herein, the Board of Adjustment shall consider all incidental uses in connection therewith concerning the extent of retail sale of commodities, if any.
The applicant has not requested approval of any incidental uses outside of the sales and transfers.
5. Such home occupation shall be conducted by the inhabitants of the residential property and shall terminate automatically upon any conveyance of possession or termination of lease or rental agreement.
This home occupation will be conducted by the inhabitant of the property with no additional employees. If approved, this Special Exception shall not run with the land.

6. Such home occupation shall be approved only if it is compatible with the general spirit and intent of this Zoning Resolution and to promote the general welfare.

Staff is of the opinion that the home occupation is compatible with the general spirit and intent of the Zoning Resolution. The home occupation does not change the zoning, nor establish any entitlements that run with the property.

7. The impact of the home occupation shall not adversely affect the character of the surrounding area.

The impact of the home occupation to the surrounding community is expected to be minimal. This business will be conducted completely within the basement of the primary residence, with only one client vehicle at a time. Section 21 of the Zoning Resolution limits home occupations to no more than 2 additional customer vehicles at a time. No noxious chemicals will be used, and no deleterious noise will be generated.

8. One wall sign shall be allowed not to exceed 4 square feet. The sign shall have no exterior, interior or neon lighting.

Sign requirements shall be met.

9. Maximum number of employees: one.

There are no additional employees.

FINDINGS/RECOMMENDATIONS:

1. Staff finds that the proposed impact of the Home Occupations use will be minimal, and that the Home Occupation complies with the criteria outlined in Section 11.B.2.d. of the Jefferson County Zoning Resolution as indicated in the staff analysis above.

AND

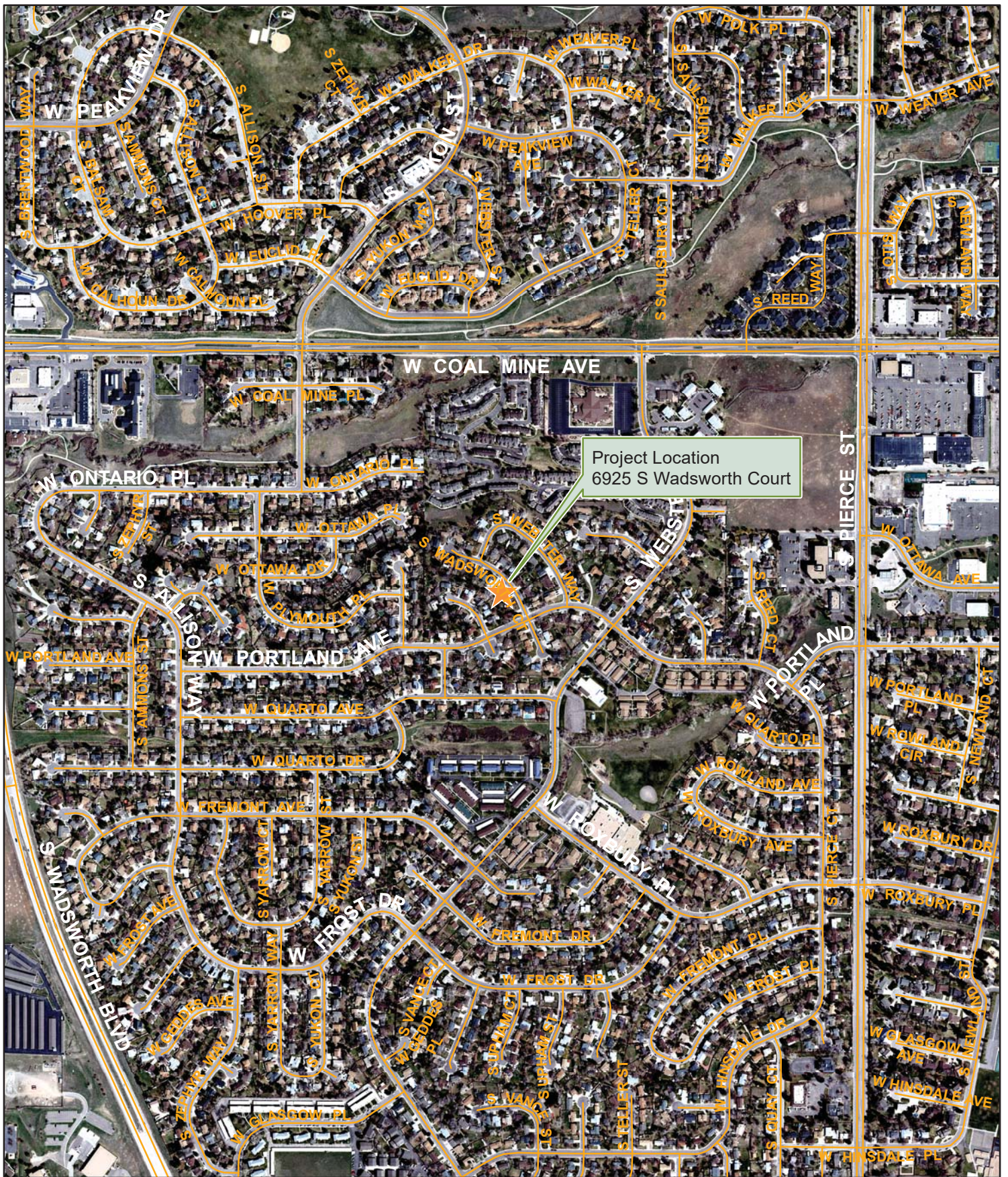
2. Staff recommends that the Board of Adjustment **APPROVE** Case No. 22-125151VC subject to the following conditions:
 - A. A Miscellaneous Permit for the home occupation shall be obtained within 3 months of the approval of this request, on or before March 7, 2023.
 - B. The applicant must be in possession and maintain a Federal Firearms License before commencing the home occupation. All sales of firearms shall conform to all federal and state laws and regulations, including but not limited to the Brady Bill, which is enforced by Federal Government Agencies.
 - C. The applicant must comply with the conditions and requirements for Home Occupations of the Zoning Resolution.
 - D. This approval is granted for five years or until December 7, 2027 and it shall be the responsibility of the applicant to apply for the renewal Special Exception within that timeframe.

COMMENTS PREPARED BY:

Megan Hazen

Digitally signed by Megan Hazen
DN: cn=Megan Hazen, o, ou,
email=mhazen@jeffco.us, c=US
Date: 2022.11.30 16:26:47 -07'00'

Megan Hazen, Planner
11/10/22



Case Number: 22-125151VC

Location: Sec. 26, T5S, R69W



JEFFERSON
COUNTY COLORADO

0 1,000 2,000
Feet



Jefferson County
Board of Adjustment
Application

Variance • Special Exception • Appeal

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Case Number (for staff use only): 22-125151VC

This application may be used for Variance, Special Exception and Appeal requests before the Board of Adjustment, including relief from zoning regulations, short term rentals and some home occupations. Please refer to the reverse side of this page for submittal requirements.

Submit this application and all necessary documents electronically to pzpermits@jeffco.us.

Applicant and Site Details

6925 S WADSWORTH CT	LITTLETON	80128
Address of Subject Property, Legal Description and/or Parcel ID Number	City	Zip
KEVIN MCCLUNG	KEVIN@BLUEDOGARMORY.COM	3035221079
Property Owner	Email	Phone Number
6925 S WADSWORTH CT	LITTLETON	CO 80128
Mailing Address	City	State Zip
Contractor/Representative	Email	Phone Number
For sign pick-up, please contact: <u>KEVIN MCCLUNG</u> Email: <u>kevin@bluedogarmory.com</u> Phone Number: <u>3035221079</u>		

Specific Request

Renewal of Resolution 21-127312 for a term of 5 years, Special exception for home based Firearms business.

Applicant Acknowledgments

- ☒ Applications will not be accepted unless all submittal requirements have been met. If during staff review any application is found to contain incomplete and/or inaccurate information, the case may be postponed until all necessary submittal documentation has been received. Documents larger than 11 x 17 can be submitted electronically.
- ☒ I understand the filing fee is to cover costs of administration, research, and hearing of this case and is non-refundable.
- ☒ I hereby give permission for County staff and Board members to enter upon my property for purposes of site inspection and investigation. Please specify any extraordinary circumstances of which staff should be aware, i.e., the presence of dogs on the site, locked gates, etc. The property must be accessible for site inspection.
- ☒ The applicant will receive a copy of the Board's decision, which may be recorded through the Jefferson County Clerk & Recorder's Office.
- ☐ For Variance cases only: A Setback Verification Form will be required as a part of the Building Permit process for Variance cases involving relief from setback requirements.
- ☐ For Variance cases only: I have read and understand the BOA Variance guide, and certify the site plan or survey is fully accurate, depicting all structures on site.


Signature of Owner or Authorized Representative

09/01/2022
Date

Jefferson County Board of Adjustment Application

Case Number (for staff use only): 22-125151VC

Submittal Requirements

The numbers checked with each specific type of request correspond to the numbered submittal requirements at the right. Additional documentation may be required, as determined by staff on a case-by-case basis.

Request: \$ _____ (additional notification fees will apply)

Variance	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Lot size	X	X	A	X	X	X	X							
<input type="checkbox"/> Setback(s)	X	X	A	X	X	X	X	X						
<input type="checkbox"/> Parking	X	X	A	X	X	X		X				X		
<input type="checkbox"/> Height	X	X	A	X	X	X		X		X				
<input type="checkbox"/> Access Standards	X	X	A	X	X			X						
<input type="checkbox"/> Accessory Square Footage/Footprint	X	X	A	X	X	X	X	X	X					
Special Exception*	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input checked="" type="checkbox"/> Home Occupation**	X	X	B	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Short Term Rental**	X	X	C	X	X	X		X	X		X	X	X	
<input type="checkbox"/> Commercial Solar or Wind Installation	X	X	D	X	X	X		X		X		X		
Appeal	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<input type="checkbox"/> Director's Determination	X	X		X	X	X								X

List of Submittal Requirements

- Signed application form
- Cover letter
- Addendum A, B, C, or D
- Copy of current deed
- Proof of proper division of land (if parcel is Metes & Bounds or contains portions of platted lots)
- Letter of authorization if a contractor or other contact will appear on the owner's behalf
- Improvement Survey Plat (signed and stamped by licensed surveyor) depicting all property lines and all existing improvements on the property
- Detailed site plan showing proposed improvements
- Floor plans of existing and proposed structures
- Architectural elevations
- Photographs of the interior
- Parking plan (can be combined with 7 or 8)
- Evidence of water and/or wastewater service
- Other: _____

A. Variance Addendum
B. Home Occupation Addendum

C. Short Term Rental Addendum
D. Commercial WECS/SECS Addendum

* Fees are online at our website at planning.jeffco.us. Make checks payable to Jefferson County Treasurer.

** Short Term Rentals and Home Occupations: It is the applicant's responsibility to renew a Special Exception prior to expiration.

Staff Use Only

PD (R-1B) COLUMBINE WEST FLG # 4
 Zoning of Site Plat Receipt Renewal of Case Number CV Case Number
 7500 8108 404
 Lot size Required Lot Size Shown FEMA Map Number
 Legal Access via: S Wadsworth Ct
 Number of Postcards Required: 7 ISP Submitted (check one): ☐ Print ☐ Via email to: _____ ☒ N/A
 KBryson 9/20/2022
 Reviewed by Date
 Comments:

B. Home Occupation Addendum

Case Number (for staff use only): 22-125151VC

1. Describe the proposed Home Occupation.

The sale of firearms at lawful gun shows and to family and friends.

2. Please check if the Home Occupation is one of the following:

- ☐ a. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines
- ☐ b. Animal hospital or kennel
- ☐ c. Medical/dental facilities other than office consultation services
- ☐ d. Restaurant
- ☐ e. Tattoo shops/parlors
- ☒ f. Retail sales, other than ancillary to a permitted Home Occupation

3. Where on the property will the proposed Home Occupation take place?

Please include the square footage of the area. You must attach floor plans (drawn to scale) highlighting which rooms/areas will be used.

The area is a secured, windowless room in the basement of the home. The square footage of the room being used is 98.25 square feet.

4. Where will you store stock, supplies, products or other materials related to this Home Occupation?

Storage of the firearms is inside a safe inside the locked room in the basement. I am the only one with access to the safe. All other product withh be stored in the secured room as well.

5. How many employees will work here? How many of those employees live on site?

I will be the only employee and I live in the home.

6. List the proposed hours of operation.

By appointment only. The ATF requires me to list hours on my Federal Firearms License and that reads Sunday's 8am to 12pm. The majoprity of my business will be at lawful gun shows.

B. Home Occupation Addendum

Case Number (for staff use only): 22-125151VC

7. Is there another Home Occupation already taking place on this property? ☐ Yes ☒ No

If yes, please provide a permit number: _____

8. Please describe any noise, vibration, smoke, dust, odors, heat or glare that could be created as a result of this Home Occupation.

None

9. How many vehicles could visit at any one time as a part of this proposed Home Occupation? Please provide a site plan (drawn to scale) showing where parking will take place.

As per the initial granting of this resolution it will be kept to 1 vehicle at a time.

10. Will your Home Occupation have any commercial vehicles associated with it? If yes, please explain.

The County defines commercial vehicles as any truck tractors, semi-trailers, delivery vehicles, tow trucks, commercial hauling trucks, vehicle repair service trucks, vehicles with blades attached for plowing or grading, construction vehicles (ex: bulldozers, backhoes, dump trucks, etc.), vehicles or trailers designed or used to transport commodities, merchandise, produce, freight, animals or passengers for a fee; vehicles similar to those described above that are not ordinarily used for personal transportation.

None, personal vehicles will be used.

11. What potential impacts could there be on your neighbors, and how do you propose to mitigate these impacts?

There will be no impacts to the neighbors as I limit customers to 1 vehicle at a time.

Kevin McClung
KMC Enterprises LLC
DBA: Blue Dog Armory



6925 S Wadsworth Ct
Littleton, CO 80128
(720) 681-3173

Jefferson County Planning & Zoning
100 Jefferson County Parkway
Suite 3550
Golden, CO 80419

Resolution 21-127312 Renewal

Reference: In Home Business

To Whom it may concern,

This is my completed packet for a Special Exception Renewal to continue operating my business from my home.

The business is for the sale and transfer of firearms and their accessories.

The vast majority (95%) of my business will be handled at lawful gun shows within the state. Any business that will be handled at the residence is for family or friends or by appointment only. I will limit all business in the home to one vehicle at a time and the parking will be limited to the front of my home. I want to do this as to not bother, irritate, inconvenience, or disturb my neighbors.

All products that I am selling are in a secured room in the basement of the home. The room is secured, and the firearms will be secured in a safe that only I will have access to.

I, as the owner, will be the only employee and I do live at the residence.

I have no intent of putting up any business signs at the residence.

Kevin McClung

A handwritten signature in blue ink, appearing to read "Kevin McClung", with a stylized flourish at the end.

(720) 681-3173 - Business Number
(303) 522-1079 - Personal Cell Phone

After Recording Return to:
Kevin McClung
6925 South Wadsworth Court
Littleton, CO 80128-4435

Doc Fee: \$43.00

WARRANTY DEED

This Deed, made December 5, 2018

Between Monica A. Candelaria of the County Jefferson, State of Colorado, grantor(s) and Kevin McClung and Tyler McClung and Clayton Garner, as Joint Tenants whose legal address is 6925 South Wadsworth Court, Littleton, CO 80128-4435 County of Jefferson, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **FOUR HUNDRED THIRTY THOUSAND DOLLARS AND NO/100'S (\$430,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Jefferson, State of Colorado described as follows:

Lot 44, Block 5, Columbine West - Filing No. 4,
County of Jefferson, State of Colorado.

also known by street and number as **6925 South Wadsworth Court, Littleton, CO 80128-4435**

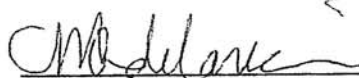
TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated August 27, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:


Monica A. Candelaria

STATE OF COLORADO
COUNTY OF Denver


}ss:

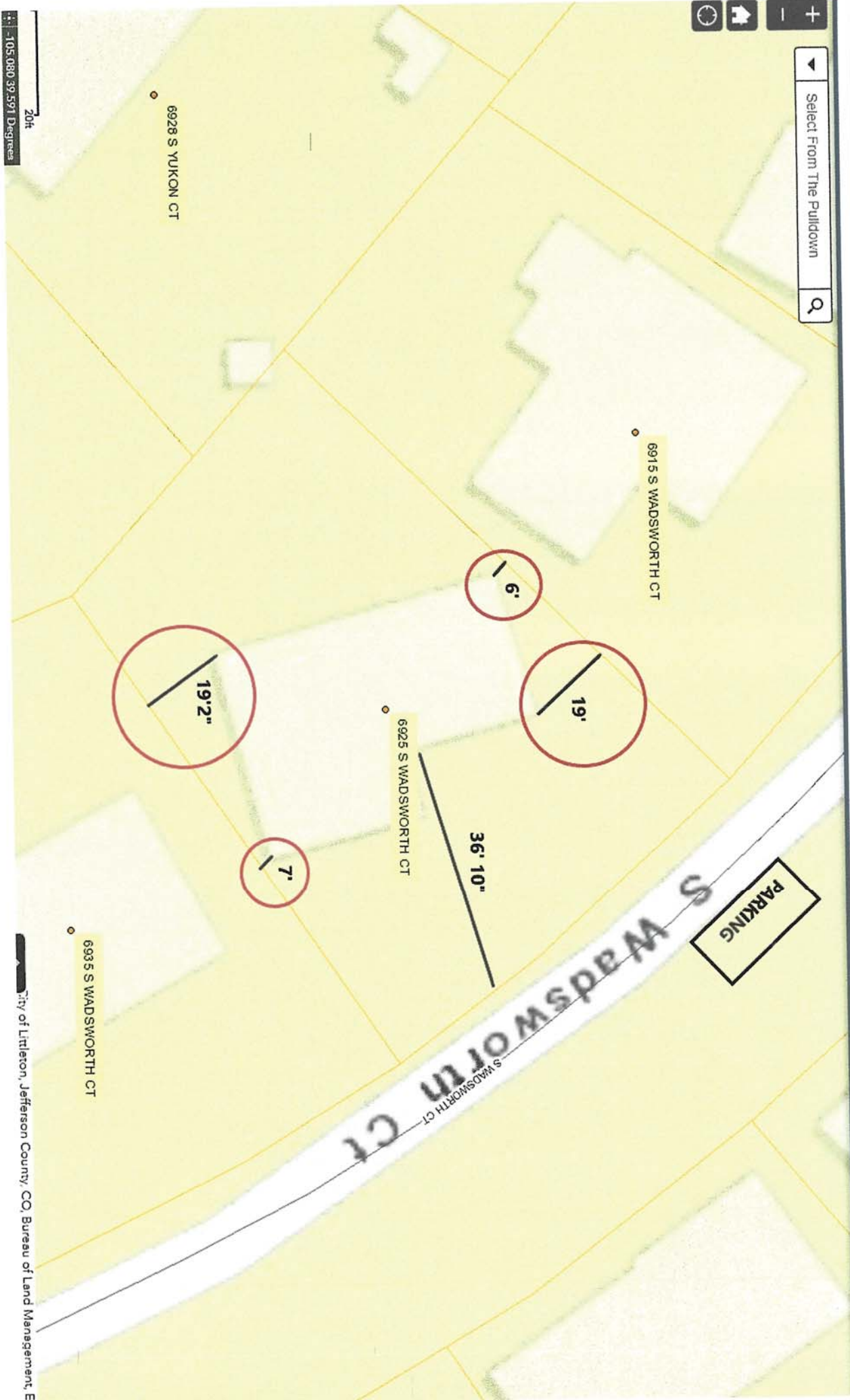
November 30, 2018

The foregoing instrument was acknowledged, subscribed and sworn to before me **December 5, 2018** by **Monica A. Candelaria**.

Witness my hand and official seal.

ALLISON B ALLEN


Notary Public
My Commission expires:



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

DETAILS
Total area: 2555.78 sq ft
Living area: 1894.13 sq ft
Floors: 3
Rooms: 7

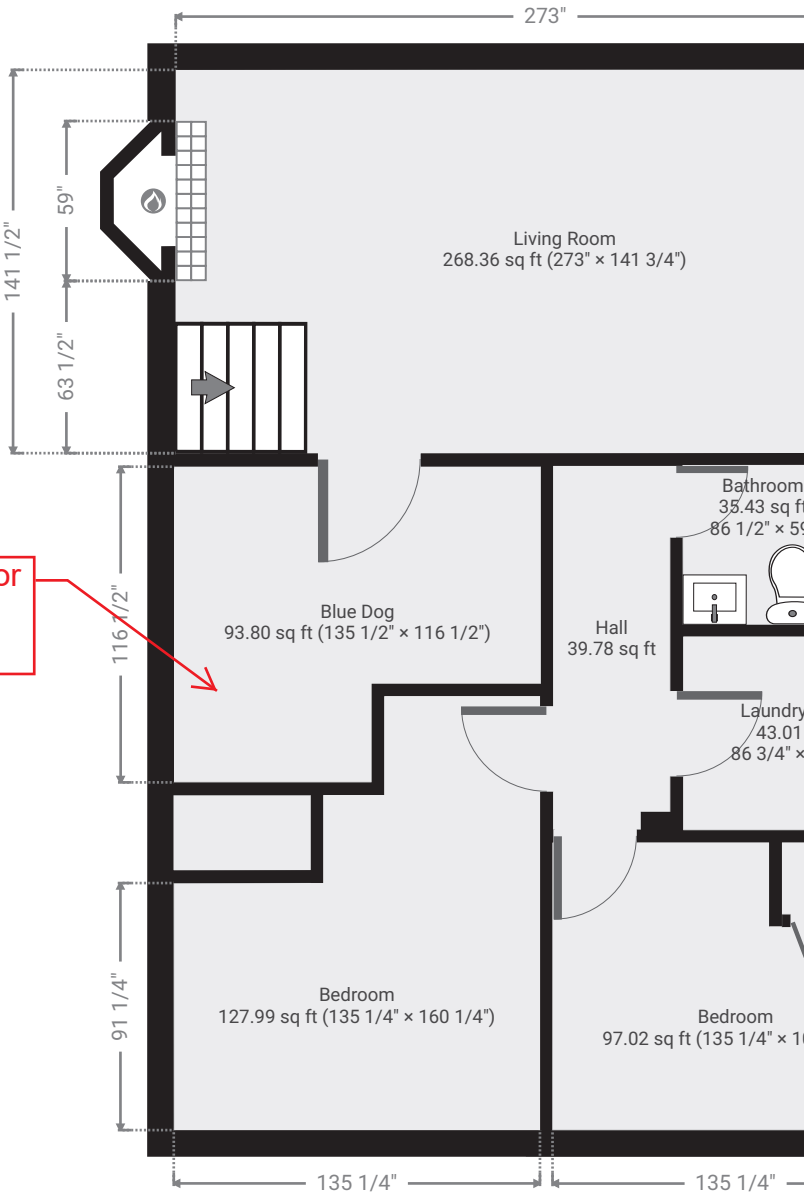
THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



▼ **Basement**

TOTAL AREA: 839.00 sq

Dedicated room for
firearm home
occupation



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

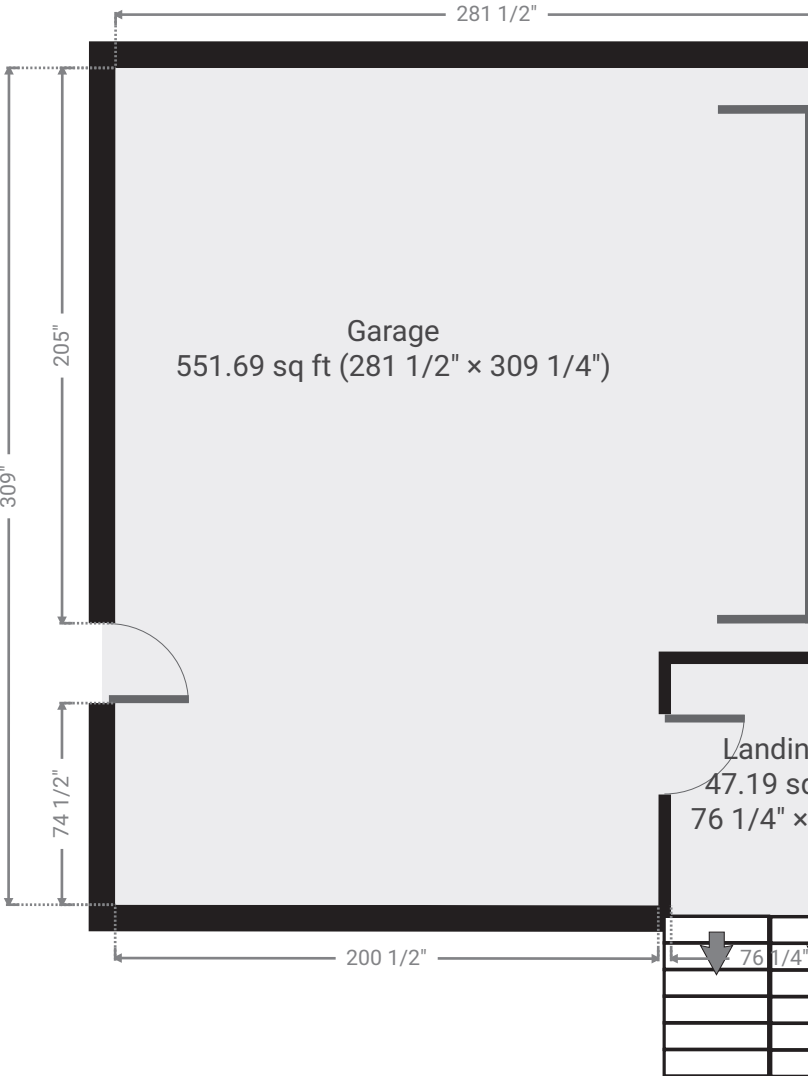
DETAILS
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Floors: 3
Rooms: 7

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▼ **Ground Floor**

TOTAL AREA: 687.66 s



NAME
Floor Plan

LOCATION
6925 S Wadsworth Ct
80128 Littleton
CO
USA

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▼ 1st Floor

TOTAL AREA: 1029.12 sq ft

