



# BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO

Monday, May 24, 2021 - 6:00 PM

## AGENDA

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Board of Adjustment meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN

### ROLL CALL

### APPROVAL OF THE MINUTES

- 1. July 20, 2020 - Draft minutes**

### UNSCHEDULED CITIZENS

### AMENDMENT(S) TO AGENDA

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |   |  |
|---|---|--|
| A. Open Public Hearing                  | D. Applicant's Presentation (if applicable) | G. Commission Discussion                 |
| B. Proof of Publication                 | E. Public Input                             | H. Commission Decision or Recommendation |
| C. Staff Review of Application/Proposal | F. Close Public Hearing                     |  |

- 2. 137 W. Seventh Street - Variance requests-** The purpose of the request is to receive two (2) variances. Both requests are to receive a variance from the minimum setback of twenty (20) feet required for the front yard setback.

The applicant is requesting a minimum allowed front yard setback of 5'6" to rebuild the existing covered front porch on the primary structure. The applicant is requesting a minimum allowed front yard setback of 11' to build a single-story detached garage in line with the existing setback of the primary structure.

### NEW BUSINESS

### BOARD COMMENTS

### ADJOURN

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*

# BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO

July 27, 2020 - 6:00 PM

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## MINUTES

CALL TO ORDER BY CHAIRMAN

ROLL CALL

PRESENT

- Board Member Chairman Greg Follet
- Board Member Co-Chair Francie Bomer
- Board Member Judith Dockery
- Board Member Giff Kriebel
- Board Member Doug Mendelson

APPROVAL OF THE MINUTES

1. Draft BOA Minutes - May 26, 2020

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Kriebel.  
 Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Denning, Board Member Dockery, Board Member Kriebel, Board Member Mendelson

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

**PUBLIC HEARINGS**

Public Hearings will follow the following procedure:

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| A. Open Public Hearing                      | E. Public Input                          |
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| C. Staff Review of Application/Proposal     | G. Commission Discussion                 |
| D. Applicant’s Presentation (if applicable) | H. Commission Decision or Recommendation |

2. **Chaffee County Complex - Variance Request** - The purpose of the request is to receive: (A) a variance in the number of required on-site parking spaces for a future campus building addition; and (B) a variance in maximum access/parking coverage, in anticipation of the proposed addition.

**A. Open Public hearing - 6:08 pm**

**B. Proof of Publication**

**C. Staff Review of Application** - **Almquist** gave an overview of the variance application and stated that staff is recommending approval with six (6) conditions. **Kriebel** asked about the existing access that runs behind the building and **Almquist** explained that the access will remain.

**Kriebel** questioned the life expectancy of the trees and **Almquist** stated that in the tree report they addressed the trees getting towards the end of their life span.

**Dockery** questioned the option to use Third Street for access because the Public Works Director explained in his review that the future realignment of Crestone Avenue may impact this access plan. She asked why the applicant is allowed to request a variance without giving a reason why they need it. She said that if Public Works is already questioning this plan is the variance request premature.

**Almquist** explained that there were discussions about potentially using access off of Third Street to the back of the building and staff was told that there would be engineering challenges. **Almquist** also addressed the Public Works review.

**Denning** asked about the distances between trees 1 and 2 and asked what the requirement will be for the distance between the trees and the proposed drive lane.

**Denning** is concerned with protecting the roots of the trees. **Almquist** stated that the distance between trees 1 and 2 as shown on the site plan is approximately 25' and there is a chance that the roots will be impacted and most likely one of the trees will need to be removed. He further explained that there are two trees behind the building that will definitely be removed and there is a third tree that the arborist recommended removal due to its current health.

**Bomer** stated that the applicant would not be required to come back to the Board if condition number 4 was to be approved as written and Almquist agreed.

**Mendelson** asked if the drive lane has to be straight or can it be curved so that no trees will be impacted.

- D. Applicant's Presentation** - Chaffee County Commissioner, **Greg Felt** assured the Board that the Commissioners would like to accomplish the most for the citizens with the least amount of impact. He feels with this design they are doing that because they are reducing the number of trees that will be removed. **Felt** thanked City staff for restriping parking spaces around Thonhoff Park and the County Complex. **Felt** questioned the zoning of the Chaffee County property because it doesn't make sense that the Chaffee County property is zoned Single-Family (R-1) residential. He stated that they do not have any residential components to the campus, except the jail and explained the future expansion of the building.

Chaffee County's representative from Crabtree Group, **Joe Deluca** presented the variance application. **Deluca** explained the history of the building and the future expansion needs. He stated that the best place to expand the building is between the historic courthouse and the judicial buildings. He said that with the expansion they are required to meet parking standards.

**Deluca** explained that the Third Street access for the existing EMS garage is a straight drop-off. Third Street is currently 12' lower than the rear lane and to make up 12' at a 10% grade is 120' in length so there isn't a reasonable way to have the access off of Third Street.

**Deluca** stated that the two elm trees that are slated for removal are at the end of their life span and can be very dangerous if not removed. **Deluca** said that elm trees are

tough resilient trees and the roots near the new access should be minimally effected if they use asphalt. **Deluca** explained that asphalt is a very flexible material but concrete is not and that is why the use of asphalt should have minimal effect on the tree roots.

**Deluca** said that this application is all about the timing of the proposed addition and having access to the rear of the building during construction of the addition.

**Kriebel** asked about the weight of vehicles that will be utilizing this driveway. He wondered if anything heavier than a trash truck will be using it. **Deluca** said that there may be times when larger trucks use the drive for deliveries but they are not real heavy trucks. He stated that the heaviest truck will probably be a trash truck.

**Kriebel** asked if there was any way they could use a green asphalt like he has seen used for tennis courts. **Deluca** said they do not make a green asphalt and the tennis courts are usually painted with an epoxy paint. **Kriebel** suggested they paint the asphalt with an epoxy paint to make it less visually obvious. **Deluca** said that painted asphalt is not made to be driven on and there are high maintenance costs associated with epoxy paint.

**Bob Christensen, Chaffee County Administrator**, explained that the County Officials want to keep the front green space but they do need to redesign the space for handicap parking and accessibility. **Christensen** stated that the whole front area will be dedicated to election services.

**Bomer** asked if the current drive behind the building is paved and will it remain and **Deluca** said yes it will remain and it will be asphalt.

**Dockery** questioned whether a large trash truck will be able to make the proposed sharp turn around the building. **Deluca** said that they use turning templates to make sure large vehicles like fire trucks or trash trucks can make the corner.

- E. Public Input - Certified Arborist Angie Jenson**, asked whether they could move Jasmine's office and the trash cans from the back of the building so that they could eliminate the access all together. **Deluca** explained that the County utilizes that side of the building to access the basement for things like the voting machines. He stated that it is not realistic to move the access somewhere else and that is where the facility manager's office is located. **Jenson** said that she thought it is a reasonable ask in order to save some of the trees that will live, without a doubt, another 50 years if the roots are not impacted.

**Christensen** explained that the front end of the building is constrained and restricted as to what can be taken down to the basement area. The front of the building is not a viable way to bring in products that the County needs for operational purposes.

**F. Close Public Hearing - 7:24pm**

- G. Commissioner Discussion – Follet** opened the Commissioner discussion. **Mendelson** stated that he is fine with the request and has no further comments. **Denning** said that she understands the challenges that exist and why it is necessary to have the access around the back of the building. She said that she found it interesting to hear that asphalt is less intrusive on the environment than other options.

**Dockery** stated that she sees the necessity for a driveway and her questions were answered by the applicant's representative. She said that she is fine with the request as long as the trees that die are replaced.

**Kriebel** said that he is ok with the proposal but would like to go through the proposed conditions of approval.

**Bomer** asked if there was any data on the claim that Mr. Deluca made that asphalt holds up better than other products. She said that she desires less asphalt and more porous.

**Bomer** stated that she is also concerned with condition number 4 regarding the trees. If it is determined that they cannot go through both trees safely would there be an alternative rather than say the trees have to be cut down. **Bomer** said for condition #6 she would like to see the condition updated to say that for every tree that is removed they need to be replaced with mature trees.

**Bomer** would like to know what the future plans are for the county and asked why the County is asking for a variance for the driveway prior to any applications being submitted.

**Kriebel** suggested rewording condition #6 to have the County hire a landscape architect to submit an appropriate landscape plan.

**County Commissioner Felt** explained that they do not want to create a forest because what the people really love about the area is open space. **Felt** addressed **Bomer's** concern regarding the County's commitment. He said that they very committed and have already spent time and money on the design of the addition so it will be moving forward. **Kriebel** asked if the current plan is to have the building addition in the County's next fiscal budget and **Felt** said that he doesn't think they can do everything in one year but he's hoping to begin construction in the next year.

**Kriebel** suggested adding a condition that construction of the access road does not begin until there is money in the budget to build the addition. **Felt** said that he cannot commit to the budget but it is the intention of the County to build the addition. **City Attorney Nina Williams** explained that it is not appropriate to place a condition on the applicant for budget appropriations.

**VanNimwegen** stated that staff struggled with the application in the beginning because the request for the driveway is before the application for the addition. He said it is not a really big ask of them to request the variance and not build the addition.

**Follet** said that they need to focus on the variance request and not the timing of the construction. **Bomer** stated that it is a valid concern that they are requesting the variance for something that is not required at this time but will be required with the construction of the addition.

There was further discussion on the proposed tree removal. **Kriebel** stated that he would like to make it clear to the public that when the trees are removed, two of them are diseased which has nothing to do with this project.

The Commission went through each the proposed conditions of approval.

## H. Commission Recommendation

A motion to approve the variance was made by Board Member Co-Chair **Bomer**, subject to the conditions recommended by staff with the following changes to #2, #3 and #6 and removing #4:

1. Prior to construction of the drive lane, the applicant shall submit construction plans to City staff for administrative review.
2. The applicant shall investigate alternatives to paving the drive lane, such as heavy-duty porous pavers, “grass-crete,” or other materials such as asphalt that will blend in with the surrounding green space.
3. The access drive lane shall not be for use by the general public, nor shall it be used for the storage of vehicles. The applicant shall sign the drive with “No Parking.”
- ~~5~~. 4. The applicant shall make a good-faith effort to protect other nearby trees by installing root zone protection fencing as part of the access lane construction process.
- ~~6~~. 5. The applicant shall plant and maintain, within the green space, two new trees for every tree that needs to be removed as part of the proposed development and related tree assessment report. A landscape plan for the site, prepared by a certified landscape architect shall accompany the plans submitted to City staff for review.

Seconded by Board Member **Kriebel**.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Denning, Board Member Dockery, Board Member Kriebel, Board Member Mendelson

## UNFINISHED BUSINESS

## NEW BUSINESS

## BOARD COMMENTS

**ADJOURN:** With no further business to come before the Board, the meeting adjourned at 8:03 p.m.

## STAFF REPORT

**MEETING DATE:** May 24, 2021  
**AGENDA ITEM TITLE:** 137 W. Seventh Street Variance Application  
**AGENDA SECTION:** Public Hearing

### REQUEST:

The purpose of the request is to receive two (2) variances. Both requests are to receive a variance from the minimum setback of twenty (20) feet required for the front yard setback.

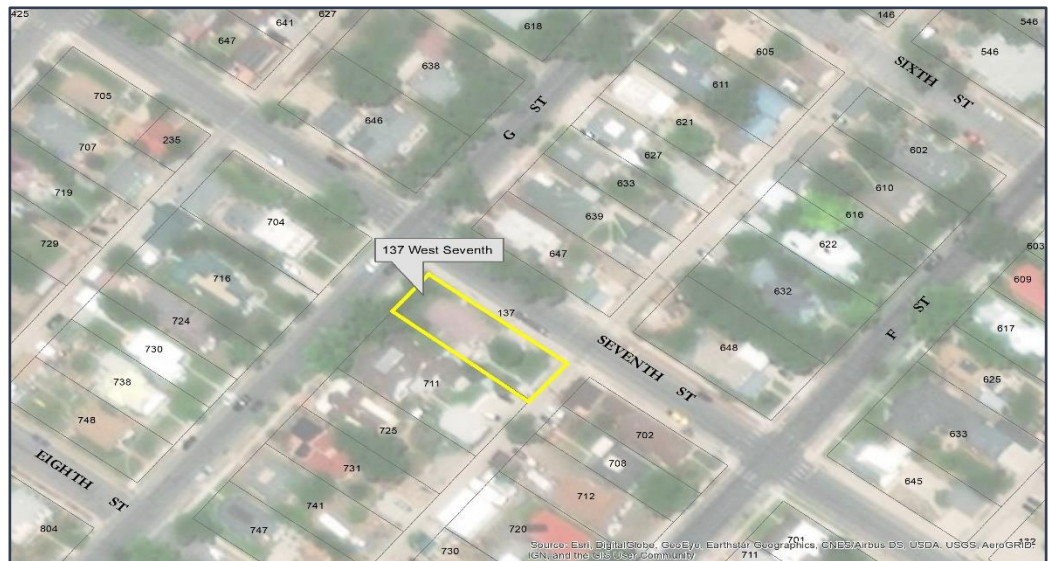
The applicant is requesting a minimum allowed front yard setback of 5'6" to rebuild the existing covered front porch on the primary structure. A covered front porch may encroach into the front yard setback by twenty-five (25) percent. The applicant is requesting a minimum allowed front yard setback of 11' to build a detached garage in line with the existing setback of the primary structure.

### APPLICANT:

The applicant is Krista Frakes, 4561 Perry Street, Denver CO 80212. The applicant's representative is Sarah Whittington of Architectural Services.

### LOCATION:

The property is legally described as Lots 25 and 26, Block 91, Sackett/Haskells Addition to the Town (now City) of Salida, Chaffee County, Colorado. This property is also known as 137 W Seventh Street.



### PROCESS:

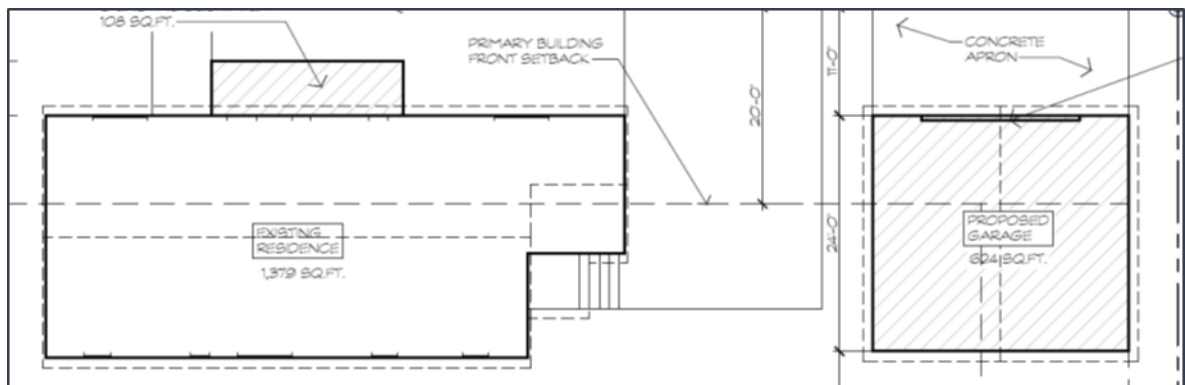
Variances are addressed in the City's Code of Ordinances, Section 16-4-180, Zoning Variances. Variances may be granted from the standards of the underlying zone district and shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum lot size, minimum setbacks and parking requirements.

The Board of Adjustment holds a public hearing after fifteen days advance notice of the hearing. The public hearing shall be held, at which any person may appear or be represented by an agent or attorney. The Board may describe appropriate conditions and safeguards in conformity with the Zoning title of the City Code.



**OBSERVATIONS:**

1. The subject property and the surrounding properties are located within the Medium Density Residential (R-2) zone district.
2. Since the orientation of the existing residence is facing West Seventh Street the front setback is along the Seventh Street frontage. The existing single-family residence is considered nonconforming because it does not meet the required 15' front setback for covered porches. The house was built in the 1950's at the current front setbacks of 11' for the residence and 5'6" for existing covered porch.
3. All of the other residences in this neighborhood are fronting either F Street or G Street.
4. The request is to receive relief from the minimum 20' front setback to reconstruct the covered porch of the existing structure. The applicant is not requesting to increase the nonconformity, she is requesting the variance to be able to rebuild a new covered porch with the same front setback of 5'6".
5. The second variance request is for a minimum allowed front yard setback of 11' to build a single-story detached garage in line with the existing setback of the primary structure. The applicant proposed to build the garage meeting the current 20' front setback but ran into issues with the telecommunications pedestal along the alley. She found it to be cost prohibitive to move the pedestal and build the garage. The applicant will meet all other required setbacks for the detached garage but is requesting relief from the 20' front setback.



6. The applicant could, according to code, enclose the existing nonconforming carport and use it as a garage because the nonconformity would not be increased. The carport is encroaching the front setback about the same distance as the covered porch. If the variance is granted to build the detached garage the existing nonconforming carport will be removed.



- 7. The neighboring property located at 702 F Street has a detached garage that is built meeting the 5' side yard setback of their property which is in line with the front property line of the applicants' property. Across Seventh Street the neighboring property at 647 G Street recently constructed a two-car garage meeting 5' side yard setback along their Seventh Street frontage.



- 8. As of Thursday, May 20<sup>th</sup> staff has not received any opposition to the variance requests from the adjoining neighbors.

**REQUIRED SHOWING (Section 16-4-180):** The applicant shall demonstrate that a majority of the following criteria to the Board of Adjustment before a variance may be authorized.

- 1. Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.

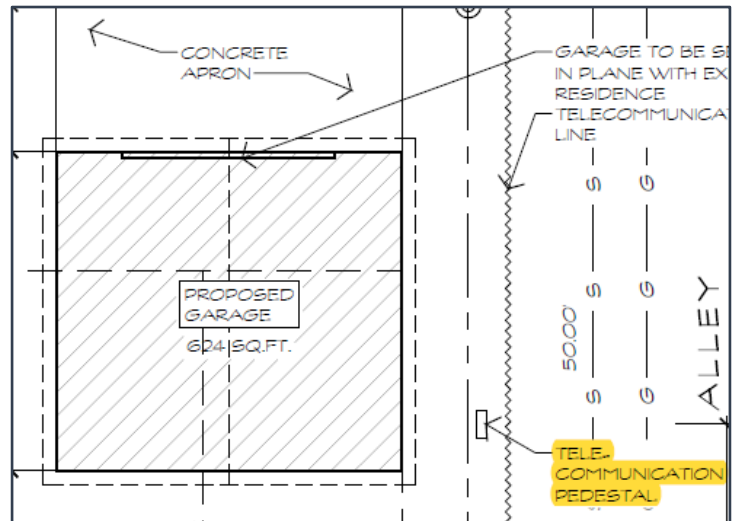
*Applicant's response: The existing front door to the house faces West Seventh Street and by definition, the front property line shall be designated by the location of the primary entrance or front porch. This requires a 20'-0" front yard setback. Both the existing house and existing covered porch violate this requirement. This variance is to remove and replace the existing deck and roof cover with an improved design using the same size footprint to the existing.*

*The property line adjacent to the alley is encumbered by an existing telecommunications pedestal which limits the ability to have a garage open the alley. The front yard setback limits the garage placement on the lot.*

- The existing residence was built in the 1950's in its current configuration and at the time there were no setback requirements that staff could find.
- The definition of front lot line in the Land Use Code means the property line dividing a lot from a street right-of-way. On a corner lot, the front line shall be designated by the location of the primary entrance or front porch. Because the house and the front porch is oriented toward Seventh Street that is the front setback and is considered existing nonconforming.



- Special circumstances exist because the residence was built in the 1950's at the current setbacks prior to the applicant owning the property. The existing covered porch of the residence was built 5'6" from the front property line and is deteriorating and in serious need of replacement.
- The applicant is requesting an 11' front setback to construct a detached garage that will be in line with the existing house as shown on the site plan.
- A few months ago the applicant explored building the garage at the current 20' front setback but ran into issues with the telecommunications pedestal along the alley. To move the pedestal is cost prohibitive to the applicant.
- In this case special circumstances exist because of the location of the telecommunications pedestal along the alley of the property and the cost to move it.
- The applicant is trying to keep as much yard "green space" as possible with the garage being built at the proposed 11' front setback and removing the existing carport.



2. Not result of Applicant. The special circumstances and conditions have not resulted from any action of the applicant.

Applicant's response: *The conditions that exist on the lot and the house orientation are existing and not due to the home owner. The existing porch and roof extension are existing and in need of repair. The telecommunications pedestal is expensive and difficult to move.*

- The applicant did not construct the existing home within the setback. The existing covered porch is allowed to be maintained or repaired in its current location without a variance but the existing concrete and roof extension are in need of replacement. The applicant would like to update the existing covered porch to create a safer and more appealing entry.
- The applicant does not have the ability to reconstruct the covered porch without being granted the variance. She is not requesting to increase the existing nonconformity with regards to the front setback, she is requesting to utilize the existing setback of 5' 6" to rebuild the front porch due to the fact that it is in serious need of repair.

- 3. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant a reasonable use of the building or land.

Applicant’s response: *Because of the existing conditions present at the lot, the house and covered porch are inside the front yard setback. This entry structure is in serious need of repair.*

*The proposed garage cannot face the alley due to an existing telecommunications pedestal located in the alley adjacent to the property line. The relocation of this existing utility is expensive and time consuming and not recommended by Centurylink who maintains the utility service.*

- Strict application would deprive the applicant of making what is essentially a cosmetic change and structural upgrade to the existing porch which will not increase the non-conformity.
- Because of costs associated with moving the telecommunication pedestal in the alley it will be cost prohibitive to construct the detached garage without variance approval. According to the applicant Centurylink does not recommend moving that pedestal.

- 4. Variance is Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building.

Applicant’s response: *The existing covered porch is decaying and in need of maintenance and repair. The granting of this variance allows for the existing deck and roof cover to be removed and a new front entry porch to be built in its place.*

*A variance is required for reasonable use of the property as a detached garage is difficult to place on this lot without a variance due to the existing conditions of the lot. The front yard setback of 20'-0" and the telecommunication pedestal in the alley limit reasonable placement of a detached garage.*

- The variance is necessary to make reasonable use of the proposed porch because of setback and code requirements for the need to replace the entry for the front entrance. Again, the applicant is requesting to be able to utilize the existing front setback of 5’6” to remove the deteriorating porch and rebuild and enhance the covered entry.
- The variance request for the garage is necessary to build the detached garage without having to relocate the telecommunications pedestal at a significant cost.

- 5. Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

Applicant’s response: *The new porch structure will replace the existing simple structure in size. Slight adjustments to the porch dimension and location may be made for aesthetic reasons.*

*The garage will look and fit in with the existing structures on the lot and adjacent properties. Allowing the garage to be in plane with the existing structure gives the owners the best use of their property given the conditions particular to this lot.*

- Currently the applicant has reasonable use of the property. The proposal is to replace the existing covered porch and not increase the nonconformity as the footprint would remain the same.

- The applicant is requesting the minimum front yard setback of 11’ because of the cost to move the telecommunications pedestal. She is requesting the minimum variance to construct the detached garage to be in line with the existing front setback of the residence.

6. No Injury to the Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment.

*Applicant’s response: The granting of this variance will not be injurious to the neighborhood and will allow for a better entry structure and front entry appearance. The new structure will replace deteriorating existing conditions and will be a much needed improvement to the structure and appearance of the house. The proposed garage will replace an existing decaying carport structure and provide secured storage for the lot.*

- The granting of the variance will not be injurious to the neighborhood as it is not out of character with neighboring detached garages. The proposed garage will harmonize with the detached garages across the alley and Seventh Street. The applicant will be able to maintain both the garage and porch on her own property.
- The Fire Chief and Public Works Director had no concerns with the reconstruction of the front porch and the construction of the garage at the proposed front setbacks.

7. Consistency with Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

*Applicant’s response: The proposed covered porch meets all other design criteria for a residence in the R-2 zone. The garage will meet all other design criteria for a detached accessory structure in the R-2 zone.*

- The applicant complies with all other aspects of the code besides the proposed front setbacks.
- Setbacks help provide open space and to address basic safety issues: distances between buildings decrease the potential damage in case of a fire, provide the room necessary for a homeowner to maintain his/her buildings on his/her own property and provide for solar access and ventilation. There will be adequate space which the owner can use for maintenance of the structures.

**REVIEW AGENCIES:**

**Fire Department – Assistant Fire Chief, Kathy Rohrich** – Fire Department has no concerns at this time.

**Public Works Department – David Lady** – No concerns.

**REQUIRED ACTIONS BY THE BOARD:**

- 1. The Board shall confirm that adequate notice was provided.
- 2. The Board shall conduct a public hearing.
- 3. The Board shall make findings that a majority of the points 1 through 7 of the above section are met by the applicant.

**RECOMMENDED FINDINGS:**

That the variance requests are in conformance with Section 16-4-180 (e), Required showing, because the variance allows the highest and best use of the property, will not be injurious to the neighbors and maintenance is feasible, will not impact adjacent neighbors and is in keeping with the general purposes of the Code

**STAFF RECOMMENDATION:**

Staff believes the proposed variance meets the preponderance of criteria #'s 1, 2, 3, 4, 5, 6 and 7.

Based on the findings below, staff recommends the Board of Adjustment **APPROVE** the two variance requests based on the following findings of fact:

- 1. The existing conditions of the lot and the orientation of the residence are not the result of any action by the applicant.
- 2. The applicant is not requesting to increase the existing nonconformity.
- 3. The applicant will be able to maintain the proposed front porch and detached garage on the subject property and both structures will not be injurious to neighbors as required by Section 16-4-180 (6).

**RECOMMENDED MOTION: “I make a motion to approve the Frakes Variance requests as both requests meet the review standards for Zoning Variances, subject to the following condition.**

- 1. That the applicant submits a building permit that meets the requirements of the building department.

BECAUSE THIS APPLICATION IS FOR A VARIANCE, THE SALIDA BOARD OF ADJUSTMENT SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. THE DECISION OF THE BOARD OF ADJUSTMENT MAY BE APPEALED WITHIN 15 DAYS OF THE DECISION BY AN AGGRIEVED PERSON AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Application materials  
Site Plan  
Agency reviews

**PUBLIC NOTICE  
NOTICE OF A PUBLIC HEARING DATE  
BEFORE THE BOARD OF ADJUSTMENT  
FOR THE CITY OF SALIDA CONCERNING  
A VARIANCE APPLICATION**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE:** that on May 24, 2021 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Board of Adjustment at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The applicant, Krista Frakes, is requesting approval for two (2) variances on the property located at 137 West Seventh Street, Salida, CO. Both requests are to receive a variance from the minimum setback of twenty (20) feet required for the front yard setback.

The applicant is requesting a minimum allowed front yard setback of 5'6" to rebuild the existing covered front porch on the primary structure. The applicant is requesting a minimum allowed front yard setback of 11' to build a detached garage in line with the existing setback of the primary structure.

Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department, (719) 530-2626.

\*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.

Published in The Mountain Mail May 7, 2021

**From:** [David Lady](#)  
**To:** "[Kristi Jefferson](#)"; "[Doug Bess](#)"; "[Kathy Rohrich](#)"  
**Cc:** "[Cheryl Clark](#)"  
**Subject:** RE: Agency review  
**Date:** Tuesday, May 11, 2021 3:22:13 PM

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No concerns.

**David Lady, P.E.**  
**Director of Public Works**  
City of Salida  
Public Works Dept.  
340 W. Hwy 291  
Salida, CO 81201  
719-539-6257 (o)  
<http://cityofsalida.com/>

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**From:** Kristi Jefferson [mailto:kristi.jefferson@cityofsalida.com]  
**Sent:** Tuesday, May 11, 2021 2:53 PM  
**To:** Doug Bess <doug.bess@cityofsalida.com>; 'Kathy Rohrich' <kathy.rohrich@cityofsalida.com>; 'David Lady' <david.lady@cityofsalida.com>  
**Cc:** 'Cheryl Clark' <cclark@chaffeeconomy.org>  
**Subject:** Agency review

Attached is an agency review for a variance request at 137 W. 7<sup>th</sup> Street. Please let me know if you have a concern with the requests.

Thank you,

Kristi Jefferson  
Planner  
City of Salida  
448 East First Street  
Suite 112  
Salida, CO 81201  
ph: 719-530-2626  
fax: 719-539-5271

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.



**From:** [Kathy Rohrich](#)  
**To:** [David Lady](#)  
**Cc:** [Kristi Jefferson](#); [Doug Bess](#); [Cheryl Clark](#)  
**Subject:** Re: Agency review  
**Date:** Wednesday, May 12, 2021 9:37:53 AM

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No concerns at this time from fire.

On Tue, May 11, 2021 at 3:22 PM David Lady <[david.lady@cityofsalida.com](mailto:david.lady@cityofsalida.com)> wrote:

No concerns.

***David Lady, P.E.***

***Director of Public Works***

City of Salida

Public Works Dept.

340 W. Hwy 291

Salida, CO 81201

719-539-6257 (o)

<http://cityofsalida.com/>

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**From:** Kristi Jefferson [mailto:[kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)]  
**Sent:** Tuesday, May 11, 2021 2:53 PM  
**To:** Doug Bess <[doug.bess@cityofsalida.com](mailto:doug.bess@cityofsalida.com)>; 'Kathy Rohrich' <[kathy.rohrich@cityofsalida.com](mailto:kathy.rohrich@cityofsalida.com)>; 'David Lady' <[david.lady@cityofsalida.com](mailto:david.lady@cityofsalida.com)>  
**Cc:** 'Cheryl Clark' <[cclark@chaffeeconomy.org](mailto:cclark@chaffeeconomy.org)>  
**Subject:** Agency review

Attached is an agency review for a variance request at 137 W. 7<sup>th</sup> Street. Please let me know if you have a concern with the requests.

Thank you,

Kristi Jefferson

Planner

City of Salida

448 East First Street

Suite 112

Salida, CO 81201

ph: 719-530-2626

fax: 719-539-5271

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

--

Kathy Rohrich  
Assistant Chief  
Salida Fire Dept.  
(719)539-2212



VARIANCE APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

A. TYPE OF VARIANCE REQUESTED (Fill In Applicable Requests)

- 1. Variance from Maximum Height: Existing Height (in feet): NA Proposed Height (in feet):
2. Minimum Variance from Floor Area: Required Floor Area: NA Proposed Floor Area:
3. Variance from Maximum Lot Coverage: Allowed Lot Coverage: NA Proposed Lot Coverage:
4. Variance from Parking Requirements: Existing Spaces: NA Required Spaces:
Total Spaces Proposed: NA Percent Reduction Proposed:

5. Variance from Minimum Setback Requirements

- a. Setback Variance Information:
i. Type of setback: [X] Front yard [ ] Rear yard [ ] Side yard
ii. Which direction: [ ] North [ ] South [ ] East [ ] West
[X] Northeast [ ] Northwest [ ] Southeast [ ] Southwest
iii. Type of Building: [ ] Principal [ ] Accessory Building
iv. Current Setback:
v. Proposed Setback: 11'-0"
vi. Required Setback: 20'-0"
b. Second Setback Variance Information (if applicable):
i. Type of setback: [X] Front yard [ ] Rear yard [ ] Side yard
ii. Which direction: [ ] North [ ] South [ ] East [ ] West
[X] Northeast [ ] Northwest [ ] Southeast [ ] Southwest
iii. Type of Building: [ ] Principal [ ] Accessory Building
iv. Current Setback: 5'-6"
v. Proposed Setback: 5'-6"
vi. Required Setback: 20'-0"

6. Variance from Land Use Code Section: 16-4-200

**B. DEVELOPMENT PROCESS (City Code Section 16-4-180)**

- 1. Pre-Application Conference. Optional.
- 2. Submit Application.
- 3. Staff Review. Schedule Hearing. Forward Report to Applicant and Board.
- 4. Public Notice Provided For Hearing.
- 5. Public Hearing Conducted by Board and Action Taken.



**C. APPLICATION CONTENTS**

A digital copy of all application materials is required.

- 1. **General Development Application**
- 2. **Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, etc. which are relevant to the review of the application. **The copies shall only be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper.**
- 3. **Required Showing.** The applicant shall indicate the way the proposal meets the required showing as outlined in the application.
- 4. **Public Notice**
  - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
  - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
  - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.
- 5. **Application Fee.** \$500 cash or check made out to City of Salida.

**D. REQUIRED SHOWING** (If necessary, attach additional sheets)

The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

**1. Special Circumstances Exist.** There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.

The existing front door to the house faces West Seventh Street and by definition, the front property line shall be designated by the location of the primary entrance or front porch. This requires a 20'-0" frontyard setback. Both the existing house and existing covered porch violate this requirement. This variance is to remove and replace the existing deck and roof cover with an improved design using the same size footprint to the existing.

The property line adjacent to the alley is encumbered by an existing telecommunications pedestal which limits the ability to have a garage open the alley. The front yard setback limits the garage placement on the lot.

**2. Not Result of Applicant.** The special circumstances and conditions have not resulted from any act of the applicant.

The conditions that exist on the lot and the house orientation are existing and not due to the home owner. The existing porch and roof extension are existing and in need of repair. The telecommunications pedestal is expensive and difficult to move.

**3. Strict Application Deprives Reasonable Use.** The special circumstances and conditions are such that the strict application of the provisions of this Land Use Code would deprive the applicant of reasonable use of the land or building.

Because of the existing conditions present at the lot, the house and covered porch are inside the front yard setback. This entry structure is in serious need of repair.

The proposed garage cannot face the alley due to an existing telecommunications pedestal located in the alley adjacent to the property line. The relocation of this existing utility is expensive and time consuming and not recommended by Centurylink who maintains the utility service.

**4. Variance is Necessary to Provide Reasonable Use.** The granting of the variance is necessary to provide the applicant a reasonable use of the land or building.

The existing covered porch is decaying and in need of maintenance and repair. The granting of this variance allows for the existing deck and roof cover to be removed and a new front entry porch to be built in its place.

A variance is required for reasonable use of the property as a detached garage is difficult to place on this lot without a variance due to the existing conditions of the lot. The front yard setback of 20'-0" and the telecommunication pedestal in the alley limit reasonable placement of a detached garage.

**5. Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

The new porch structure will replace the existing simple structure in size. Slight adjustments to the porch dimension and location may be made for aesthetic reasons.

The garage will look and fit in with the existing structures on the lot and adjacent properties. Allowing the garage to be in plane with the existing structure gives the owners the best use of their property given the conditions particular to this lot.

**6. No Injury to Neighborhood.** The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment.

The granting of this variance will not be injurious to the neighborhood and will allow for a better entry structure and front entry appearance. The new structure will replace deteriorating existing conditions and will be a much needed improvement to the structure and appearance of the house.

The proposed garage will replace an existing decaying carport structure and provide secured storage for the lot.



**7. Consistent with Land Use Code.** The granting of the variance is consistent with the general purposes and intent of the City's Land Use Code.  
The proposed covered porch meets all other design criteria for a residence in the R-2 zone. The garage will meet all other design criteria for a detached accessory structure in the R-2 zone.

**8. Existing Primary Structure.** If the proposal is an addition to a primary structure which continues the existing building line the applicant must demonstrate that maintenance of the addition on the subject property is feasible and not injurious to adjacent neighbors.  
Not applicable



# GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

## 1. TYPE OF APPLICATION (Check-off as appropriate)

- |  |  |
|--|--|
| <input type="checkbox"/> Annexation                          | <input type="checkbox"/> Administrative Review:<br>(Type)_____ |
| <input type="checkbox"/> Pre-Annexation Agreement            |  |
| <input checked="" type="checkbox"/> Variance                 | <input type="checkbox"/> Limited Impact Review:<br>(Type)_____ |
| <input type="checkbox"/> Appeal Application (Interpretation) |  |
| <input type="checkbox"/> Certificate of Approval             | <input type="checkbox"/> Major Impact Review:<br>(Type)_____   |
| <input type="checkbox"/> Creative Sign Permit                |  |
| <input type="checkbox"/> Historic Landmark/District          | <input type="checkbox"/> Other:_____                           |
| <input type="checkbox"/> License to Encroach                 |  |
| <input type="checkbox"/> Text Amendment to Land Use Code     |  |
| <input type="checkbox"/> Watershed Protection Permit         |  |
| <input type="checkbox"/> Conditional Use                     |  |

## 2. GENERAL DATA (To be completed by the applicant)

### A. Applicant Information

Name of Applicant: Krista Frakes (Haarmeyer)

Mailing Address: 4561 Perry St Denver, CO 80212

Telephone Number: 858-735-4779 FAX: \_\_\_\_\_

Email Address: kristahaarmeyer@gmail.com

Power of Attorney/ Authorized Representative: \_\_\_\_\_  
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

### B. Site Data

Name of Development: 137 West Seventh Street

Street Address: 137 West Seventh Street

Legal Description: Lot 25-26 Block 91 Subdivision Haskells Addition (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of property owner \_\_\_\_\_ Date 5/3/2021

**Staff Use Only**

Permit #:\_\_\_\_\_ Staff member assigned:\_\_\_\_\_ Public meeting Date:\_\_\_\_\_

Staff Comments:\_\_\_\_\_

\_\_\_\_\_

Fee:\_\_\_\_\_ Receipt #:\_\_\_\_\_



May 4, 2021

Community Development Department  
448 E. First Street, Suite 112  
Salida, CO 81201

RE: 137 West Seventh Street  
Salida, CO 81201

Project Narrative

The property at 137 W. 7<sup>th</sup> Street is a unique lot with an existing residence which faces 7<sup>th</sup> Street and is nonconforming to the front yard setback requirement in the R-2, Medium density residential district it is in. The house and the existing covered porch encroach into the primary building setback of 20'-0". The house is currently approximately 11'-0" from the property line at Seventh Street with the porch extending an additional 5'-6" into the setback.

It is the intention of the homeowner to remove the existing concrete deck and roof extension which currently covers the deck. A new covered porch will be built in place of the existing structure which will enhance the home's exterior appearance and entry into the home. The new structure will be the same size as the existing, however the porch may be shifted slightly along the house for aesthetics.

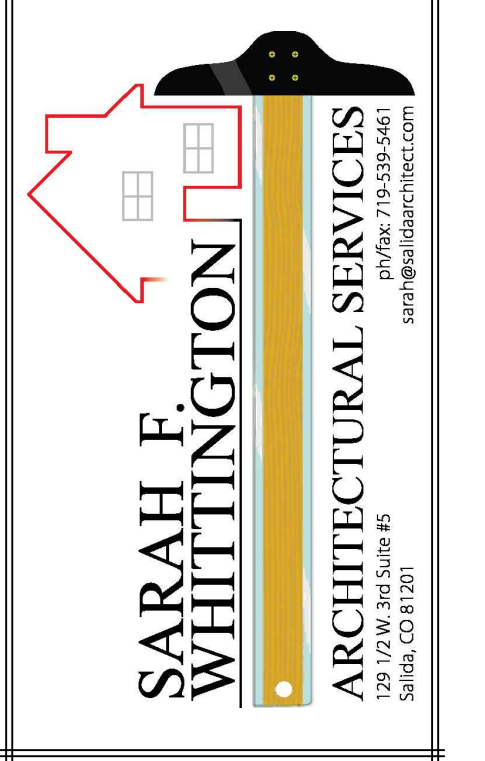
The homeowners would also like to build a detached garage on this property and due to the extraordinary circumstances of the lot, the placement of this garage difficult. The alley side property line is encumbered by a telecommunications pedestal, located in the middle third of the property, which after talking to Centurylink representatives, cannot be moved without considerable expense and time. The front yard setback of 20'-0" also applies to this structure and due to the existing pedestal and building setbacks, placement of this garage is difficult without added expense.

We are proposing a single-story garage, which faces Seventh Street, and is set back in plane with the existing house along Seventh Street. As previously mentioned, the existing house is nonconforming to the front yard setback and the proposed garage would be 11'-0" from Seventh Street. The garage doors will face Seventh Street.



DATE: 5/3/2021

DRAWN BY: P.G.  
CHECKED BY: S.W.



# The Frakes Porch Addition

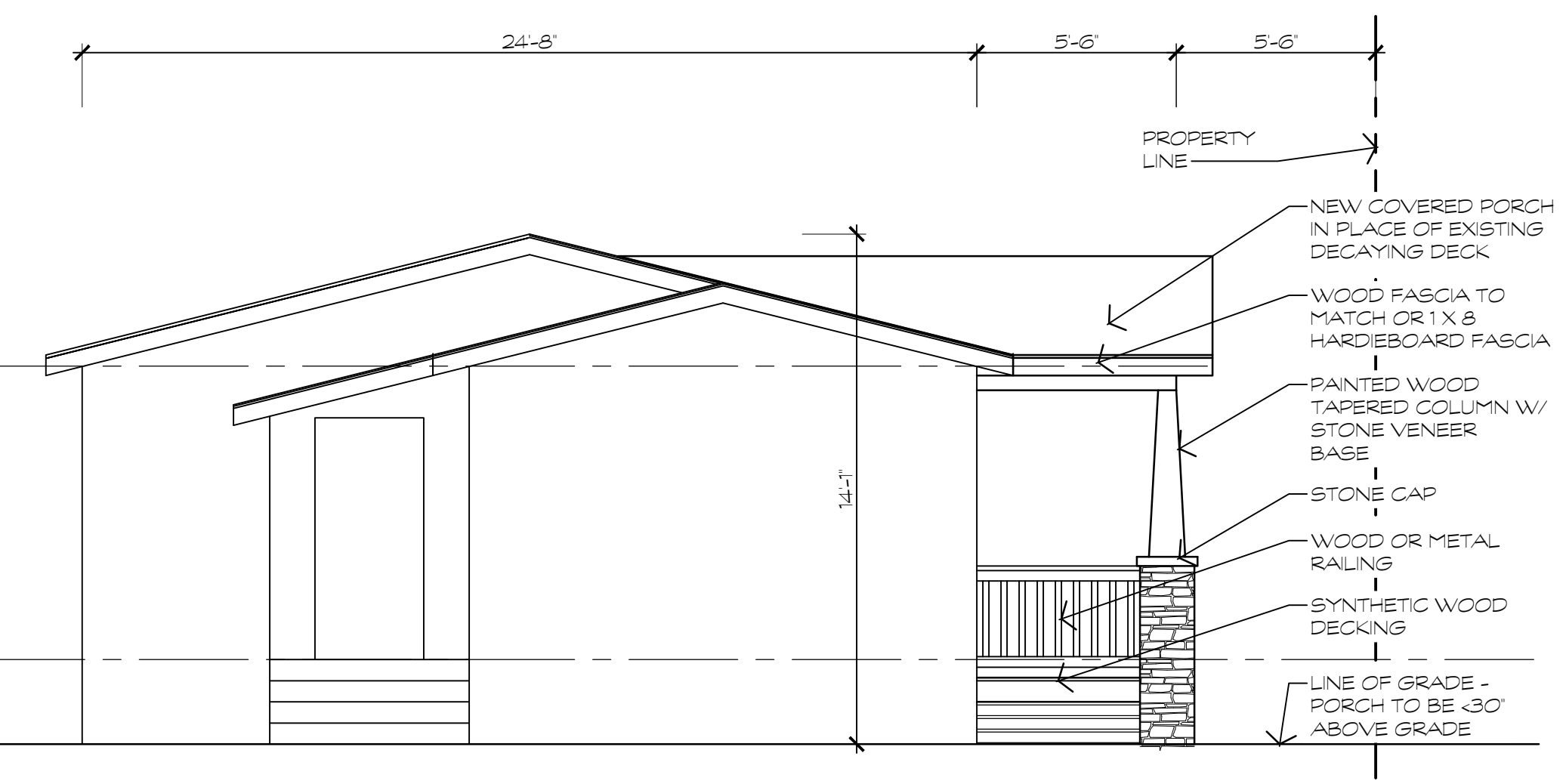
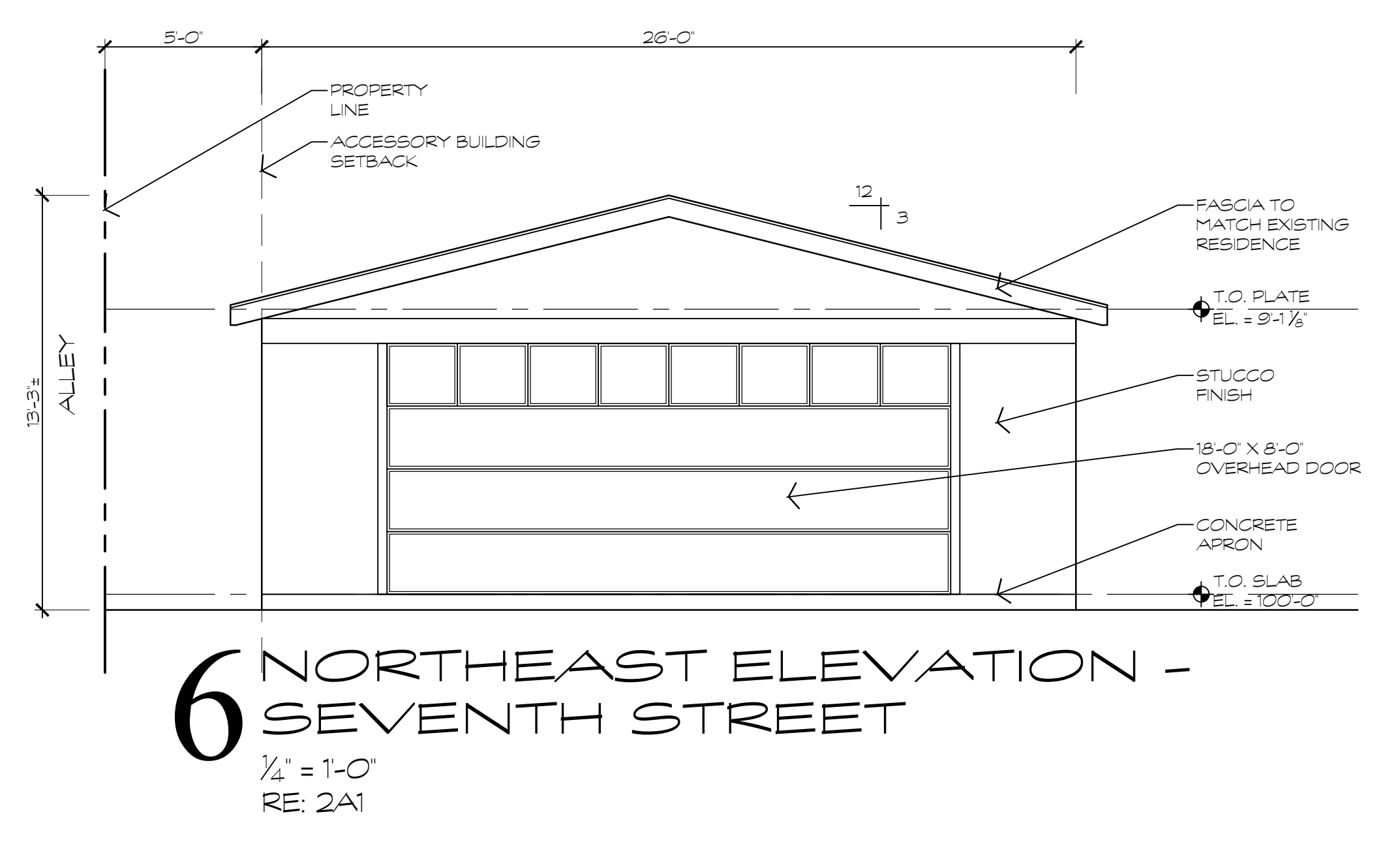
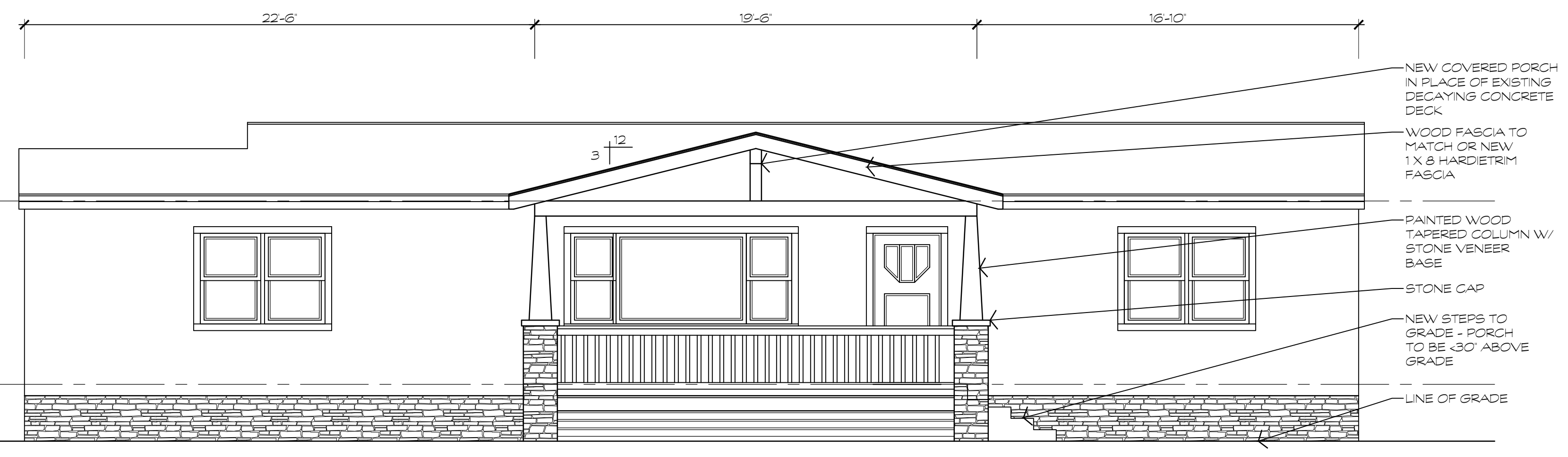
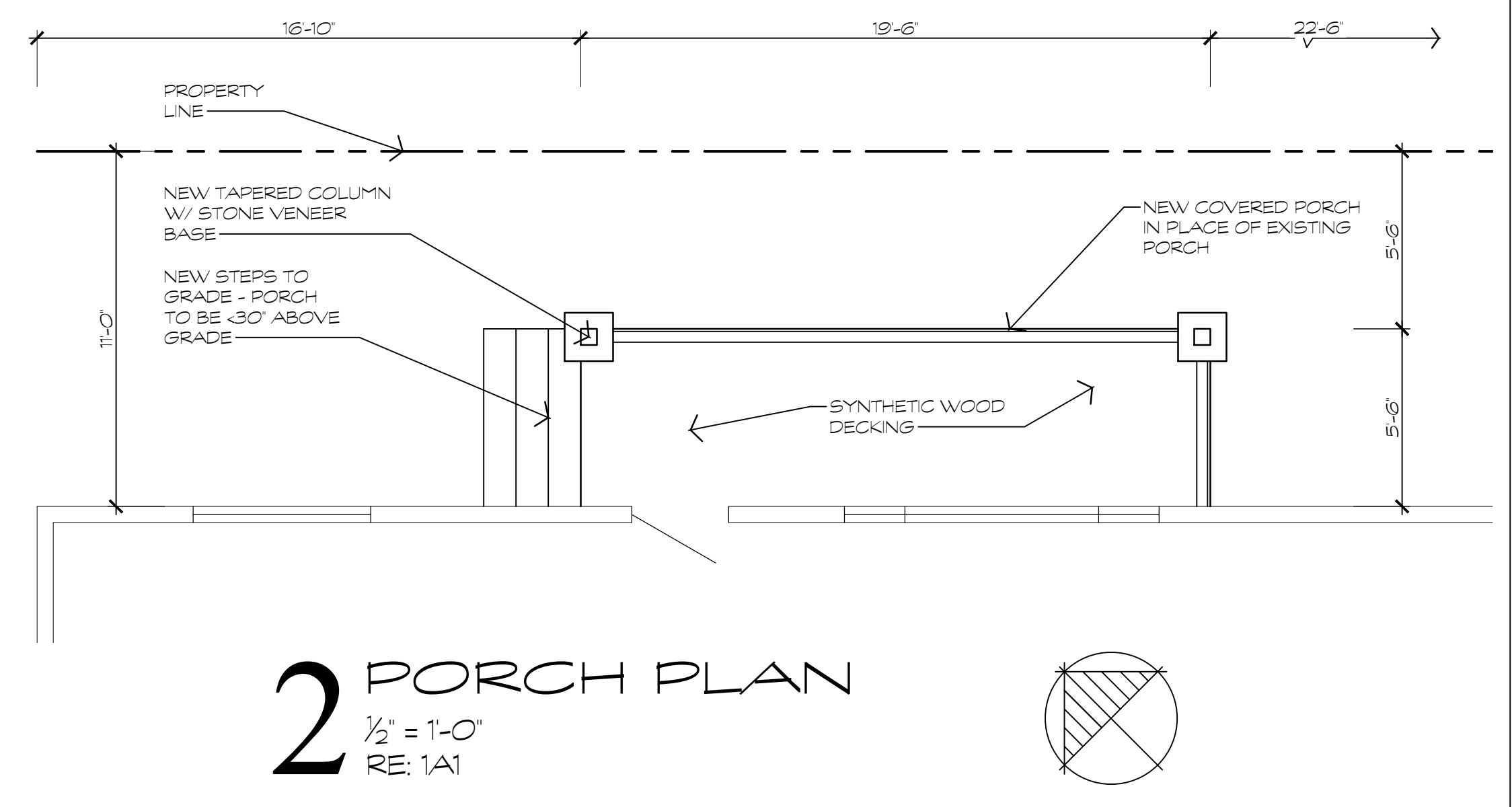
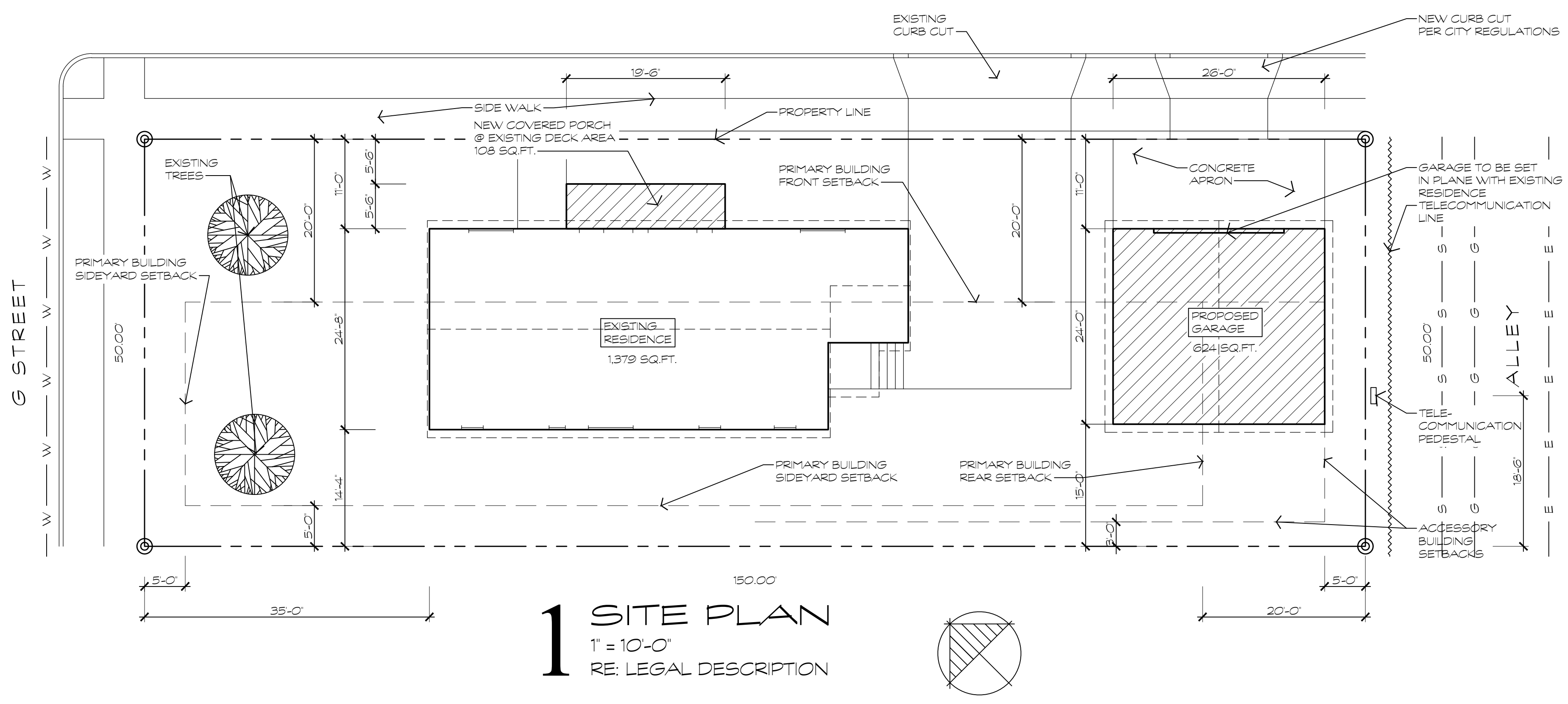
137 West Seventh Street - Salida, CO 81201

SITE PLAN  
PORCH PLAN  
ELEVATIONS  
GARAGE PLAN  
ELEVATION

# A1

1 OF 1

JOB # 21011.82



Lot & Landscaping Requirements	
Zoning:	Medium Density Residential R-2
Lot Area:	7,500 sq.ft.
Density:	
Allowed:	1 per 3,125 sq.ft. = 2 Units Allowed
Existing:	1 Unit
Lot Coverage Structures:	
Allowed:	40% = 3,000 sq.ft. max.
Existing residence:	1,379 sq.ft.
Proposed porch:	108 sq. ft.
Proposed garage:	624 sq.ft.
Total:	2,111 sq.ft. = 28%±
Lot Coverage Uncovered Parking:	
Allowed:	15% = 1,125 sq.ft. Max
Proposed:	8% = 600 sq.ft. Appx.
Landscaping:	
Required:	45% = 3,375sq.ft. Min.
Proposed:	4,813 sq.ft. ±
Tree Requirement:	1 / 800 sq.ft. 3,375 sq.ft. / 800 = 4 Trees Required

# 4

1/4" = 1'-0"  
RE: 2A1

# 5

1/4" = 1'-0"  
RE: 2A1



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COLORADO SPRINGS, CO 80937

ANDREWS DARLA LEWIS  
PO BOX 1152  
SALIDA, CO 81201

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