



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
August 28, 2023 - 6:00 PM

AGENDA

Email public comments to: planning@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 24, 2023 - Draft Minutes

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

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

2. **Barnes Variance - 326 E. Eighth Street** - The request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback of the primary structure. The applicant is requesting a minimum allowed rear yard setback of 7' to build a covered patio/deck on the existing non-conforming primary structure located at 326 E. Eighth Street.
3. **Burns and JHW Partnership - 105 Park Ave.** -The applicants, Justin Burns and JHW Partnership Limited, are requesting approval to receive a variances from the front setback in the R-2 zone district.

UPDATES

BOARD COMMENTS

ADJOURN

**An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
July 24, 2023 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

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

CALL TO ORDER BY CHAIRMAN

ROLL CALL

PRESENT

Board Member Chairman Greg Follet
Board Member Co-Chair Francie Bomer
Board Member Giff Kriebel
Board Member Judith Dockery
Board Member Aaron Derwingson
Alternate Board Member Dan Bush

ABSENT

Board Member Michelle Walker
Board Member Brian Colby

APPROVAL OF THE MINUTES

1. June 26, 2023 - Draft Minutes

Motion made by Board Member Kriebel, Seconded by Board Member Dockery.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Derwingson, Alternate Board Member Bush

THE MOTION PASSED.

UNSCHEDULED CITIZENS: NA

AMENDMENT(S) TO AGENDA: NA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

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

2. Kuhn Variance request - 147 West Fourth Street -

The Kuhn variance request that was approved by the Board of Adjustment on June 26, 2023 did not contain a complete record at the time of consideration.

A public comment on the variance request was emailed to the email address provided on the Board of Adjustment agenda. Staff was unaware that the email address was invalid and the comment was never received and made part of the record. Now that the record is complete the variance shall be reconsidered.

Motion made by Board Member Co-Chair Bomer to re-open the public hearing. The motion was not seconded.

THE MOTION FAILED.

3. P&C Enterprises, LLC Variance Request - 306 Old Stage Road - Continued from the June 26, 2023 meeting

The purpose of the request is to receive a variance from the minimum side yard setback for accessory structures. The minimum side yard setback is five (5) feet for accessory structures over twelve (12) feet in height.

The applicant is requesting a minimum allowed side yard setback of 3' for the garage constructed on the western portion of the property and 3'-3" for the garage constructed on the eastern portion of the property.

An additional request is to receive a variance from the maximum lot coverage with structures if the P & C Enterprises, LLC Minor Subdivision is approved.

- A. Open Public hearing – 6:05pm**
- B. Proof of Publication –**
- C. Staff Review–** Planning Technician, Palumbo, reviewed the variance request.
- D. Applicant's Presentation-** The applicant, Chris Vaith, spoke on the application.
- E. Public Input –** Chad Chadwick and Pat Green spoke on the application.
- F. Close Public Hearing – 6:25pm**
- G. Board Discussion –**
- H. Board Decision –**

Motion to deny the variance on the lot coverage and request the developer to reduce the size of the patio back to the size to meet the lot coverage requirements made by Board Member Co-Chair Bomer, Seconded by Board Member Kriebel.

Voting Yea: Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Derwingson, Alternate Board Member Bush

Voting Nay: Board Member Chairman Follet

THE MOTION PASSED.

Motion to approve the variance on the setback of the Accessory Dwelling made by Board Member Kriebel, Seconded by Board Member Dockery.

Voting Yea: Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Derwingson, Alternate Board Member Bush, Board Member Chairman Follet

THE MOTION PASSED.

BOARD COMMENTS

ADJOURN With no further business to come before the Board, the meeting adjourned at 6:51 p.m.



BOARD OF ADJUSTMENT STAFF REPORT

MEETING DATE: August 28, 2023
AGENDA ITEM TITLE: Barnes Variance Application -326 E. Eighth Street
AGENDA SECTION: Public Hearing

REQUEST: The request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback of the primary structure. The applicant is requesting a minimum allowed rear yard setback of 7' to build a covered patio/deck on the existing non-conforming primary structure located at 326 E. Eighth Street.

APPLICANT: The applicants are property owners Peggy and Rodney Barnes, 4018 Central Street, Evans, CO 80620.

LOCATION:

The subject property is legally known as SWLY 52 feet Lots 12 & 13, Block 94 Haskells Addition, City of Salida, Chaffee County, Colorado. This property is also known as 326 E. Eighth Street.



PROCESS:

Variations are addressed in the City’s Code of Ordinances, Section 16-4-180, Zoning Variations. Variations may be granted from the standards of the underlying zone district 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 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 is located within the Medium Density Residential (R-2) zone district. Surrounding properties are also within the (R-2) zone district.
2. The existing primary structure is considered a nonconforming structure as it does not meet any of the required setbacks. Nonconforming structures are structures that were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of the current zoning regulation.
3. The lot is 2,600 square feet and is also considered nonconforming. The lot was split off from 748 C Street in the late 1960's prior to current code.
4. The request is to receive relief from the required minimum 20' rear setback to construct a covered patio/deck attached to the entrance of the residence. The applicants are not requesting to increase the nonconformity further into the setback, they are requesting the variance to be able to build the covered patio/deck seven feet (7') from the rear property line.
5. If the variance is granted the applicant will submit the necessary building permits for staff review and approval.

REQUIRED SHOWING (Section 16-4-180(e)):

Variations from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:

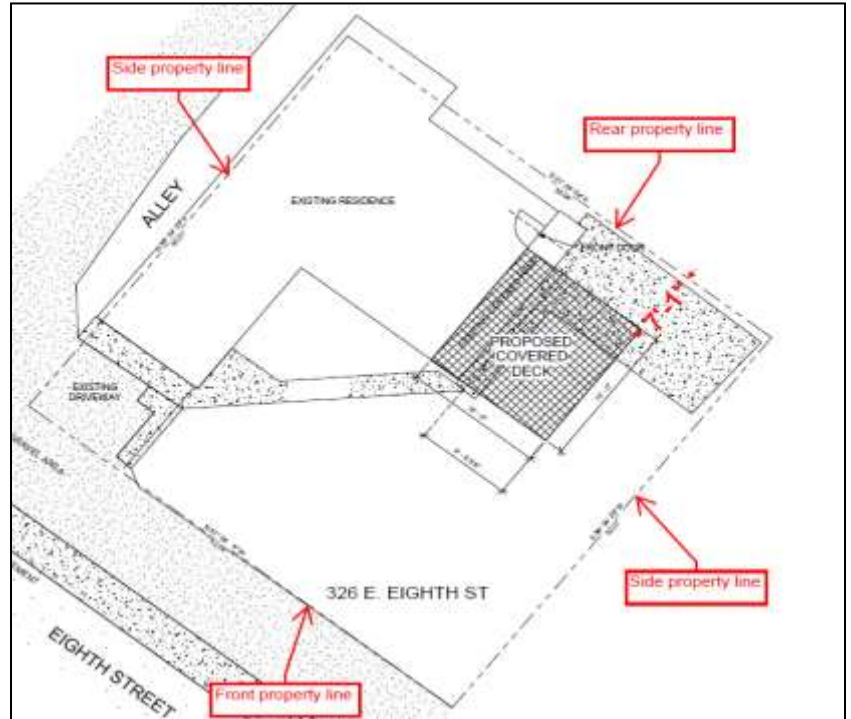
1. Special circumstances exist such that strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such



as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

Applicant's response: *We have a non-conforming structure on a non-conforming lot built in 1948. Originally part of property at 748 C Street. We would like to build a covered deck 7 feet from the rear property line.*

- Special circumstances exist because the lot was subdivided in its current configuration sometime after 1965 by the previous owner, thus creating a lot that does not conform to today's dimensional standards.



- The size and shape of the non-conforming lot does not allow for the owners to construct the proposed covered patio/deck without being granted variance approval. The applicant will be able to meet all remaining standards of the code.

2. The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.

Applicant's response: *The deck will not impair the intent of City code.*

- 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.
 - With the proposed 7' rear setback there would still be adequate space which the owner can use for maintenance of the structure. The addition of a covered patio should not create a detriment to the public good.
3. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

Applicant’s response: *Deck will not adversely impact natural environment. Deck may add to look of neighborhood.*

- The addition is in the rear of the property and will not be highly visible from the public street. There should not be any adverse impacts to the surrounding properties.

4. Minimum Variance. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Applicant’s response: *The house at 326 e. 8th is to be improved and deck will be an additional improvement. It will be vastly more enjoyable to sit outside out of the rays of the sun. Being retired now, we want to spend more time in this oasis called Salida. I’ve been coming here my whole life.*

- The applicant would like to construct the covered patio/deck which cannot be achieved without the granting of this variance.
- All new construction in the City is required to meet the setback requirements unless some special circumstance exists such as an existing building that does not meet the setback requirements. Currently the primary residence does not meet setbacks and is encroaching on the neighboring property.

Review Agency Comments:

Assistant Fire Chief, Kathy Rohrich – Fire Department has no concerns.

Chaffee County Building Department, Chad Chadwick – Covered patio construction proposed setback will meet minimum fire separation distances per residential building code.

REQUIRED ACTIONS BY THE BOARD:

1. The Board shall confirm that adequate notice was provided and a fee paid.
2. The Board shall conduct a public hearing.
3. The Board shall make findings that points 1 through 4 of the above section are met by the applicant.

RECOMMENDED FINDINGS:

1. That the variance request is in conformance with Section 16-4-180 (e), Required showing, because special circumstances exist, the variance will not create a substantial detriment, the variance will not result in significantly adverse impacts, granting of the variance request is the minimum variance necessary and is in keeping with the general purposes of the Code.

STAFF RECOMMENDATION:

Staff recommends the Board of Adjustment **APPROVE** the Barnes Variance request to receive a variance from the minimum rear yard setback of twenty (20) feet required for a primary structure. The applicant is requesting a minimum allowed rear yard setback of seven (7) feet to construct a covered patio/deck on the existing primary structure, subject to the conditions listed below:

RECOMMENDED MOTION: “I make a motion to approve the Barnes Variance request as it meets all the review standards for a Zoning Variance, subject to the following condition.

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

If the Board recommends denial of the variance request the findings for denial must be stated.

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 AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Application materials
Site Plan

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 August 28, 2023 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 applicants, Peggy and Rodney Barnes, are requesting approval for a variance on their property located at 326 E. Eighth Street, legally known as SWLY 52 feet Lots 12 & 13, Block 94 Haskells Addition, City of Salida, Chaffee County, Colorado.

The purpose of the request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback of the primary structure. The applicant is requesting a minimum allowed rear yard setback of 7' to build a covered patio on the existing non-conforming primary structure.

Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department at (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 August 11, 2023



GENERAL DEVELOPMENT APPLICATION

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

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

- Annexation
- Pre-Annexation Agreement
- Appeal Application (Interpretation)
- Certificate of Approval
- Creative Sign Permit
- Historic Landmark/District
- License to Encroach
- Text Amendment to Land Use Code
- Watershed Protection Permit
- Conditional Use
- Administrative Review:
(Type) _____
- Limited Impact Review:
(Type) _____
- Major Impact Review:
(Type) _____
- Other: VARIANCE

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

A. Applicant Information

Name of Applicant: Peggy & Rodney Barnes

Mailing Address: 4018 Central St Evans, CO 80620

Telephone Number: 970.381.4586 FAX: _____

Email Address: plbarnes52@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: _____

Street Address: _____

Legal Description: Lot 12 & 13 Block 94 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: [Signature] Date: 7.20.23

Signature of property owner: [Signature] Date: 7.20.23

[Signature] Date: 7-20-23



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

5. Variance from Minimum Setback Requirements

- a. Setback Variance Information:
i. Type of setback: Front yard Rear yard Side yard
ii. Which direction: North South East West
Northeast Northwest Southeast Southwest
iii. Type of Building: Principal Accessory Building
iv. Current Setback:
v. Proposed Setback: 7 ft
vi. Required Setback: 20 ft
b. Second Setback Variance Information (if applicable):
i. Type of setback: Front yard Rear yard Side yard
ii. Which direction: North South East West
Northeast Northwest Southeast Southwest
iii. Type of Building: Principal Accessory Building
iv. Current Setback:
v. Proposed Setback:
vi. Required Setback:

6. Variance from Land Use Code Section: 16-4-180

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 be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper or electronically.**
- 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)

Variance Approval Criteria. Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:

1. **Special Circumstances Exist.** Strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

- we have a non-conforming structure on a non-conforming lot built in 1948. Originally part of property @ 748 C. St.
- we would like to build a covered deck 7ft from rear property line

2. **Substantial Detriment.** The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.

The deck will not impair the intent of city code

3. **Adverse Impacts.** The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

decks will not adversely impact natural environment. Deck may add to look of neighborhood

4. Minimum Variance Necessary for Reasonable Use. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

House @ 326 E. 9th is to be improved
a) deck will be an additional improve-
ment. It will be vastly more
enjoyable to sit outside out of
the rays of the sun. Being retired now,
we want to spend more time in
this oasis called Salida. We been coming
here my whole life.

Additional Information:

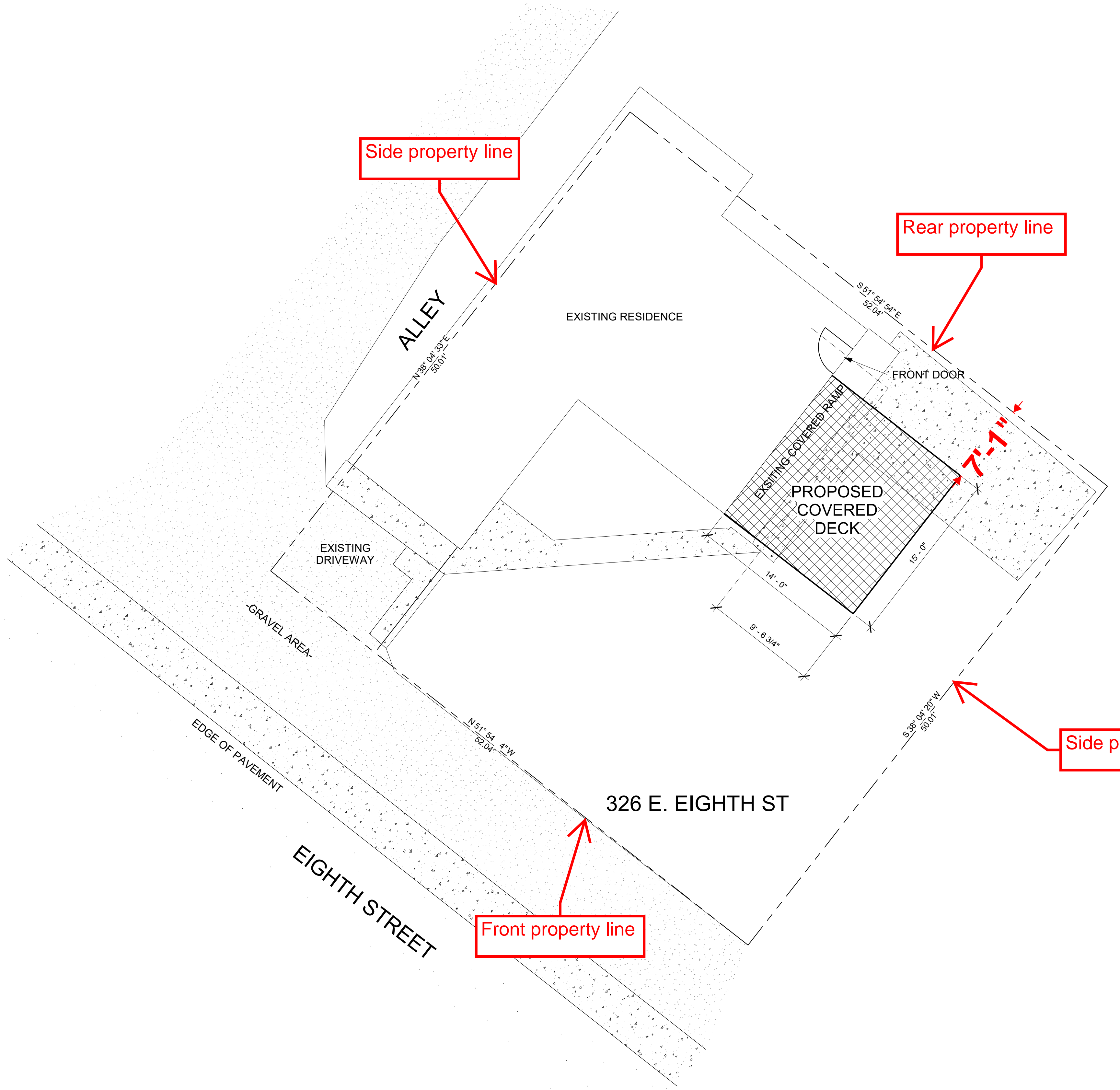
Revisions

Number	Date	Description

PRELIMINARY

JOB NO.	2108
DATE	10/21/2021
DRAWN BY	MC
SCALE	3/16" = 1'-0"

SHEET NUMBER
SITE
 SITE PLAN



1 SITE
 3/16" = 1'-0"

CURRENT LOT TABULATION:
 LOT SIZE: 2,602 SQ. FT.
 MAX. STRUCTURE COVERAGE(40%): 1,040 SQ. FT.
 ACTUAL STRUCTURE COVERAGE: 821 SQ. FT.
 MAX. ACCESS COVERAGE(15%): 390 SQ. FT.
 ACTUAL ACCESS COVERAGE: 132 SQ. FT.
 MIN. LANDSCAPE AREA(45%): 1,172 SQ. FT.
 ACTUAL LANDSCAPE AREA: 1,662 SQ. FT.
 ELEVATION :~7,100'
 ZONING: R-2

PROPOSED LOT TABULATION:
 LOT SIZE: 2,602 SQ. FT.
 MAX. STRUCTURE COVERAGE(40%): 1,040 SQ. FT.
 ACTUAL STRUCTURE COVERAGE: 1,031 SQ. FT.
 MAX. ACCESS COVERAGE(15%): 390 SQ. FT.
 ACTUAL ACCESS COVERAGE: 132 SQ. FT.
 MIN. LANDSCAPE AREA(45%): 1,172 SQ. FT.
 ACTUAL LANDSCAPE AREA: 1,539 SQ. FT.
 ELEVATION :~7,100'
 ZONING: R-2



BOARD OF ADJUSTMENT STAFF REPORT

MEETING DATE: August 28, 2023
AGENDA ITEM TITLE: P&C Enterprises LLC. Variance Application
AGENDA SECTION: Public Hearing

REQUEST:

The purpose of the request is to receive a variance from the minimum front yard setback.

APPLICANT:

The applicant is Justin Burns of JM Burns Construction, 5949 County Road 210, Salida, CO 81201.

LOCATION:

The property is legally known as Lots 3 & 4, Block 1, Blake & Westerfields Addition, City of Salida, Chaffee County, Colorado. These two lots are part of the four lots that currently comprise 105 Park Avenue.



OBSERVATIONS:

The applicant is proposing to construct a duplex with ADUs above the garages on lots 3 & 4. A guy wire along the alley is blocking vehicular access to lot 4. The property owner and general contractor attempted to work with Xcel Energy in order to change the location and/or orientation of the guy wire. No change was able to be made.

Because of the guy wire, the lot 4 garage access and access to the required 2nd off-street parking space for the ADU cannot come straight off the alley; it will come through lot 3 (via a proposed access easement). To allow for a turning radius to park in the garage, the garage needs to be pushed forward on the lot. This in turn means that in order for the developer to provide what they deem as necessary rear yard space between the garage/adu and the primary structure, they need to push the primary structure forward into the required front yard setback.

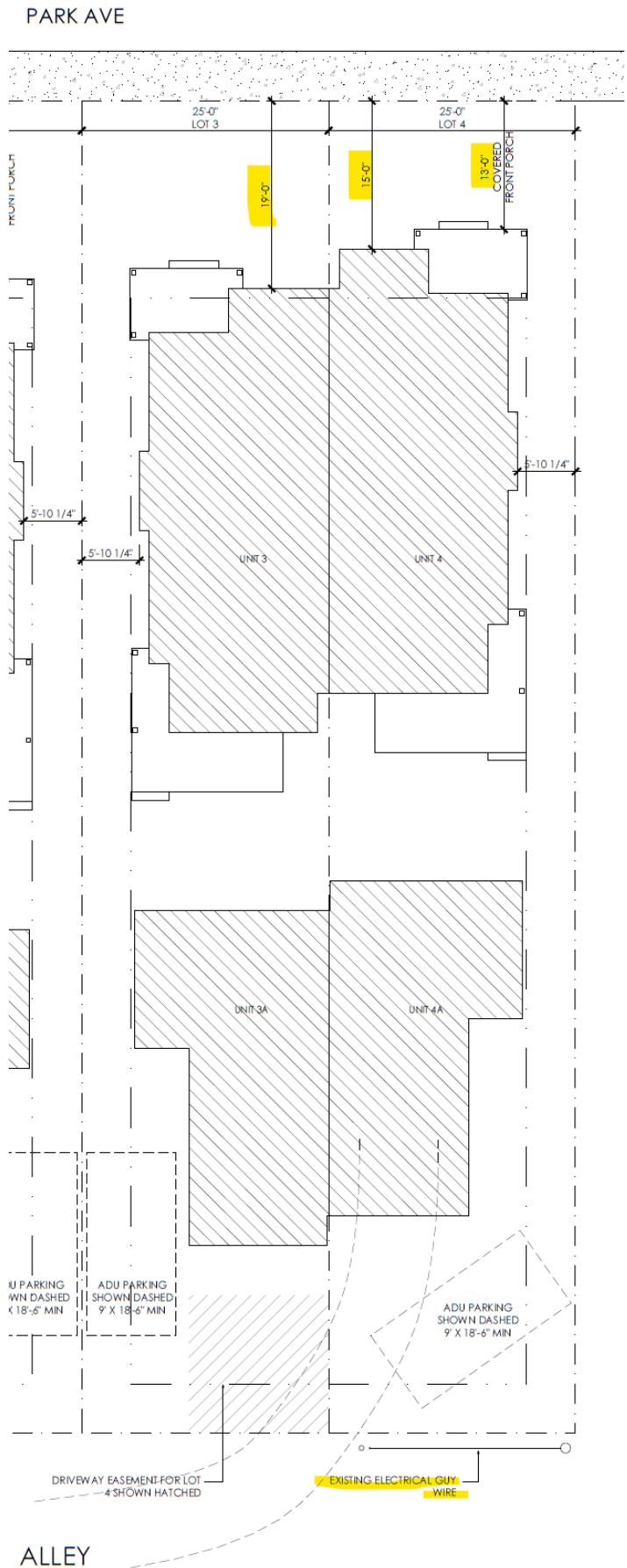
Variance Approval Criteria Section 16-4-180(e): Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing, and deciding on whether to approve a variance application, the Board of Adjustment must find that all the following criteria have been met:

Please see attached application for Applicant's Response.

1. Special Circumstances Exist. Strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape, or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

Staff Comments:

The inability to move the guy wire is a special circumstance.



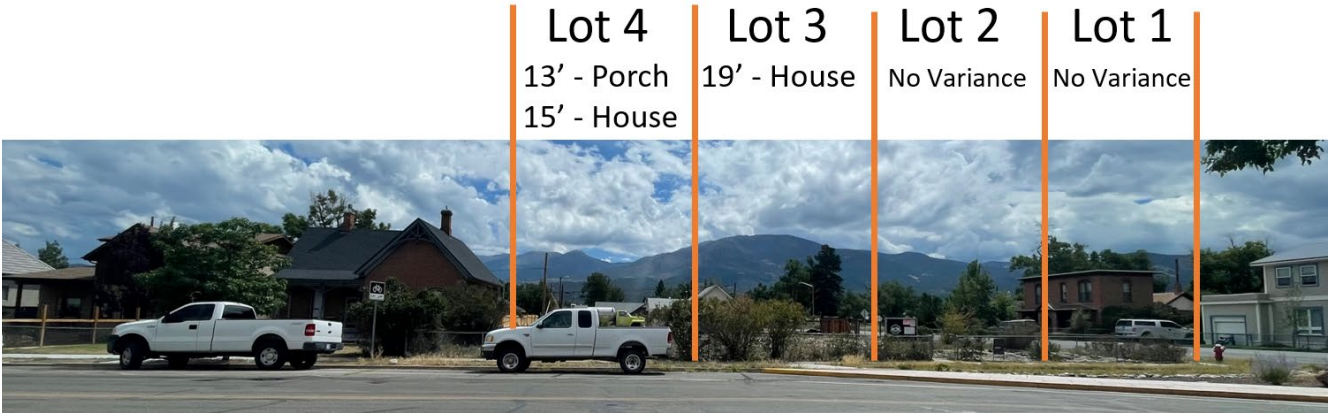
- 2. Substantial Detriment. The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City’s Comprehensive Plan.

Staff Comments:

A front setback encroachment of one foot on Lot 3, and five feet / two feet (house/porch) on Lot 4 would not create a substantial detriment to the public good.

- 3. Adverse Impacts. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

105 Park Avenue



Staff Comments:

No comment has been received from the surrounding neighbors. This variance will not impact the natural environment.

- 4. Minimum Variance. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Staff Comments:

The intention is to maintain what the applicant feels is a necessary size of back yard for the use of the future owners and residents and has requested what they feel is the minimum variance necessary to do that.

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 the findings whether or not criteria 1 through 4 of the above section are met by the applicant.

RECOMMENDED FINDINGS:

The variance request(s) meet all criteria 1 – 4.

RECOMMENDED MOTION:

“I make a motion to approve the variance request for Lots 3 & 4, Blake & Westerfields Addition, City of Salida, as it meets the review criteria for zoning variances.”

BECAUSE THIS APPLICATION IS FOR A VARIANCE, THE SALIDA BOARD OF ADJUSTMENT SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. DECISIONS BY THE BOARD SHALL BE FINAL AND MAY NOT BE APPEALED FURTHER EXCEPT IN COURT.

- Attachments:**
Application
Proof of Notice



GENERAL DEVELOPMENT APPLICATION

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

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

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

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

A. Applicant Information

Name of Applicant: Jm Burns construction (Justin Burns)

Mailing Address: 5949 County Road 210 Salida, CO 81201

Telephone Number: 719-221-5464 FAX: _____

Email Address: Justin@Jmburnsconstruction.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: 105 Park Ave Variance

Street Address: 105 Park Avenue Salida CO 81201

Legal Description: Lot (1-4) Block 1 Subdivision Blake & Westerfields Add (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 [Signature] Date 7.24.23

Signature of property owner [Signature] Date 7.25.23



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): _____ Proposed Height (in feet): _____

2. Minimum Variance from Floor Area: Required Floor Area: _____ Proposed Floor Area: _____

3. Variance from Maximum Lot Coverage: Allowed Lot Coverage: _____ Proposed Lot Coverage: _____

4. Variance from Parking Requirements: Existing Spaces: _____ Required Spaces: _____
Total Spaces Proposed: _____ Percent Reduction Proposed: _____

5. Variance from Minimum Setback Requirements

- a. Setback Variance Information: (Lots ~~3~~ 3)
 - i. Type of setback: Front yard Rear yard Side yard
 - ii. Which direction: North South East West
 Northeast Northwest Southeast Southwest
 - iii. Type of Building: Principal Accessory Building
 - iv. Current Setback: ~~20'~~ N.A.
 - v. Proposed Setback: 19' to house
 - vi. Required Setback: 20'
- b. Second Setback Variance Information (if applicable): (Lots ~~4~~ 4)
 - i. Type of setback: Front yard Rear yard Side yard
 - ii. Which direction: North South East West
 Northeast Northwest Southeast Southwest
 - iii. Type of Building: Principal Accessory Building
 - iv. Current Setback: ~~20'~~ N.A.
 - v. Proposed Setback: 15' to house / 13' to front porch
 - vi. Required Setback: 20' to house / 15' to front porch.

6. Variance from Land Use Code Section: 16-4-180

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 be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper or electronically.**
- 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)

Variance Approval Criteria. Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:

1. **Special Circumstances Exist.** Strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

Due to an existing electrical guy wire on the South East corner of the Property, access to the proposed buildings on Lot 4 will be greatly hindered. If approved the decreased set back from the front property line would improve adequacy for the access on the South east side of the lot. Lots 3 & 4 will still require an easement.

The proposed setbacks would mean the buildings structure for lots ~~3~~ 3 and lots ~~4~~ 4 would be 19' and 15' respectively. However, the covered porch would be 17' for Lots 1 & 3 and 13' for Lots 2 & 4 from front property line, all 2' from adjoined building structure.

2. **Substantial Detriment.** The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of the Chapter, this Code or the City's Comprehensive Plan.

No substantial detriment expected based on the variance request and proposed building plans.

3. **Adverse Impacts.** The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

The proposed variance would result in a 5' shift of all structures to include Units 3-4 with corresponding front porches, as well as ADU's 1A-4A. Proposed variance and building plans do not include any aspect changes expected to hinder environment and/or surrounding properties. Furthest extending housing structure and porch would be 15' and 13' respectively from front property lines, while setbacks from Teller St (west side) and neighbor lot (East side) remain unchanged.

4. **Minimum Variance Necessary for Reasonable Use.** The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Without approval, the use of Lot 4's garage/ADU structure would be a significant inconvenience and potential danger to inhabitants due to the existing guy wire. By pushing all structures 5' to the north towards the front property line, we decrease the likelihood of an incident between the existing guy wire and the Lot inhabitants.

Additional Information:

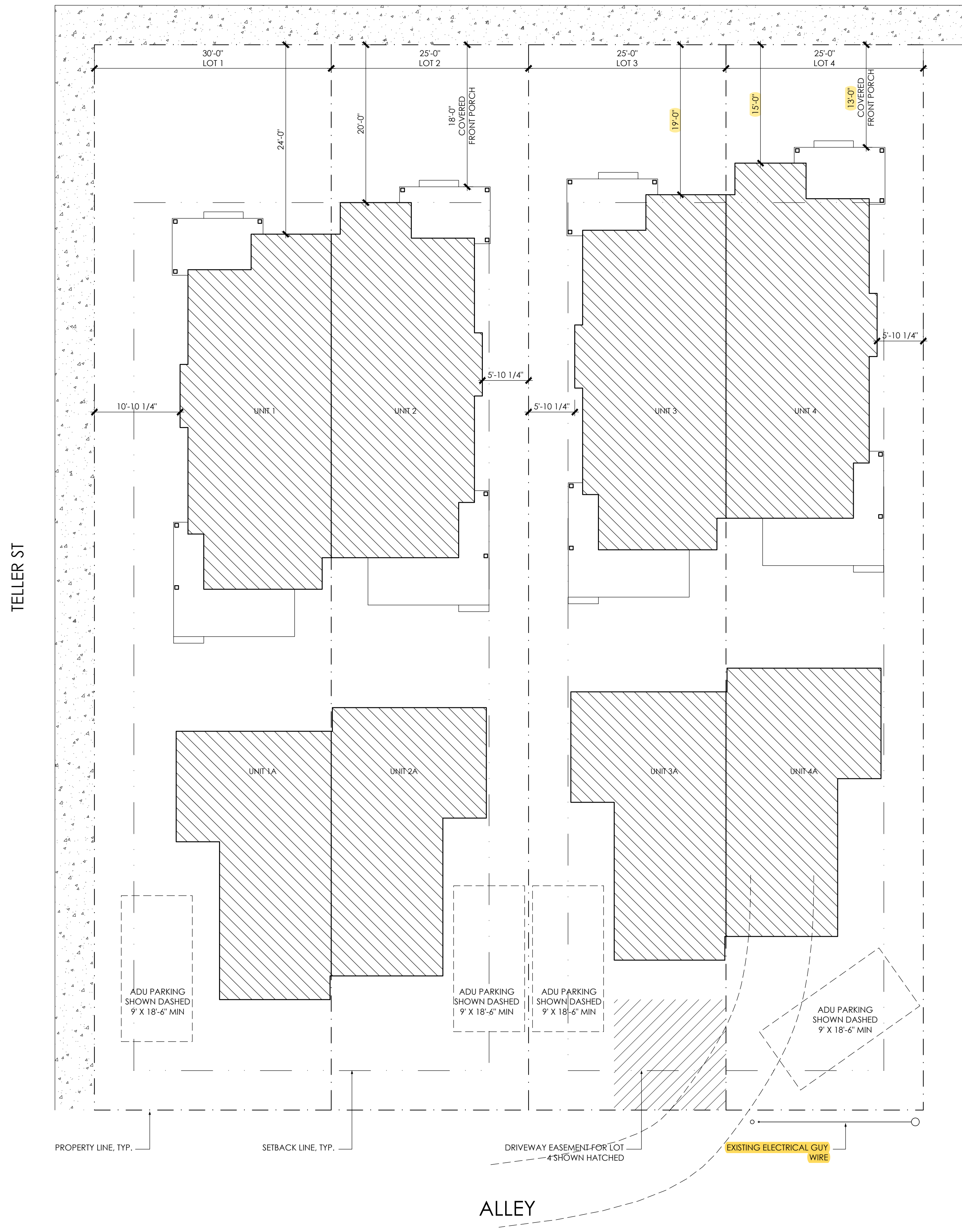
Properties in question are Lots 3-4, Blk 1, Blake & Westerfields Add, Salida. Rec 485808 with Lot 4 (east side of property) as the focus issue in reference to Table 16-F, note 4.

Property owner and general contractor did attempt to work with Excel Energy in order to change the location and/or orientation of the guy wire. However, no resolution was able to be made to improve the situation. Contractor Justin Burn met with Chris of Excel Energy on May 25th, 2023.

To summarize, if approved, lot 3 would have a setback of 19' for housing structure and 2' porch extension into the encroachment area (17' from front property line) while lot 4 would have a setback of 15' for housing structure and 2' porch extension into encroachment area (13' from front property line). ~~Due to similarities of lots 3 & 4, owner and contractor design intentions are to keep front lines uniform on structures.~~

Proposed variance is not for alterations to building plan but for attempts to mitigate issues with inhabitants and guy wire near access point of Lot 4.

PARK AVE



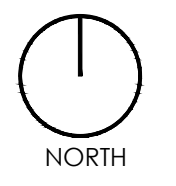
XXX PARK AVENUE
SALIDA, CO 81201

HEDRICK
ARCHITECTURE, LLC
503.984.0940 | lizzie@lizziehedrick.com

130 RIVER RIDGE LANE
SALIDA, CO 81201

ISSUES / REVISIONS:
REVIEW SET 7/8/23

1
A101B **PROPOSED SITE PLAN**
SCALE: 1/8" = 1'-0"

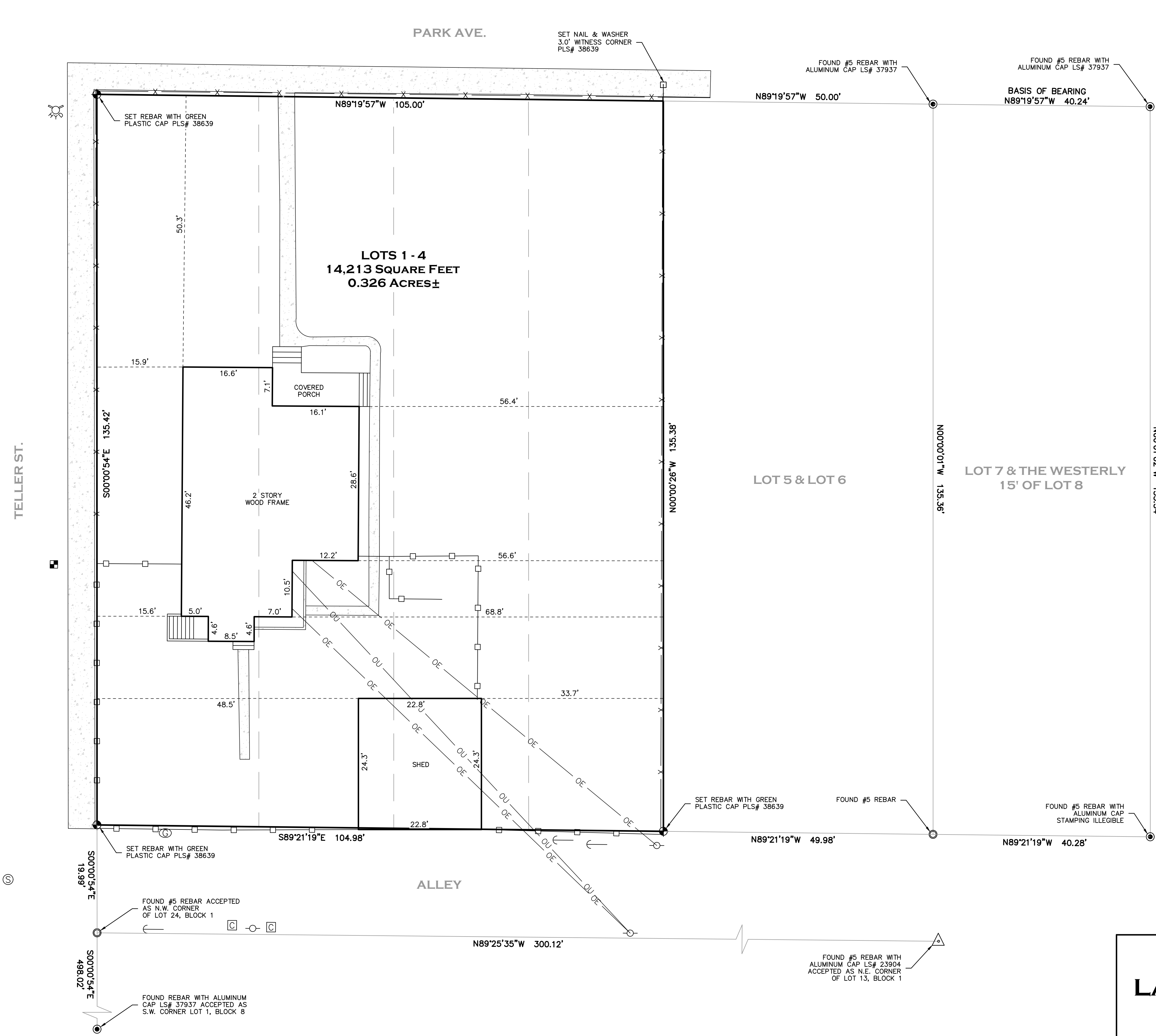


PRELIMINARY **A101B**
NOT FOR CONSTRUCTION

C:\Users\Owner\OneDrive\Documents\Acad\2302_Park_Ave\2302_A101_Site Plan.dwg

IMPROVEMENT SURVEY PLAT

LOTS 1 THROUGH 4, BLOCK 1, BLAKE AND WESTERFIELD'S ADDITION TO SALIDA SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO P.M. CITY OF SALIDA, COUNTY OF CHAFFEE, STATE OF COLORADO (105 PARK AVE.)



LEGAL DESCRIPTION

LOTS 1 THROUGH 4, BLAKE AND WESTERFIELD'S ADDITION TO SALIDA, ACCORDING TO THE PLAT RECORDED AT RECEPTION NUMBER 440344, AT THE OFFICE OF THE CHAFFEE COUNTY CLERK AND RECORDER, CITY OF SALIDA, COUNTY OF CHAFFEE, STATE OF COLORADO.

SURVEYOR'S NOTES:

- 1) SURVEY DATE: JANUARY 18, 2023
- 2) BEARINGS ARE BASED UPON GPS OBSERVATIONS ON THE NORTH LINE OF LOT 7 AND THE WESTERLY 15' OF LOT 8 ALSO BEING THE SOUTH RIGHT OF WAY LINE OF PARK AVE. SAID LINES BEARS N89° 19' 57" AND IS MONUMENTED ON THE EAST AND WEST BY A FOUND NUMBER 5 REBAR WITH AN ALUMINUM CAP STAMPED L.S. 37937.
- 3) LINEAL UNITS: INTERNATIONAL FEET.
- 4) LOT AREA: 0.326 ACRES ±
- 5) STREET ADDRESS: 105 PARK AVENUE, SALIDA, COLORADO.
- 6) UTILITIES ARE SHOWN APPROXIMATELY AND SHOULD BE FIELD VERIFIED PRIOR TO EXCAVATION. ONLY ABOVE GROUND UTILITIES ARE SHOWN ON THIS MAP. ADDITIONAL UTILITY EASEMENTS MY BE PRESENT OR ACQUIRED ON THE SUBJECT PROPERTY. ONLY RECORDED OR PLATTED EASEMENTS ARE SHOWN.
- 7) CENTRAL ROCKIES LAND SURVEYING, LLC DOES NOT WARRANT OR CERTIFY TO THE INTEGRITY OF ANY DIGITAL DATA SUPPLIED IN CONJUNCTION WITH THIS MAP AND SURVEY.
- 8) THIS PROPERTY IS ZONED R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT.
- 9) THIS SURVEY DOES NOT CONSTITUTE A TITLE OF OWNERSHIP SEARCH BY CENTRAL ROCKIES LAND SURVEYING. ALL OWNERSHIP, EASEMENT AND PUBLIC RECORD INFORMATION WAS BASED ON BLAKE AND WESTERFIELD'S ADDITION TO SALIDA, ACCORDING TO THE PLAT RECORDED AT RECEPTION NUMBER 440344.

I, KEVIN L. DEAN, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT WAS CREATED BY ME AND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY PERFORMED BY ME AND IS TRUE AND ACCURATE TO BEST OF MY KNOWLEDGE.

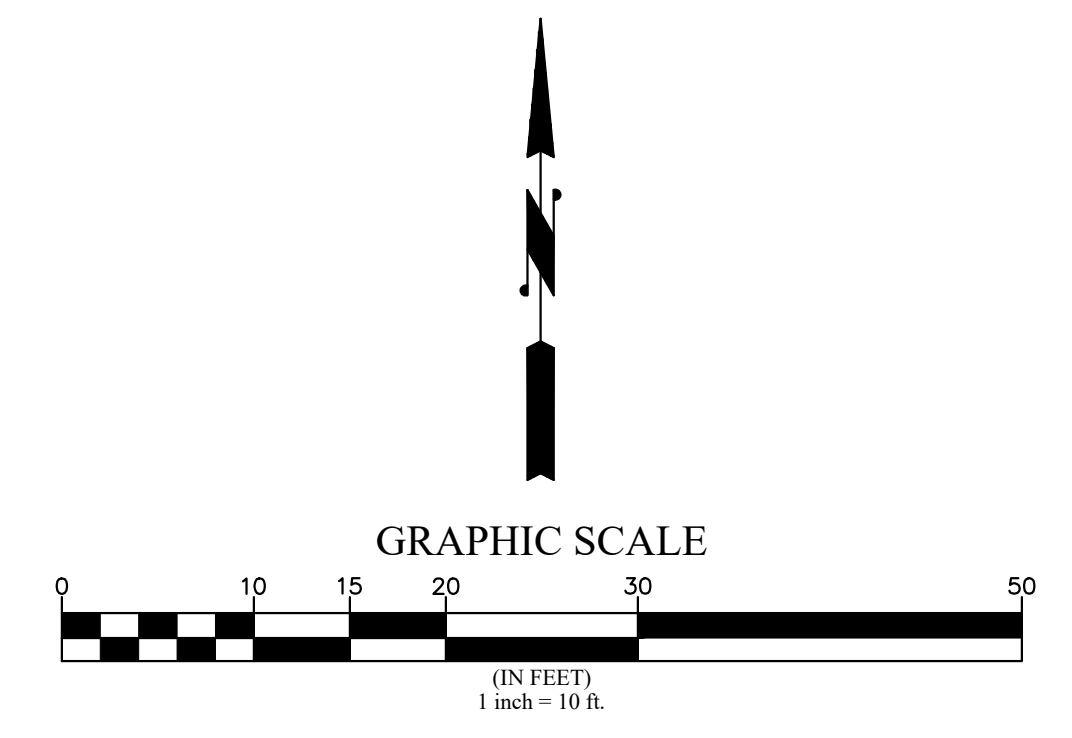
KEVIN L. DEAN, PLS 38639
COLORADO PROFESSIONAL LAND SURVEYOR



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

LEGEND

	WATER METER
	FIRE HYDRANT
	GAS METER
	SANITARY MANHOLE
	COMMUNICATIONS PEDESTAL
	UTILITY POLE
	GUY WIRE
	OVERHEAD UTILITY
	OVERHEAD ELECTRIC
	WOOD FENCE
	CHAIN LINK FENCE
	CONCRETE



CENTRAL ROCKIES LAND SURVEYING, LLC 7405 HWY 50 W. SUITE 130 SALIDA, COLORADO 81201 719-850-1802	DRAWN BY: RME
	DATE: 01/26/2023
	JOB NAME: 105 PARK AVE
JOB No. 23-006	