



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
March 28, 2022 - 6:00 PM

AGENDA

Email public comments to: 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. February 28, 2022- 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. Van Wyck Variance Application – 200 Wood Avenue

The purpose of the request is to receive variances from the minimum side lot line setback and the minimum rear lot line setback to build a second story accessory dwelling unit on the existing nonconforming accessory structure.

The required minimum side lot line setback for accessory structures with a wall plane over twenty (20) feet is ten (10) feet from the side property line. The required minimum rear lot line setback is five (5) feet for all accessory structures. The applicant is requesting a minimum allowed side lot line setback of three (3) feet to construct a second story accessory dwelling unit with a wall plane of 21'8". The second request is for an allowed minimum rear lot line setback of three (3) feet to build a roof structure over the ground floor entry. The accessory structure was built in 1996 at the current .52' side lot line setback and meets the required rear lot line setback.

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
February 28, 2022 - 6:00 PM

MINUTES

Email public comments to: publiccomment@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 Judith Dockery
Board Member Giff Kriebel
Board Member Michelle Walker
Board Member Dave Haynes
Alternate Board Member Aaron Derwingson
Alternate Board Member Brian Colby

APPROVAL OF THE MINUTES

1. January 24, 2022 - Draft Minutes

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

MOTION PASSED.

UNSCHEDULED CITIZENS NA

AMENDMENT(S) TO AGENDA

Planner Jefferson clarified that the Van Wyck Variance request would be moved to the March meeting.

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. **Bohn Variance Request - 623 West Sackett Ave** - The purpose of the request is to receive two (2) variances. The first request is to receive a variance from the minimum front yard setback of twenty (20) feet. The applicant is requesting a minimum allowed front yard setback of 14' 5 1/8" to build a covered front porch on the primary structure. Covered front porches may encroach into the front yard setback by twenty-five (25%) percent.

The second request is to receive a variance from the maximum lot coverage of forty-five (45%) percent. The applicant is requesting a maximum allowed lot coverage with structures of 46.9 %.

- A. Open Public hearing - 6:01 pm
- B. Proof of Publication

C. Staff Review of Application –

Commissioners asked about the following:

- The maximum lot coverage
- The work the applicant had done prior
- The porch and the porch cover

D. Applicant's Presentation – The applicant, Bohn, explained his application.

Commissioners clarified that it was just the roof of the porch that would go over by 7 inches.

E. Public Input – N/A

F. Close Public Hearing - 6:11 pm

G. Board of Adjustment Discussion - None

H. Board of Adjustment decision –

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Dockery.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Dockery, Board Member Kriebel, Board Member Haynes, Alternate Board Member Colby

Voting Nay: Board Member Walker

THE MOTION PASSED.

3. Van Wyck Variance Request-200 Wood Avenue - APPLICATION WITHDRAWN

The purpose of the request is to receive variances from the minimum side lot line setback and the minimum rear lot line setback to build a second story accessory dwelling unit on the existing nonconforming accessory structure.

Accessory structures in the Medium Density Residential (R-2) zone district require a minimum side lot line setback of ten (10) feet for any wall plane over twenty (20) feet. The minimum rear lot line setback is five (5) feet. The applicant is requesting a minimum allowed side lot line setback of zero (0) feet to construct a second story accessory dwelling unit and a minimum allowed rear lot line setback of three (3) feet to build a roof structure over the ground floor entry. The accessory structure was built in 1996 at the current 0' side lot line setback and currently meets the required rear lot line setback.

BOARD COMMENTS

ADJOURN With no further business to come before the Commission, the meeting adjourned at **6:13 p.m.**



STAFF REPORT

MEETING DATE: March 28, 2022

AGENDA ITEM TITLE: Van Wyck Variance Application – 200 Wood Avenue

AGENDA SECTION: Public Hearing

REQUEST:

The purpose of the request is to receive variances from the minimum side lot line setback and the minimum rear lot line setback to build a second story accessory dwelling unit on the existing nonconforming accessory structure.

The required minimum side lot line setback for accessory structures with a wall plane over twenty (20) feet is ten (10) feet from the side property line. The required minimum rear lot line setback is five (5) feet for all accessory structures. The applicant is requesting a minimum allowed side lot line setback of three (3) feet to construct a second story accessory dwelling unit with a wall plane of 21’8”. The second request is for an allowed minimum rear lot line setback of three (3) feet to build a roof structure over the ground floor entry. The accessory structure was built in 1996 at the current .52’ side lot line setback and meets the required rear lot line setback.

APPLICANT:

The applicant is property owner Barbara Van Wyck, 200 Wood Avenue, Salida CO 81201.

LOCATION:

The subject property is located at 200 Wood Avenue, legally known as Lots 9 & 10, Block E, Babcock’s Addition, City of Salida, Chaffee County, Colorado.



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 is located within the Medium Density Residential (R-2) zone district. Surrounding properties are within the Medium Density Residential (R-2) zone district and across the alley from the subject property the properties are zoned Commercial (C-1).

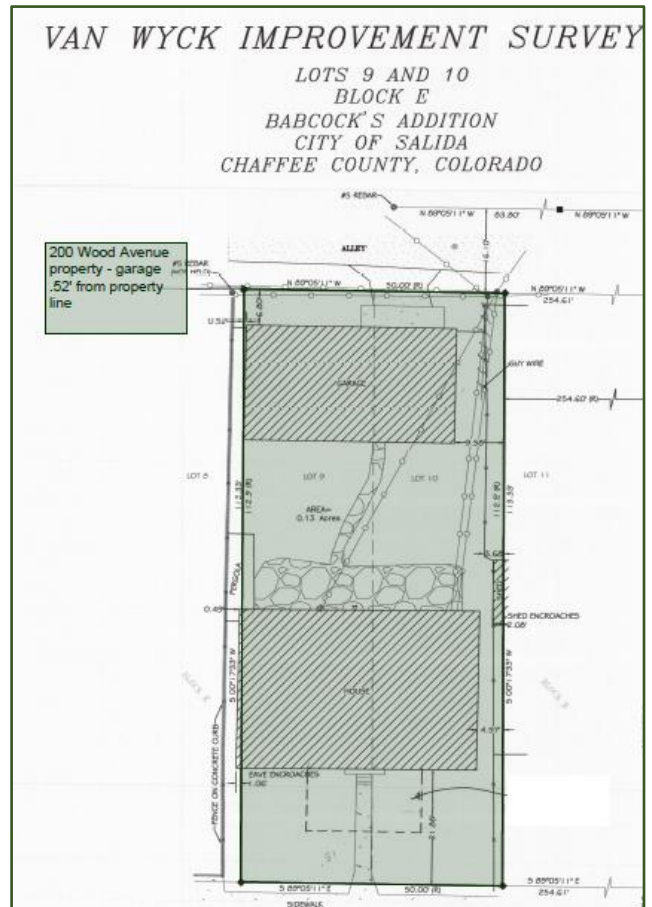
- 2. The existing accessory structure is considered a nonconforming structure. Nonconforming structures are structures that were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of the current zoning regulations. The existing 800 square foot garage is considered nonconforming because the northwest corner of the garage is built .52' from the side property line and the remaining wall is on the property line. This was discovered when the applicant had a survey done.



When the prior owner built the garage the site plan showed a 3' setback. The setback on the site plan was shown to the fence and not the property line. The current survey shows several nonconformities on this property and the adjoining properties.

- 3. Originally the applicant was requesting a variance to build the second story with a 0' side lot line setback but modified the variance request after her discussion with the Chaffee County Building Official. She wanted to be able to have a window on the west side of the accessory dwelling unit.

- 4. Chaffee County Building Official, Dan Swallow, explained to the applicant that building code prohibits openings (doors or windows) within three feet of a property line to prevent transmission of fire from building to building. He further explained that windows must be fire rated from 3' to 5' of a property line and no fire rating requirement at 5' or more from a property line.



- 5. The request is to receive relief from the required minimum 10' side lot line setback for an accessory dwelling unit with the wall plane exceeding 20' in height. The applicant is requesting approval to build a second story ADU with the west wall five (5) feet from the property line and eaves that extend two (2)

additional feet from the wall which will be three (3) feet from the side property line. The applicant is showing the height of the ADU as 21' 8".

6. Land Use Code Sec. 16-4-180(a) states that a variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.
7. The second variance is a request for relief from the required 5' rear lot line setback. The applicant is requesting approval for a minimum rear lot line setback of 3' to construct a roof structure above the first floor entry on the north side of the structure. The existing rear setback of the garage is 6.8' and meets the minimum 5' required rear lot line setback.
8. Per Land Use Code Sec. 16-8-130(a) Building eaves and architectural projections may project eighteen (18) inches into a setback, provided they are in compliance with the City's Building Code.
9. Staff received emails from the current neighbors who are in support of the variance requests. As of Friday, March 25th staff has not received any opposition to the variance requests.

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: Applicant has discovered a discrepancy between the legal lot boundary and the practical boundary line of the fence that has been present for many years. Applicant and the adjacent property owner were not aware of this discrepancy until applicant had a survey conducted, which highlighted the issue. The building in question is also nonconforming and has been in existence for decades. Entry at North side of an existing building, overhang needed for protection from weather at entry.

- Special circumstances exist for the existing garage that was built at the current setbacks. The approved building permit for the garage, attached to the staff report, shows a 3' side lot line setback from the existing fence. At that time the previous owner was not required to verify the setbacks with a survey for the construction of the garage.
- The applicant is creating the special circumstance with construction of an ADU at the proposed setbacks. The applicant could consider increasing the conditioned area on the first floor and reducing the proposed square footage of the second story to meet the required setbacks.
- The applicant could also consider reducing the height of the structure from 21'8" to 20' with 18" eaves and would not need a variance from the side lot line setback. Any part of a wall plane up to twenty (20) feet must meet the side lot line setback requirement of 5'.

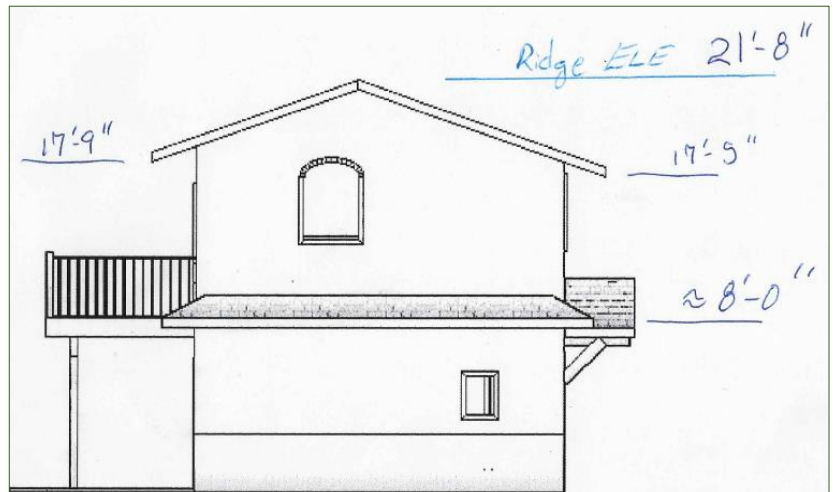
- Special circumstances do not exist for the second variance request to be allowed to build a roof structure encroaching 2' into the rear lot line setback. The applicant could investigate building a small covered entry that will meet the 5' rear lot line setback requirement and add 18" eaves. Code allows eaves to project into setbacks 18".

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

Applicant's response: *These special circumstances have not resulted from any act of the applicant. The existing garage structure was constructed many years ago (close to 30?) by a previous owner.*

- Special circumstances and conditions have not resulted from any action of the applicant. The applicant did not construct the garage at the current rear setbacks. The applicant would like to construct the second story addition to have an accessory dwelling unit.
- Per Land Use Code Sec. 16-4-190(c)(5) c. Any part of a wall plane (inc. windows and facades greater than 45 degrees from the horizontal) over twenty (20) feet high must be set back a minimum of ten (10) feet from all side lot lines.

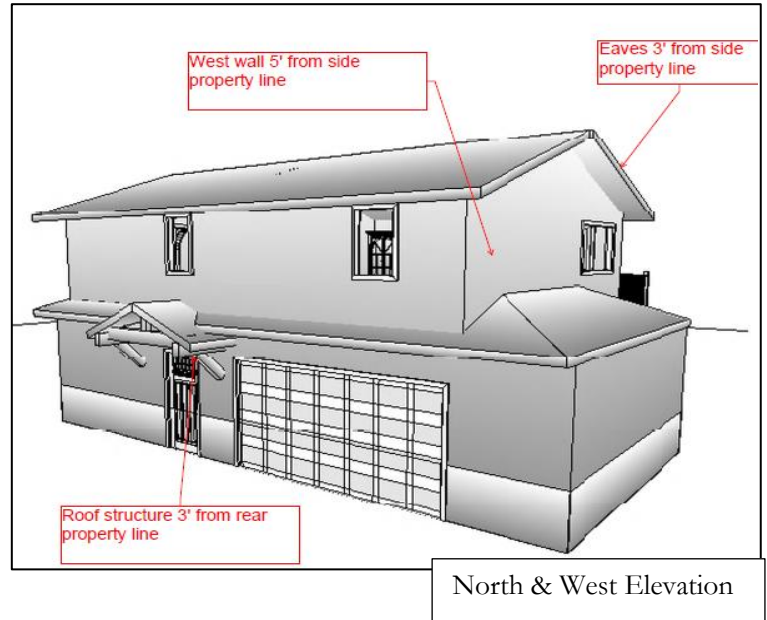
- The proposed wall plane is approximately 21.8' to the peak of the roof. Staff could not verify the exact measurement because the materials that were submitted were not to scale. If the applicant reduced the wall plane to 20' the side lot line setback requirement would be 5'.



- The applicant is requesting is to construct the west wall of the second story at a side setback of 5' along with 2' eaves extending to 3' from the side property line. The west wall must be at least five (5) feet from the property line in order to have windows on that elevation per Chaffee County Building Official, Dan Swallow.
- The variance request for the roof structure above the rear entry door is a result of the applicant wanting protection from the elements. The size of the roof structure could be reduced to meet the rear setback but it might not have the same weather protections as the proposed roof structure.

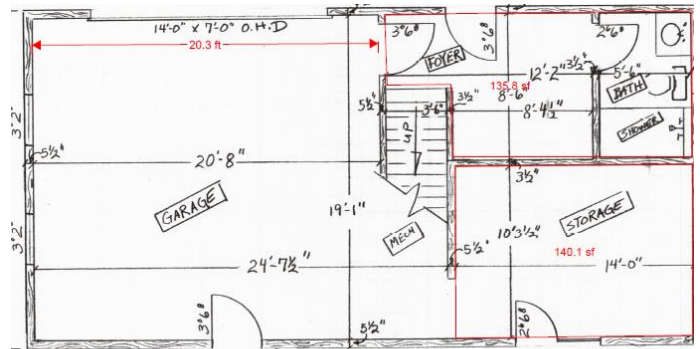
3. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant a reasonable use of the building or land.

Applicant's response: *A strict application of the provisions of the land use code would deprive applicant of reasonable use of the building and land. Many land owners in Salida have built carriage houses/ADU's to expand the ability for a family household to live in town. As the cost of living continues to rise, this enables land owners to support family members that would otherwise be unable to stay in Salida. The City and future owners will benefit from this improvement by having a de facto increase in livable square footage in town, without having any additional expansion in built-out footprint on the property.*



In addition, second floor setback on the west side will meet fire code to accommodate a window, allowing ventilation, light and improving aesthetics of the building. Strict application of a 10' setback above 20' doesn't allow for an eave on the West side, which will provide weather protection to west siding and structure. This in turn will help diminish maintenance need.

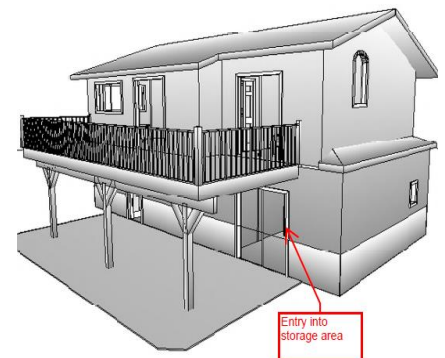
- Strict application would not deprive the applicant reasonable use of the building or land but would deprive the applicant of constructing an accessory dwelling unit directly above the nonconforming garage in the configuration as preferred.



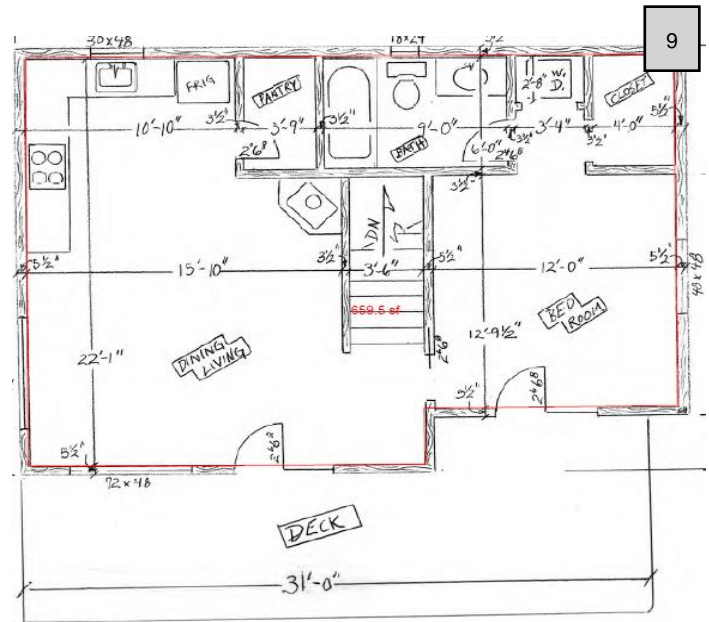
Lower Floor Plan 1/4" = 1'

- The applicant is showing conditioned living space on both levels of the garage. Since the accessory dwelling unit has conditioned floor area on both the upper and lower levels of the garage the applicant could consider building a smaller second story to meet or reduce the variance request for the side lot line setback requirement.

- The conditioned living area on the first floor is approximately 136 square feet and 140 square feet of unconditioned storage area.



- The conditioned living area on the second floor is approximately 659 square feet.
- The applicant will have reasonable use of the property and denial of the second variance from the rear lot line setback would not deprive the applicant of constructing a covering over the entry. She would like to have the covered entry for additional weather protection.



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 current structure does have a rough interior that could be converted into a studio without a building permit. However, the structural improvements designed would create a high quality, modern, and up-to-code structure that will enhance the aesthetics and standard of construction quality in the area. Approved variance will enhance aesthetics and provide protection from weather to structure on the west side (eaves); and on the North side entrance, thus decreasing likelihood of added maintenance. If this variance is not granted, Applicant will likely not be able to bring her elderly mother to town and care for her at home.*

Upper Floor Plan 1/4"=1'

- The variance is not necessary to make reasonable use of the property. The second story addition will allow the applicant to build an accessory dwelling unit above the existing nonconforming garage as proposed.
 - As the applicant acknowledges, the existing structure could be converted without variance approval. Therefore, strict application of the provisions in the code would not deprive reasonable use of the lot or structure. Other configurations may be possible, but may not be compatible with the desired layout of the first and second story.
 - 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. The existing garage was built at the current side lot line setback of .52’ and is 6.8’ from the rear property line which meets the required 5’ rear setback for accessory structures.
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: *As the project will utilize the same foundation, there will be no expansion and solely a structure that is two stories rather than a single story. There is no reasonable alternative to avoid a variance to the setback, and no action would maintain the same nonconformity to code that exists today.*

- The applicant has reasonable use of the property. The proposal is to construct the second story addition with the wall 5’ from the side property line and the eaves extending to 3’ from the side lot line setback.
- The applicant reduced the variance request from the first proposal in order to have a window on the west wall. Originally she was requesting 0’ side lot line setback to build the second story 20’x36’ or 720 square feet (exterior walls). The updated proposal is to build the second story 23’x33’ or 722 square feet (exterior walls).
- The applicant is also requesting a variance from the rear lot line setback to construct a roof structure over the ground floor entry. Eaves are allowed to encroach 18” into a setback but the proposal is for a covered roof structure over the entry with a rear lot line setback of 3’. As explained in Criteria #1 the applicant could build a smaller covered entry with eaves that meet current setback requirements.

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 the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed. The adjacent land owner that abuts this structure is aware of the request and is in support of the construction project. This structural improvement is not detrimental to the public welfare or the environment; in fact, it promotes public welfare by expanding the ability of a family to live together in Salida.

- The granting of the variance should not be injurious to the neighborhood. Staff has received emails from two current neighbors in support of the variance requests.
- Staff is concerned that the applicant will not be able to maintain the second story on the west side of the addition on her own property. The applicant will be able to maintain all other elevations of the structure on her property.

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 granting of the variance is consistent with the general purposes and intent of the Land Use Code. Overall, the intent is to ensure the actions of one property owner do not detrimentally impact the rights of another property owner. In the current circumstance, the neighbors agree the construction is not injurious to their rights. Applicant intends to comply with all remaining code with regards to construction.

- The applicant complies with all other aspects of the code with the exception of the two variance requests. The east side of the second story is required to meet a 10’ side yard setback and, as proposed, the wall will be 11’ from that side lot line.
- 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 may not be adequate space which the owner can use for maintenance of the west side of the addition.

Land Use Code Sec. 16-4-180(f) The Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

REVIEW AGENCIES:

Fire Department Fire Chief, Doug Bess – Fire Department has no concerns.

Chaffee County Building Official, Dan Swallow – See attached emails from Dan Swallow

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.

POSSIBLE DECISION OPTIONS:

Option A: Based on the findings below, the Board of Adjustment may recommend **APPROVAL** of the two variance requests based on the following findings of fact:

- Special circumstances exist because the existing accessory structure was built at the current setbacks.
- The conditions of the lot and the existing detached garage are not the result of any action by the applicant.
- The granting of the variance should not be injurious to the neighborhood.

Or

Option B: Based on the findings below, the Board of Adjustment may recommend **DENIAL** of the two variance requests based on the following findings of fact:

- No Special circumstances exist. The applicant is creating the special circumstance with construction of an ADU at the proposed setbacks.
- There is not adequate space that maintenance of the addition can be provided on the subject property.
- The applicant has reasonable use of the property.

RECOMMENDED MOTION (OPTION A): “I make a motion to approve the Van Wyck Variance requests as the requests meets the review standards for Zoning Variances, subject to the following conditions.

1. That the applicant submits a building permit that meets all requirements of the Chaffee County Building Official.

2. That the eaves project no more than 18” on the second story.

RECOMMENDED MOTION (OPTION B): “I make a motion to deny the Van Wyck Variance requests as the requests do not meet the review standards 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:
- Proof of publication
 - Review agency comments
 - Application materials
 - Letters from neighbors

**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 March 28, 2022 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, Barbara Van Wyck, is requesting approval for two variances on the property located at 200 Wood Avenue, legally known as Lots 9 and 10, Block "E", Babcock's Addition, City of Salida, Chaffee County, Colorado.

The purpose of the request is to receive variances from the minimum side lot line setback and the minimum rear lot line setback to build a second story accessory dwelling unit on the existing nonconforming accessory structure.

The required minimum side lot line setback for accessory structures with a wall plane over twenty (20) feet is ten (10) feet from the side property line. The required minimum rear lot line setback is five (5) feet for accessory structures. The applicant is requesting a minimum allowed side lot line setback of three (3) feet to construct a second story accessory dwelling unit. The second request is for an allowed minimum rear lot line setback of three (3) feet to build a roof structure over the ground floor entry.

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. To review the City's social distancing policy and other regulations, please visit: <https://cityofsalida.com/administration/page/covid-19-information>

*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 March 11, 2022

From: [Doug Bess](#)
To: [Kristi Jefferson](#)
Cc: [Kathy Rohrich](#)
Subject: Re: Variance request
Date: Monday, January 31, 2022 2:39:33 PM

Fire has no concerns.

Thank you

Doug Bess
Fire Chief
Salida/South Arkansas FPD
(719) 539-2212

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.

On Mon, Jan 31, 2022 at 11:25 AM Kristi Jefferson <kristi.jefferson@cityofsalida.com> wrote:

Doug and Kathy,

The owner at 200 Wood Avenue has submitted a variance application to construct a second story accessory dwelling unit on the existing non-conforming detached garage. Please review the attached application materials and let me know if you have any concerns with the requests.

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.



PLANNING DEPARTMENT
PROJECT REVIEW TRANSMITTAL FORM

ATTENTION: _____ DATE: 03/01/2022

- Salida Public Works
Salida Fire Chief
Salida Police Chief
Salida Finance Department
Salida Sanitation Plant Supervisor
Salida Water Plant Supervisor
City Consulting Engineer - Streets
City Consulting Engineer - Water/Sewer
City Attorney
Centurylink Communications
Atmos Energy
Historic Preservation Commission
Xcel Energy
Charter Communications
Chaffee Co. Planning
Army Corps of Engineers
U.S. Postal Service
U.S. Forest Service
CO Dept. of Transportation
Chaffee Co. Building Dept.
School District R-32-J
Division of Wildlife
Town of Poncha Springs
Other:

APPLICANT: Barbara Van Wyck PHONE: (317) 439-8032 FAX: _____

EMAIL: bkvanwyck@icloud.com

PROPERTY LOCATION: 200 Wood Ave.

PROJECT DESCRIPTION: The applicant is requesting variances from the required 10' side lot line setback and the 5' rear lot line setback. The required minimum side lot line setback for accessory structures with a wall plane over twenty (20) feet is ten (10) feet from the side property line. The required minimum rear lot line setback is five (5) feet for accessory structures. The applicant is requesting a minimum allowed side lot line setback of three (3) feet to construct a second story accessory dwelling unit. The second request is for an allowed minimum rear lot line setback of three (3) feet to build a roof structure over the ground floor entry.

TENTATIVE MEETING DATES:

- Planning Commission
City Council
Board of Adjustment
03/28/22@ 6:00 P.M.

TRANSMITTAL INCLUDES:

- Application Form/Cover Letter
Site Plan
Plat
Vicinity Map
Other:

NOTE: A written response, even if only to advise that you have no concerns, is requested.

REPLY: _____

RESPONSE NEEDED BY: 03/18/22

RECEIVED: _____

PLANNING STAFF: Kersti Jefferson
Walls and eaves closer than 5' to the property line must be have a 1-hour fire resistance rating. Windows are prohibited within 3' of the property line.

From: dswallow@chaffeecounty.org
To: "Kristi Jefferson"
Subject: RE: 200 Wood Avenue Variance request
Date: Monday, January 31, 2022 1:59:47 PM

Kristi,

The portions of the garage and the new addition closer than 5 feet (including eaves) must be 1-hour fire-resistance rated construction. Openings are prohibited in exterior walls closer than 3 feet from property lines. The existing building must be evaluated by a structural engineer who must provide a report to the building department indicating the existing building and foundation can support the additional live and dead loads of a second story addition. Let me know if you have other questions.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org



From: Kristi Jefferson <kristi.jefferson@cityofsalida.com>
Sent: Monday, January 31, 2022 11:31 AM
To: Dan Swallow <dswallow@chaffeecounty.org>
Subject: 200 Wood Avenue Variance request

Dan,

The owner at 200 Wood Avenue has submitted a variance application to construct a second story accessory dwelling unit on the existing non-conforming detached garage. Please review the attached application materials and let me know if you have any concerns with the requests.

Kristi Jefferson
Planner
City of Salida
448 East First Street
Suite 112
Salida, CO 81201

From: dswallow@chaffeecounty.org
To: ["Barbara Van Wyck"](#)
Cc: [Kristi Jefferson](#)
Subject: RE: 200 Wood Ave
Date: Wednesday, February 16, 2022 1:09:29 PM

Barbara,

I drove by your place at on my way to lunch today. Your garage is 4'6" from an existing shed on your neighbor's property and 9'3" from your neighbor's house. If your neighbor agrees to an easement, then neither your neighbor's shed nor house can be within that easement so the option of establishing a five foot easement is off the table unless the shed is moved. As such, I suggest that you pursue a 3' easement and plan on rating the entire west wall of your garage for the existing structure and the second level addition. Eaves will not be permitted to encroach into the easement nor extend over your property line. A 3' easement on your neighbor's property would allow you to build the second floor addition and have unrated openings (windows) in that wall.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org

-----Original Message-----

From: Barbara Van Wyck <bkvanwyck@icloud.com>
Sent: Wednesday, February 16, 2022 9:22 AM
To: dswallow@chaffeecounty.org
Subject: Re: 200 Wood Ave

I appreciate your willingness to do this. I would also appreciate an opportunity to chat with you about this, and see if there is any wiggle room. And I feel it would be more beneficial to have a conversation rather than me trying to type all this out.

Thanks...maybe you could let me know when you might drive by and I could meet you out there?

Barbara
317.439.8032

> On Feb 16, 2022, at 9:06 AM, <dswallow@chaffeecounty.org> <dswallow@chaffeecounty.org> wrote:

>

> Barbara,

>

> I can come by but that will not change the requirements of the code so I don't think it would be useful. Views are not a consideration of the building code which regulates life safety. I'll drive by when I get a chance but it will not change the fact that you cannot have openings in walls closer than 3 feet to property lines and as I have already mentioned, I have no authority to waive that code requirement nor does our board of appeals.

>

>

> Dan Swallow
> Director of Development Services
> Chaffee County, CO
> (719) 530-5567

From: dswallow@chaffeecounty.org
To: ["Barbara Van Wyck"](#)
Cc: [Kristi Jefferson](#)
Subject: RE: 200 Wood Ave
Date: Wednesday, February 16, 2022 9:46:43 AM

Barbara,

I do not know how to be more clear. There is no wiggle room. The code is the code and I will not go out on a limb on a life safety issue. You will not be able to talk me into allowing you to violate the code and you need to be aware of that. If you want to talk to me about it then give me a call at my office.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org

-----Original Message-----

From: Barbara Van Wyck <bkvanwyck@icloud.com>
Sent: Wednesday, February 16, 2022 9:22 AM
To: dswallow@chaffeecounty.org
Subject: Re: 200 Wood Ave

I appreciate your willingness to do this. I would also appreciate an opportunity to chat with you about this, and see if there is any wiggle room. And I feel it would be more beneficial to have a conversation rather than me trying to type all this out.
Thanks...maybe you could let me know when you might drive by and I could meet you out there?

Barbara
317.439.8032

> On Feb 16, 2022, at 9:06 AM, <dswallow@chaffeecounty.org> <dswallow@chaffeecounty.org> wrote:

>

> Barbara,

>

> I can come by but that will not change the requirements of the code so I don't think it would be useful. Views are not a consideration of the building code which regulates life safety. I'll drive by when I get a chance but it will not change the fact that you cannot have openings in walls closer than 3 feet to property lines and as I have already mentioned, I have no authority to waive that code requirement nor does our board of appeals.

>

>

> Dan Swallow
> Director of Development Services
> Chaffee County, CO
> (719) 530-5567
> dswallow@chaffeecounty.org

>

>

>

> dswallow@chaffeecounty.org

>
>
>
>
>

> -----Original Message-----

> From: Barbara Van Wyck <bkvanwyck@icloud.com>

> Sent: Tuesday, February 15, 2022 12:10 PM

> To: dswallow@chaffeecounty.org

> Subject: Re: 200 Wood Ave

>

> Would you be willing to come here and get a visual? Then I can ask my neighbors for an easement and know the specifics. I just can't imagine not having a window on the west side on the second story of my new space. And I think a visual of the situation would be helpful to clarify it.

> Thanks for your time

> Barbara

>

>> On Feb 15, 2022, at 9:52 AM, <dswallow@chaffeecounty.org> <dswallow@chaffeecounty.org> wrote:

>>

>> Barbara,

>>

>> While there may not be a building close to the property line on your neighbor's property, they or future owners of that property have the right to build right up to their property line in the future (exclusive of zoning prohibitions) which would then create a situation where fire could move from building to building. Regardless of the reason that you lot is constrained, the code is the code and it must be applied universally and not on a case-by-case basis. If your neighbors were willing to establish an easement on their property then I would be willing to measure your fire separation distance to that easement rather than to the property line but that would prohibit their building within the easement .

>>

>>

>> Dan Swallow

>> Director of Development Services

>> Chaffee County, CO

>> (719) 530-5567

>> dswallow@chaffeecounty.org

>>

>>

>>

>>

>>

>> -----Original Message-----

>> From: Barbara Van Wyck <bkvanwyck@icloud.com>

>> Sent: Tuesday, February 15, 2022 8:29 AM

>> To: dswallow@chaffeecounty.org

>> Subject: Re: 200 Wood Ave

>>

>> I understand this. And the reason I am asking for this to be considered individually is because there isn't a building next to where mine will be. The closest is a garage, and it is more than 8' away. My building overlooks a driveway. The reason the property line is so small is because of the old survey. My neighbors are reticent to do a boundary line adjustment as they built right up to the 5' line. But there is plenty of space. I can send a photo, or you are welcome to come and look at it. My alley is just across from the Touber building.

>>

>> Barbara

>>

>>> On Feb 15, 2022, at 8:19 AM, <dswallow@chaffeecounty.org> <dswallow@chaffeecounty.org> wrote:

>>>

>>> Barbara,

>>>

>>> The building code prohibits openings (doors or windows) within three feet of a property line to prevent transmission of fire from building to building. Unlike zoning which typically regulates aesthetic appearance, a variance cannot be granted for a building code requirement since the building code regulates life safety. The only exception to this rule is if the property line is on a right of way (street or alley) as we know that a building cannot be constructed in a right of way which creates a natural fire break between buildings. Neither I nor the board of appeals has any authority to grant a variance to this requirement nor do I think it would be a good idea to do so as this got into the code to prevent fires from destroying large swaths of cities like happened more than once in the early days and other cities throughout the country. Those disasters is why this is in the code to prevent their reoccurrence.

>>>

>>>

>>> Dan Swallow

>>> Director of Development Services

>>> Chaffee County, CO

>>> (719) 530-5567

>>> dswallow@chaffeecounty.org

>>>

>>>

>>>

>>>

>>>

>>> -----Original Message-----

>>> From: Barbara Van Wyck <bkvanwyck@icloud.com>

>>> Sent: Monday, February 14, 2022 7:05 PM

>>> To: dswallow@chaffeecounty.org

>>> Subject: Re: 200 Wood Ave

>>>

>>> Sorry! Kristi Jefferson had forwarded a note from you saying I couldn't have windows on the west side of my ADU due to set backs and fire code.

>>> Due to poor boundary lines set up decades ago in my neighborhood there are issues with my building permit and I am applying for a variance at the 2/28 mtg with the board of adjustments.

>>> I am hoping to have a conversation or meeting with you to talk about this so we can look at my unique situation.

>>> Thanks for your reply, and sorry for the confusion!

>>> Barbara Van Wyck

>>>

>>> Sent from my iPhone

>>>

>>>> On Feb 14, 2022, at 1:05 PM, dswallow@chaffeecounty.org wrote:

>>>>

>>>> Barbara,

>>>>

>>>> I have no idea what you are talking about. I am aware of no building restriction at this address. Can you be more specific?

>>>>

>>>>

>>>> Dan Swallow

>>>> Director of Development Services

>>>> Chaffee County, CO

>>>> (719) 530-5567

>>>> dswallow@chaffeecounty.org

>>>>

>>>>

>>>>

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: Barbara Van Wyck <bkvanwyck@icloud.com>

>>>> Sent: Monday, February 14, 2022 9:29 AM

>>>> To: dswallow@chaffeeconomy.org

>>>> Subject: 200 Wood Ave

>>>>

>>>> Good morning Mr Swallow,

>>>>

>>>> I am in preparation of attaining a variance for an ADU project at

>>>> 200 Wood Ave in Salida.

>>>> I would very much appreciate an opportunity to discuss with you the
>>>> building restriction that appears to be in place at my property line.

>>>> I feel it is a unique situation and would like to have a

>>>> conversation with you. I can send you some photos I took regarding

>>>> the situation, and am also wondering if it might be helpful to come

>>>> and physically see what I am proposing. (It might be easier than

>>>> trying to type

>>>> it!)

>>>>

>>>> Thanks for your time and consideration,

>>>>

>>>> Barbara Van Wyck

>>>> --

>>>> This message has been scanned for viruses and dangerous content by

>>>> MailScanner, and is believed to be clean.

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by

>>>> MailScanner, and is believed to be clean.

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by

>>>> MailScanner, and is believed to be clean.

>>>>

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by

>>>> MailScanner, and is believed to be clean.

>>>>

>>>>

>>>>

>>>> --

>>>> This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

>>>>

>>>>

>>>>

Mike Smith
200 Wood Ave.

Zone R-2

	Reg.	Garage	Drawing	Yes/No/Ok
Lot Area	<u>7500 ft²</u>	_____	_____	_____
Lot Width	<u>50 ft</u>	_____	_____	_____
Setbacks:				
Back	<u>25 ft</u>	<u>5 ft</u>	<u>6 ft</u>	<u>✓</u>
Front	<u>25 ft</u>	<u>N/A</u>	_____	_____
Side	<u>6 ft</u>	<u>3 ft</u>	<u>6 ft, 3 ft</u>	<u>✓</u>
Floor Area	_____	_____	_____	_____
Max. Height	<u>< 35 ft</u>	<u>< 35 ft</u>	<u>13 ft</u>	<u>✓</u>
Parking	_____	_____	_____	_____
Signs	_____	_____	_____	_____

Use Compliance _____ ✓
Flood Plain _____ NO

Size and Use of Bldg.: _____

Water Tap Size Required: _____

Water Permit No.: _____ Date: _____

EQR Calculation: _____

Sewer Permit No.: _____ Date: _____

Right-of-way Cut Permit: _____ Date: _____

Comments: Garage on property with existing house

CHAFFEE COUNTY BUILDING DEPARTMENT
P.O. BOX 699
SALIDA, COLORADO 81201
(719) 539-2124 FAX NO. (719) 539-7442

BUILDING SITE ADDRESS 200 Wood Ave OWNER'S PRESENT MAILING ADDRESS
Salida Colo. 81201 NAME: Mike Smith
Range: _____ ADDRESS: 200 Wood Ave.
Township: _____ CITY: Salida STATE: Colo
Section: _____ QUARTER SECTION: _____
Subdivision: _____ ZIP: 81201 PHONE: 530-0615
Lot No. if appl: _____ Previous Owner if known: _____
Block No. if appl: _____

Check one: New Addition _____ Alteration _____ Repair _____ Change of Occupancy or Use _____

Where is construction located? Check one: Chaffee County _____
City Limits of Salida Town Limits of Buena Vista _____ Town Limits of Poncha Springs _____

Use of Building: Garage

Type of Construction: Wood

Outside Dimensions: House _____ Garage 20' x 40' Other _____

Total Square Footage:
Basement _____ First Floor _____ Second Floor _____
Carport _____ Garage 800 Deck _____ Other _____

If building a basement, is it finished or unfinished? _____

Number of Bedrooms: _____ Number of Bathrooms: _____

Does structure contain: Fireplace _____ Wood burning stove _____

Type of Heating: _____

Will structure be supplied by: Natural gas _____ Propane _____ Other _____

Total Height: 13 FT. Area of Lot: _____

Front yard setback: 94 feet Rear yard setback: 6 feet

Side yard setback: 3 feet and 6 feet

BUILDER: NAME Kemp Scales Const. ADDRESS 10480 City Rd 128 PHONE 539-7037

ELECTRICAL: NAME _____ ADDRESS _____ PHONE _____

PLUMBING: NAME _____ ADDRESS _____ PHONE _____

MECHANICAL: NAME _____ ADDRESS _____ PHONE _____

Total Valuation \$1,960. Fee \$98.15 (see Page 2 Fee Schedule)

Zoning Office Use Only:

Setback, area, and height compliance Yes No _____

Use compliance or Special Use Permit Yes No _____

Located inside of the 100 year floodplain Yes _____ No

Betsy Brook
Approval of Zoning Official _____ Date 9-19-96

(Building Department Use Only)

Permit No. _____ Date Issued _____ Computer No. _____

Chaffee County Building Permit Application Continued:
MATERIALS AND SPECIFICATIONS

Footings: Size: Width 1' Height 1' Rebar Size 1/2" Number of Rebar 2
 Depth below finish grade to bottom of footing 6"

Girder Beam Pads: Size: X Spacing _____

Foundation: Type of Material Concrete Width 1' Height 1'
 Amount & size of rebar: Vertical _____ Horizontal 2 - 1/2
 Height from finish grade to top of foundation 6"

Girder Beam: Material type, grade and species _____
 Size of beam: Width _____ Height _____ Length _____

Floor Joist: Material type, grade and species _____
 Size (main floor) _____ X _____ Length _____ Spacing _____ O.C.
 Size (2nd floor) _____ X _____ Length _____ Spacing _____ O.C.

Flooring: First floor material Concrete Slab Thickness 3 1/2"
 Second floor material _____ Thickness _____

Walls: Exterior walls: Type of material Wood Size 2 X 4 Spacing 16 O.C.
 Bearing partitions: Type _____ Size _____ X _____ Spacing _____ O.C.
 Nonbearing partitions: Type _____ Size _____ X _____ Spacing _____ O.C.

Insulation: "R" Rating: Floor R Walls R Ceiling R

Ceiling: Height: Basement _____ Main Floor 8' Second Floor _____
 Ceiling material Engineered T&G wood

Header: List size and length if over 4 ft. 1- 17" x 117/8 x 3 1/2

Wall Covering: Exterior Lap Siding Interior _____

Engineered Trusses: Total load _____ Live load 40lb Dead load _____ Spacing _____

Ceiling Joist: Material type, grade, and species _____
 Size: _____ X _____ Length _____ Spacing _____ O.C.

Rafters: Material type, grade, and species _____
 Width _____ Height _____ Spacing _____ O.C. Length _____ Pitch _____

Roof Beams: Material type, grade, and species _____
 Width _____ Height _____ Spacing _____ O.C. Length _____

Roof Decking: Type and size: The wafer Board Roof covering 3 Tab comp shingles

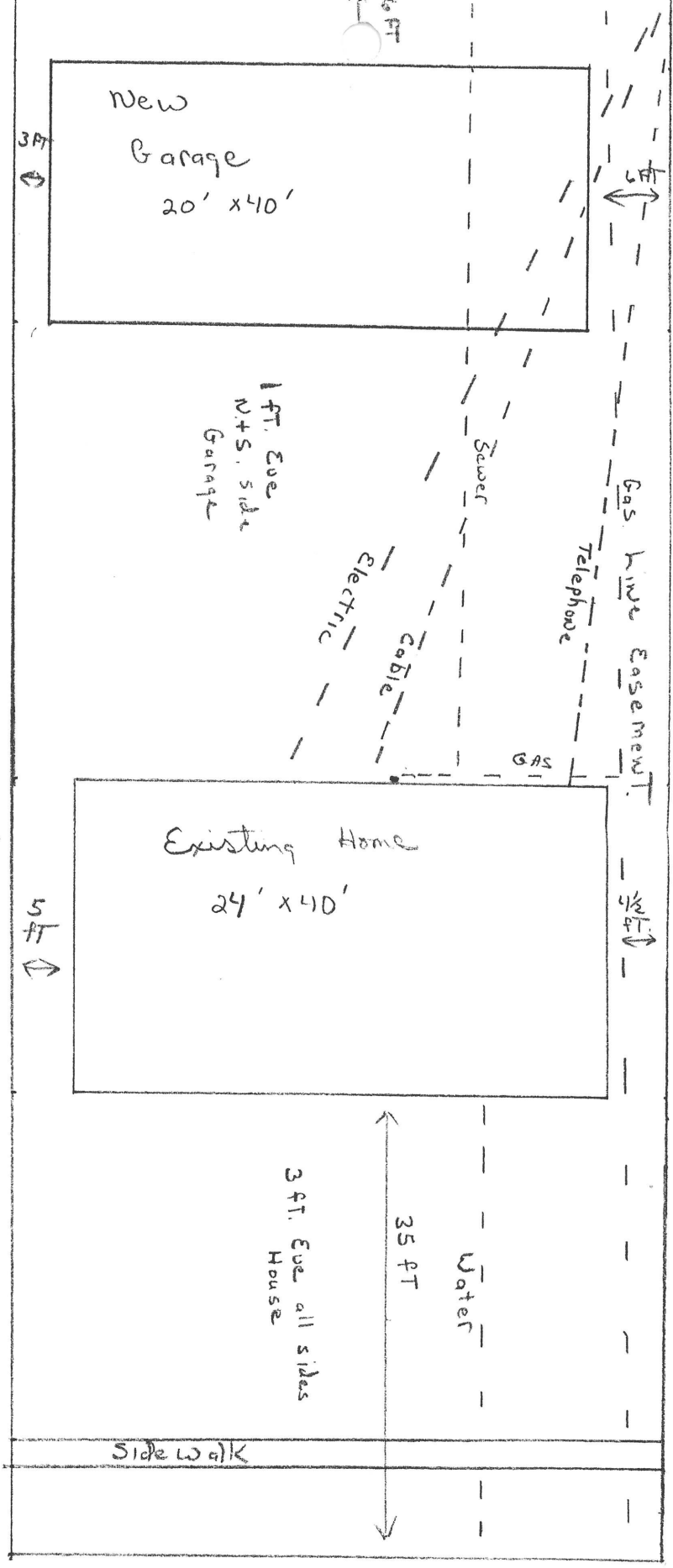
NOTICE

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law regulating construction or the performance of construction.

 Date Mark L. Chodwell
 Signature of Applicant

(Office Use Only)
 Building Use Classifications _____ Type of Construction _____

 Date _____ Approved: Chaffee County Building Inspector



SCALE 1/8" = 1 FT.

Plot Plan Lots No. 9 + 10 Block "E" Babcock's Additions

200 Wood Ave. Salida Cal.

Gas + Sewer - underground - Water Telephone, Cable, Electric - Overhead

ROAD



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)

- | | |
|--|---|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Administrative Review:
(Type) <u>ADU</u> |
| <input type="checkbox"/> Pre-Annexation Agreement | |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Appeal Application | |
| <input type="checkbox"/> Certificate of Approval | <input type="checkbox"/> Major Impact Review:
(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: Barbara K VanWyck

Mailing Address: 200 Wood Ave Salida 81201

Telephone Number: 317.439.8032 FAX: _____

Email Address: bkvanwyck@icloud.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: 200 Wood Ave Salida CO 81201

Legal Description: Lot 9+10 Block E Subdivision Babcock's 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 Barbara K VanWyck Date 1/13/2022



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: .52'
 - v. Proposed Setback: 3'
 - vi. Required Setback: 10'

- 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: 6.8'
 - v. Proposed Setback: 3'
 - vi. Required Setback: 5'

6. **Variance from Land Use Code Section:** 16-4-190 (c)

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.

Applicant has discovered a discrepancy between the legal lot boundary and the practical boundary line of the fence that has been present for many years. Applicant and adjacent property owner were not aware of this discrepancy until Applicant had a survey conducted which highlighted the issue. The building in question is also nonconforming and has been in existence for decades.

Entry at N side of an existing building, overhang needed for protection from weather at entry.

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

These special circumstances have not resulted from any act of the Applicant. The existing garage structure was constructed many years ago (close to 30?) by a previous owner.

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.

A strict application of the provisions of the land use code would deprive Applicant of reasonable use of the building and land. Many land owners in Salida have built carriage houses/ADU's to expand the ability for a family household to live in town. As the cost of living continues to rise, this enables land owners to support family members that would otherwise be unable to stay in Salida. The City and future owners will benefit from this improvement by having a de facto increase in liveable square footage in town without having any additional expansion in built out footprint on the property.

In addition, second floor setback on west side will meet firecode to accomodate a window, allowing ventilation, light and improving aesthetics of the building. Strict application of a 10' setback above 20' doesn't allow for an eave on West side, which would provide weather protection to the west siding and structure. This in turn will help diminish maintenance need.

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 current structure does have a rough interior that could be converted into a studio without a building permit. However, the structural improvements designed will create a high quality, modern and up-to-code structure that will enhance the aesthetics and standard of construction quality in the area. Approved Variance will enhance aesthetics and provide protection from weather to the structure on the West side (eaves); and on the North side entrance, thus decreasing likelihood of added maintenance. If this variance is not granted, Applicant will likely not be able to bring her elderly mother to town and care for her at home.

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

As the project will utilize the same foundation, there will be no expansion and solely a structure that is two stories rather than a single story. There is no reasonable alternative to avoid the variance to the setback, and no action would maintain the same nonconformity to code that exists today.

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.

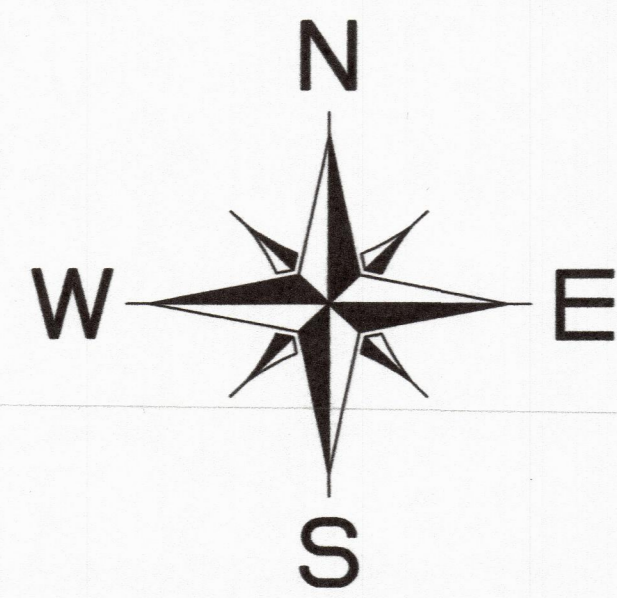
The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed. The adjacent landowner that abuts this structure is aware of the request and is in support of the construction project. This structural improvement is not detrimental to the public welfare or the environment; in fact, it promotes public welfare by expanding the ability of a family to live together in Salida.

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.

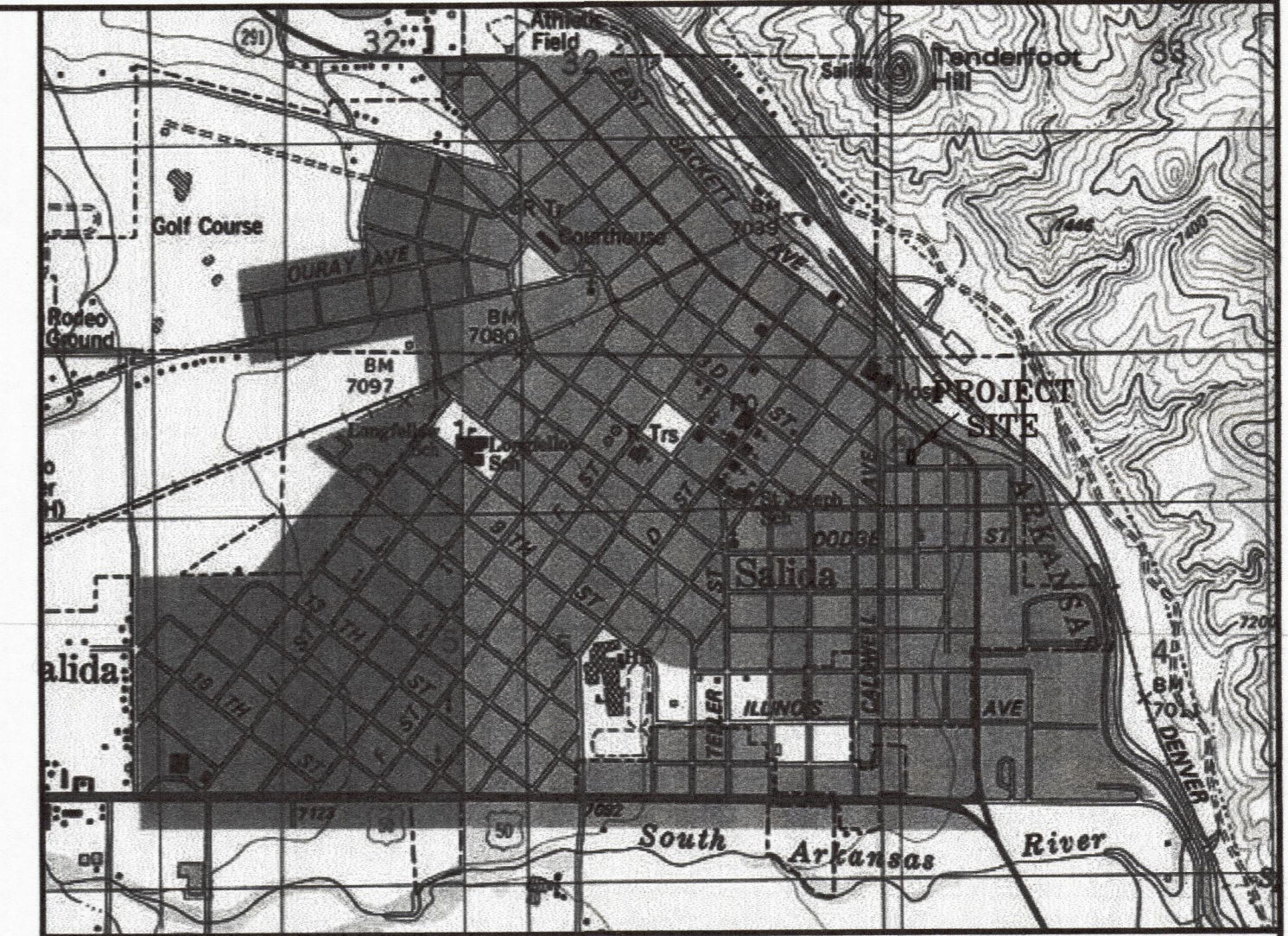
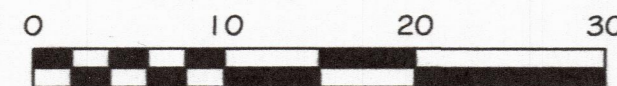
The granting of the variance is consistent with the general purposes and intent of the Land Use Code. Overall, the intent is to ensure the actions of one property owner do not detrimentally impact the rights of another property owner. In the current circumstance, the neighbors agree the construction is not injurious to their rights. Applicant intends to comply with all remaining code with regard to construction.

VAN WYCK IMPROVEMENT SURVEY PLAT

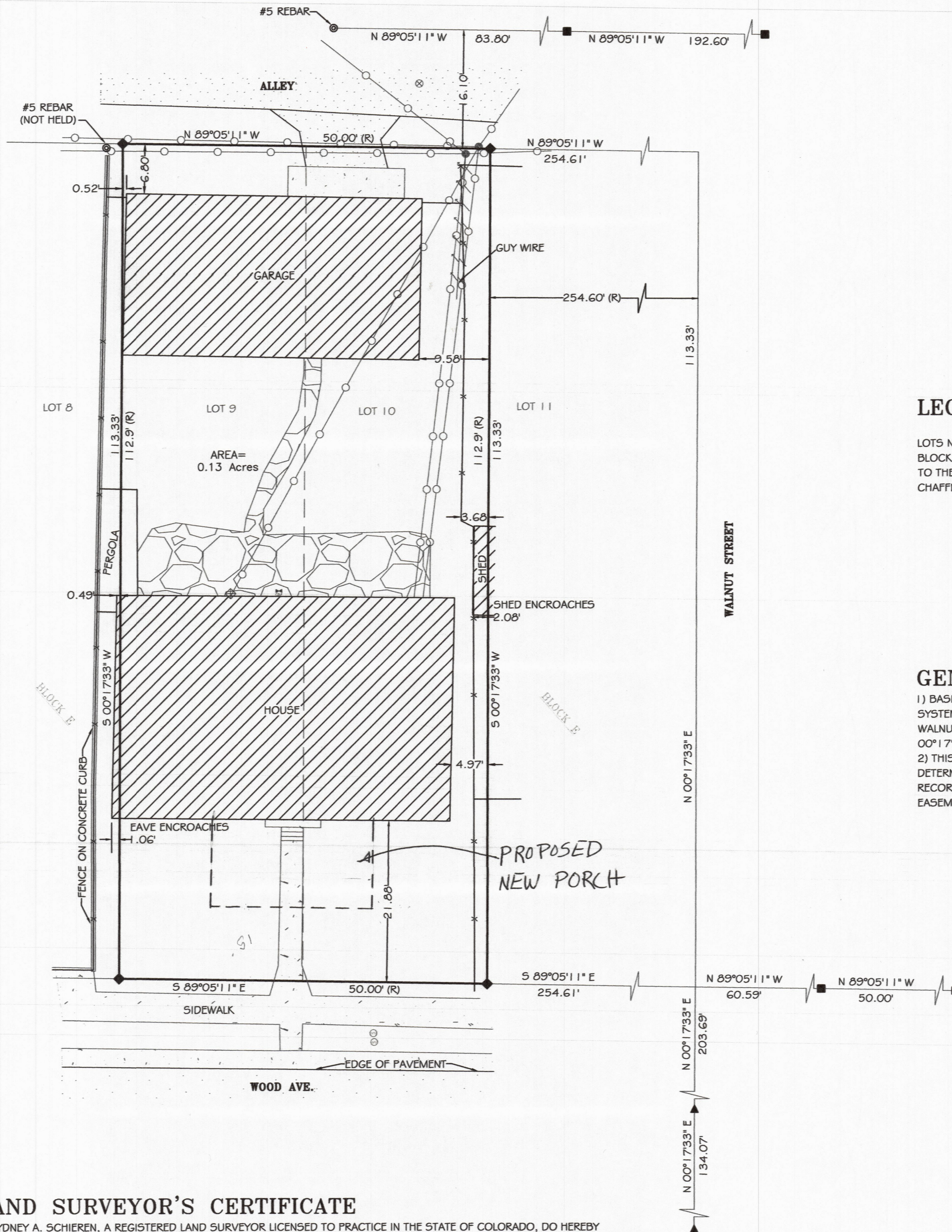
LOTS 9 AND 10
BLOCK E
BABCOCK'S ADDITION
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO



SCALE
1" = 10'



VICINITY MAP
NOT TO SCALE



LEGEND

- FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP L5 37937
- PREVIOUSLY SET 1 1/2" ALUMINUM CAP L5 37937
- ▲ FOUND 1 3/4" STEEL DISC L5 6753
- ⊕ ELECTRIC METER
- ⊕ GAS METER
- ⊕ WATER VALVE
- ⊕ WATER METER
- POWER POLE
- ⊗ SEWER MAN HOLE
- x — FENCE
- o — OVERHEAD UTILITY
- ▨ CONCRETE

LEGAL DESCRIPTION

LOTS NO. 9 AND 10
BLOCK "E", BABCOCK'S ADDITION
TO THE TOWN (NOW CITY) OF SALIDA,
CHAFFEE COUNTY, COLORADO

GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE WESTERN RIGHT OF WAY OF WALNUT STREET BETWEEN TWO 1 3/4" STEEL DISCS STAMPED "LS 6753" HAVING A BEARING OF NORTH 00°17'33" EAST.
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENT'S REQUEST.

CLERK AND RECORDER'S CERTIFICATE

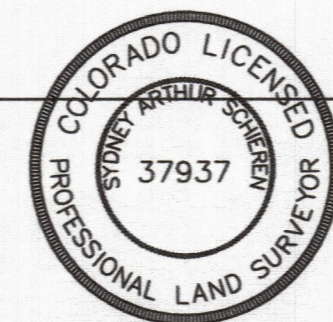
THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT _____ M. ON THIS _____ DAY OF _____, 2021 UNDER RECEPTION NUMBER _____.

CHAFFEE COUNTY CLERK AND RECORDER

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937

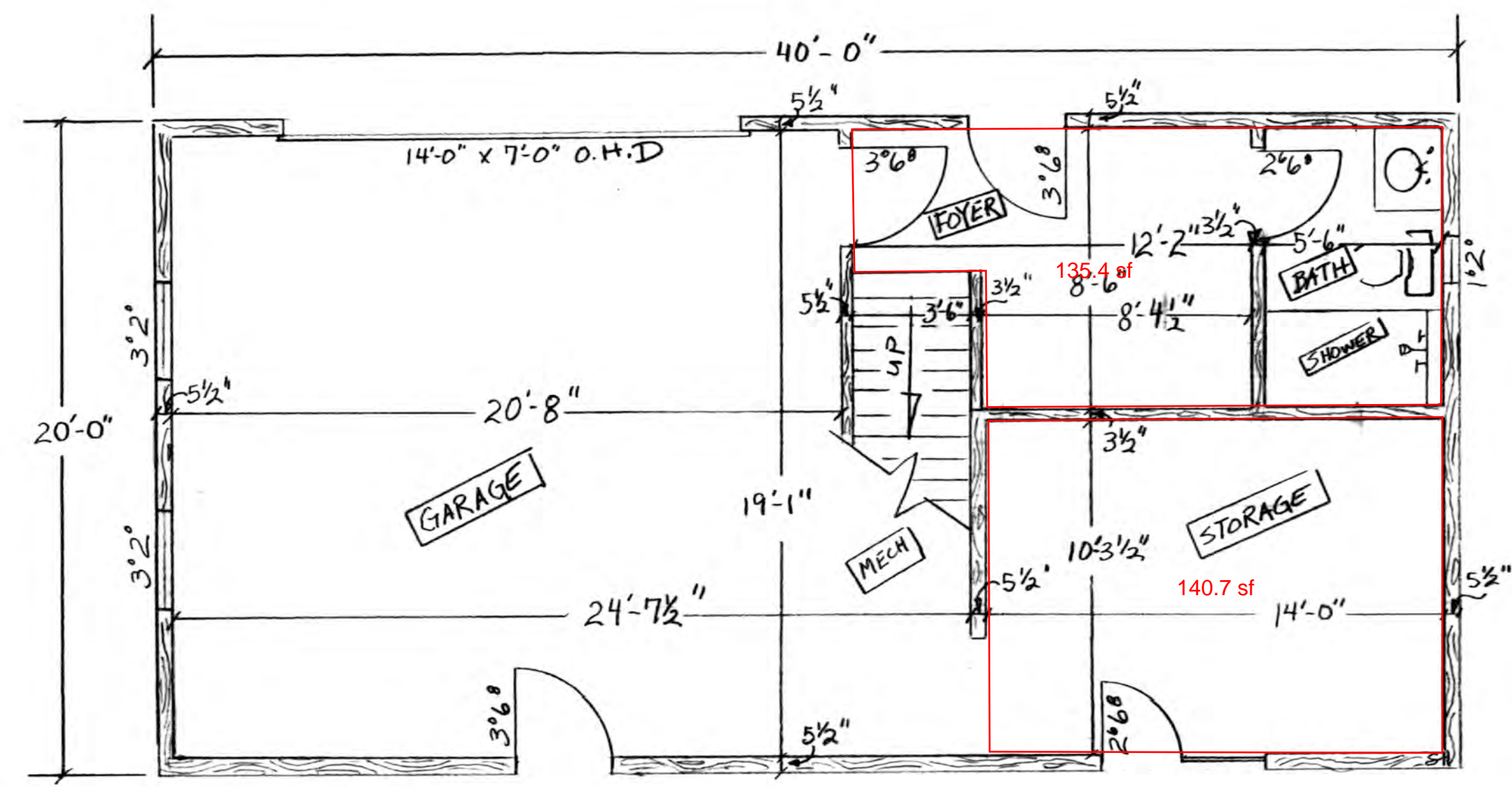


REVISED:
JOB # 21123
DATE: AUGUST 19, 2021
SHEET 1 OF 1

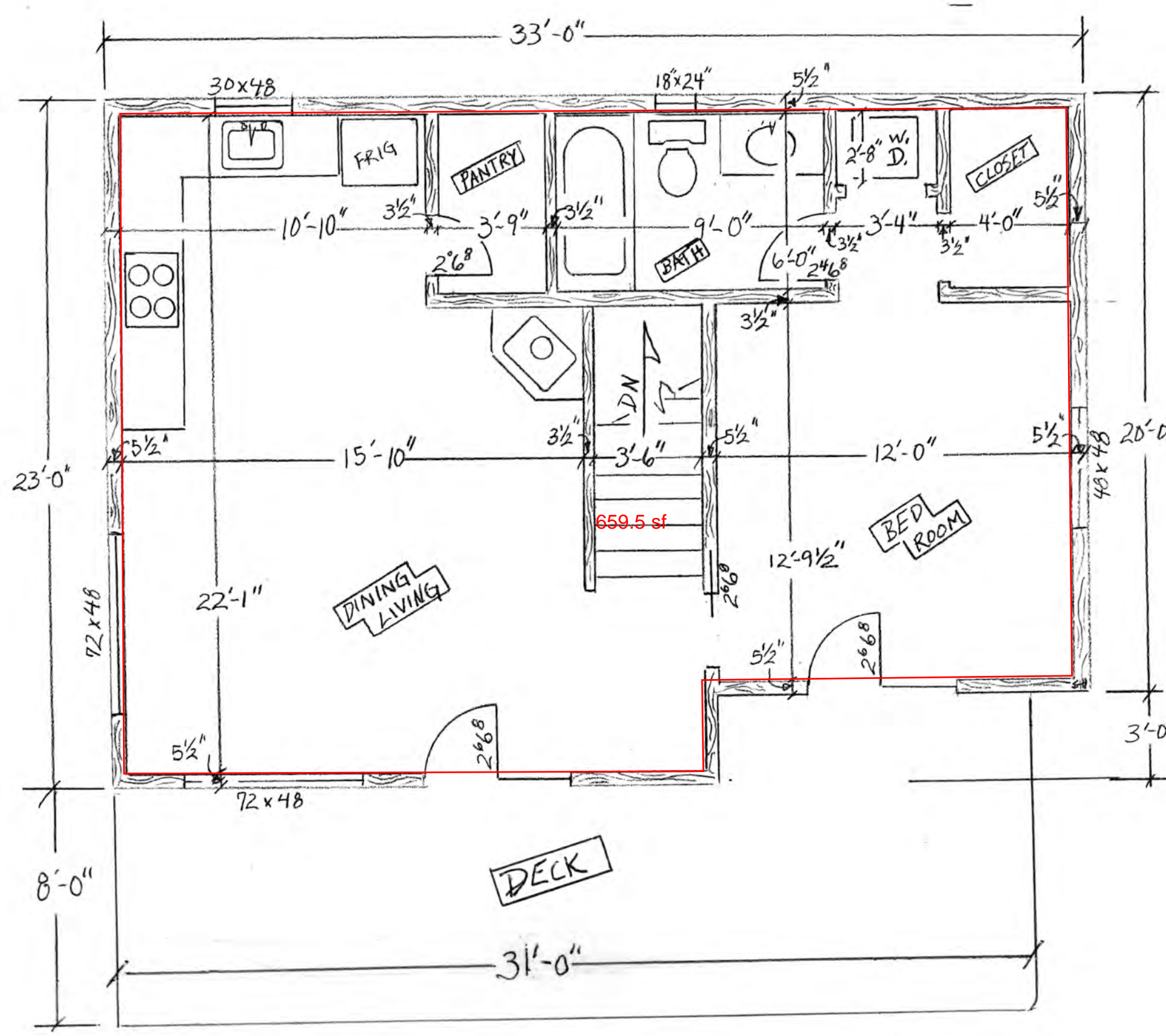
**VAN WYCK IMPROVEMENT
SURVEY PLAT**
LOTS 9 AND 10
BLOCK E
BABCOCK'S ADDITION
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO



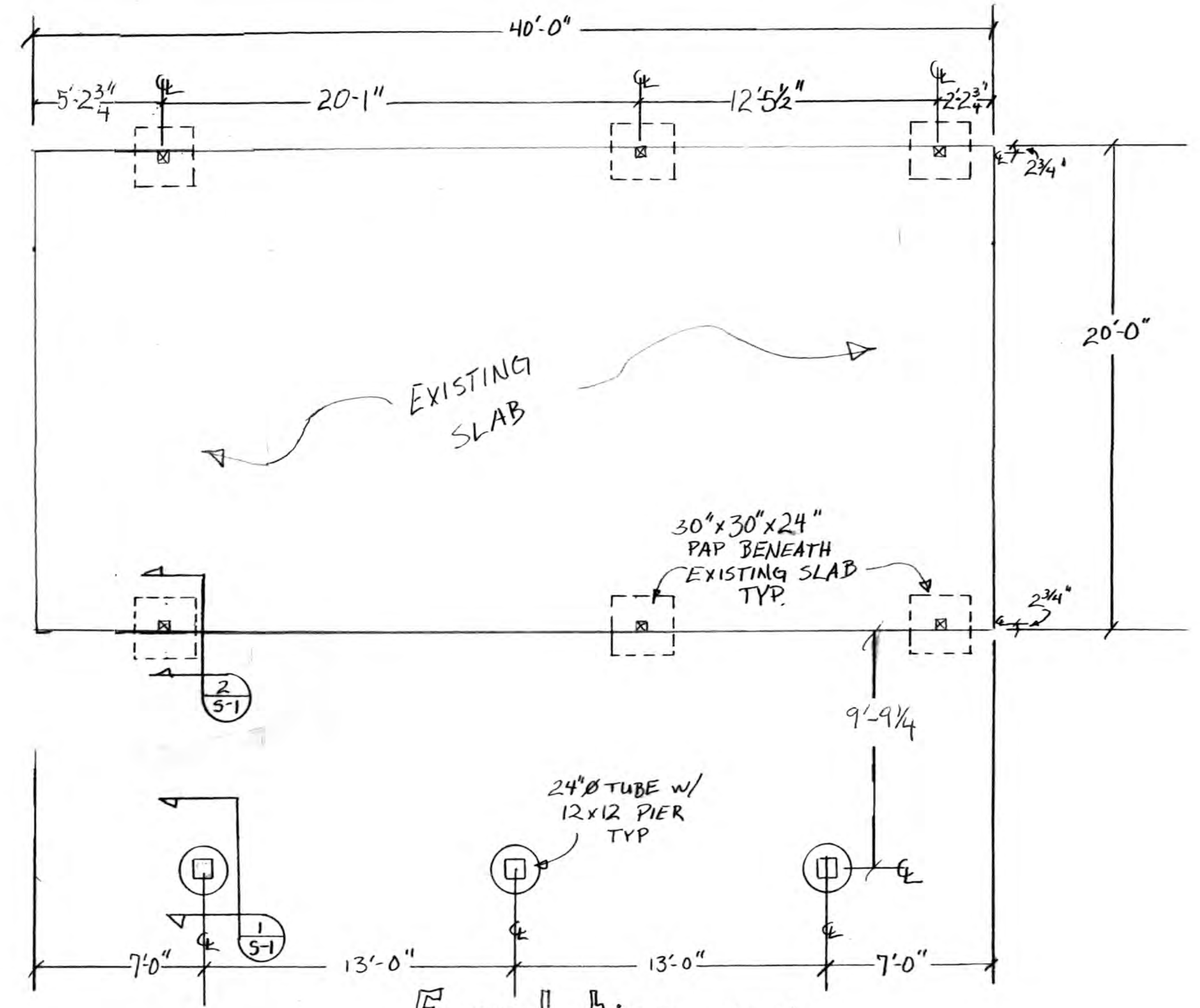
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.



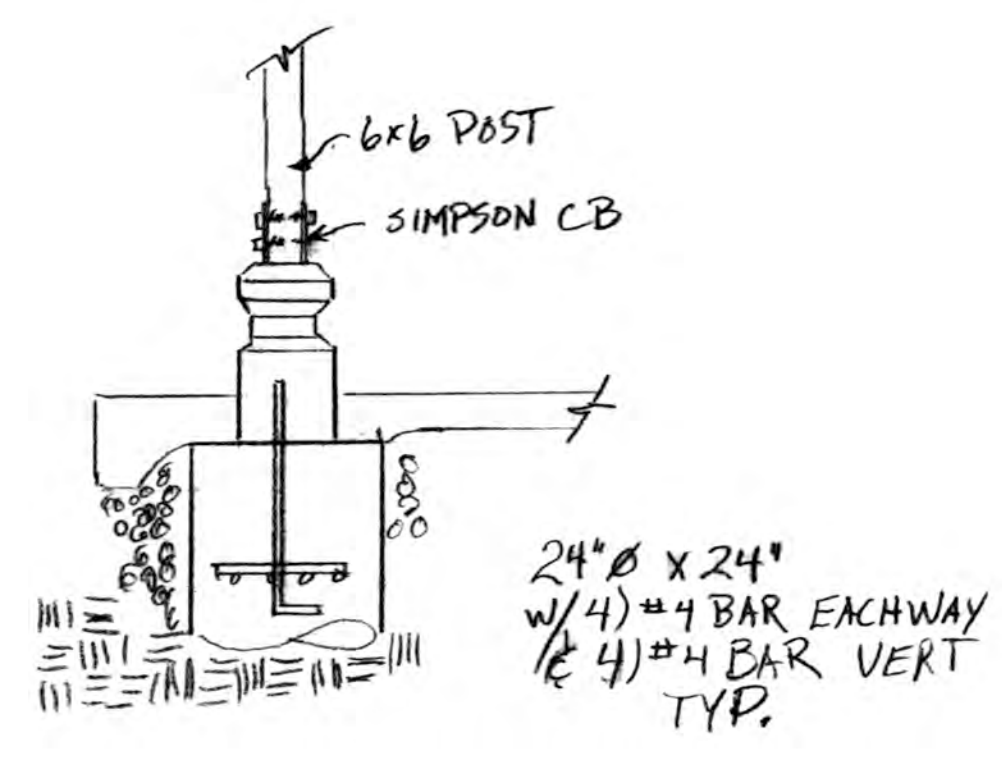
Lower Floor Plan 1/4" = 1'



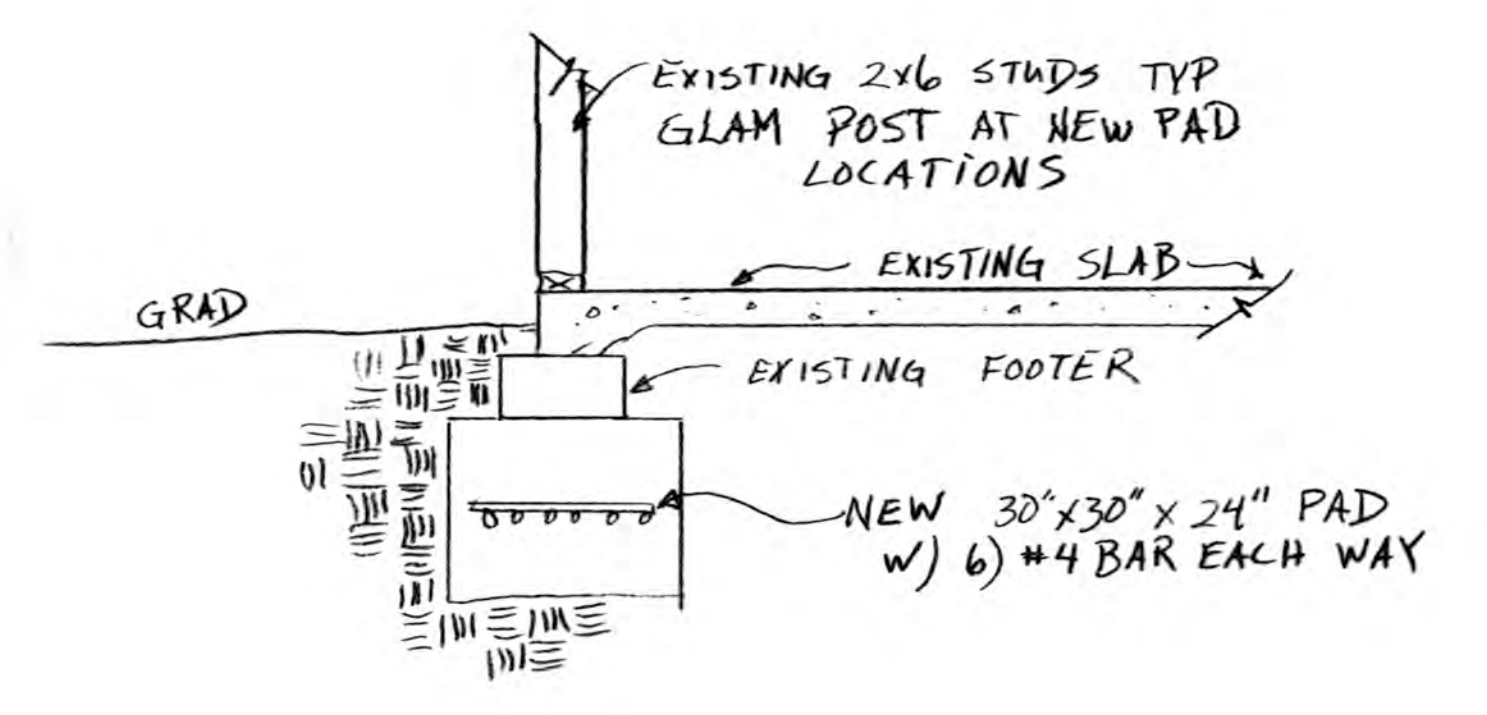
Upper Floor Plan 1/4" = 1'



Foundation Plan 1/4" = 1'

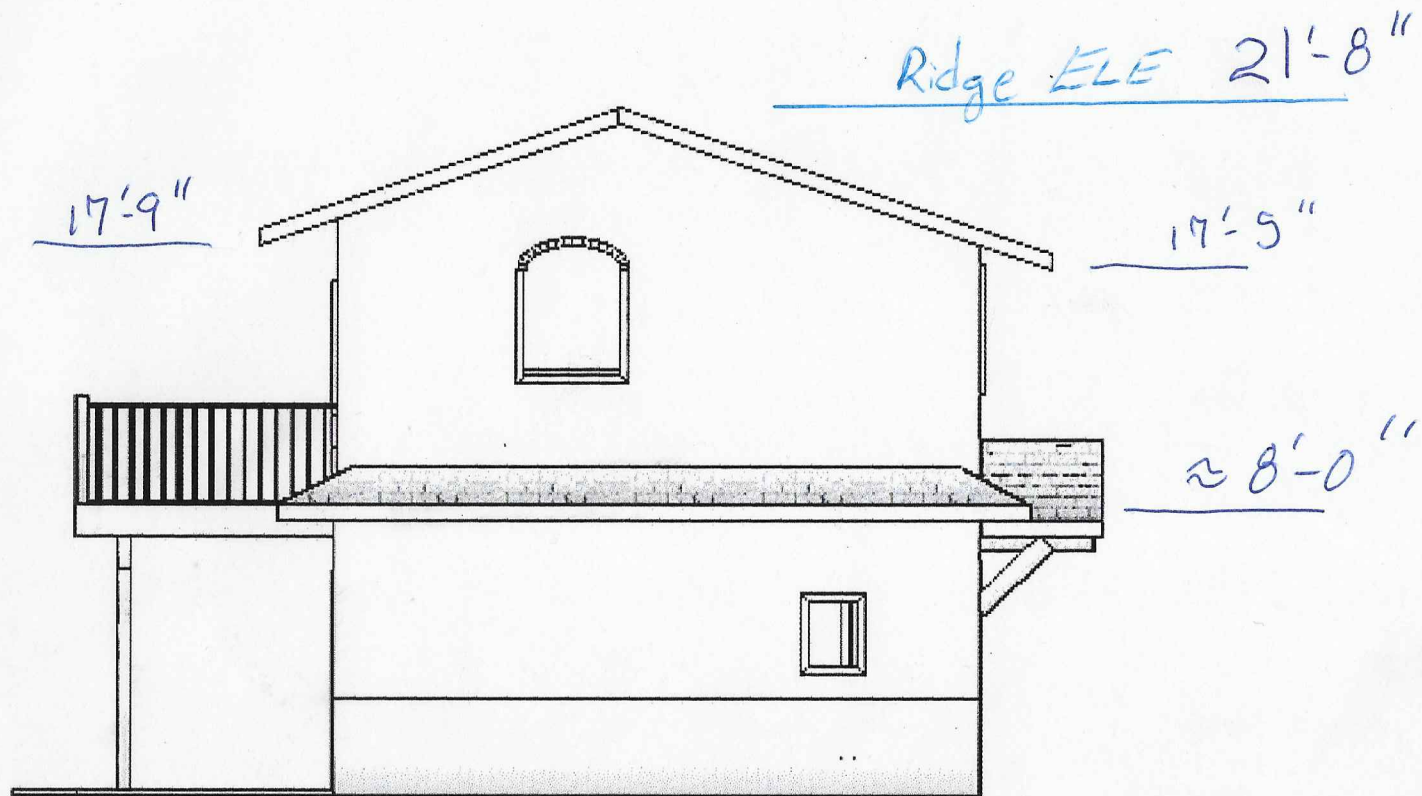


1/5-1 1/2" = 1'



2/5-1 1/2" = 1'

A-1/S-1



EAST ELEVATION

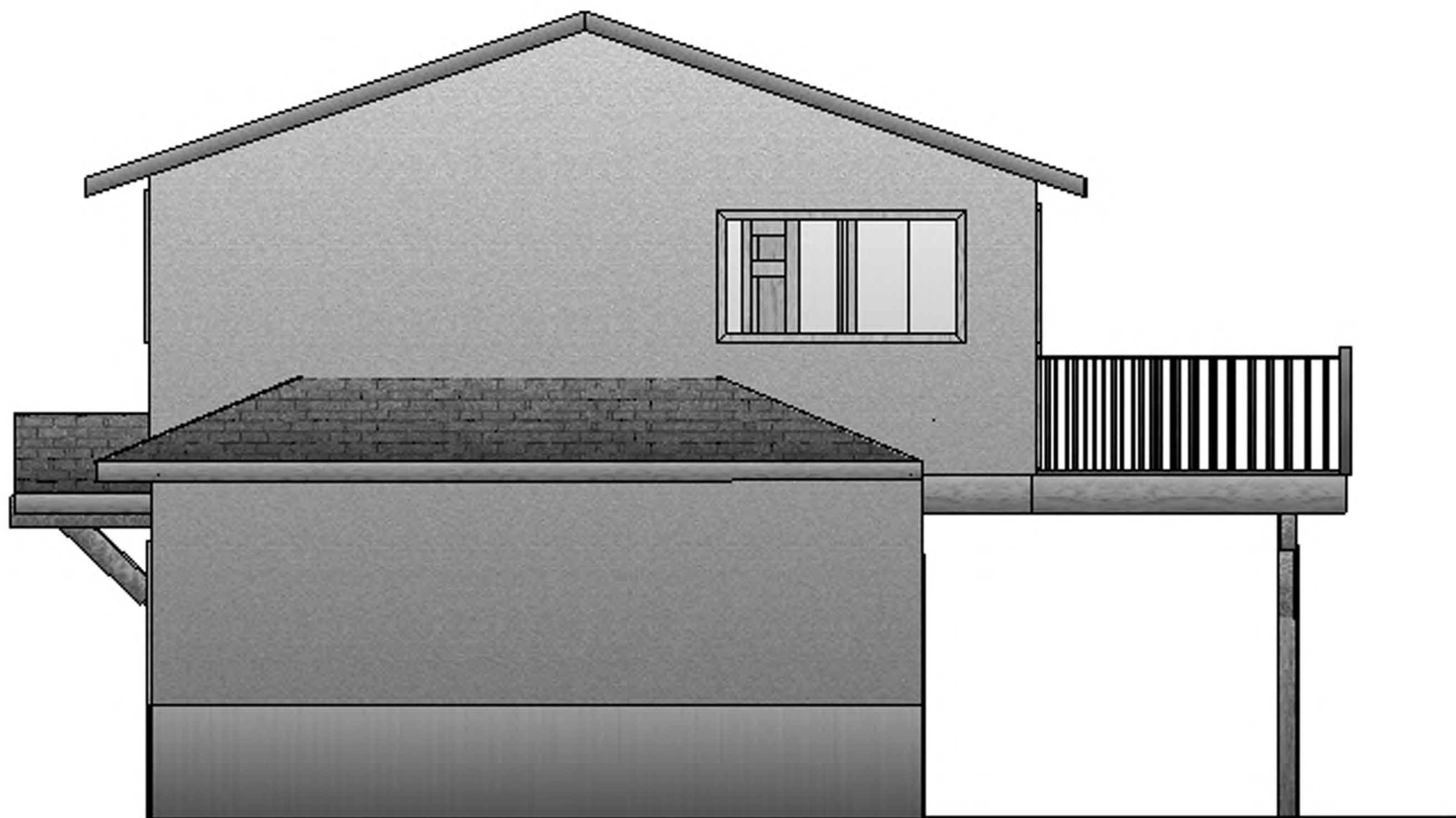
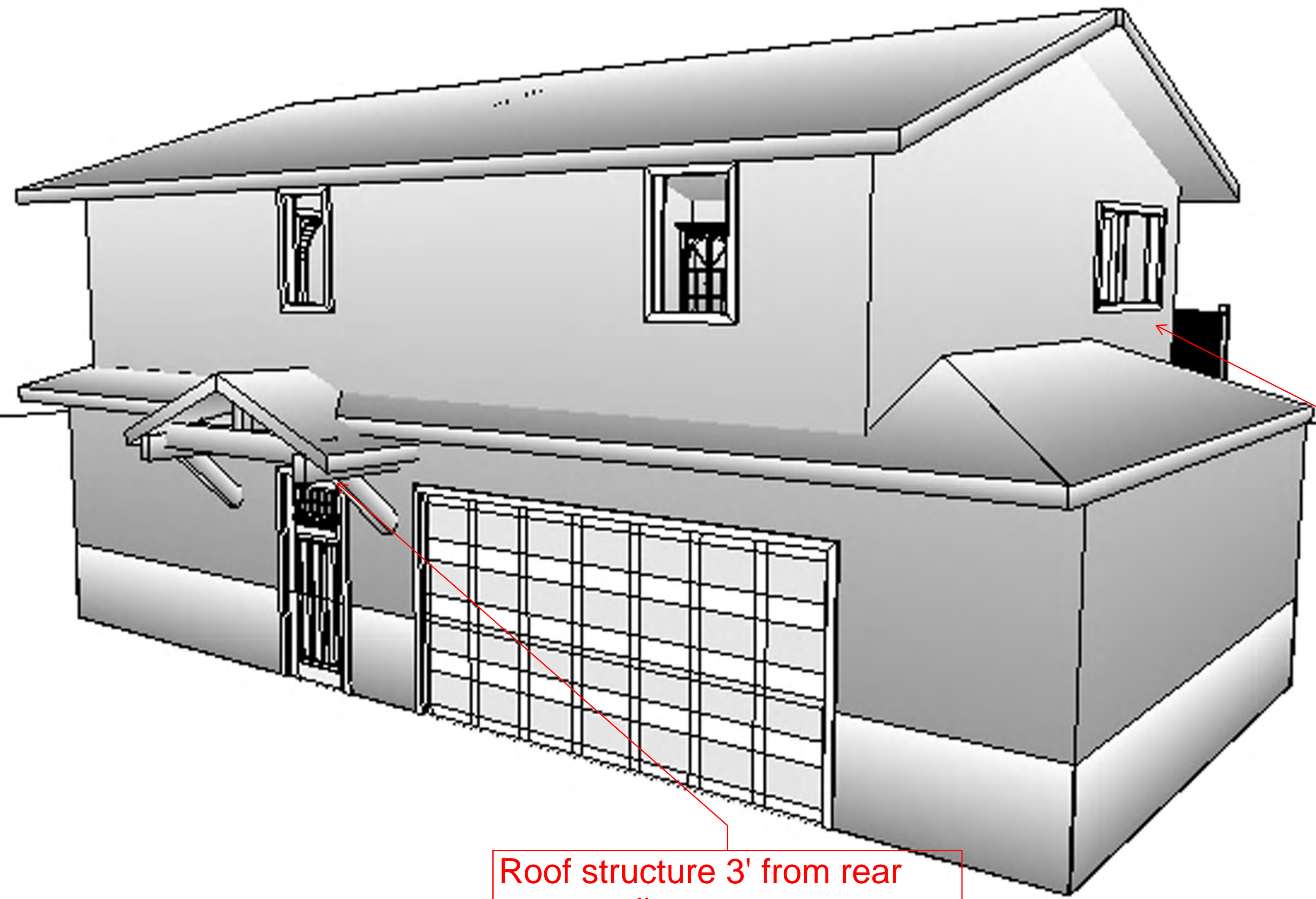
Eaves 3' from side property line



West wall 5' from side property line

north elevation

Roof structure 3' from rear property line

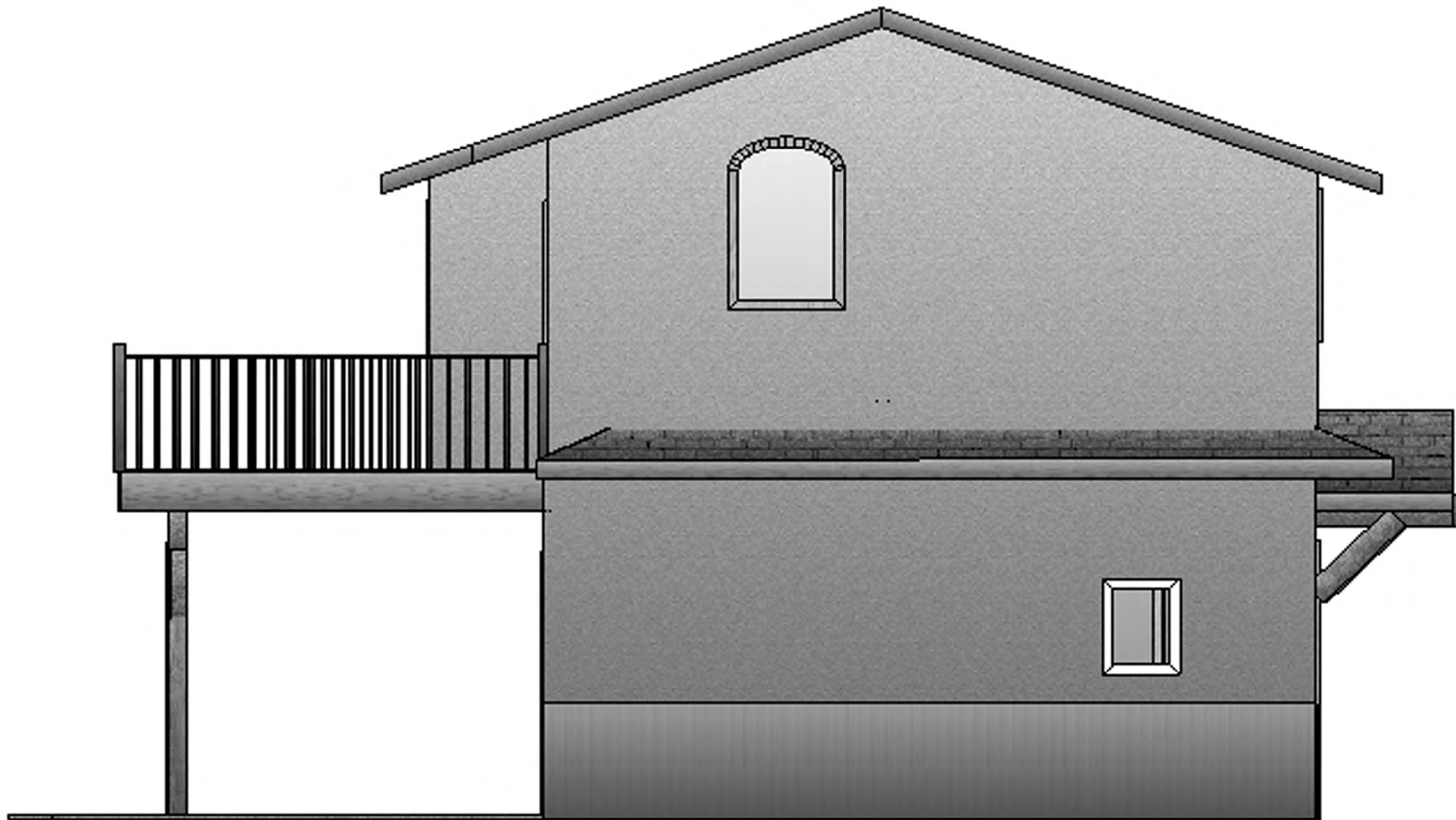


west elevation

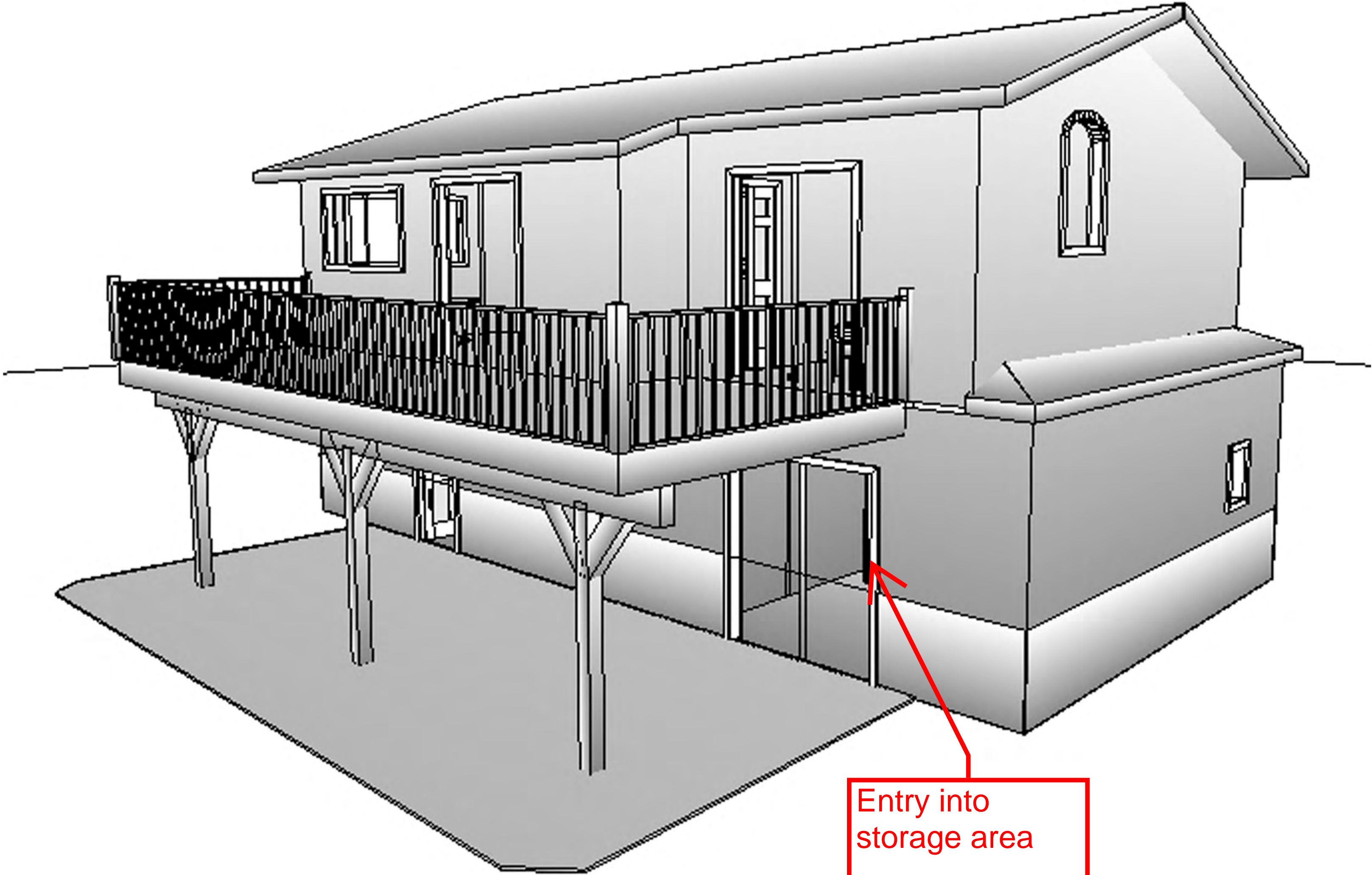


Entry to garage area.

south elevation



east elevation



Entry into storage area

From: [Joe Monastero](#)
To: kristi.jefferson@cityofsalida.com
Date: Monday, February 07, 2022 9:05:25 AM

My name is Joe Monastero and I live at 577 E. 1st St. in SALIDA. I am one of Barb Van Wyck's neighbors and she lives at 200 Wood Ave. in Salida.

We wanted to let you know we are aware of the variance she is applying for to add on to her existing property and we have no problem with that at all.

Please call me or email back if you have any questions or need any more info about this matter.

Sincerely, Joe and Dawn Monastero. 561-262-3944

Sent from my iPhone

From: [Danielle Frost](#)
To: kristi.jefferson@cityofsalida.com
Cc: [paul.janzen](#); [Frost Jacob](#); [Barbara Van Wyck](#)
Subject: Re: Variance Van Wyck
Date: Monday, January 24, 2022 10:55:16 AM

We also have no objections to it.

Danielle

- > On Jan 24, 2022, at 10:42 AM, Danielle Frost <daniellefrost@me.com> wrote:
- >
- >
- > Ms. Jefferson,
- >
- > We share ownership of the property associated with the addresses 118 and 128 Wood Ave with my father, Paul Janzen.
- >
- > We are aware of Ms. Van Wyck filing a variance request.
- >
- > Jacob and Danielle Frost

From: [paul.janzen](#)
To: kristi.jefferson@cityofsalida.com
Cc: [Barbara Van Wyck](#); [Danielle Frost](#); [Jacob Frost](#)
Subject: Variance Van Wyck
Date: Monday, January 24, 2022 2:29:21 PM

Ms. Jefferson,
I am aware of Barbara Van Wyck variance request and I have no objection to it.
Paul R. Janzen