



**VARIANCE BOARD OF ADJUSTMENTS
AGENDA
JULY 08, 2020
5:00 PM**

Call to Order

Roll Call

Approve Minutes of May 27, 2020

New Business- continuation of 195 Montane Drive-front setback variance request

Adjourn

REMOTE MEETING PUBLIC ATTENDANCE INSTRUCTIONS

The Public will be able to view and hear this meeting remotely at the following address:

<https://www.colorado.gov/pacific/idahosprings/city-council-live>

The public will be able to sign up for Unscheduled Public Comment by emailing the City Clerk at cityclerk@idahospringsco.com contact information including name and phone number by 5 PM on the day of the scheduled meeting.



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
May 27, 2020**

CALL TO ORDER

Chairman Crane called the meeting to order at 5:03 PM.

Board members present were: Cary Crane, Ben Moore, and Ann Zimmerman. Doug Smith and Marc Reagon were not present.

City staff present was City Clerk Diane Breece, City Administrator Andrew Marsh, Community Development Planner Mike Davenport and Nina Williams from the City Attorney's office.

APPROVAL OF MINUTES

Ben Moore moved to approve the minutes of October 30, 2019. Ann Zimmerman seconded and the motion carried by unanimous roll call vote.

NEW BUSINESS

195 Montane Drive-front setback variance request

Mike Davenport announced that the applicant has not mailed adjacent property owners notice of the request and public meeting which is a requirement of the public hearing process. City Attorney Nina Williams stated that the meeting should not be held.

The Board decided on a future date of June 17, 2020 at 5:00 p.m. to continue the matter.

ADJOURN

With no further business before the board Ben Moore moved to adjourn the meeting at 5:10 p.m. Ann Zimmerman seconded and the motion passed by a unanimous roll call

IDAHO SPRINGS

BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: June 17, 2020	Page 1 of 1 w/attachments	Item: 195 Montane Drive Front Setback Variance
Presented by: Mike Davenport Community Development Planner		

PROPOSAL:

The applicant requests a variance to reduce the front setback from the required 30 feet to 20 feet for a proposed house approximately 4,782 square feet in size.

BACKGROUND:

Because the mailing notice had not been done, the Board at its May 27, 2020 meeting continued this application to a meeting on June 17, 2020. The notice was redone, and by June 3 the City staff had received the proof of mailing to neighboring properties.

The attachments to this memo include the original staff report and its attachments.

LIST OF ATTACHMENTS:

1. Staff Report Prepared for the May 27, 2020 Meeting of the Board of Adjustment (4 pages)
2. Email from Designer Alyson Wasilawski
3. Letter from John Enochs of Diamond Engineering & Surveying
4. Vicinity Map
5. Site plan drawing at 30 feet front setback
6. Site plan drawing at 20 feet front setback
7. Basement plan
8. Level 1 plan
9. Roof plan
10. North and west elevations
11. East and south elevations
12. Renderings of site looking southeast, south, and southwest
13. Rendering of front elevation

/mjd

IDAHO SPRINGS

BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: May 27, 2020	Page 1 of 4 w/attachments	Item: 195 Montane Drive Front Setback Variance
Presented by: Mike Davenport Community Development Planner		

PROPOSAL:

The applicant requests a variance to reduce the front setback from the required 30 feet to 20 feet for a proposed house approximately 4,782 square feet in size.

BACKGROUND:

Existing conditions. The subject property is 14,287 square feet in area and is zoned Residential-Estate (R-E). R-E requires a 30 feet setback and a 20 feet rear setback. The majority of the property contains significant slopes, with an average slope of approximately 30%. At the rear of the lot (south) the property slopes more than 60% up to Divide View Road. Few of the existing houses along Montane Drive meet the 30 feet front setback; the majority of houses maintain less than a 20 feet front setback. This is probably due to the steep topography and where the most buildable areas are.

Request. The applicant requests a variance to reduce the front setback from 30 feet to 20 feet. According to the applicant's architect, locating the house at the required 30 feet front setback would result in significantly more retaining walls, more cutting into the slope, less natural sunlight for the bedrooms toward the rear and additional expenses of more than \$30,000. In addition, the applicant contends the farther the house is moved south (to the rear and up the slope) the more retaining walls have to be designed for additional load bearing to account for Divide View Road above the property. The architect also has mentioned reducing the footprint of the house to meet the front setback would result in a two bedroom house versus a three bedroom house, which results in a steeper driveway and makes the house much less marketable in this area.

BOARD OF ADJUSTMENT ROLE:

Per Section 21-109 of the City of Idaho Springs Land Development Regulations (LDR), the Variance Board may authorize variances from the requirements of the Code. A variance shall be considered an extraordinary remedy. When considering a variance from a standard in the LDR, the Variance Board shall apply the criteria below.

STAFF ANALYSIS OF VARIANCE CRITERIA:

- 1. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.*

Staff Analysis: Due to the extreme steepness of the property, staff agrees that the further the house is moved back, the greater the cost for significant retaining walls and the steeper the driveway. Nearly all the houses along Montane Drive do not meet the setbacks; most have setbacks less than 15 feet. Based upon existing contours, the area proposed for the house is the most buildable area on the lot. Not allowing the applicant to have a reduced setback would be a hardship compared to most other properties along Montane Drive.

2. *There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.*

Staff Analysis: According to the applicant and the architect, being required to move the house 10 feet to the south would result in significantly more retaining walls. The applicant has estimated this cost to be as much as \$30,000. Part of this cost would be additional walls and fill cost, and some of this cost would be the requirement for additional engineering to account for cutting into the steep slope closer to the above Divide View Road.

The applicant probably has the option of reducing the footprint of the house to meet the setbacks. At 3,372 square feet, the footprint of the existing house is one of the larger houses in the neighborhood (the largest is 3,900 square feet and the average in this area is 2,354 square feet). The applicant's architect has noted reducing the size of the house would reduce the house from 3 bedrooms to 2 bedrooms. Staff cannot confirm whether or not this is true, or why the internal design cannot be altered to reconfigure a smaller 3 bedroom house. However, a complete redesign would come with considerable cost to the applicant. The requested reduction in setback would still result in a greater setback than found on some of the other existing properties in the vicinity.

3. *The need for the variance does not result from the intentional, reckless or negligent actions of the applicants or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.*

Staff Analysis: The steep slope is an existing condition. Although this is a condition shared with other properties in the area, there are houses in the immediate area that do not meet the front setback requirement. A smaller house may be possible, but the house falls within the size range of houses in the vicinity.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: The proposed 20' setback is actually greater than the front setback of the majority of houses in the neighborhood. A less steep driveway may also result in a safer condition for a vehicle entering the street from the driveway.

5. *The variance is the minimum variance that will make possible the reasonable use of the land or structure.*

Staff Analysis: Staff is unsure whether or not a smaller footprint could be designed to reduce or eliminate the need for a variance or retaining walls. The Applicant does have reasonable use of the property.

6. The granting of the variance will:

a. Observe the spirit of this Chapter;

Staff Analysis: The Code states a variance shall be considered an extraordinary remedy required to allow reasonable use of a property. Staff is unsure whether not allowing the variance would deprive the Applicant reasonable use of the property. However, based on the design as proposed having to adhere to the required 30 feet front setback would result in considerable expense.

b. Secure the public safety and welfare;

Staff Analysis: Allowing this variance would not have detrimental impacts upon the public safety, health, or welfare.

c. Ensure that substantial justice is done.

Staff Analysis: The applicant does have limited buildable area on the property, and the proposed location is probably the most reasonable area for the new house. Staff is uncertain whether a reduced footprint of the house would reduce the need for the variance, but does agree this would probably result in significant cost.

REFERRALS AND PUBLIC MATERIALS

Planning staff has coordinated the scheduling of the referral process and the provision of materials related to the variance to the public. Documents were provided to governmental entities and adjacent property owners in a timely manner. Staff has not received any concerns regarding this variance.

PLANNING STAFF SUMMARY:

The applicant requests a variance to allow a 20 feet front setback instead of the required 30 feet, to allow construction of a new house. The applicant has stated that allowing the request would greatly reduce the cost of retaining walls, would allow more natural light in the rear bedroom windows, and would greatly reduce the engineering required for load bearing walls associated with Divide View Drive above the property to the south. It was also stated if the footprint of the house was reduced it would result in a two bedroom house instead of a three bedroom house, which is less marketable in the area. The applicant's architect also has stated allowing a reduced front setback would result in less driveway slope.

Staff does agree there are topographic constraints that would prove costly to mitigate. Staff also agrees moving the house further to the south to meet the setbacks would probably reduce the natural sunlight in the rear bedroom window. Staff is unsure whether or not a smaller footprint could be designed to reduce or eliminate the need for a variance or retaining walls, which is one of the criteria. However, staff realizes redesigning the house to meet the front setback would come at significant cost. Also, nearly all the houses along Montane Drive have setbacks much less than 20 feet.

FINDINGS AND RECOMMENDATION:

Based on the steep topography, the dense forest, the narrowness of Montane Drive, and the fact that few of the other houses meet the setbacks, staff recommends granting the variance.

ATTACHMENTS:

1. Email from Designer Alyson Wasilawski
2. Letter from John Enochs of Diamond Engineering & Surveying
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6. Basement plan
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11. Renderings of site looking southeast, south, and southwest
12. Rendering of front elevation

/mjd

Alan Tiefenbach

From: Scott Pennell <sparky1142@msn.com>
Sent: Tuesday, February 25, 2020 8:13 AM
To: Alan Tiefenbach
Subject: Fw: LDR 195 Montane Dr
Attachments: 2020-02-24 195 Montane Drive-email.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Alyson Wasilawski <alywaz@gmail.com>
Sent: Monday, February 24, 2020 9:34 PM
To: Scott Pennell <sparky1142@msn.com>
Subject: Re: LDR 195 Montane Dr

Hello Scott,

I am attaching a current PDF of the set with the move. On the Elevation Sheets, A-201 and A-202 there is a black dashed line and green dashed line that show pre variance and post variance average grade lines. This may be helpful for the city to show the difference in where the grade would hit on the house and how much excavation is needed. If you don't want to bring these in that's fine. I summarized the major point below.

The request for this variance is due to the overall steep sloping nature of the lot under development and the hardship it would impose to meet a 30'-0" front setback line. The proposed building on the lot is a single family residence, of two stories. There is a basement that is buried in the back with walk out access to the front and one bedroom on this level. The second story has 3 bedrooms and the kitchen, living, and dining room. With a 30'-0" front set back the back bedrooms on the second floor would have very limited amount of natural daylight and there would be large retaining walls to hold back the soil behind the house. A reduction to a 20'-0" setback would reduce the back retaining walls by about 5' to 7' thus reducing overall cost, excavation, and overall impact to the site. There is a road that is behind the house, that will inevitably require the retaining walls to be more rigid to account for loads from the road. Moving the house 10'-0" forward would also reduce this impact. The option to reduce the overall footprint of the house is not favorable or beneficial as it would make this a very small single family home and not as marketable. In order to make this a livable home for a family a minimum of 3 bedrooms is ideal. A reduction in ground area, to reduce length of retaining walls, would only be cancelled out by the need to build a taller structure, which would pose an issue due to the height limit set forth in the zoning standards. Simultaneously, building taller, would also require more retaining walls to keep soil back as more excavation would be required to get daylight to the level 2 areas and allow for egress.

The request for the reduction in the front setback is also asked to aid in reduction of slope at the driveway. As designed to zoning standards the driveway meets the max grade of 10%. If a variance was allowed to have the setback was reduced to 20'-0" the average grade of the driveway would be closer to 8%.

Thank you,

Alyson

Alyson Wasilawski, NCIDQ, LEED A.P. BD+C
BS Interior Design, Colorado State University
303.653.6723
www.alyraephoto.com



February 21, 2020



Mr. Scott Pennell
sparky1142@msn.com
Email Original

RE: 195 Montane Dr Idaho Springs, Colorado

Dear Scott,

After completion of the initial site plan grading, we did a rough analysis of the effects of moving the house north towards Montane Dr and how that relates to the number and sizes of retaining walls. The lot is generally steeper towards the back (south) of the lot. Moving the house towards the front reduces the amount of retaining walls.

The original grading plan was completed utilizing the City of Idaho Springs setbacks. The second analysis was done with the house encroaching 10' into the front setback. This would result in a front setback of 20' instead of 30'.

It is difficult to quantify precisely how much the retaining walls would be reduced without completing a grading plan. However, it appears that the square footage of wall face square feet would be reduced by 500-600 square feet if the house if moved north 10'.

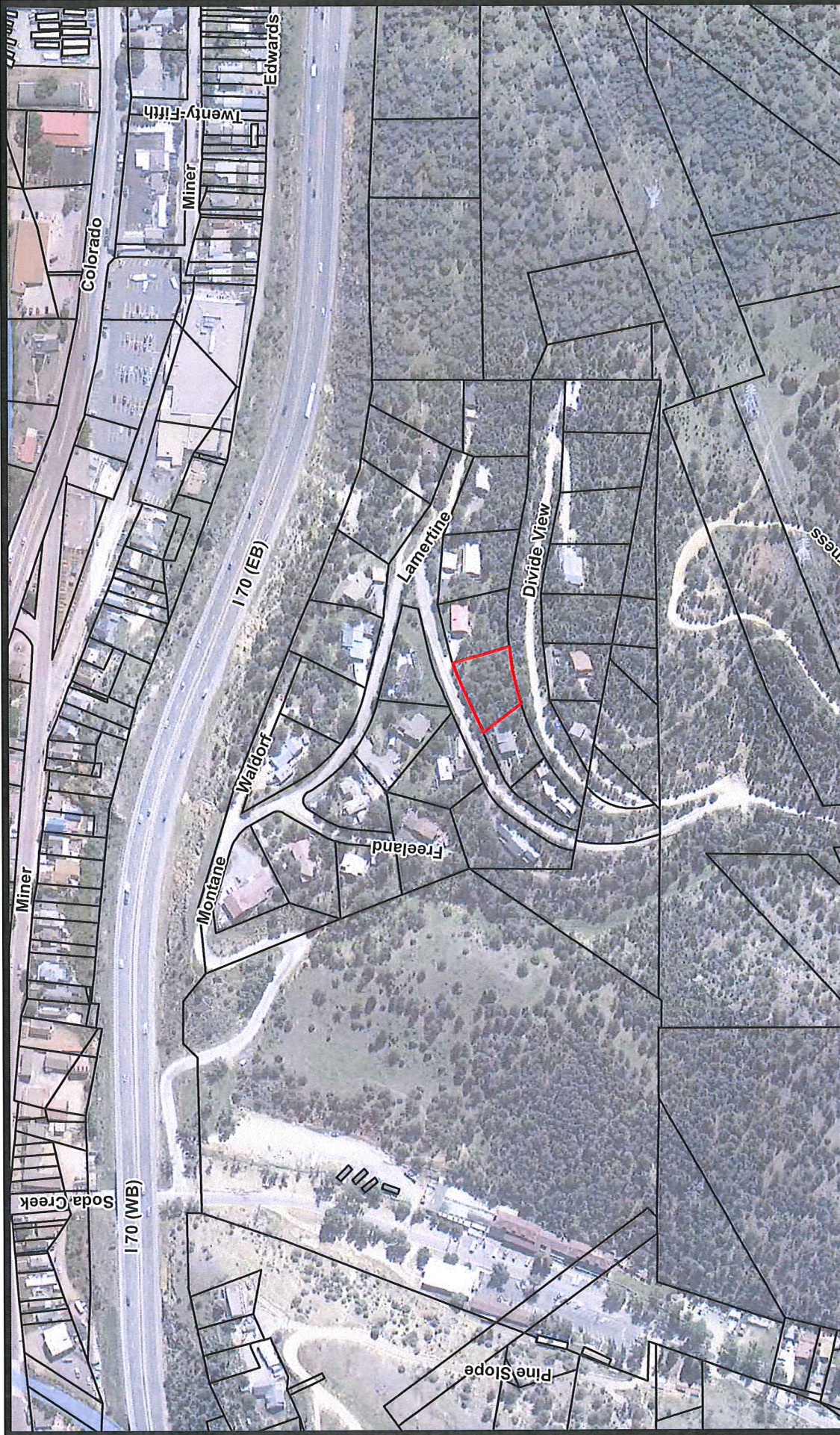
Moving the house would also allow for the finished floor to be lowered approximately 1.3' which would reduce the driveway grade from 10% to 8%. This helps with access for the residents and emergency responders.

Let us know if you would like for us to revise the grading plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Enochs', with a stylized flourish at the end.

John Enochs



195 Montane Dr

Vicinity Map

Legend

 Subject Property



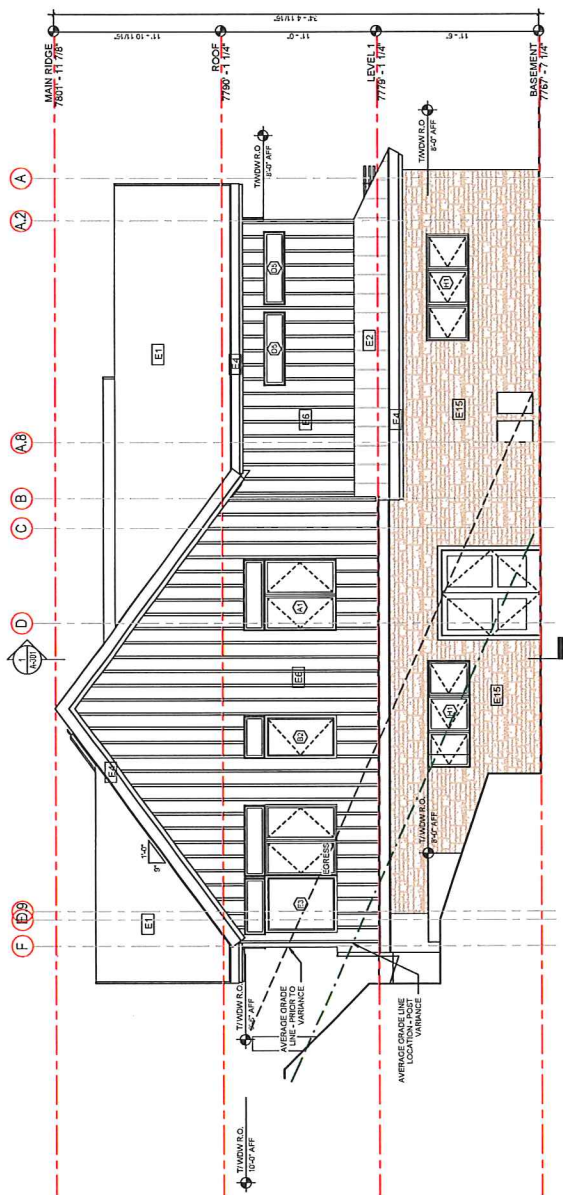
NOTES:

1. UNCONDITIONED AREA INCLUDES GARAGE, WORKSPACE, MECHANICAL AND STORAGE (WITH OVER 5'-0" OF HEADROOM)
2. STAIRS AND LANDINGS NOT COUNTED ON UPPERMOST FLOOR SQUARE FOOTAGE

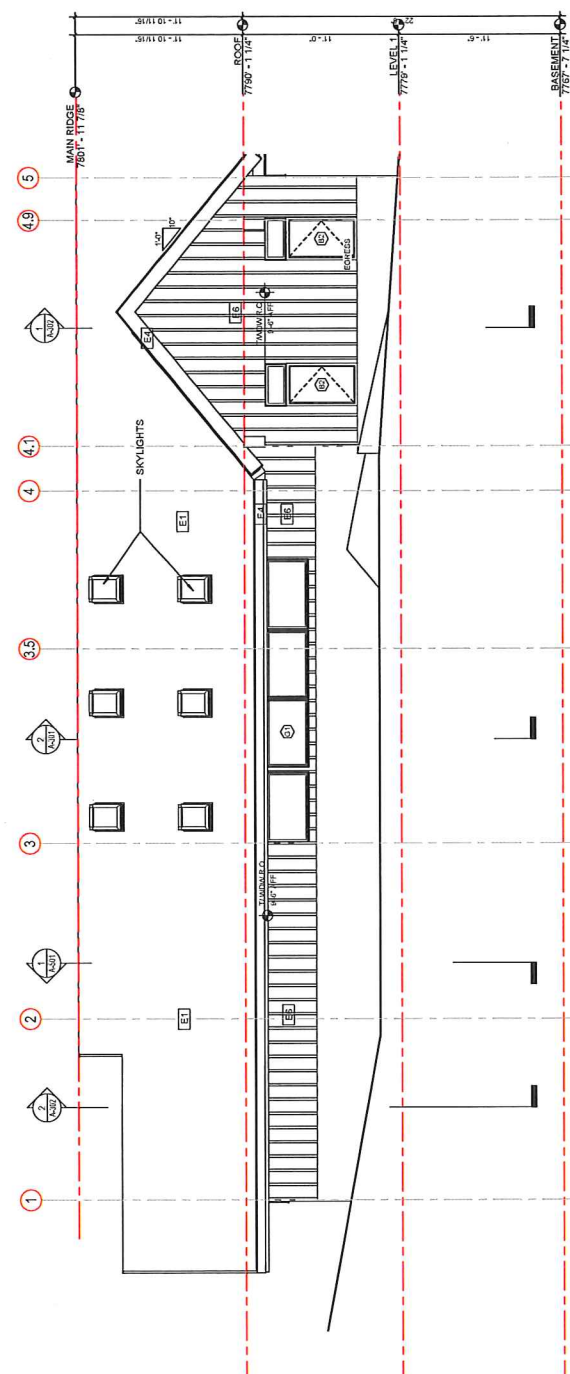
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[illegible]



2 EAST ELEVATION
1/4" = 1'-0"



1 SOUTH ELEVATION
1/4" = 1'-0"

PENNELL RESIDENCE
DRAFT
PROJECT # 2010.01

ISSUE:

A blank grid consisting of 10 vertical lines and 2 horizontal lines, creating a series of columns and rows for drawing.

BUILDING ELEVATIONS

A-202

2 LOOKING SOUTH



3 LOOKING SOUTHWEST



1 LOOKING SOUTHEAST



PENNELL RESIDENCE
195 MONTANE DRIVE
IDAHO SPRINGS, CO 80452

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ISSUE:

3D MEWS

A-901



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IDAHO SPRINGS, CO 80452

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SHEET INDEX

195 MONTANE DRIVE
IDAHO SPRINGS, COLORADO

PROJECT TEAM

SURVEYOR:

GEO TECHNICAL & SEPTIC ENGINEER:

ARCHITECTURE & INTERIOR DESIGN:

KITCHEN & BATH DESIGN:

STRUCTURAL ENGINEER:

GENERAL CONTRACTOR:

24 X 36 COVER

G-001

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PROJECT # 2010.01

ISSUE: