



**VARIANCE BOARD OF ADJUSTMENTS
AGENDA
JUNE 16, 2021
5:30 PM**

Call to Order

Roll Call

Approve Minutes of May 19, 2021

New Business- Appointment of regular member John Hatch

Public hearing-

Proposed parking expansion at 1047 Miner St. to allow gravel parking where the requirement is a paved surface.

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 19, 2021**

CALL TO ORDER

Chairman Smith called the meeting to order at 5:49 PM.

Board members present were: Doug Smith, Ann Zimmerman. Dru Van Doren joined the meeting at 5:49 p.m.

City staff present was City Clerk Diane Breece, City Administrator Andrew Marsh, Community Development Planner Mike Davenport and City Attorney Carmen Beery.

APPROVAL OF MINUTES

Ann Zimmerman moved to approve the minutes of March 17, 2021. Dru Van Doren seconded and the motion carried by unanimous voice vote.

NEW BUSINESS

Appointment of new member John Hatch

Mr. Hatch did not attend the meeting.

Public Hearing

715 Colorado Blvd.-Chris Depweg request to allow a fence up to seven ft. high where the maximum is 6 ft.

Chairman Smith opened the public hearing at 5:51 pm.

Mike Davenport presented the staff report outlining the request. The applicant indicated that he would like to build the fence to 7 ft. to keep his dog from jumping over his current vinyl fence.

There was an email sent to the City Clerk from Chris Risley at 720 Colorado Blvd. opposing the 7 ft. fence

Chairman Smith closed the public hearing at 6:14 p.m.

Doug Smith moved to approve Resolution #VB 21-02; A resolution approving an application for a variance at 715 Colorado Blvd. to allow a rear yard fence up to 7 ft. high Dru Van Doren seconded and the motion passed by a unanimous roll call vote.

ADJOURN

With no further business before the board Chairman Smith adjourned the meeting at 6:16 p.m.

CITY OF IDAHO SPRINGS

Variance Board Communication



MEETING DATE: JUNE 16, 2021

REPORT DATE: JUNE 9, 2021 **DRAFT**

FROM: JERAD CHIPMAN, COMMUNITY DEVELOPMENT PLANNER

THROUGH: ANDREW MARSH, CITY ADMINISTRATOR

RE: PROPOSED PARKING EXPANSION AT 1047 MINER STREET
VARIANCE REQUEST TO ALLOW GRAVEL PARKING
WHERE THE REQUIREMENT IS A PAVED SURFACE

PROPOSAL:

Jerry Blackwell (the Applicant), owner of 1047 Miner Street (the Property), requests approval of a variance to allow gravel to be utilized as a surface for a parking expansion where the allowable surface is a paved surface. The purpose of the request is to allow for parking of vehicles associated with a new off-road touring business to be operated from the Property.

ROLE OF THE VARIANCE BOARD:

The Board's Authority. 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 must be considered an extraordinary remedy. When considering a variance from a standard in the LDR, the Variance Board shall apply the criteria listed later in this staff report.

Conditions. In granting any variance, the Variance Board may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan.

BACKGROUND:

Property description. The Property has a two-story house that sits on the south side of Miner Street between 10th Avenue and 11th Avenue. There is an alley along the south side of the property, which allows access to the rear of the site. The rear yard has recently been modified from a fenced in residential backyard to a gravel parking area in preparation for the new business operation.

Zoning and Land Use. This property is zoned Commercial Two (C-2). The neighboring properties are zoned and used per the below table:

Location	Adjacent Land Use	Adjacent Zoning
North	Residential	R-1
East	Civic – Recreation Center	C-2
South	Accessory Uses	C-2
West	Residential	C-2

Previous applications. There have been other associated business license requests for the Property.

Parking lot regulations. The City has the following regulations for the proposed parking spaces.

Sec. 21-126. – Location; parking and loading.

(A) Off-street parking.

(3) All parking areas shall be surfaced with asphalt, or concrete.

Proposed parking area. The Applicant proposes utilizing a gravel surface for parking related to a business. The letter from the Applicant refers to gravel surface and its proposed location.

STAFF ANALYSIS OF VARIANCE CRITERIA:

Per Section 21-109 of the Land Development Regulations, 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 the requirements of this Chapter, the Variance Board shall apply the criteria set forth below.

- 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 Applicant's' property boundaries, or unique circumstances related to existing structures or topographic conditions.*

Staff Analysis: There are other properties within the general vicinity that contain gravel parking areas. However, the area was previously fenced and utilized as a backyard for a residential dwelling unit. The change of use for the site requires improvements to comply with the Zoning Ordinance. If other locations in the vicinity were to change uses as allowed within their current zoning, those properties would be required to conform to the Zoning Ordinance regulations regarding any proposed improvements.

- 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: A change in the design of the parking area from gravel to an asphalt or concrete surface would eliminate the need for a variance.

3. *The need for the variance does not result from the intentional, reckless or negligent actions of the Applicant 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 need for the variance is a result of the intentional choice/preference of the applicant to use gravel instead of the required asphalt or concrete.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: The proposed variance, if successful, has the potential to affect the neighbors due to the increased potential for dust to be generated on the site and for dust and gravel debris to be spread from the site into the adjacent alley and surrounding properties.

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

Staff Analysis: The variance request does not represent the minimum variance that will allow for reasonable use of the land as pavers or another solution that more closely met the intent of the Ordinance could have been sought.

6. *The granting of the variance will:*

- a. *Observe the spirit of this Chapter;*

Staff Analysis: The proposed variance would not meet the spirit of this chapter as a variance is meant to be an extraordinary remedy to hardship. It is staff's opinion that the circumstances are not extraordinary in nature.

- b. *Secure the public safety and welfare; and,*

Staff Analysis: The gravel parking space will have little effect on the public safety and welfare of surrounding properties.

- c. *Ensure that substantial justice is done.*

Staff Analysis: If granted, the variance could be cited by other business as an example of a newly created gravel parking location that does not meet City Ordinance.

REFERRALS:

The application was referred to the following, with specific comments noted.

- City Administrator – reviews all staff reports to City boards.
- City Attorney – reviews all staff reports to City boards.
- City Clerk
- Public Works Director
- SAFEbuilt, the City's building consultant
 - *It is the City Engineer's preference that the parking be paved.*

PUBLIC NOTICE:

A sign is posted on the property, and letters were sent to the owners of properties within 300 feet of this property, using information from the Assessor listed on the County's "Clear Map" website.

PUBLIC COMMENT:

As of the date of this report, no public comments were received.

PLANNING STAFF SUMMARY AND RECOMMENDATION:

Staff recommends denial of the requested variance, based on the finding the application does not meet the criteria for approval.

POTENTIAL MOTIONS

To Render a Decision:

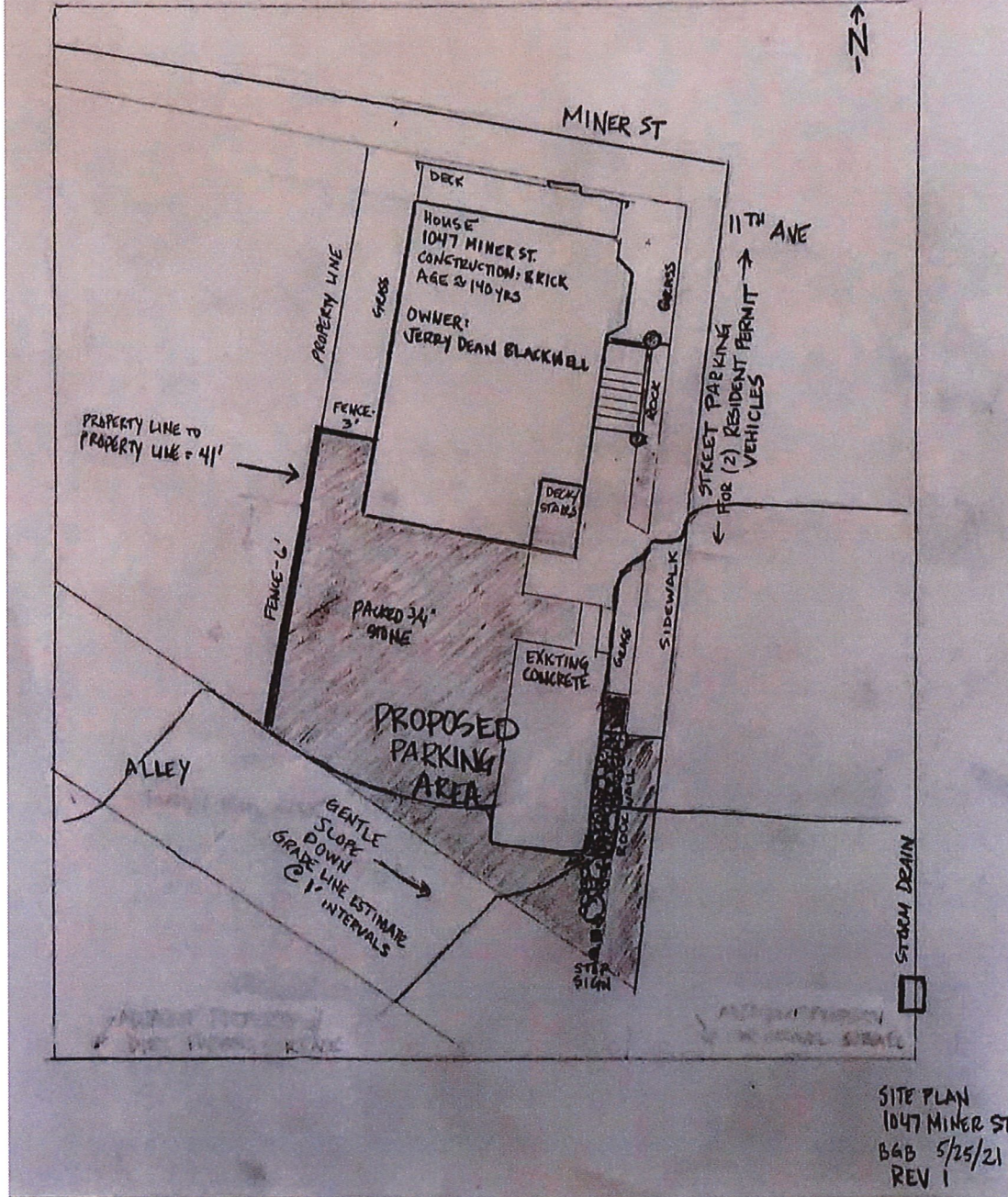
Based on the findings made on the record of this matter, I move to ***[APPROVE – CONDITIONALLY APPROVE - OR DENY]*** the Application for A Variance At 1047 Miner Street to Allow A Gravel Surface To Be Utilized For Parking.

- If Conditional approval is made by the Board, the Board must then specify any/all condition(s).

To Continue the Hearing:

I move to continue this hearing until ***[insert a date certain]*** for the purposes of ***[explain why more time or what additional evidence is needed]***.

SITE PLAN
 1047 MINER ST.
 VARIANCE REQUEST



Site Plan – the proposed parking area is located behind the house and is shaded in gray.



Site Plan – Blue indicates the proposed parking area. The majority of the area is proposed to be gravel. A section of the area is composed of existing concrete.

2020 Aerial photography courtesy of Clear Map.



Existing Condition of the parking area.

From: JD Blackwell <jerrydeanblackwell@gmail.com>
Sent: Wednesday, May 26, 2021 3:51 PM
To: Community Development Planner <planning@idahospringsco.com>
Cc: Andrew Marsh, City Administrator <admin@idahospringsco.com>; Wonder Martell <adminsec@idahospringsco.com>; Diane Breece, City Clerk <cityclerk@idahospringsco.com>; Branden Burden <b@jeeptourcolorado.com>; Alma @ Jeep Tours Colorado <a@jeeptourcolorado.com>
Subject: Re: FW: Variance application

Attached site plan

1047 miner street variance application.

On Wed, May 26, 2021, 3:47 PM JD Blackwell <jerrydeanblackwell@gmail.com> wrote:
Dear City of Idaho Springs planning committee,

I am applying for a variance for the address 1047 miner Street Idaho Springs, Co 80452.

The project which the variance will apply to is the operation of a Jeep tour company "Native Jeeps". Native Jeeps will meet clients and embark on tours throughout Clear Creek County from the address

I am requesting a variance to the ordinance **section 21-126 A3 (Location : Parking and Loading) "A : Where possible, off street parking spaces shall be located on the same property as the use required to provide such space, but space may be composed of 1 or severe parcels..... (3) All parking areas shall be surfaced with asphalt or concrete.**

The specific variance we are requesting is to be allowed to utilize the partial concrete parking spaces and packed crushed 3/4' stone pavement as a parking area. (Photo and site plan attached)

(a) 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 applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.

- There are several other lots in the immediate area that are being utilized in commercial operations and have lesser crushed gravel surfaces than exists currently at 1047 miner Street.
- We are also moderately concerned that operation of packing machinery and heavy machinery to dig and pour new parking spaces can affect the integrity of the structure of the property as it was constructed in 1880
- There is also some concern that the subsurface soil itself should not be disturbed as it was previously an active mining and railway location
- The existing surface of the proposed parking area is sufficient for the minimal use of parking we would need.

(b) 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 does not involve unreasonable expense under the circumstances.

There are no reasonable design alternatives or alternative locations for structures that we are aware of.

(c) The need for the variance does not result from the intentional, reckless or negligent actions of the applicant 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.

No

(d) Reasonable protections are afforded adjacent properties.

Yes, there is one adjacent property and they will remain completely unaffected.

(e) The variance is the minimum variance that will make possible the reasonable use of the land or structure.

Yes, We believe it is the minimum variance that will make possible the reasonable use of the land or structure.

(f) The/ granting of the variance will:

(1) Observe the spirit of this Chapter;

Yes

(2) Secure the public safety and welfare;

Yes

(3) Ensure that substantial justice is done.

Yes

Proof of ownership * mortgage company is issuing a title commitment in four days. They advised the county would have one on file.

Application fee* ready to pay as needed.