



**VARIANCE BOARD OF ADJUSTMENTS  
AGENDA  
MARCH 17, 2021  
5:30 PM**

**Call to Order**

**Roll Call**

**Approve Minutes of December 16, 2020**

**New Business-**

**Public hearing-**

**CDOT/RJS Storage Variance request for using rusted metal as fence material at 200 Whitewater Road.**

**Move to approve #VB 21-01; A resolution approving an application for the use of rusting metal as the material for a replacement fence facing County Road 314 at 200 Whitewater Road.**

**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](mailto:cityclerk@idahospringsco.com) contact information including name and phone number by 5 PM on the day of the scheduled meeting.

Testimony in person: a limited number of people with proper face coverings will be allowed in City Hall one-at-a-time. Appear at City Hall 30 min prior to hearing time. Knock at front door.



**VARIANCE BOARD OF ADJUSTMENTS  
MINUTES  
DECEMBER 16, 2020**

**CALL TO ORDER**

Chairman Smith called the meeting to order at 5:35 PM.

Board members present were: Doug Smith, Ann Zimmerman and Dru Van Doren.  
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 October 28, 2020. Dru Van Doren seconded and the motion carried by unanimous voice vote.

**NEW BUSINESS**

**1628 Virginia St.** request to reduce up to half of the required parking spaces from standard size at 9ft. by 18ft. to compact size at 8ft. by 16ft.

Chairman Smith opened the public hearing at 5:37 pm.

Mike Davenport presented the staff report outlining the request. Molly Wheelock, Architect for Blue Spruce Habitat for Humanity was sworn in and gave testimony to the request for the reduction to compact parking spaces. There was no public comment.

Chairman Smith closed the public hearing at 5:56 p.m.

Dru Van Doren moved to approve Resolution #VB 20-04; A resolution approving an application for a variance at 1628 Virginia Street to allow 8 compact parking spaces to substitute for 5 of the required standard parking spaces. Ann Zimmerman seconded and the motion passed by a unanimous roll call vote.

**1614 Wall St.** request to reduce the front setback from 20 ft. to 12 ft.; reduce the minimum lot width from 50 ft. to 45 ft.; reduce minimum lot size from 5000 sq. ft. to 3900 sq. ft.

Chairman Smith opened the public hearing at 5:57 p.m.

Mike Davenport presented the staff report outlining the requests presented by the applicant. The applicant, Michael Kastenbaum was sworn in indicated that he is asking for the requests to build a duplex, to build per zoning. That is why he purchased the land. Jim Conlin who resides at 3201 Riverside Drive stated that Mr. Kastenbaum with the proper design will improve the property.

Molly Wheelock who resides at 49 Box Elder Dr. in Paonia, CO states that the requests allow for reasonable development.

Chairman Smith closed the public hearing at 6:32 p.m.

Ann Zimmerman moved to approve Resolution #VB 20-05; A resolution approving an application for a variance at 1614 Wall St. to reduce the front yard setback from 20 ft. to 12 ft. Dru Van Doren seconded and the motion passed by a unanimous roll call vote.

Ann Zimmerman moved to approve Resolution #VB 20-06; A resolution conditionally approving an application for variances at 1614 Wall Street to reduce the minimum lot width from 50ft to 45ft.; and to reduce the minimum lot size from 5,000 sq. ft. to 3,900 sq. ft. 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 6:35 p.m.

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 21 - 01

A RESOLUTION APPROVING AN APPLICATION FOR THE USE OF RUSTING METAL AS THE MATERIAL FOR A REPLACEMENT FENCE FACING COUNTY ROAD 314 AT 200 WHITEWATER ROAD

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application requesting approval of the use of rusting metal for a replacement fence facing County Road 314 (the "Application") at 200 Whitewater Road, Idaho Springs, Colorado (the "Property"); and

WHEREAS, the Property is zoned Light Industrial (LI); and

WHEREAS, the Idaho Springs Municipal Code ("Code") Section 21-210, concerning fences, walls and retaining walls, refers to and incorporates the provisions and requirements of the City's Standards and Specifications for Design and Construction (the "Standards"); and

WHEREAS, Section 12.1 of the Standards provide that industrial fences shall utilize chain link as a general rule, while allowing an applicant to propose some alternative fence material; and

WHEREAS, Section 12.1 of the Standards allows for the use of such alternative fence materials if the Variance Board approves the proposed alternative after reviewing and assessing the fence material "in reference to the overall project and historical factors"; and

WHEREAS, after conducting a public hearing on the Application after due and proper notice of the same was given, and after reviewing all the evidence and testimony given at the hearing, the Board finds that the proposed alternative fencing is appropriate at the proposed location upon the Property in reference to the overall project and historical factors.

NOW, THEREFORE, BE IT RESOLVED BY THE VARIANCE BOARD OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

**Section 1. Findings:** The Application filed by RSJ Storage, LLC, et al., as owner of the property known as 200 Whitewater Road, Idaho Springs, Colorado, proposing the use of rusting metal for a replacement fence facing County Road 314, is a reasonable and appropriate alternative to chain link fencing.

The Board finds that rusted metal is a widely present material as a remnant of the mining history in many mining communities. As a way of referring to that history, there is increasing use of rusted metal for new buildings in former mining communities. Rusted metal is a more durable material than the existing cedar fence, and it provides a more effective screen than either cedar fencing or chain link.

**Section 2. Decision:** Based on the findings set forth in Section 1 above, the Board

hereby APPROVES the Application.

DONE and ORDERED by a vote of \_\_\_\_ to \_\_\_\_ , on March 17, 2021.

\_\_\_\_\_  
, Chair

ATTEST:

\_\_\_\_\_  
Diane Breece, Clerk to the Board

# CITY OF IDAHO SPRINGS

## Variance Board Communication



**MEETING DATE:** MARCH 17, 2021

**PRESENTED BY:** MICHAEL DAVENPORT  
COMMUNITY DEVELOPMENT PLANNER

**ITEM:** PROPOSED REPLACEMENT FENCE ALONG EAST IDAHO SPRINGS ROAD  
(COUNTY ROAD 314)  
FOR THE PROPERTY AT 200 WHITEWATER ROAD -  
REQUEST FOR USING RUSTED METAL AS FENCE MATERIAL

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**PROPOSAL:**

For a replacement fence along East Idaho Springs Road (County Road 314) at 200 Whitewater Road, the Applicant proposes a material not listed in the City's Standards and Specifications for Design Construction as referenced by Municipal Code Chapter 21, the City's Land Development Regulations.

**REQUEST:**

The Applicant requests approval of the use of rusted metal for the replacement fence.

**ROLE OF THE VARIANCE BOARD:**

**The Board's Authority.** Per Section 12.1.2.B.3 of the "Standards and Specifications for Design and Construction" (SSDC) of the City of Idaho Springs, the Variance Board may authorize fencing alternatives to chain link for a municipal or industrial fence. When considering a proposal for alternative material, the Variance Board shall apply the criteria listed later in this staff report.

**EXISTING CONDITIONS:**

**Existing property.** Mountain Mini Storage is located at 200 Whitewater Road. RSJ Storage LLC owns the property. An existing fence runs along the rear of the property, facing County Road (CR) 314. The property has a very long boundary along CR 314 and a very shallow depth between CR 314 and Whitewater Road. The property serves as a storage area for recreational vehicles (RVs) and includes mini-storage units.

**Surrounding area.** In this area, the land south of CR 314 is steeply sloping and forested, and zoned for light industry and (further east) for rural multifamily residences. By comparison the land north of CR 314 to Interstate 70 is generally level and zoned for industrial uses.

**The project.** As noted in the application cover letter, the Colorado Department of Transportation (CDOT), in partnership with the City of Idaho Springs and Clear Creek County, is planning improvements along CR 314 between the Veterans Memorial Tunnels and the Shelly/Quinn Fields. The improvements include roadway widening, resurfacing, and the addition of a Greenway trail on the north side of the road, adjacent to the RV storage area. These improvements require the acquisition of additional right-of-way (ROW) from adjoining

properties, including a ten-foot strip running along this property. To construct the Greenway trail, it will be necessary to remove and replace the fence facing CR 314. The existing fence both encloses the property and largely screens from view along CR 314 the RVs stored on the property.

**Prior approvals.** In 2004, the City of Idaho Springs annexed the property as part of the much larger Hidden Valley Annexation. The annexation also involved the creation of three new zoning districts, including the Light Industrial (LI) zone district which applies to this property. The outdoor storage uses that existed on the property at time of annexation were allowed to continue, as was the location of the existing fence.

**Physical characteristics.** The existing six foot (6') high fence sets back ten feet (10') from the existing CR 314 ROW or property line. The fence sits on top of a low berm, with a concrete block retaining wall behind the berm. As shown on the attached plans, the base of the proposed fence will be closer to road level than the existing fence.

**Proposed fence material.** The property owner proposes using rusting metal for the replacement fence, instead of chain link called for in the SSDC. Rusted metal is increasingly being used as a construction material in mountain communities to reflect their mining history. The drawings included with this memo include a photograph of the existing fence and a photograph of the proposed material at another location.

#### **CODE REQUIREMENTS:**

LDR Section 21-210 contains requirements for fences, walls, and retaining walls. Section 21-210 does not specify fence materials other than regulations related to schools and similar uses as well as the use of barbed wire. However, subsection 21-210(B) refers to additional requirements that can be found in the SSDC. Section 12.1 "Fences and Walls" of the SSDC includes the following provisions that specifically apply to Industrial fences, such as the fence at issue:

*12.1.2.A Municipal and Industrial Fences. Municipal and industrial fences shall utilize chain link fence.*

*12.1.2.B.1 Other fencing may be proposed for municipal and industrial applications in lieu of chain link fence.*

*12.1.2.B.2 The alternative fence will be reviewed and assessed in reference to the overall project and historical factors.*

*12.1.2.B.3. The Variance Board and City Administrator shall have the authority to approve such alternative fencing.*

#### **STAFF ANALYSIS OF REVIEW CRITERIA:**

As noted above, the SSDC states the following criteria for review of an alternative fence.

*12.1.2.B.2. The alternative fence will be reviewed and assessed in reference to the overall project and historical factors.*

**Overall project.** The project along this section of CR 314 consists of (a) road widening and resurfacing, (b) acquisition of additional right-of-way and construction of a Greenway trail, and (c) replacement of the fence on the property from which the Greenway trail ROW is being acquired.

**Historical factors.** Rusted metal is a widely present material as a remnant of the mining history of many mining communities. As a way of referring to that history, there is increasing use of rusted metal for new buildings in former mining communities.

**Proposed fencing.** Rusted metal is a more durable material than the existing cedar fence, and it provides a more effective screen than either cedar fencing or chain link.

**PUBLIC NOTICE AND REFERRALS:**

The City provided public notice by a sign posted on the property and by letters sent to the owners of properties within 300 feet. Planning staff sent copies of the application to other City staff, City consultants, the County, and other entities for review and comment.

As of the time this report was prepared, no comments had been received from adjoining property owners or from the general public. Referral comments received so far include the following.

- Tracy Lawless with JVA (the City's Engineering Consultant). *I have reviewed the subject variance request, and take no exception.*
- John Bordoni, Public Works Director. *I have no issues with the request.*
- Stoy Steeper, County Engineer for Clear Creek County. *On behalf of the Clear Creek County Public Works Department, we have no objection to the to the proposed replacement fence along C.R. 314 Road at 200 Whitewater Road as detailed in the referral by City of Idaho Springs. We do request that all unnecessary obstructions such as the boulders used to support the existing fence be removed from the right-of-way area between the edge of the road and proposed fence.*
- Xcel Energy: See the attached letter.

**STAFF RECOMMENDATION:**

Based on a finding that the request meets the criteria for approval, staff recommends approval.

**PROPOSED MOTIONS AND FINDINGS:**

Based on the findings made on the record of this matter and in the Resolution, I move to approve Resolution #VB 21-01, a resolution approving an application for the use of rusting metal as the material for a replacement fence facing County Road 314 at 200 Whitewater Road.

**ATTACHMENTS:**

- Land Use Application (5 pages) including:
  - Cover letter, March 1, 2021 (1 page)
  - Land Use application form, March 2, 2021 (1 page)
  - Drawings, March 2, 2021 (3 pages)
- Xcel Energy letter, March 11, 2021 (1 page)
- Proposed resolution (2 pages)

/mjd



**COLORADO**  
**Department of Transportation**  
Region 1

West Program  
425A Corporate Cr  
Golden, CO 80401

City of Idaho Springs  
1711 Miner St  
P.O. Box 907  
Idaho Springs, CO 80452-0907

RE: Mountain Mini Storage Variance Request

March 1st, 2021

Dear City of Idaho Springs Review Board,

The Colorado Department of Transportation in partnership with the City of Idaho Springs and Clear Creek County is planning public improvements to County Rd 314 from the Veterans Memorial Tunnels to Shelly/Quinn Fields. The overall project, CR 314 PH II Improvements, will include portions of roadway widening, resurfacing, and an addition of a Greenway Trail. Additional right of way is required for these public improvements of which RSJ Storage LLC ETAL is one of the impacted property owners. CDOT is requesting a variance to the City of Idaho Springs' municipal code section 21-210(b) on behalf of the property owner of Mountain Mini Storage, RSJ Storage LLC ETAL.

The project will require a rebuild of the existing portion of fence that abuts CR 314 at this property. The horizontal location of the new fence will be a consistent offset from the proposed right of way line. The current fence on the property is built at a height of 6' plus the height of the retaining wall. In order to minimize further impacts to the property permission to continue the existing combination of 2-foot concrete block for retaining soil and a 6-foot fence is requested. The retaining block helps reduce construction impacts by minimizing regrading of the property. Many of the Mountain Mini Storage customers are out of state and requiring them to move their RVs for construction would be very difficult and place additional hardship on the property owner and its customers. Additionally the 6-foot fence height is required to match the existing adjacent fence height. A benefit of the fence height is that it provides a consistent clean look from County Road by reducing visibility of the RVs. A variance to section 21-210(B) is requested, which refers to additional requirements in the "Standards and Specifications for Design and Construction" (SSDC). Section 12.1 "Fences and Walls" of the SSDC includes the following requirement, *12.3 Municipal and Industrial Fences. Municipal and industrial fences shall utilize chain link fence.* The owner has requested that the fence be constructed from rusted corrugated metal, a material they have found weathers much better in mountain climates and that they have used in other similar applications in their other properties. Cedar fencing weathers very poorly and deteriorates while the rusted metal increases its patina with age and actually improves in appearance.

Lastly, CDOT is re-establishing a uniform landscape plan along the greenway. The current land use plan for the property includes a detailed landscape plan. We request that the CDOT landscape plan replace the landscaping requirement in the Adesta Official Development Plan Case #01-PDA-03 as well as any other landscape plans that may currently apply to the Property.

In order to provide these public improvements to CR 314 of which the City of Idaho Springs will benefit from, it is our recommendation that these variances as described above be approved. Please reference the application form, plan sheet, and landscape plan for further details. Thank you for your consideration of the matter.

Sincerely,

Robert Van Horn, PE  
Project Manager  
Colorado Dept. of Transportation





<b>Staff Use Only</b>	
Deposit: _____	Fee: _____
Received By: _____	
Cash _____	Credit Card _____
Check# _____	
Date: _____	

# Idaho Springs Land Use Application

**1. This is the master land use form for the City of Idaho Springs. Please use to apply for:**  
(Please select one of the following as appropriate, you must fill out one application for each desired use)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Administrative (Subdivision) | <input type="checkbox"/> Annexation                    | <input type="checkbox"/> Conditional Use Waiver |
| <input type="checkbox"/> Plat Major Subdivision       | <input checked="" type="checkbox"/> Variance or Appeal | <input type="checkbox"/> RV Park                |
| <input type="checkbox"/> Planned Development Overlay  | <input type="checkbox"/> Minor Subdivision             | <input type="checkbox"/> Site Plan              |
| <input type="checkbox"/> HPRC                         | <input type="checkbox"/> Rezoning                      |   |
| <input type="checkbox"/> Temporary Use                | <input type="checkbox"/> Other: _____                  |   |

**2. Project Name:** County Rd 314 Phase II  
Please print or type legibly

**3. Contact information:** (a list of additional contacts may be attached)

Owner Name: <u>Ron Jones of RSJ Storage</u>	Applicant Name: <u>Robert Van Horn (CDOT)</u>
Address: <u>PO BOX 400 Tabernash, CO</u>	Address: <u>425 Corporate Cr Golden, CO</u>
Telephone: _____ Fax: _____	Telephone: <u>720-497-69</u> Fax: _____
E-mail: <u>rsj383@gmail.com</u>	E-mail: <u>robert.vanhorn@state.co.us</u>

**4. Property Description:**

Address or Location: 200 Whitewater Rd Idaho Springs, CO 80452  
Existing Zoning: L 1 Existing Use: RV Storage  
Proposed Zoning: L 1 Proposed Use: RV Storage

**5. Purpose:** (describe intent of this application in 1-2 sentences)

Appropriate Action is requested from the City of Idaho Springs regarding the fence  
all as described in the attached letter due to the CR 314 project acquiring ROW from

**6. Certification:** (must be signed in blue ink)

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this

Owner:  Date: 3-2-21 AND

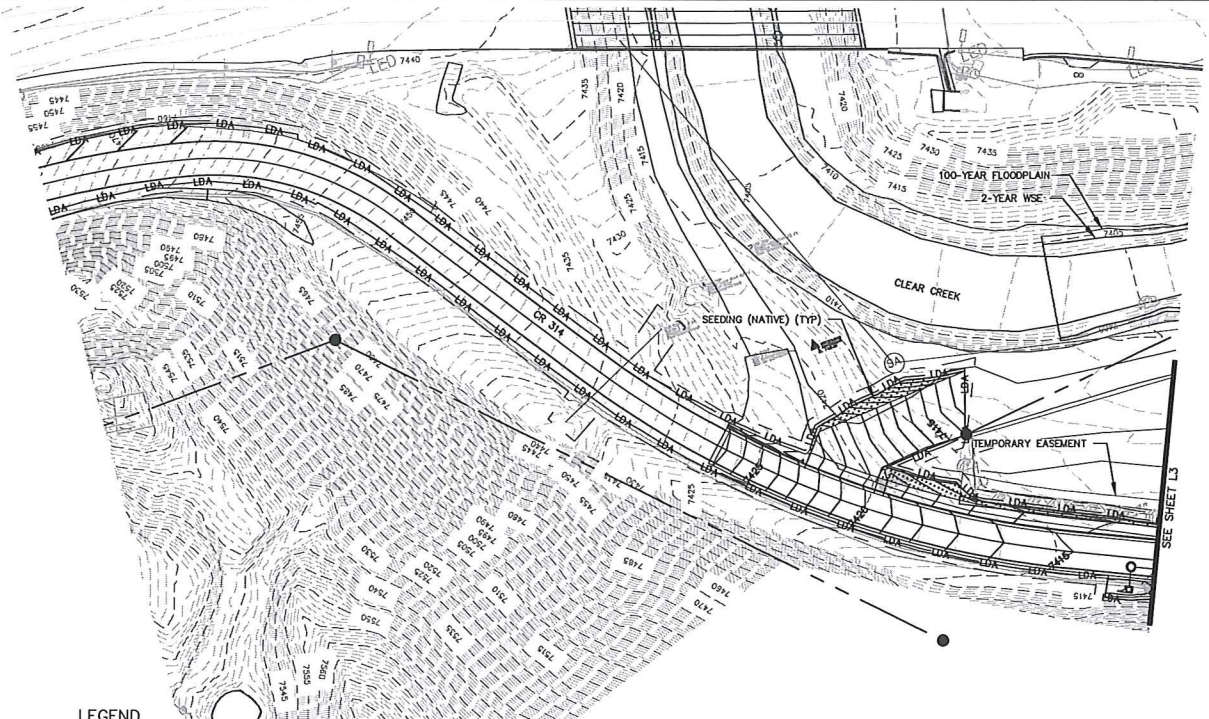
I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the City of Idaho Springs must be submitted prior to processing this application.

Applicant: Robert Van Horn Date: 3/2/2021

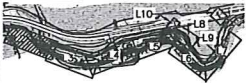




Know what's below.  
Call before you dig.



KEYMAP

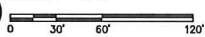


LEGEND

- SEEDING (NATIVE)
- SOIL PREPARATION (SPECIAL)
- SHRUB PLANTINGS
- DORMANT LOG CUTTING
- DECIDUOUS SHRUBS
- EVERGREEN TREE
- DECIDUOUS TREE
- WILLOW TRENCH
- ROW
- LIMITS OF DISTURBANCE
- LIMITS OF CONSTRUCTION
- TOP OF CUT
- TOE OF FILL



SCALE: 1" = 60'-0"



Print Date: 07/10/2020
File Name:
Horiz. Scale: Vert. Scale: As Noted
Mountain Residency NTO
associates inc.

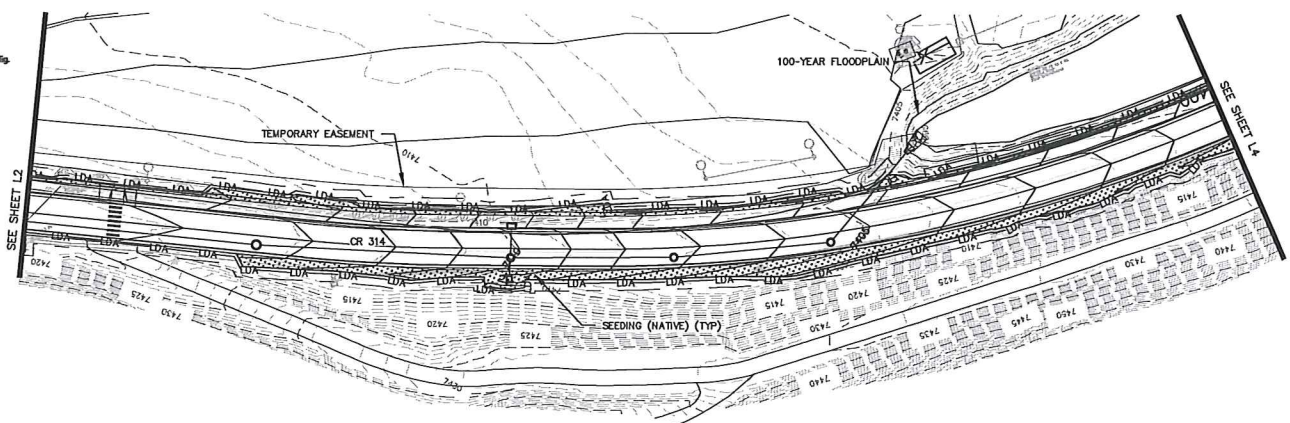
Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation  
  
 425 A Corporate Circle  
 Golden, CO 80401  
 Phone: 720-437-6928  
 Region 1

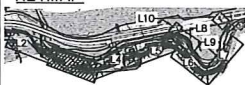
As Constructed  
 No Revisions:  
 Revised:  
 Void:

CR314 IMPROVEMENTS  
 LANDSCAPE PLANS  
 Designer: SS  
 Detoller: SS  
 Structure Numbers  
 Sheet Subst: LANDSCAPE Subst Sheets: L2 of 10

Project No./Code  
 c 0510-030  
 22734  
 Sheet Number 193

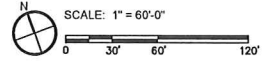


**KEYMAP**



**LEGEND**

- SEEDING (NATIVE)
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- TOE OF FILL



Print Date: 07/10/2020
File Name:
Horiz. Scale: Vert. Scale: As Noted
Mountain Residency NTO

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation  
  
 425 A Corporate Circle  
 Golden, CO 80401  
 Phone: 720-497-6928  
 Region 1

As Constructed  
 No Revisions:  
 Revised:  
 Void:

**CR314 IMPROVEMENTS  
 LANDSCAPE PLANS**  
 Designer: SS  
 Detaller: SS  
 Sheet Subset: LANDSCAPE

Project No./Code	c c510-030
Structure Number	22734
Sheet Number	194

Subst Sheets: L3 of 10



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.571.3306  
Facsimile: 303. 571. 3284  
donna.l.george@xcelenergy.com

March 11, 2021

Idaho Springs Community Development Planning Department  
1711 Miner Street – PO Box 907  
Idaho Springs, CO 80452

Attn: Michael Davenport

**Re: County Road 314 Phase II**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **County Road 314 Phase II** and has no concerns with the requested fence variance.

However, please be aware there are existing overhead electric transmission lines crossing a portion of County Road 314 that is affected by the proposed road widening. As a matter of safety, the property owner/developer/contractor is advised to have this project assigned to a Land Rights Agent within our Siting and Land Rights department for development plan review via either website [www.xcelenergy.com/rightofway](http://www.xcelenergy.com/rightofway) or email [coloradorightofway@xcelenergy.com](mailto:coloradorightofway@xcelenergy.com).

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)