



**VARIANCE BOARD OF ADJUSTMENTS
AGENDA
DECEMBER 16, 2020
5:30 PM**

**Call to Order
Roll Call
Approve Minutes of October 28, 2020
New Business- Public hearings**

1628 Virginia Street-Variance request to reduce up to half of the required parking spaces from standard size at 9 ft. by 18 ft. to compact size at 8 ft. by 16 ft. Move to approve #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

1614 Wall Street-Variance request to reduce the front setback from 20 ft.; reduce the minimum lot width from 50 ft. to 45 ft.; and to reduce the minimum lot size from 5,000 sq. ft. to 3,900 sq. ft. Move to approve #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. Move to approve #VB 20-06; A resolution conditionally approving an application for variances at 1614 Wall St. to reduce the minimum lot width from 50 Ft. to 45 ft.; and to reduce the minimum lot size from 5,000 sq. ft. to 3,900 sq. ft.

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.

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
OCTOBER 28, 2020**

CALL TO ORDER

City staff called the meeting to order at 5:30 PM.

Board members present were: Doug Smith, Ben Moore, and 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

Ben Moore moved to approve the minutes of July 08, 2020. Ann Zimmerman seconded and the motion carried by unanimous voice vote.

NEW BUSINESS

2126 Virginia St. request to reduce front setback from 15 ft. to 10.3 ft.

Chairman Smith opened the public hearing at 5:34 pm.

Mike Davenport presented the staff report outlining the request to reduce the front setback from the required 15 ft. to 10.3 ft. The applicant, Meghan Quigley stated that she wants to add an 8ft. deep porch of the front of her house and is asking for the variance to allow for the porch. There was no public comment.

Chairman Smith closed the public hearing at 5:59 p.m.

Doug Smith moved to approve Resolution #VB 20-02; A resolution conditionally approving an application for a variance from Code Section 21-63 to reduce the front setback from 15 ft. to 10.3 ft. Ben Moore 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 6:01 p.m.

Mike Davenport presented the staff report outlining the requests presented by the applicant. The applicant, Michael Kastenbaum indicated that he is asking for the requests to build a multifamily residence. There were no public comments.

Chairman Smith closed the public hearing at 6:59 p.m.

Doug Smith moved to approve Resolution #VB 20-03; A resolution approving an application for variances at 1614 Wall St. to reduce the front yard setback from 20 ft. to 12 ft.; reduce the minimum lot width from 50 ft. to 45 ft. and reduce the minimum lot size from 5,000 sq. ft. to 3,900 sq. ft. for intended multifamily use.

Ann Zimmerman seconded and the motion failed by a 2-2 vote with Ben Moore and Dru Van Doren voting no.

ADJOURN

With no further business before the board Chairman Smith adjourned the meeting at 7:00 p.m.

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. 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

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application for a variance and related documents (collectively, the "Application") from the owner of that property located at 1628 Virginia Street, Idaho Springs, Colorado (the "Property");

WHEREAS, the Property is located in the Residential-three (R-3) zone district;

WHEREAS, the Applicant proposes to develop the Property with four duplexes containing four units consisting of two (2) bedrooms and four units consisting of three (3) bedrooms; and

WHEREAS, Table 21-127-1 "Parking Requirements by Use" of the Idaho Springs Municipal Code ("Code") contains parking requirements based on the size of the dwelling units; and

WHEREAS, based on said Table in the Code, the resulting off-street parking spaces for the proposes development is 17 standard parking spaces; and

WHEREAS, the Application seeks approval to provide 12 standard parking spaces and to substitute 8 compact parking spaces for the other 5 standard spaces, with the resulting total parking spaces to be 20, more than the total minimum number of standard spaces required; and

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on December 16, 2020, at which time the applicant and all other interested parties were given the opportunity to be heard and to present evidence, as reflected in the record of those proceedings;

WHEREAS, Code Section 21-109 sets forth variance approval criteria; and

WHEREAS, based upon all of the testimony and evidence received at the December 16, 2020 public hearing, the Board finds that the Application, on balance, satisfies the variance approval criteria set forth in Code Section 21-109, as further set forth below.

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

Section 1. Findings: The Application filed by Blue Spruce Habitat for Humanity, as the owner of 1628 Virginia Street, for a variance from the parking standards of Table 21-127-1

of the Code, to allow the substitution of eight (8) compact parking spaces for five (5) of the required standard parking spaces upon the Property, satisfies the variance approval criteria set forth in Code Section 21-109, as a whole and on balance, as follows:

(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.

Finding: The Property is an unusually long and shallow site. The depth is further reduced by an existing concrete wall running through the site. The wall supports a steep bank. At the top of bank is a shared driveway running across the property and serving other properties on the north side of the driveway.

(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.

Findings: Because of the wall down the "middle" of the site, it is not possible to move the building farther north and thereby allow driveways long enough to accommodate standard length parking spaces. The proposed units have a very compact floor plan that would be difficult to further reduce in size. The number of proposed units has been reduced from 9 to 8.

(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.

Finding: The variance results from a very shallow property that is further reduced by an existing concrete wall, steep embankment, and private driveway serving other properties, none of which were created by the Applicant.

(4) Reasonable protections are afforded adjacent properties.

Finding: Reasonable protections are afforded adjacent properties because the variance seeks approval to provide more off-street parking spaces – 20 – than the number actually required by Code – 17.

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

Finding: Most of the proposed parking spaces are standard size, and the total number of spaces provided is more than the minimum number of required spaces. There are

few if any options for construction on this lot without the need for some kind of variance. The request for a portion of the required parking to be compact size is the minimum needed to make possible the reasonable use of the land.

(6) The granting of the variance will:

- a. Observe the spirit of this Chapter;

Finding: For the reasons stated in the above findings, the Board finds that the spirit of the Code and its zoning regulations would not be adversely undermined by a granting of this variance.

- b. Secure the public safety and welfare;

Finding: The proposed units will benefit the public welfare by being deed-restricted homes constructed through Habitat for Humanity to provide critical work force housing for the local community. Housing to provide for lower income levels is indicated in the 2018 Clear Creek County Housing Needs Assessment and the Idaho Springs Comprehensive Plan as one of the greatest needs in the community. The Comprehensive Plan mentions the City should explore means to incentivize workforce housing. Allowing this variance for the construction of the units would be in the best interest of the public welfare.

- c. Ensure that substantial justice is done; and

Finding: This property is already zoned for multifamily, but the applicant has few if any reasonable options to redevelop this property without the need for a variance.

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

Section 3. Effectiveness; Expiration. The variance granted hereby shall be effective for a period of one (1) year from the date of approval. Should the Applicant or her successor-in-interest and subsequent owner of the Property fail to obtain a building permit for the porch during this period, the variance granted hereby and this approval shall expire and forever terminate, unless an extension is granted in accordance with Code Sec. 21-109(G)3.d.

DONE and ORDERED by a vote of ___ to ___, on December 16, 2020.

, Chair

ATTEST:

Diane Breece, Clerk to the Board

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 20 - 05

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE AT 1614 WALL STREET TO REDUCE THE FRONT YARD SETBACK FROM 20 FEET TO 12 FEET

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application for a variance and related documents (collectively, the "Application") from the owner of that property located at 1614 Wall Street, Idaho Springs, Colorado (the "Property");

WHEREAS, the Property is located in the Residential-Three (R-3) zone district;

WHEREAS, pursuant to Idaho Springs Municipal Code ("Code") Section 21-63, the minimum front yard setback in the R-3 district is twenty feet (20');

WHEREAS, the Application seeks approval to reduce the front yard setback to 12 feet;

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on December 16, 2020, at which time the applicant and all other interested parties were given the opportunity to be heard and to present evidence, as reflected in the record of those proceedings;

WHEREAS, Code Section 21-109 sets forth variance approval criteria; and

WHEREAS, based upon all of the testimony and evidence received at the December 16, 2020 public hearing, the Board finds that the Application, on balance, satisfies the variance approval criteria set forth in Code Section 21-109, as further set forth below.

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

Section 1. Findings: The Application filed by Michael Kastenbaum, as the owner of 1614 Wall Street, for a variance from the front yard setback satisfies the variance approval criteria set forth in Code Section 21-109, as a whole and on balance, as follows:

(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.

Finding: The very narrow strip of level ground along the shared driveway limits the development of Lot 2. It is further constricted by the adjacent lots already having houses built to this narrower front setback. The existing topographic conditions of the Property, coupled with the lot dimensions that were approved by the City, constitute a hardship

that is not applicable to other lands in the R-3 zone district throughout the City.

(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.

Findings: Development of the Property is limited by the narrow strip of level ground and the steep slope that makes up most of the lot. Pushing a building further into the steep slope to the north would allow for adequate access but at a significant increase in construction costs.

(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.

Finding: The steep terrain and narrow strip of level land are topographic conditions that were not created by the Applicant. The City approved the rezoning of the Property to R-3 and the existing size and dimensions of Lot 2 prior to the Applicant's purchase of the Lot. Therefore, the need for the variance does not result from any action of the Applicant.

(4) Reasonable protections are afforded adjacent properties.

Finding: As mentioned above, neighboring properties have already been developed at or near the requested reduced front yard setback. Reasonable protections are likely not necessary to allow this property to be similarly developed to a reduced front yard setback.

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

Finding: The proposed 12-foot front setback is the minimum needed to accommodate the driveway shared with the lots to the east and west in the subdivision.

(6) The granting of the variance will:

a. Observe the spirit of this Chapter;

Finding: For the reasons stated in the above findings, the Board finds that the spirit of the Code and its zoning regulations would not be adversely undermined by a granting of this variance.

b. Secure the public safety and welfare;

Finding: The Board finds that this criterion is not relevant to the reduced front yard setback.

c. Ensure that substantial justice is done.

Finding: The proposed variance would allow development of the Property consistent with the reduced front yard development of neighboring and area properties, thus, achieving substantial justice.

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

Section 3. Effectiveness; Expiration. The variance granted hereby shall be effective for a period of one (1) year from the date of approval. Should the Applicant or his successor-in-interest and subsequent owner of the Property fail to obtain a building permit during this period, the variance granted hereby and this approval shall expire and forever terminate, unless an extension is granted in accordance with Code Sec. 21-109(G)3.d.

DONE and ORDERED by a vote of _____ to _____, on December 16, 2020.

, Chair

ATTEST:

Diane Breece, Clerk to the Board

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 20 - 06

A RESOLUTION CONDITIONALLY APPROVING AN APPLICATION FOR VARIANCES AT 1614 WALL STREET TO REDUCE THE MINIMUM LOT WIDTH FROM 50 FEET TO 45 FEET; AND TO REDUCE THE MINIMUM LOT SIZE FROM 5,000 SQUARE FEET TO 3,900 SQUARE FEET FOR MULTI-FAMILY USE

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application for a variance and related documents (collectively, the "Application") from the owner of that property located at 1614 Wall Street, Idaho Springs, Colorado (the "Property");

WHEREAS, the Property is located in the Residential-Three (R-3) zone district;

WHEREAS, pursuant to Idaho Springs Municipal Code ("Code") Section 21-63, the minimum lot width is fifty feet (50') and the minimum lot size is five thousand feet (5,000'); and

WHEREAS, the Application seeks approval to reduce the lot width to 45 feet and to reduce the lot size to 3,900 feet, which reductions would be necessary to develop the Property for multi-family use;

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on December 16, 2020, at which time the applicant and all other interested parties were given the opportunity to be heard and to present evidence, as reflected in the record of those proceedings;

WHEREAS, Code Section 21-109 sets forth variance approval criteria; and

WHEREAS, based upon all of the testimony and evidence received at the December 16, 2020 public hearing, the Board finds that the Application, on balance, satisfies the variance approval criteria set forth in Code Section 21-109, as further set forth below.

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

Section 1. Findings: The Application filed by Michael Kastenbaum, as the owner of 1614 Wall Street, for variances from the minimum lot size and minimum lot width requirements within the R-3 zone district to accommodate the intended development of the Property for multi-family dwelling purposes, satisfies the variance approval criteria set forth in Code Section 21-109, as a whole and on balance, as follows:

- (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.

Finding: The very narrow strip of level ground along the shared driveway limits the development of Lot 2. It is further constricted by the adjacent lots already having houses built to this narrower front setback. The Property is zoned R-3 which allows multifamily housing but was platted with less lot area and lot width than what is required for multifamily housing. The existing topographic conditions of the Property, coupled with the lot dimensions that were approved by the City, constitute a hardship that is not applicable to other lands in the R-3 zone district throughout the City.

(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.

Findings: Development of the Property is limited by the narrow strip of level ground and the steep slope that makes up most of the lot. Pushing a building further into the steep slope to the north would allow for adequate access but at a significant increase in construction costs. There do not appear to be reasonable design alternatives for a multi-family structure that would eliminate or reduce the need for the requested variance.

(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.

Finding: The steep terrain and narrow strip of level land are topographic conditions that were not created by the Applicant. The City approved the rezoning of the Property to R-3 and the existing size and dimensions of Lot 2 prior to the Applicant's purchase of the Lot. Therefore, the need for the variance does not result from any action of the Applicant.

(4) Reasonable protections are afforded adjacent properties.

Finding: Adjacent properties would be significantly impacted by a multi-family project on Lot 2. Adjacent lots are both used for single-family homes. The existing driveway access is inadequate for multi-family use; the existing water and sewer services are inadequate for multi-family use. There are likely additional impacts of a multi-family project on this relatively small lot that must be identified and mitigated by the Applicant for this criterion to be met.

These sorts of impacts could be identified and addressed through a Final Development Plan (FDP) process if the Applicant pursues such a process for multi-family use. Therefore, the Board finds that the following condition is necessary to ensure that this variance criterion is met:

- ❖ Development of the Property for any use permitted in the R-3 zone district, including but not limited to multi-family use, must meet all relevant standards and requirements of the Idaho Springs Municipal Code, including but not limited to required additional, expanded or improved public improvements (water, sewer, street/driveway access) and applicable impact fees.

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

Finding: The requested variances are the minimum variance that will make possible the use of the Property for multi-family dwelling purposes.

(6) The granting of the variance will:

- a. Observe the spirit of this Chapter;

Finding: For the reasons stated in the above findings, the Board finds that the spirit of the Code and its zoning regulations would not be adversely undermined by a granting of this variance.

- b. Secure the public safety and welfare;

Finding: The Board finds that this criterion is met only upon the imposition of the condition set forth under # 4 above.

- c. Ensure that substantial justice is done; and

Finding: The proposed variances would allow development of Lot 2 at the density contemplated by the R-3 zone designation.

Section 2. Decision: Based on the findings set forth in Section 1 above, the Board hereby **CONDITIONALLY APPROVES** the Application, the condition of approval being as follows:

- ❖ Development of the Property for any use permitted in the R-3 zone district, including but not limited to multi-family use, must meet all relevant standards and requirements of the Idaho Springs Municipal Code, including but not limited to required additional, expanded or improved public improvements (water, sewer, street/driveway access) and applicable impact fees.

Section 3. Effectiveness; Expiration. The variance granted hereby shall be effective for a period of one (1) year from the date of approval. Should the Applicant or his successor-in-interest and subsequent owner of the Property fail to obtain a building permit during this period, the variance granted hereby and this approval shall expire and forever terminate, unless an extension is granted in accordance with Code Sec. 21-109(G)3.d.

DONE and ORDERED by a vote of _____ to _____, on December 16, 2020.

, Chair

ATTEST:

Diane Breece, Clerk to the Board

CITY OF IDAHO SPRINGS

Variance Board Communication



MEETING DATE: DECEMBER 16, 2020

PRESENTED BY: MICHAEL DAVENPORT
COMMUNITY DEVELOPMENT PLANNER

ITEM: PROPOSED HOUSING AT 1628 VIRGINIA STREET
VARIANCE REQUEST TO ALLOW COMPACT PARKING SPACES
TO MEET A PORTION OF THE PARKING REQUIREMENT

PROPOSAL:

Blue Spruce Habitat for Humanity (hereafter referred to as "Habitat") proposes to develop four duplexes (a total of 8 dwellings) on its land at 1628 Virginia Street. Habitat requests a variance to reduce to compact size a portion of the required parking spaces.

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.

Future Role of Planning Commission and City Council. The Variance Board makes a decision regarding the requested variance. If the Applicant submits a Final Development Plan (FDP) application for approval of the project, City Council will make the decision on whether or not the project should be approved. This decision would occur after a recommendation by Planning Commission, and after public notice of both the Planning Commission hearing and the City Council hearing on the application.

BACKGROUND:

Property description. The property sits along the north side Virginia Street between 16th Avenue and 17th Avenue. The site consists of 12 lots totaling slightly more than 15,000 square feet (1/3 of an acre). The property has a long frontage (253 feet) along Virginia Street, but little depth (typically about 57 feet). However, the usable depth is limited to approximately 40 feet due to a tall concrete retaining wall holding up a steep embankment. On top of the embankment is a shared private driveway that runs across the north portion of the property and that serves two homes and a vacant lot on the north side of the driveway. The private driveway is approximately 22 feet higher than the usable, level portion of the Habitat property.

Recent history. Two mobile homes constructed in 1972 previously occupied this site. Habitat acquired the property as a site for affordable housing.

- **Previous variance.** At a meeting on October 17, 2019, the Variance Board approved a variance to reduce the required front and rear setbacks because of the site constraints mentioned above in the “Property description” section.
- **Previous community meeting.** A community meeting on the proposed housing project took place on February 4, 2020.

Zoning. The property is zoned Residential-Three (R-3). R-3 allows single family homes, duplexes, townhomes, and multifamily buildings. R-3 setbacks are 20’ front, 5’ side, and 20’ rear. The previously approved variance reduced the required setbacks to 16’ in the front and 15’ in the rear.

Proposed development. The Applicant previously planned to construct a total of 9 townhouse units divided among 3 buildings. The revised plan consists of 4 buildings with duplex units, for a total of 8 dwellings. The duplexes will be constructed through Habitat for Humanity and will be income-restricted owner-occupied work force housing. Each home has its own driveway and either 2 or 3 onsite parking spaces.

Proposed parking. Table 21-127-1 “Parking Requirements by Use” in Municipal Code Chapter 21 “Land Development Regulations” contains the following parking requirements, based on the size of the dwelling units proposed for the site.

Proposed units:	4 units with 2 bedrooms (BR)	4 units with 3 bedrooms (BR)
Size of units:	1009 square feet (sf)	1407 square feet (sf)
Parking requirement:	1.75 spaces/2 BR over 800 sf	2.5 spaces/3 BR unit over 900 sf
Parking spaces required:	4 units x 1.75 spaces/unit = 7 spaces	4 units x 2.5 spaces/unit = 10 spaces

Total required spaces	17 spaces
Proposed parking spaces:	
Standard (9’ x 18’ at 90 degrees)	12
Compact (8’ x 16’ at 90 degrees)	<u>8</u>
Total proposed spaces	20 spaces

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: The subject property is an unusually long and shallow site. The depth is further reduced by an existing concrete wall running through the site. The wall supports a steep bank. At the top of bank is a shared driveway running across the property and serving other properties on the north side of the driveway.

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: Because of the wall down the “middle” of the site, it is not possible to move the building farther north and thereby allow driveways long enough to accommodate standard length parking spaces. The proposed units have a very compact floor plan that would be difficult to further reduce in size. The number of proposed units has been reduced from 9 to 8. The proposed density is 22.8 dwelling units (du) per acre. For a comparison, the Riverbend housing project consisted of 47 units on 1.334 acres, or 15.6 du/acre.

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 variance results from a very shallow property that is further reduced by an existing concrete wall, steep embankment, and private driveway serving other properties.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: The variance would allow the Applicant to convert a site formerly occupied by two dilapidated mobile homes with 8 new workforce townhouse units in 4 buildings. They will be located behind the Elks Lodge and will take access from Colorado Blvd via 17th Avenue, passing a church to the west and a rectory building to the east. All parking will be on site, with three spaces more than the required by the Municipal Code. At the time of Final Development Plan there will be consideration of whether any road improvements (such as additional paving or curb and gutter) are needed along Virginia Street adjacent to the project.

The subject property takes up an entire block between 16th and 17th Avenues, and the closest house at the same grade level is at 1702 Virginia Street, approximately 32 feet to the east. Therefore, there is greater distance to an adjacent residence than would normally be required by side setbacks. The Applicant proposes architecture consisting of clapboard siding and pitched roofs, which is complementary of the existing Victorian-style houses in the vicinity.

The duplex buildings will be three stories. This is significantly higher than the one-story trailer homes that were previously on the property. However, the proposed housing will be within the 35' height limit allowed in the zone district. Also, because the proposed units will back up to a hill, the only existing houses that will be impacted by the additional height are at the extreme east and west ends of the property. Because grade at the houses to the north is approximately 22 higher than grade on the proposed site, the roofs of the existing houses and the roof of the proposed duplexes are at roughly the same height. Some of the adjacent houses' views could be obstructed by the new units, but because of the location of the existing houses on either end and the steep drop in topography, the majority of these existing residences' view corridors will remain unobstructed.

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

Most of the proposed parking spaces are standard size, and the total number of spaces provided is more than the minimum number of required spaces. There are few if any options for construction on this lot without the need for some kind of variance. The request for a portion of the required parking to be compact size is the minimum needed to make possible the reasonable use of the land.

6. *The granting of the variance will:*

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

Staff Analysis: A variance shall be considered an extraordinary remedy required to allow reasonable use of a property. The property shape, shallow depth, and physical limitations severely restrict the use of the property.

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

Staff Analysis: The proposed units will benefit the public welfare by being deed-restricted homes constructed through Habitat for Humanity to provide critical work force housing for the local community. Housing to provide for lower income levels is indicated in the 2018 Clear Creek County Housing Needs Assessment and the Idaho Springs Comprehensive Plan as one of the greatest needs in the community. The Comprehensive Plan mentions the City should explore means to incentivize workforce housing. Allowing this variance for the construction of the units would be in the best interest of the public welfare.

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

Staff Analysis: This property is already zoned for multifamily, but the applicant has few if any reasonable options to redevelop this property without the need for a variance.

REFERRALS:

Documents were provided to following.

- City Administrator – reviewed the staff report
- City Attorney – reviewed the staff report
- City Clerk
- Police Chief
- Public Works Director
- Water/ Wastewater Superintendent
- JVA, the City's engineering consultant – "We have no comments regarding the variance request."
- SAFEbuilt, the City's building consultant
- Clear Creek Fire Authority
- Xcel Energy – see attachment
- Clear Creek County EMS

- CDOT – “CDOT has no objections. This project is not on a State Highway. Thanks for the referral.”

PUBLIC NOTICE:

A sign is posted on the property, and letters were sent to the owners of properties within 300 feet of this property.

PUBLIC COMMENT:

Two persons contacted the Community Development Department regarding this application.

- One nearby property owner requested a copy of the Variance Board meeting packet. She did not make any comments regarding the variance request.
- One nearby resident called. He had several questions and made several comments:
 - From Wall Street to the north of this project side, 16th Avenue slopes down steeply towards the south. During the winter this can be a hazardous location caused by cars slipping on the snow and ice.
 - He had a concern that the height of the building may cause shade in the winter that would contribute to the above-mentioned problem.
 - Will there be street improvements made along Virginia Street?

PLANNING STAFF SUMMARY AND RECOMMENDATION:

Staff recommends approval of the requested variance because it meets the criteria for approval.

Because a retaining wall bisects the complete length of the upper half of the property, with a steep embankment, and private driveway serving other properties, the site is severely constrained. The applicant proposes 12 standard spaces and 8 compact spaces, a total of 20 spaces which exceeds the 17 spaces required by the Municipal Code.

This project is a Habitat for Humanity development that will supply owner occupied deed-restricted work force housing. Affordable housing is listed as a critical need in both the Clear Creek County Housing Needs Assessment and the Idaho Springs Comprehensive Plan.

PROPOSED MOTION AND FINDINGS:

I MOVE TO APPROVE THE REQUEST FOR A VARIANCE AT 1628 VIRGINIA STREET TO ALLOW UP TO 50% OF THE REQUIRED PARKING TO BE COMPACT PARKING SPACES, BASED ON THE FINDING THAT THE REQUEST MEETS THE CRITERIA FOR A PPROVAL.

ATTACHMENTS:

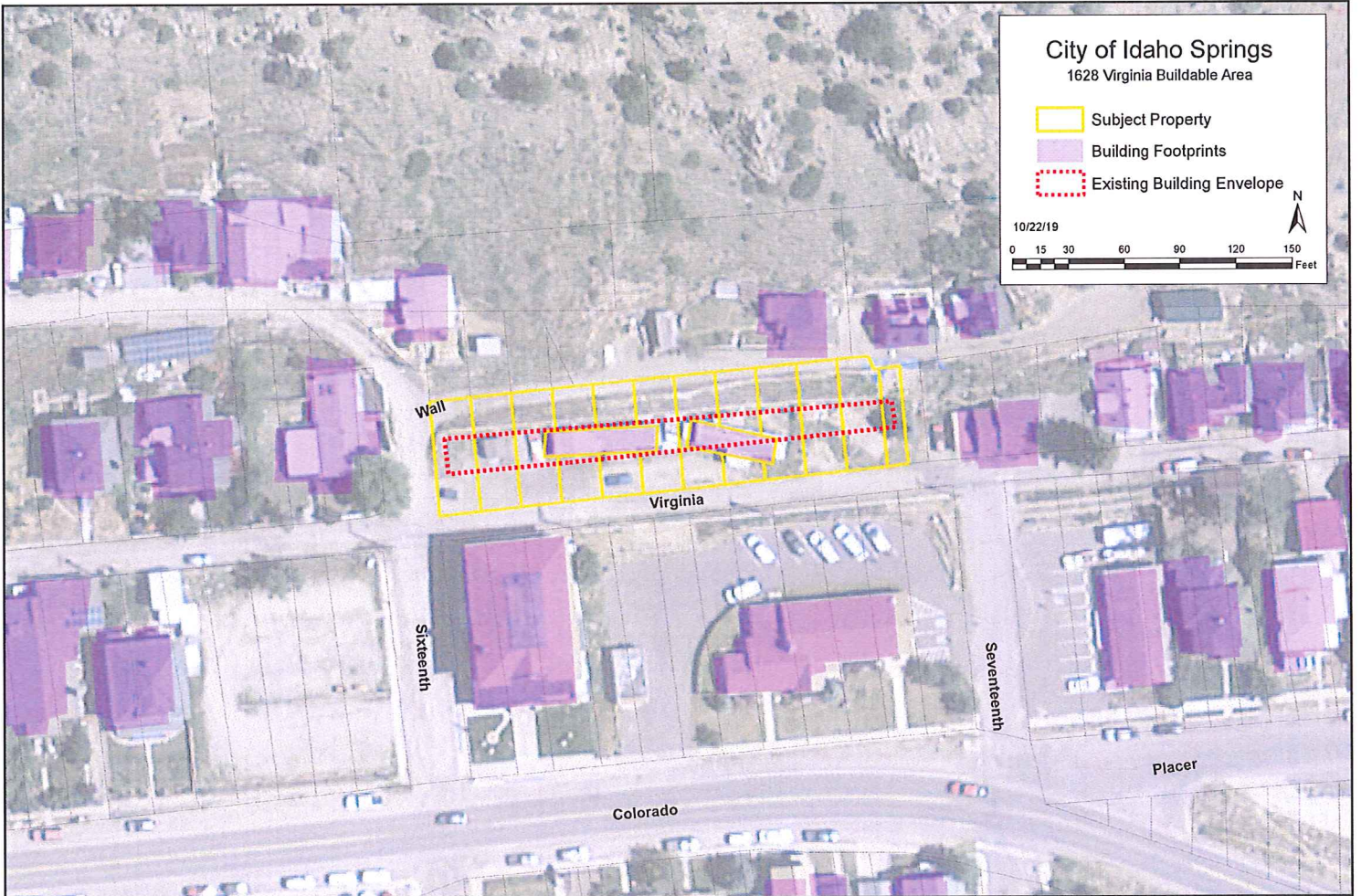
Vicinity Map (1 page)
Variance Request (2 pages)
Set of drawings (6 pages)
Xcel Energy letter (1 page)

/mjd

City of Idaho Springs
1628 Virginia Buildable Area

- Subject Property
- Building Footprints
- Existing Building Envelope

10/22/19



1628 VIRGINIA STREET TOWNHOMES – IDAHO SPRINGS

VARIANCE REQUEST

1. **VARIANCE APPLICATION [Must apply 21 days in advance]**
 - a. Fee: \$100
 - b. Survey with legal descriptions of property per Clear Creek County
 - c. Citation of ordinance or building official's order
 - d. List of names and addresses of the property owners within a 100ft radius
 - e. Site plan & elevations

APPLICATION

APPLICANT NAME: BLUE SPRUCE HABITAT FOR HUMANITY
APPLICANT ADDRESS: 1520 Evergreen Parkway, Evergreen, CO 80437-2366

LEGAL DESCRIPTION: FILE: Esa Ph I – Virginia St Prop Final (7-20-18).pdf - Page 33
"All that portion of Lots 2,3,4,5,6,7,8,9,10,11 and the West one half of 1, Block 11, City of Idaho Springs, Lying South of property described in Deeds recorded in Book 253, Page 309 and in Book 250, Page 430, County of Clear Creek, State of Colorado.
All that portion of Lor 12, Block 11, City of Idaho Springs, lying South of property described in Deeds recorded in Book 253, Page 309 and Book 250, Page 430, County of Clear Creek, State of Colorado
Also known as: 1628 Virginia Street, Idaho Springs, CO 80452"

CITATION OF ORDINANCE FROM WHICH VARIANCE IS BEING REQUESTED:
 Off-Street Parking Spaces Per Unit & Parking dimensions
 IDAHO SPRINGS MUNICIPAL CODE: TABLE Sec 21-127-1 & Sec 21-131

REASON FOR FILLING AN APPEAL OR REQUEST FOR VARIANCE
 This Letter is in support of the request for a variance to the off-street parking for 1628 Virginia Street, Idaho Springs, CO 80452. The intention is to build 8 town homes to help with the housing need in the community. The proposed "Virginia Street Town Homes" are: Units 1 – 4 (3 bedroom/ 3 story) with 1407 SQ FT and Units 5-8 (2 bedroom/ 2story) with 1009 SQ FT.

Based on the Municipal code per Table Sec 21-127-1, the number of off-street parking spaces this project needs to provide is 17.

PARKING CALCULATIONS (Per Table Sec. 21-127-1)			
DWELLING: MULTIPLE FAMILY	GROSS		PARKING REQ'D
1.5 / 2 bedroom unit 800 sf or less			0
1.75 / 2 bedroom unit over 800 sf	4		7
1.75 / 3 bedroom unit 900 sf or less			0
2.5 / 3 bedroom unit over 900 sf	4		10
TOTAL SPACES			17

Based on the Municipal code per Sec. 21-131, The parking dimensions for a 90 degree parking space are 9' x 18'.

We would like to request to allow 50% of our parking to be compact spaces to provide more parking for this project. The dimensions for a compact space are 8' x 16'. This proposed variance would allow the 3br units to have 2 standard + 1 compact parking space, and the 2 br units to have 1 standard + 1 compact parking space. The total number of parking spaces we could provide would be 20 instead of 17.

There is currently no allowance for compact spaces but this modification would allow for more diverse parking arrangements, reasonable use of the property and minimize/preserve the demand of public parking on Virginia street while providing quality open space, maintaining & enhancing the unique characteristics of the property and promoting the use of energy efficient vehicles.

We are requesting a variance to the standard parking space size to allow for up to 50% compact parking spaces, with a proposed combination of 8 compact (8'x16') & 12 standard (9'x18') off-street parking spaces.

A few other relevant details that we would like you to consider, are (1) Compact parking spaces increases the number of available resident parking spaces and greatly reduces on street parking; (2) Reduced on street parking will create a better view to green space and ease of cleaning and plowing; (3) The proposed will not infringe on a neighboring property owner's right, use or enjoyment of their land; (4) the proposed project would be an improvement to the neighborhood by preserving view sheds, providing adequate parking and result in an overall increase in property value and tax base created by improvement; (5) The proposed project will add quality affordable housing options to the community.

VIRGINIA STREET TOWNHOMES - NOT FOR CONSTRUCTION -

1628 VIRGINIA STREET, IDAHO SPRINGS, CO 80452
 PARCEL ID 1835-363-38-006 & 1835-363-38-009

PROJECT SUMMARY

BLUE SPRUCE HABITAT FOR HUMANITY WORKS WITH HOMEOWNERS TO BUILD FIVE AFFORDABLE TOWNHOMES IN THE FRONT RANGE COMMUNITIES OF CLEAR CREEK, WEST JEFF CO, AND PARK COUNTY. THE VIRGINIA STREET TOWNHOMES ARE FINANCED AS INSIGHT ENERGY EFFICIENT, LOW-MIDDLE-STYLE SINGLE-FAMILY ATTACHED HOMES, OWNED BY LOCAL RESIDENTS THAT ARE INTEGRAL TO THE IDAHO SPRINGS COMMUNITY.

THE HOMES WILL BE LOCATED ON A N1830' LOT ABOVE THE ELKS CLUB AND CATHOLIC CHURCH, WITH WALKABLE ACCESS TO THE HISTORIC DOWNTOWN AND OTHER TOYLANDS. THE PROJECT WILL PRESERVE EXISTING HISTORIC WALLS AND COMPLEMENT THE LOCAL VESICULAR OF VICTORIAN ARCHITECTURE AND ARTS AND CRAFTS CASAS. STILL, THESE HOMES WILL USE CURRENT HIGH EFFICIENCY PRODUCTS AND DURABLE CONSTRUCTION DETAILING TO PRESERVE THE INTEGRITY AND LONGEVITY OF THE NEIGHBORHOOD FOR YEARS TO COME.

PROJECT TEAM

OWNER + CONTRACTOR

BLUE SPRUCE HABITAT FOR HUMANITY
 3520 Evergreen Parkway | Evergreen CO 80439
 Kathleen O'Leary | kathy@blue-spruce.org | (303) 674-1127
 George Johnston | gjohnsto@blue-spruce.org | (303) 538-6148

DESIGNER

STUDIO MWM, LLC
 124 Grand Ave. | P.O. Box 1037 | Paonia CO 81428
 Molly Wheelock | molly@studiomwm.com | (303) 910-4557

CONSULTANT ENGINEER

INSIGHT ENGINEERING, INC
 27691 Muir Rd. | Evergreen CO 80439
 Drew Schneider, PE | drew@insightengineering.com | (303) 928-4222

SURVEYOR

CLEAR CREEK SURVEYING
 3274 Trail Creek Rd., Idaho Springs, CO 80452
 Greg Markle | (303) 567-4755

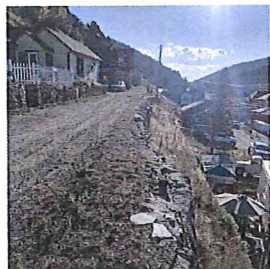


0. VARIETY MAP
 1" = 60'

CONTENTS

- T0.0 COVER SHEET
- SURVEY AND PHOTOGRAPHY
- L1.0 PROPOSED SITE PLAN
- A1.0 FLOOR PLANS
- A1.1 FLOOR PLANS
- A2.0 ELEVATIONS

EXISTING SITE IMAGES



NOTES
 Any questions regarding the plan or the project should be directed to the designer or contractor. The designer is not responsible for any errors or omissions in the plan. The contractor is responsible for any errors or omissions in the construction. Changes made to the plan after the start of construction will be at the contractor's expense. The designer is not responsible for any damage to the property or any injury to persons or property. The designer is not responsible for any delay in the project. The designer is not responsible for any cost overruns. The designer is not responsible for any other matters. Do not build anything without the designer's written consent. All work shall conform to the applicable codes and regulations. Contact Designer if any information is needed.

REVISIONS

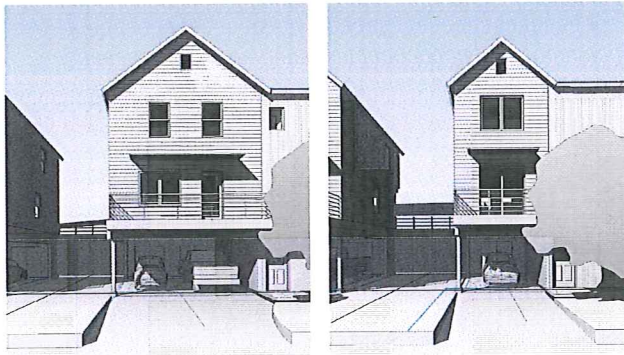
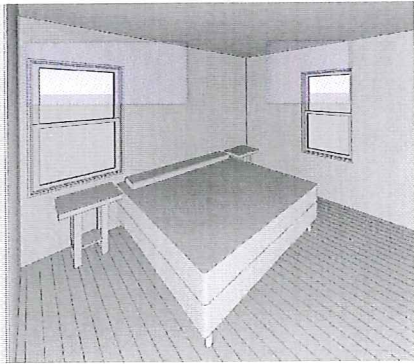
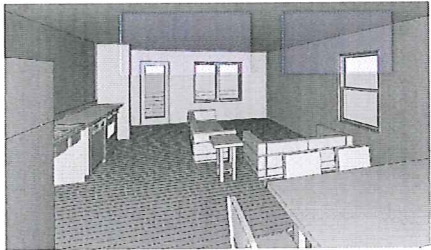
VIRGINIA ST. TOWNHOMES
 BLUE SPRUCE HABITAT FOR HUMANITY
 VARIANCE - PARKING
 - NOT FOR CONSTRUCTION -

Project Number: Project Name:
 Title: November 4, 2020
 Drawn by: Author
 Checked by: Checker

T0.0
 COVER

Scale: 1" = 60'

- NOT FOR CONSTRUCTION -



NOTES
 Any customer requesting the intent of a change or modification to the design shall be made in writing. All changes to the design shall be made in writing and shall be subject to the approval of the design team. Changes to the design shall be made in writing and shall be subject to the approval of the design team. Changes to the design shall be made in writing and shall be subject to the approval of the design team.

REVISIONS

NO.	DATE	DESCRIPTION

VIRGINIA ST. TOWNHOMES
BLUE SPRUCE HABITAT FOR HUMANITY
VARIANCE - PARKING
- NOT FOR CONSTRUCTION -

Project Number	Project Name
Date	Author
Client	City
Designer	Check

T0.2
3D VIEWS

Scale

1/11/2024 10:22 AM

- NOT FOR CONSTRUCTION -

LAND USE CHART			
DESCRIPTION	AREA	% OF SITE	
TOTAL PROPERTY	13358		
WALL STREET (PRIVATE EASEMENT)	1842		
TOTAL AREA (USE EASEMENT)	11516		
2 BEDROOM BUILDING FOOTPRINT	4783	41.5%	
3 BEDROOM BUILDING FOOTPRINT	6747	58.5%	
PARKING & DRIVEWAYS	2009	17.4%	
OPEN SPACE	7658	66.1%	
	13718	120.00%	

DWELLING UNITS PER ACRE = 8 UNITS / .35 ACRE = 22.8 UNITS/ACRE

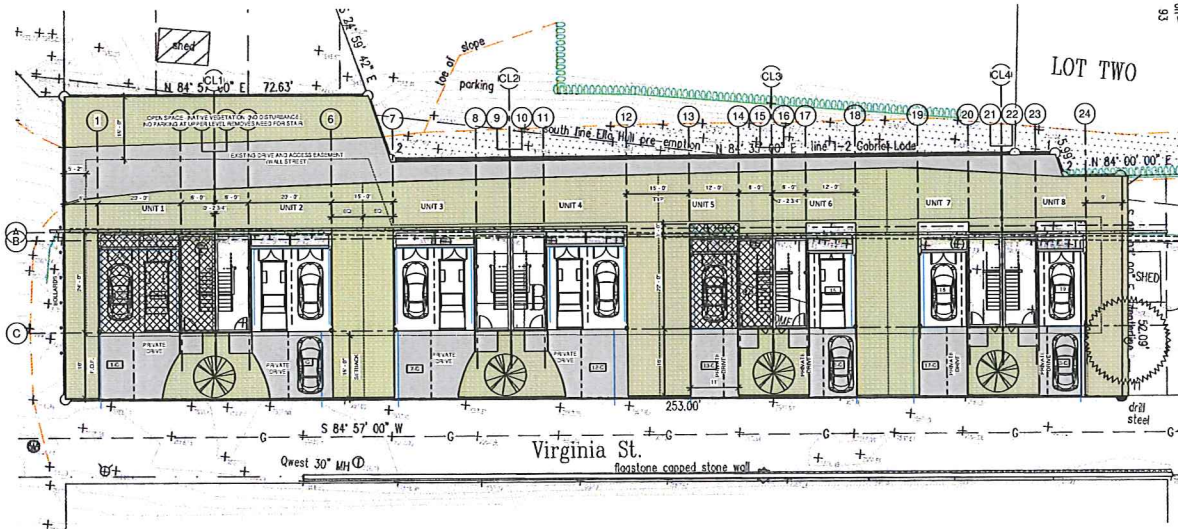
PARKING CALCULATIONS (Per Table Sec 23-127-1)			
DWELLING UNIT TYPE FAMILY	#GROSS	PARKING REQ'D	
1 1/2 Bedroom unit over 800 sq ft	4	6	
1 1/2 Bedroom unit over 800 sq ft	4	6	
1 1/2 Bedroom unit over 800 sq ft	4	6	
TOTAL SPACES		17	

PROPOSED PARKING		
PARKING TYPE	Count	Comments
Parking Space 8' x 16' - Compact	8	
Parking Space 8' x 18' - 80 day	12	

OFF STREET PARKING SPACES PER UNIT = 20 PARKING SPACES / 8 UNITS = 2.5/UNIT.
EACH UNIT HAS AT LEAST ONE FULL SIZE AND ONE COMPACT PARKING SPACE.

Area Schedule (Gross Building)	
Name	Area
GBR - GROUND	122 SF
GBR - MAIN	441 SF
GBR - UPPER	428 SF
GBR - TOTAL	1009 SQ FT
GBR - GROUND	178 SF
GBR - MAIN	687 SF
GBR - UPPER	144 SF
GBR - TOTAL	1009 SQ FT

Area Schedule (Permits)	
Name	Area
GBR - GROUND	105 SF
GBR - MAIN	313 SF
GBR - UPPER	368 SF
GBR - TOTAL	786 SQ FT
GBR - GROUND	145 SF
GBR - MAIN	372 SF
GBR - UPPER	177 SF
GBR - TOTAL	794 SQ FT



NOTES
Any owner proposing the start of the construction of improvements to the site shall file a Certificate of Subdivision with the City of New York. The Certificate of Subdivision shall be prepared in accordance with the provisions of the City of New York Subdivision Map Act. The City of New York shall not be responsible for the accuracy of the information provided in this plan. The City of New York shall not be responsible for the accuracy of the information provided in this plan. The City of New York shall not be responsible for the accuracy of the information provided in this plan.

REVISIONS

VIRGINIA ST. TOWNHOMES
BLUE SPRUCE HABITAT FOR HUMANITY
VARIANCE - PARKING
- NOT FOR CONSTRUCTION -

Project Number: Project Number
Date: November 6, 2020
Drawn by: MW
Checked by: CW
Scale: 1" = 10' 0"



Right of Way & Permits

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

December 9, 2020

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

Attn: Michael Davenport

Re: 1614 Wall Street Variance – 2nd referral

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **1614 Wall Street** and has no particular concerns with the variance, provided that there is a minimum 3-foot clearance between the existing service line and the proposed building, as well as all construction activities.

PSCo also owns and operates existing an existing natural gas service line within the subject property. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or *modification* to existing facilities including relocation and/or removal via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

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

CITY OF IDAHO SPRINGS

Variance Board Communication



MEETING DATE: DECEMBER 16, 2020

PRESENTED BY: MICHAEL DAVENPORT
COMMUNITY DEVELOPMENT PLANNER

ITEM: PROPOSED RESIDENTIAL BUILDING AT 1614 WALL STREET
VARIANCE REQUEST TO REDUCE MINIMUM REQUIRED FRONT SETBACK,
MINIMUM REQUIRED LOT WIDTH, AND MINIMUM REQUIRED LOT SIZE

PROPOSAL:

The property owner as Applicant proposes building a residential structure in the Residential Three (R-3) zoning district.

REQUEST:

The Applicant requests approval of the following variances:

- Reduce the minimum front setback from 20 feet to 12 feet,
- Reduce the minimum lot width from 50 feet to 45 feet for multi-family use, and
- Reduce the minimum lot size from 5,000 square feet to 3,900 square feet for multi-family use.

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 (Section 21-109(F)).

Future Role of Planning Commission and City Council.

- **A proposed single-family dwelling** requesting a variance may proceed to a building permit application.
- **A proposed multifamily structure** must go through another development review process even if a variance is granted. This subsequent process is called a Final Development Plan (FDP). For more than dwellings than a single-family residence, an FDP is subject to a detailed review by City staff and consultants, notice to the public including surrounding property owners, a public hearing and recommendation by Planning Commission, and a public hearing and decision by City Council.

Among other considerations, this more detailed review looks at whether the existing shared driveway access to the Lot and utility lines are adequate to serve a multifamily structure. Staff notes that, at this time, a new multi-family structure on the lot would require upgrades to both the water and sewer lines since the existing lines are too small for that proposed use. A multifamily building requires a larger water line than a single-family dwelling—the nearest line to connect to is in 17th Avenue. If the variances to the minimum lot width and lot size, these are examples of the issues to be thoroughly vetted and determined as a part of any eventual FDP application from the Applicant.

EXISTING CONDITIONS:

Prior approvals. In 2015, the City approved the annexation, rezoning to R-3, and subdivision of the Urso property. The subject property is Lot 2 in the Urso Minor Subdivision (referred to in this memo as the “Property” or “Lot 2”). The subdivision was platted as a four-lot minor subdivision. Three lots are located along a shared private driveway identified on some maps as a section of “Wall Street.” (The shared driveway is on private land, and the City is not responsible for its maintenance.) The fourth lot adjoins the north side of these three lots. The fourth lot includes more than 90% of the land in the subdivision, and it was transferred to the City as open space.

Physical characteristics. Most of the land in the subdivision slopes steeply up to the north. The shared driveway runs along the south edge of the lots and on top of a retaining wall. A narrow strip of level land runs along the north side of the shared driveway. From there Lots 1 through 3 have a steep slope up to where they meet Lot 4, which continues to slope up to the north. Single-family homes exist on both sides of Lot 2 – on Lots 1 and 3. At one time there also was a single-family home on Lot 2; that structure burned and was removed, leaving the Property vacant.

CODE REQUIREMENTS:

Listed below are dimensional standards of the R-3 zoning district. Note: “SF” means square feet.

	<u>Standards</u>	<u>Reduced standards for single family use if lot meets conditions (1) and (2) below</u>
Minimum lot size	5,000 SF	3,900 SF
Minimum lot width	50 feet	35 feet
Minimum front setback	20 feet	--
Minimum rear setback	20 feet	--
Minimum side setback	5 feet	--
Maximum height	35 feet	--

(1) The lot existed prior to the adoption of this Code.

(2) The lot is adjoined on both sides by lots with structures thereon, or by a street on one (1) side and a lot with a structure.

COMPARING THE STANDARDS TO THE EXISTING LOT AND PROPOSED VARIANCES

As indicated in the table below, Lot 2 meets the reduced lot width and lot size for a single-family structure but not the full standard that would apply to a multi-family structure.

	<u>Code Requirements</u>		<u>Existing Lot 2</u>	<u>Proposed Variance</u>
	<u>Standard</u>	<u>Single-family reduced standard</u>		Applicant proposes this would apply to single and multifamily structures
Lot size	5,000 SF	3,900 SF	3,920 SF*	3,900 SF
Lot width	50 feet	35 feet	45.87 feet	45 feet
Front setback	20 feet	--	12 feet**	12 feet

*3,920 SF equals 0.09 acres, the size of Lot 2 as shown on the Urso Subdivision plat.

**The dwelling previously on this site was set back approximately 12 feet from front property line, with about the same front setback as the houses on adjoining lots 1 and 3.

CODE CHANGES:

The Applicant asked whether there may have been a code change or changes since the Urso Subdivision was approved, such that the lot size and width were adequate for multi-family housing before the change but not after the code change. Staff reviewed earlier versions of the code. Code changes and the Urso Subdivision occurred in the following order. The requirements for minimum lot size and minimum lot width have been the same since before the Urso property was annexed, rezoned, and platted.

- 2014 City amended Chapter 21 (LDR). This was the Code in effect at the time the Urso Subdivision was approved.
- 2015 City annexed the land and approved the Urso Subdivision.
- 2019 City amended Chapter 21 (LDR). This is the Code that is in effect today. The front setback, minimum lot width, and minimum lot size in this Code are the same as in the 2014 Code.

BACKGROUND:

Property description. The property sits along the north side Virginia Street between 16th Avenue and 17th Avenue. The site consists of 12 lots totaling slightly more than 15,000 square feet (1/3 of an acre). The property has a long frontage (253 feet) along Virginia Street, but little depth (typically about 57 feet). However, the usable depth is limited to approximately 40 feet due to a tall concrete retaining holding up a steep embankment. Running across the north portion of the property on top of the embankment is a shared private driveway that serves two homes and a vacant lot on the north side of the driveway. The private driveway is approximately 22 feet above the usable portion of the Habitat property.

Recent history. Two mobile homes constructed in 1972 previously occupied this site. Habitat acquired the property as a site for affordable housing. Blue Spruce Habitat for Humanity acquired the site for affordable housing. At a meeting on October 17, 2019, the Variance Board approved a variance to

reduce the required front and rear setbacks due to the site constraints mentioned above in the "Property description" section.

Zoning. The property is zoned Residential-Three (R-3). R-3 allows single family homes, duplexes, townhomes, and multifamily buildings. R-3 setbacks are 20' front, 5' side, and 20' rear. The approved variance reduced the required setbacks to 16' in the front and 15' in the rear.

Proposed development. The Applicant previously planned to construct 9 townhouse units in 3 individual buildings. The revised plan consists of 4 buildings with duplex units, for a total of 8 dwellings. The townhouses are being built by Habitat for Humanity and will be income-restricted owner-occupied work force housing. Each home has its own driveway and either 2 or 3 onsite parking spaces.

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 must 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 applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.*

Staff Analysis: The very narrow strip of level ground along the shared driveway limits the development of Lot 2. Most of the slopes steeply up to the north from this narrow level strip. The lot is further constricted by the adjacent lots already having houses built to the narrower front setback proposed for Lot 2. The Property is zoned R-3 which allows multifamily housing but was platted with less lot area and lot width than what is required for multifamily housing. The existing topographic conditions of the Property, coupled with the lot dimensions that were approved by the City, significantly restrict building on this lot.

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: Development of the Property is limited by the narrow strip of level ground and the steep slope that makes up most of the lot. Pushing a building further into the steep slope to the north would allow for adequate access but at a significant increase in construction costs. There do not appear to be reasonable design alternatives for a residential structure that would eliminate or reduce the need for the requested variance.

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 terrain and narrow strip of level land are conditions that existed prior to the approval of the Urso Subdivision. The City approved the rezoning of the Property to R-3 and the existing size of Lot 2 prior to the Applicant's purchase of the Lot. Therefore, the need for the variance does not result from any action of the Applicant.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: Lot 2 previously included a single-family dwelling. Adjacent properties would be significantly impacted by a multi-family project on Lot 2. If multi-family is pursued on Lot 2, the FDP process would need to address the following matters and potentially others:

- Adequate access for increased traffic and for emergency vehicles, especially fire suppression.
- An increase in traffic for might increase the possibility of vehicles going off the edge and falling onto the property below, if the current driveway does not meet street or driveway standards.
- Possible geological investigation of any potential hazards related to construction on the steep slope of the Property.

For this criterion to be met, Staff recommends the following condition:

Development of the Property for any use permitted in the R-3 zone district, including but not limited to multi-family use, must meet all relevant standards and requirements of the Idaho Springs Municipal Code, including but not limited to required additional, expanded or improved public improvements (water, sewer, street/driveway access) and applicable impact fees.

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

Staff Analysis:

Front setback. The proposed 12-foot front setback is the minimum needed to accommodate the driveway shared with the lots to the east and west in the subdivision.

Lot size and width. The existing regulations and lot dimensions allow use of the Property for a single-family dwelling. The requested variance is the minimum variance that will make possible the use of the Property for multi-family (more than one) dwellings.

6. *The granting of the variance will:*

a. *Observe the spirit of this Chapter;*

Staff Analysis: The Code states a variance must be considered an extraordinary remedy required to allow reasonable use of a property. The steep slope, and narrow strip of level land restricts the development of Lot 2, and the minimum lot size and width are not typical of lots in the R-3 zone district.

b. *Secure the public safety and welfare;*

Staff Analysis: The staff analysis above in criterion 4 identifies several measures related to public safety that must be addressed if an FDP is applied for to develop the Property for more than one dwelling.

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

Staff Analysis: The proposed variances would allow development of Lot 2 at the density contemplated by the R-3 zone designation.

PUBLIC NOTICE AND REFERRALS:

Public notice was provided by a sign posted on the Property and by letters sent to the owners of properties within 300 feet. Staff sent copies of the application to City staff and consultants.

If the property owner proceeds with a multifamily residential structure, public notice and public hearings will be required again for a proposed Final Development Plan (FDP).

STAFF RECOMMENDATION:

- Regarding the proposed reduction in setback: Staff finds that the proposed reduction in the front setback meets the criteria for approval
- Regarding the proposed reduction in minimum lot size and minimum lot width: Staff finds that the proposed reduction in minimum lot size and minimum lot width meets the criteria for approval, subject to the condition included in the proposed motion.

PROPOSED MOTIONS AND FINDINGS:

- **Proposed Motion 1 regarding the front setback:**

Based on the findings made on the record of this matter and in the Resolution, I move to approve Resolution #VB 20-05; A resolution approving an application for a variance at 1614 Wall Street to reduce the front yard setback from 20 feet to 12 feet.

- **Proposed Motion 2 regarding the minimum lot size and minimum lot width:**

Based on the findings made on the record of this matter and in the Resolution, I move to approve Resolution #VB 20-06; A Resolution Conditionally Approving an application for a variance at 1614 Wall Street to reduce the minimum lot width from 50 feet to 45 feet; and reduce the minimum lot size from 5,000 square feet to 3,900 square feet for multifamily use

ATTACHMENTS:

- Application for Request of Variance (1 page)
- Applicant comments regarding criteria for approval for a reduced setback (2 pages)
- Applicant comments regarding criteria for approval for a reduced lot size and reduced lot width (2 pages)

- Drawings (6 pages)
- Support letters (9 pages)
- Comment letter from Xcel Energy (1 page)

/mjd

APPLICATION FOR REQUEST FOR VARIANCE

APPLICANT NAME:

Michael Kastenbaum

APPLICANT ADDRESS:

1391 Old Topanga Canyon Road, Topanga, CA. 90290

LEGAL DESCRIPTION OF THE PROPERTY:

Parcel: 1835-363-44-002, Subdivision: IDAHO SPRINGS URSO DIVISION, Lot: 2

- DAMAGED BY FIRE 2-26-2011 NOT LIVEABLE SFA 50%

- ESMT & AGMT # 294861, IMP TORN DOWN 8/11/14 PRORATED FOR 2014 & DELETED 1/1/15

CITATION OF ORDINANCE FROM WHICH VARIANCE IS BEING REQUESTED:

IDAHO SPRINGS MUNICIPAL CODE: CHAPTER 21 – Land Development Regulations/

ARTICLE IV – Development Regulations by Zone District / Sec 21-63 – Development standards

- 1) Reduced front set-back (12 ft instead of 20ft) – for residential structure
- 2) Reduced min. lot width (45ft instead of 50ft) – for residential structure
- 3) Reduced min. lot area (3900sf instead of 5000sf) – for residential structure

REASON FOR FILING AN APPEAL OR REQUEST FOR VARIANCE:

Lots zoned R3 allow for single family and multifamily. This lot is non-conforming.

1. *The front setback:*

20' of front setback will make any residential structure (that meets the required footprint per code) a very challenging and expensive construction due to the steep mountain on the north side of the property (see evidence). Allowing a 12ft front setback is essential to having a reasonably sized structure on the property (see evidence). Such a setback will match the setbacks of the existing structures to the East and West of the property (see evidence). Also such a setback will match the setback of the structure that was previously on the property (see evidence).

2. *The lot width:*

This property was subdivided to 45ft width in 2013.

This property was subdivided in 2013, resulting in a total width of approximately 45ft.

This is 5ft less than a typical R-3 zoned lot depriving the owner of usage of the property per the zoning (see evidence).

This lot is non-conforming due to conditions of the subdivision. The lot/land itself is entirely viable for either a single family or small multifamily residence (duplex) with an adequate footprint, unit size and parking all to be ultimately decided by the FDP process.

3. *The lot area:*

This property was subdivided in 2013, resulting in a total size of approximately 3900sf.

This is 1100sf less than a typical R-3 zoned lot depriving the owner of usage of the property as it is zoned R-3 (see evidence).

This lot is non-conforming due to conditions of the subdivision. The lot/land itself is entirely viable for either a single family or small multifamily residence (duplex) with an adequate footprint, unit size and parking all to be ultimately decided by the FDP process.

OTHER RELEVANT FACTORS FOR CONSIDERATION:

1. With variances approved, any structure built on this lot will:
 - a. be in style will be in step with the existing neighborhood,
 - b. will maintain and enhance the unique characteristics of the property,
 - c. provide adequate parking,
 - d. be an improvement to the neighborhood,
 - e. preserve view sheds,
 - f. result in an overall increase in property value and tax base created by improvement,
 - g. will not infringe on a neighboring property owner's right, use or enjoyment of their land,
 - h. adds housing to the community,
2. Without the requested variances construction of a residential structure on the lot is not economically feasible,
3. When this lot became non-conforming, nobody actually lived on the property (to challenge or dispute this),
4. When this lot became non-conforming, no structure was on the property,
5. These variances enable the property to be used as the city planners intended,
6. These variances allow this lot to be used for its highest and best use and purpose (as a residential structure),
7. The front setback variance allows for uniformity on the shared road with the neighboring houses (all 12ft from line),
8. Discussions with the city planner prior to purchase resulted in my understanding a variance will likely be granted,
9. There were no comments or objections from neighbors for the prior application for variances,
10. Discussions with the city planner prior to purchase affirmed my rights (R-3) and made clear my intent,
11. There existed in the past on my property/lot a house which likely added more cars on the road than currently present,
12. The road is structurally sound as determined by an engineer, geologist, excavator and builders (I hired to examine it),
13. There are many roads in and around Idaho Springs that are narrower than this road, with much more traffic.
14. There is adequate turnaround (matching houses to the East and West),
15. A relatively elaborate multi-family project below my property has fully examined the road above it (my road),
16. I am committed to building a structure responsibly, safely and with consideration of neighbors and the city.

For my variance requests, please see my responses to the 6 criteria for a variance per the Municipal Code.

LIST OF NAMES OF OWNERS OF PROPERTIES WITHIN 100 FEET OF THE AFFECTED PROPERTY:

See Attached

Application for Variance(s) from Michael Kastenbaum

Dear Variance Board Members,

I am in front of you a second time hopefully with more thoughtfulness and clarity.
Thank you for this opportunity. I hope my responses to the criteria now make sense.

I realized after the zoom call (previous hearing) I was unaware why exactly my requests were rejected.
I did not know where I failed to meet the criteria other than Dru's concern about the road.

While 2 engineers, 2 excavators, 2 GCs and a few builders and a foundation expert all affirmed for me the stability of the road, I might need a geotechnical engineer report to convince you (which will cost me \$2,000 to \$3,500).

Note the photo (google maps) included in the support material of the road with 7 cars parked.
There is a structure on my land and I am guessing such parking was standard those days.

If you are unconvinced the road is stable for building and additional cars/traffic, I will do the geotechnical report.
Apparently, it is typically done when submitting for the permit (which of course I will do then).

If you need it, we can talk thru everything this time and continue the hearing (rather than vote at this one).

In fact, if there is any criteria you feel I have not satisfied, please inform me of your concerns and I will make sure to resolve them for the next hearing. If I fail to resolve any issue of yours, a rejection is in order.

Hopefully, you will have no such concerns this time around.

Looking forward to seeing you all again.

Warmly, Michael Kastenbaum
1614 Wall Street
Idaho Springs, CO. 80405

Dear Board,

See Municipal Code: Section 21-102 (G) below and my responses (in blue)

Municipal Code: Section 21-102(G) Criteria for review and approval.

Michael Kastenbaum's responses below apply to the front setback variance (from 20 feet to 12 feet).

- (1) *Variations from requirements of Chapter 20 and Chapter 21. 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.*
- (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.*

YES (Correct)

Regarding boundaries

The road is a driveway/road shared via easement with 2 adjacent properties East and West with approximately 12ft front setbacks. Also, the prior structure on the lot had approximately a 12ft setback.

Regarding topographic conditions:

The steep mountain to the north comprising much of the property causes substantial (and likely prohibitive) costs to building along with being relatively dangerous.

See TOPO and reports/documents provided from engineer(s), excavation expert, foundation expert, General Contractor and Builders. The applicant will suffer hardship, financial and otherwise, in building without this variance.

Excerpt from Engineer Report: In my opinion the setback requirement at the site poses an undue burden on the property owner as it would require significant excavation and likely blasting of the hillside.

- (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 do not involve unreasonable expense under the circumstances.*

YES (Correct)

The city requires a minimal footprint. Also, the lot itself is relatively small. The applicant therefore intends to live in a relatively small structure (with a minimal footprint). There is no reasonable design alternative that does not require the variance (given the topographical conditions and minimum footprint).

Also, there is no alternative location. This is the only property the applicant owns and there is no place on the lot that could be considered an alternative as much of the lot is part of the steep northern slope.

From a design and logistics perspective, there is no logic to have this front setback at 20 feet when the structures to the East and West have 12 feet.

- (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.*

Yes (Correct – 'does not')

Applicant did nothing intentional, reckless or negligent leading to this need. In conversations with the city-planner prior to purchase, applicant was told a front setback variance will likely be granted.

- (d) *Reasonable protections are afforded adjacent properties.*

YES (Correct)

The variance gives adjacent properties more protections (certainly not less). The less excavation required into the mountain, the less impact on the adjacent properties (by far).

The footprint and size (square footage) of the structures will be the same whether a single-family or multi-family (duplex).

Whatever structure is built, emergency vehicle access will be the same, and such access will not be any less than for structures to the East and West (and the structure previously on this property).

There was a structure on this lot causing likely more traffic in the past than currently so certainly the road can tolerate more traffic which will likely be minimally increased.

There are many roads in and around Idaho Springs more narrow with much more traffic than this section of Wall Street.

Turnaround is more than adequate and in no way becomes problematic as a result of this variance (see engineer report and other evidence). Whether an additional structure is a single family or small multifamily residence, the turnaround is the same, and no less turnaround than exists for the structures to the East and West.

If owner chooses to present a plan for a multi-family structure (duplex), the FDP approval process leads to a greater level of scrutiny over protections to adjacent properties than a single-family home.

Without this variance, questionable protections are afforded adjacent properties as applicant's only option is to build substantially into the steep slope. This variance gives such properties reasonable protections.

Excerpt from Engineer Report: I believe that there is sufficient distance from the edge of the drive lane to the toe of the hillside...to provide perpendicular parking located directly under a new structure, as yet to be determined, This will allow for single lane access to all properties on Wall Street (as is currently accessible) and allow for safe pull in and pull out areas in a carport type structure.

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

YES (Correct)

As this is a relatively small lot, this variance is required for a reasonable use of the land.

(f) The granting of the variance will:

(1) Observe the spirit of this Chapter;

YES (Correct)

Applicant recognizes and appreciates that variances are an extraordinary measure and feels strongly this situation warrants it.

(2) Secure the public safety and welfare;

YES (Correct)

This variance will allow for a lower impact build.

Nothing applicant is proposing will adversely affect adjacent properties or any other lot in the neighborhood or city.

(3) Ensure that substantial justice is done.

YES (Correct)

Applicant bought the property after discussions with the city-planner and an understanding that such a variance approval should be no problem at all (as it made good sense given circumstances).

If the property owner proposes multifamily (duplex) per the R3 zoning, the FDP will decide the specificity, conditions, safety (and ultimate approval or otherwise) of any structure. Also, the neighbors will again have an opportunity to be involved.

Without the variance, applicant will not have reasonable use of the land he purchased.

Regarding Variance Application of Michael Kastenbaum for property at 1614 Wall Street, Idaho Springs.
My responses herein apply to the Variance regarding the lot size and width.

Dear Board,

See Municipal Code: Section 21-102 (G) below and my responses (in blue)

Municipal Code: Section 21-102(G) Criteria for review and approval.

- (1) *Variations from requirements of Chapter 20 and Chapter 21. 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.*

This lot is non-conforming due to conditions of the subdivision (and structures to the East and West).

The lot/land itself is entirely viable for either a single family or small multifamily residence (duplex) with an adequate footprint, unit size and parking all to be ultimately decided by the FDP process.

- (a) *The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is notB 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.*

YES (Correct)

Regarding 'unusual configuration of the applicant's property boundaries', the lot is non-conforming to R3. Regarding 'topographical conditions', much of the lot is on a steep slope.

The lot is zoned R3 along with the lots to the East and West (and many lots below).

This lot is non-conforming due to conditions of the subdivision (and structures to the East and West).

The lot/land itself is entirely viable for a small multi-family residence (duplex) with an adequate footprint, unit size and parking to be ultimately decided by the FDP process.

The applicant bought the property after several discussions with the city planner in which the applicant made clear that he might build multifamily (which the city planner affirmed was acceptable given the zoning R3).

The applicant depleted his savings in buying this land with the understanding with his brother that they will use their combined resources to build a duplex (as a home for the applicant and part-time residence for his brother). Without this variance and an option to build (as determined by the FDP process), the applicant will suffer financial (and other) hardship.

- (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 do not involve unreasonable expense under the circumstances.*

YES (Correct)

The applicant has no design alternatives or alternative locations and cannot build without the variance.

Applicant bought this land to build on (intention of duplex) and live on. The applicant intends to build a relatively small structure (about 1800SF livable space) with the required footprint.

- (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.*

Yes (Correct – 'does not')

Applicant did nothing to cause or create a non-conforming lot (as it became non-conforming before purchase). Applicant was told prior to purchase from the then city-planner that he can apply to build multi-family as it is zoned R-3. Applicant did nothing intentional, reckless or negligent leading to this need.

- (d) *Reasonable protections are afforded adjacent properties.*

YES (Correct)

The variance gives adjacent properties more protections (certainly not less).

The footprint and size (square footage) of the structures will be the same whether a single-family or multi-family (duplex).

Whatever structure is built, emergency vehicle access will be the same, and such access will not be any less than for structures to the East and West (and the structure previously on this property).

There was a structure on this lot causing likely more traffic in the past than currently so certainly the road can tolerate more traffic which will likely be minimally increased.

There are many roads in and around Idaho Springs more narrow with much more traffic than this section of Wall Street.

Turnaround is more than adequate and in no way becomes problematic as a result of this variance (see engineer report and other evidence). Whether a single family or small multifamily residence, the turnaround is the same, and no less turnaround than exists for the structures to the East and West.

If owner chooses to present a plan for a multi-family structure (duplex), the FDP approval process leads to a greater level of scrutiny over protections to adjacent properties than a single-family home (which requires no FDP approval and oversight).

The multifamily build directly below the applicant, the Habitat for Humanity project, represents a major investment, and, in connection with it, the road above it (applicant's road) has been deemed by engineers and other experts as entirely solid.

Reasonable protections are afforded adjacent properties.

Excerpt from Engineer Report: I believe that there is sufficient distance from the edge of the drive lane to the toe of the hillside...to provide perpendicular parking located directly under a new structure, as yet to be determined, This will allow for single lane access to all properties on Wall Street (as is currently accessible) and allow for safe pull in and pull out areas in a carport type structure.

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

YES (Correct)

Applicant must be allowed to build per the zoning (R3) or will not have 'reasonable use of the land'.

(f) *The granting of the variance will:*

(1) *Observe the spirit of this Chapter;*

YES (Correct)

Applicant recognizes and appreciates that variances are an extraordinary measure and feels strongly this situation warrants it.

(2) *Secure the public safety and welfare;*

YES (Correct)

Nothing applicant is proposing will adversely affect adjacent properties or any other lot in the neighborhood or city with the exception of possibly minimally increased cars on the road (which the road can easily handle, see engineer report).

(3) *Ensure that substantial justice is done.*

YES (Correct)

This lot is non-conforming due to conditions of the subdivision (and structures to the East and West).

The lot/land itself is entirely viable for either a single family or small multifamily residence with an adequate footprint, unit size and parking all to be ultimately decided by the FDP process.

Applicant did not create the situation. Without the variance, applicant will not have reasonable use of the land he purchased in consideration of the zoning (R3) and city-planners' intention. R3 allows applicant the right to apply for multifamily where another board (FDP) will decide the specificity, conditions, safety (and ultimate approval or otherwise) of any structure.

1614 Wall Street
Google Earth Images



1614 Wall Street, 2008.

Note: 7 cars

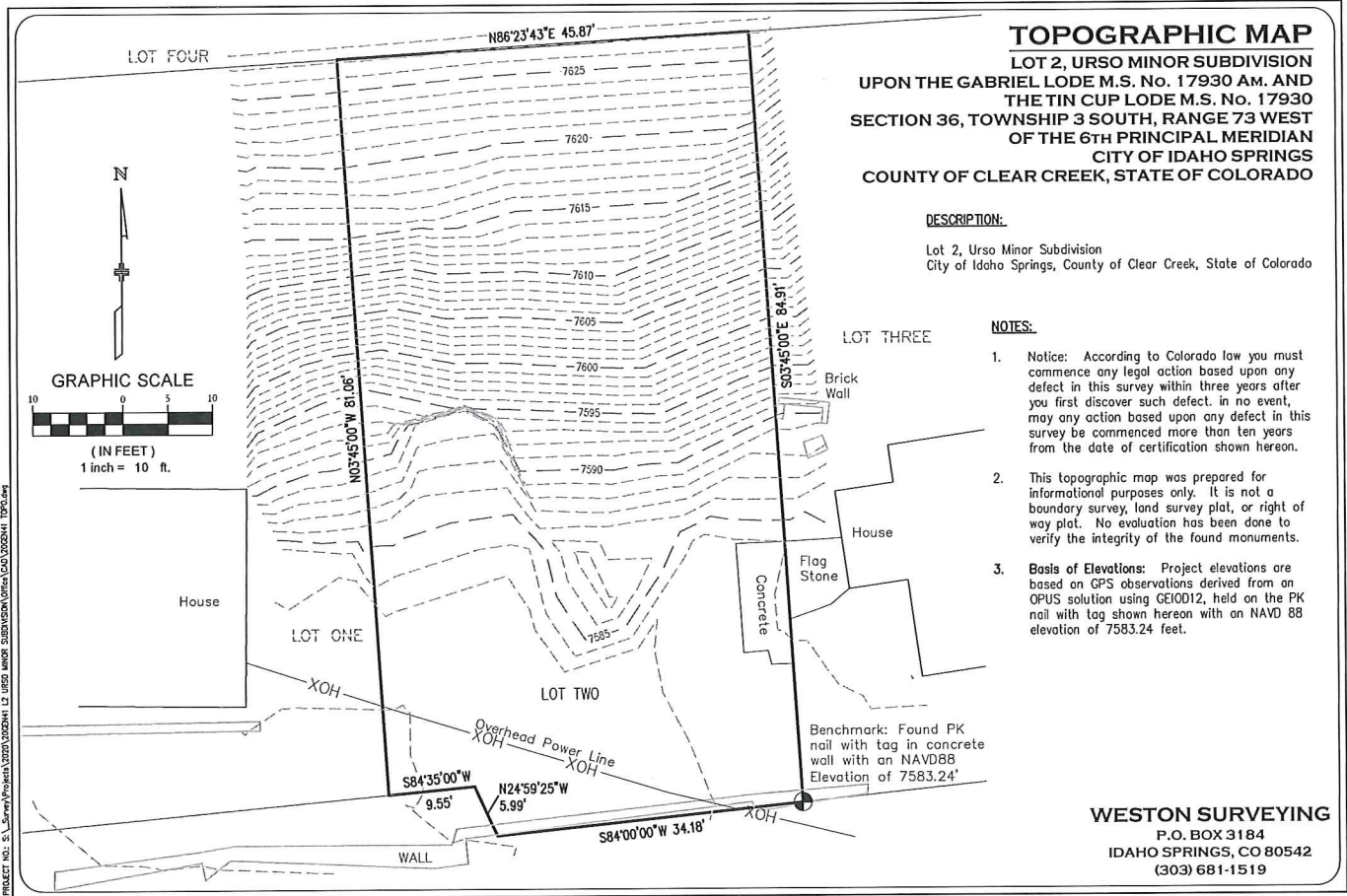
Note: House at 1614 Wall Street within 12 feet from edge of road (looks closer)



1614 Wall Street, 2015.

Note: After House gone

Note: Easement/Turnaround at top of road



TOPOGRAPHIC MAP

**LOT 2, URSO MINOR SUBDIVISION
UPON THE GABRIEL LODGE M.S. No. 17930 AM. AND
THE TIN CUP LODGE M.S. No. 17930
SECTION 36, TOWNSHIP 3 SOUTH, RANGE 73 WEST
OF THE 6TH PRINCIPAL MERIDIAN
CITY OF IDAHO SPRINGS
COUNTY OF CLEAR CREEK, STATE OF COLORADO**

DESCRIPTION:

Lot 2, Urso Minor Subdivision
City of Idaho Springs, County of Clear Creek, State of Colorado

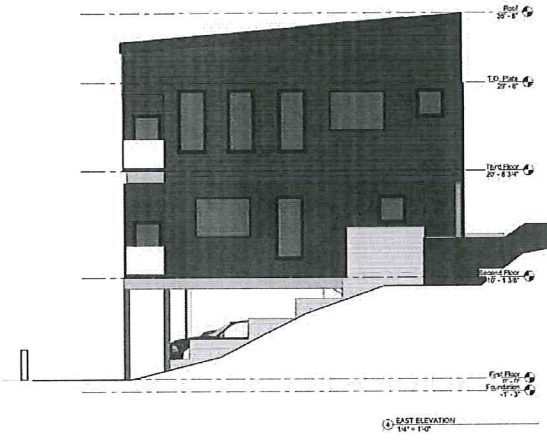
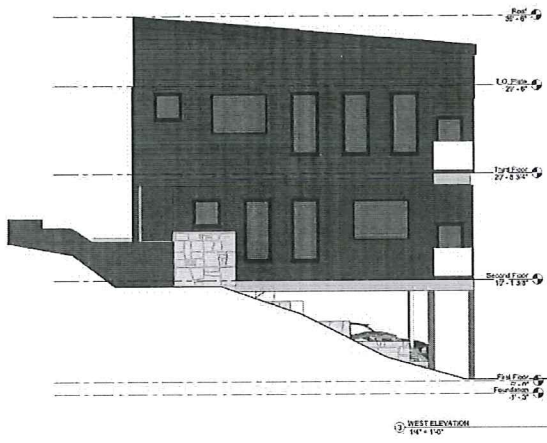
NOTES:

1. 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 certification shown hereon.
2. This topographic map was prepared for informational purposes only. It is not a boundary survey, land survey plat, or right of way plat. No evaluation has been done to verify the integrity of the found monuments.
3. **Basis of Elevations:** Project elevations are based on GPS observations derived from an OPUS solution using GEI0012, held on the PK nail with tag shown hereon with an NAVD 88 elevation of 7583.24 feet.

WESTON SURVEYING
P.O. BOX 3184
IDAHO SPRINGS, CO 80542
(303) 681-1519

PROJECT ID: S:\Survey\Projects\0720\02020411 12 URSO MINOR SUBDIVISION\Office\CA\02020411 12.dwg

- NOT FOR CONSTRUCTION -



October 21, 2020

To: Michael Kastenbaum
Re: Variance Letter
Location: 1614 Wall Street
Idaho Springs, Colorado

ASI #120-266

To Whom it May Concern,

The purpose of this letter is to discuss providing a variance for parking and a proposed structure at the undeveloped property located at 1614 Wall Street in Idaho Spring, Colorado. Currently the property has not been developed; however, there is an access driveway for multiple properties on Wall Street (which is not a through street) and adjacent properties have graded an open parking area at the toe of the hillside to the north.

Based on information available on the Clear Creek County web site (Clear Map), at the southwest corner of the property the property line is located at the centerline of the drive lane with the southeast corner located on the edge of the hillside or south side of the drive lane. At the southwest corner the hillside is approximately 30 feet from the property line at which point the hillside slopes steeply (approximately 39 degrees upward) and consists of nearly solid rock. The hillside continues to the east and west behind all of the adjacent properties on the drive lane. At adjacent properties the existing structures are located approximately at the edge of the drive lane (7 to 10 feet from the centerline of the drive lane).

As noted above, the hillside on the northern side of the property slope steeply and consists of nearly solid rock and rock outcroppings. Given the limited distance from the south side of the property the Zoning Setback requirement of 20 feet for all structures would require that any structure on the site would have to be set into the side of the steep hillside. This includes carports, garages and living spaces. Again, I note that adjacent properties and structures are constructed directly on the drive lane with minimum setbacks of 7 feet to 10 feet from the property lines.

In my opinion the setback requirement at the site poses an undue burden on the property owner as it would require significant excavation and likely blasting of the hillside. In addition, to perform this excavation there is significant potential for damage to existing adjacent structures (which, based on the construction, were likely built in the mid-1900's) due to removal of the hillside via blasting and further potential for damage due to possible rockslides during excavation and blasting. Therefore, it is my opinion that the excavation costs for this site make construction at the site infeasible and I believe a variance for the 20 foot setback should be granted for this property.

Finally, I believe that there is sufficient distance from the edge of the drive lane to the toe of the hillside (approximately 20 feet from the edge of the existing drive lane) to provide perpendicular parking located directly under a new structure, as yet to be determined. This will allow for single lane access to all properties on Wall Street (as is currently accessible) and allow for safe pull in and pull out areas in a



Ashworth Structural, Inc.

Structural Design and Analysis

carport type structure. To the best of my knowledge and readily observed from the site and from aerial photography, east of the subject property there is a wide turn around area which is believed to have been constructed to allow for emergency vehicle turn-around. This is not a part of the subject property.

Opinions in this report are limited to observations and conclusions for the proposed structure and parking area on the property located at 1614 Wall Street in Idaho Springs, Colorado. We reserve the right to review any additional information concerning this property and to amend our opinions accordingly. No warranty is either expressed or implied in this inspection and opinions expressed in this report do not provide an insurance policy, nor warranty service. In the event of an oversight, maximum liability must be limited to the fee paid.

If you have any concerns or questions, please do not hesitate to call.

Sincerely,

Arthur C. Ashworth, P.E.
Colorado Professional License No. 37630





Robert Grapes, Owner
P.O. Box 571 Black Hawk, Colorado 80422
Phone: (303)582-1131
e-mail: bhgrapes@gmail.com
www.grapesandsons.com

To: Michael Kastenbaum
From: Holly Grapes, Office Manager
Date: October 13, 2020
RE: 1614 Wall Street

Dear Michael,
I fully checked out your property at 1614 Wall Street with you (and remember it clearly).
I have had my excavation business for over 25 years in this area.

I KNOW well what it is to build into the side of a mountain (and have done so MANY times)!

Building into that mountain to your north is very challenging and expensive.
At a certain point it becomes actually dangerous (for my men).

I understand you are trying to start your residence build equal to the homes to your east and west.
Do that at a minimum.

Basically start your build as far from that mountain as the city allows you to do so.
It is all doable of course, just not easy and NOT CHEAP.

We talked together when I looked at your land.
You told me how concerned you were regarding the costs of the excavation, foundation and
retainment.

Whatever we have to do, we will do our best on the work (and financially)!
Nonetheless, the 8 feet you are asking for in the variance will help your build
SUBSTANTIALLY (and is better for us).

Sincerely,
Robert Grapes
Grapes & Sons Excavating, LLC

From: con1772carp con1772carp@gmail.com
Subject: Future Residence in Idaho Springs
Date: October 20, 2020 at 4:05 PM
To: mkastenbaum@mac.com



Dear Michael,

I fully checked out your property at 1614 Wall Street. I am an experienced Carpenter (Union Forman) my whole career focusing on foundation work (though am now retired). I would say I am very experienced in all issues around excavation and foundation work. Building into that mountain to your north is extremely difficult, possibly dangerous (if we have to go far in). You must start your build as far from that mountain as the city will allow. I would think the city should give you the right to build where the houses around you are (as far as front set-back). If that happens, this will help you (us if we work together) SUBSTANTIALLY related to the excavation and the foundation. We have become friends as you have started your life in Idaho Springs. I know a bit about you now, and your work as a documentary filmmaker and teacher. I know that the cost of building into that mountain concerns you. I know that you have thought you cannot even build, that this creates a real financial challenge to you. Good luck and let me know how I can help.

Jim Conlin

Sent from my Metro By T-Mobile 4G LTE Android Device

From: Jonah Underwood jonahunderwood@hotmail.com
Subject: Kastenbaum Project
Date: September 8, 2020 at 6:55 PM
To: Michael Kastenbaum mkastenbaum@mac.com



To Whom it may Concern:

I am working with Michael on strategizing, pricing and implementing his planned build at 1614 Wall Street in Idaho Springs.

That property has a very challenging aspect to the build given the density and the slope of the mountain to the North.

Much of Michael's property is on the slope of the mountain.

There is a significant cost to the excavation, and to the foundation and retainment we must build related to that slope.

Jonah Underwood
Underwood Construction
General Contractor

K & M BUILDERS LTD
4162 BEAVER BROOK CANYON ROAD
Evergreen, CO 80439
STEVE@KMBUILDERSLTD.COM
303-877-9965

Dear Michael,

10-20-2020


I am an experienced GC in this area for many years.
I checked out your property at 1614 Wall Street some months ago.

Building into that mountain to your north is no easy (or inexpensive) ordeal (given the necessary excavation, foundation and retainment).
Of course 'expense' is relative. Though I know from our discussions that this cost was very worrisome to you.

A variance on the front set-back as you have applied for (matching your neighboring houses) is definitely relevant to the overall cost of your build.
I know you intend to keep your footprint relatively small, and that extra 8 feet (per the variance) will help you.

All the best on this,

Steve Kroll
K&M Builders Ltd
General Contractor

From: Julia Purrington Julia@bhhselivated.com 
Subject: Letter of Support
Date: October 20, 2020 at 6:47 PM
To: Michael Kastenbaum mkastenbaum@mac.com



Dear Michael,

I was your Real Estate Broker for your purchase of land at 1614 Wall Street. I understand that you are seeking a setback variance to reduce the front setback from 20 feet to 12 feet. The variance makes a lot of sense for construction on this extremely limiting lot and given the area's housing shortage, I encourage you to build more than one residence if you are capable of doing so. This will help with the shortage and bring more value to whatever you build. I think this was always your plan and I know that you did an extreme amount of due diligence to understand the limitations of building on this lot.

I have gotten to know you and I have an understanding of your financial circumstances. I clearly see the immense financial positives if you can get the front setback variance changed from 20 feet to 12 feet (per your request).

I understand that you have been made aware of a new code issue which has resulted in this property being non-conforming. This was not known to either of us at all at the time of purchase. I felt at the time that you did your extreme best to uncover any of these types of issues including meeting with the City Planner several times. You are a first time buyer and first time purchasing land as well and I was impressed with the amount of research that you did to be informed of all of the pertinent regulations.

I do hope that the city will allow you to build per the zoning as you discussed with them during your due diligence on purchase.

Hope this helps!

Best,

Julia

Julia Purrington, PE

Broker Associate, Berkshire Hathaway HomeServices Elevated Living Real Estate

Mountain Metro Association of Realtors, Chair Elect

[c. \(303\) 981-5007](tel:3039815007) | [o. \(303\) 679-4117](tel:3036794117) | Julia@BHHSelivated.com

ColoradoFoothillsLiving.com

29029 Upper Bear Creek Road, Ste. 104, Evergreen, CO 80439



Thomas Myers
9560 Willow creek Rd
Morrison, Co 80465
720.205.8000

October 20, 2020

Dear Michael,

I fully checked out your property at 1614 Wall Street.

I am an experienced subcontractor in this area for many years and we talked about you building a home on the lot.

Building into that mountain to your north is expensive and challenging. I would suggest to build as far from that mountain as possible

My understanding is that you want to have the front of your residence matched with the houses to your east and west. This would be up to the building department.

In fact, I just don't see any reason why they would not, particularly given that you are creating parking on the ground level.

We have known each other for some years and that you did your due diligence on the property before you purchased it and that included talking to the people at the city.

You told me you are asking for variances on the lot width and size because your lot it turns out is non-conforming to the code. From our conversations this was never revealed to you and that you would have gone in a different direction. You told me you found out over 6 months after you bought it.

You told me you had meetings with the prior city planner in advance of buying the land and this was never brought up. You told me you had discussions (and a meeting) with the new city planner (who brought it up a month or so later). You told me your designer never brought this up.

I am sure that you are going down the right directions and that the city should absolutely grant you variances to build per the zoning (R3).

Looking forward to building with you if it works out that way for us.

Thomas Myers
Subcontractor
Denver area

December 8, 2020

Michael Kastenbaum,

As requested, this letter comments on the access road to your property. The road in question, east of 16th Street, is an extension of Wall Street. This road however, is essentially a shared driveway that also serves houses to the East and West of your property.

I have performed a cursory review of this road (which I believe is historical) and the retaining wall below it during several site visits for both the Habitat For Humanity project as well as an evaluation of your property.

That road currently serves two existing homes. That dirt/gravel road appears stable, and based on historical usage, presumably will continue to perform satisfactorily with routine maintenance.

Development of your lot would not negatively impact that road, particularly with the 12' requested setback distance from the edge of the road.

Additionally, as part of the development process for both the property below and your property, site evaluations will be required by geotechnical engineers.

The opinions in this report are limited to observations and conclusions of the access road for the proposed development of 1614 Wall St, Idaho Springs, CO. We reserve the right to review any additional information concerning this property and to amend our opinions accordingly. Please understand that no warranty is either expressed or implied in this inspection. The remarks in this letter do not provide an insurance policy, nor a warranty service. In the event of an oversight, maximum liability must be limited to the fee paid.

I appreciate the opportunity to be of service to you. If I can be of further assistance, please do not hesitate to call.

Sincerely,



Drew Schneider, P.E.
Insight Engineering, Inc.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
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donna.l.george@xcelenergy.com

December 9, 2020

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

Attn: Michael Davenport

Re: 1628 Virginia Street Variance

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **1628 Virginia Street** and has no particular concerns with the variance.

PSCo also owns and operates existing an existing natural gas service line within the subject property. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or *modification* to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

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