



CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
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NOTICE AND AGENDA
VARIANCE BOARD OF ADJUSTMENTS
Idaho Springs City Hall
1711 Miner Street
Thursday, December 12, 2024 – 5:30 p.m.

- **Call to Order**
- **Roll Call**
- **Swearing in of renewed member Dru Van Doren**
- **Approval of Minutes of the February 15, 2023 Variance Board Meeting**
- **Approval of Minutes of the March 15, 2023, Variance Board Meeting**
- **Conflict of interest**
- **New Business**
 - **PH: 1334 Virginia Street: Request for a Variance to the Front Setback to allow for a Carport / Deck at 1334 Virginia Street**
 - **PH: 1702 Virginia Street: Request for a West Side Setback Variance for an Existing Shed at 1702 Virginia Street**
 - **PH: 2616 Miner Street: Request for a Side Setback Variance and Drive Lane Width Variance to allow a Commercial Structure containing a Garage and Unstaffed Hotel at 2616 Miner Street**
- **Adjourn**

IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION INSTRUCTIONS

The Public is able to view and hear this meeting remotely at the following address on the City's website:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83506000349?pwd=REk5TFBZMS95NXhseFJoOUVzZlBoUT09>

Passcode: 242095

Or One tap mobile :

US: +17193594580

Webinar ID: 835 0600 0349

Passcode: 242095

For in-person Unscheduled Public Comment, please sign-in at the entrance to the Council Chambers.

Each individual that is providing public comment is limited to three (3) minutes.



OATH OF OFFICE

I, Dru Van Doren, do solemnly declare and affirm that I will support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado and the laws and ordinances of the City of Idaho Springs, and that I will faithfully perform the duties of Variance Board Member, for the City of Idaho Springs, upon which I am about to enter.

Dru Van Doren

STATE OF COLORADO)
)
COUNTY OF CLEAR CREEK) ss.

Subscribed and sworn to before me this ____ day of _____ 2024

Witness my hand and official seal.

Wonder Martell
Deputy City Clerk



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
February 15, 2023**

CALL TO ORDER

Chair Doug Smith called the meeting to order at 6:01 PM. Board members present were Chairperson Doug Smith, John Hatch, and Ann Zimmerman. Board member Dru Van Doren was absent. City staff present was Deputy City Clerk Wonder Martell, City Administrator Andrew Marsh and Assistant City Administrator Jon Cain.

APPROVAL OF MINUTES

Board member John Hatch moved to approve the minutes of September 21, 2022. Chair Doug Smith seconded. Board Member Ann Zimmerman did not vote as she was not present at the September 2022 meeting.

NEW BUSINESS

Public Hearing

Variance request from Igadi LTD of the off-street parking requirement of sections 21-125 and 21-127 of the ISMC.

Chair Doug Smith opened the public hearing at 6:02 pm.

Jon Cain presented the staff report outlining the request and advised the board that the city had received no negative comments back on this variance. Mr. Cain advised the board that the Code requires five off-street parking spaces for this project, and the applicant is proposing to provide no off-street parking. The Applicant and Property Owner are planning to reconstruct the cultivation facility that previously existed at 2820 Colorado Boulevard. The previously existing 2,750 square foot house and garage will be replaced with a 7,215 square foot facility as depicted in the Concept Plan of the application. The size of this facility will increase by 4,465 square feet. Mr. Cain also advised the board that the proposed variance will have little effect on the public safety and welfare of the residents and visitors of Idaho Springs. While there are some questions about whether or not this application for variance fully complies with ALL of the criteria listed in section 21-109 of the Municipal Code, *City Staff* recommends approval of the requested variance.

The proposed condition would result in new construction on a prominent corner of the City, and the project will meet all other zoning and land development regulations of the City. The use of public parking spaces (3) in front of this property will remain consistent with that associated with the previous cultivation facility. This is not a retail location meaning traffic to this building will be minimal. It is City Staff opinion that this is the minimum required variance to allow reasonable use of this property.

Applicant testimony – Deputy City Clerk Wonder Martell swore in applicant, David Michael from IdadI. Mr. Michael wanted to thank Mr. Cain and advised the board that it has been a pleasure working with Mr. Cain. Mr. Michael agrees almost whole heartedly on Mr. Cains staff report on this variance request. Mr. Michael stated that the Kind Min created a cultivation facility in an old home and that was not the best place for a cultivation facility as there was a lot of moisture which can cause mold because of the humidity. Mr. Michael showed slides of the proposed new building and cultivation facility. Mr. Michael advised that this new facility is state of the art and will require less employees as most of the facility will be fully automated. Mr. Michael also mentioned that parking at this facility has never been an issue. Mr. Michael advised the board that the sloe on the Gilson Street side is very steep and the area behind the building sloes down into the creek. Mr. Michael also stated that he feels this new facility will really enhance the neighborhood.

Ms. Martell swore in Scott Pennell who is the property owner. Mr. Pennell stated that this new facility will not cause any additional demand for parkin and will most definitely be an enhancement of the East side of town.

PUBLIC COMMENT

There was no public comment for this public hearing.

DISCUSSION

Mr. Smith asked staff if there were currently 13 spaces at this location. Mr. Cain advised that he thinks that there are 10 spaces currently. Mr. Smith also asked staff how many spaces the retail at this location requires. Mr. Cain replied that he would need to look at different business's. Mr. Smith stated that as long as the city is ok with that parking then he would agree with this variance. Board member Zimmerman had no questions. Board member Mr. Hatch asked how steep the grades were on the Gilson Street side, Mr. Michael replied that there was not enough room on that side for additional parking. It would be possible, but it would be very expensive and not 100% sure it would work. Mr. Michael also mentioned that the MJ business has been experiencing deflation and there were 88 MJ licenses surrendered in Colorado this year which has never happened and trying to make additional parking on the Gilson side would make traffic more difficult and not economically viable. Mr. Cain mentioned that Gilson is a very steep road and the stop sign placement at that intersection is an issue. Mr. Cain also wanted to make sure that the board knew that Mr. Michael sent notice to every address within 300 feet of this location and staff received no comments on this variance request.

Chair Doug Smith closed the public hearing at 6:27 pm.

Doug Smith moved to approve a Variance at 2820 Colorado Boulevard from the off-street parking requirements in Sections 21-125 and Section 21-127 of the Idaho Springs Municipal Code.

City Administrator Andrew Marsh advised Mr. Smith that there could be further board discussion after the motion and second had been made.

Board member Ann Zimmerman seconded followed by an all-in favor roll call vote. Variance passes 3-0.

ADJOURN

With no further business before the board, Chair Doug Smith adjourned the meeting at 6:30 p.m.



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
March 15, 2023**

CALL TO ORDER

Chair Doug Smith called the meeting to order at 6:00 PM.

ROLL CALL

Board members present were Chairperson Doug Smith, John Hatch, and Ann Zimmerman. Board member Dru Van Doren was absent. City staff present were Assistant City Attorney Nick Klien, Assistant City Administrator Jon Cain and Building official Dan Wester from SAFEBuilt.

NEW BUSINESS

Appeal Hearing

1546 Miner Street appeal of Building Department interpretation of building codes.

Chair Doug Smith opened the public hearing at 6:05 pm.

Jon Cain presented the staff report outlining the hearing request. Ross Bradley, owner of 1546 Miner Street (THE APPLICANT), is appealing the City Building Department's interpretation of the International Existing Building Code (IEBC) requiring the construction of an accessible restroom for a change of occupancy classification and use from Business Group B to Mercantile Group M.

Due to the proposed change of use, the City's Building Department performed a code analysis to determine whether the new use meets Code requirements. The Building Department found that the application to change uses was incomplete because "the partial change of occupancy in section 305.4.1 (2018 IECC) references three sections (sections 305.6, 305.7, and 305.8). No compliance with section 305.8 was indicated in the permit application, and an accessible restroom must be provided." Mr. Cain advised the board that there are 3 different decision options in his staff report.

- **AFFIRM** the decision of the Building Official that IEBC sections 305.4.1, 305.6, 305.7, and 305.8 apply to the Applicant's change of use and an accessible restroom is required.
- **OVERTURN and REVERSE** the decision of the Building Official that IEBC Sections 305.4.1, 305.6, 305.7, and 305.8 apply to the Applicant's change of use. As a result, an accessible restroom is not required.

- **MODIFY** the decision of the Building Official that IEBC Sections 305.4.1, 305.6, 305.7, and 305.8 apply to the Applicant's change of use as follows [Explain how the Board wishes to modify the Building Official's decision short of completely overturning/reversing the decision]

APPLICANT

Ross Bradley 2555 South Zion Street, Lakewood

Mr. Bradley was sworn in by Mr. Cain and Mr. Bradley is with Bradley Engineering Company, and he is hoping for an overturn vote on Safebuilt determination. Paragraph 4 on Safebuilt report states that the basis of the denial is based on the assumption that there are alterations that will be happening. This permit is for a change of use only, no alterations other than some flooring changes, and painting down the line, which in section 105.2 of the building code are exempted from permits. This should be enough to overturn the decision, section 305.8 is irrelevant as no alterations are being made.

BUILDING OFFICIAL

Mr. Wester thanked Mr. Bradley and pointed out that section 105.1 stated that sections 305.1 thru 305.9 apply to maintenance and change of occupancy to include historic structures. Section 105.1 requires the permit, and section 205 requires the provisions. The change of occupancy from B to M requires this accessible restroom, that is what the building code requires. Mr. Wester asked Mr. Bradley what the square footage is to which Mr. Bradley replied 1400 square feet. Mr. Wester mentioned that a memo was sent to Ms. Martell and asked if the board had received that. The board took about 0 minutes to review that memo from the building official Mr. Wester.

PUBLIC COMMENT

There was no public comment for this public hearing.

DISCUSSION

Mr. Smith asked Mr. Bradley what the intended use of this property is going to be. Mr. Bradley advised the board that it is going to be retail. Mr. Cain advised the board that the restroom that is currently at this location is not for public use.

Board member Sterns questioned if the building itself is accessible, there are no ramps at this location currently? Mr. Bradley stated that Mr. Sterns is correct that this argument is for an accessible restroom in a building that itself is not accessible.

Mr. Wester mentioned that there is an exception to existing buildings, because of the historic buildings in Idaho Springs, that if there is not an accessible entrance, one does not need to be created, but you are required to have an accessible route to an accessible restroom. Once in the building, you must have an accessible route to an accessible restroom. Mr. Wester also stated that that restroom must be within 500 feet from the property. Mr. Wester stated that if there is an accessible restroom within 500 feet of this business, then the accessible restroom would not have to be created. Mr. Wester stated that Mr. Bradley could use this accessible restroom for his code path forward. Chair Smith stated that there is a restroom within 500 feet, Mr. Cain advised the restroom is 192 feet from this property location. Mr. Wester advised Mr. Bradley to provide a code path, that tells the city on paper that there is an accessible route to an accessible restroom within 500 feet. Once the building department receives that, this project can move forward.

VOTE

Chair Smith moved to affirm the appeal provided that Mr. Bradley provide a code path that is acceptable to the building official, SAFEBuilt. Board member Zimmerman seconded followed by an all in favor roll call vote.

ADJOURN

With no further business before the board, Chair Doug Smith adjourned the meeting at 6:46 p.m.

IDAHO SPRINGS VARIANCE BOARD STAFF REPORT

Meeting Date: Thursday,
December 12th, 2024

Page 1 of 6

Item:

**Request for a Variance to the Front
Setback to allow for a Carport /
Deck at 1334 Virginia Street**

Presented by:

Dylan Graves

Community Development Planner

PROPOSAL:

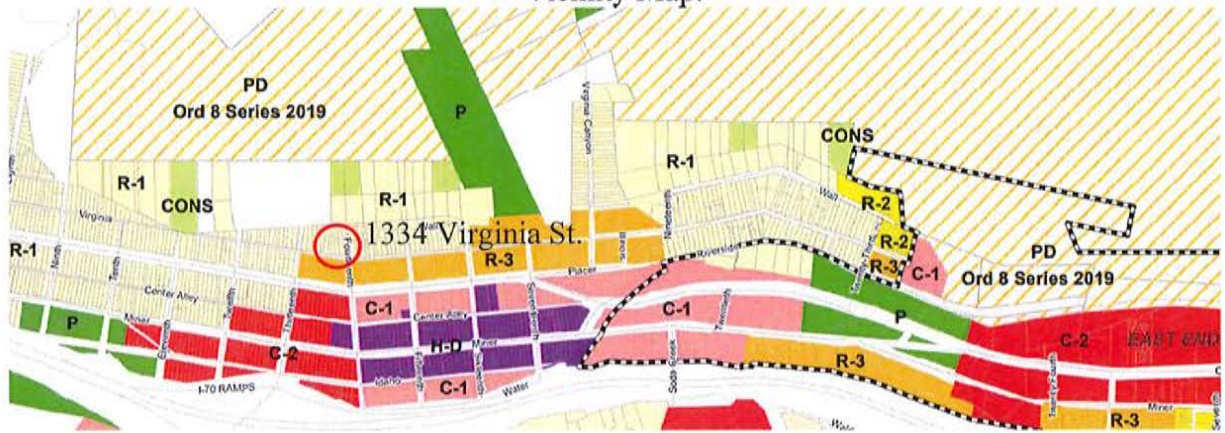
This is a request for a variance from the setback requirements found in the Idaho Springs Municipal Code (ISMC) to allow for a carport and deck structure to be constructed at 1334 Virginia Street. The requested variance is to reduce the front setback for the structure from 15', as required by Section 21-63 of the ISMC, to 3'. To allow the structure to be 3' from the front property line, a variance is required.

ATTACHMENTS:

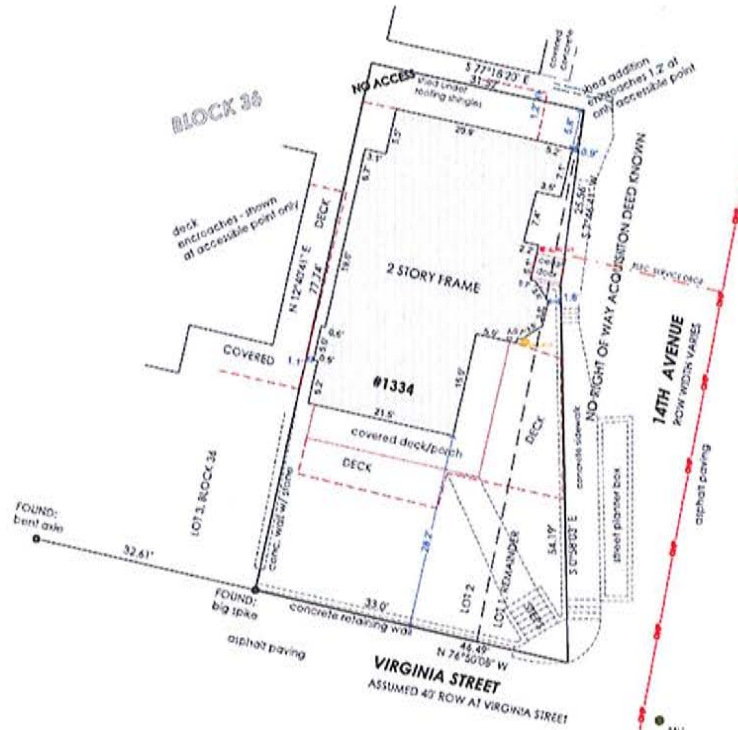
1. Proposed Site Plan
2. Proposed Structural Drawings
3. Applicant Narrative

BACKGROUND:

Vicinity Map:



The subject property is zoned ~~Recreation-Residential~~ One (R-1) and is located at the intersection of Virginia Street and 14th Avenue. The current use of the property is one residential, single-family home. This home was built in approximately 1885 and pre-dates the implementation of zoning in the City. Several additions have been built since the home was constructed, including exterior modifications such as decks and other accessory structures. No driveway or garage exists on the subject property. The existing improvements on-site are shown below:



The existing front yard is elevated from street grade and has a retaining wall that ranges from 2’ tall to the west to approximately 6’ tall to the east. The proposal would be to remove the retaining wall along much of the Virginia Street frontage and excavate an approximately 23’ by 40’ driveway area. The applicant proposes covering this area with a 23’x40’ wooden deck structure that serves as both a carport to create a secure, covered parking area as well as a deck / outdoor living space for the residence on top to replace the lost front yard square footage. The structure is proposed to be approximately 5’ taller than the existing retaining wall and front yard height. The proposal would reduce parking spaces along Virginia Street by approximately two spaces but would create two off-street parking spaces for 1334 Virginia Street.

To develop this carport / deck structure, the applicant has stated that they need to encroach 12’ into the front setback. This would result in a 3’ front yard setback for the proposed structure. All other setbacks, including the required 5’ side setbacks, would continue to be met.

VARIANCE BOARD ROLE:

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

CRITERIA FOR APPROVAL.

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, 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, unique circumstances related to existing structures or topographic conditions.

Staff believe that the applicant would suffer hardship if the requested variance is not met and that the hardship is based on the preservation of the existing structures on-site and the unusual configuration of the applicant's property boundaries resulting from the existing structures.

Although there are many properties in the City that do not have driveways, garages, or private parking due to their configuration and the topography of the City, the lack of secure, off-street, covered parking can be seen as a hardship for property owners, for several reasons.

First, Colorado has inclement winter weather. Where it is possible to build covered off-street parking, it is desirable to reduce wear and tear on vehicles and to reduce potential conflicts with City plow trucks. Whereas presently the applicant exclusively has uncovered street parking available, the applicant would now be able to park off-street and reduce wear and tear. This benefits both the applicant and the City's public works maintenance staff.

Second, the ISMC requires off-street parking with any new residential development. Specifically, Section 21-127 of the ISMC requires two (2) off-street parking spaces for any new single-family residential development. The subject property is not required to comply with this standard because it was built well before Section 21-127 was implemented, but by approving this development, it brings the lot into compliance with the City's parking standards. This eliminates nonconformity that otherwise exists on-site.

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.

City staff do not believe that there are reasonable design alternatives or alternative locations for the proposed structure that would eliminate the need for a variance. Given the size and shape of the lot, this is the only location that would accommodate off-street parking. The City's *Standards and Specifications for Design and Construction* state that the typical minimum parking space is 9'x18'. The proposed structure is 23' in depth, which is 5' wider than the minimum parking space length. As such, the size of the proposed structure could theoretically be reduced in depth. However, even if the size of the structure was slightly reduced, a front yard setback would still be required. No referral agencies had issues with the structure as proposed. Allowing for a slightly larger footprint improves the functionality of the proposed structure. As such, Staff believes that the proposed 3' setback is would not be any more impactful than if that setback was reduced slightly to 5-7'.

Staff believe that this criterion is suitably met.

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.

There is no known intentional, reckless, or negligent action that resulted in the need for this variance. The existing single-family home on the property was built in ~1885, well before any zoning regulations or building codes existing in Idaho Springs. The location of the existing single-family residence precludes the applicant from being able to build an additional setback compliant structure on the property. The existing residence is approximately 28' from the front property line, leaving only 13' of "compliant" space between the existing home and the front setback. No garage or carport could be built on the front half of the property without encroaching on the 15' front

setback. The existing home also encroaches on the eastern side setback, making the home legally nonconforming. No structure could be built on the eastern side of the property while complying with setbacks given this location.

Given that the existing home takes up most of the available setback-compliant square footage at the subject property, City staff believe that the need for a variance is adequately met.

4. Reasonable protections are afforded adjacent properties.

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The proposed structure is compliant with side setbacks, ensuring that there is adequate separation between residential uses. The proposed structure is set back 3' from the front property line. The fire authority and the City's Public Works Department both believe that this is suitable to allow for maintenance on Virginia Street and allow for through access for emergency services. The plan calls for proper retaining of excavated areas of the property to ensure that no issues occur with adjacent property foundations or structures.

The proposed structure is approximately 5' taller than the existing grade at the subject property. This will not have an impact on visibility or sight lines from adjacent properties or from Virginia Street / 14th Avenue given the proposed setbacks from roadways and adjacent driveways.

Staff believe this criterion is suitably met.

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

Staff believe that this variance is close to the minimum variance that will make possible the reasonable use of the proposed structure and reasonable use of the applicant's property. The ISMC states that the minimum size for a parking space is 9' x 18'. The proposed structure has a depth of 23' to accommodate additional storage, so the structure appears to be slightly larger than the minimum required to accommodate covered parking, but seems reasonable to accommodate longer vehicles or small amounts of storage. Currently, no driveway exists on the subject property and street parking of vehicles is required. While there are many properties in the City that require residents to park on the street, it is reasonable to seek off-street parking where possible. The question is whether the applicant does not currently have reasonable use of their property. There are few past variances that could be used as examples. However, several variances have been previously approved for decks, garages, and sheds:

In 2022, a variance to the side and rear setbacks at 2122 Virginia Street was approved to allow for an approximately 132-square foot shed (Resolution VB22-04).

In 2022, a variance was approved for 2033 Wall Street to allow a garage to be built in the side and rear setbacks (VB22-01). This variance was granted for a four-car garage.

In 2020, a variance was approved for 2126 Virginia Street to reduce the front setback from 15' to 10' to accommodate an expanded front porch at the subject property (VB20-02).

Considering the above examples, City staff believe that the variance under consideration would afford the subject property reasonable use of the land and the structure. The City has previously approved projects for garages and decks that enhance the property, provide additional outdoor living space, and/or provide secure off-street parking and storage.

Given the above, Staff believe that this criterion is suitably met.

6. The granting of the variance will:

a. Observe the spirit of this Chapter;

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs, by lessening of congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; classifying land uses and the distribution of land development and utilization; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, schools, sewerage and other public requirements; and by other means in accordance with the Comprehensive Plan and with the zoning maps adopted herewith or hereafter.

Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected. No negative comments were received during the referral and review period for this project.

b. Secure the public safety and welfare;

Public safety and welfare are maintained as a result of this proposal. The proposal will reduce the necessity for on-street parking at this subject address, improving the ability to navigate Virginia Street. This may improve maintenance and emergency response along this thoroughfare.

c. Ensure that substantial justice is done.

Staff believe that substantial justice is done.

REFERRAL COMMENTS:

The City's Public Works Superintendent had no issues with the subject proposal. The only note from Public Works is that sanitary sewer and water from the residence to existing City infrastructure may need to be relocated.

The Clear Creek Fire Authority Chief stated that off-street parking will improve access for emergency response and that they had no issues.

The City's Engineering and Building officials had no issues with the subject request.

STAFF ANALYSIS OF PROPOSAL:

City staff believe that the requested variance generally conforms with the criteria for approval found in Section 21-109(G) of the ISMC. Construction of the proposed carport / deck structure is not expected to have any negative impacts on the City or on adjacent property owners. Public health, safety, and welfare will be maintained. The variance allows for additional reasonable use of the property in question by providing secure, covered off-street parking at the subject property. An argument that a lack of secure off-street parking is a hardship can be made. As such, Staff believe that all criteria for approval are met.

PLANNING STAFF RECOMMENDATION:

Staff recommends that the Variance Board approve the requested front setback variance from 15' to 3' to allow for a wooden carport/deck structure to be built at 1334 Virginia Street; a residential parcel, zoned R-1.

IMPROVEMENT LOCATION CERTIFICATE

In Block 36, TOWN OF IDAHO SPRINGS
County of Clear Creek, State of Colorado

LEGAL DESCRIPTION:
(AS SHOWN ON COUNTY ASSESSOR'S RECORDS)

Lot 1 and 2, Block 36,
IDAHO SPRINGS,
County of Clear Creek,
State of Colorado.

SURVEYOR'S CERTIFICATION:

I, Lawrence G. Chambers a registered Professional Land Surveyor in the State of Colorado hereby certify that this Improvement Location Certificate was prepared for Chad Jager that it is not a Land Survey Plat and that it is not to be relied upon for the establishment of fence, building or other future improvement lines.

I further certify that the improvements on the above described parcel on August 26, 2024, except utility connections, are entirely within the boundary of the parcel, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.



Lawrence G. Chambers, PLS
Colorado Registration No. 18099

1) This survey does not constitute a title search by Chambers Consulting, Inc. to determine ownership or easements of record. Research for this survey was performed in accordance with CRS 38-51-106 and the Rules of Procedure and Board Policy Statements of the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors, specifically those Board Rules and Policy Statements relating to the depiction of easements and rights of way in subdivision plats.

2) Distances on this Improvement Location Certificate are expressed in US survey feet and decimals thereof. A US Survey Foot is defined as exactly 1200/3937 meters.

3) According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the surveyor's certification above.

4) Any person who knowingly removes, alters or obscures any public land survey monument or land boundary monument or accessory corner or corner mark (2) Midwestern pursuant to a Colorado State Statute CRS 18-4-908.

1334 VIRGINIA ST. ILC
CHAMBERS CONSULTING INC.

STREET ADDRESS: 805 BEAR CREEK AVENUE
MAIL: P.O. BOX 339, MORRISON, CO 80445-0339
303-697-0650 chambers@chamberscon.com

SCALE: 1 INCH = 10 FEET

DATE: 9-4-2024

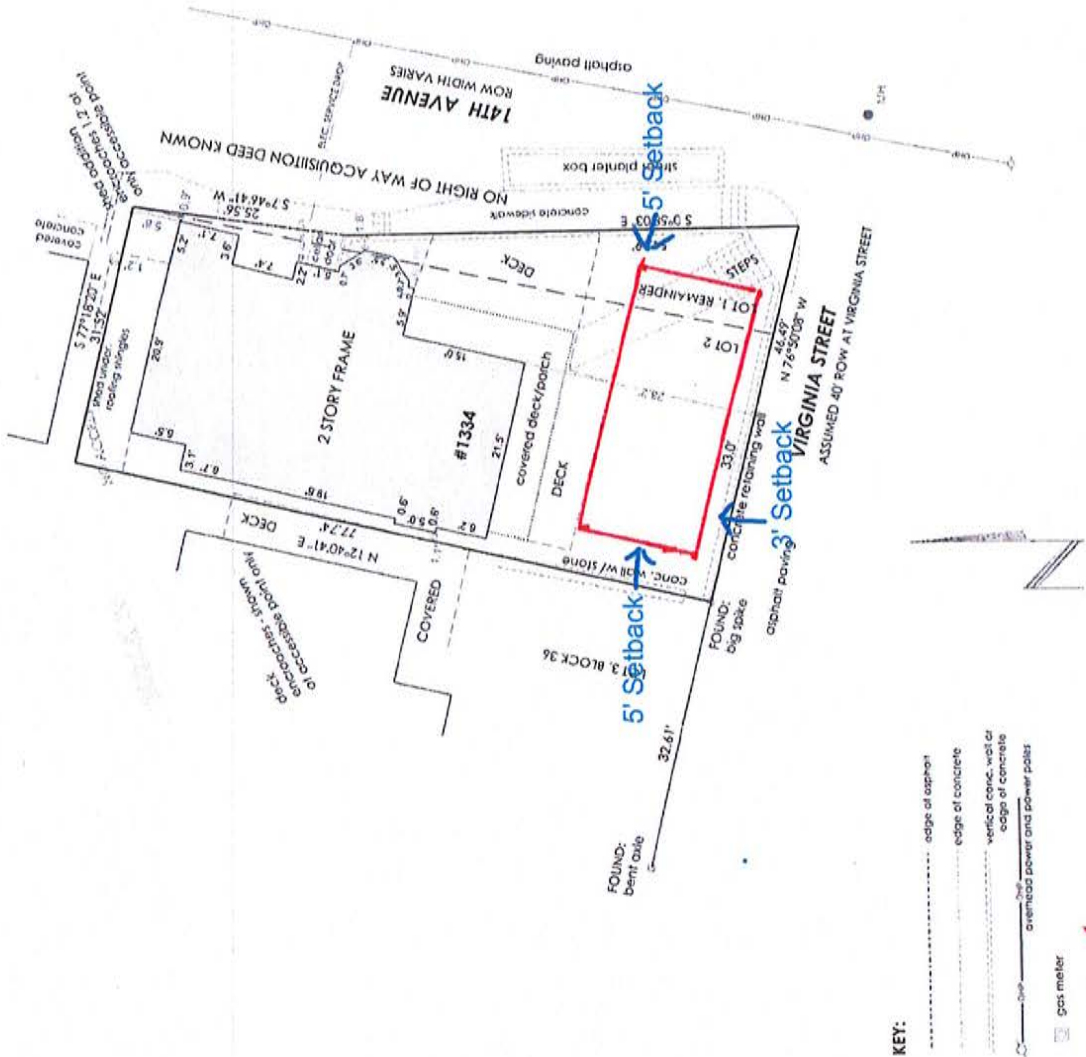
REVISION:

DRAWN BY:
LGC & JARC

DRAWING NO.:
1856

COUNTY:
CLEAR CREEK

Chambers:
24-1856
file: VIRGINIA_TRV



KEY:

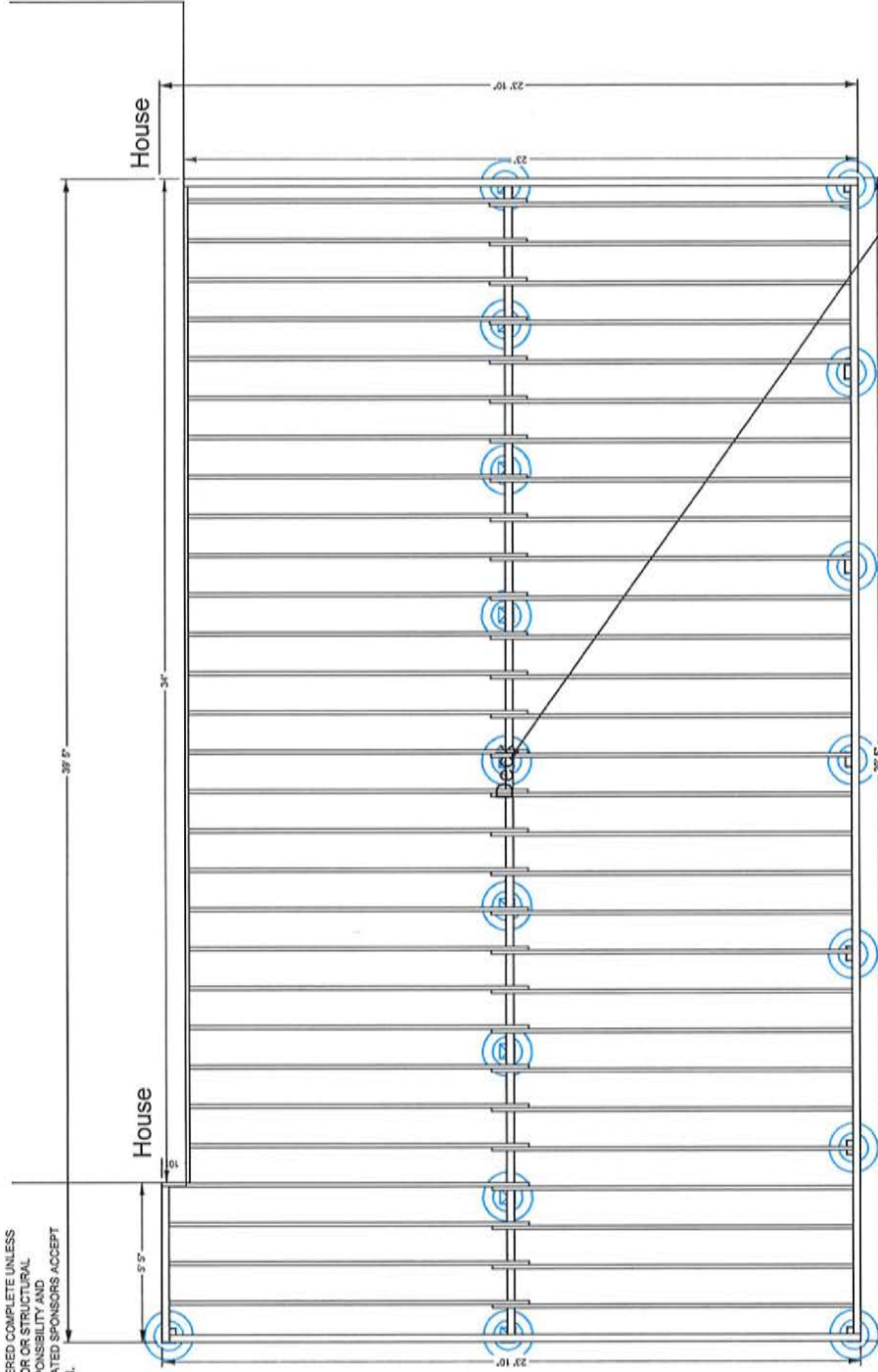
- edge of asphalt
- edge of concrete
- vertical conc. wall or edge of concrete
- overhead power and power poles
- gas meter
- electric meter
- FOUND: cable or spike no other boundary evidence found on the subject parcel

SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN.



Feetings to be installed to 35" depth as is required by your local building ordinance. Frost loading areas based on 55 lbs per sq ft. Maximum allowable compression capacity (assumed dry soil). See footing detail in deck construction guide.

Total Depth: 35"
Beam Diameter: 20"
Pier Diameter: 12"

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

2x10 Ledger Board to be flashed and bolted (2) 1/2" bolts with washers or equivalent every 16" on center. (See ledger detail in deck construction guide)
Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.
Beams to be 2-2x10 pressure treated southern yellow pine nailed.
Guard Rails to be 36" high with less than 4" openings per IRC code. (See stair detail in deck construction guide)
Stairs to be built max rise 7-3/4" min rise 4" in run 10" per IRC code. (See stair detail in deck construction guide)
Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)
All hardware to be corrosion resistant and installed per manufacturers' instructions.



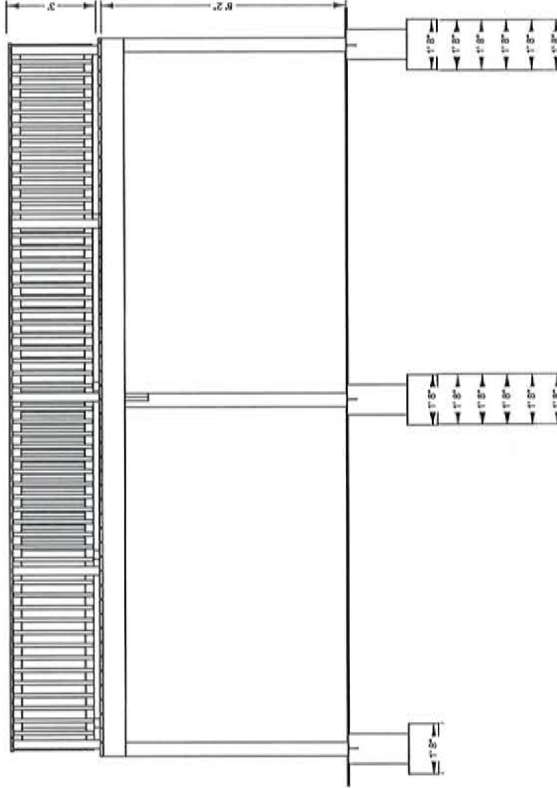
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Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)
All hardware to be corrosion resistant and installed per manufacturers' instructions.



DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

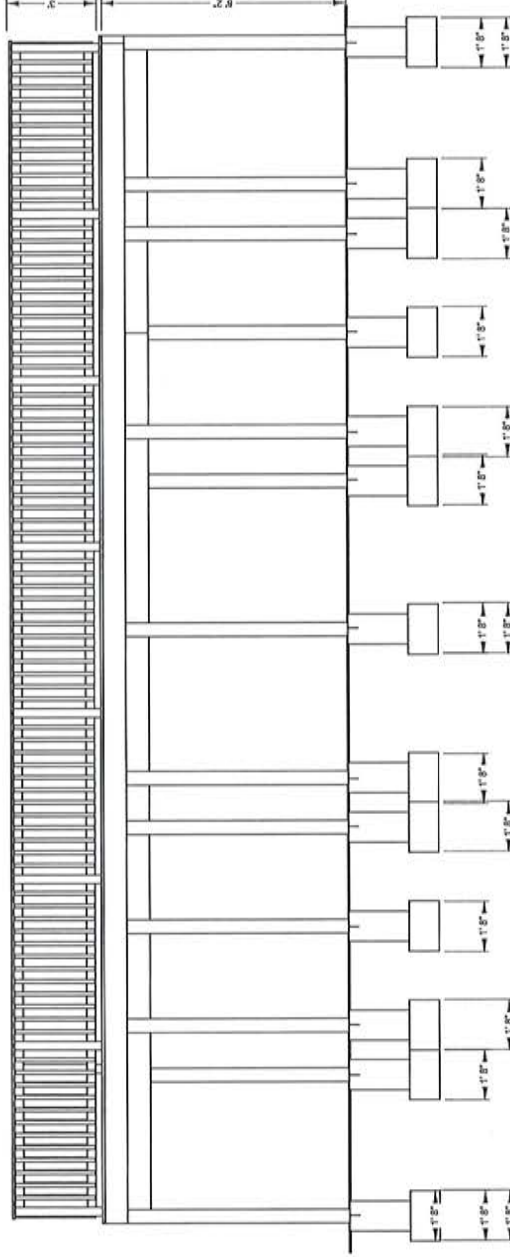
DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN. © DECKS.COM LLC

SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN.



2x10 Ledger Board to be flashed and bolted (2) 1/2" bolts with washers or equivalent every 16" on center. (See ledger detail in deck construction guide)
Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.
Beams to be 2-2x10 pressure treated southern yellow pine nailed.
Guard Rails to be 36" high with less than 4" openings per IRC code. (See rail detail in deck construction guide)
Stairs to be built max rise 7-3/4" min rise 4" in run 10" per IRC code. (See stair detail in deck construction guide)
Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)
All hardware to be corrosion resistant and installed per manufacturers' instructions.



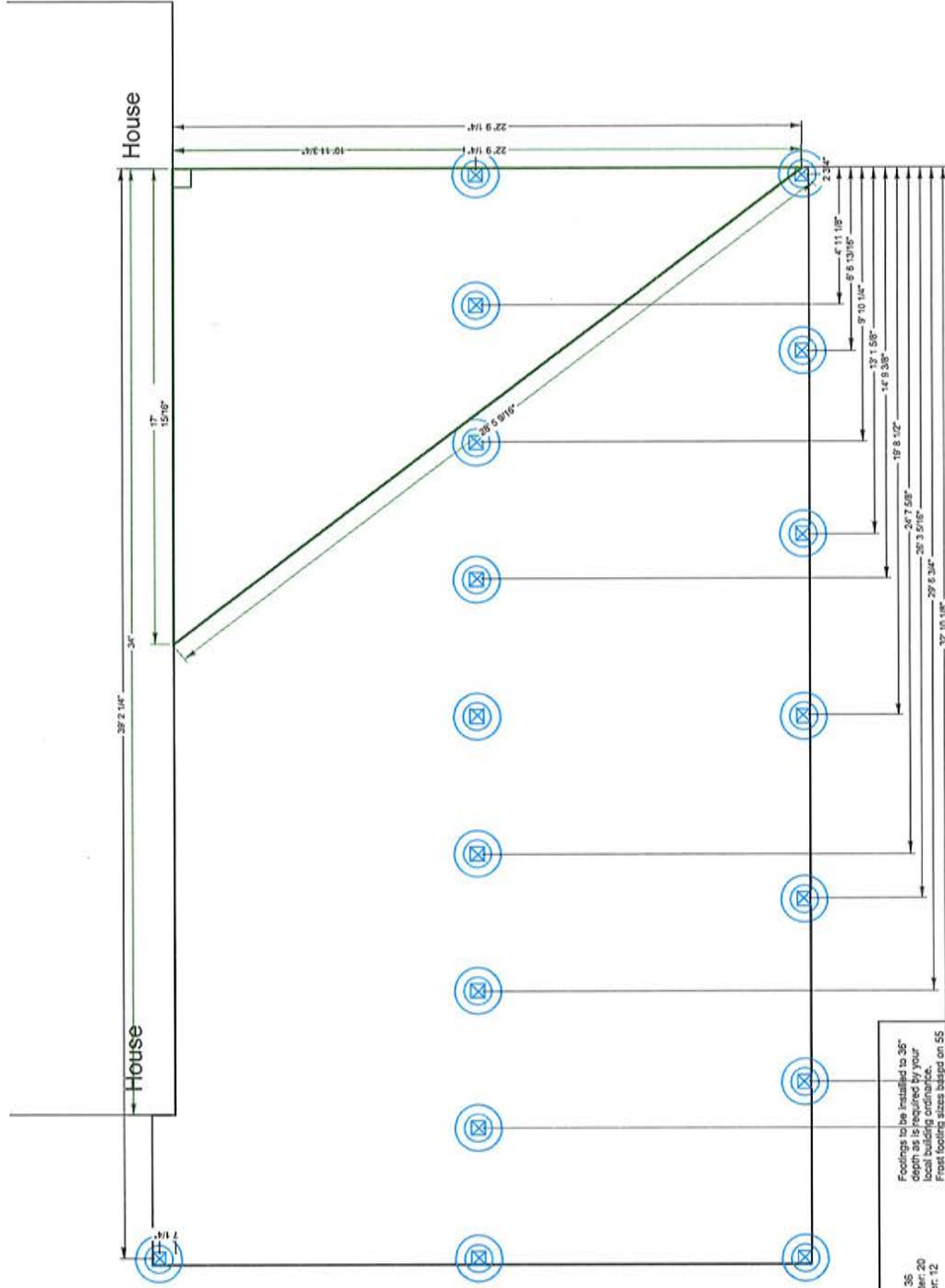
DISCLAIMER: ONLY USE #00 BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

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SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIR FOOTING REQUIREMENTS
WHERE THE STAIRWAY MEETS GRADE, ATTACH THE STAIR
STRINGERS TO THE STAIR GUARD RAIL POSTS. POSTS SHALL
BEAR ON FOOTINGS



Footings to be installed to 36" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot live load, 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.

Total Depth: 36"
Riser Height: 20"
Pier Diameter: 12"

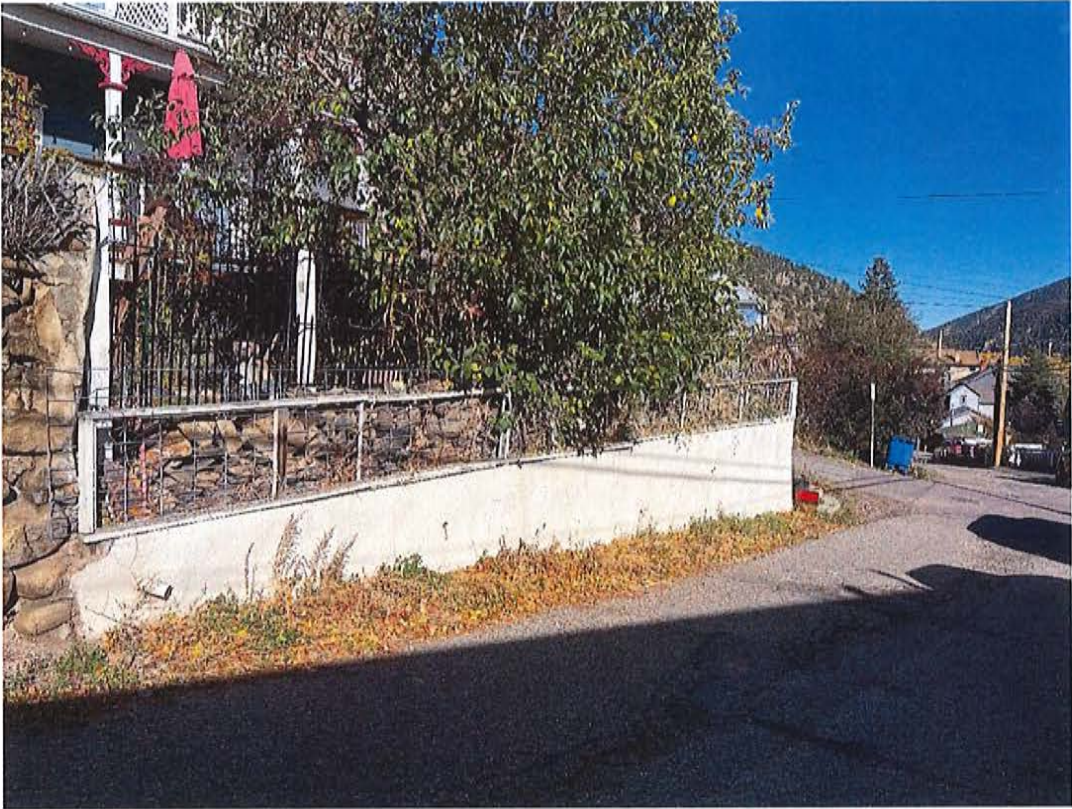
DISCLAIMER: USE ONLY 2,500 PSI CONCRETE FOR FROST FOOTING FOUNDATIONS.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN. © DECKS.COM LLC

Footings to be installed to 36" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot live load, 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.



Existing Conditions: 1334 Virginia Street



Concept Plan – Example Living Space / Carport areas









IDAHO SPRINGS VARIANCE BOARD STAFF REPORT

Meeting Date: Thursday,
December 12th, 2024

Page 1 of 4

Item:

Request for a Side Setback Variance for an Existing Shed at 1702 Virginia Street

Presented by:

Dylan Graves
Community Development Planner

PROPOSAL:

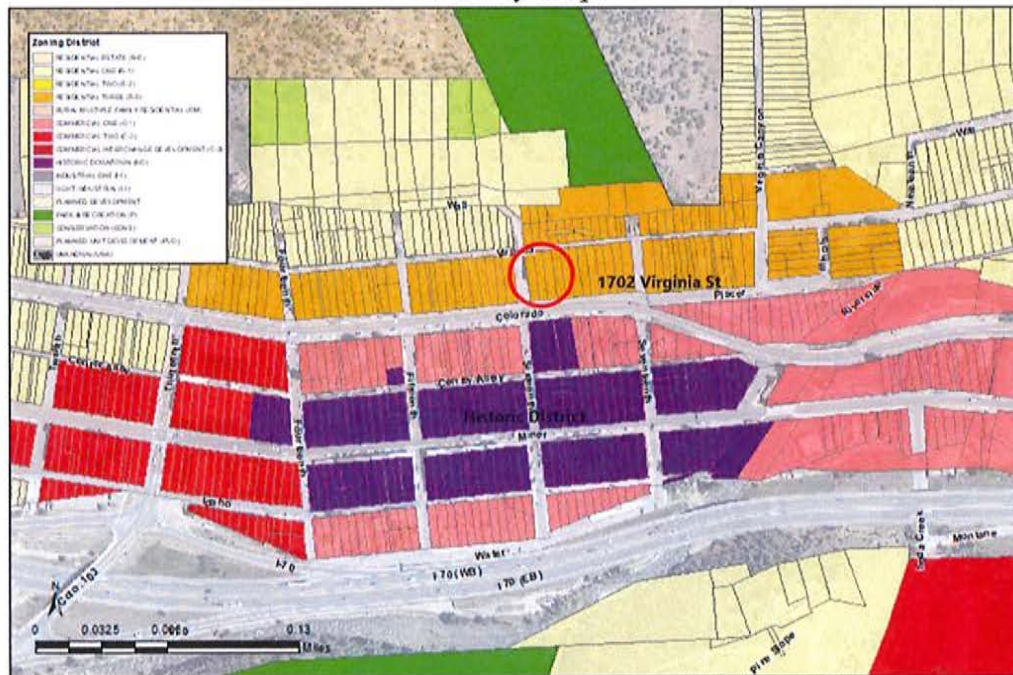
This is a request for a variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for an existing 10' x 12' (120 square feet) shed to be located in the west side setback at 1702 Virginia Street, creating a 1' side setback from the property line for the shed in question. The shed was installed prior to the current owner's purchase of the property.

ATTACHMENTS:

1. Applicant Narrative
2. Applicant Photos and Site Plan Information

BACKGROUND:

Vicinity Map:



The subject property is zoned Residential Three (R-3) and is located at 1702 Virginia Street. There is an existing single-family home on the property, which was built in approximately 1900 and pre-dates the implementation of zoning in the City.

The R-3 zoning district requires the following development standards:

Front setback: 20'

Rear setback: 20'

West side setback: 5'
East side setback: 5'

The proposed variance would create the following setbacks for the proposed shed:

Front setback: 20'
Rear setback: 20'
West side setback: 1'
East side setback: 5'

The shed is existing on-site and currently encroaches upon the west property line. The shed was placed by a previous property owner and has been in that location since then. The adjacent property has been vacant until recently, when Blue Spruce Habitat for Humanity began developing duplexes on the property. The adjacent property owner, who will be moving into the unit upon completion, noticed that the shed encroached on the property and asked that it be moved. The applicant has stated that although it can be moved so that it no longer encroaches on the property line, it would be infeasible to move it to a location that complies with required setbacks. Anywhere it moved would require a setback variance, whether in the rear, front, or side yard. The alternative to come into compliance other than a variance would be to remove the shed altogether.

Because the shed is one-story tall and is 120' square feet or less in floor area, it would not have required a building permit to be constructed. As such, the shed appears to have been constructed legally, albeit in a non-compliant location. Even though a building permit is not required, accessory structures are required to meet required setbacks.

VARIANCE BOARD ROLE:

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

CRITERIA FOR APPROVAL.

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, 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, unique circumstances related to existing structures or topographic conditions.**

Staff believes that the applicant would experience hardship if a variance is not granted. The shed is existing and pre-dates the applicant's purchase of the property. The applicant was not aware of the setback encroachment or property line encroachment until the adjacent property owner made him aware of the issue. The applicant looked into ways to bring the shed into compliance but could not find a location that would accommodate the shed without encroaching on a required setback for accessory structures, whether the western side setback in question or the rear or front setback if the shed were to be moved elsewhere.

The only alternative besides a variance would be to remove the shed altogether or remove other improvements on-site, such as an existing fence and patio to the rear of the home. Staff believes that this would be an onerous burden on the applicant because it would require the removal of on-site storage and would require the applicant to incur costs to remove the shed completely. The adjacent property owner has stated that she has no issues with the shed being located in the side setback as long as it does not encroach on her property line.

Given the fact that there is not a reasonable setback-compliant location on the property to place the shed, Staff believes that hardship has been established.

- 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 believes that there are no reasonable design or location alternatives for the structure that would eliminate the need for a variance. City staff have reviewed the site to determine whether alternative locations exist that would accommodate the 120 square foot shed. No alternative locations were found that would eliminate the need for a variance due to the size and shape of existing improvements on-site.

- 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.**

Sheds of up to 120 square feet do not require building permits, so the City would not have reviewed the shed prior to it being constructed. The City was not aware of any non-compliance until the adjacent property owner provided information detailing the issue. Evidence suggests that this shed was placed before the applicant purchased the property. As such, the applicant was not aware of any issues with the shed until it was brought to his attention recently. As such, the applicant did not create the need for a variance due to intentional, reckless, or negligent actions.

- 4. Reasonable protections are afforded adjacent properties.**

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The adjacent property owner who would be most affected by the shed has stated that as long as the shed is fully on the applicant's property, she has no concerns about the shed. Staff believe this criterion is suitably met.

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

The request is for a 4' setback variance, reducing the setback for the shed from 5' to 1' on the western side property line. The existing home on the property is slightly less than 15' from the existing side property line and there is an existing fence between the property line and the footprint of the home. As such, there is less than 10' between the footprint of the home and the side setback. As such, the shed could not be placed on this side of the home in a manner that would meet required setbacks. Elsewhere on the property, the shed would likely encroach on the front or rear setbacks. As such, there appears to be no feasible, setback-compliant location on the property where the shed could be relocated. Given the mountain environment of Idaho Springs, the ability to store items in a safe, secure fashion is difficult to achieve without a shed or other purpose-built storage, so staff believes that this request is appropriate to provide this reasonable use.

6. The granting of the variance will:
a. Observe the spirit of this Chapter;

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs, by lessening of congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; classifying land uses and the distribution of land development and utilization; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, schools, sewerage and other public requirements; and by other means in accordance with the Comprehensive Plan and with the zoning maps adopted herewith or hereafter. Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected. No adverse comments were received from adjacent property owners during the referral and review period for this project.

b. Secure the public safety and welfare;

Public safety and welfare are maintained as a result of this proposal. All Building Code standards will be required to be met. Moving the shed completely onto the applicant's property secures the public's welfare and quiet enjoyment of property. Specifically, the adjacent property owner who will be able to enjoy their property without an encroachment.

c. Ensure that substantial justice is done.

Staff believe that substantial justice is done.

STAFF ANALYSIS OF PROPOSAL:

City staff believe that the requested variance generally conforms with the criteria for approval found in Section 21-109(G) of the ISMC.

There have been several approved variances for sheds in setbacks in the past. The most recent variance for a shed was approved in September 2022 via VB22-04, which allowed a shed to be located approximately 3' from a property line at 2122 Virginia Street. In this case, the applicant needed a variance because of an existing retaining wall that would not allow the shed to be further from the property line. This is similar to the current case, where there is a retaining wall behind the shed and an existing fence to the East of the shed that would limit the ability to move the shed further East. While past variances should not be construed as precedence for current reviews since each individual variance request differs in scope, background, and need, this example illustrates that a shed has been considered positively for a variance in the past.

STAFF RECOMMENDATION:

Staff recommends that the Variance Board approve the requested variance to the west side setback requirements for accessory structures in the R-3 zoning district to allow for an existing 10' x 12' (120 square feet) shed to be located in the west side setback at 1702 Virginia Street, creating a 1' side setback from the property line for the shed in question.

Re: Variance Application for 1702 Virginia Street – West Side Setback

There is a Shed (10 x 12) on the West Side of the property at 1702 Virginia Street.
The Shed has been in this location for over 10 years (long before Michael Kastenbaum bought the house).

One existing Survey of the land to the West suggests the Shed is on the property line (not over the line).
Also, early renditions of the building plans for the land to the West reflect that the Shed can stay.

Recently, the owner (Michael Kastenbaum) learned the Shed is on the neighboring property to the East by 6 to 8 inches.
Kastenbaum is being told to move the Shed prior to the new occupancy of the property to the East (late December 2024).

Kastenbaum will move the Shed in good faith prior to the new occupancy 22 inches to the East.
Kastenbaum is requesting a Variance of a 1 foot setback (rather than a standard 5 foot setback).

Moving the Shed more than said 22 inches to the East of where it stands currently is prohibitive.
Kastenbaum will suffer unreasonable expense, significant hardship and logistical challenges due to obstructions.

The developer (Habitat for Humanity) and new owner (Jennifer) accept and approve such a Variance.
Both parties only want Kastenbaum to move the structure off their property ASAP (at any distance from the property line).

This Variance meets the necessary criteria as follows:

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 (see attached)

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 (see attached)

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 (see attached)

d. Reasonable protections are afforded adjacent properties.

YES (see attached)

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

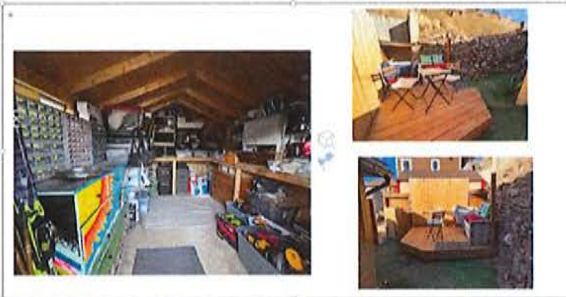
YES (see attached)

f. The granting of the variance will:
Observe the spirit of this Chapter, YES,
Secure the public safety and welfare, YES,
Ensure that substantial justice is done, YES

Variance – 1702 Virginia Street – Existing Shed moved to East



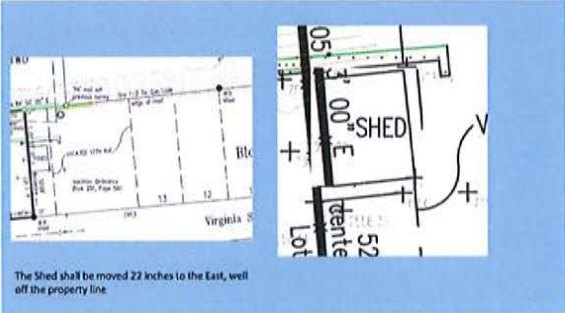
Shed on Property



Shed Interior and Obstructions to East



Shed is 4.5 to 6 inches over Property line in front and 6.5 to 8 inches in back (assuming Habitat Survey correct)



IDAHO SPRINGS PLANNING COMMISSION STAFF REPORT

Meeting Date: Thursday,
December 12th, 2024

Page 1 of 6

Item:

Request for a Side Setback Variance and Drive Lane Width Variance to allow a Commercial Structure containing a Garage and Unstaffed Hotel at 2616 Miner Street

PROPOSAL:

This is a request for two variances from requirements found in the Idaho Springs Municipal Code (ISMC) to allow a structure to be built at 2616 Miner Street containing a commercial maintenance garage and unstaffed hotel. The requested variances are to reduce the western side setback for the structure from 5', as required by Section 21-63 of the ISMC, to 3'; and to reduce the drive lane width for the access driveway from Colorado Boulevard 23' to 20'.

ATTACHMENTS:

1. Proposed Site Plan
2. Proposed Structural Drawings
3. Applicant Narrative

BACKGROUND:

Vicinity Map:



The subject property is zoned Commercial Two (C-2) and is located within the East End Overlay District (EEOD), between Colorado Boulevard and Miner Street. There is an existing single-family home on the property, which was built in approximately 1890 and pre-dates the implementation of zoning in the City. The C-2 zoning district

presently does not permit single-family residential as a use by right, but the existing home can remain as legally nonconforming per Section 21-12 of the ISMC.

The existing lot has a Colorado Boulevard frontage of 43'. The EEOD has specific setback requirements that differ from lots elsewhere in the City. The EEOD requires a front setback of between 6' and 10', a 10' rear setback, and 5' side setbacks. There is a 35' height limit and an open space requirement of 15% for the C-2 zoning district in the EEOD.

Section 21-131 of the ISMC requires that commercial parking lots have a minimum drive lane width of 23'.

The applicant would like to build a commercial building on the Colorado Boulevard lot frontage. This commercial building is proposed to contain two main uses. First, a maintenance repair garage on the ground floor focused on motorcycles and outdoor utility vehicles. Second, a three-room unstaffed hotel on the upper level. The owner of the property would also like to operate motorcycle tours out of the property, which will contain office space and clubhouse/amenity space for clients. The building has a footprint of approximately 600 square feet (20' width, 30' length), which is large enough to accommodate two maintenance bays for full-sized vehicles or multiple motorcycles. The proposed unstaffed hotel will contain three rooms and will have shared amenity space on the second level of the building, including lobby areas and a deck/terrace that will be accessible to guests. The applicant is hoping to maintain flexibility for future development on-site. Namely, the applicant's business plan is for the business to outgrow the space on-site, at which time the proposed structure could be converted into multi-family housing. The plans as presented contain six (6) parking spaces. This would allow parking associated with up to four (4) one-bedroom units or three (3) two-bedroom units. This would require building permits to convert the proposed structure from commercial to residential use. The C-2 zoning district would permit multi-family housing on-site if this was to be proposed in the future.

The EEOD is described in Chapter 26 of the ISMC. The purpose of the EEOD is to support the implementation of the vision, goals, and policies outlined in the Idaho Springs East End Action Plan. More specifically, the zone districts are intended to:

- A. Support continued revitalization of and reinvestment in the East End through targeted infill/redevelopment and adaptive reuse;
- B. Enhance connectivity and promote a pedestrian-oriented environment along Colorado Boulevard and Miner Street, and within the East End generally;
- C. Support a mix of locally-serving and tourism-related uses;
- D. Increase the range of housing options available in the East End; and
- E. Promote innovative, high-quality, sustainable development.

The EEOD allows for modified development standards to accomplish the above goals. The applicant is familiar with the EEOD and believes that the proposed development helps further the purposes listed above. The proposed work is meant to be pedestrian-oriented and is meant to provide a mix of locally serving and tourism related use. The proposed unstaffed hotel is meant to cater to guests visiting the community, with a focus on motorcycle-related tourism. The proposed commercial garage would cater to local clientele and visitors alike.

If the variance is approved, the next step will be a Final Development Plan (FDP) submittal in accordance with Section 21-106 of the ISMC, which states: "No building permit shall be issued in the R-3, R-M, C-1, C-2, C-3, I-1, L-I or HD Zone Districts for new buildings, expansions/additions of more than twenty percent (20%) of the gross floor area of existing structures, or for any new development proposed in a PD Zone District, until a FDP meeting

the requirements of this Article has been approved for it. An FDP is not required for single family detached.” This requires review and approval by the City’s Planning Commission and City Council.

VARIANCE BOARD ROLE:

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

CRITERIA FOR APPROVAL.

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, 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, unique circumstances related to existing structures or topographic conditions.**

During the referral and review period for this application, City staff questioned whether hardship was present at the subject property. The main area of hardship on the subject lot is the lot width, which is only 43’. In the EEOD, a 50’ lot width is required for residential development in C-2 but there is no minimum lot width for commercial development. That said, the lot is narrow to construct the necessary structure, parking spaces, drive lanes, and other items associated with the proposed uses. There are 5’ side setbacks, plus the need for a drive lane to access parking on-site. This leaves a relatively small square footage possible for a building.

It appears that the proposed uses for the subject structure – a commercial motorcycle and auto garage and an unstaffed hotel – cannot be built without a variance due to the width of the lot and the square footage needs for a garage building. However, Staff questions whether other commercial uses might be viable on-site without the need for a variance. For example, retail, food and beverage, or office uses. The applicant asserted that there are no economically viable commercial uses that could be accommodated without the need for a variance while also accommodating necessary off-street parking minimums. Considering this lot against other buildings on the East End, the Yards Taphouse building and Conrad’s restaurant building are both approximately 30’ in width. These widths also would not work on the subject lot, lending some evidence that the construction of a setback compliant commercial structure while also accommodating parking and drive lanes as is required would be infeasible.

Similarly, the existing single-family home on the property is setback compliant, but a 23’ drive lane could not be accommodated between the eastern foundation of the home and the eastern side property line.

As such, Staff believes that the width of the lot does provide difficulty in developing a commercial building on-site but is interested in whether the Board believes that enough evidence has been provided to prove that no other uses would be feasible.

Staff seeks the Board’s guidance regarding whether the on-site conditions establish hardship to support the variance request in question.

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.

City staff believes that it would be infeasible to establish a commercial garage on the property that eliminates the need for a variance given the orientation and width of the lot. However, staff believes that the variance request could potentially be reduced. The applicant provided information from the City of Denver showing that Denver allows drive lanes to be a minimum of 18' in width in certain scenarios. Given that there is a real-world example from another municipality showing that an 18' drive lane width is acceptable, Staff questions whether the proposal could be modified to eliminate the need for a setback variance. The proposed development seeks a 3' side setback and a 20' drive lane. If the applicant could move the proposed development 2' to the east to create a 5' side setback, an 18' drive lane width could be accomplished. This would eliminate the need for a side setback variance. It would result in a building that is compliant with all setbacks but would result in a smaller drive lane width.

City of Denver Parking and Loading Standards:

Article 10. General Design Standards
Division 10.4 Parking and Loading

C. Garage and Carport Setbacks

1. For access to a Garage or Carport, when the Garage doors or Carport "openings" are not "facing" the alley, there shall be a minimum dimension of 18 feet as measured from the face of the Garage door or Carport opening to the Side Interior Zone Lot Line. (See Figure 10.4-2)

The applicant has argued that an 18' drive lane would make it difficult to turn into the proposed garage bays, especially for bigger or longer vehicles. As such, while there is evidence showing that an 18' drive lane could work, it could make for practical difficulties operating a maintenance garage.

Staff considered whether the scope of the request – for both a commercial motorcycle garage and an unstaffed hotel – was the cause of the need for a variance. Establishing just one of the two uses on the property would reduce the demand for parking and reduce the overall bulk and mass of the building. Reducing the scope of work would arguably still give the applicant reasonable use of the property while potentially reducing the intensity of development. However, Staff has analyzed the development and believes that a variance likely is necessary even if the scope of work is reduced to only the garage or only the unstaffed hotel use due to the required drive aisle width and the need for 9' x 18' code-compliant parking spaces and the existing single-family residence on-site.

Given the above, Staff believes that the applicant has provided evidence suggesting that reasonable design alternatives have been considered but have been determined to be infeasible to establish the use in question.

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.

There is no known intentional, reckless, or negligent action that resulted in the need for this variance. The existing single-family home on the property was built in ~1890, well before any zoning regulations or building codes existing in Idaho Springs. The location of the existing single-family residence precludes the applicant from being able to use the entire lot for the commercial uses proposed in the subject structure. The existing single-family

residence would be considered legally nonconforming per Section 21-12 of the ISMC and is permitted to remain as a structure and use. As such, there is limited space on-site for the proposed structure.

Given that the existing home takes up a large portion of the available setback-compliant square footage at the subject property, City staff believe that this criterion is suitably met.

4. Reasonable protections are afforded adjacent properties.

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The proposed structure is compliant with the Colorado Boulevard front setback requirements and meets the height limit requirements from the ISMC. The structure will be set back 3' from the side property line, which is the minimum distance required by the Building Code to avoid the need for upgraded fire suppression materials on that wall. The adjacent property west of the subject property is a residential, single-family residence. However, the home is on the Miner Street side of the property, away from the proposed structure. As such, it does not appear that the new structure will impact adjacent properties.

The proposed use – a maintenance garage – could have potential adverse impacts due to the nature of the work but the proposed use is permitted in the C-2 zone district. However, the orientation of the garage bays (facing east, away from residential properties and Colorado Boulevard) partially mitigates potential noise or visual impacts from the use. Staff did not receive any negative comments from adjacent properties during the referral period about adverse impacts on the community or adjacent properties.

Staff believe this criterion is suitably met.

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

The property in question is zoned C-2 and Staff believes that an owner of a C-2 zoned parcel should be able to establish a commercial use on their property, should they wish to do so. The City zoned this parcel and those adjacent to it commercial in an attempt to redevelop the east end of the City and allow for a variety of mixed uses. The applicant has stated that they currently do not have reasonable use of the property because they cannot construct a commercial building on-site without a variance. As was discussed above, there is a question about whether any commercial use could not be built on-site or whether it is simply this commercial use that cannot be built without a variance.

That said, given the proposed use for the structure, this appears to be the minimum variance to make reasonable use of the structure as proposed. If a different use was proposed, it is possible that a smaller building could be proposed. However, the proposed use is permitted in the C-2 zoning district and the building appears to be as small as possible to allow the uses to be established while meeting other necessary requirements from the ISMC, such as those related to the EOD. The EOD has special requirements in place to meet the purposes and intents included in Chapter 26 of the ISMC. Meeting these on a lot of this size/orientation appears to have created additional challenges for the applicant to meet.

While there could be other structures or uses on-site that would eliminate the need for a variance, this appears to be the minimal variance needed for a maintenance garage and unstaffed hotel.

6. The granting of the variance will:
a. Observe the spirit of this Chapter;

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs, by lessening of congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; classifying land uses and the distribution of land development and utilization; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, schools, sewerage and other public requirements; and by other means in accordance with the Comprehensive Plan and with the zoning maps adopted herewith or hereafter.

Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected.

b. Secure the public safety and welfare;

Public safety and welfare are maintained as a result of this proposal. All Building Code standards will be required to be met. No reduction in parking requirements is requested as part of this application and all necessary improvements can be provided on-site with the approval of this variance. Steps have been taken in the building's design to ensure that adjacent properties' welfare and safety are maintained.

c. Ensure that substantial justice is done.

Staff believe that substantial justice is done.

REFERRAL COMMENTS:

The City's Public Works Superintendent had no issues with the subject proposal.

The Clear Creek Fire Authority Chief stated that there are no concerns with the proposal but noted that any fire district concerns would come up later during the building permit review process.

The City's Engineering and Building officials had no issues with the subject request. An FDP and building permits will be needed, which will both be reviewed by these officials, as well.

STAFF ANALYSIS OF PROPOSAL:

City staff believe that the requested variance generally conforms with the criteria for approval found in Section 21-109(G) of the ISMC but have some concerns with Criterion #1 and Criterion #2 regarding hardship and regarding reasonable design alternatives.

There is an argument to be made that if the applicant was proposing a different commercial use on-site, the need for a variance would be reduced or eliminated. Further, there is question on what "reasonable" use of the property is, given that it is zoned commercial but has an existing single-family residence on-site. Staff believes that the applicant's argument that the width of the lot creates hardship and makes it difficult to build a code-compliant building is reasonable – a 43' lot width does make construction of a compliant structure difficult while also conforming with EEOD standards, which this proposal appears to substantially meet.

The EEOD was put in place to promote revitalization of the East End of the City and bring in new opportunities for locals and visitors. The proposed uses for the building in question would accomplish both aims. The applicant would like to offer motorcycle tours to guests of the hotel while providing maintenance services to both visitors

and locals. Given that the structure is designed to meet the EEOD, which has specific design and architectural requirements to promote streetscape character, frontage character, and pedestrian-friendly developments along the East End corridor. It also seeks to create frontages at a pedestrian scale while building on the established character of the area, which historically consisted of highway service commercial developments. Meeting the EEOD requirements on a lot of this width poses practical challenges, which the proposed variance helps overcome.

Given the EEOD requirements, the 43' lot width, and existing development on-site, Staff believes that there are challenges that make a variance request reasonable. There are some questions about whether design solutions could reduce the need for a variance, but the request itself seems to have a low risk of adverse impacts on neighbors and the applicant has clearly considered the needs of the site against the City's regulations to create a proposed structure that substantially conforms with the City's guidelines and regulations. While the application is weaker in some areas than other, Staff believes that it broadly meets the City's criteria of approval for a variance application and as such is comfortable recommending approval of this variance request.

PLANNING STAFF RECOMMENDATION:

Staff recommends that the Variance Board approve the requested side setback variance and drive lane width reduction to allow for a commercial structure to be built containing a commercial garage and unstaffed hotel; Located within the East End Overlay District, zoned C-2

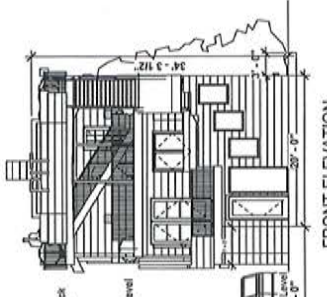
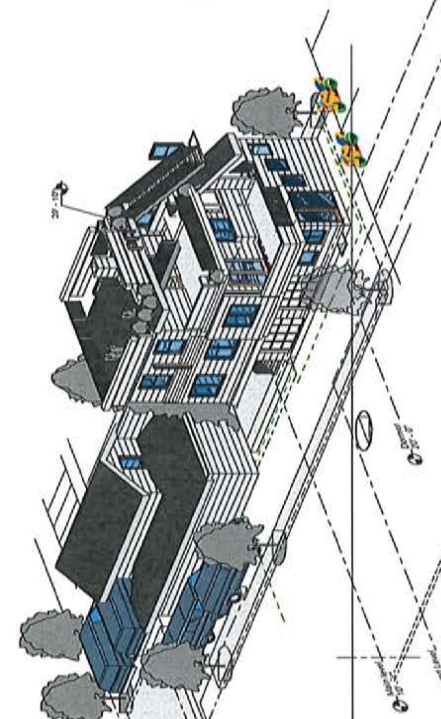


No.	Description	Date

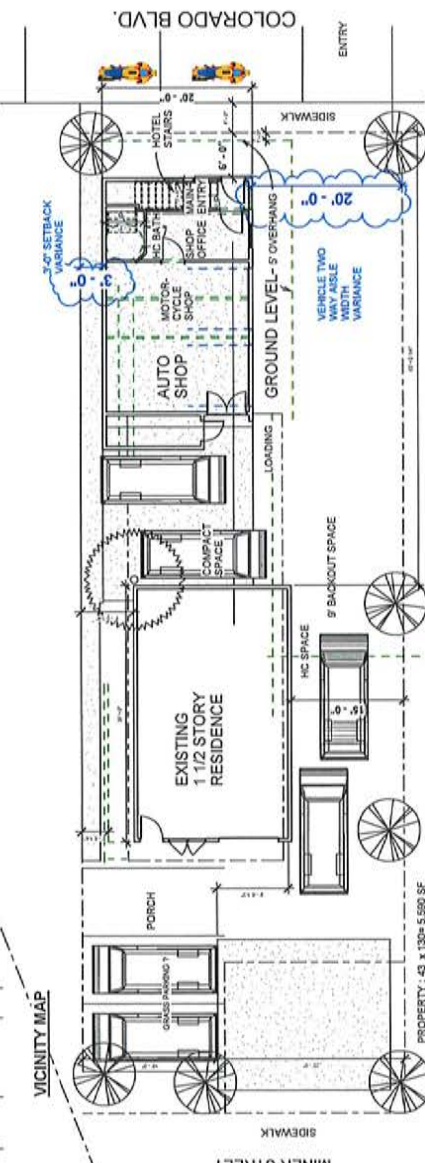
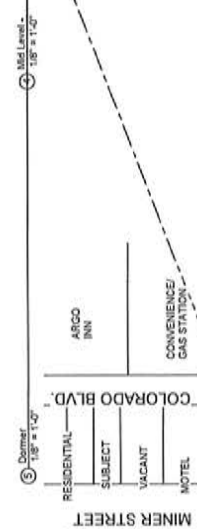
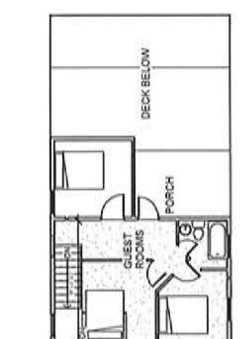
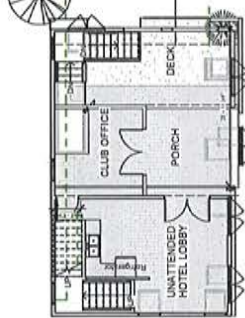
Brunner
 Idaho Springs, Co.

Site Plan

Project Number/Project Number	1022524
Date	11/25/24
Drawn By	M. Caldwell
Checked By	C. Dwyer
Scale	1/8" = 1'-0"
Sheet	A0



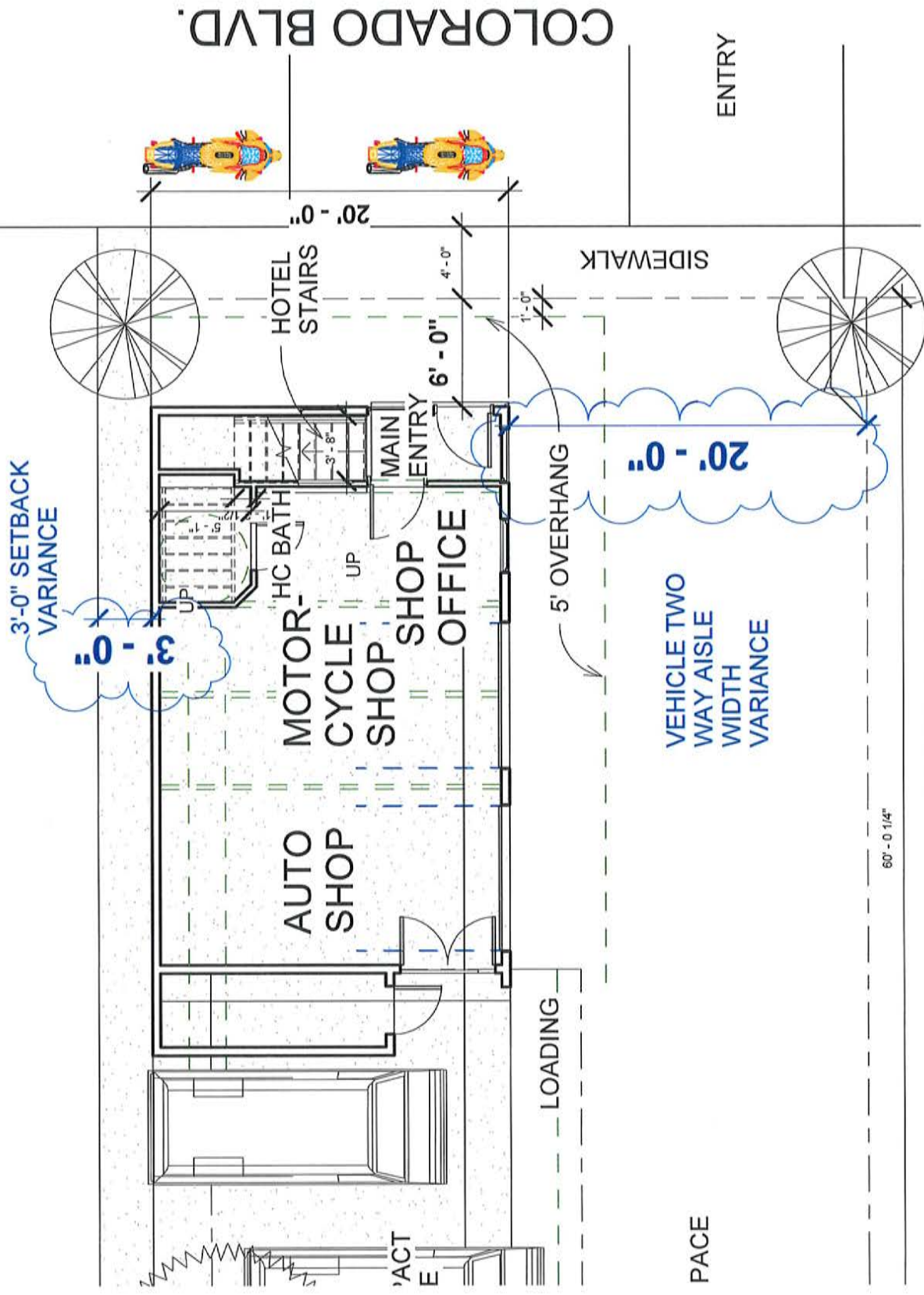
3 Front Site Elevation
 1/8" = 1'-0"



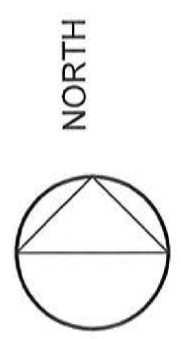
NORTH
 SCALE: 1/8" = 1'-0"

PARKING:
 PHASE 1:
 EXISTING 1 BED HOUSE: 1 SPACES
 NEW 3 BED UNSTAFFED HOTEL: 3 SPACES
 SHOP: 600 SF @ 1000 SF: 2 SPACES
 SUBTOTAL = 6 SPACES

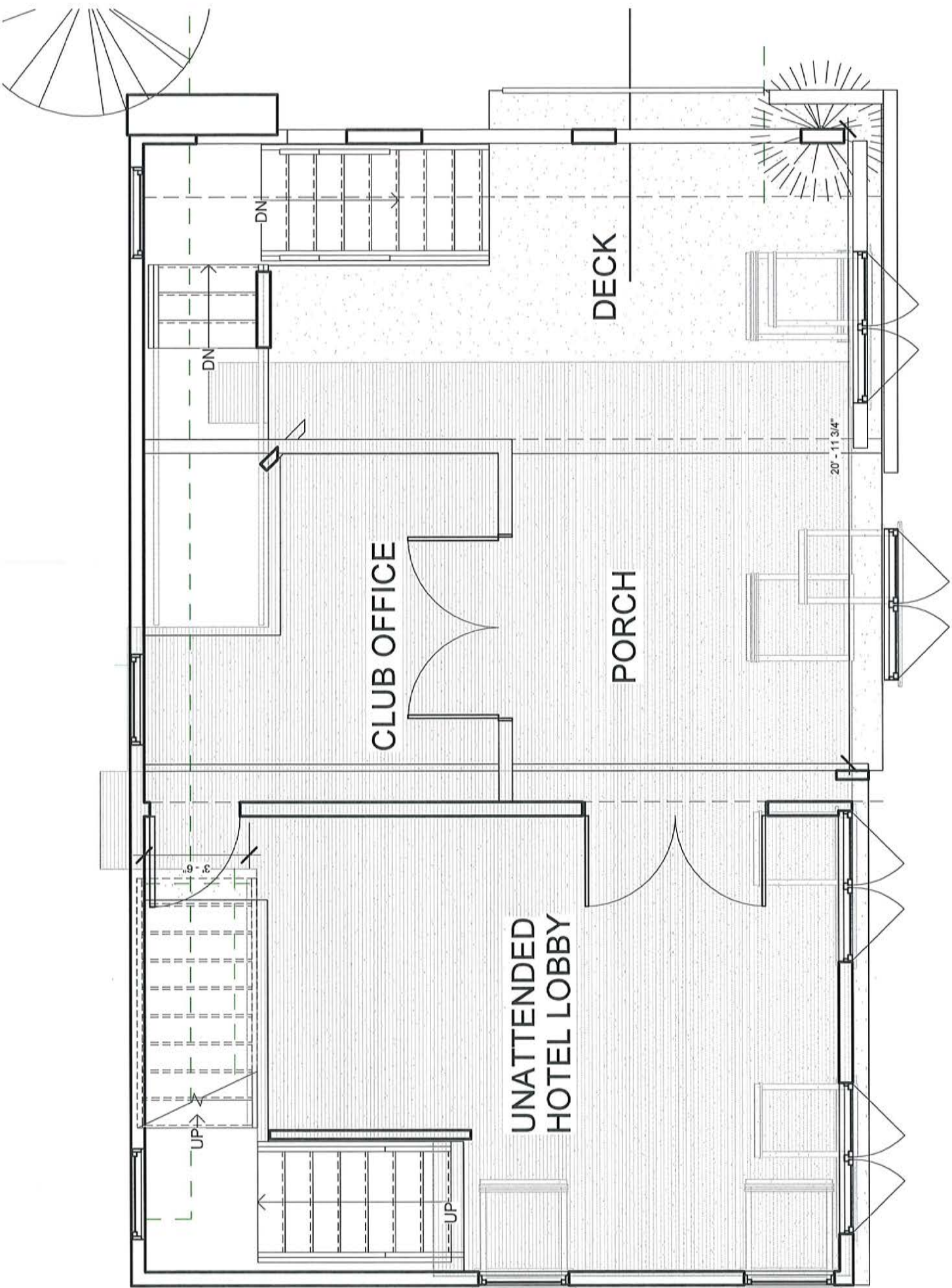
PROPERTY: .45 x 130' = 5,850 SF



GROUND LEVEL 10/1/24



SCALE: 1/8" = 1'-0"



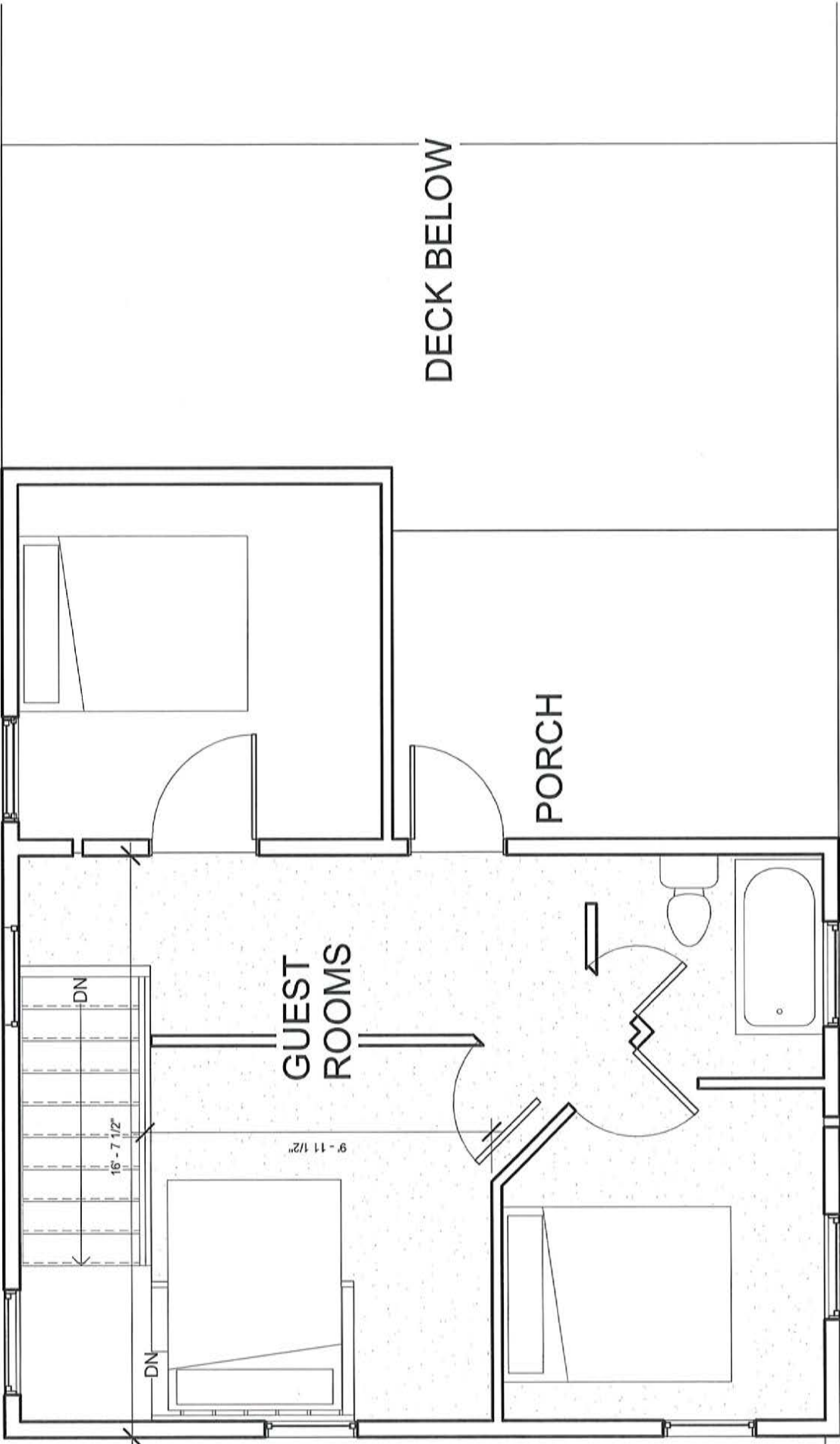
CLUB OFFICE

DECK

PORCH

UNATTENDED
HOTEL LOBBY

MAIN (MID) LEVEL



UPPER LEVEL

Applicant Narrative:

My business goal is to successfully own, run and operate a motorcycle maintenance & riding club. For like-minded people to gather, work on their motorcycles and to go on motorcycle rides through the Rocky's. A place to enjoy the motorcycle culture. Riding, relaxing, learning

This club will have a fully functional garage on the main floor with an office facing Colorado Boulevard. The garage will be available for members motorcycles & cars. The upper level that will be a lobby and a place for club members to relax and meet/gather. The 3rd floor will be the actual bedrooms with bath. An unattended hotel for 3 guests (3 rooms). I would like to offer the rooms to people who are wanting a guided motorcycle tour of the greater Colorado roads/area. On the days I do not have tours running, I would offer the rooms to club members and to the public.

If it turns out that I am not successful or, SO successful, that I move to find a bigger facility. I will have a garage for personal use, and I will offer the rooms to local businesses for housing. I know of a few miners who are living in a rented home from the Henderson Mine. Randy, my neighbor is a manager there. I think that called "workforce housing"? They are short term housing; the renters are gainfully employed, drug free and it helps out this town I love so much.

The Brunner Property 10/1/24

2616 Miner Street

26-1 Purpose: Character:

This mixed-use commercial project supports revitalization maintaining the current residence on Miner Street with a commercial addition on Colorado Blvd. This will also help transition the building from the historic Miner Street neighborhood to the larger commercial scale of Colorado Blvd. The project also utilizes roof decks which gives a stepped back massing lending to a more human scale.

Use:

The project will be small Motorcycle Cycle Maintenance and Mountain Touring Club with separate entry for ground level repair garage and un staffed hotel entry on Colorado Blvd with separate stairs to the Un-staffed Hotel Lobby above with 3 rooms above that on the top level. The Hotel will be primarily for club guests but open to the public when otherwise available with code lock check in. The Lobby can also be used for socializing of Club guests. The Club office is on that main middle level operating separately from the Hotel. Alternatively, the hotel could become 2 units of 2- 3 bedroom multi-family workforce townhouses for the community if the Club ceases operations or relocates to facilitate growth .

Requested Variances:

26-20: 5' Side Setbacks reduced to 3 ft min. setbacks because the 43' wide property cannot accommodate 20' deep garages for side loaded parking and code required 23' wide parking aisle (23' + 5' setback = 48' width) . This 3' setback allows for maintenance, emergency fire access and to comply with the Overlay District requirement of having windows on walls as any windows closer than 3 ft to the property line are not allowed unless they are prohibitively expensive inoperable fire rated windows.

21-125: 23' parking aisle width reduced to 20' width to accommodate a 43' wide lot so that a 20' wide aisle + 20' garage + 3' setback fits into a 43' wide lot. This is a small site without much 2 way parking aisle traffic so a 20' wide drive aisle should be sufficient. A similar example of this is the City of Denver code allows an 18' width of parking aisle to access garages in it's alleyways.

21-109 (G) Hardship:

If the applicant were held to strict setback and drive aisle width requirements then the lot would not be wide enough to park cars into 20' deep side loaded garages explained above. The Overlay District also requires a "Storefront façade" with a 10' maximum setback from Colorado Blvd. which would be in character with the code without garage doors facing Colorado Blvd. and there is also only one 12' curb cut off of Colorado Blvd with off-street parking blocking any more than 1 parking space off of Colorado Blvd which is not enough to add a commercial addition to the property. Reducing the parking aisle width also enables greater ability to meet the Overlay District Street Edge 70 % frontage requirement of $.7 \times 43' = 30'$ with another 3' or 10 %. The building is currently 20 ft wide on the main level plus an upper level side and front cantilever overhang of $4' = 24' \times .7 = 56\%$ building frontage which is close to 70%.

Therefore, side loaded garages achieve the intent of the Overlay District and enable a commercial repair garage and parking for proposed small unattended hotel or alternative and future Workforce Townhouses with side loaded garages. For resale economic feasibility the future multi-family units would need their own garages to serve individual buyers. Resale of multifamily housing without garages is difficult as most multi-family housing has to have many units to accommodate on site management.

Reasonable Alternatives:

There are no reasonable site design alternatives as the Miner Street side of the property has an existing residence which leaves only 14' next to the house for 2 way access to garages on the Colorado side which would require 23' width for two way or 16' for one way. Side loaded garages are needed to accommodate parking down the length of site for commercial or multi family units. The main issue is parking access and ability to fit an automobile into the commercial garage and alternative and/or future multifamily while the small hotel and/or future multifamily building doesn't need a variance.

Alternative commercial use is not economically viable because the site is too small to accommodate a building and parking for most uses. For instance the proposed repair garage is only 600 sf which is too small for a restaurant and would require more than the only three parking spaces available on site (one of which would have to be dedicated to Handicap. The office and retail market is in recession with high vacancy and little demand in this neighborhood for even adequately sized buildings let alone undersized buildings. However, with the retirement of Idaho Springs' main auto shop vehicle repair is in demand and hospitality is still viable with an alternative and future workforce housing use in great demand. The proposed Mountain Touring Club will be primarily a weekend use so there also needs to be a weekday use to the public to offset costs for economic feasibility. If the Touring Club start-up venture does not continue due to economic hardship or success resulting in over-growth then the multi family alternative can be accommodated.

- c) The need for the variance does not result from the actions of the applicant but rather the constraints of the property width to accommodate enough parking to make it viable for any commercial use off of Colorado Blvd. and follow the "Storefront Facade" requirement of the Overlay District.
- d) The variance provides for reasonable protection of adjacent properties by maintaining the building 3' from the property for emergency access.
- e) The variance is the minimum that will make reasonable use of the property because it is the only practical way cars can park in garages on a small site.
- f) The granting of the variance will observe the spirit of the Overlay District by having a shopfront facing Colorado Blvd through enabling side loaded garages, it will protect safety with acceptable parking aisle width similar to the City of Denver. It will promote public welfare and justice by enabling sufficient parking off of Colorado Blvd to have a minimally feasible business and potential multi-family housing.

Mike Caistor ,Architect

Architectural Innovators, inc Idaho Springs Co. 303-567-0100

The Brunner Property fits the Overlay District as such:

26-1 Purpose:

The project supports revitalization with a proposed modest future addition on Miner Street which will maintain the current residential scale and character of the neighborhood and help transition to the larger scale of the Colorado Blvd. addition side. The Colorado Blvd side will become a transition from the residential scale to the west to what should be larger commercial scale to the east. I anticipate the neighboring lot's highest and best use as mixed-use commercial or multi-family at a scale more in character with the new River Bend apartments across the street and to the west of our project.

The project will include mixed-use commercial- residential with a commercial use along Colorado and multi-family housing or lodging between Colorado and the existing single family house on the Miner Street side. The commercial use will be a small motorcycle maintenance and mountain touring club which could become a Bed and Breakfast if successful or default as adding 3 units of 2- 3 bedroom multi-family workforce housing to the community. The project has an innovative phasing technique to facilitate the growth of the venture and utilizes roof decks to accommodate club members which also gives the architecture more of a stepped back massing lending to a more human scale. It also transitions the residential area on the west to the more solid street edge anticipated to the east.

26-40 Design standards:

Exterior materials shall be cedar wood siding on the front walls and cementitious siding on the upper floors of the building addition sides. The ground level shall be metal because cementitious and stained wood siding are required by manufacturers to not come in contact with snow, it matches the preferred metal roofing material and is in character with the commercial nature of the motorcycle garage.

The Colorado frontage includes a continuous 6'-Porch with roof deck above which makes the building more engaging with the pedestrian level with another 3' open space between the Porch and the sidewalk including some hardscape and landscape. This establishes a 9' semi- clear zone but gives more character than just a 6ft clear zone to a building wall face. I would prefer not to have storefront glass on the front entryway because it is not a store and is a private club not meant for the public. In addition the front has a stairway which is articulated with stepping windows which are more appropriate to how the building actually functions.

In summary, the project acts as a transitional zone between the more historic residential neighborhood to the east and the more commercial redevelopment anticipated to the west. The Porch and Roof decks create indoor/outdoor relationships and transition from pedestrian scale at the sidewalk stepping up to the architectural scale at the roof deck City/ Mountain observation level.