



Cary Crane
Doug Smith
Ben Moore
Marc Reagon X
Ann Zimmerman

VARIANCE BOARD OF ADJUSTMENTS

AGENDA

October 30, 2019

5:00 PM

Call to Order 5:00 pm

Roll Call

Approve Minutes of May 28, 2019

New Business-

Request for Variance

- ❖ 1628 Virginia St. requesting front and rear setbacks to construct 9 townhouse units in 3 buildings.

Adjourn 5:29

Bm moved to approve min of May 28
DS 2ND — W X RC

Bm moved to approve VB Reso 14-02 approving an application for a variance from the requirement of code section 21-63 to permit 15 ft. front and 15 ft. rear setbacks where 20 ft setbacks are required at 1628 Va. St.
DS 2ND — W X RC

Applicant-

Molly Whelock - project mgr - gave overview - ongoing w/ Habitat parking issues w/ be resolved.

Public Comment-

Ruba Bechtel

1526 Colo Blvd.

close neighbor

Consider criteria (board), regardless of project

SIB

allowing setback

SIB reevaluated

long term change to community & environment

per #4 (criteria) - reasonable protection to adjacent properties not the right location

neighbors

1702 Va. St. Ed Shaffer ? agrees w/ Ruba

?? person maybe Ms Shaffer

Sally Rush - Speaking as resident

would allow

Close Public Comment Section

CITY OF IDAHO SPRINGS

Variance Board Communication



MEETING DATE: OCTOBER 30, 2019

PRESENTED BY: ALAN TIEFENBACH
COMMUNITY DEVELOPMENT PLANNER

ITEM: 1628 VIRGINIA STREET
FRONT AND REAR SETBACK VARIANCE

PROPOSAL:

This is a request for a variance to allow for 15' front and rear setbacks whereas 20' are required to construct 9 townhouse units in 3 buildings.

BACKGROUND:

The subject properties consist of 12 lots totaling slightly more than 15,000 square feet and are zoned Residential-Three (R-3). R-3 is the City's most intensive residential zone district and allows single family, townhouse and multifamily uses. There are presently two manufactured homes on the property which were constructed in 1972. A retaining wall runs the entire length of the property from east to west approximately 37' back from the front property line. The portion of the property north of the wall abruptly gains approximately 22 feet of elevation in 14 feet up to Wall Street. There are two existing houses on Wall Street uphill and behind the subject property on either end.

The Applicant intends to construct 9 townhouse units in 3 individual buildings. The townhouses are being built by Habitat for Humanity and will be income-restricted owner-occupied work force housing. As the property is zoned R-3, the required setbacks are 20' front, 5' side and 20' rear. Due to the required setbacks and the location of the retaining wall, the Applicant is constrained to a building envelope of as little as 16' feet. This building envelope prevents nearly any residential buildings from being constructed. The Applicant has stated this deprives them of reasonable use of the property.

STAFF ANALYSIS OF VARIANCE CRITERIA:

Per Section Sec. 21-109 of the City of Idaho Springs Land Development Code, 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 consists of narrow, elongated lots with an existing retaining wall and extreme topography bisecting the length of the property approximately 37 feet back from the property line. If the 20' front and rear setbacks were met, this would leave the applicant with a building envelope of as little as 16' in width. (A building envelope exhibit is included with this staff report.) Other than a single-wide trailer or cabin, there are few primary structures within Idaho Springs with any dimension of that size. Staff believes the retaining wall presents a unique hardship that is specific to this property which is not a constraint to other lands or structures in the same zone district.

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: As mentioned, due to the location of a retaining wall and extreme slope running the length of the property on the north side, the Applicant is constrained with a 16' building envelope. This property is zoned Residential-Three (R-3), which allows for multiple structures on the same lot. However, the Applicant does not even have the option for locating "tiny homes" on this property as there is a minimum required square footage of 850 square feet for any individual residential building. Other than replacing the existing mobile homes with similar structures (which are no longer allowed), there are little or no design alternatives or locations that would reduce the need for a variance. It should be noted that even the existing mobile homes do not fit within the required building envelope.

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 Applicant did not create this need for a variance. A setback variance will likely be required for virtually any new residential unit on the property.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: The variance would allow the Applicant to replace two dilapidated mobile homes with 9 new workforce townhouse units in 3 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. The Applicant anticipates all parking to be on site, although the possibility exists that a parking lease for several spaces could be provided on an adjacent property. The required parking spaces are still under design and a reduction is not proposed with this variance request. It is also possible that at the time of Final Development Plan there will be a discussion regarding whether any road improvements (such as additional paving or curb and gutter) are feasible along Virginia Street adjacent to the project.

The subject property takes up an entire block between 16th and 15th Avenues and the closest house is at 1702 Virginia Street, at least 32 feet to the east. Therefore, there is adequate distance to existing residences. The Applicant proposes architecture consisting of clapboard siding and pitched roofs which is complementary of the existing Victorian-style houses in the vicinity.

Two of the townhouse buildings will be three stories, and one building will be two stories. This is significantly higher than the one story trailer homes that are currently on the property (and which will be demolished). However, the proposed townhouses will be within the 35' height limit allowed in the vicinity. 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 ends and north of where the townhouses will be; there are no houses directly behind. These adjacent houses are located on Wall Street, which is approximately 22 feet above the subject property. Also, the eastern townhouse building (which is the one closest to being "in front" of existing residences to the north) has been limited to two stories versus three to reduce height impacts. 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.*

There are little, if any options for construction on this lot without the need for a variance, and the requested 15' is the minimum required 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. Without this setback variance, the Applicant would have no reasonable use of the property. Staff believes this request reasonable and in the spirit of the Chapter.

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

Staff Analysis: Approving a setback to allow replacement of dilapidated manufactured homes with 9 affordable townhouse units would have little or no impact on public safety and would be an overall improvement to the property. Additionally, the units will be 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: As mentioned above, the reason for this variance would be to allow the replacement of previous manufactured homes with 9 deed-restricted townhouse units in 3 buildings. 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 AND PUBLIC MATERIALS

Planning staff has coordinated the scheduling of the referral process and the provision of materials related to the variance to the public. Signs have been posted and mailings have been sent to all property owners within 300 feet of the property. Documents were provided to governmental entities and adjacent property owners in a timely manner. A list of all agencies who received the referral is attached with this report. Staff has received several comments expressing concerns with the density.

PLANNING STAFF SUMMARY:

The Applicant proposes to replace two dilapidated single wide trailers with 9 townhouse units in 3 separate buildings. Because a retaining wall bisects the complete length of the upper half of the property, requiring the Applicant to maintain the 20' front setback would result in a 16' building envelope. This constrains nearly any reasonable use of the property. The proposed townhouses utilize an architectural character of clapboard and pitched elements which is consistent with the character of the surrounding Victorian houses in the community. The height of the proposed townhouses will be a significant increase over the existing trailer homes but due to the location and topography rise, view sheds for the adjacent residences behind the subject property should remain mostly intact.

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.

RECOMMENDATION

The proposed variance is the minimum variance required for reasonable use of the property, and will result in an overall upgrade to the property. Staff supports this proposal and recommends the Variance Board approve the front and rear setback variance.

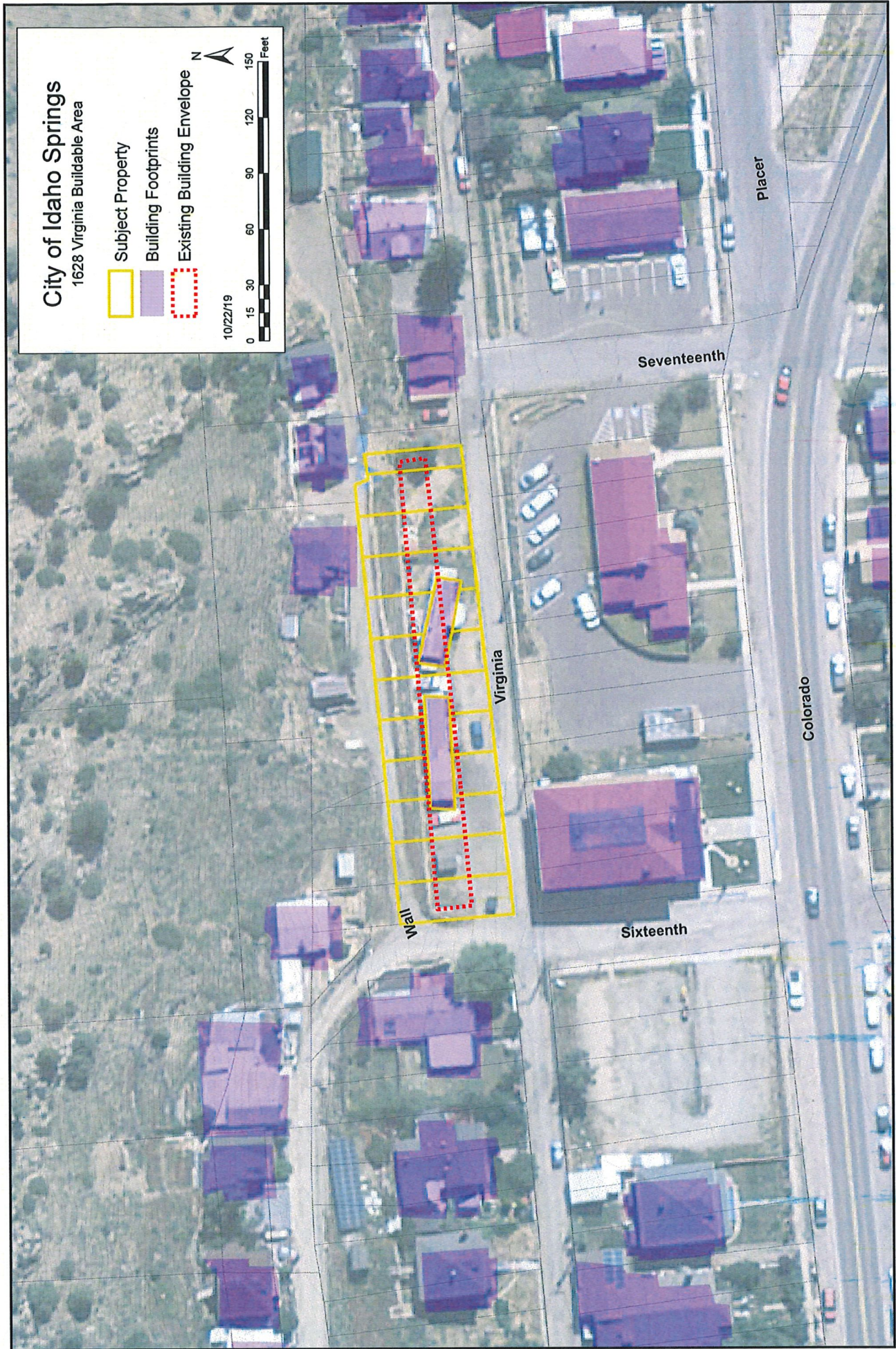
ATTACHMENTS:

Variance application and supporting documents.
Referral Notification
Vicinity Map

City of Idaho Springs
1628 Virginia Buildable Area

- Subject Property
- Building Footprints
- Existing Building Envelope

10/22/19





Subject property and retaining wall looking east.



Subject property as viewed looking north (property behind Elks Lodge)

HABITAT/STUDIO MW – 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:

Front & rear setbacks for R-3

IDAHO SPRINGS MUNICIPAL CODE: CHAPTER 21 – Land Development Regulations / ARTICLE IV – Development Regulations by Zone District / Sec 21-63. – Development standards

REASON FOR FILLING AN APPEAL OR REQUEST FOR VARIANCE

This Letter is in support of the request for a variance to the front & back setback requirements for 1628 Virginia Street, Idaho Springs, CO 80452. The intention is to build 9 town homes to help with the housing need in the community. The proposed "Virginia Street Town Homes" are: Units 1 – 6 (3 bedroom/ 3 story), Units 7-8 (2 bedroom/ 2story) & Unit 9 (Accessible/2 bedroom/2story) of approximately 1100sf each. Based on the Municipal code (Sec 21.63) the buildable area, after 20' of front & back setbacks, would be only 16' deep. A depth of 16' would deprive the applicant from all reasonable use of the property, excepting traversing the lots with narrow homes, similar to the current trailers. Except these single wide trailers are not allowed by code.

The property is an excellent central location for townhomes, but not short of challenges. Besides the shallow quality to the property, we have a very steep slope of the mountain, historic and non-historic

walls that split the property in different levels and an easement that crosses the property on the north side. The proposed variance would be necessary for a reasonable use of the property while providing better quality spaces, maintaining and enhancing the unique characteristics of the property. We are requesting a variance to allow front & rear setbacks of 15' instead of 20'.

A few other relevant details that we would like you to consider, are (1) It is not part of the "Potential Multifamily Sites" suggested by the comprehensive plan but, there is infrastructure available and the project matches the "Mixed residential density" character of the area; (2) the proposed style and structure of the homes is in step with the existing neighborhood; (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 & loading zone 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 FAIR AND DECENT HOMES IN THE FRONT RANGE COMMUNITIES OF CLEAR CREEK, WEST JEFF CO. AND PARK COUNTY. THE VIRGINIA STREET TOWNHOMES ARE INVISED AS NINE TOWNHOME-STYLE CONDOMINIUMS, OWNED BY LOCAL RESIDENTS THAT ARE ALREADY INTEGRAL TO THE IDAHO SPRINGS COMMUNITY.

THE TOWNHOMES WILL BE LOCATED ON A NARROW LOT ABOVE THE ELKS CLUB AND CATHOLIC CHURCH. THE SITE IS ADJACENT TO THE HISTORIC DOWNTOWN AND OTHER TOWN ADVENTURES. IN ORDER TO PRESERVE LAND AND ALLOW FOR FUNCTIONAL FLOOR PLANS, THIS SUBMISSION IS REQUESTING A VARIANCE FROM THE 20 FT FRONT AND REAR SETBACK TO A 15 FT SETBACK, STILL ALLOWING FOR PROJECTIONS AND OVERHANGS. AS WELL, IT IS REQUESTED THAT THESE HOMES ARE ALLOWED A LOWER PARKING RATE, WITH AN AVERAGE OF 2 SPACES PER UNIT. ADDITIONAL OPEN SPACE WOULD BE AVAILABLE WITH A LOWER RATE, IF APPROVED BY THE BOA.

PROJECT TEAM

OWNER + CONTRACTOR:
BLUE SPRUCE HABITAT FOR HUMANITY
1555 E. 10TH AVE. | DENVER, CO 80202
Kathleen O'Leary | kolar@bluesprucehabitat.org | (303) 674-1127
George Johnston | johnston@bluesprucehabitat.org | (303) 598-6148

DESIGNER:
STUDIO MW, LLC
324 Grand Ave. | P.O. Box 1087 | Poncha CO 81428
Molly Wheelock | molly@studiomwarch.com | (303) 910-4557

CIVIL + STRUCTURAL ENGINEER:
INSIGHT ENGINEERING, INC.
27691 Moffat Rd. | Georgetown CO 80439
Drew Schneider, PE | drew@insightengineering.com | (303) 929-4272

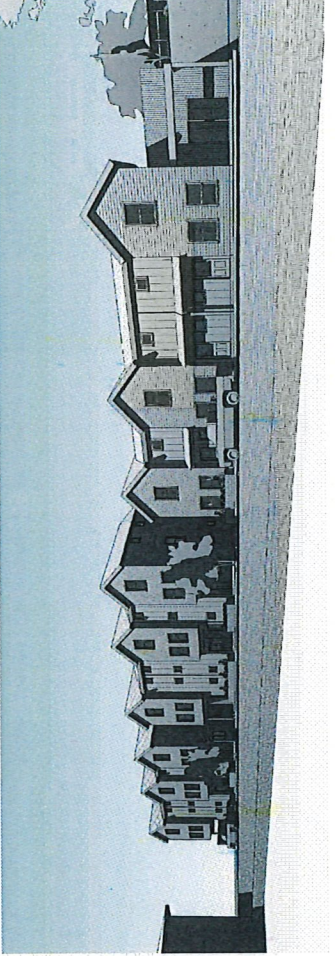
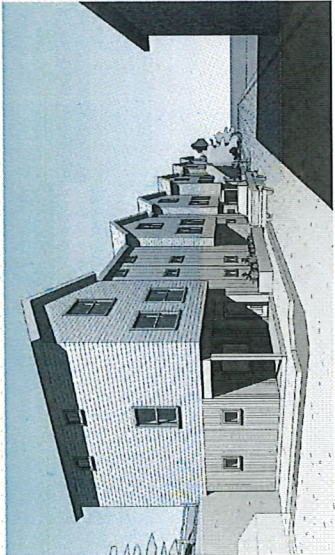
SURVEYOR:
CLEAR CREEK SURVEYING
3374 Trail Creek Rd. | Idaho Springs, CO 80452
Greg Martle | (303) 557-4755

CONTENTS

T.O. COVER SHEET
L.L.O. PROPOSED SITE PLAN
L.L.O. PROPOSED FLOOR PLANS
A2.0 ELEVATIONS



① VICINITY MAP
1" = 80'-0"



STUDIO MW, LLC
www.studiomw.com
324 Grand Ave. | P.O. Box 1087
Poncha, CO 81428
molly@studiomw.com
molly@studiomw.com

NOTES
Any questions regarding the plan of the project should be directed to the Designer. The Designer is not responsible for any conditions to be immediately brought to the attention of the Designer. The Designer is not responsible for any conditions to be immediately brought to the attention of the Designer. The Designer is not responsible for any conditions to be immediately brought to the attention of the Designer.

REVISIONS:

NO.	DATE	DESCRIPTION

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

Project Number	September 17, 2019
Date	MM
Drawn by	Checked by

T.O. COVER

Scale 1" = 80'-0"

Topographic Survey

Lots 2-12 and the West Half of Lot 1
Block 11
Within the City of Idaho Springs
Section 36, T3S, R73 W
County of Clear Creek, State of Colorado

CONTOUR INTERVAL - 1.0'

NOTES

- This plat is in compliance with CDS Title 38, Article 31 and all other applicable statutes.
- No guarantee as to the accuracy of the information contained on this plat is other stated or implied unless this copy bears the original signature of the registered land surveyor hereon named.
- This survey does not constitute a title search by Clear Creek Surveying to determine title or easement of record. Research for this survey was performed in accordance with CDS 38-31-105 and the Rules of Procedure and Board Policy Statements of the State Board of Land Surveyors. The surveyor is not responsible for any errors or omissions in the original records or for any subsequent errors or omissions in the records.
- NOTES: According to Colorado law, no person shall connect any local action based upon any defect in this survey within three years after the date of the survey. 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.
- Indicates found corner set by others.
- Indicates set #4 stake with red plastic survey cap marked "S 3337" unless otherwise noted.
- Any person who knowingly removes, alters or defaces any public land survey monument, or land boundary monument or occupancy certificate a CLASS 2 MISDEMEANOR pursuant to State Statute 18-6-508 C.R.S.
- The basis of bearings is taken from older observations.
- The area of the subject property as surveyed is 14,400 square feet, more or less.

LEGAL DESCRIPTION

Block 11, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and the West Half of Lot 1, within the City of Idaho Springs, are more fully described in Deeds recorded in Book 251, Page 509 and in Book 256, Page 430, County of Clear Creek, State of Colorado.
All that portion of Lot 12, Block 11, City of Idaho Springs, 1/4th South of property shown on the plat, is more fully described in Deeds recorded in Book 251, Page 509 and in Book 256, Page 430, County of Clear Creek, State of Colorado.

- ### UTILITY LEGEND
- Over 30" dia. manhole
 - power pole
 - water tap
 - fire hydrant
 - electric box
 - sanitary sewer



CONTOUR INTERVAL - 1.0'

SCALE: 1" = 20'



CERTIFICATION

I, Greg Winkler, a registered land surveyor in the State of Colorado, certify that the survey lines shown hereon are based upon the best evidence available following a ground survey made under my direct responsibility, supervision, and controlling duty.

Greg Winkler LS #25372

Block 13

Virginia St.

Block 12

16th Ave.

17th Ave.

Virginia St.

Block 11

Urso Division of Land

LOT ONE

LOT TWO

LOT THREE

LOT FOUR

M.S. #4741

#2

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LOT ONE

LOT TWO



220 NORTON AVE P.O. BOX 1987
PORTLAND, ME 04106
TEL: 207.774.1111 FAX: 207.774.1112
WWW.STUDIOMW.COM

NOTES:
Any questions regarding the design of the project should be directed to the Designer. Any changes to the design must be approved by the Designer. The Designer is not responsible for the construction of the project. The Designer is not responsible for the construction of the project. The Designer is not responsible for the construction of the project.

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/10/17	ISSUED FOR PERMITTING

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

Project Number: 17-001
Date: 10/10/17
Drawn by: [Name]
Checked by: [Name]

L1.0
SITE PLAN
Scale: 1" = 10'-0"

AREA (Gross Building)			
UNIT	Level	Area	TOTALS
2 BEDROOM	First Floor	437 SF	
2 BEDROOM	Second Floor	451 SF	TOTAL = 888 SF
2 BEDROOM	Third Floor	451 SF	
3 BEDROOM	First Floor	525 SF	
3 BEDROOM	Second Floor	477 SF	TOTAL = 1373 SF
3 BEDROOM	Third Floor	616 SF	
3 BEDROOM	Second Floor	450 SF	TOTAL = 1068 SF

AREA (Net Habitable)			
UNIT	Level	Area	TOTAL
2 BEDROOM	First Floor	358 SF	
2 BEDROOM	Second Floor	369 SF	TOTAL = 728 SF
2 BEDROOM	Third Floor	369 SF	
3 BEDROOM	First Floor	429 SF	
3 BEDROOM	Second Floor	429 SF	TOTAL = 1175 SF
3 BEDROOM	Third Floor	554 SF	
3 BEDROOM	Second Floor	359 SF	TOTAL = 953 SF

*NOTE: 3 BEDROOM / 2 STORY UNIT MEETS ANCHORAGE STANDARDS ON FIRST FLOOR

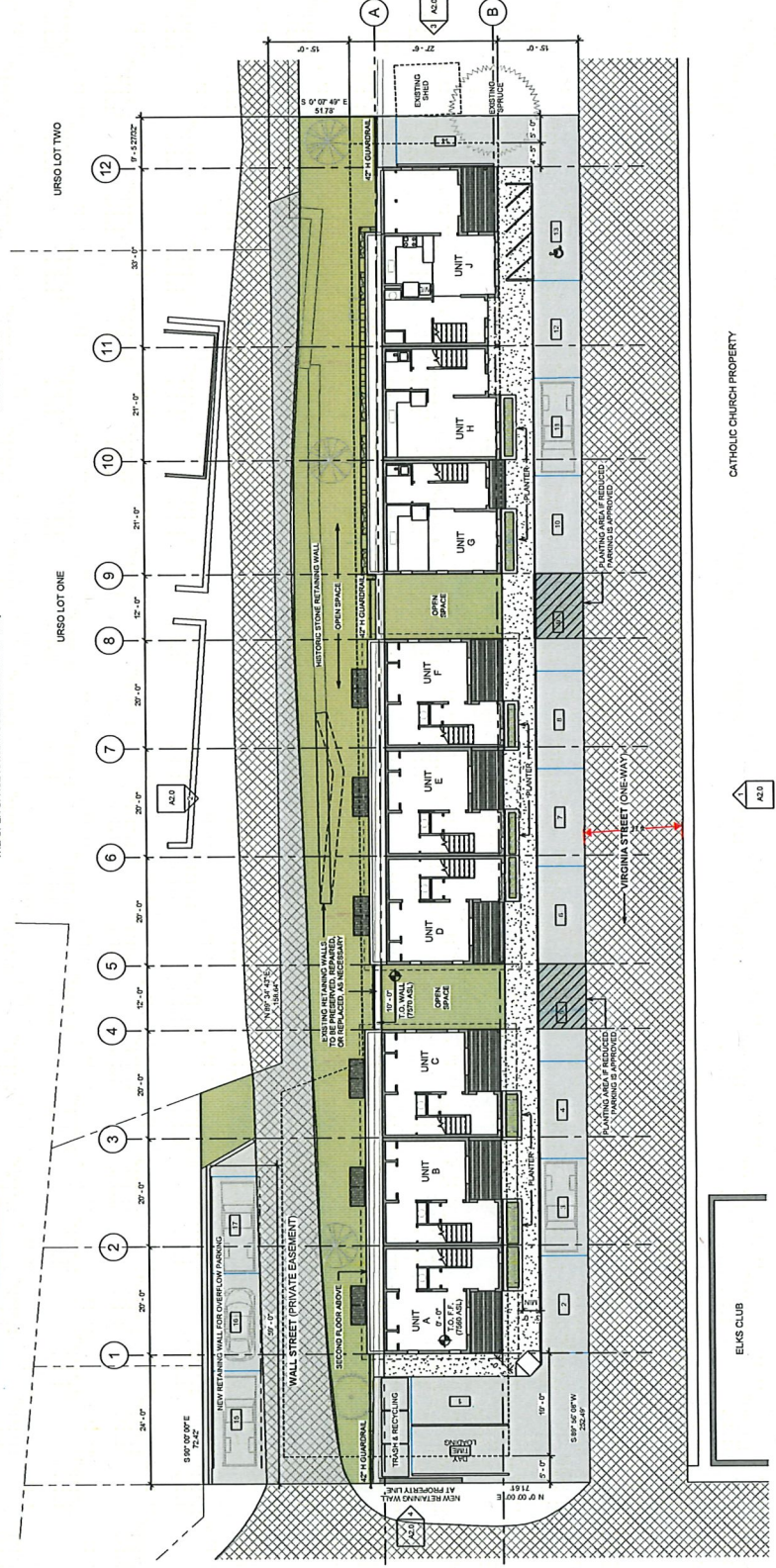
PARKING CALCULATIONS (Per Table 21.127.3)			
SWELLING: MULTIPLE FAMILY	NET	PARKING REQUIRED	GROSS
1,257 / 3 bedroom unit over 800 sf	2	3	3.5
2,5 / 3 bedroom unit over 900 sf	7	17.5	7
2,5 / 3 bedroom unit over 900 sf	7	17.5	7
TOTAL SPACES		20.5	21

PROPOSED PARKING			
PARKING TYPE	COUNT	Comments	
Parking Space - ADA 9' x 18' (5' Aisle)	17	Including one 20 minute daytime loading zone	
Parking Space - 9' x 18' - 50' deep	17		

PARKING SPACES PER UNIT = 18 PARKING SPACES (18 UNITS = 324 UNIT
(IF PARKING IS REDUCED TO 16 SPACES (1.70 UNIT) TO ALLOW FOR TREES,
THE OPEN SPACE RATIO WOULD INCREASE TO 40%.

LAND USE CHART		
DESCRIPTION	AREA	% OF TOTAL SITE
TOTAL PROPERTY	15358	
WALL STREET (PRIVATE EASEMENT)	1642	
TOTAL AREA (LESS EASEMENT)	13716	
2 BEDROOM BUILDINGS FOOTPRINT	902	6.58%
3 BEDROOM BUILDINGS FOOTPRINT	3150	22.97%
3 BR / ACCESSIBLE BUILDINGS FOOTPRINT	680	4.96%
(18) PARKING AREAS & TRASH	3825	27.89%
OPEN SPACE	5159	37.61%
		100.00%

SETBACK CHART		
PROPOSED PER R-3 ZONING		
FRONT	15	20
SIDE	5	5
REAR	15	20



1 SITE PLAN
1" = 10'-0"

34' 0" x 116' 0"

1st Floor

Living 16' 0" x 16' 0"

Kitchen 10' 0" x 10' 0"

Dining 10' 0" x 10' 0"

Bedroom 10' 0" x 10' 0"

Bath 5' 0" x 5' 0"

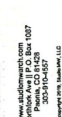
Entry

Staircase

Closet

Project number	Project Number
Date	September 17, 2010
Drawn by	Author
Checked by	Checker

A1.0
FLOOR PLANS
Scale 1/8" = 1'-0"



NOTES

Any questions regarding the intent of the drawings or specifications are to be clarified with the Designer before construction. Any discrepancies in dimensions or field conditions are to be immediately brought to the attention of the Designer before proceeding with work. Failure to notify Designer of changing conditions relieves the Designer of responsibility. Changes made to the present Documents without the consent of the Designer are unauthorized.

Do not scale drawings, use noted dimensions. Contact Designer if more information is needed.

1111

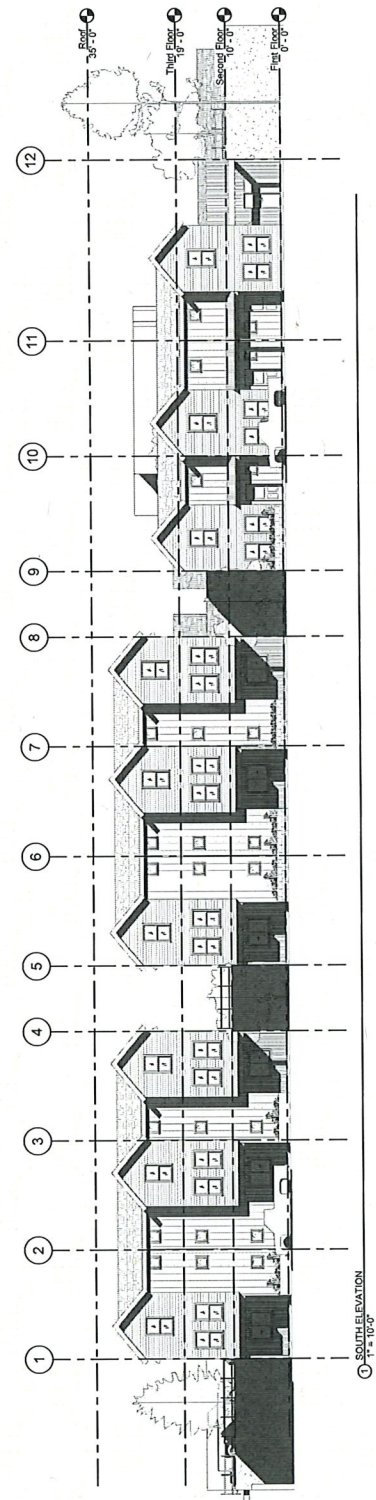
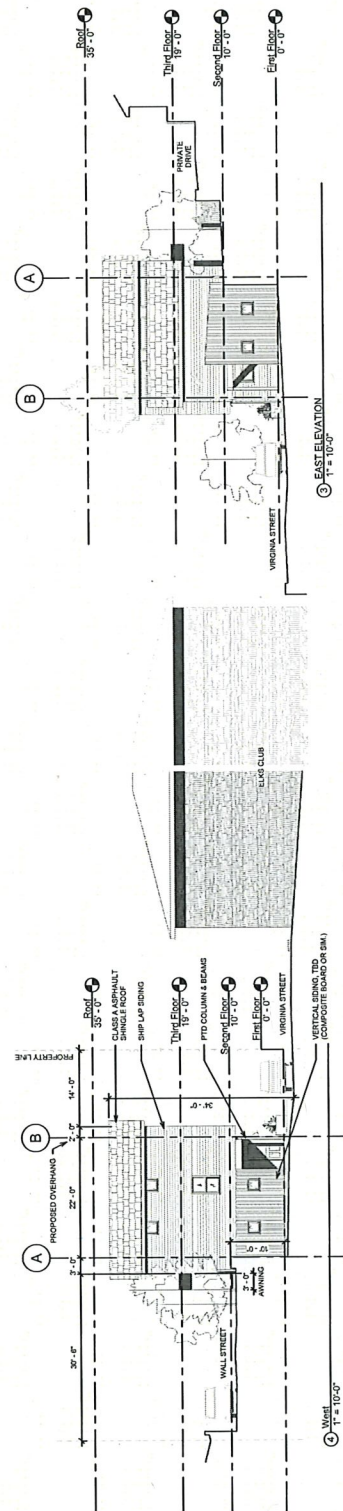
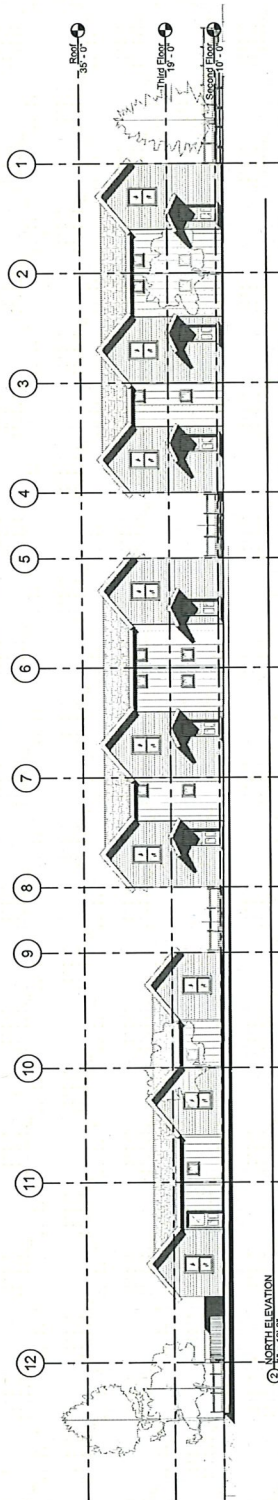
VIRGINIA ST. TOWNHOMES
BLUE SPRUCE HABITAT FOR
HUMANITY
VARIANCE REQUEST
- NOT FOR CONSTRUCTION -

Project number	Project Number
Date	September 17, 2019
Drawn by	MW
Checked by	Checker

A2.0 ELEVATIONS

 $1^{\circ} = 10^{-6}$

- NOT FOR CONSTRUCTION -



CITY OF IDAHO SPRINGS

Notice of Public Meeting(s)/Hearing(s)

October 7, 2019

A hearing with the Variance Board has been scheduled regarding the following project:

Project: 1628 Virginia Street Setback Variance

Location: 1628 Virginia Street

Applicants: Blue Spruce Habitat for Humanity

Summary: Request to reduce 20' front and rear setbacks to 15' to allow 9 townhouse units in 3 buildings.

PLEASE SUBMIT COMMENTS BY: October 21, 2019

Reply to: Alan Tiefenbach, Community Development Planner
Phone: (303) 567-4421
Email: planner@idahospringsco.com

Hearing Date / Time:

October 30, 2019 5:00 pm Idaho Springs Variance Board

All meetings of the Variance Board are open to the public and held at Idaho Springs City Hall, 1711 Miner Street. You are invited to attend the meetings listed above and comment to the Board. Project materials are attached for your information and review.

All information regarding this project can be downloaded under "Active Development Projects" as the Community Development Page at:

<https://www.colorado.gov/pacific/idahosprings/community-development-7>



1628 Virginia Street

 Subject Property



From: [Alan Tiefenbach](#)
Bcc: [Andrew Marsh, City Administrator](#); [Diane Breece, City Clerk](#); [Mike Hillman](#); [Chris Malanka](#); [John Bordon](#); [Carmen Berry \(cbeery@mdbrlaw.com\)](#); [Nina Williams](#); [Sally Rush](#); [George, Donna L](#); [Mitch Houston](#); [kb@clearcreekfire.com](#); [Dan Wester](#); [Uchi at MW](#); [Molly Wheelock](#); [Kathleen O"Leary](#)
Subject: Referral for 1628 Virginia Street Variance
Date: Tuesday, October 1, 2019 12:10:00 PM

City of Idaho Springs NOTICE OF VARIANCE BOARD HEARING FOR FRONT AND REAR SETBACK VARIANCES OCTOBER 1, 2019

We are interested in your review of the following project:

Project: Habitat for Humanity townhouses at 1628 Virginia Street
Location: 1628 Virginia Street, Idaho Springs
Applicant(s): Blue Spruce Habitat for Humanity
Summary: Request to allow 15' front and 15' rear setbacks where 20' is required to allow 9 townhouses.

All information regarding this project can be downloaded at:

https://drive.google.com/open?id=1g7SnnW-j8zv-OKP1uRfmP_qhBCzEaEOE

PLEASE REPLY BY: Tuesday October 15, 2019

Reply to: Alan Tiefenbach
Community Development Planner
City of Idaho Springs
PO Box 907
Idaho Springs, CO 80452
303-567-4421 ext 118

This application has been sent to you for your review and input. Project materials are available at the attached link.

Any comments or issues you may consider relevant to this request would be appreciated. If you have any further questions regarding the application, please contact the Planner listed above.

The Variance Board is the final decision making authority. All meetings of the Variance Board are open to the public and held at Idaho Springs City Hall, 1711 Miner Street. You are invited to attend the meeting and comment to the Board. Staff shall prepare a written report of the City's findings and make a recommendation to the

Board. The Board will review the application for conformance with the applicable review criteria, and hear recommendations of City staff and public testimony. All evidence and testimony shall be presented publicly.

Tentative Hearing Date on this proposal:

Wednesday October 30, 2019 at 5:00 PM.

Referral Agencies

X	Andrew Marsh, Idaho Springs City Administrator	X	Donna George, Xcel Energy
X	Diane Breece, City Clerk	X	Clear Creek County School District
X	Michael Hillman, Mayor	X	Kelly Babeon, Fire Chief Clear Creek Fire Authority
X	Chief Chris Malanka, Idaho Springs Police Department		Colorado Geological Survey
X	John Bordoni, Public Works Superintendent		Colorado Division of Wildlife
X	Carmen Beery, City Attorney		Colorado Water Conservation Board
	Dan Wolf, Superintendent, Idaho Springs Water/Wastewater Treatment		Idaho Springs Chamber of Commerce
	HPRC Chairperson		Telephone, Qwest Communications
	Town of Georgetown Town Administrator		TV Cable, AT&T Broadband
	Clear Creek County Environmental Health		Colorado State Land Board
	Frederick Rollenhagen, Clear Creek County Community Development		Adjacent Property Owners
	CDOT		Chicago Creek Sanitation
	Clay Brown, Department of Local Affairs	X	Dan Wester, Safebuilt
	Clear Creek County EMS		Colorado State Patrol
	Sandy Bronson, Deputy Treasurer		Gilpin County
	JVA Engineering		Jefferson County
X	Clear Creek Housing Authority		Interested Stakeholders

From: [Alan Tiefenbach](#)
To: mtgrl9093@yahoo.com
Subject: RE: 1628 Virginia Variance
Date: Tuesday, October 22, 2019 8:35:00 AM

Hi Reba,

That property and much of the neighborhood (including your property) is zoned Residential-Three (R-3). This is the City's most intensive zone district. There are few areas in town that are zoned R-3, and nearly any (if not all) proposals to up-zone to a higher density are almost always ferociously opposed.

I understand your concerns. I know there are some who are trying to develop VERY high density work force housing in Prospector's Run where I live. As long as it complies with the current zoning, it is what it is. If they ask to rezone or want exceptions from the existing development standards, I'll probably get involved.

As you know, housing for employees and other working class people (like me and you) is one of the biggest, if not THE biggest issue in Idaho Springs.

Whether the owner wants to build one house or ten, they are confronted with a building envelope that ranges between 20' and 16' due to a retaining wall and extreme topography. Other than tiny homes or single-wides, they will probably need a variance for any development.

When a variance is proposed, one criteria is if the applicant is constrained with a hardship which is not generally applicable to other lands or structures IN THE SAME ZONE DISTRICT. Thus, I believe it is fair to assume they should be able to build multifamily since this is a multi-family zone district.

They could also build what they are proposing (single family attached) in the R-2 Zone District. R-2 has a front setback of 15', which is what they are proposing. Would there be less opposition if they were proposing to DOWNSIDE from R-3 to R-2?

I have been clear with the developer from the first meeting that they will need to meet their parking requirements. They are still working on that. If they can't figure it out, they'll need to reduce the units, or reduce the number of bedrooms, unless the Council wants to allow a reduced parking ratio. I have told them not to try this route. Parking reductions are not being proposed with this variance.

I would argue this developer IS doing a community service. This project is Habitat for Humanity, which is THE non-profit housing agency, with a significant amount of volunteer labor.

That said, I am not convinced there are long term negative impacts from removing two dilapidated trailers to construct three new triplexes with a design that complements the surrounding architecture, and off-street parking, in an area zoned R-3.

I will review this project regarding parking, landscaping, open space, traffic, lighting and architecture just as diligently as I would review any other project.

Sincerely,

Alan Tiefenbach
Community Development Planner
City of Idaho Springs
PO Box 907
Idaho Springs, CO 80452
303-567-4421 ext 118

-----Original Message-----

From: mtgrl9093@yahoo.com <mtgrl9093@yahoo.com>
Sent: Monday, October 21, 2019 7:06 PM
To: Alan Tiefenbach <planning@idahospringsco.com>
Subject: Re: 1628 Virginia Variance

Mr. Tiefenbach,

Thank you for your prompt response.

Yes I understand that parking is not in question for this variance. And so therefore also the density is not part of the criteria for this hearing.

I can only hope that city staff and council will be doing their job to provide proper review and oversight when the parking waiver request comes forward will have the interests of the existing residents in mind. And this developer will ask for a parking and open space waiver since they cannot cram 9 units, 18 vehicles, and a couple token shrubs onto this postage stamp.

As with every developer that is "doing a community service" (and they are all doing us a giant favor) with their project, I am at least relieved they are not proposing 20 units since 9 units quadruples the existing.

I remain opposed to this project with no adequate criteria to stand on for this variance.

The long term impact for this density of 9 units at this location in this narrow footprint will affect the neighborhood for decades and long after this developer is gone.

Thank you for your time this evening.

Reba Bechtel
1528 Colorado Blvd

Sent from my iPhone

> On Oct 21, 2019, at 5:50 PM, Alan Tiefenbach <planning@idahospringsco.com> wrote:
>
> Hi Reba, thanks for the email.
>
> Understand the parking is completely unrelated to the setbacks.
>
> The property is zoned R-3, which requires a 20 foot setback along the front. Due to the retaining wall at the northern half, the applicant has a building envelope that is 16' wide. Other than a single wide trailer or a cabin, there is virtually no building that can be constructed within a 16' building footprint.
>
> Whether they plan to build 1 unit or 20, they will still likely need a setback variance.
>
> Staff has already explained to the applicant that they need to figure out how to meet their parking requirements. If they cannot figure out how to do this, they will need to scale the project back. This will be addressed with their Final Development Plan. A parking reduction is not being pursued as part of this variance.
>
> Sincerely,
>
>
> Alan Tiefenbach
> Community Development Planner
> City of Idaho Springs
> PO Box 907
> Idaho Springs, CO 80452
> 303-567-4421 ext 118
>
> -----Original Message-----
> From: mtgrl9093@yahoo.com <mtgrl9093@yahoo.com>

> Sent: Monday, October 21, 2019 5:42 PM

> To: Alan Tiefenbach <planning@idahospringsco.com>

> Subject: 1628 Virginia Variance

>

>> Me. Tiefenbach,

>>

>> My concern for this proposed project is that this 5ft setback is needed due to the number of units. This 5ft variance request will allow parallel parking in front of the residences which would not be needed if the number of units were reduced or the footprint of this shallow lot was used differently.

>

>> So per criteria (b.) I think there are other reasonable design alternatives to fit this unique lot and location that would NOT require any variance to the code. Granting a variance does NOT observe the spirit of this chapter, secure the public safety and welfare, or ensure that substantial justice is done (specifically with the proximity to the commercial core which currently is wrestling with parking).

>

>> I feel this variance will impact my residential quality of life. This potentially wonderful project needs to fit into the code requirements and stay within the footprint.

>>

>> Please confirm receipt of this email as my official comments.

>

>> Reba Bechtel

>> 1528 Colorado Blvd

>

>

From: [Alan Tiefenbach](#)
To: [Vicki Larson](#)
Subject: RE: 1628 Virginia Street Setback Variance
Date: Monday, October 21, 2019 5:47:00 PM

Thanks for your email.

Understand the parking is completely unrelated to the setbacks.

The property is zoned R-3, which requires a 20 foot setback along the front. Due to the retaining wall at the northern half, the applicant has a building envelope that is 16' wide. Other than a single wide trailer, there is virtually no building that can be constructed within this footprint.

Whether they plan to build 1 unit or 20, they will still likely need a setback variance.

Staff has already explained to the applicant that they need to figure out how to meet their parking requirements. If they cannot figure out how to do this, they will need to scale the project back. This will be addressed with their Final Development Plan. A parking reduction is not being pursued as part of this variance.

Sincerely,

Alan Tiefenbach
Community Development Planner
City of Idaho Springs
PO Box 907
Idaho Springs, CO 80452
303-567-4421 ext 118

From: Vicki Larson <vlarson@theminerspicks.com>
Sent: Monday, October 21, 2019 5:15 PM
To: Alan Tiefenbach <planning@idahospringsco.com>
Subject: 1628 Virginia Street Setback Variance

Alan,

After reviewing the project for 1628 Virginia Street I do not believe a variance for the setback is warranted. Since it appears that the variance is requested to provide parking, open space and planters; it seems that objective could be met by building fewer units and therefore adhering to current setback requirements.

Please confirm receipt of this email of this email and let me know if I need to drop off a hard copy as I will not be able to attend the meeting.

Vicki Larson
1639 Colorado Blvd.
The Miners Pick Bed & Breakfast LLC



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
October 30, 2019**

CALL TO ORDER

Chairman Crane called the meeting to order at 5:00 PM.

Board members present were: Cary Crane, Ben Moore, Doug Smith and Ann Zimmerman. Marc Reagon was absent.

City staff present was City Clerk Diane Breece and City Planner Alan Tiefenbach.

APPROVAL OF MINUTES

Ben Moore moved to approve the minutes of May 28, 2019. Doug Smith seconded and the motion carried by unanimous roll call vote.

NEW BUSINESS

1628 Virginia St.-Requesting front and rear setbacks to construct 9 townhouse units in 3 buildings Community Development Planner Alan Tiefenbach presented his staff report outlining a request for a variance to allow for 15' front and rear setbacks whereas 20' are required to construct 9 townhouse units in 3 buildings.

Molly Wheelock, architect and representative for the applicant, Blue Spruce Habitat for Humanity gave a brief overview of the project indicating the need for a setback.

Public Comment-

Reba Bechtel who resides at 1526 Colorado Blvd. voiced concerns about density and its effect on surrounding properties.

There were no objections or public comments from neighbors.

Doug Smith moved to approve the variance request and Resolution #VB 19-02 to allow a 4ft. front side setback variance from the Idaho Springs Municipal Code requiring a 22.5 setback for the property located at 2033 Wall Street. Ann Zimmerman seconded and the motion carried by a unanimous roll call vote.

ADJOURN

With no further business before the board Cary Crane adjourned the meeting at 5:23 p.m.