



**VARIANCE BOARD OF ADJUSTMENTS
AGENDA
OCTOBER 28, 2020
5:30 PM**

Call to Order

Roll Call

Approve Minutes of July 08, 2020

New Business- Elect new Chairman

- ❖ **2127 Virginia St. -Variance request to reduce front setback from 15 feet to 10.3 feet**

Move to approve Resolution #VB 20-02; A resolution conditionally approving an application for a variance from Code Section 21-63 to reduce the front yard setback at 2126 Virginia St. from 15 feet to 10.3 feet

- ❖ **1614 Wall Street- Variance request to reduce the front setback from 20 feet to 12 feet; reduce the minimum lot width from 50 feet to 45 feet; and to reduce the minimum lot size from 5,000 sq ft. to 3,900 sq. ft.**

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

Adjourn

REMOTE MEETING PUBLIC ATTENDANCE INSTRUCTIONS

The Public will be able to view and hear this meeting remotely at the following address:

<https://www.colorado.gov/pacific/idahospings/city-council-live>

The public will be able to sign up for Unscheduled Public Comment by emailing the City Clerk at cityclerk@idahospingsco.com contact information including name and phone number by 5 PM on the day of the scheduled meeting.

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



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
JULY 08, 2020**

CALL TO ORDER

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

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

City staff present was City Clerk Diane Breece, City Administrator Andrew Marsh, Community Development Planner Mike Davenport and Nina Williams from the City Attorney's office.

APPROVAL OF MINUTES

Ann Zimmerman moved to approve the minutes of May 27, 2020. Doug Smith seconded and the motion carried by unanimous roll call vote.

NEW BUSINESS

195 Montane Drive-front setback variance request

Mike Davenport presented the staff report outlining the request to reduce the front setback from the required 30 ft. to 20 ft. for a proposed house approximately 4,782 square feet in size. Applicant, Scott Pennell had nothing further to add. There was no public comment. Doug Smith moved to approve the variance request to reduce the front setback from 30 ft. to 20 ft. Ann Zimmerman seconded and the motion passed by a unanimous roll call vote.

ADJOURN

With no further business before the board Chairman Crane adjourned the meeting at 5:20 p.m.

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 20 - 02

A RESOLUTION CONDITIONALLY APPROVING AN APPLICATION FOR A VARIANCE FROM CODE SECTION 21-63 TO REDUCE THE FRONT YARD SETBACK AT 2126 VIRGINIA STREET FROM 15 FEET TO 10.3 FEET

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application for a variance and related documents (collectively, the "Application") from the owner of that property located at 2126 Virginia Street, Idaho Springs, Colorado (the "Property");

WHEREAS, the Property is located in the Residential-One (R-1) zone district;

WHEREAS, pursuant to Idaho Springs Municipal Code ("Code") Section 21-63, the minimum front yard setback in the R-1 district is fifteen feet (15');

WHEREAS, the Application seeks approval to reduce the front yard setback to 10.3 feet to allow the addition of an unenclosed front porch in the front setback area;

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on October 28, 2020, at which time the applicant and all other interested parties were given the opportunity to be heard and to present evidence, as reflected in the record of those proceedings;

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

WHEREAS, based upon all of the testimony and evidence received at the October 28, 2020 public hearing, the Board finds that the Application, on balance, satisfies the variance approval criteria set forth in Code Section 21-109, as further set forth below.

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

Section 1. Findings: The Application filed by Meaghan Quigley, as the owner of 2126 Virginia Street, for a variance from the front yard setback requirement of Code Sec. 21-63 to reduce the front yard setback from fifteen feet (15') to 10.3 feet to permit the addition of an unenclosed front porch to the existing single-family home upon the Property, satisfies the variance approval criteria set forth in Code Section 21-109, as a whole and on balance, as follows:

(1) The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.

Finding: A front porch is a desirable feature but not necessarily essential to the use of the house. The front porch may enhance the appearance of the house. Front porches are commonly found in this neighborhood.

(2) There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.

Findings: The Property is too narrow to accommodate a porch in either side yard. A porch may be less than 8 feet deep. However, the more the depth of a porch is reduced, the less flexibility there is in how the porch may be used.

(3) The need for the variance does not result from the intentional, reckless or negligent actions of the applicants or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.

Finding: The Applicant is not responsible for the dimensions of the existing narrow lot, nor is she responsible for the actions of the prior owner in enclosing the previously-unenclosed front porch.

(4) Reasonable protections are afforded adjacent properties.

Finding: There are several houses in the 1900 block of Virginia Street (two blocks away) that have a similar setback to what is being requested. This smaller setback does not appear to be an imposition on the adjacent properties. The Board received evidence of a letter of support from an adjacent property owner.

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

Finding: A porch less than 8 feet deep would be usable but not as usable as the proposed depth. A porch that complied with the setback requirement would be less than 3 feet depth, which likely would have very limited use.

For this criterion to be met, the Board finds that the proposed steps leading to the porch should be moved to be located within the dimensions of the porch. Doing so would reduce the amount of encroachment into the front yard setback.

(6) The granting of the variance will:

a. Observe the spirit of this Chapter;

Finding: For the reasons stated in the above findings, the Board finds that the spirit of

the Code and its zoning regulations would not be adversely undermined by a granting of this variance.

- b. Secure the public safety and welfare;

Finding: The Board relies upon the comments of the City’s building official, who noted that the proposed variance does not present safety or welfare issues if the 5-foot side yard setback is retained. The Application does not seek to reduce these required side yard setbacks.

- c. Ensure that substantial justice is done; and

Finding: The proposed variance would allow the addition of the porch which is a common feature of homes in this neighborhood.

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

* The steps servicing the porch shall be located within the dimensions of the porch.

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

DONE and ORDERED by a vote of _____ to _____, on October 28, 2020.

, Chair

ATTEST:

Diane Breece, Clerk to the Board

IDAHO SPRINGS BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: October 28, 2020	Page 1 of 5 w/attachments	Item: 2126 Virginia Street Front Setback Variance
Presented by: Mike Davenport Community Development Planner		

PROPOSAL:

The Applicant requests a variance to reduce the front setback from the required 15 feet to approximately 5 feet, to construct an 8-foot deep front porch on the existing house.

BOARD OF ADJUSTMENT ROLE:

Per Section 21-109 of the City of Idaho Springs Land Development Regulations (LDR), the Variance Board may authorize variances from the requirements of the Code. A variance must be considered an extraordinary remedy. When considering a variance from a standard in the LDR, the Variance Board shall apply the criteria listed later in this staff report.

In granting any variance, the Variance Board may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan (Section 21-109(F)).

EXISTING CONDITIONS:

The subject property is Lot 32 of Block A in the Sunnyside Addition. The front of the house faces south. The property is zoned Residential One (R-1). The existing house is just over 13 feet from the front property line. (See the enlarged site plan at the end of the attachments.) Prior to the current owner, a front porch on the house was enclosed.



The houses in the surrounding R-1 zoning district have a wide variety of existing front setbacks. Most front setbacks appear to be equal to or greater than the minimum required setback. There are a couple of houses in the 1900 block of Virginia Street that have a smaller setback, like what is being proposed for this property.

PROPOSED CONSTRUCTION:

The property owner seeks to add an 8-foot deep porch on the front of the house. The design of the porch includes a deck raised above the ground, roof, railing on three sides, and several steps going up

from the entry walk to the porch. (See the set of drawings.)

CODE REQUIREMENTS:

The R-1 zone district requires the following minimum setbacks of a building from a property line (Municipal Code Chapter 21, Section 21-63): front 15 feet, rear 15 feet, and side 5 feet.

The Municipal Code allows several types of encroachments into a required setback (Section 21-63(f)):

1. Any structure or part thereof which is below the grade of any setback may project any distance into such setback space.
2. The following may project eighteen (18) inches into all setbacks: belt courses, sills, lintels, pilasters, chimneys not over six (6) feet in width, gas and electric meters and transformers.
3. The following may project five (5) feet into all setbacks: building accessories designed and intended to control light entering a building, unwallled porches, terraces and balconies and outside stairways.
4. Cornices, eaves, roof overhangs and gutters may project five (5) feet into the front and rear setbacks and five (5) feet or 1/2 the side setback space, whichever is less, into the side setback.

COMPARING THE PROPOSED PORCH AND THE CODE REQUIREMENT:

	<u>Existing setback</u>	<u>Proposed porch depth</u>	<u>Allowed porch depth</u>
Possible depth of porch	13.3 feet	8 feet	3.3 feet
Required porch setback from property line:			10 feet
Proposed porch setback from front property line:			5.3 feet
Porch allowed encroachment into a setback*:			5 feet
New setback = proposed porch setback + allowed encroachment:			10.3 feet

Required setback: 15 feet

Reduction in setback = required setback – new setback: 4.7 feet

The request is to reduce the existing 15-foot setback by 4.7 feet to a get new setback: 10.3 feet

*The required setback of 15 feet may be reduced to 10 feet because of the encroachments allowed by the Municipal Code.

**Staff discussed with the Applicant pushing the steps into the porch so that the steps do not add to the depth of the encroachment into the setback.

STAFF ANALYSIS OF VARIANCE CRITERIA:

1. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.

Staff Analysis: A front porch is a desirable feature but not necessarily essential to the use of the house. The front porch may enhance the appearance of the house. Front porches are commonly found in this neighborhood.

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: The property is a typically narrow lot, too narrow to accommodate a porch in either side yard. A porch may be less than 8 feet deep. The more the depth of a porch is reduced, the less flexibility there is in how the porch may be used.

3. The need for the variance does not result from the intentional, reckless or negligent actions of the applicants or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.

Staff Analysis: According to the Property Owner, a previous owner enclosed what had been a porch on the front of the house. Staff did not find any information in City files about a permit to enclose the previous porch.

4. Reasonable protections are afforded adjacent properties.

Staff Analysis: There are several houses in the 1900 block of Virginia Street (two blocks away) that have a similar setback to what is being requested for this property. This smaller setback does not appear to be an imposition on the adjacent properties. The attachments to this staff reports includes a letter from an adjacent property owner. The adjacent property owner does not object to the proposed setback.

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

Staff Analysis: A porch less than 8 feet deep would be usable but not as usable as the proposed depth. A porch that complied with the setback requirement would be less than 3 feet depth, which likely would have very limited use.

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

Staff Analysis: The Code states a variance shall be considered an extraordinary remedy required to allow reasonable use of a property. A front porch is a desirable feature but not an essential feature to the use of the property.

- b. Secure the public safety and welfare;

Staff Analysis: Below in referral comments, the City's consulting building official notes the need for a minimum 5-foot setback on all sides of the house, which still would be met if the variance were granted.

- c. Ensure that substantial justice is done.

Staff Analysis: The proposed variance would allow the addition of the porch, which is a common feature of homes in this neighborhood.

PUBLIC NOTICE AND REFERRALS:

Public notice was provided by a sign posted on the property and by letters sent to the owners of properties within 300 feet of this property.

Staff sent copies of the application to City staff and consultants. The following responses were received by email.

- JVA, consulting engineer: We take no exception to the proposed variance.
- Safebuilt, consulting building official: As long as a minimum 5-foot set back to all property lines is maintained, Building is okay with this.
- Public Works: ...no issues...

FINDINGS AND RECOMMENDATION:

The proposed variance meets some but not all of the criteria for approval. The porch as proposed likely would improve the use and enjoyment of the property, as well as add to the visual character of the neighborhood.

If, the Board decides to approve the variance, staff recommends the steps go into the porch rather than come out from the porch. If the steps come out from the porch, they make a deeper encroachment into the setback by the porch.

ATTACHMENTS:

- Application for Request for Variance
- 8/13/2020 statement by property owner Meaghan Quigley
- August 18, 2020 letter from adjacent property owner Adele Coldagelli (1 page)
- Assessor's information on the property (2 pages)
- Set of drawings (5 pages):
 - A100: Site plan and rendering of the proposed porch
 - A101: Existing front and rear elevations, demolition plans
 - A200: Roof and floor plans

- A300: Building sections and proposed elevations
- Enlarged site plan

/mjd

City of Idaho Springs

REFERRAL NOTICE OF SUBMMITAL FOR: 2126 VIRGINIA STREET VARIANCE OCTOBER 5, 2020

We are interested in any comments you may have regarding the following project.

Project: Proposed front porch addition to an existing house
Location: 2126 Virginia Street, Idaho Springs, CO 80452
Applicant(s): Contract Joel Cooner for property owner Meaghan Quigley
Summary: Variance request to reduce front setback from 15 feet to 7 feet

PLEASE REPLY BY: OCTOBER 28, 2020

Reply to: Mike Davenport, Community Development Planner
 Phone: (303) 241-3362
 Email: planning@idahospringsco.com

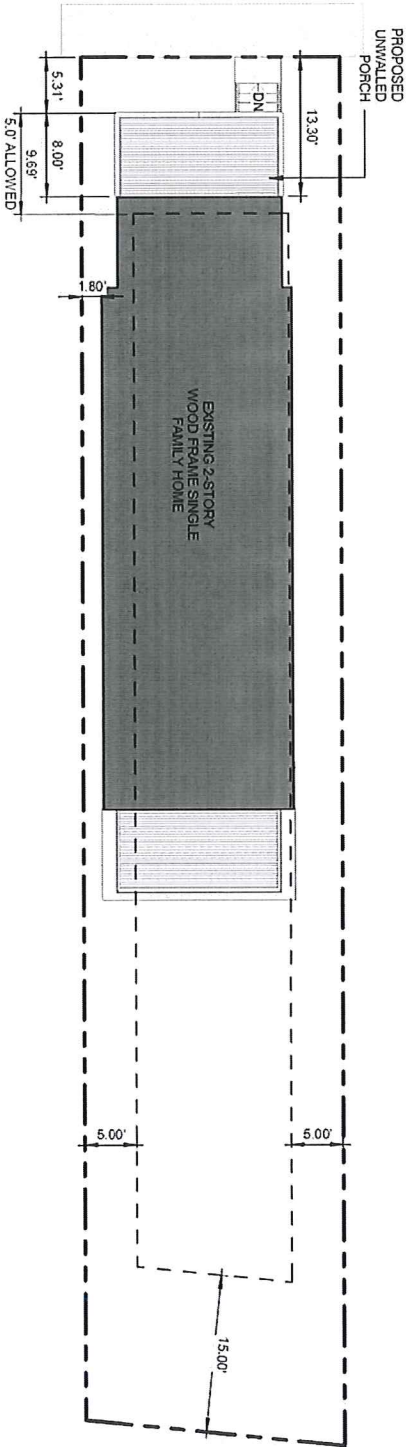
This application has been sent to you for your review and recommendation. Project materials are attached. Any comments or issues you may consider relevant to this request would be appreciated. If you have any further questions regarding the application, please contact the Planner listed above.

Sent	Returned	Referral to:	Sent	Returned	Referral to:
X		Andrew Marsh, Idaho Springs City Administrator	x		Donna George, Xcel Energy
X		Diane Breece, City Clerk			Clear Creek County School District
		Clear Creek County Environmental Health	X		Kelly Babeon, Fire Chief, Clear Creek Fire Authority
X		Chief Chris Malanka, Idaho Springs Police Department			Clear Creek County Road and Bridge
X		John Bordonni, Public Works Superintendent			Clear Creek County EMS
X		Carmen Beery, City Attorney			Colorado Water Conservation Board
X		JVA Engineering	x		Dan Wolf, Superintendent, Idaho Springs Water/Wastewater Treatment
x		Dan Wester, Safebuilt			Telephone, Quest Communications
		CDOT			TV Cable, AT&T Broadband
		Clear Creek County Environmental Health			Frederick Rollenhagen, Clear Creek County Community Development

PRIVATE RESIDENCE

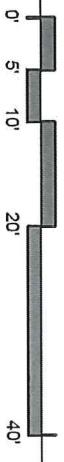
VIRGINIA ST

PROPERTY DESCRIPTION:
IDAHO SPRINGS, BLOCK 62 LOT 6, W1/2 LOT 5



1

ARCHITECTURAL SITE PLAN



NOTE: ALL PROPERTY LINES PROVIDED BY WESTON SURVEYING.
303.681.1519 - PROJECT NO.: 20GEN38



Staff Use Only		
Deposit: <u>N/A</u>	Fee: <u>100.00</u>	
Received By: <u>WJM</u>		
Cash _____	Credit Card <u>X</u>	Check# _____
Date: <u>08/19/2020</u>		

Idaho Springs Land Use

Application

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

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

2. Project Name: Quigley Residence Porch
 Please print or type legibly

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

Owner Name: <u>Meaghan Quigley</u>	Applicant Name: <u>Joel Cooner, Cooner Construction LLC</u>
Address: <u>2126 Virginia St, Idaho Springs</u>	Address: <u>1925 Olive St, Denver, CO 80220</u>
Telephone: <u>303.519.0521</u> Fax: _____	Telephone: <u>720.272.4578</u> Fax: _____
E-mail: <u>megkquigley@gmail.com</u>	E-mail: <u>joel@coonerconstructionllc.com</u>

4. Property Description:

Address or Location: 2126 Virginia St, Idaho Springs, CO 80452
 Existing Zoning: R-1 Existing Use: Single Family Home
 Proposed Zoning: R-1 Proposed Use: Single Family Home

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

Add a covered porch on the front of the house. This will encroach on the setback.

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

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

Owner: [Signature] Date: 08/14/2020 AND

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

Applicant: [Signature] Date: 8/16/2020

APPLICATION FOR REQUEST FOR VARIANCE

APPLICANT NAME: Meaghan Quigley

APPLICANT ADDRESS: 2126 Virginia St. Idaho Springs

**LEGAL DESCRIPTION OF THE PROPERTY: (Must attach legal from Clear
Creek County)** Subdivision: SUNNYSIDE ADDITION Block: A Lot: 32 LS N18FT

**CITATION TO OR COPY OF ORDINANCE FROM WHICH THE VARIANCE
IS BEING REQUESTED, OR A COPY OF THE BUILDING OFFICIAL'S
ORDER, REQUIREMENT, DECISION OR DETERMINATION FROM WHICH
AN APPEAL IS TAKEN:**

Chaper 21, Article IV, Section 21-63 of Idaho Springs building codes

**REASON FOR FILING AN APPEAL OR RQUEST FOR VARIANCE: (Requests
for variances must describe the evidence supporting each of the conditions required
in order for a variance to be granted)**

Please see attached letter from Meaghan Quigley.

**A LIST OF NAMES AND ADDRESSED OF THE OWNERS OF ALL
PROPERTIES WITHIN ONE HUNDRED (100) FEET OF ANY PART OF THE
AFFECTED PROPERTY:**

BAVENDER VIOLA & ROD BAVENDER 2128 VIRGINIA ST

ANDERSON MICHELE B 2132 VIRGINIA ST

COLDAGELLI ADELE ANN 2122 VIRGINIA ST

MCLEOD ALBINITA M 2116 VIRGINIA ST

COLLINS STEVE W 2121 RIVERSIDE DR

POST TAWNIA SHEA 2122 RIVERSIDE DR

NELSON ERICK L 2123 RIVERSIDE DR

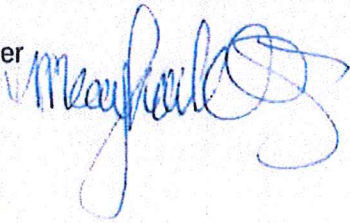
8/13/2020

To Whom It May Concern,

I, Meaghan Quigley, owner of the home and property located at 2126 Virginia Street, am requesting to add a front porch on to my existing home. We are required to submit an application for a variance because it will violate the setback requirement of 15 feet. This home originally had a front porch as part of the original structure, but the porch was finished to be an additional interior room before I purchased the property. All neighbors within 100 feet of the property will be notified of the work as required by the City of Idaho Springs. I have requested that my two closest residential neighbors write letters in support of this variance request in order to support the project. The porch dimensions will be 16 feet wide by 8 feet deep with drawings/architectural plans attached by architect Mues and will be completed by Joel Cooner of Cooner Construction LLC in accordance with Clear Creek County and City of Idaho Springs regulations and guidelines in order to provide additional outdoor living space for the home and a more pleasing curbside aesthetic keeping with the Victorian time period during which the home was originally constructed.

Please contact me with any further questions or concerns,

Meaghan K. Quigley, owner
2126 Virginia Street
Idaho Springs, CO 80452
(303) 519-0521
megkquigley@gmail.com



BUILDING PERMIT APPLICATION

City of Idaho Springs
 1711 Miner Street
 Idaho Springs Colorado, 80452
 Phone: 303-567-4421 Fax: 303-567-4955
 Inspection Line: 303-450-8748



Permit # :

Property Owner Meaghan Quigley	Phone 303.519.0521
Mailing Address PO Box 1679, Idaho Springs, CO 80452	
Job Address 2126 Virginia St, Idaho Springs, CO 80452	
Contractor/Contact Person Cooner Construction LLC, Joel Cooner	Phone 720.272.4578
Contractor Address 1925 Olive St, Denver, CO 80220	License Number LIC00249613
Licensed Plumber	License Number
Licensed Electrician	License Number
Mechanical Contractor	License Number

Description of Work: Add a covered deck on the front of the house

IMPORTANT-YOU MUST COMPLETE A-C USE OTHER BOXES IF NEEDED

Proposed Use Residential <input checked="" type="checkbox"/> One Family/Duplex <input type="checkbox"/> Multi Family <input type="checkbox"/> Hotel, motel, or dormitory <input type="checkbox"/> Garage <input type="checkbox"/> Carport <input type="checkbox"/> Patio <input type="checkbox"/> Basement <input type="checkbox"/> Fireplace <input type="checkbox"/> Other _____		Commercial <input type="checkbox"/> Shell Only <input type="checkbox"/> Tenant Finish <input type="checkbox"/> Remodel/Addition <input type="checkbox"/> New Building		A Square Footage Main Floor <u>900</u> Add. Floors <u>828</u> Basement <u>N/A</u> Covered Porch _____ Decks _____ Garage _____ Other _____		Occupancy Classification _____ Construction Type _____ <input type="checkbox"/> Separated <input type="checkbox"/> Non-Separated			
Type of Improvement <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Remodel/Finish <input type="checkbox"/> Repair Replacement <input type="checkbox"/> Fence <input type="checkbox"/> Other _____		B Value of Work This is the value of materials and labor going into the project. \$ <u>22,220</u>		C Construction Type <input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Structural Steel <input type="checkbox"/> Masonry <input type="checkbox"/> Other _____		Heating Fuel Type <input checked="" type="checkbox"/> Gas LP or NG <input type="checkbox"/> Electricity <input type="checkbox"/> Solar <input type="checkbox"/> Other _____			
Fees <input type="checkbox"/> Permit Fee _____ <input type="checkbox"/> Electrical Fee _____ <input type="checkbox"/> Plan Review _____ <input type="checkbox"/> Use Tax _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Total _____		Paid <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		Notes: _____ _____ _____		Miscellaneous Number of Stories <u>2</u> Lot Size _____ Parking Spaces _____ Enclosed ___ Outdoors ___		Demolition <input type="checkbox"/> Site Plan <input type="checkbox"/> State Permit <input type="checkbox"/> Asbestos Permit Type of Sewage Disposal <input checked="" type="checkbox"/> Public <input type="checkbox"/> Individual (Septic Tank)	
				Type of Water Supply <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public		Residential Only # of Bedrooms _____			

The applicant, his agents and employees shall comply with all the rules, restrictions, and requirements of the Town and Building Codes governing location, construction and creation of the above proposed work for which the permit is granted. The Town or its agents are authorized to order the immediate cessation of construction at anytime a violation of the codes or regulations appears to have occurred. Violation of any of the codes or regulations applicable may result in the revocation of this permit. Buildings MUST conform with plans as submitted to the Town. Any changes of plans or layout must be approved prior to proceeding with construction. The applicant is required to call for inspections at various stages of the construction, and in accordance with the aforesaid rule, the applicant shall give the building inspector not less than one day's notice to perform such activities. In the event construction is not commenced within 180 days of issuance of this permit, then the same is automatically void. Cessation of work for a period of 180 continuous days shall also cause this permit to be void. Permits are not transferable.

Signature of Applicant <i>Meaghan Quigley</i>	Date <u>8/20/2020</u>	Approved Town Official _____	Date _____
Approved Building Inspection _____	Date _____	Approved Zoning and Planning _____	Date _____
Approved Public Works _____	Date _____	Approved Fire District _____	Date _____

Wonder Martell

From: Meaghan Quigley <megkquigley@gmail.com>
Sent: Wednesday, August 19, 2020 12:52 PM
To: Wonder Martell
Subject: Fwd: Variance Letter

Hi Wonder,

Would you please put this letter with my variance application? It's one of my neighbors supporting letters.

Thank You!

Meaghan K Quigley

Begin forwarded message:

From: adelesfantac@aol.com
Date: August 18, 2020 at 8:35:02 PM MDT
To: "megkquigley@gmail.com" <megkquigley@gmail.com>
Subject: Re: Variance Letter
Reply-To: adelesfantac@aol.com

August 18, 2020

To Whom It May Concern,

I, Adele Coldagelli, owner of the property at 2122 Virginia Street, have been notified of the front porch addition plan at the property of Meaghan Quigley, at 2126 Virginia Street. I am aware of the setback violation of 15 feet on this property and state that I have no issue with this addition being built. I understand that an architect and construction company have been hired to perform this addition. Please consider this letter my consent to allow the setback variance and allow Ms. Quigley to proceed with the construction of her addition.

If you have any questions, please feel free to contact me.

Thank you,

Adele Coldagelli, Owner 2122 Virginia Street, Idaho Springs, CO

Property Record Card

Clear Creek County Assessor

QUIGLEY MEAGHAN K
 PO BOX 1679
 IDAHO SPRINGS, CO 80452-1679

Account: R004684
 Tax Area: Idaho Springs - 030
 Acres: 0.000

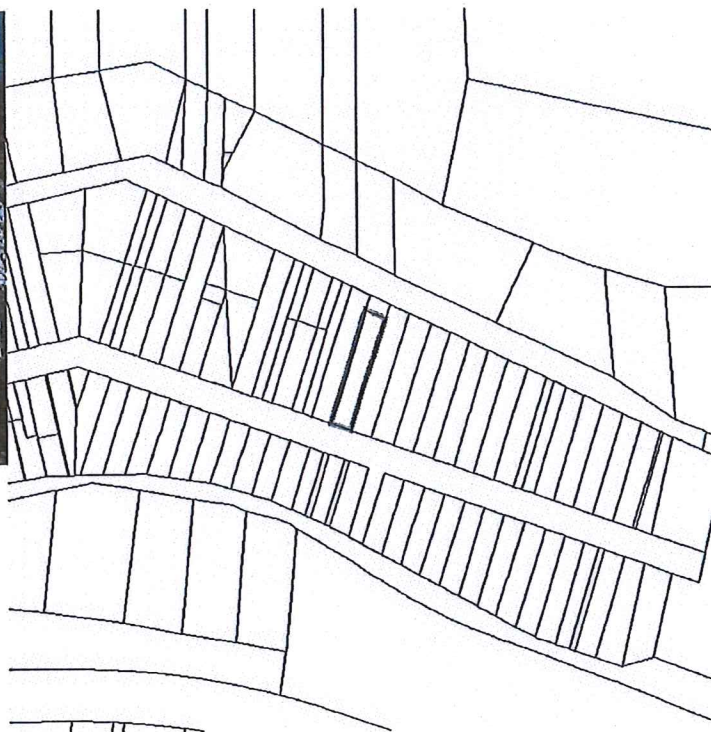
Parcel: 1835-363-24-030
 Situs Address:
 2126 VIRGINIA ST
 IDAHO SPRINGS, 80452

Value Summary

Value By:	Market	Override
Land AD 06 (1)	\$17,460	N/A
Residential Towns (1)	\$223,270	N/A
Total	\$240,730	\$240,730

Legal Description

Subdivision: SUNNYSIDE ADDITION Block: A Lot: 32 LS N18FT



Sale Data

Doc. #	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj. Price	Ratio
274667	12/19/2014	WD	QI	Y	\$154,000	156.32	\$154,000	156.32	\$154,000	156.32
273797	10/14/2014	QCD	UI	Y	\$0	N/A	\$0	N/A	\$0	N/A
264757	07/03/2012	WD	QI	Y	\$145,000	166.02	\$145,000	166.02	\$145,000	166.02
231178	12/16/2004	WDJT	QV	Y	\$186,000	129.42	\$183,500	131.19	\$183,500	131.19
209570	10/31/2001	WD	QV	Y	\$201,500	119.47	\$199,500	120.67	\$199,500	120.67

Land AD 06 Occurrence 1

Acres	0	Square Feet	3550
Location Rating	LOCATION RATING - AVERAGE	Improvement	1
Use Code	14 - RESIDENTIAL	Road Type	2 - SECONDARY PAVED
Road Maintained	Yes	Topog Front	1 - TOPOGRAPHY FRONT - LEVEL
Topog Mid	TOPOGRAPHY MIDDLE - LEVEL	Topog Back	1 - TOPOGRAPHY BACK - LEVEL
Not Buildable	No	Property View	No
Southern Exposure	Yes	Creek Front	No
Shape	1 - TYPICAL	Electric	Yes
Natural Gas	Yes	Sewer	1 - SEWER - PUBLIC

Property Record Card

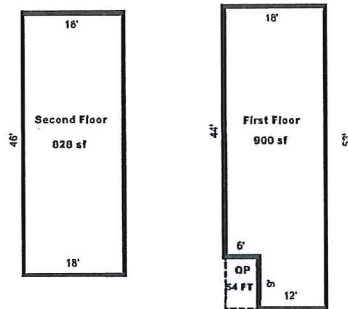
Clear Creek County Assessor

Land AD 06 Occurrence 1

Water	1 - WATER - PUBLIC	Base Value	Idaho Springs		
Abstract Code	1112 - RESIDENTIAL LAND				
SubArea		ACTUAL	SFLA	BSMT_FIN	FOOTPRINT UNITS_BUILDINGS
Square Feet		3550	3550		1
Units					1
Total		3,550.00	3,550.00		1.00
	Value	Rate	Rate	Rate	Rate
	\$17,460	4.92	4.92		17,460.00

Residential Towns Occurrence 1

Design	TRADITIONAL	Quality	AVERAGE QUALITY		
Condition Age	CONDITION - FAIR	SFLA	1728		
Year Built	1900	Bedrooms	3		
Baths	2	Total Rooms	6		
Type	2 - TWO STORY	Exterior Construction	3 - WOOD/SHINGLE SIDING		
Roof Type	COMPOSITE SHINGLE	Forced Air	1728		
Resil	346	Carpet	1382		
Woodstove	1	Wood Balcony	54		
SubArea		ACTUAL	SFLA	BSMT_FIN	FOOTPRINT UNITS_BUILDINGS
SFLA		1728	1728		1
Units					1
Total		1,728.00	1,728.00		1.00
	Value	Rate	Rate	Rate	Rate
	\$223,270	129.21	129.21		223,270.00



Sketch by Apex IV Windows™

IDAHO SPRINGS

BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: October 28, 2020	Page 1 of 5 w/attachments	Item: 1614 Wall Street Variances: Front Setback, Minimum Lot Width, and Minimum Lot Area
Presented by: Mike Davenport Community Development Planner		

PROPOSAL:

The property owner as Applicant proposes building a residential structure in the Residential Three (R-3) zoning district that will include several dwelling units.

REQUEST:

The Applicant requests approval of the following variances:

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

ROLE OF THE VARIANCE BOARD:

The Board's Authority. Per Section 21-109 of the City of Idaho Springs Land Development Regulations (LDR), the Variance Board may authorize variances from the requirements of the Code. A variance must be considered an extraordinary remedy. When considering a variance from a standard in the LDR, the Variance Board shall apply the criteria listed later in this staff report.

Conditions. In granting any variance, the Variance Board may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan (Section 21-109(F)).

Future Role of Planning Commission and City Council. Unlike a single-family dwelling requesting a variance, a proposed multifamily structure must go through another development review process even if a variance is granted. This subsequent process is called a Final Development Plan (FDP) and includes a detailed review of the multi-family project by City staff and consultants, notice to the public including surrounding property owners, a public hearing and recommendation by Planning Commission, and a public hearing and decision by City Council.

Among other considerations, this more detailed review looks at whether the existing shared driveway access to the Lot and utility lines are adequate to serve a multifamily structure. Staff notes that, at this time, a new multi-family structure on the lot would require upgrades to both the water and sewer lines since the existing lines are too small for that proposed use. A multifamily building requires a larger

water line than a single-family dwelling—the nearest line to connect to is in 17th Avenue. These are examples of the issues to be thoroughly vetted and determined after this variance process, as a part of any eventual FDP application from the Applicant.

EXISTING CONDITIONS:

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

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

CODE REQUIREMENTS:

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

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

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

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

COMPARING THE STANDARDS TO THE EXISTING LOT AND PROPOSED VARIANCES

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

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

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

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

CODE CHANGES:

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

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

STAFF ANALYSIS OF VARIANCE CRITERIA:

1. *The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.*

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

2. *There are no reasonable design alternatives or alternative locations for structures that would*

eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.

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

3. *The need for the variance does not result from the intentional, reckless or negligent actions of the applicants or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.*

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

4. *Reasonable protections are afforded adjacent properties.*

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

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

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

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

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

Staff Analysis:

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

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

use of the Property for multi-family dwelling purposes.

6. *The granting of the variance will:*

a. *Observe the spirit of this Chapter;*

Staff Analysis: The Code states a variance shall be considered an extraordinary remedy required to allow reasonable use of a property. The steep slope, and narrow strip of level land restricts the development of Lot 2, and the minimum lot size and width are unique to this Property in the R-3 zone.

b. *Secure the public safety and welfare;*

Staff Analysis: The staff analysis in above criterion 4 identifies several measures related to public safety that must be addressed at the time of FDP if the Property is developed for multi-family purposes.

c. *Ensure that substantial justice is done.*

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

PUBLIC NOTICE AND REFERRALS

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

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

FINDINGS AND RECOMMENDATION:

Based on the findings above, Staff recommends approval of the variances on the following condition:

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

ATTACHMENTS:

- Variance Request – Application
- Additional Thoughts (2 pages)
- Response to criteria for the front setback variance (2 pages)
- Response to criteria for the lot size and width variance (2 pages)
- Urso Minor Subdivision plat (2 pages)
- Improvement Survey Plat (1 page)

- Topographic Map (1 page)
- A1.0 Site Plan (1 page)
- A1.1A First Floor Plan (1 page)
- A2.0 and A2.1 Elevations (2 pages)
- Support letters (8 pages)

/mjd

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 20 - 03

A RESOLUTION CONDITIONALLY APPROVING AN APPLICATION FOR VARIANCES AT 1614 WALL STREET TO REDUCE THE FRONT YARD SETBACK FROM 20 FEET TO 12 FEET; TO REDUCE THE MINIMUM LOT WIDTH FROM 50 FEET TO 45 FEET; AND TO REDUCE THE MINIMUM LOT SIZE FROM 5,000 SQUARE FEET TO 3,900 SQUARE FEET FOR INTENDED MULTI-FAMILY USE

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

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

WHEREAS, pursuant to Idaho Springs Municipal Code ("Code") Section 21-63, the minimum front yard setback in the R-3 district is twenty feet (20'), the minimum lot width is fifty feet (50') and the minimum lot size is five thousand feet (5,000'); and

WHEREAS, the Application seeks approval to reduce the front yard setback to 12 feet, to reduce the lot width to 45 feet and to reduce the lot size to 3,900 feet;

WHEREAS, after due and proper notice, the Board conducted a public hearing on the Application on October 28, 2020, at which time the applicant and all other interested parties were given the opportunity to be heard and to present evidence, as reflected in the record of those proceedings;

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

WHEREAS, based upon all of the testimony and evidence received at the October 28, 2020 public hearing, the Board finds that the Application, on balance, satisfies the variance approval criteria set forth in Code Section 21-109, as further set forth below.

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

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

(1) The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the

unusual configuration of the applicants' property boundaries, or unique circumstances related to existing structures or topographic conditions.

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

(2) There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.

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

(3) The need for the variance does not result from the intentional, reckless or negligent actions of the applicants or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.

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

(4) Reasonable protections are afforded adjacent properties.

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

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

variance criterion is met:

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

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

Finding: The proposed 12-foot front setback is the minimum needed to accommodate the driveway shared with the lots to the east and west in the subdivision. The requested variance is the minimum variance that will make possible the use of the Property for multi-family dwelling purposes.

(6) The granting of the variance will:

- a. Observe the spirit of this Chapter;

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

- b. Secure the public safety and welfare;

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

- c. Ensure that substantial justice is done; and

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

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

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

Section 3. Effectiveness; Expiration. The variance granted hereby shall be effective for a period of one (1) year from the date of approval. Should the Applicant or his

successor-in-interest and subsequent owner of the Property fail to obtain a building permit during this period, the variance granted hereby and this approval shall expire and forever terminate, unless an extension is granted in accordance with Code Sec. 21-109(G)3.d.

DONE and ORDERED by a vote of _____ to _____, on October 28, 2020.

, Chair

ATTEST:

Diane Breece, Clerk to the Board

VARIANCE REQUEST - APPLICATION

- Fee: \$100
- Survey with legal descriptions of property per Clear Creek County
- Citation of ordinance or building official's order
- List of names and addresses of the property owners within a 100ft radius

APPLICANT NAME: Michael Kastenbaum
APPLICANT ADDRESS: 1391 Old Topanga Canyon Road, Topanga, CA. 90290

DATE: October 12, 20

LEGAL DESCRIPTION:
Parcel: 1835-363-44-002
Subdivision: IDAHO SPRINGS URSO DIVISION Lot: 2
- DAMAGED BY FIRE 2-26-2011 NOT LIVEABLE SFA 50%
- ESMT & AGMT # 294861, IMP TORN DOWN 8/11/14 PRORATED FOR 2014 & DELETED 1/1/15

CITATION OF ORDINANCE FROM WHICH VARIANCE IS BEING REQUESTED:

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

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

REASON FOR FILING AN APPEAL OR REQUEST FOR VARIANCE:

This Letter is in support of:

1. The request for a variance to the front set-backs requirement for an existing non-conforming lot.
2. The request for a variance to the lot width for multifamily for an existing non-conforming lot (R-3).
3. The request for a variance to the lot area for multifamily for an existing non-conforming lot (R-3).

The intention is to build a multifamily residence.

1. *About the front setback:*

Historical zoning of previous construction used a 12' setback which we are trying to apply to maintain. Since the original construction, the code has changed to 20' of front setback which would make it very challenging and potentially cost prohibitive construction. Due to the steep slope on the northern side of the property, reallowing a 12ft front setback would match prevailing setbacks of the existing homes to the East and West. This is necessary to build a reasonably sized structure on the site.

2. *About lot width*

The current lot width required to build multifamily is 50ft. Based on the available city zoning chart, the latest overlay was enacted in 2014. This property was subdivided with a 45ft width in 2013 in accordance with the then R-3 zoning. The latest overlay in 2014 should allow for the intended zoning to be used. The 5ft difference would deprive the owner the use of the property as it is current zoned with the current setbacks for R-3.

3. *About lot area*

The current lot area required to build a multifamily residence is 5000sf. Based on the available city zoning chart, the latest overlay was enacted in 2014. This property was subdivided with a 3900 SF area in 2013 in accordance with the then R-3 zoning. The latest overlay in 2014 should allow for the intended zoning to be used. The roughly 1,100sf difference would deprive the owner the use of the property as it is currently zoned (R-3).

Additional Thoughts:

- 1) The proposed variances are necessary for a reasonable & righteous use of the property to the owner.
- 2) The owner is providing quality needed housing.
- 3) The owner will maintain and enhance the unique characteristics of the property.
- 4) When the codes changed in 2014, it is likely that nobody requested that this property be excluded.
- 5) These variances will enable the property to be used and built upon as city planners originally intended.
- 6) Given the new code, the configuration of the site does not allow it to be used per the allowed zoning.
- 7) These variances will rebalance the site to be consistent with the street, neighborhood and area.
- 8) The granting of the variances will expedite the intent of the R-3 zoning.
- 9) The proposed has infrastructure available,
- 10) The proposed matches the "mixed residential density" character of the area,
- 11) The proposed style and structure of the homes will be in step with the existing neighborhood,
- 12) The proposed will not infringe on a neighboring property owner's right, use or enjoyment of their land,
- 13) The proposed will be an improvement to the neighborhood,
- 14) The proposed will preserve view sheds,
- 15) The proposed will provide adequate parking,
- 16) The proposed will result in an overall increase in property value and tax base created by improvement,
- 17) The proposed will add quality housing options to the community.

*Regarding Variance Application of Michael Kastenbaum for property at 1614 Wall Street, Idaho Springs.
My responses apply to the Variance regarding the front setback (from 20 feet to 12 feet).*

Dear Board,

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

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

(1) Variances from requirements of Chapter 20 and Chapter 21. A variance shall be considered an extraordinary remedy. When considering a variance from the requirements of this Chapter, the Variance Board shall apply the criteria set forth below.

(a) The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.

CORRECT - YES

The applicant would suffer financial hardship because of the substantial (and somewhat prohibitive) costs of building into the steep mountain to the north of the property.

See TOPO and reports/documents provided including from excavation expert, foundation expert and GC

(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.

CORRECT

This is the only property the applicant owns. As it is the applicant intends to build a relatively small building with a minimal footprint. It makes the most sense to allow applicant to match the front setback of the houses to the east and west and not add to his already significant cost in excavation, foundation and retainment due to the mountain to the north.

(c) The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.

NO

The applicant met with the city planner prior to buying the property and did a lot of due diligence in advance and after the purchase. The applicant was told by the then city planner that a front set-back variance is likely given that fact that the road is a private driveway and the other houses were roughly 12 feet from their property line.

(d) Reasonable protections are afforded adjacent properties.

YES

Adjacent properties are not negatively affected. In fact, the more building (excavation) that must be done into the mountain the more possible the negative effect/impact on the neighboring houses. The less excavation, the better for neighboring houses.

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

YES

It is a relatively small piece of property so it makes most sense that the front setback (off private driveway) matches the historical front setbacks of the homes to the east and west.

- (f) *The granting of the variance will:*
- (1) *Observe the spirit of this Chapter;*
 - (2) *Secure the public safety and welfare;*
 - (3) *Ensure that substantial justice is done.*

YES

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

Dear Board,

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

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

(1) *Variances from requirements of Chapter 20 and Chapter 21. A variance shall be considered an extraordinary remedy. When considering a variance from the requirements of this Chapter, the Variance Board shall apply the criteria set forth below.*

(a) *The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.*

CORRECT - YES

In theory, if variances are not approved, applicant will not be able to build. This property went thru an approved sub-division and is in R3 Zone and applicant should be able to utilize the property as it was allowed before and after the subdivision (before it became non-conforming).

(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.*

CORRECT

This is the only property the applicant owns. As it is the applicant intends to build a relatively small building with a minimal footprint. The applicant should be allowed to utilize the property per the zoning.

(c) *The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.*

NO

The applicant met with the city planner (Alan) prior to buying the property and asked a lot of questions. Applicant was never informed that this was a non-conforming lot. The city planner assured the applicant that this property was zoned multifamily and that the applicant can build multifamily as long as applicant meets the requirements of the footprint, minimum unit size and parking.

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

YES

Adjacent properties are not negatively affected.

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

YES

Absolutely, applicant must be allowed to build per the zoning or he will not have 'reasonable use of the land'

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

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

- (2) *Secure the public safety and welfare;*
- (3) *Ensure that substantial justice is done.*

YES

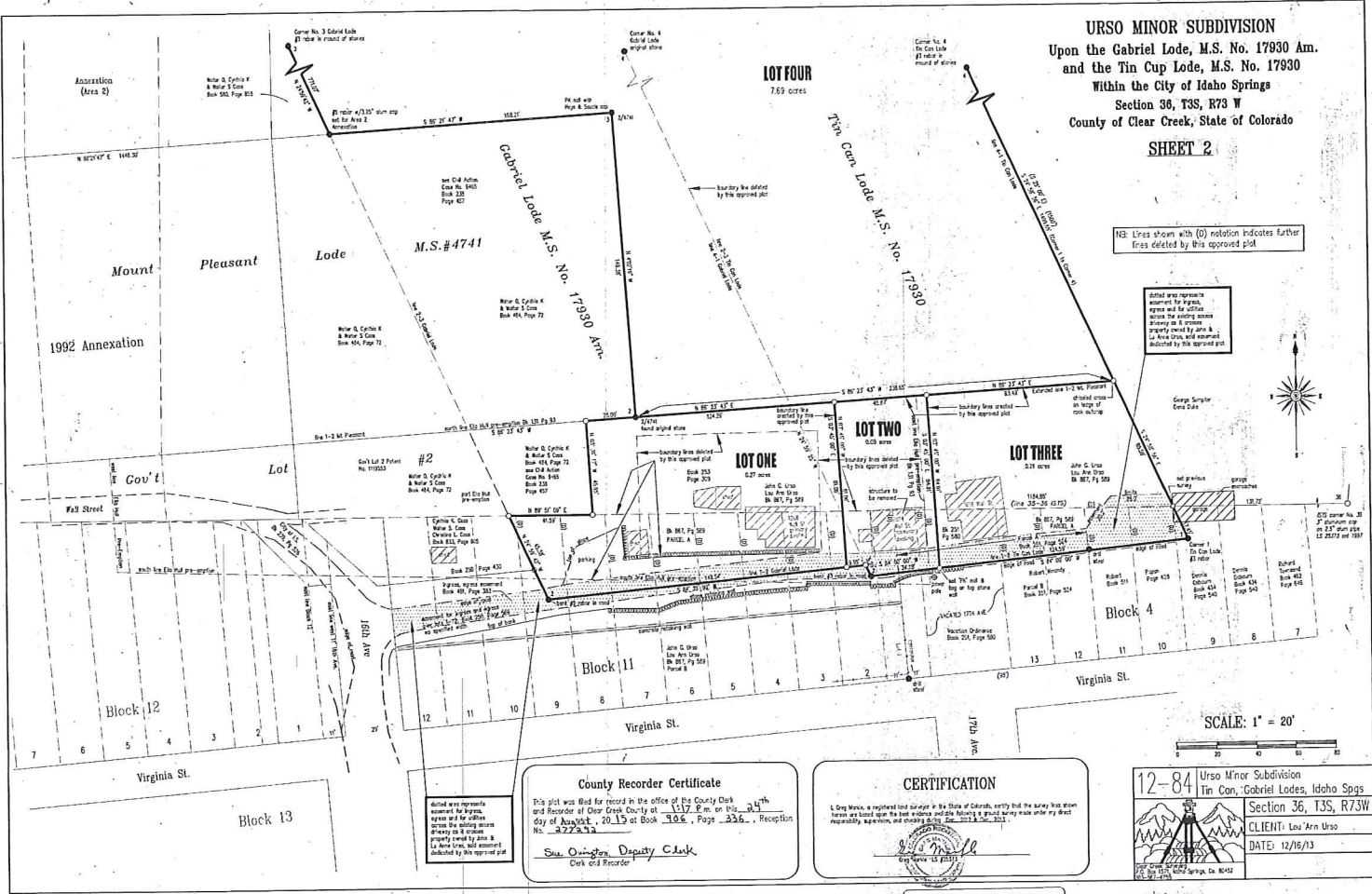
URSO MINOR SUBDIVISION
 Upon the Gabriel Lode, M.S. No. 17830 Am.
 and the Tin Cup Lode, M.S. No. 17830
 Within the City of Idaho Springs
 Section 36, T3S, R73 W
 County of Clear Creek, State of Colorado
SHEET 2

Lines shown with (D) notation indicates further lines deleted by this approved plat

Boundaries shown are subject to survey, errors and to other lines across the survey area. Property owned by John A. & Ann Urso, and easement indicated by this approved plat.



SCALE: 1" = 20'



County Recorder Certificate

This plat was filed for record in the office of the County Clerk and Recorder of Clear Creek County on 11/17 P.M. on the 24 day of November, 2015 at Book 306, Page 336. Reception No. 377937
 Sue Ovington, Deputy Clerk
 Clerk and Recorder

CERTIFICATION

I, Greg Munk, a registered land surveyor in the State of Colorado, certify that the survey has been made and based upon the best evidence available including a ground survey made under my direct responsibility, supervision, and control in accordance with the provisions of the Colorado Surveying Act, C.R.S. 2013:26, 2011:26, 2011:26, 2011:26, 2011:26, 2011:26.
 Greg Munk
 Surveyor

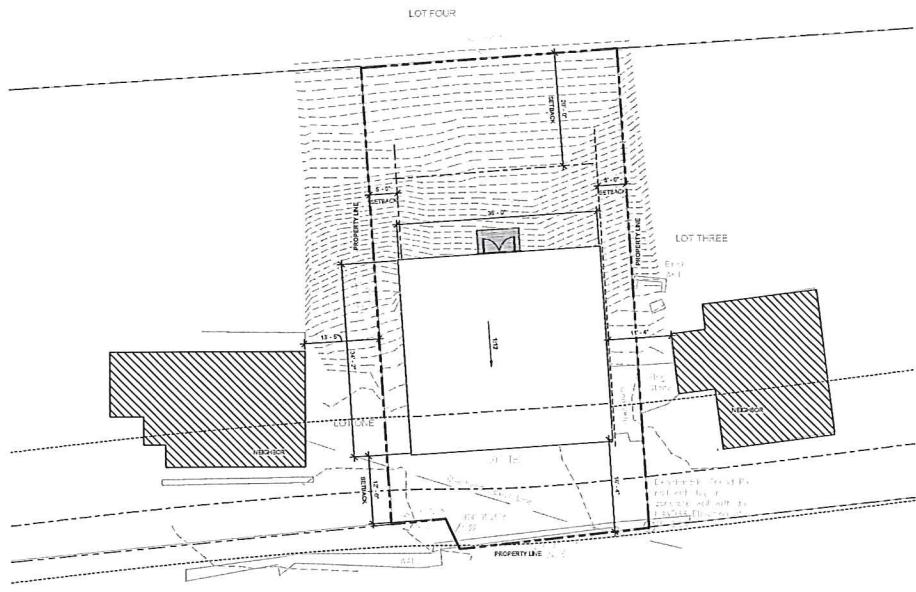
12-84 Urso Minor Subdivision
 Tin Cup, Gabriel Lodes, Idaho Spgs
 Section 36, T3S, R73W
 CLIENT: Lou Ann Urso
 DATE: 12/16/13

- NOT FOR CONSTRUCTION -



StudioMW
DESIGN + PLANNING

www.studiomw.com
220 Northpark Ave. #100, Englewood, CO 80110
303.754.2277
incorporated in CO



NOTES
Any location proposed in the plan of the development shall be shown to be in accordance with the zoning ordinance. Any discrepancy in dimensions or setbacks shall be immediately brought to the attention of the Designer before proceeding with work. Failure to notify Designer of any errors or omissions shall be the responsibility of the Designer. Changes made to the present documents without the written consent of the Designer are unauthorized. Designer is not responsible for any errors or omissions. Contact Designer if more information is needed.

REVISIONS

NO.	DESCRIPTION

① SITE PLAN
1/8" = 1'-0"

1614 WALL STREET
CONCEPT
- NOT FOR CONSTRUCTION -

Project Number	Project Name

A1.0
SITE PLAN

Scale	1/8" = 1'-0"

- NOT FOR CONSTRUCTION -



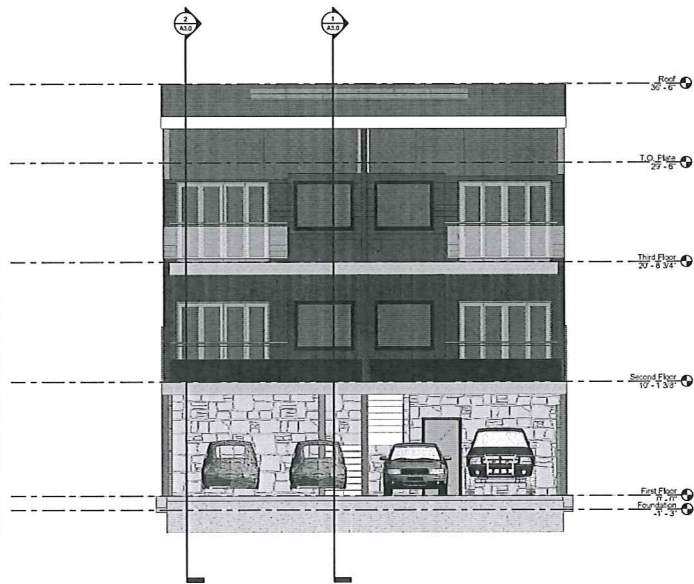
StudioMW
DESIGN + PLANNING

www.studiomw.com
220 Hartley Ave # 200, San 1087
Palo Alto, CA 94303
310.415.4127
info@studiomw.com

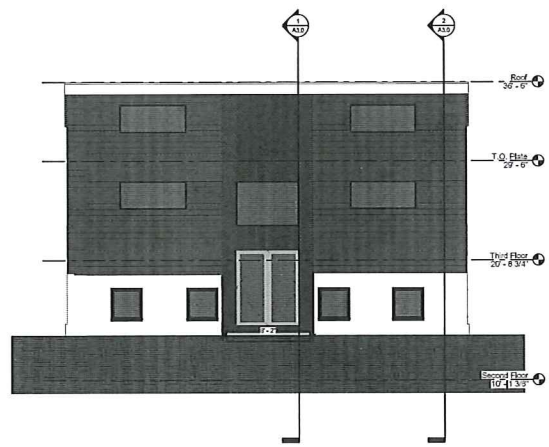
NOTES
Any questions regarding the extent of the design or specifications are to be directed to the Designer in accordance with the conditions of the Design contract. No conditions shall be deemed to be a condition of the Designer unless previously written and signed by the Designer. Changes to the design or specifications shall be the responsibility of the Designer and shall be the responsibility of the Designer. Changes to the design or specifications shall be the responsibility of the Designer and shall be the responsibility of the Designer.

REVISIONS

NO.	DESCRIPTION



① SOUTH ELEVATION
1/4" = 1'-0"



① NORTH ELEVATION
1/4" = 1'-0"

1614 WALL STREET
CONCEPT
- NOT FOR CONSTRUCTION -

Project Number	Sheet Number
061525	A2.1
Drawn by	Author
Checked by	Checker

A2.1
ELEVATIONS

Scale 1/4" = 1'-0"



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

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

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

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

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

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

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

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

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

Sincerely,
Robert Grapes
Grapes & Sons Excavating, LLC

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



Dear Michael,

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

Jim Conlin

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

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



To Whom it may Concern:

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

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

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

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

Jonah Underwood
Underwood Construction
General Contractor

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

Dear Michael,

10-20-2020


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

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

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

All the best on this,

Steve Kroll
K&M Builders Ltd
General Contractor

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



Dear Michael,

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

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

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

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

Hope this helps!

Best,
Julia

Julia Purrington, PE
Broker Associate, Berkshire Hathaway HomeServices Elevated Living Real Estate
Mountain Metro Association of Realtors, Chair Elect
c. (303) 981-5007 | o. (303) 679-4117 | Julia@BHHSelevated.com
ColoradoFoothillsLiving.com
29029 Upper Bear Creek Road, Ste. 104, Evergreen, CO 80439



Thomas Myers
9560 Willow creek Rd
Morrison, Co 80465
720.205.8000

October 20, 2020

Dear Michael,

I fully checked out your property at 1614 Wall Street.

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

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

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

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

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

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

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

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

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

Thomas Myers
Subcontractor
Denver area

October 21, 2020

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

ASI #120-266

To Whom it May Concern,

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

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

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

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

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



Ashworth Structural, Inc.

Structural Design and Analysis

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

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

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

Sincerely,

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

