



Board of Adjustment Regular Meeting

City Council Chambers, 448 E. 1st Street, Salida, CO
May 13, 2025 at 6:00 PM

Agenda

Email public comments to: planning@cityofsalida.com

Please register for the Board of Adjustment Meeting:

https://zoom.us/webinar/register/WN_6g9aZf_GR4SthevldUvY7g

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings: <http://www.youtube.com/@cityofsalidacolorado>

Call to Order by Chairman

Roll Call

Amendment(s) to Agenda

Approval of the Minutes

1. Approve Minutes of February 26, 2024
2. Approve Minutes of December 10, 2024

Unscheduled Citizens

Unfinished Business

New Business

Public Hearings

Public Hearings will follow the following procedure: A. Open Public Hearing B. Proof of Publication C. Staff Review of Application/Proposal D. Applicant's Presentation (if applicable) E. Public Input F. Close Public Hearing G. Commission Discussion H. Commission Decision or Recommendation

3. Request for variance from the required side yard setback for an Accessory Dwelling Unit at 340 Black Street

Board Comments

Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2626 at least 48 hours in advance.



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
February 26, 2024 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

Please register for the Board of Adjustment meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

CALL TO ORDER BY CHAIRMAN- 6:00 pm

ROLL CALL

PRESENT

Board Member Chairman Greg Follet
Board Member Co-Chair Francie Bomer
Board Member Giff Kriebel
Board Member Judith Dockery
Board Member Brian Colby
Board Member Aaron Derwingson
Alternate Board Member Dan Bush
Alternate Board Member Kenny Layton

ABSENT

Board Member Michelle Walker

APPROVAL OF THE MINUTES

1. December 12, 2023- Draft Minutes

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Dockery.
Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Colby, Board Member Derwingson, Alternate Board Member Bush, Alternate Board Member Layton

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
|---|--|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

2. 207 Poncha Blvd. - Variance request - The applicant's, Brandon and Nina Bonneville, are requesting approval to receive a variance from the minimum setback of eight (8) feet required for the side yard setback of the primary structure. The applicants are requesting minimum allowed side yard setback of 4' for the construction of an addition on the eastern portion of the primary structure.

- A. Open Public hearing – 6:02pm
- B. Proof of Publication –
- C. Staff Review– John Armstrong reviewed the application
- D. Applicant's Presentation- Applicants, Brandon and Nina Bonneville, were present to speak
- E. Public Input – NA

- F. Close Public Hearing – 6:12 pm
- G. Board Discussion –
- H. Board Decision –

Motion made by Board Member Colby, Seconded by Board Member Dockery.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Colby, Board Member Derwingson, Alternate Board Member Bush

- 3. 135 W. First Street-The Sundry- Variance request** - The request is to receive a variance from the maximum building height of 35 feet. The applicant is requesting a maximum allowed height of 38 feet for a portion of the building and 40 feet for an elevator shaft.

- A. Open Public hearing – 6:13pm
- B. Proof of Publication –
- C. Staff Review– Kathryn Dunleavy reviewed the application
- D. Applicant's Presentation- Applicant, Nathan Young, was present
- E. Public Input – NA
- F. Close Public Hearing – 6:46pm
- G. Board Discussion –
- H. Board Decision -

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Colby.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Dockery, Board Member Colby, Board Member Derwingson, Alternate Board Member Bush

BOARD COMMENTS

ADJOURN With no further business to come before the Board, the meeting adjourned at 6:51pm



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
December 10, 2024 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

Please register for the Board of Adjustment meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

CALL TO ORDER BY CHAIRMAN

The meeting was called to order at 6:06 PM.

ROLL CALL

PRESENT

Board Member Chairman Greg Follet
Board Member Co-Chair Francie Bomer
Board Member Giff Kriebel
Board Member Brian Colby

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
|---|--|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

1. Variance Request - 311 Grant Street

The request is to receive a variance from the minimum front setback of 30 feet in the R-1 Single-Family Residential District. The applicant is requesting a 16'4" setback for an eyebrow roof on the existing non-conforming structure.

MOTION

Motion to approve the 311 Grant Street variance as it meets all the review standards for a zoning variance.

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Colby.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Colby

MOTION PASSED 4-0

UNFINISHED BUSINESS

NEW BUSINESS

BOARD COMMENTS

ADJOURN

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Kriebel.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Kriebel, Board Member Colby

MOTION PASSED 4-0

**An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate

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the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.



STAFF REPORT

MEETING DATE: May 13, 2025
AGENDA ITEM TITLE: 340 Blake St - Variance Application
AGENDA SECTION: Public Hearing

REQUEST:

The purpose of the request is to receive a variance from the minimum side yard setback for the Accessory Dwelling Unit. ADUs in the Medium Density Residential District (R-2) zone district require a minimum side yard setback of five (5) feet for structures of twenty (20) feet or less and a minimum side yard setback of ten (10) feet for ADUs of twenty (20) to twenty-five (25) feet in height.

The applicant is requesting minimum allowed side yard setback of five (5) feet at a height of twenty (20) feet for a proposed ADU. (Please see illustration in Observations)

APPLICANT:

The applicant is Rachel Bakhour, 340 Blake St., Salida, CO 81201.

LOCATION:

The property is legally known as lots 23 and 24, Block 9, Blake and Westerfields Addition, 340 Blake St., Salida, CO.



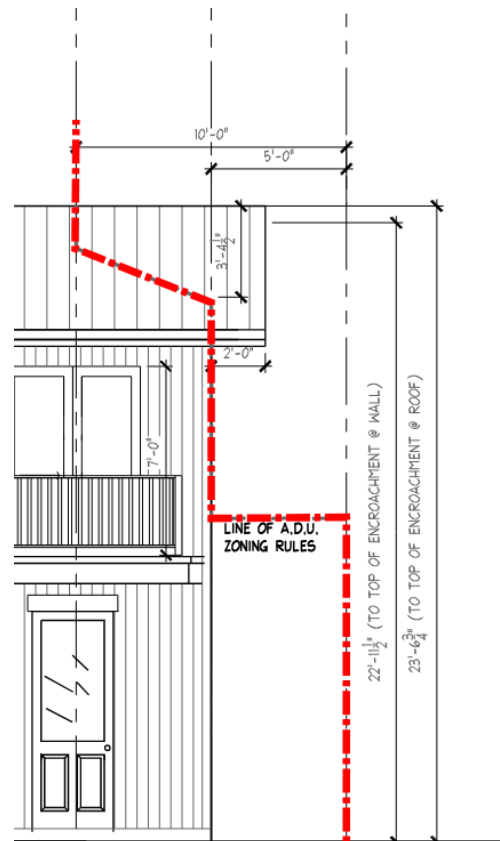
PROCESS:

Variations are addressed in the City's Code of Ordinances, Section 16-4-180, Zoning Variations. Variations may be granted from the standards of the underlying zone district and shall be authorized only for maximum height, minimum floor area, maximum lot coverage, minimum lot size, minimum setbacks, and parking requirements.

The Board of Adjustment holds a public hearing after fifteen days advance notice of the hearing. The public hearing shall be held, at which any person may appear or be represented by an agent or attorney. The Board may describe appropriate conditions and safeguards in conformity with the Zoning title of the City Code.

OBSERVATIONS:

1. The subject property is located in the Medium Density Residential District (R-2) zone district.
2. All other dimensional standards of the property meet the requirements of the R-2 Zone district.
3. The existing accessory structure is considered a nonconforming structure. Nonconforming structures are structures that were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of the current zoning regulations.
4. The applicant's reasoning for the request is that they are demolishing an existing non-conforming structure and the proposed structure will conform to the required 5-ft rear setback.



Variance Approval Criteria Section 16-4-180(e): Variations from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing, and deciding on whether to approve a variance application, the Board of Adjustment must find that all the following criteria have been met:

1. Special Circumstances Exist. Strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape, or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

Applicant's responses:

Current setback of existing garage is negative 1'-11" North & Negative 2'-4" Westside.

Staff Notes:

- It's part of the integrity of the structure as it has been designed.
2. Substantial Detriment. The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.

Applicant's responses:

*There would be no detriment to the public good.
Removing existing & adjusting the Alley setback, would ease access at the Alleyway.*

Staff Notes:

- Demolishing the current non-conforming structure on the site and building the proposed structure would provide conformity to the rear setback and one side setback. The requested variance of the other setback is not a substantial encroachment and is well above the ground plane.
3. Adverse Impacts. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

Applicant's responses:

The variance would allow for increased alley access, allowing the new structure to meet the setback.

Staff Notes:

- The encroachment of the setback does not occur until a height of 20'.

4. Minimum Variance. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Applicant's responses:

Minimum variance necessary is for the Overall height at the Northside of the property.

Staff Notes:

- The variance request has the least incursion for the rafter section as currently designed.

Land Use Code Sec. 16-4-180(f) The Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

REVIEW AGENCIES:

Atoms Energy – Operations Supervisor, Dan Higgins – “No comment”

Xcel Energy – Design Planner, Sterling S Waugh – No Issues with this variance.

Fire Department – Assistant Fire Chief, Kathy Rohrich – No concerns at this time.

Police Department – Chief, Russ Johnson – Received no comment.

Public Works Department – David Lady – No concerns on my end. It doesn't appear to have impact to PW related infrastructure.

Chaffee County Building Department – Deputy Building Official, Chad Chadwick – All fire separation distances or the need for fire assembly construction at walls or soffit projections must be maintained and code compliant.

All clearances to existing utilities including overhead power line services shall be maintained and compliant with utility company clearances to buildings.

REQUIRED ACTIONS BY THE BOARD:

1. The Board shall confirm that adequate notice was provided.
2. The Board shall conduct a public hearing.
3. The Board shall make the findings whether or not criteria 1 through 4 of the above section are met by the applicant.

POSSIBLE FINDINGS:

Option A: The variance request(s) meet all criteria 1 – 4.

Or

Option B: The variance request(s) do not meet all criteria 1 – 4.

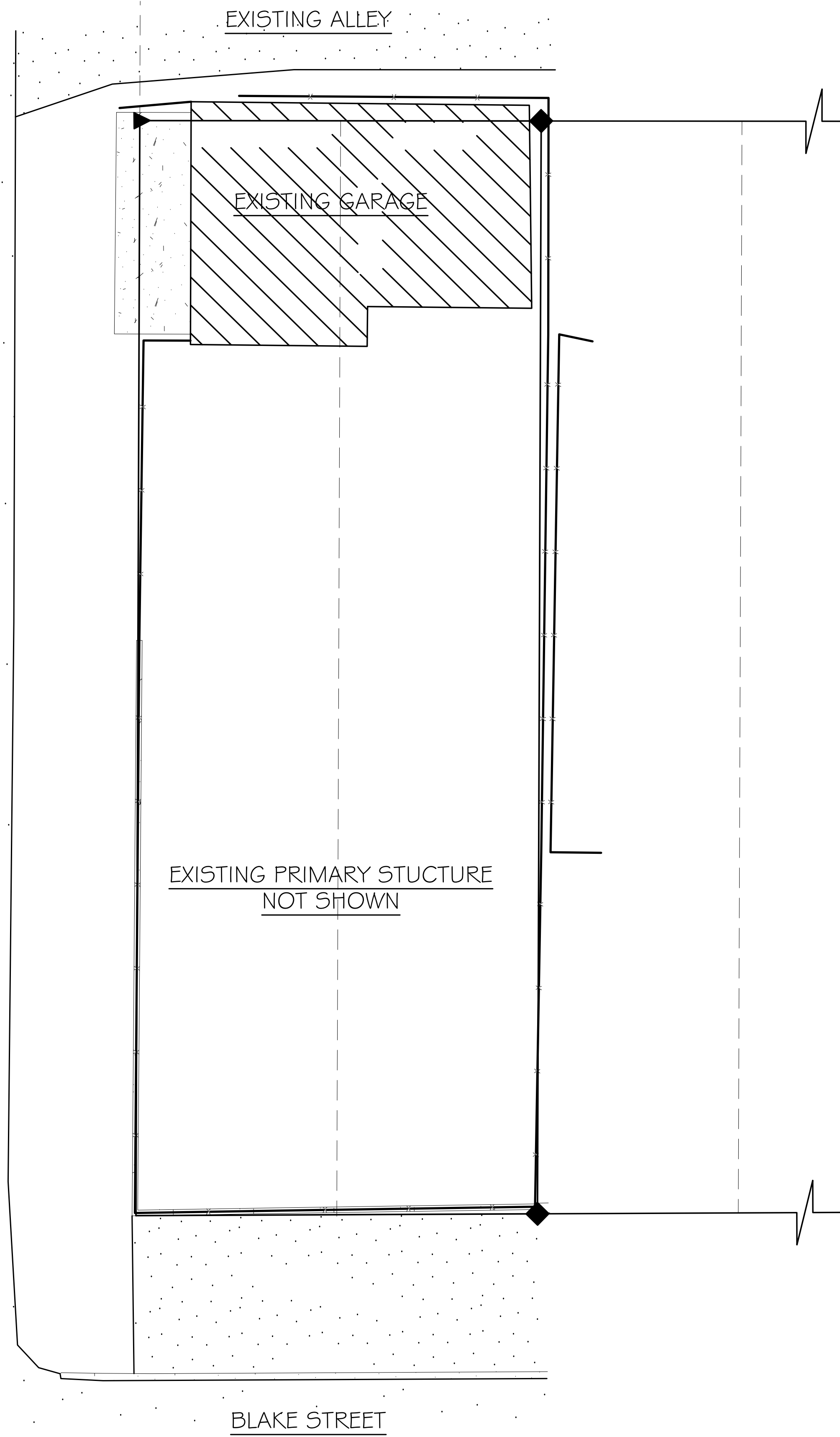
RECOMMENDED MOTION (OPTION A): “I make a motion to approve the 340 Blake St variance request(s), as they meet all the review criteria for zoning variances.”

RECOMMENDED MOTION (OPTION B): “I make a motion to deny the 340 Blake St variance requests, as they do not meet all the review criteria for zoning variances.”

BECAUSE THIS APPLICATION IS FOR A VARIANCE, THE SALIDA BOARD OF ADJUSTMENT SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. DECISIONS BY THE BOARD SHALL BE FINAL AND MAY NOT BE APPEALED FURTHER EXCEPT IN COURT.

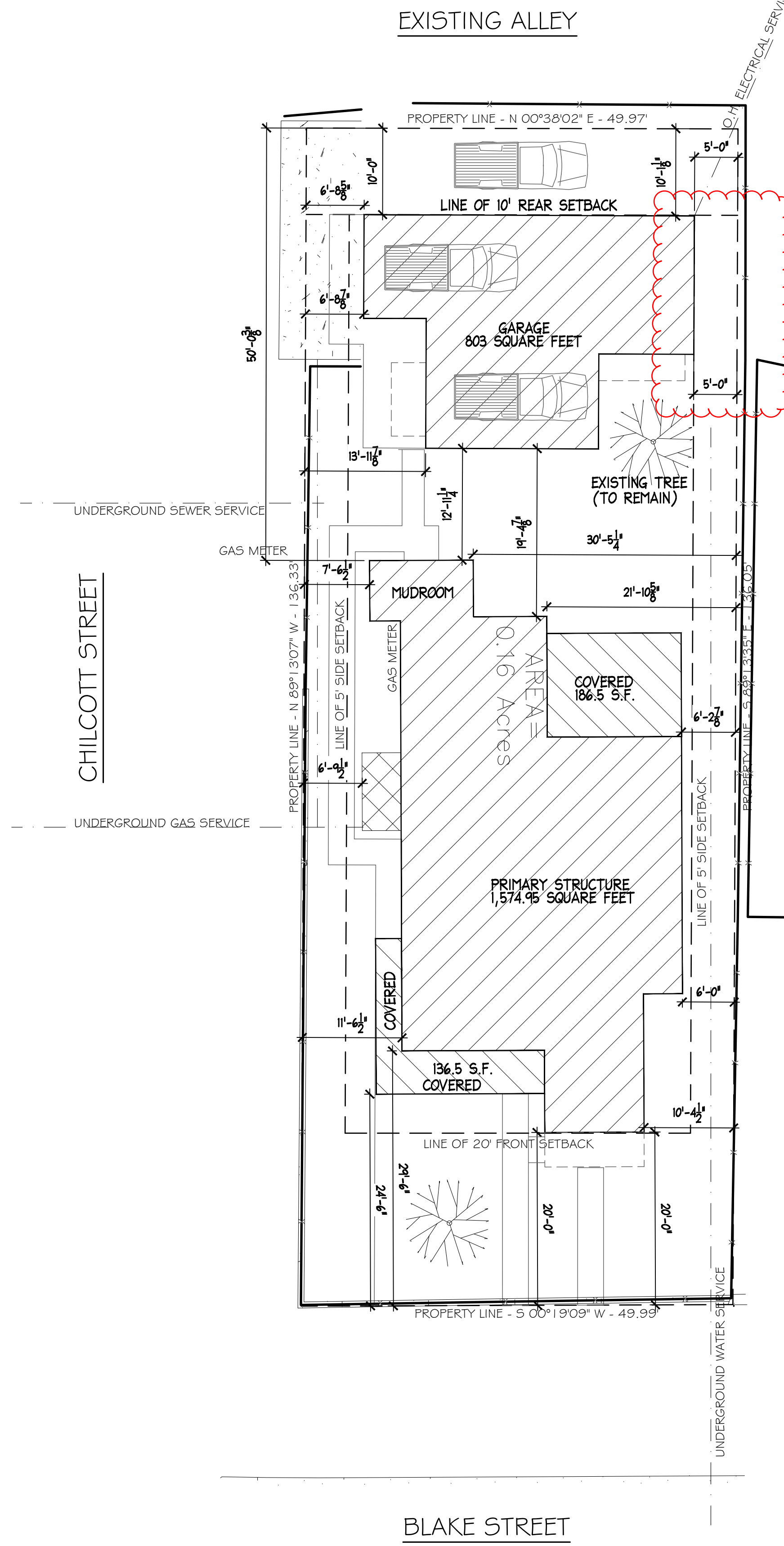
Attachments: Proof of Publication
Application Materials

CHILCOTT STREET



1
A0.01 EXISTING SITE PLAN
SCALE: 1" = 10'-0"

CHILCOTT STREET



NOTE:
SITE PLAN BASED ON OWNER PROVIDED INFORMATION
BUILDER TO VERIFY ALL SETBACKS MEET REQUIREMENTS
ALL UTILITIES LOCATION ARE VERIFIED

1
A0.01 PROPOSED SITE PLAN
SCALE: 1" = 10'-0"

Setback in question

FOR VARIANCE REQUEST

BAKHOUR RESIDENCE
340 BLAKE STREET
SALIDA, CO

SITE PLAN
1" = 10'-0"

Date:
FOR VARIANCE
REQUEST
2-10-2025

DRAWN BY:
Deke Spillyards

REVIEW BY:

Sheet
A0.01





To: City of Salida (Planning & Zoning)
Date: March 25, 2025
Re: Variance Request

Prepared by: Deke Spillyards, Colorado Architectural Drafting dba Deke Designs
PO Box 411
Salida ,CO 81201
303-263-6987
colorado.drafting@gmail.com

Prepared for: Rachel Bakhour
340 Blake Street
Salida, CO, 81201

Dear Members:

The following narrative and images are to provide a description of the proposed variance request to the property @ 340 Blake Street. This document was prepared to present to the Salida Planning and Zoning department (Community Development).

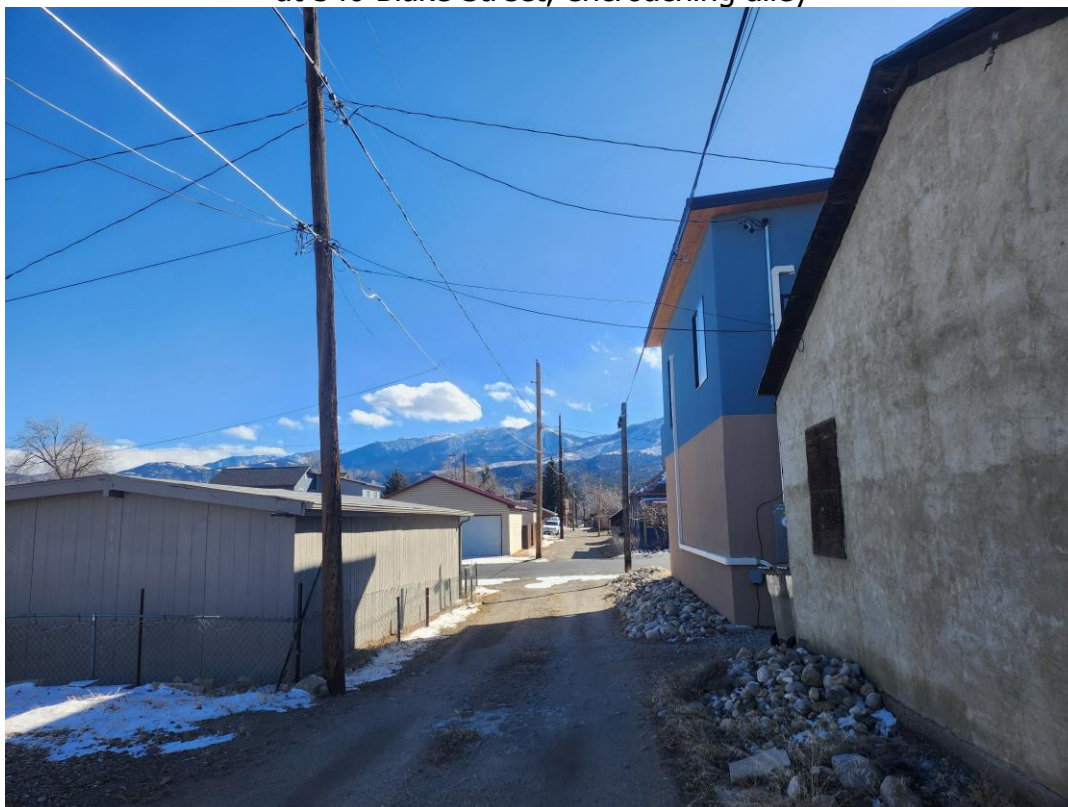
Scope of the variance request:

We would like to request that a variance be made to the above address. The variance request is for a slight leniency from the overall height of the Accessory Dwelling Units (A.D.U.'s) requirement per the current City of Salida Ordinance. The below image, #1, Shows the current existing conditions, at the Alley between Teller Street & Blake Street. As you can see, the A.D.U. at 343 Teller Street, the 2-Story structure, which in 2022 was issued a variance for rear setbacks to allow an A.D.U. structure to be built. The Right side of the image shows the current existing Garage at 340 Blake Street, which encroaches into the current alley (historically) by 23” – 28”, per our survey. (image #2, rear view of the above). We are willing to increase the Alley width to the appropriate boundaries per our survey, and the current required setbacks... With hopes for a variance to be issued for the Overall height of the A.D.U. at the North/Rear of the structure. Image #3, Shows the current restriction of design based on the current zoning rules. Since our neighbor, 343 Teller Street, received a variance and was able to build a structure to the height of approx.. 21+ feet on the Alley, with only a 2.19ft setback. We feel a slight variance in height for our proposed project could be granted to maintain mass, design, and overall neighborhood appeal for our proposed A.D.U. structure, as well as provide increased width for the alley way. Image #4, shows the extent of the variance request. Which is utilizing a Gable-end similar to the front of the A.D.U. and similar to the future Primary structure design. In-lieu of having to have a hipped roof at the rear to achieve the current Zoning Rules for overall height restrictions based off of the setbacks. Please see the additional attached information and overall elevations of the proposed A.D.U. (Attached)

Image #1, Photo of existing ADU (left) at 343 Teller Street which received a variance for rear setback decrease in 2022



Image #2 (below) View of the existing Garage (left) at 340 Blake Street, encroaching alley



Additional documents: We have attached the following documents:

- 1) Existing Site plan – Showing current alley encroachment
- 2) Preliminary proposed Site plan – Increases Alley clearance
- 3) Proposed elevations showing design with restraints (All Elevations)
- 4) Proposed elevations showing design with proposed variance (All Elevations)
- 5) Proposed Full Sheet set of overall design for the property

Thank you for your time and thoughtfulness in considering the application. We look forward to hearing from you with your comments.

Deke Spillyards, Colorado Architectural Drafting dba Deke Designs



VARIANCE APPLICATION

448 East First Street, Suite 112
Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

Email: planning@cityofsalida.com

A. TYPE OF VARIANCE REQUESTED (Fill In Applicable Requests)

1. **Variance from Maximum Height:** Existing Height (in feet): 20'@5' Proposed Height (in feet): 24'@5'
2. **Minimum Variance from Floor Area:** Required Floor Area: N/A Proposed Floor Area: N/A
3. **Variance from Maximum Lot Coverage:** Allowed Lot Coverage: N/A Proposed Lot Coverage: N/A
4. **Variance from Parking Requirements:** Existing Spaces: N/A Required Spaces: N/A
Total Spaces Proposed: N/A Percent Reduction Proposed: N/A
5. **Variance from Minimum Lot Size:** Existing Lot Size: N/A Proposed Lot Size: N/A
6. **Variance from Minimum Setback Requirements**
 - a. Setback Variance Information:
 - i. Type of setback: Front yard Rear yard Side yard
 - ii. Which direction: North South East West
 Northeast Northwest Southeast Southwest
 - iii. Type of Building: Principal Accessory Building
 - iv. Current Setback: 10' TO 24' HEIGHT
 - v. Proposed Setback: 5' TO 24' HEIGHT
 - vi. Required Setback: 3'-5'
 - b. Second Setback Variance Information (if applicable):
 - i. Type of setback: Front yard Rear yard Side yard
 - ii. Which direction: North South East West
 Northeast Northwest Southeast Southwest
 - iii. Type of Building: Principal Accessory Building
 - iv. Current Setback: _____
 - v. Proposed Setback: _____
 - vi. Required Setback: _____
7. **Variance from Land Use Code Section:** 16-4-180

B. DEVELOPMENT PROCESS (City Code Section 16-4-180)

1. Pre-Application Conference. *Optional*.
2. Submit Application.
3. Staff Review. Schedule Hearing. Forward Report to Applicant and Board.
4. Public Notice Provided For Hearing.
5. Public Hearing Conducted by Board and Action Taken.



C. APPLICATION CONTENTS

A digital copy of all application materials is required.

- 1. **General Development Application**
- 2. **Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, etc. which are relevant to the review of the application. **The copies shall be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper or electronically.**
- 3. **Required Showing.** The applicant shall indicate the way the proposal meets the required showing as outlined in the application.
- 4. **Public Notice**
 - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
 - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
 - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.
- 5. **Application Fee:** According to current adopted fee schedule.

D. REQUIRED SHOWING (If necessary, attach additional sheets)

Variance Approval Criteria. Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:

1. Special Circumstances Exist. Strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

Current setback of existing garage is negative 1'-11" North & Negative 2'-4" Westside

2. Substantial Detriment. ~~The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.~~

There would be no detriment to the Public good..

Removing existing & adjusting the Alley setback, would ease access at the Alleyway.

3. Adverse Impacts. ~~The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.~~

The Variance would allow for increased alley access, allowing the new structure to meet the setback

4. Minimum Variance Necessary for Reasonable Use. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Minimum variance necessary is for the Overall height at the Northside of the property

Additional Information: