
MEETING DATE: Thursday, March 13, 2008
MEETING TIME: 7:30 a.m.
MEETING LOCATION: City Council Chambers, 125 East 3rd Street, Salida, CO

Present B. McAninch, D. Heigele, S Whittington, A. Gentile, K. Karnuta, S. Tucker, City Planner Dara MacDonald, and Planning Technician Kristi Jefferson.

I. CALL TO ORDER

Gentile called the meeting to order at 7:30 a.m.

II. APPROVAL OF THE MINUTES

Whittington wanted item 1. (G) to be corrected noting that the lot in the previous application was nonconforming.

Heigele made a motion to approve the minutes of January 10, 2008 with the correction.

McAninch seconded the motion. All were in favor.

III. UNSCHEDULED CITIZENS

There were no unscheduled citizens.

IV. AMENDMENT (S) TO AGENDA

There were no changes to the agenda.

V. PUBLIC HEARINGS

1. Atkins Variance Application- 8 Silver Spruce Drive- The request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback. The applicant is requesting a minimum allowed rear yard setback of fifteen (15) feet to construct a roof over an existing deck on a primary structure.

A. Open Public Hearing- 7:31 am

B. Proof of Publication - Yes

C. Staff Review of Application – MacDonald explained that the code allows for decks and patios that do not exceed 30" above grade to encroach into the setback. The deck as it is today is conforming under the code. Adding a roof to the deck brings it under to our definition as a structure and structures can't encroach into the setbacks. She also explained that with the strict application of the variance they don't have unreasonable use of the property without applying for the variance. Although it would not be injurious to the neighbors it was hard for staff

to support this variance application request because there is no hardship.

- D. Applicant's Presentation – Sally Atkins**, Purchased the house with the understanding that the deck was built within the setbacks. The deck is 2 feet closer than it should be to the end of the lot. The Atkins feel that they were not at fault for where the deck was built. When the original house plans were submitted to the City, the house was shown reversed on the site plan. The site plan showed the house opposite of what it should have been and the city approved the plans. The plans were corrected in the packets. There are no fire hazards because there is a vacant lot between their house and the house behind them. **Atkins** spoke with the owner of the house and asked if the owner had any plans for the vacant lot and they told that they had no plans to put anything there. **Gentile** asked if the vacant lot behind them was a buildable lot. **Atkins** was unsure if it was a buildable lot or not. They tried to rectify the sun problem by adding a sun setter that goes over the patio but the wind has damaged it. **Gentile** asked if the concrete pad was square or rectangular. The concrete pad and wooden deck is rectangular and is parallel to the lot line according to Ms. Atkins. **Tucker** asked if the deck encroached only on one side. **Karnuta** the top of the patio is 20 feet and the bottom is 15 feet so one side of the deck conforms but the other side does not. **Atkins** explained that the Cochetopa Estates Subdivision is circular which makes the lots crooked. **Karnuta** asked if the deck was 14 feet from the property line on the small corner. **Tucker** said that it is 15 feet. The Atkins contractor **Brandon**, from BRC Builders, explained that when he went to the County and picked up a plot plan it was erroneous. They had the property resurveyed and one corner of the survey showed the deck 15' from the property line and the other corner at 20' and the Atkins were under the impression when they purchased the property the deck was conforming. **Karnuta** asked who built the deck. **Brandon** the previous owner had the deck built. **Whittington** asked for clarification on the setbacks of the deck and if only one (1) corner of it is 15' from the property line. **Brandon** clarified that the deck is 20' from the property line on one corner and 15' on the other corner. **Gentile** asked the Atkins if they were looking to enclose it and they are not. They want to cover the deck and to have shade. **Whittington** asked if they were using the original piers. **Brandon** there are no original piers and they are planning to build new ones.
- E. Public Input – Neighbor Harold Lofgren**, 9 Silver Spruce Dr., is in favor of the Atkins receiving a variance for the deck to be covered and would discourage any ney votes.
- F. Close Public Hearing - 7:50 am**
- G. Commission Discussion – Tucker** asked about the overhang, is the setback established by the bearing point or the overhang. **(Whittington)** it is the bearing point and the overhang can encroach

18" **Karnuta** the overhang won't be over 18" **Brandon** the information on the application is the bearing point not the overhang. The 15' they are asking for is actually 16'6" with the overhang. **MacDonald** so the overhang is 6" **Brandon** no it would have a 16" overhang. **Tucker** if you were to move the bearing point back a little bit that would help **Gentile** asked the contractor what the size of the deck was. **Brandon** the deck is 30' and is half concrete and half red-wood deck. **Heigele** suggested covering only a portion of the deck and the applicant can get the shade they are looking for. The contractor does not feel covering a portion of it is an option. **Heigele** also suggested maybe planting trees for shade and the **Atkins** explained that they have planted some trees which don't grow fast enough to provide the shade they need. **Tucker**

- H. Commission Action** - A motion was made by **Tucker** to approve the variance request with the condition that the bearing posts are moved in 3 ½ feet from what is shown on the variance application. With the bearing posts moved in 3 ½ feet, the variance would be approved for the deck to be at 16 ½ feet instead of the 15' that was requested. **Gentile** seconded the motion. The motion to approve was approved with a five to one vote. **Heigele** voted to deny. THE MOTION CARRIED.

2. Borch-Orris Variance Application- 527 D Street - The request is to receive a variance from the minimum setback of five (5') feet required for a side yard setback for a primary structure. The applicant is requesting a minimum allowed setback of 3 feet from the side lot line to build a front porch on an existing structure.

A. Open Public Hearing- 7:55 am

B. Proof of Publication- Yes

C. Staff Review of Application- MacDonald summarized the information presented in the staff report. Staff has recommended approval even though the porch would be only 3 feet off of the property line. Staff has found that because of the applicant is replacing the old porch that currently encroaches 2' into the setback, the new porch will encroach the same setback and the applicant will be able to maintain the porch from their own property. There is a hardship because the existing lot is nonconforming with regard to the size it is only 25' wide. With the placement of the existing door the new porch wouldn't cause any further encroachment over what has historically been there, staff supports the application.

D. Applicant's Presentation – Sarah Whittington the representing Ms. Borch-Orris. There is an exiting front porch on the house which is on a very narrow lot which is 25' wide. The existing porch is approximately 3 feet from the side setback and the side setback in this zone is 5 feet. The owner would like to tear down the existing front porch and replace it with a nicer porch and would like to maintain the same setback. If they built the new porch and meet the 5' setback the porch would start

in the middle of the front door. The applicant feels like the new porch would not be any more injurious than what is already there and she would rather not leave what is already there. With the three (3) foot setback the property owner would still be able to maintain the porch on her own property. The houses in the neighborhood also have the same front porches. **Karnuta** asked if there was the option to move the front door so that the porch would be right in the middle of it. **Whittington** explained that the applicant did not want to do too much to the front part of the house. They will re-stucco the house and add new eaves to make the house look nicer as a whole but would rather not move the front door.

E. Public Input-None

F. Close Public Hearing- 7:57 am

G. Commission Discussion- Karnuta asked if the window on the front of the house was existing. **Whittington** explained that the window is existing and if they were to move the window and the door that would change the whole front of the house and everything would be shifted. Also, the front door lines up with the interior doors.

H. Commission Action-A motion was made by **Gentile** to approve the variance as submitted. **McAninch** seconded the motion. The Board members all voted YEA to approve. THE MOTION CARRIED.

VI. UNFINISHED BUSINESS

There was no unfinished business on the agenda.

VII. NEW BUSINESS

There was no new business on the agenda.

VIII. BOARD COMMENTS

None.

IX. Adjourn.

The meeting was adjourned at 8:00 am.