



AGENDA
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
SEPTEMBER 26, 2023
Council Chambers, First Floor
101 W. 8TH STREET
6:00 PM

1 Attendance Instructions

- A. This meeting is being held in person and via Zoom.
Please click the link below to join the webinar:
<https://us02web.zoom.us/j/81974183532?pwd=eWZqdIREeTIGcGloOFBvWCtvNy9FQT09>
Passcode: 177366
Or Dial: 719-359-4580 US
Webinar ID: 819 7418 3532

2 Roll Call

3 Conflicts of Interest

4 Receipt of the Minutes

- A. July 27, 2023 Planning and Zoning Commission Meeting Minutes

5 Comments from citizens appearing for items not on the agenda

6 New Items

- A. Traffic & Circulation Review 8th and Cowdin Street Update
B. Planning File 76-20 Dimension Variances for 703 & 707 9th St.
C. Planning File 46-23, Variance for a Garage setback
D. Request to continue to next regular meeting. Planning File 49-23, Sign Variance 402 7th Street
E. CONTINUED TO OCTOBER 3, 2023 Special Meeting. Code Amendment to Title 070 regarding density bonus and zoning use standards

7 Commissioner Comments

8 Director Comments

9 Adjournment



MINUTES
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
July 25, 2023
Council Chambers, First Floor
101 W. 8TH STREET 6:00 PM P&Z

1) Roll Call

Present: Commissioners: Commissioner Waller, Commissioner Cowan, Commissioner Shaver, Commissioner Davey, Commissioner Cipperly, Commissioner White, Commissioner Houghton

Also Present: Director of Community and Economic Development Hannah Klausman, Assistant City Attorney Richard Peterson-Kremer, Senior Planner Watkins Fulk-Gray.

Chair Shaver asked for a motion to seat alternates Commissioners Cowan and Houghton, Commissioner Shaver motioned to seat them and Commissioner Waller seconded the motion.

2) Conflicts of interest: None

3) Receipt of the Draft Minutes for June 27, 2023:

- a. June 27, 2023: Commissioner Waller motioned to accept, and Commissioner White seconded the motion. Motion passes 5-2 with Commissioners Cipperly and Houghton abstaining.

4) Comments from citizens appearing for items not on the agenda:

- David Hauter, Glenwood Springs:
 - Habitat 4 Humanity development at Cowdin Drive, Midland Ave, and 8th Street.
 - Transparency, discussing fiduciary responsibility, transportation studies, affordable housing
- Don Gillespie, Glenwood Springs:
 - Habitat 4 Humanity development at Cowdin Drive, Midland Ave, and 8th Street.
 - Transportation issues, traffic studies, and affordable housing
- Gary Vick, 614 Cowdin Drive, Glenwood Springs
 - Habitat 4 Humanity development at Cowdin Drive, Midland Ave, and 8th Street.
 - Transportation study with purpose and foresight, and overall municipal build out numbers

5) New Items

a. Housing Policy Discussion for Title 070 Municipal Code

Senior Planner Watkins Fulk-Gray introduced the topic as a discussion item, not an action item, about a possible upzoning and changes to the City's density bonus program. He noted that the Strategic Housing Plan Update was adopted by City Council. The two discussion topics are both related to recommendations in the Plan Update. He discussed the locations that would be impacted by possible changes, the City's options for making changes, types of residential development the City may want, and possible things the City may be willing to give as an incentive.

Commissioner questions included the following:

- Did Housing Commissions specify what kinds of tools limiting teardowns would be appropriate?
- Would lot requirements would still need to be met?
- How would the areas downtown that do not require parking be considered?
- What are the qualifying strategies for DOLA?
- Would a primary residence, an ADU, and a "junior" ADU make it a triplex?
- Are there minimum floor areas for units?
- Are there incentives to create new free market housing?
- What is the intent of landscaping requirements?

Commissioner comments included:

- Better to refer to "property owners" or "builders" rather than "developers"
- Important to not give up neighborhood character.
- Concern about the impact to historic homes and the proposed changes not meeting the City's Historic Preservation Plan. The Historic Preservation Commission should be offered the chance to comment.
- May be appropriate to do outreach to neighborhoods with HOAs that would prohibit duplexes or triplexes.
- Triplexes would fall under the IBC rather than the IRC, which is more expensive to develop under. Some places like Shelby County, TN, have exempted up to six units from IBC requirements.
- Upzoning is not a silver bullet for housing shortage.
- Modest support for allowing additional units, whether through upzoning or density bonus, to be allowed as free market.
- Additional public input is necessary.
- A "cliff notes" version of what is in the Strategic Housing Plan Update would be helpful.

Public comment included:

Gary Vick pointed out the parking requirements for new development and stated he felt it is too low.

Staff noted that the upzoning could be structured so that all redevelopment would have to meet code requirements, such as parking. No limitations on teardowns currently exist. Staff explained that a single-family home with two ADUs might be considered a triplex, depending on the

configuration. Minimum floor areas for dwelling units are established by Building Code. Staff explained that landscaping requirements do apply to single-family homes.

b. Code Amendments to Title 070 regarding Child Care Uses and other minor changes

Long Range Principal Planner Jim Hardcastle presented proposed changes to the Municipal Code Title 070: 070.030.020 Allowed Uses, 070.20.020 Table 20.4 Summary of Other Nonresidential Dimensional Standards, 070.030.040 Accessory Dwelling Units, 070.40.060 Tandem parking, 070.50.040 Criteria for Reviewing Structure Demolition, and 070.70.030 All Other Terms Defined. He explained the critical need for childcare in the City and how difficult it is for families to find affordable care for their children, and detailed the Code changes that will hopefully support the creation of new childcare in commercial day care center settings, in-home childcare in large, and small residential dwellings. This will support new options by expanding the zone districts which will allow “permitted by right” designations, all adjusted from and eliminating a “special use permit required”. He went on to detail the other code amendments outside of childcare which included errors and clarification to allow better interpretation of the Code.

Commissioner comments and questions included:

- The language for the different types of childcare uses was unclear.
- Where are the RH and RT centers found?
- The Presbyterian church near Valley View Hospital was looking at childcare permitting last year, what happened there?
- If we are to amend this code, the permitted use change would not come in front of Planning & Zoning Commission, though how will the adjacent neighborhood be informed? Could Large home care and Childcare Centers be allowed to require public notice within 300 feet?
- Porch language change and discussion, why is 36” in height significant?
- If we change code 2:03:30

Staff explained that a Childcare Center is where 5 or more children 18 years old or younger with no cap on the numbers are served, a large home care is where 7-12 children are cared for, and a small home care is where 2 or more is served and not to exceed 6 children. The large and small care options are allowed in a residence and the center is in a commercial setting at this time. RH and RT zone districts are found in corridors between low density residential and commercial and transit areas, also just outside the GID. We are proposing to change the permitted uses by right process under our control and not those governed by covenants which are not of concern to the City. The Presbyterian church dealt with a Special Use Permit which was denied last year based on a lack of community support. There are public notice requirements in place at this time for many processes and uses, and your suggestions to change notice for proposed childcare uses in various areas would allow for a permitted use to have that applied with thresholds should you attach it to your recommendation tonight. 36” in height may be limiting an area’s enclosure to prevent a fully enclosed area where a room would typically exist.

No public comment was offered:

Commissioner Waller motioned to Approve as proposed with staff recommendations on page #6, and a second from Commissioner Cowan. Motion passes unanimously 7-0.

6) Commissioner Comments

Commissioner questions, comments, and staff responses included the following:

- Regarding P&Z training and public comments, what is the process when the public wants to address a decision made by Planning & Zoning (P&Z)?
 - Assistant City Attorney Richard Peterson-Kremer: Code processes for appeals are established. Depending on the type of application, decisions can be appealed to Council, called up by Council members, or the Community Development Director can send P&Z staff administrative decisions and P&Z can call them up.
- The Childcare changes are exciting and positive but we need to be creative about getting the information out to the community so they can act on the changes made here, social media may be an avenue. In addition, the Triplex when approved can be positive changes to our community that be beneficial if we can get this information out in a positive way.

7) Director Comments

Community Development Director Hannah Klausman shared the following:

- Clarified Porch Code Changes from earlier in the meeting will be more clearly explained in the staff report to City Council and shared back to the Planning and Zoning Commission at the next meet opportunity.
- Updated the Commissioners on upcoming applications for Planning and Zoning future meetings in August & September containing design variances.
- Shared the status of employment within the Engineering and Community Development department, as we have filled three City Engineering positions.

8) Adjournment

Meeting adjourned at 8:40pm.



Planning and Zoning Commission Report

Date: September 26, 2023
To: Planning and Zoning Commission
From: Ryan Gordon, City Engineer
Subject: Traffic & Circulation Review 8th and Cowdin Street Update

City of Glenwood Springs

ACTION ITEMS

This item is an update for Planning and Zoning Commission with no action requested.

BACKGROUND

At the June 27, 2023 meeting, Planning and Zoning Commission included a condition of approval on the Habitat for Humanity project at 8th and Midland for the Engineering department to review traffic impacts at the intersections of 8th Street and Cowdin and make possible recommendations for improving the function. The condition language can be viewed at timestamp 2:40:20 of the recorded meeting, available for viewing on the City of Glenwood Springs Youtube profile.

PROJECT SUMMARY

The Engineering and Public Works department have reviewed the Traffic Impact Study and conducted on-site observations of the traffic at the 8th and Midland, and 8th and Cowdin intersections. Engineering has included a summary of the recommendations as an attachment to this report.

REVIEW CRITERIA AND STAFF ANALYSIS

Not applicable.

REVIEWING AGENCY COMMENTS

Not applicable.

ACTION ITEMS & STAFF RECOMMENDATIONS

Suggested Findings:



City of Glenwood Springs

101 West 8th Street, Glenwood Springs, CO 81601

Ryan Gordon, City Engineer
970-384-6413 (o)
ryan.gordon@cogs.us

9/26/2023

Planning and Zoning Commission [Click or tap here to enter text.](#)

Subject: 8th Street and Midland Avenue improvements

Dear Planning and Zoning Commission:

The Engineering Department has reviewed the 8th Street and Midland Avenue along with the Cowdin Drive/8th Street and Overlin Drive/Midland Avenue intersections and have developed safety improvements concepts including,

1. Improve pedestrian crossing at 8th Street and Midland Avenue with a combination of a raised crosswalk, rapid flash beacons, expanded refuge areas and pedestrian crossing signals.
2. Realign 8th Street at Cowdin Drive to improve sight lines.
3. Additional signs and striping at 8th Street and Cowdin Drive.
4. Realign Overlin Drive at Midland Avenue to improve safety and sight lines.
5. Construct 10-ft concrete shared use path connecting the shared use path from the Meadows to the path at 8th Street and Midland Avenue.

Sincerely,

Ryan Gordon, City Engineer
City of Glenwood Springs
970-384-6413 (o)
ryan.gordon@cogs.us



Planning and Zoning Commission Report

Date: September 26, 2023
To: Planning & Zoning Commission
From: Jim Hardcastle, Long Range Principal Planner
Subject: Planning File 76-20, Design Variances Marjorie and Ernest Gerbaz, 703 & 707 9th Street

REQUESTS	Consideration of four (4) dimensional variances from Municipal Code section 070.020.060(b) to establish two residential lots below the required area minimum of 5,000 (sq ft); establish front lot setbacks below the required distance minimum of 20', and on one lot: establish a side lot setback below the required distance minimum of 5'; and establish a rear lot setback below the required distance minimum of 10'.
APPLICANT	Marjorie and Ernest Gerbaz (with Neil Goluba)
OWNER	Marjorie and Ernest Gerbaz
LOCATION	703 & 707 9 th Street
ZONE	RM2 – Residential Multifamily Limited
SURROUNDING LAND USES	North: Residential (RM2) South: Residential (RM2) East: Residential (RM1) West: Residential (RM2)
LOT SIZE	703 9th Street – 4,596 sq ft & 707 9th Street – 2,975 sq ft

ACTION ITEMS

Per Section 070.060.070 of the *Glenwood Springs Municipal Code* (Code), the Planning and Zoning Commission (Commission) is the reviewing body for Variance Requests. The proposed request is relief from Section 070.020.060(b) Dimensional Standards for minimum Lot standards; lot area, and Minimum Setbacks; Front, Side and Rear.

Action 1 – Variance Request – to allow applicant to establish two lots below the required area minimum of 5,000 (sq ft) on existing residential lots at 703 & 707 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Lot Standards, Lot area, single-family detached (sq ft) 5,000.

Staff recommendation: *Staff recommends Approval of the Variance Request with the findings and conditions on pages 10-12.*

Action 2 – Variance Request – to allow applicant to establish a front lot setback below the required distance minimum of 20' on existing residential lots at 703 & 707 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Front (from other streets) (ft) 20.

Staff recommendation: *Staff recommends **Approval** of the Variance Request with the findings and conditions on pages 10-12.*

Action 3 – Variance Request – to allow applicant to establish a side lot setback below the required distance minimum of 5' on an existing residential lot at 703 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Side (ft) 5.

Staff recommendation: *Staff recommends **Approval** of the Variance Request with the findings and conditions on pages 10-12.*

Action 4 – Variance Request – to allow applicant to establish a rear lot setback below the required distance minimum of 10' on an existing residential lot at 703 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Rear (ft) 10.

Staff recommendation: *Staff recommends **Approval** of the Variance Request with the findings and conditions on pages 10-12.*

BACKGROUND

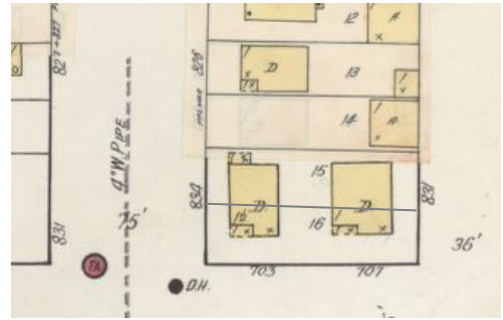
The applicant is seeking approval of four (4) dimensional variances for two lots, each with one single family dwelling unit. Those variances include;

- one (1) associated with minimum lot area requirements, and
- three (3) regarding minimum setback line standards.

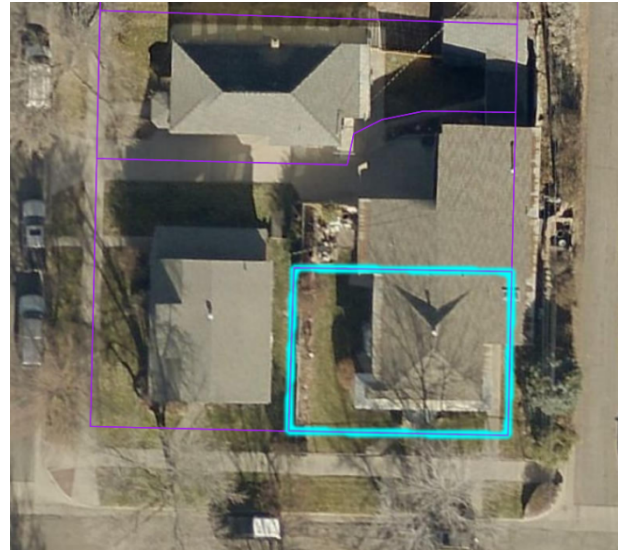
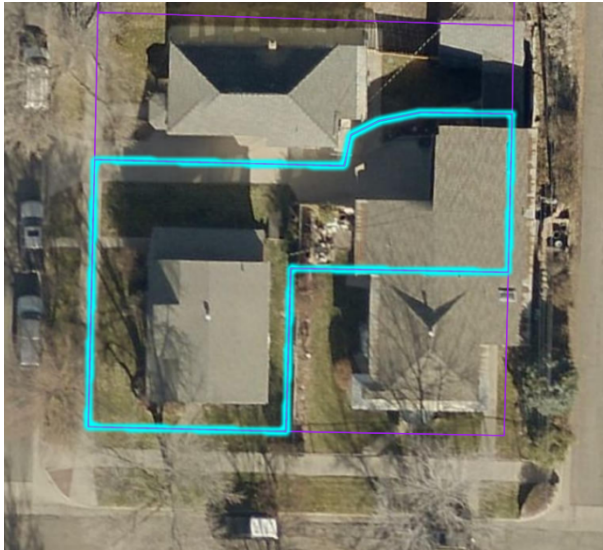
If approved the applicant plans to submit a Minor Subdivision (lot line adjustment) application to the Community Development Director for administrative approval which will allow individual lot establishment. The Development Code prevents new substandard lots from being created, and therefore the applicant must first receive approval of variances to be able to submit an official re-platting of the properties.

The subject parcels are located at 703 and 707 9th Street, "Lots A and B" respectively. The single family dwelling units are historically located on Lots 13-16 of original townsite origin and both structures were built over 100 years ago in 1913 and 1917. A two-story addition to the residence at 707 9th Street consisting of an attached garage and upstairs living space was constructed over 50 years ago and prior to adoption of the current Land Use Code as well as the associated driveway serving 707 9th Street, were constructed on the 703 9th Street parcel.

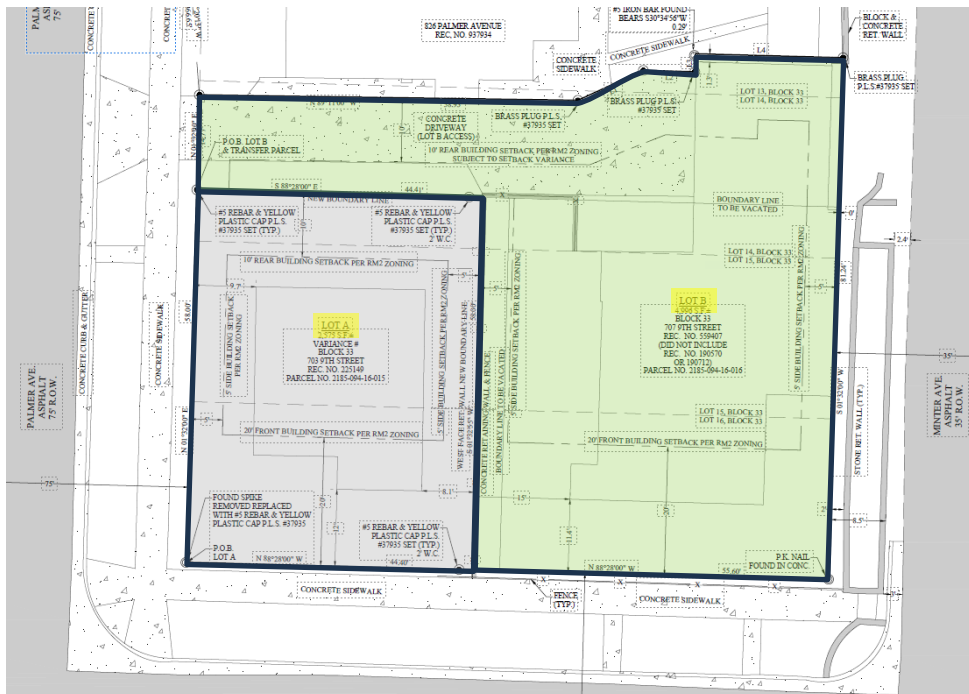
The applicants purchased both dwelling units between 1952 and 1955, and the house to the north (826 Palmer) in 1980. Neither home is included in the City's electronic building records and no building permit records are available in the paper address files. No variances or other land use records were found relating to any of these properties.



Right: Image showing the properties as they existed in 1943.



Above: Existing lot configurations: 703 9th St. on left (Lot A), 707 9th St. on right (Lot B).



Left: Proposed lot configurations:

- 703 9th St. on left (Lot A) in gray, and
- 707 9th St. on right (Lot B) in



Above: Looking N, 703 9th Lot A (left) and 707 9th Lot B (right), Palmer Ave on left.



Above: Looking east, Left, 826 Palmer Ave (not part of this application), 707 9th Street (center back), and 703 9th Street.



Above: Looking NNW, 707 9th Street, Minter on right, planter and wall in Right of Way.



Above: Looking W – 707 9th Street on Minter, north of previous picture at center of property line.



Above: Looking W, north of previous picture at northwest corner property line (red line). 707 9th Street, on Minter left of red line with 826 Palmer Ave. to right.

Project Summary

General

Although lots A and B are currently separate parcels under the same ownership, the existing lot size deficiencies and encroachments effectively prohibit separate ownership of the Lots. The applicant's intent in gaining approval of the proposed variance requests is to move forward with an application

for a Minor Subdivision, allowing a lot line adjustment, so that all improvements serving Lot B are located and contained within Lot B and the same with Lot A. The proposed boundary line adjustment will contain lot improvements on associated lots and not encroach on the neighboring lot: primarily an existing garage that is currently divided by said property lines and to allow for separate ownership of the lots thereafter which is not possible at this time. Applicants are not seeking to alter in any way the existing improvements or the historic way the properties have been accessed or utilized.

Analysis of requested variance items in the **RM2 Residential Multifamily Limited** zone district:

Lot Area

Lot Standards include minimum lot area thresholds for single-family detached dwelling units at 5,000 sq ft in the RM2 district. The current lots are both under the required minimum lot size.

The current lots are unplatted and exist as:

- (Lot A) 703 9th Street – 4,596 sq ft
- (Lot B) 707 9th Street – 2,975 sq ft.

The proposed lots are as designed as follows:

- (Lot A) 703 9th Street – 2,576 sq ft
- (Lot B) 707 9th Street – 4,996 sq ft.

Front Setbacks

The RM2 zone district has a front yard setback requirement of 20 feet for local streets.

The current lots exist with the following non-conforming setbacks:

- (Lot A) 703 9th Street – 12' (south lot line)
- (Lot B) 707 9th Street – 11' .4" (south lot line)

Side Setback

The RM2 zone district has a side yard setback of 5 feet. The existing structure on the eastern side of (Lot B) 707 9th Street has 0' lot line, however the orientation of this lot is such that there is no neighbor, rather the ROW of Minter Ave.

Rear Setback

RM2 zone district has a rear yard setback of 10 feet. The pre-existing garage on Lot B 707 9th Street has a setback of 1'3" (north) The adjacent lot observes a required 5' side yard setback, however, it too has a garage which is attached to the subject garage on Lot B.

Access

Staff has reviewed the applicability of Code section 070.40.070 Access and Circulation (e) Streets, Alleys, and Vehicular Circulation (5) Driveways and Access:

a. General:

- 1. Every lot shall have access that is sufficient to afford a reasonable means of ingress*

and egress for emergency vehicles, as well as for those needing access to the property in its intended use.

2. All driveway entrances and other openings onto streets shall be constructed so that:

- i. Vehicles may safely enter and exit from the lot in question;*
- ii. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and*
- iii. Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.*

The applicant asserts that historical patterns of access usage will not change with the approval of variances or a Minor Subdivision and;

- Lot A sits on the corner of 9th Street and Palmer Avenue, is accessed from said public streets, does not have a garage, and utilizes on-street parking.
- The driveway off Palmer Avenue to the garage serving Lot B serves and will only serve Lot B.
- The existing sidewalks and entrances to these streets are already established for the improvements located on Lot A. Lot A has never used and does not require access to the driveway serving Lot B.

Staff finds there are no access conflicts with the proposed variances.

Review Criteria and Staff Analysis

There are seven criteria for variance approval, all of which must be met. Staff finds that this application meets the seven criteria which is why staff has recommended Approval. Analysis of the criteria below.

VARIANCE CRITERIA	
✓	1. The Subject property has exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
✓	2. The strict application of the Code standards for which a variance is sought would produce undue hardship.
✓	3. The applicant did not create the hardship by his/her own actions.
✓	4. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
✓	5. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.
✓	6. The variance request will not violate building or fire code requirements.
✓	7. The variance is the minimum variance that will afford relief of the subject standards of the Code.

1. **The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.**

Required lot area minimum of 5,000 (sq ft): Although created on original township lots, approximately 25' x 100', which are narrow and the norm in the downtown area in the early 1900's, these lots have been reconfigured over time to align with a nontypical layout of the established residential structures in place. These were built more than 100 years ago to suit the owners needs while meeting regulations in place at that time. As a result, these lots are not the general condition throughout the zone district and there is not enough sq ft area between the two lots to conform to current dimensional restrictions for the two single family dwelling units.

Required front, side, and rear setbacks: Both of the lots are generally not able to meet setback standards as the structures were put in place well before current setback requirements were set, though all exterior setbacks do not negatively impact the one other adjacent structure. Also, there is sufficient clearance between the single family structures on both lots as they meet side setback requirements.

2. **The strict application of the Code standards for which a variance is sought would produce undue hardship.**

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: Strict application of the current lot area and setback requirements for the long standing structures would prohibit an associated Minor Subdivision (lot line adjustment) sought by the Applicant, which could help eliminate non-conforming encroachments which have existed for over 50 years, thereby reducing existing nonconformities associated with the Lots. The independent single family dwelling units are effectively prohibited from separate ownership due to the existing nonconformities.

3. **The applicant did not create the hardship by his/her own actions.**

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: The existing structures and various improvements were constructed prior to the adoption of the current Land Use Code and associated lot area and setback requirements. The locational placement and size of both structures were conforming prior to purchase of the lots.

4. **The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.**

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: The variances sought will not harm the public and further the purposes of the Land Use Code by reducing the negative impact of the existing nonconformities associated with the lots.

The below minimum lot size and various setback encroachments have been existing for over 50 years, the setback between lots A and B are in fact conforming, and there are no neighbors directly to the east, west, and south where the variances are proposed, only right-of-way. There is a garage in the northern rear of Lot B which is adjacent to another garage to the north and not directly facing the single family dwelling unit at 826 Palmer, also owned by the applicants.

5. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: Primarily due to the longstanding establishment of the structures by previous owners prior to current regulations, strict application of the current lot area and setback requirements to the proposed lots would unnecessarily prohibit the future boundary line adjustment to establish legal lots for long existing dwelling units. Elimination of this exceptional hardship will allow separate ownership while any future improvements will be required to conform to City Building and Planning codes.

6. The variance request will not violate building or fire code requirements.

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: The requested variances would not violate building or fire code requirements. Any new development would require an approved building permit prior to installation which would be reviewed by City staff for building and fire code requirements.

7. The variance is the minimum variance that will afford relief of the subject standards of the Code.

Required lot area minimum of 5,000 (sq ft) and front, side, and rear setbacks: The variances requested are the minimum variances that will afford relief of the subject standards of the Code, as all non-conforming dimensional standards on site were well established prior to current Code restrictions.

REVIEWING AGENCY COMMENTS

City Public Works

- Public Works has reviewed the request and has no comments regarding the variances.

Public Comment

- No public comment has been submitted.

ACTION, STAFF RECOMMENDATION, AND ALTERNATIVES:

The Planning and Zoning Commission may approve, approve with conditions, or deny the variance. The Commission may also continue the hearing with a request for specific information necessary to determine compliance with the Municipal Code and City goals and policies.

Action 1 – Variance Request – to allow applicant to establish two lots below the required area minimum of 5,000 (sq ft) on existing residential lots at 703 & 707 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Lot Standards, Lot area, single-family detached (sq ft) 5,000.

Staff Recommendation/Suggested Motion

Staff recommends **Approval** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property **has** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought **would** produce undue hardship.
3. The applicant **did not** create the hardship by his/her own actions.
4. The variance requested **does not** harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
5. The variance request **demonstrates** exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request **will not** violate building or fire code requirements.
7. The variance **is** the minimum variance that will afford relief of the subject standards of the code.

Action 2 – Variance Request – to allow applicant to establish a front lot setback below the required distance minimum of 20' on existing residential lots at 703 & 707 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Front (from other streets) (ft) 20.

Staff Recommendation/Suggested Motion

Staff recommends **Approval** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property **has** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought **would** produce undue hardship.
3. The applicant **did not** create the hardship by his/her own actions.
4. The variance requested **does not** harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
5. The variance request **demonstrates** exceptional hardship not related to purposes of

convenience or financial burden.

6. The variance request **will not** violate building or fire code requirements.
7. The variance **is** the minimum variance that will afford relief of the subject standards of the code.

Action 3 – Variance Request – to allow applicant to establish a side lot setback below the required distance minimum of 5’ on an existing residential lot at 703 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Side (ft) 5.

Staff Recommendation/Suggested Motion

Staff recommends **Approval** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property **has** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought **would** produce undue hardship.
3. The applicant **did not** create the hardship by his/her own actions.
4. The variance requested **does not** harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
5. The variance request **demonstrates** exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request **will not** violate building or fire code requirements.
7. The variance **is** the minimum variance that will afford relief of the subject standards of the code.

Action 4 – Variance Request – to allow applicant to establish a rear lot setback below the required distance minimum of 10’ on an existing residential lot at 703 9th Street, as limited by Section 070.020.060(b) Table 020.8: Minimum Setbacks, Rear (ft) 10.

Staff Recommendation/Suggested Motion

Staff recommends **Approval** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property **has** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought **would** produce undue hardship.
3. The applicant **did not** create the hardship by his/her own actions.
4. The variance requested **does not** harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.

5. The variance request **demonstrates** exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request **will not** violate building or fire code requirements.
7. The variance **is** the minimum variance that will afford relief of the subject standards of the code.

Alternative Motions

*** If the Planning & Zoning Commission finds any of these action items meet all seven criteria for variance approval, an alternative motion for approval may be made based on findings for how the item meets all seven of the variance criteria. An example motion shown below:

MOTION TO DENY

Consideration of a variance for Action Item _____, I move to **DENY** finding that –

1. The subject property **does not have** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district because _____.
2. The strict application of the Code standards for which a variance is sought **would not** produce undue hardship because _____.
3. The applicant **has** had a part in the creation of the hardship by their own actions because _____.
4. The variance requested **does** harm the public and **does** impair the intent or purposes of this Code, goals, and policies including the specific regulation for which the variance is sought because _____.
5. The variance request **does not demonstrate** exceptional hardship not related to purposes or convenience or financial burden because _____.
6. The variance request **will** violate building or fire code requirements because _____.
7. The variance **is not** the minimum variance that will afford relief of the subject standards of the Code because _____.



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments		Development Permits	
☐	Rezoning	☐	Site/Architectural Plan Review
☐	Rezoning to Planned Unit Development (PUD)	☐	Administrative
☐	Annexation	☐	Minor
☐	Condominiumization	☐	Major
☐	Annexation	☐	Master Plan
☐	Street Vacation	☐	Construction Plans
		☐	Location & Extent
Subdivisions		☐	Right of Way Encroachment License
☒	Minor Subdivision	☐	Floodplain Development Permit
☐	Preliminary Plat	☐	Special Use Permit
☐	Final Plat	Flexibility and Relief Procedures	
☐	Vacation of Right-of-Way	☒	Variance
		☐	Administrative Adjustment
Other Land Use Applications		☐	Appeal
☐	Outdoor Seating		

Applicant/Property Owner Information:			
Applicant		Owner	
Ernest and Marjorie Gerbaz		Ernest J. Gerbaz	
Relationship to Owner		Owner	
		Marjorie Ann Gerbaz	
Applicant Address		Owner Address	
904 Palmer Avenue, Glenwood Springs		SAME	
Phone 970-945-6372	Email Address	Phone SAME	Email Address

Property Information:	
Address	Parcel Number
703 & 707 9th Street	218509416015 & 218509416016
Subdivision	Lot and Block Number
City of Glenwood Springs, Colorado	Lots 13, 14, 15 & 16, Block 33
Zone District - RM2	Existing Land Use - Residential

General Project Description:
Minor Subdivision to adjust the boundary lines of two adjacent parcels to accommodate existing improvements which shall require setback variances

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the		
Applicant		Date
		7/12/23
Owner		Date

application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	<i>Marjorie A. Gerbay</i> Owner	<i>7/12/25</i> Date

GOLUBA & GOLUBA P.C.

ATTORNEYS AT LAW
823 COOPER AVENUE
P.O. BOX 931
GLENWOOD SPRINGS, COLORADO 81602

TELEPHONE: (970) 945-9141
FAX: (970) 945-9143

NEIL W. GOLUBA

golubapc@comcast.net

July 20, 2023

Community Development Department
Attn: Jim Hardcastle
101 W. 8th Street
Glenwood Springs, CO 81601

Re: Gerbaz Properties - 703 and 707 9th Street

Dear Jim:

As you know, this firm is representing Ernest and Marjorie Gerbaz in connection with adjusting the boundary lines between their properties located at 703 and 707 9th Street. The purpose of this letter is to provide the background and project description associated with the subject Applications.

703 and 707 9th Street are adjacent parcels owned by Applicants. The residences currently located on the parcels were originally constructed over 100 years ago. A two-story addition to the residence located at 707 9th Street ("Lot B" on the proposed Plat) consisting of an attached garage and upstairs living space was constructed over 50 years ago and prior to adoption of the Land Use Code. A large portion of said addition, as well as the associated driveway serving 707 9th Street, were constructed on the 703 9th Street parcel ("Lot A" on the proposed Plat).

Although currently separate parcels, the existing encroachments effectively prohibit separate ownership of the Lots. Accordingly, Applicants wish to adjust the boundary lines between the Lots so that all improvements serving Lot B are located and contained within Lot B. The proposed boundary line adjustment will reduce the existing nonconformities associated with the Lots and allow for separate ownership thereof. Applicants are not seeking to alter in any way the existing improvements or the historic manner in which the properties have been accessed or utilized. Lot A sits on the corner of 9th Street and Palmer Avenue and is accessed from said public streets. Lot A does not have a garage and utilizes on-street parking. The driveway off Palmer Avenue to the garage serving Lot B serves Lot B only.

Community Development Department
July 20, 2023
Page 2

As requested by staff, Applicants are seeking the following variances for the existing structures in connection with adjusting the boundaries of the existing Lots:

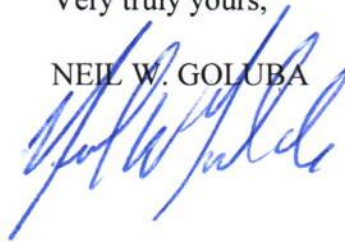
1. Front setbacks for both Lots;
2. Side setback - East boundary of Lot B;
3. Rear setback - Lot B; and
4. Minimum lot area for both Lots.

In accordance with the foregoing, enclosed herewith is a check in the amount of \$530.00 to cover the Variance Application Fee. Applicants previously deposited \$440.00 with the City and request the same be applied toward the \$440.00 Minor Subdivision Application Fee.

Please let me know if you have any questions or need any further information to supplement this submittal.

Very truly yours,

NEIL W. GOLUBA



NWG:lsc
Enc.

Recorded at 9:53 o'clock A.M., Apr 16, 1964

Book 357
Page 271

Reception No. 22514 9 Chas. S. Keegan Recorder.

RECORDER'S STAMP

THIS DEED, Made this 6th day of June
in the year of our Lord one thousand nine hundred and sixty-three
between

--- ARTHUR L. CAMERON and GLADYS E. CAMERON ---

of the County of Garfield and State of
Colorado, of the first part, and

--- ERNEST J. GERBAZ and MARJORIE A. GERBAZ ---

of the County of Garfield and State of Colorado, of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
TEN DOLLARS and other good and valuable considerations ---- DOLLARS,

to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is
hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do
grant, bargain, sell, convey and confirm unto the said parties of the second part, their heirs and assigns forever, not
in tenancy in common but in joint tenancy, all the following described lots or parcels of land, situate, lying and
being in the County of Garfield and State
of Colorado, to-wit: The Westerly 48.7 feet of Lots numbered 15 and 16 and
all of Lot numbered 14 except the East 52.13 feet of the South 8
feet thereof, and also except that part of said Lot 14 described as
follows: Beginning at the NW corner of said Lot 14, thence S. 1°
32' W. 2.23 feet along the West line of said Lot 14; thence S. 89°
11' E. 58.50 feet; thence N. 65°23' E. 3.47 feet; thence N. 88°28'
W. 61.60 feet along the Northerly line of said Lot 14 to the point
of beginning.

Also, a tract of land in Lot 13 of Block 33 in the City of Glen-
wood Springs, Colorado, described as follows: Beginning at the SE
corner of said Lot 13, thence N. 88°28' W. 38.03 feet along the
Southerly line of said Lot 13; thence N. 65°23' E. 7.80 feet;

thence S. 88°28' E. 8.03 feet; thence N. 1°32' E. 2.80 feet;
thence S. 88°28' E. 23 feet to the East line of said Lot 13;
thence S. 1°32' W. 6.15 feet to the point of beginning

All of the foregoing lots or portions thereof being in Block
33 in the City of Glenwood Springs, Colorado,

TOGETHER with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part 1 of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, their heirs and assigns forever. And the said part 1 of the first part, for themselves, their heirs, executors, and administrators do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the enrolling and delivery of these presents they aforesaid well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever,

NO EXCEPTIONS

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part 1 of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF the said part 1 of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Walter L. Cameron [SEAL]
Blanche E. Cameron [SEAL]

STATE OF COLORADO,
County of Garfield } ss.

The foregoing instrument was acknowledged before me this 6th day of June 1903 by *Walter L. Cameron and Gladys E. Cameron*.

My copy to copies December 1, 1905 Witness my hand and official seal.

John A. Smith
Notary Public.

No. 921. WARRANTY DEED.—To Joint Tenants.—Bradford-Robinson Printing Company, 1024-40 Stout Street, Denver, Colorado
• If by natural person or persons here insert name or names; If by person acting in representative or official capacity or as attorney-in-fact, then insert name of person in executor, attorney-in-fact or other capacity or description; If by officer of corporation, then insert name of such officer or officers, as the president or other officers or such corporation, inserting it.—Statutory Acknowledgment, Sec. 118-0-1 Colorado Revised Statutes 1903.

SPECIAL WARRANTY DEED

for recorder's stamp

ERNEST J. GERBAZ and MARJORIE ANN GERBAZ, Grantors, for good and valuable consideration, in hand paid, hereby sell and convey to **ERNEST J. GERBAZ and MARJORIE A. GERBAZ**, Grantees, **as tenants in common**, whose legal address is 707 9th Street, Glenwood Springs, CO 81601, the following real property in the County of Garfield and State of Colorado, to wit:

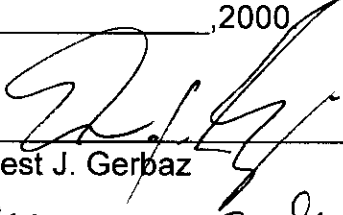
The East 47½ feet of Lots 15 and 16 and the East 39 feet of the South 8 feet of Lot 14, all in Block 33 in the City of Glenwood Springs;

also known as: 707 9th Street, Glenwood Springs, Colorado 81601;

with all its appurtenances, and warrant the title to the same against all persons claiming under the Grantors.

NO DOCUMENTARY FEE REQUIRED: Transfer for estate planning purposes with consideration less than \$500.00.

SIGNED this 15th day of February, 2000


Ernest J. Gerbaz

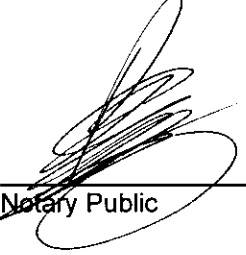

Marjorie Ann Gerbaz

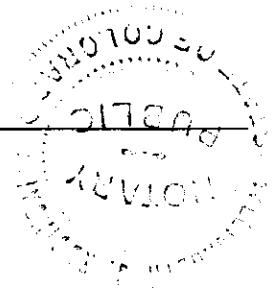
STATE OF COLORADO)
) ss
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 15th day of February, 2000 by ERNEST J. GERBAZ and MARJORIE ANN GERBAZ.

WITNESS my hand and official seal.

My commission expires: 7/7/03


Notary Public



After recording return to: Schenk, Kerst & deWinter
302 8th St., Ste. 310, Glenwood Springs, CO 81601

Variance Criteria

Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

Variance type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

070.20.060 RM2 District - 5,000 square feet lot area

Lot A - The lot area of Lot A after the proposed boundary line adjustment shall be approximately 2,575 square feet.

Lot B - The lot area of Lot B after the proposed boundary line adjustment shall be approximately 4,996 square feet.

Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** The existing residences on Lots A and B were originally constructed over 100 years ago, prior to adoption of the Land Use Code and the current lot area requirements. As a result, there is not enough existing square footage between the two existing parcels for both proposed Lots to comply with the current lot area requirements. However, the proposed boundary line adjustment leaves Lot B only 4 square feet short of the minimum lot area requirements, making it eligible for administrative approval by staff.
2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** Strict application of the current lot area requirements would prohibit the associated boundary line adjustment sought by Applicant to eliminate certain encroachments that have existed for over 50 years and thereby reduce the existing nonconformities associated with the Lots. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.

3. **Explain how you did not create the hardship by your own actions.** The existing
structures and associated improvements were constructed prior to adoption of the
Land Use Code and the current lot area requirements.
4. **Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.** Neither Lot currently complies with the lot area requirements and the
proposed boundary line adjustment merely redistributes the total square footage between
the Lots to eliminate certain encroachments. The variances sought to accomplish the
associated boundary line adjustment will actually benefit the public and further the
purposes of the Land Use Code by reducing the existing nonconformities associated with
the Lots.
5. **Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.** Strict application of the current lot
area requirements to the proposed Lots would prohibit the associated boundary line
adjustment and elimination of the exceptional hardship associated with the existing
encroachments. Although currently separate properties, the existing encroachments
effectively prohibit separate ownership of the Lots.
6. **Explain how the variance request will not violate building or fire code requirements.**
No alterations to the existing structures or improvements are proposed.
7. **Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.** The requested variances to the current lot area requirements
for Lots A and B are the minimum required to provide for the associated boundary line
adjustment that will eliminate the existing encroachments and reduce the existing
nonconformities associated with the Lots.

Variance Criteria

Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

Variance type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

*070.20.060 RM2 District - 20' Front Setback
Lot A - The residence located on Lot A was constructed prior to adoption of the Land Use Code and has an existing front setback of 12'.
Lot B - The residence located on Lot B was constructed prior to adoption of the Land Use Code and has an existing front setback of 11.4'.

Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** The existing residences on Lots A and B were originally constructed over 100 years ago, prior to adoption of the Land Use Code and the current setback requirements. As a result, the existing residences don't comply with current setback requirements.
2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** Strict application of the current setback requirements would prohibit the associated boundary line adjustment sought by Applicant to eliminate certain encroachments that have existed for over 50 years, thereby reducing the existing nonconformities associated with the Lots. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.

3. **Explain how you did not create the hardship by your own actions.** The existing structures and associated improvements were constructed prior to adoption of the Land Use Code and the current setback requirements.
4. **Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.** Applicant is not seeking to alter the existing structures or the currently nonconforming setbacks associated therewith. The variances sought to accomplish the associated boundary line adjustment will actually benefit the public and further the purposes of the Land Use Code by reducing the existing nonconformities associated with the Lots.
5. **Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.** Strict application of the current setback requirements to the existing structures would prohibit the associated boundary line adjustment and elimination of the exceptional hardship associated with the existing encroachments. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.
6. **Explain how the variance request will not violate building or fire code requirements.** No alterations to the existing structures or improvements are proposed.
7. **Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.** The requested variances to the current setback requirements for Lots A and B are the minimum required to provide for the existing structures.

Variance Criteria

Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

Variance type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

070.20.060 RM2 District - 5' Side Setback

The improvements located on the proposed Lot B were constructed prior to adoption of the Land Use Code and without any setback on the east boundary line.

Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** The existing residence on Lot B was originally constructed over 100 years ago, prior to adoption of the Land Use Code and the current setback requirements. As a result, the existing residence doesn't comply with current setback requirements.
2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** The existing residence does not currently conform to the side setback required by the Land Use Code and Applicant is not altering or increasing such existing nonconformity. Strict application of the current setback requirements would prohibit the associated boundary line adjustment sought by Applicant to eliminate certain encroachments that have existed for over 50 years and reduce the existing nonconformities associated with Lots A and B. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.

3. **Explain how you did not create the hardship by your own actions.** The existing structure and associated improvements were constructed prior to adoption of the Land Use Code and the current setback requirements.
- _____
- _____
- _____
4. **Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.** Applicant is not seeking to alter the existing structure or the currently nonconforming setbacks associated therewith. The variances sought to accomplish the associated boundary line adjustment will actually benefit the public and further the purposes of the Land Use Code by reducing the existing nonconformities associated with the Lots.
- _____
5. **Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.** Strict application of the current setback requirements to the existing structure would prohibit the associated boundary line adjustment and elimination of the exceptional hardship associated with the existing encroachments. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.
- _____
6. **Explain how the variance request will not violate building or fire code requirements.** No alterations to the existing structure or improvements are proposed.
- _____
- _____
- _____
- _____
7. **Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.** The requested variance to the current side setback requirements for Lot B is the minimum required to provide for the existing structure.
- _____
- _____
- _____

Variance Criteria

Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

Variance type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

070.20.060 RM2 District - 10' Rear Setback

The improvements located on the proposed Lot B were constructed prior to adoption of the Land Use Code and have an existing rear setback of 1.3'.

Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** The existing residence on Lot B was originally constructed over 100 years ago, prior to adoption of the Land Use Code and the current setback requirements. As a result, the existing residence doesn't comply with current setback requirements.
2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** The existing residence does not currently conform to the rear setback required by the Land Use Code and Applicant is not altering or increasing such existing nonconformity. Strict application of the current setback requirements would prohibit the associated boundary line adjustment sought by Applicant to eliminate certain encroachments that have existed for over 50 years and reduce the existing nonconformities associated with Lots A and B. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.

3. **Explain how you did not create the hardship by your own actions.** The existing structure and associated improvements were constructed prior to adoption of the Land Use Code and the current setback requirements.
4. **Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.** Applicant is not seeking to alter the existing structure or the currently nonconforming setbacks associated therewith. The variances sought to accomplish the associated boundary line adjustment will actually benefit the public and further the purposes of the Land Use Code by reducing the existing nonconformities associated with the Lots.
5. **Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.** Strict application of the current setback requirements to the existing structure would prohibit the associated boundary line adjustment and elimination of the exceptional hardship associated with the existing encroachments. Although currently separate properties, the existing encroachments effectively prohibit separate ownership of the Lots.
6. **Explain how the variance request will not violate building or fire code requirements.** No alternations to the existing structure or improvements are proposed.
7. **Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.** The requested variance to the current rear setback requirements for Lot B is the minimum required to provide for the existing structure.

Planning and Zoning Commission Report

Date: September 26, 2023
To: Planning & Zoning Commission
From: Emery Ellingson, Planner II
Subject: Planning File 46-23 Variance 1019 Bennett Garage

REQUEST	Consideration of variances to allow construction of a garage within minimum required setbacks and to exceed allowed required rear yard coverage for an accessory structure.
APPLICANT	Virginia West
OWNER	Virginia West
LOCATION	1019 Bennett (Parcel #2185-094-30-012)
ZONE	Residential Multifamily Limited (RM2)
EXISTING USE	Residential, duplex
SURROUNDING LAND USES	North: Residential South: Residential East: Residential West: Residential
LOT SIZE	5,000 square feet

ACTION ITEM

Per Section 070.060.070 of the *Glenwood Springs Municipal Code* (Code), the Planning and Zoning Commission (Commission) is the reviewing body for Variance Requests. The proposed request is relief from Section 070.020.060(b) Residential Multifamily Limited RM2 Standards for rear setback and from Section 070.030.040(c)(4)(b) Dimensional Standards for Accessory Structures.

Action 1 – Variance Request – to allow applicant to encroach into rear setback by constructing an attached garage located 1’4” from the rear property line.

Staff recommendation: Staff recommends **denial** of the Variance Request with the findings and conditions on page 6 & 7.

Action 2 – Variance Request – to exceed 40% required rear yard lot coverage by constructing an attached garage within the rear setback.

Staff recommendation: *Staff recommends **denial** of the Variance Request with the findings and conditions on page 6 & 7.*

BACKGROUND

Project Summary

Property owner Virginia West submitted a variance application to allow for construction of an attached garage to the existing duplex at 1019 Bennett. The dimensions of the proposed garage are 24' by 23'6" for a total of 561 square feet and it would be located 1'4" from the rear property line.

Location and Background

The property is located at 1019 Bennett on a property legally described as Lots 22 and 23 of Block 15 of Original Townsite of Glenwood. The property is zoned RM2 Residential Medium Density and is surrounded by other residential uses. The existing structure on the property was built in 1908 and the site for the proposed garage is currently used as surface parking accessed from the alley.

Project Analysis

Analysis of requested variance items as follows:

Rear Setback

This zoning district has minimum rear setback of 10' from the rear property line. The proposed garage would be located 1'4" from the rear property line.

Required Rear Yard Coverage

Accessory structures are allowed in the rear setback as long as no more than 40% of the required rear yard is covered. The required rear yard is the width of the lot multiplied by the rear setback. The total required rear yard for this property is 500 square feet. The existing rear yard coverage is 116 square feet covered by a shed (23% coverage). The proposal to add the garage would result an additional 210 rear yard coverage, which results in total coverage of 326 square feet (65% coverage)

Lot Coverage

This proposal is subject to lot coverage limits described in *Section 070.040.080(d)(1) Lot Coverage* which allows for 50% coverage of the lot or 25% greater than existing coverage, whichever is less. Current coverage is 1,502 square feet (30%). The proposed garage results in total lot coverage of 2,099 square feet on a 5,000 square foot lot (43%)

Total Parking Spaces

The proposed garage would functionally be able to accommodate one vehicle when accounting for turning radius from the alley. The existing parking area can adequately accommodate one vehicle. Fitting a second vehicle into the existing parking area would be difficult. Therefore, staff finds that this proposed project would not have a negative effect on off-street parking available at this location since either layout functionally allows for one space.

VARIANCE CRITERIA

There are seven criteria for variance approval, all of which must be met. Staff finds that this application meets four of the seven criteria which is why staff has recommended denial. Analysis of the criteria below.

VARIANCE CRITERIA	
✓	The Subject property has exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district
	The strict application of the Code standards for which a variance is sought would produce undue hardship
✓	The applicant did not create the hardship by his/her own actions
	The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought
	The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden
✓	The variance request will not violate building or fire code requirements
✓	The variance is the minimum variance that will afford relief of the subject standards of the Code.

1. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district

The subject property does have an exceptional site condition that is not a general condition throughout the zone district. The existing main structure is set back 32.7' from the front property line which is a greater distance than the minimum front setback for the zoning district and farther than many of the other primary structures in the RM2 Residential Multifamily Limited Zoning District.

2. The strict application of the Code standards for which a variance is sought would produce undue hardship

Strict application of the Code standards does not produce undue hardship. Denying the variance does not produce an undue hardship since there is already an existing uncovered off-street parking area. The absence of covered parking, although inconvenient, does not constitute an undue hardship.

3. The applicant did not create the hardship by his/her own actions

The applicant did not create this hardship by their own actions. The original home was constructed in 1908 and the existing layout of the property does not easily allow for a garage accessed from the alley that could accommodate a motor vehicle without encroaching into the rear setback.

4. **The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought**

The variance requested does not harm the public. However, it does impair the intent or purposes of this Code, including the specific regulation for which the variance is sought. The purpose of this specific regulation is to ensure there is distance from the rear property line to any permanent structure to allow space for potential utility work and passing vehicles.

If the Commission were to approve this variance, a condition of approval would be an indemnification agreement, which would indemnify the City of any potential damages incurred by construction of a structure so close to the alley.

5. **The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden**

The variance request does not demonstrate exceptional hardship not related to purposes of convenience or financial burden. Since the existing property already has off-street parking available, the request to build a garage is more related to convenience rather than exceptional hardship. The existence of other non-conforming structures close to the alley in this neighborhood also does not support the creation of another encroaching structure.

6. **The variance request will not violate building or fire code requirements**

The requested variances would not violate building or fire code requirements. Any construction would require prior approval of a building permit, which would include proper fire separation measures between existing shed and proposed garage.

7. **The variance is the minimum variance that will afford relief of the subject standards of the Code.**

The variance is the minimum variance that would afford relief of the subject standards of the Code. Within the Downtown Core, Code requires access from the alley and the proposed garage dimensions in depth are what would be necessary to park one vehicle.

REVIEWING AGENCY COMMENTS

The following agencies have provided these comments:

Public Works Department –

- Proximity of the structure to the alley complicates plowing during the winters and adding structures near the alleyway causes the plows to have no location to push snow. If the plow catches snow or ice it can potentially hit the building so more space alleviates that problem.
- During winter trash trucks can slide and there have been multiple incidents involved trash trucks hitting building close to the alley.

- Utility repair in alleys is complicated when structures are close to the alleys when there is not adequate width to operate. Additionally, if utility work requires trenching, there is potential for bank failure from pressures of nearby structures which could endanger those working on the trench.

Engineering Department

- Proposed garage location makes for a tight turning radius from the alley which would likely limit garage use to one vehicle.

PUBLIC COMMENT

No public comment has been received.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

The Planning and Zoning Commission may approve, approve with conditions, or deny the variance. The Commission may also continue the hearing with a request for specific information necessary to determine compliance with the Municipal Code and city goals and policies.

Action 1 – Variance Request – to allow applicant to encroach into rear setback by constructing an attached garage located 1’4” from the rear property line

Staff Recommendation/Suggested Motion

Staff recommends **denial** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property does have an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought would not produce undue hardship.
3. The applicant did not create the hardship by their own actions.
4. The variance requested does not harm the public. However, it does impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought. Specifically, the variance requested impairs the intent of the specific regulation for which the variance is sought, which is a required setback to provide space for utility installation and maintenance.
5. The variance requested does not demonstrate exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request will not violate building or fire code requirements.
7. The variance is the minimum variance that will afford relief of the subject standards of the code.

Action 2 – Variance Request – to allow applicant to exceed allowed required rear yard coverage.

Staff Recommendation/Suggested Motion

Staff recommends **denial** of the Variance Request with the following **findings**:

Suggested Findings:

1. The subject property does have an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought would not produce undue hardship.
3. The applicant did not create the hardship by their own actions.
4. The variance requested does not harm the public. However, it does impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought. Specifically, the variance requested impairs the intent of the specific regulation for which the variance is sought, which is a required setback to provide space for utility installation and maintenance.
5. The variance requested does not demonstrate exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request will not violate building or fire code requirements.
7. The variance is the minimum variance that will afford relief of the subject standards of the code.

Alternative Motion

*** If the Planning and Zoning Commission finds this application to meet all seven criteria for variance approval, an alternative motion for approval shall be based on the application meeting all seven of the variance criteria. An approval motion must be supported with information supporting how the application meets all the criteria. Staff has also provided a suggested condition for approval if Planning & Zoning Commission seeks to approve the variance. An example motion shown below:

MOTION TO APPROVE

Action 1:

Consideration of code amendments, I move to **APPROVE** finding that -

1. The subject property ***does have*** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought ***would*** produce undue hardship.
3. The applicant has ***not*** had a part in the creation of the hardship by their own actions.
4. The variance requested ***does not*** harm the public and ***does not*** impair the intent or purposes of this Code, goals, and policies including the specific regulation for which the variance is sought.
5. The variance request ***does demonstrate*** exceptional hardship not related to purposes or convenience or financial burden.
6. The variance request ***will not*** violate building or fire code requirements; and
7. The variance ***is*** the minimum variance that will afford relief of the subject standards of the Code.

Suggested Conditions for approval

1. Applicant to enter into an indemnification agreement with the City to indemnify it from any damages caused to the proposed garage structure or existing shed structure. This agreement would be recorded with Garfield County Clerk and Recorder with recording fees to be paid by applicant.
2. Applicant shall comply with all verbal representations made in the public hearings as outlined in all application materials, and/or revised conditions herein and approved by the Community Development Director
3. The applicant shall comply with/address all City staff comments related to specific Code requirements prior to the approval of a building permit.
4. Any future physical changes or improvements to the property or buildings on the parcel are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments		Development Permits	
☐	Rezoning	☐	Site/Architectural Plan Review
☐	Rezoning to Planned Unit Development (PUD)	☐	Administrative
☐	Annexation	☐	Minor
☐	Condominiumization	☐	Major
☐	Annexation	☐	Master Plan
☐	Street Vacation	☐	Construction Plans
		☐	Location & Extent
Subdivisions		☐	Right of Way Encroachment License
☐	Minor Subdivision	☐	Floodplain Development Permit
☐	Preliminary Plat	☐	Special Use Permit
☐	Final Plat	Flexibility and Relief Procedures	
☐	Vacation of Right-of-Way	☒	Variance
		☐	Administrative Adjustment
Other Land Use Applications		☐	Appeal
☐	Outdoor Seating	☐	

Applicant/Property Owner Information:

Applicant <u>Ginny West</u>	Owner <u>Ginny West</u>
Relationship to Owner <u>same</u>	Owner
Applicant Address <u>PO Box 87, GWS CO 81602</u>	Owner Address
Phone <u>970-946-1928</u>	Email Address <u>ginnywest1@gmail.com</u>
Email Address <u>ginnywest1@gmail.com</u>	Email Address

Property Information:

Address <u>1019 Bennett Ave</u> <u>GWS CO 81601</u>	Parcel Number <u>218509430012</u>
Subdivision <u>original Townsite Glenwood</u>	Lot and Block Number <u>Blk 15, lot 22 and 23</u>
Zone District	Existing Land Use <u>Residential</u>

General Project Description:

Construction of a 2-car garage in the existing parking space on the west side of the house.

Signatures:

The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the

<u>Ginny West</u>	8/1/2023
Applicant	Date
<u>Ginny West</u>	8/1/23
Owner	Date

SPECIAL WARRANTY DEED

Emily Perdue West and Benjamin West, hereinafter referred to as "Grantors", for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do grant, bargain, sell, convey and confirm unto Virginia L. West, hereinafter "Grantee", her heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Lots 22 and 23
Block 15
City of Glenwood Springs

County of Garfield
State of Colorado

also known by street and number: 1019 Bennett Ave, Glenwood Springs, CO 81601

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s); excepting from the grantor's warranty, general taxes and assessments for the year 2021 and subsequent years; and "subject to statutory exceptions" as defined in § 38-30-113(5)(a), C.R.S.

ID: 965135

County: _____

Date: 10/21/2021 Time: _____

SPECIAL WARRANTY DEED

Emily Perdue West and Benjamin West, hereinafter referred to as "Grantors", for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do grant, bargain, sell, convey and confirm unto Virginia L. West, hereinafter "Grantee", her heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Lots 22 and 23

Block 15

City of Glenwood Springs

County of Garfield

State of Colorado

also known by street and number: 1019 Bennett Ave, Glenwood Springs, CO 81601

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s); excepting from the grantor's warranty, general taxes and assessments for the year 2021 and subsequent years; and "subject to statutory exceptions" as defined in § 38-30-113(5)(a), C.R.S.

WITNESS Grantors' hands this 20th day of October, 2021.

Emily Perdue West
Emily Perdue West

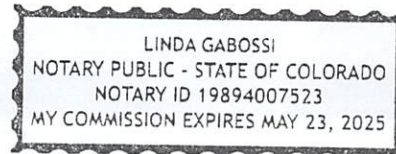
Benjamin West
Benjamin West

STATE OF COLORADO
COUNTY OF GARFIELD

The foregoing instrument was acknowledged before me this 20th day of October, 2021, by Emily Perdue West and Benjamin West.

Linda Gabossi
Notary's Official Signature

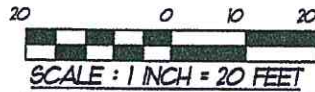
My Commission Expires: 5-23-25



Grantee Name, Address:
Virginia L. West
1019 Bennett Avenue
Glenwood Springs, CO 81601

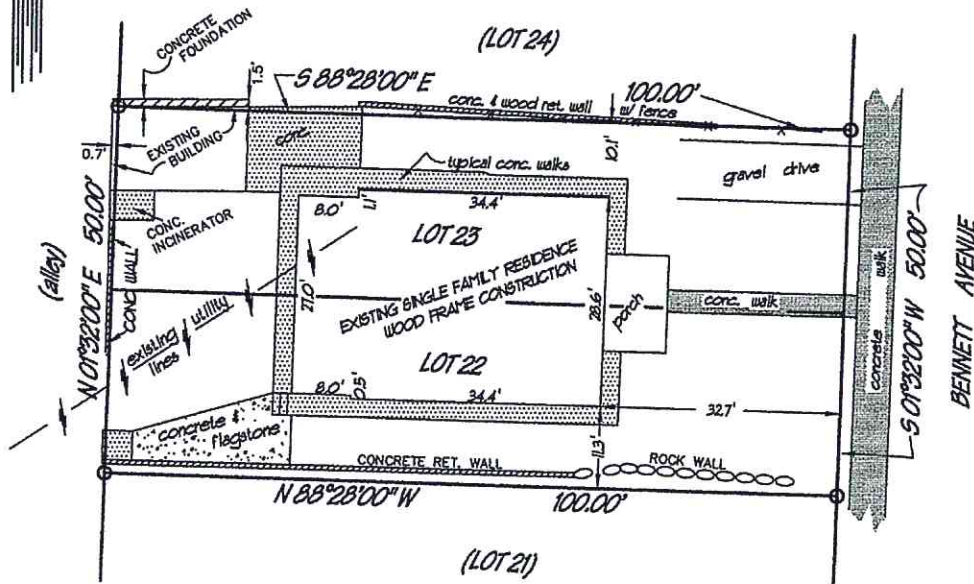
IMPROVEMENT LOCATION CERTIFICATE

LOT 22 & 23, BLOCK 15
GLENWOOD SPRINGS, COLORADO
1019 BENNETT AVENUE



PROPERTY DESCRIPTION

LOTS 22 AND 23, BLOCK 15
CITY OF GLENWOOD SPRINGS
COUNTY OF GARFIELD
STATE OF COLORADO



NOTES

- 1) LOT BOUNDARY DIMENSIONS SHOWN HEREON ARE BASED ON RECORD INFORMATION.
- 2) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAYS, BUILDING SETBACKS OR OTHER RESTRICTIONS OF RECORD, AND/OR AS NOTED ON A TITLE INSURANCE COMMITMENT REFERENCED HEREON.
- 3) NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS IMPROVEMENT LOCATION CERTIFICATE WITHIN THREE (3) YEARS AFTER YOU DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS CERTIFICATE BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

IMPROVEMENT LOCATION CERTIFICATE

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED BY RIVER CITY SURVEYS, L.L.C., FOR PATRICK KEVIN MILLER, THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.

I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, July 30, 1995, EXCEPT UTILITY CONNECTIONS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

THIS IMPROVEMENT LOCATION CERTIFICATE DOES NOT REPRESENT A TITLE SEARCH BY RIVER CITY SURVEYS, L.L.C., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. ALL INFORMATION REGARDING OWNERSHIP, EASEMENTS AND OTHER ENCUMBRANCES OF RECORD WAS OBTAINED FROM AND SUBJECT TO A TITLE INSURANCE COMMITMENT ISSUED BY STEWART TITLE OF GLENWOOD SPRINGS, INC., ORDER NO. 95024269, DATED JUNE 30, 1995.

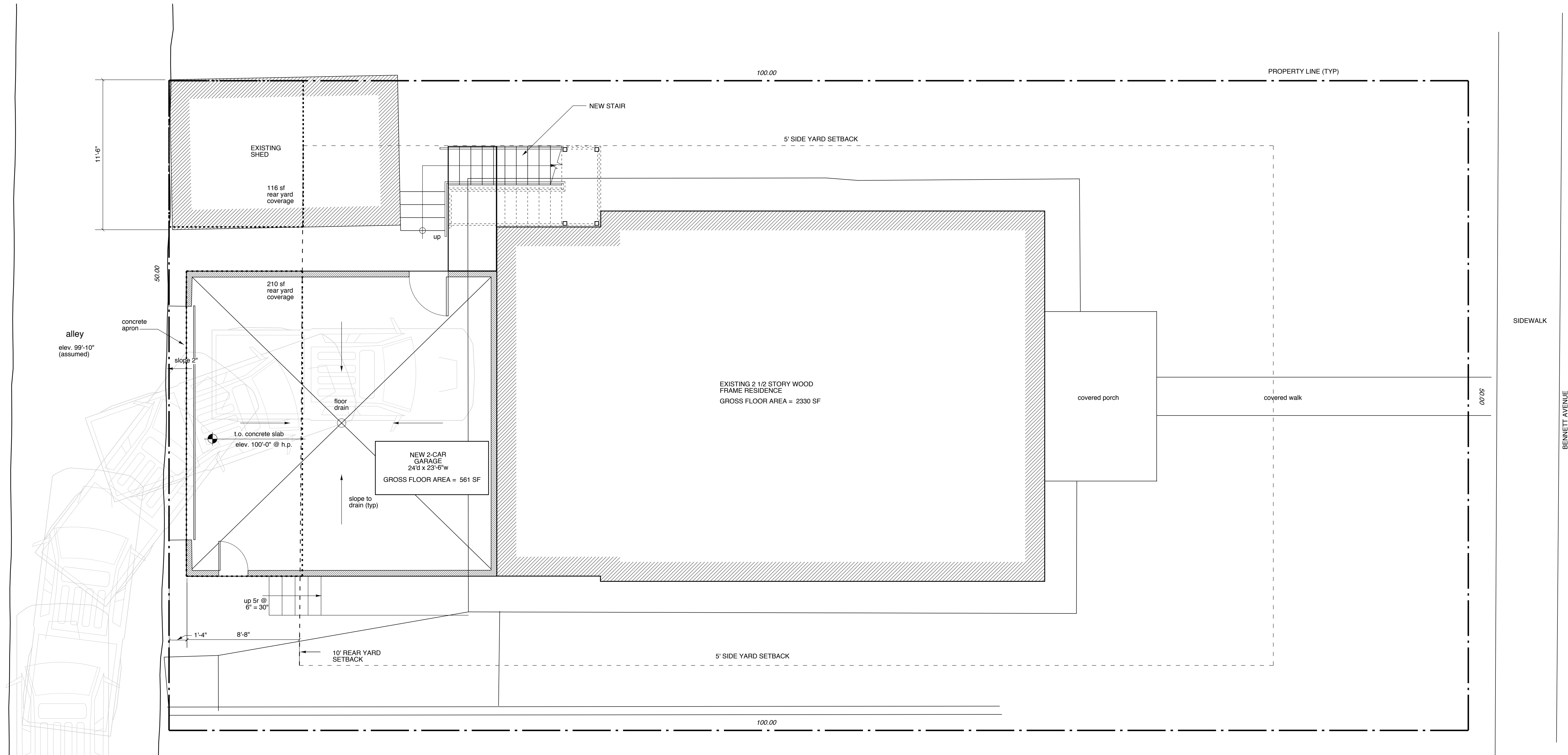
PREPARED FOR:
PATRICK MILLER

Job #: 95148
drawing #: 95148
coord file #: 95148
dwn by: D. COOPER
chk'd by:
sheet #: 1 of 1

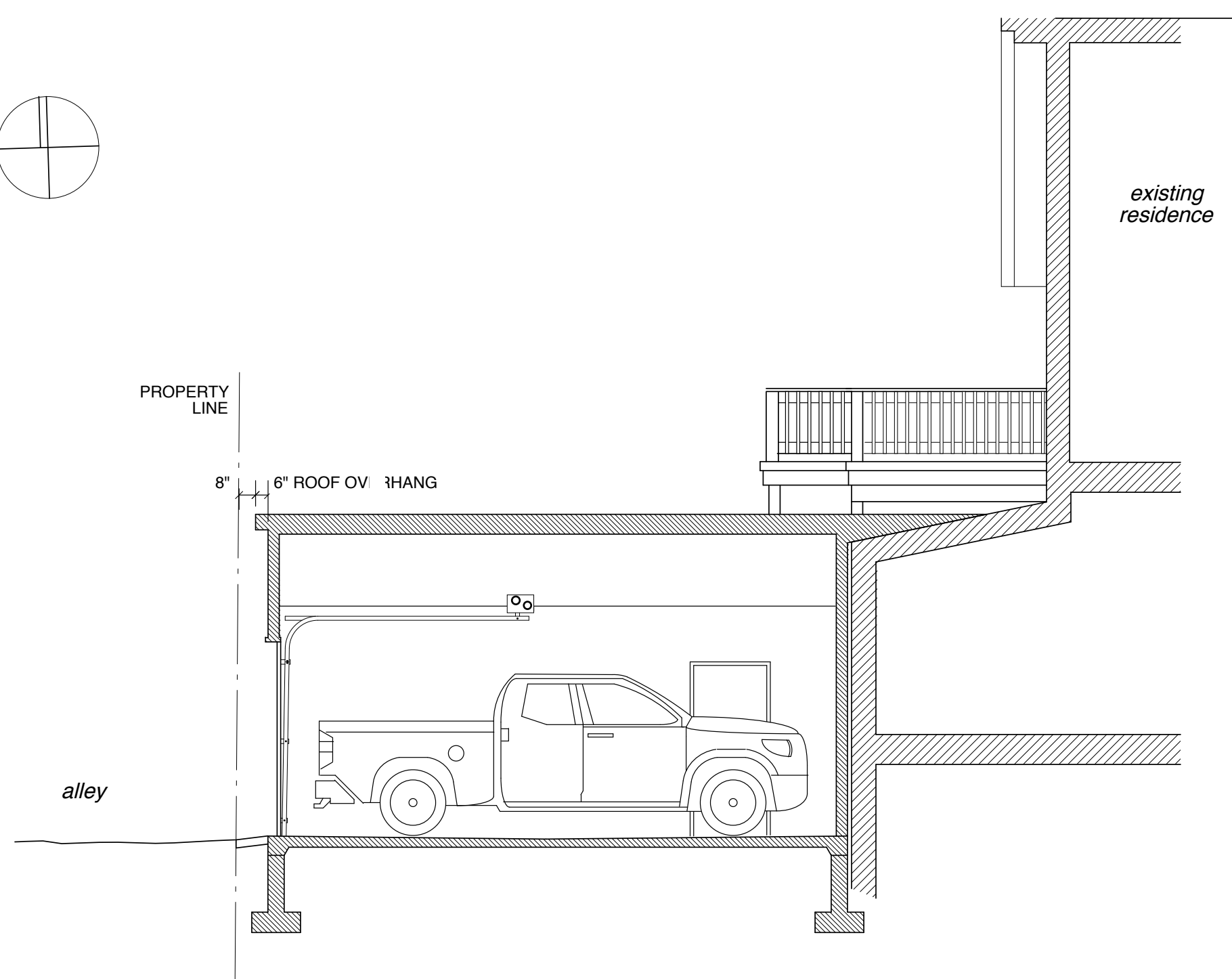
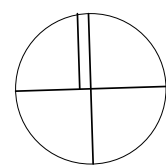


DAVID A. COOPER
COLO. REG. P.L.S. # 23030
FOR & ON BEHALF OF
RIVER CITY SURVEYS, L.L.C.
JULY 30, 1995

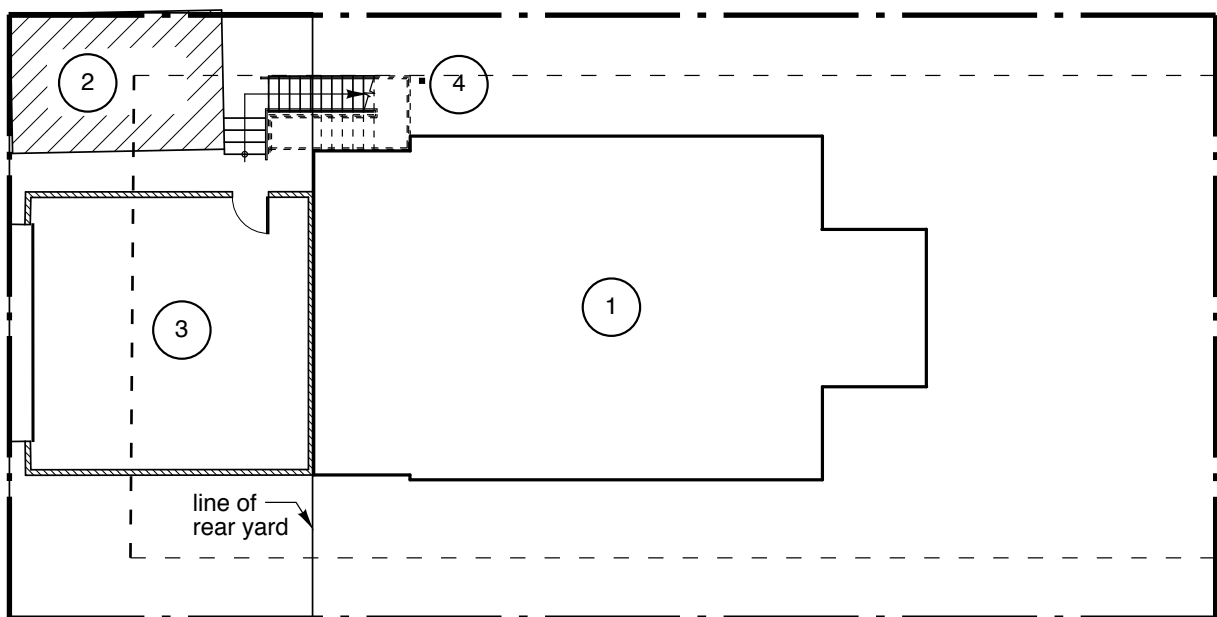




1 2-CAR GARAGE PLAN
1/4"=1'-0"



2 2-CAR GARAGE - SECTION
3/16"=1'-0"



lot coverage data table

lot size: 5000 sf
existing lot coverage (1502/5000) = 30%
allowable lot coverage: 50%
allowable lot coverage in square feet
50% x 5000sf = 2500sf
total proposed lot coverage = 2099 sf

- 1 existing residence = 1301 sf
2 existing shed = 201 sf
3 proposed garage = 562 sf
4 proposed stair = 35 sf
total lot coverage = 2099 sf

rear yard coverage data table

rear yard size: 500 sf
allowable rear yard coverage: 40% x 500 sf = 200sf
total proposed rear yard coverage = 326sf

gross floor areas

existing residence: 2330 sf
proposed garage: 561 sf
garage = 24% of existing residence

West
Residence
Additions and Alterations
1019 Bennett Avenue
Glenwood Springs
Garfield County
Colorado

Project

Date	Issued For
Jul 28 2023	Variance Request

Project Information/
Site Plan

A 1.1

mark itecture

Mark Mahoney
742 Euclid Avenue
Carbondale CO 81623
970.987.2043
markitect742@gmail.com

Consultant

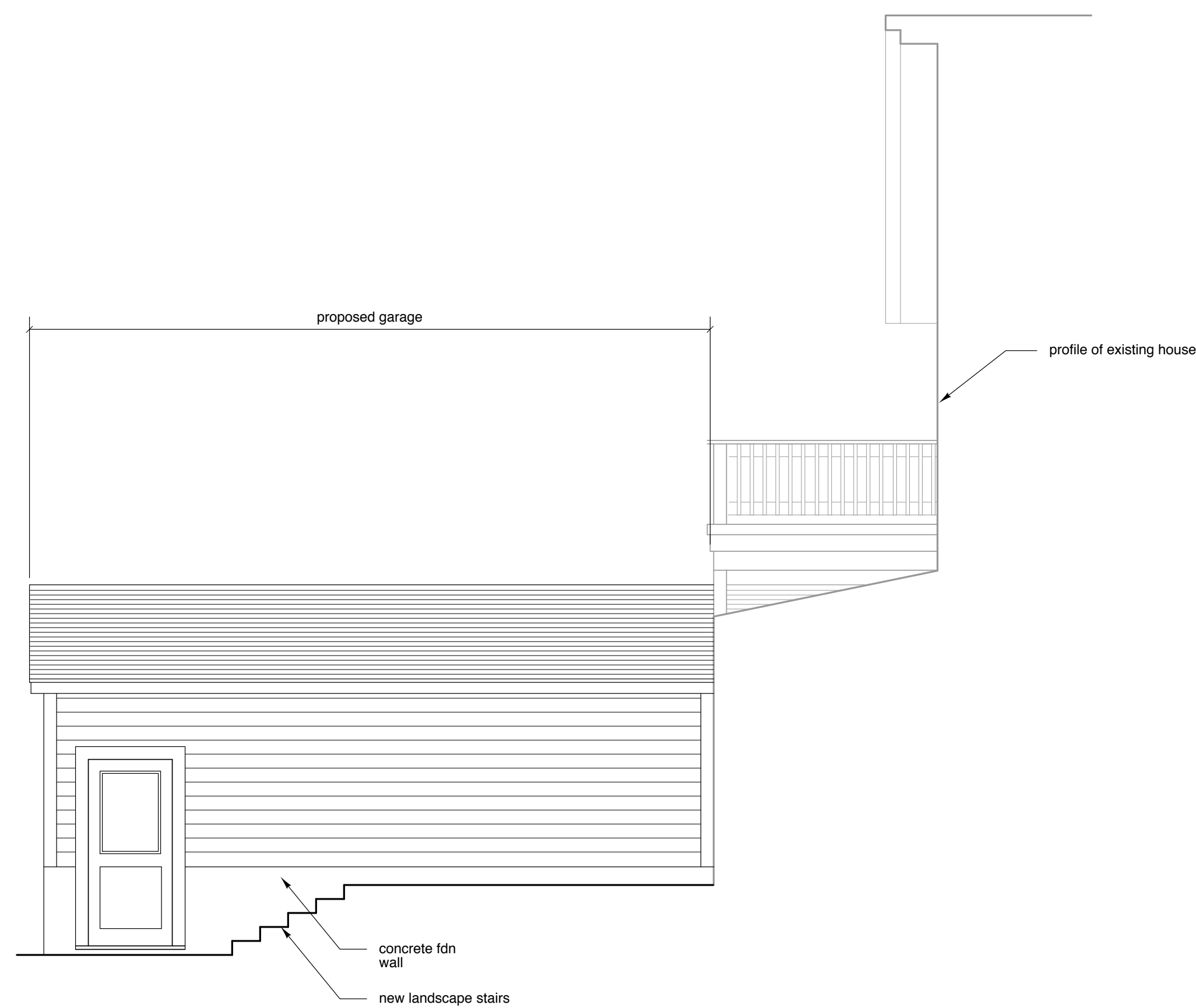
Stamp



2 2-CAR GARAGE - WEST ELEVATION
1/4"=1'-0"



1 EXISTING WEST ELEVATION
1/4"=1'-0"

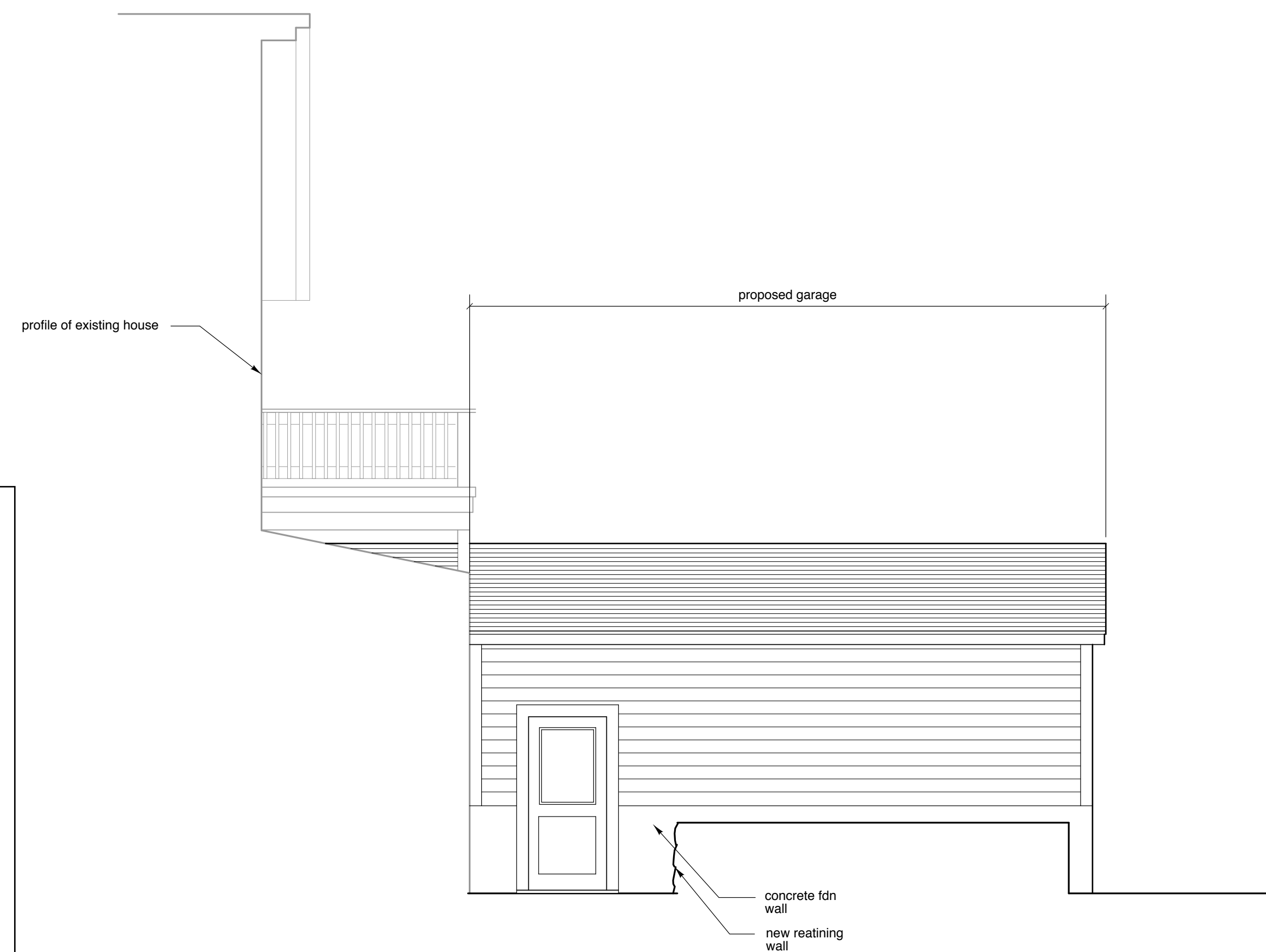


4 SOUTH ELEVATION
1/4"=1'-0"

siding - 5 1/4" HardiePlank Fiber Cement
Cedarmill Siding or equal
paint to be color-matched to existing house siding

roofing - asphalt shingles to match existing residence

materials



3 NORTHELEVATION
1/4"=1'-0"

markitecture

Mark Mahoney
742 Euclid Avenue
Carbondale CO 81623
970.987.2043
markitect742@gmail.com

Consultant

Stamp

West
Residence

Additions and Alterations

1019 Bennett Avenue
Glenwood Springs
Garfield County
Colorado

Project

Date	Issued For
Jul 28 2023	Variance Request

Elevations

A 1.2

Variance Application for Setback Variance
1019 Bennett Avenue, Glenwood Springs, CO 81601

Variance Type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

Municipal Code requires a 10-foot rear yard setback. My proposal is the construction of a 2-car garage in the existing parking space which would extend into the rear 10-foot setback but is within the property boundaries on all sides.

1. Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.

The existing 2.5 story wood frame residence is large for the overall size of the lots, with a very generous front yard, leaving a small amount of percent of land available for the garage.

2. Explain how the strict application of the code standards for the variance you are seeking produces undue hardship.

The required 10-foot setback makes it impossible to create a shelter garage and full parking area in the existing parking area.

3. Explain how you did not create the hardship by your own actions.

The existing house causes a hardship because the footprint of the duplex was created by the original builder in 1908. This builder did not consider leaving space for a future garage. Parking conditions and passenger vehicle sizes were very different in 1908 than they are in 2023.

4. Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.

Along this narrow alley, residents are accustomed to driving cautiously and being aware of existing garages and sheds near the property boundaries. Owner and other residents are also aware of the entries and exits in the alley which have a low overall volume. The project furthers the intent of the Municipal Code, which encourages parking and access at the alley.

5. Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.

If the Code is *strictly* enforced and setback adhered to, a burden is created which limits the possibilities of shelter and security in the rear yard.

6. Explain how the variance request will not violate building or fire code requirements.

The proposed garage will be built to all applicable building codes, including the IRC and IEBC. The existing house will also be altered to comply with codes regarding the addition of a garage to it. As far as fire equipment access, the configuration of the proposed garage will not encroach on the width of the alley any more than already existing buildings do.

In addition, the owner is willing to sign a mutually acceptable agreement which indemnifies the City of Glenwood Springs in the event of damage to the Owner's property.

7. Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.

Multiple configurations have been architecturally tested to most efficiently and effectively use the space while incorporating the smallest shelter which will allow for reasonable and workable entry and exit. A 2-car garage door opening is necessary for a mid-sized vehicle to make the turn into the driveway, due to the narrow width of the alley (see plans showing turning radius of a mid-sized truck).

Variance Application for lot coverage
1019 Bennett Avenue, Glenwood Springs, CO 81601

Variance Type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

Municipal Code requires that no more than 40% of the lot be covered by building. My proposal is the construction of a 2-car garage in the existing parking space would exceed the allowable rear yard coverage of 40%. Total allowable is 40% of 1250 sf or 500 sf. The total proposed lot coverage is 799 sf.

1. Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.

The existing 2.5 story wood frame residence is large for the overall size of the lots, with a very generous front yard, leaving a small amount of percent of land available for the garage.

2. Explain how the strict application of the code standards for the variance you are seeking produces undue hardship.

The required 40% rear yard coverage requirement makes it impossible to create a shelter garage and full parking area in the existing parking area.

3. Explain how you did not create the hardship by your own actions.

The existing house causes a hardship because the footprint of the duplex was created by the original builder in 1908. This builder did not consider leaving space for a future garage. Parking conditions and passenger vehicle sizes were very different in 1908 than they are in 2023.

4. Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question.

Along this narrow alley, residents are accustomed to driving cautiously and being aware of existing garages and sheds near the property boundaries. Owner and other residents are also aware of the entries and exits in the alley which have a low overall volume. Many building rear lot coverages exceed the required 40%. The project furthers the intent of the Municipal Code, which encourages parking and access at the alley.

5. Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.

If the Code is strictly enforced and rear yard coverage adhered to, a burden is created which limits the possibilities of shelter and security in the rear yard.

6. Explain how the variance request will not violate building or fire code requirements.

The proposed garage will be built to all applicable building codes, including the IRC and IEBC. The existing house will also be altered to comply with codes regarding the addition of a garage to it. As far as fire equipment access, the configuration of the proposed garage will not encroach on the width of the alley any more than already existing buildings do. Existing code encourages alley access for downtown residential parking.

In addition, the owner is willing to sign a mutually acceptable agreement which indemnifies the City of Glenwood Springs in the event of damage to the Owner's property.

7. Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code.

Multiple configurations have been architecturally tested to most efficiently and effectively use the space while incorporating the smallest shelter which will allow for reasonable and workable entry and exit. A 2-car garage door opening is necessary for a mid-sized vehicle to make the turn into the driveway, due to the narrow width of the alley (see plans showing turning radius of a mid-sized truck).

August 1, 2023

Department of Community Development
City of Glenwood Springs
101 W 8th Street
Glenwood Springs, CO 81601

Please accept my variance applications for setback and lot coverage reviews for 1019 Bennett Avenue, Glenwood Springs CO.

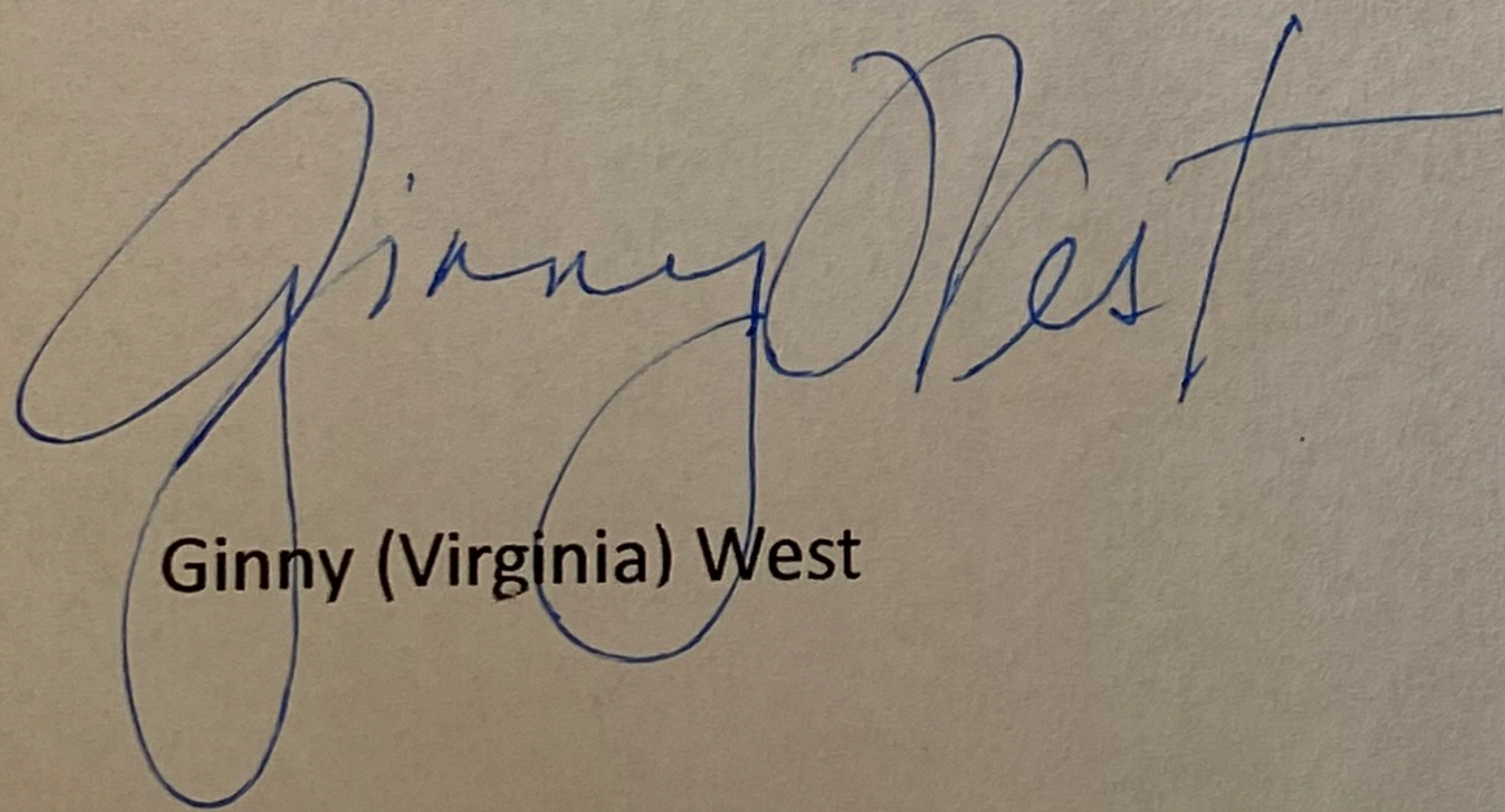
My project description is:

The property at 1019 Bennett Avenue has an existing parking space off the alley on the west side of the property. My proposal is the construction of a 2-car garage in the existing alleyside parking space which would extend into the rear 10-foot setback but is within the property boundaries on all sides. My two variance requests are:

- 1) Because municipal code requires a 10-foot rear yard setback, I would need a variance to build within this setback.
- 2) Municipal Code also allows no greater than 500 square feet of rear yard coverage. I am requesting a second variance to allow greater than 40% rear yard coverage.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ginny West". The signature is stylized with large, flowing loops for the letters "G" and "W".

Ginny (Virginia) West











Planning and Zoning Commission Report

Date: September 26, 2023

To: Planning and Zoning Commission

From:

Subject: Request to continue to next regular meeting. Planning File 49-23, Sign Variance 402
7th Street

ACTION ITEMS

BACKGROUND

PROJECT SUMMARY

REVIEW CRITERIA AND STAFF ANALYSIS

REVIEWING AGENCY COMMENTS

ACTION ITEMS & STAFF RECOMMENDATIONS

Suggested Findings:



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments		Development Permits	
☐	Rezoning	☐	Site/Architectural Plan Review
☐	Rezoning to Planned Unit Development (PUD)	☐	Administrative
☐	Annexation	☐	Minor
☐	Condominiumization	☐	Major
☐	Annexation	☐	Master Plan
☐	Street Vacation	☐	Construction Plans
☐		☐	Location & Extent
Subdivisions		☐	Right of Way Encroachment License
☐	Minor Subdivision	☐	Floodplain Development Permit
☐	Preliminary Plat	☐	Special Use Permit
☐	Final Plat	Flexibility and Relief Procedures	
☐	Vacation of Right-of-Way	☒	Variance
☐		☐	Administrative Adjustment
Other Land Use Applications		☐	Appeal
☐	Outdoor Seating	☐	

Applicant/Property Owner Information:			
RF Sign Company			
Applicant		Owner	
Sign Contractor		Terrapin Investments	
Relationship to Owner		Owner	
455 Buggy Circle Unit A, Carbondale, CO 81623		601 Rio Grande Pl #117a, Aspen, CO 81611	
Applicant Address		Owner Address	
	cheyenne@rfsigncompany.com		
Phone 970-963-8190	Email Address greg@rfsigncompany.com	Phone 415-378-3119	Email Address tony.sherman@terrapininvestments.com

Property Information:	
Address	Parcel Number
402 7th St, Glenwood Springs, CO 81601	218509404001
Subdivision	Lot and Block Number
ORIGINAL TWNSTE. GLENWOOD	Block: 45 GLENWOOD Block: 45 Lot: 1 THRU:- Lot: 8, GLENWOOD Lot: A AND:- Lot: B &
Zone District M2	Existing Land Use Commercial

General Project Description:
Creating and installing business signs to match new name of property.

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the		7/24/23
	Applicant	Date
		7/24/23
	Owner	Date

application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.		
	Owner	Date