



## STAFF REPORT

**MEETING DATE:** February 26, 2024  
**AGENDA ITEM TITLE:** 207 Poncha Blvd - Variance Application  
**AGENDA SECTION:** Public Hearing

### REQUEST:

The purpose of the request is to receive a variance from the minimum side yard setback for the principal building. Principal buildings in the Single-Family Residential (R-1) zone district require a minimum side yard setback of eight (8) feet for principal buildings.

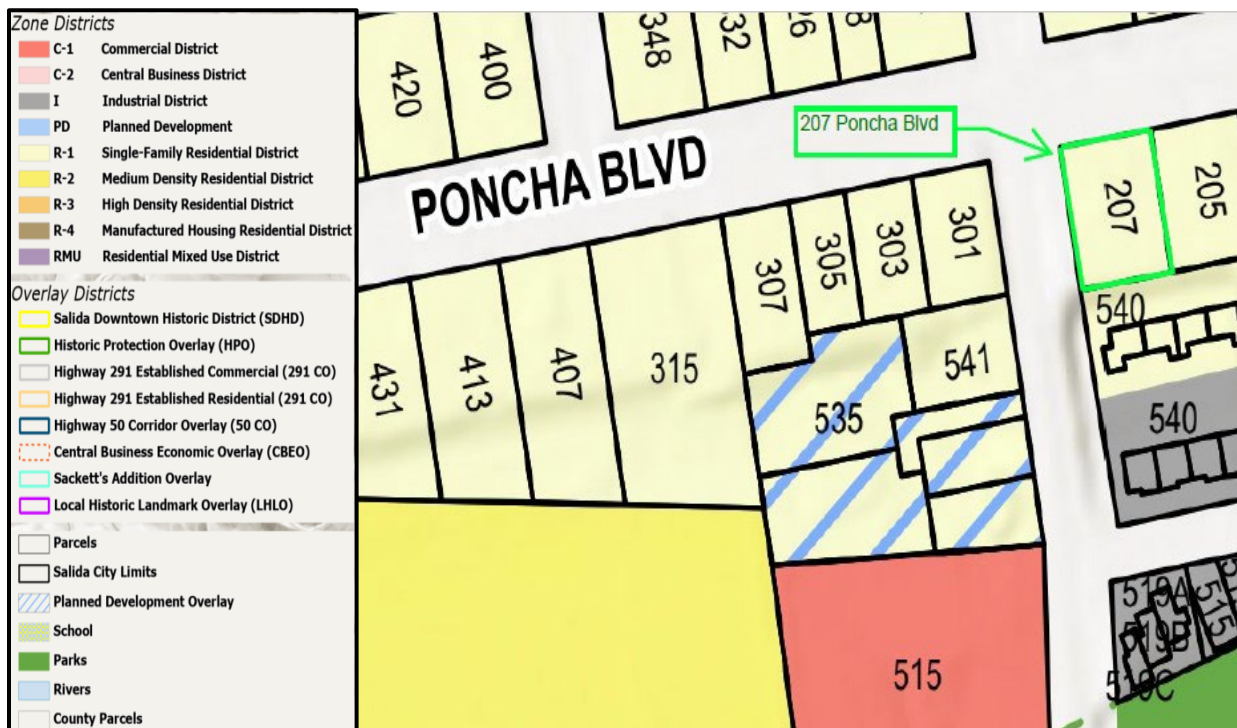
The applicant is requesting minimum allowed side yard setback of 4' for an addition to be constructed on the eastern portion of the principal structure.

### APPLICANT:

The applicants are Brandon and Nina Bonneville, 207 Poncha Blvd, Salida, CO 81201.

### LOCATION:

The property is legally known as as Lots 15 and 16, Block D, subdivision Eddy Brothers Addition, Salida, Chaffee County, Colorado. The address is 207 Poncha Blvd.



**PROCESS:**

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

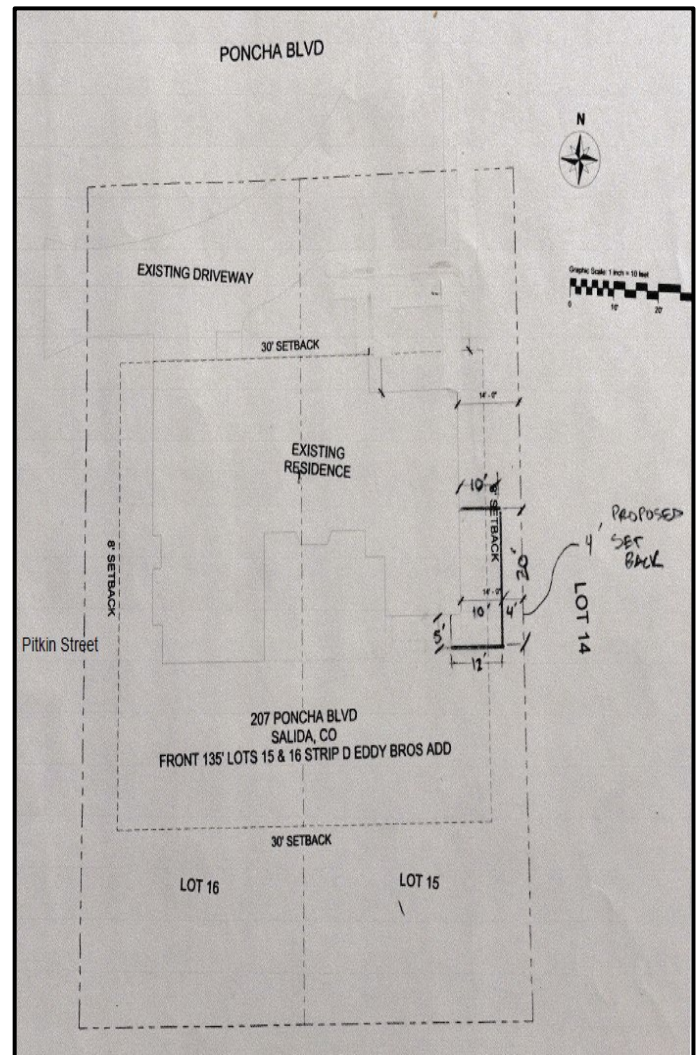
The Board of Adjustment holds a public hearing after fifteen days advance notice of the hearing. The public hearing shall be held, at which any person may appear or be represented by an agent or attorney. The Board may describe appropriate conditions and safeguards in conformity with the Zoning title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

**OBSERVATIONS:**

1. The subject property is located in the Single-Family Residential (R-1) zone district.
2. All other dimensional standards of the property meet the requirements of the R-1 Zone district.
3. Staff received a letter regarding the variance request from the adjacent neighbor in support of the variance.
4. Applicant’s reasoning for the request is that this location is ideal for avoiding egress issues and potential drainage issues.

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

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



Applicant's responses:

*Bathroom addition needs to be on the east side in order to avoid blocking egress for existing bedroom. It would also create drainage problems if placed on the south side of the house.*

Staff Notes:

- Given the potential for drainage issues and requirement for existing egress, the lot does create a special circumstance requiring the bathroom addition to encroach into the setback. Since there isn't another logical location on the property/structure, staff concludes that this criterion is met.
2. Substantial Detriment. The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.

Applicant's responses:

*The proposed addition will not impact the neighbors or public in any way.*

Staff Notes:

- The 4' setback significantly encroaches into the 8' setback required in the R-1 zone district, potentially creating an issue for the adjacent neighbor. However, the neighbor has submitted a letter in support of the variance.
3. Adverse Impacts. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

Applicant's responses:

*The proposed addition will not impact the natural environment or the surrounding properties, there will still be a 4' setback to the side property line.*

Staff Notes:

- Staff proposes 4' side setback does not create a significant adverse impact to the natural environment or surrounding properties.
4. Minimum Variance. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

Applicant's responses:

*The requested variance is the minimum necessary to create a usable bathroom.*

Staff Notes:

- Setbacks help provide privacy and to address basic safety issues: distances between buildings decrease the potential damage in case of a fire, provide the room necessary for a homeowner to maintain his/her buildings on his/her own property and provide for solar access and ventilation. Since the neighboring property is meeting the standard setback requirement of at least 8', the addition would be a minimum of 12' in distance away from the neighboring building, adhering to building and fire code standards.

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

**REVIEW AGENCIES:**

**Atoms Energy – Operations Supervisor, Dan Higgins** – *“It appears likely that the gas meter will have to be relocated at homeowner’s expense. TBD upon site visit. Homeowner should contact Atmos Energy to confirm. No comment regarding setback adjustment beyond that.”*

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

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

**Police Department – Chief, Russ Johnson** – No concerns at this time for police department.

**Public Works Department – David Lady** – This has no impact on Public Works.

**Chaffee County Building Department – Deputy Building Official, Chad Chadwick** – “Walls built within 5 feet to the fire separation line (property line) must be constructed with a 1 hour fire rating per the International Residential Code. Openings are limited to 25% of wall area. 1 hour fire protected soffit assembly will be required.”

**REQUIRED ACTIONS BY THE BOARD:**

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

**POSSIBLE FINDINGS:**

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

**Or**

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

**RECOMMENDED MOTION (OPTION A):** “I make a motion to approve the 207 Poncha Blvd variance request(s), as they meet all the review criteria for zoning variances.”

**RECOMMENDED MOTION (OPTION B):** “I make a motion to deny the 207 Poncha Blvd variance requests, as they do not meet all the review criteria for zoning variances.”

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

Attachments: Proof of Publication  
Application Materials  
Agency Reviews  
Public Comment Letters  
Letter from Deputy Building Official  
Letter from Surveyor Regarding Proposed Structure Coverages