



## BOARD OF ADJUSTMENT STAFF REPORT

**MEETING DATE:** December 12, 2023  
**AGENDA ITEM TITLE:** Meredith Variance Application -148 River Ridge Lane  
**AGENDA SECTION:** Public Hearing

**REQUEST:** The request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback of the primary structure. The applicants are requesting a minimum allowed rear yard setback of 14' to build a single-family residence at 148 River Ridge Lane.

**APPLICANT:** The applicants are property owners Shane and Taline Meredith, 6027 Cumbre Vista Way, Colorado Springs, CO 80924.

**LOCATION:**

The subject property is legally known as Lot 38, River Ridge Subdivision, City of Salida, Chaffee County, Colorado. This property is also known as 148 River Ridge Lane.

**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 shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum 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 agent or attorney.

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.

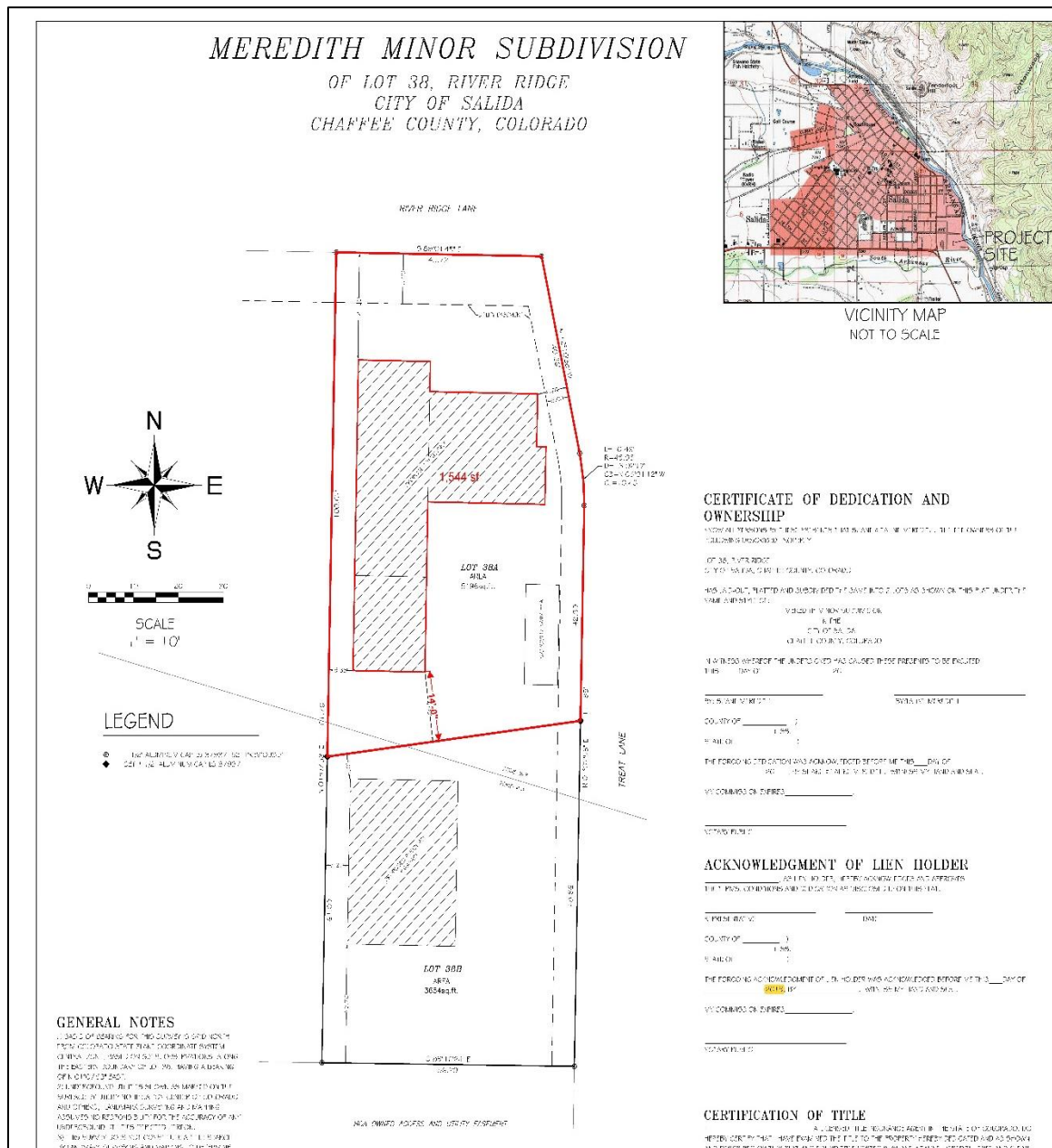
The Board may make a decision to approve, approve with conditions, deny, or remand the application back to the applicant for modification.

**OBSERVATIONS:**

1. The subject property is located within the High Density Residential (R-3) zone district and the Manufactured Housing Residential (R-4). Surrounding properties are also within the (R-3) and (R-4) zone districts.
2. The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high-density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.
3. The purpose of the Manufactured Housing Residential (R-4) zone district is to provide for relatively high density manufactured housing, mobile home residences and mobile home parks. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.
  - According to Section 4.2.3 of the River Ridge declaration of covenants, conditions, restrictions and easements - No mobile home, portable home, or modular home shall be permitted to be placed on any Lot.
4. This is a vacant lot and the applicants have submitted and received administrative review approval to construct multiple principal structures. Currently, due to financial constraints, the applicants are unable construct the second residential unit as approved.



5. In order to build the residence as architecturally drawn the applicants are requesting a variance from the required 20' rear setback. The request is to be allowed a 14' rear setback to construct the single-family residence.
6. The proposed footprint of the single-family residence is 1,544 square feet. As proposed, all remaining dimensional standards of the R-3 zone district will be met.
7. The applicants have requested approval to subdivide the lot to be able to build their single-family residence now and build the second residence or an ADU at a later date. If the subdivision is approved, creating two lots is somewhat of a guarantee that at least two residential units will be built on the parcel.



### **REQUIRED SHOWING (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 of the following criteria have been met:

1. Special circumstances exist such that 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.
  - The applicants purchased the vacant lot in 2021 with the understanding that they could build either a single-family residence or multi-family residence.
  - The intent of the R-3 zone district is for relatively high-density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses.
  - Staff made the interpretation to require more than one residential unit on lots with 7,500 square feet or more within the R-3 zone district. The interpretation meets the intent of the High-Density Residential (R-3) zone district.
  - Single-family residential in the R-3 zone district requires administrative review approval and if the subdivision is approved, staff supports a single-family residence with the size of the lot reduced to 5,196.
  - The financial burden of building the two multiple principal structures in the current market is the special circumstance. The applicants are committed to building the second residence when financially feasible.
  
2. 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.
  - Setbacks help provide open space 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.
  - With the proposed 14' rear setback there would still be adequate space which the owner can use for maintenance of the structure. The proposed rear setback would not create a substantial detriment to the public good.

3. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.
  - No comments were received from neighboring properties. There should not be any adverse impacts to the surrounding properties.
4. 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.
  - The applicants are requesting approval of the variance to be able to build their single-family residence now at the current configuration as shown on the site plan. They are committed to building the second residence or an ADU at a later date when financially feasible. The applicants feel that this request is the minimum necessary to construct their single-family residence as architecturally drawn which cannot be achieved without the granting of this variance.

**REQUIRED ACTIONS BY THE BOARD:**

1. The Board shall confirm that adequate notice was provided and a fee paid.
2. The Board shall conduct a public hearing.
3. The Board shall make findings that points 1 through 4 of the above section are met by the applicant.

**RECOMMENDED FINDINGS:**

1. That the variance request is in conformance with Section 16-4-180 (e), Required showing, because special circumstances exist, the variance will not create a substantial detriment, the variance will not result in significantly adverse impacts, granting of the variance request is the minimum variance necessary and is in keeping with the general purposes of the Code.

**STAFF RECOMMENDATION:**

Staff recommends the Board of Adjustment **APPROVE** the Meredith Variance request to receive a variance from the minimum rear yard setback of twenty (20) feet required for a primary structure at 148 River Ridge Lane. The applicant is requesting a minimum allowed rear yard setback of fourteen (14) feet to construct a single-family residence on the vacant lot, subject to the conditions listed below:

**RECOMMENDED MOTION: “I make a motion to approve the Meredith Variance request as it meets all the review standards for a Zoning Variances.**

BECAUSE THIS APPLICATION IS FOR A VARIANCE, THE SALIDA BOARD OF ADJUSTMENT SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. THE DECISION OF THE BOARD OF ADJUSTMENT MAY BE APPEALED WITHIN 15

DAYS OF THE DECISION AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Proof of Publication  
Application materials  
Site Plan  
Administrative review application and approval for multiple principal structures