



VARIANCE APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

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

1. **Variance from Maximum Height:** Existing Height (in feet):_____ Proposed Height (in feet):_____
2. **Minimum Variance from Floor Area:** Required Floor Area:_____ Proposed Floor Area:_____
3. **Variance from Maximum Lot Coverage:** Allowed Lot Coverage:_____ Proposed Lot Coverage:_____
4. **Variance from Parking Requirements:** Existing Spaces:_____ Required Spaces:_____
Total Spaces Proposed:_____ Percent Reduction Proposed:_____
5. **Variance from Minimum Setback Requirements**
 - a. Setback Variance Information:
 - i. Type of setback: ☐ Front yard ☐ Rear yard ☒ Side yard
 - ii. Which direction: ☐ North ☐ South ☐ East ☒ West
☐ Northeast ☐ Northwest ☐ Southeast ☐ Southwest
 - iii. Type of Building: ☐ Principal ☐ Accessory Building
 - iv. Current Setback: 0 ft
 - v. Proposed Setback: 2 ft
 - vi. Required Setback: 5 ft
 - b. Second Setback Variance Information (if applicable):
 - i. Type of setback: ☐ Front yard ☐ Rear yard ☐ Side yard
 - ii. Which direction: ☐ North ☐ South ☐ East ☐ West
☐ Northeast ☐ Northwest ☐ Southeast ☐ Southwest
 - iii. Type of Building: ☐ Principal ☐ Accessory Building
 - iv. Current Setback: _____
 - v. Proposed Setback: _____
 - vi. Required Setback: _____
6. **Variance from Land Use Code Section:** _____

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

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



C. APPLICATION CONTENTS

A digital copy of all application materials is required.

- ☐ 1. **General Development Application**
- ☐ 2. **Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, etc. which are relevant to the review of the application. **The copies shall only be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper.**
- ☐ 3. **Required Showing.** The applicant shall indicate the way the proposal meets the required showing as outlined in the application.
- ☐ 4. **Public Notice**
 - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
 - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
 - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.
- ☐ 5. **Application Fee.** \$500 cash or check made out to City of Salida.

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

The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

1. **Special Circumstances Exist.** There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.

The said property, while under construction, was under a purchase contract on 10/13/2021. The applicants (now owners) had requested the developer/seller, Tom Pokorny, Natural Habitats, to include a balcony/deck per the attached engineering drawings before closing. The closing was initially planned for December 2021. However, due to COVID related material delays the closing was moved to March 2022. In January 2022, the building inspector advised Mr. Pokorny to submit a separate application for the planned deck rather than pursue a plan change of the ongoing construction to avoid confusion and potential delays. In addition, due to COVID related material and labor delays - it was decided to delay the building of the balcony to post closing. As a result, Mr. Pokorny proceeded with the separation of Lot 42/43 (plat recorded 478158 on 02/16/2022) into four separate properties and the sale/closing of the said property to the applicants on 03/31/2022. After closing, Mr. Pokorny submitted the deck engineering plan to the City for review, and during the zoning review it was determined that while the deck met the zoning requirement before the legal separation of the lots, however, now that the division of the lots has been recorded, it required a 5 ft setback from the newly created lot lines.

2. Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant.

As explained in #1, the special circumstances and conditions are due to sequence of events and timing of the division of the lots. They were not the result from any act of the applicant.

3. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Land Use Code would deprive the applicant of reasonable use of the land or building.

The applicant purchased the said property to enjoy the outdoor views with the intent to build a deck/balcony. However, the unique circumstances and conditions are such that the strict application of the zoning provisions makes the proposed deck too small (given the lot width is only 18'-6"), non-functional due to the location of the existing windows, and aesthetically unpleasing.

Also, this balcony would have been okay to build if we had done it prior to closing and separation of the lots. Now that the lots are separated - the codes are being applied in a "strict" manner.

4. Variance is Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building.

The applicant purchased the said property to enjoy the outdoor views with the intent to build a deck/balcony. Therefore, granting the variance is necessary to provide the applicant with the reasonably intended use of the said property.

5. Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

Given the location of the existing doors, windows on the first and second floor, and the narrow width of the lot, the proposed variance is the minimum necessary to make possible the reasonable use of the said property with a balcony/deck.

6. No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment.

The granting of the variance with the proposed deck shall not be detrimental to the neighborhood, surrounding land, or the public. The deck will have a privacy shield/wall on each end for the privacy of the immediate neighbors.

7. Consistent with Land Use Code. The granting of the variance is consistent with the general purposes and intent of the City's Land Use Code.

Yes, granting of the variance is consistent with the general purposes and intent of the City's Land Use Code.