



## STAFF REPORT

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**MEETING DATE:** February 28, 2022  
**AGENDA ITEM TITLE:** 623 W. Sackett Avenue Variance Application  
**AGENDA SECTION:** Public Hearing

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### REQUEST:

The purpose of the request is to receive two (2) variances. First request is to receive a variance from the minimum front yard setback of twenty (20) feet where a covered front porch may encroach into the front yard setback by twenty-five (25%) percent. The second request is to receive a variance from the maximum lot coverage of all structures on the property at forty-five (45%) percent.

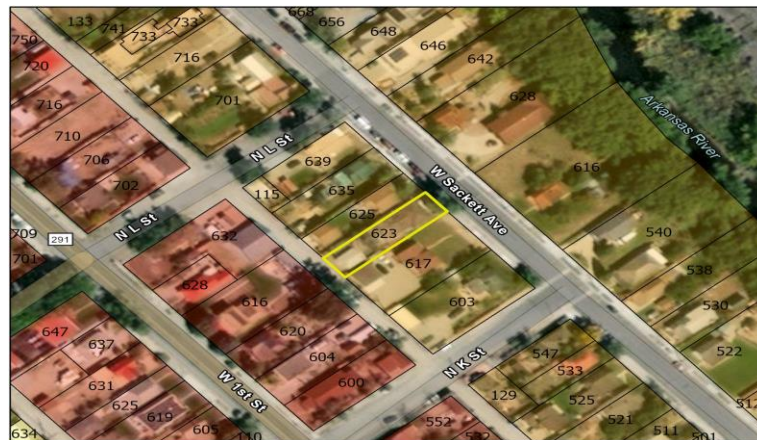
The applicant is requesting a minimum allowed front yard setback of 14' 5" to build a covered front porch on the primary structure. The applicant is also requesting a maximum allowed lot coverage of forty-seven (47%) percent.

### APPLICANT:

The applicants are Ted & Kathleen Bohn, 623 W. Sackett Avenue, Salida CO 81201.

### LOCATION:

The property is legally described as Lot B, Karnuta Subdivision Exemption, Lots 7, 8, and 9, Block 10, Sackett's Re-survey, City of Salida, Chaffee County, Colorado.




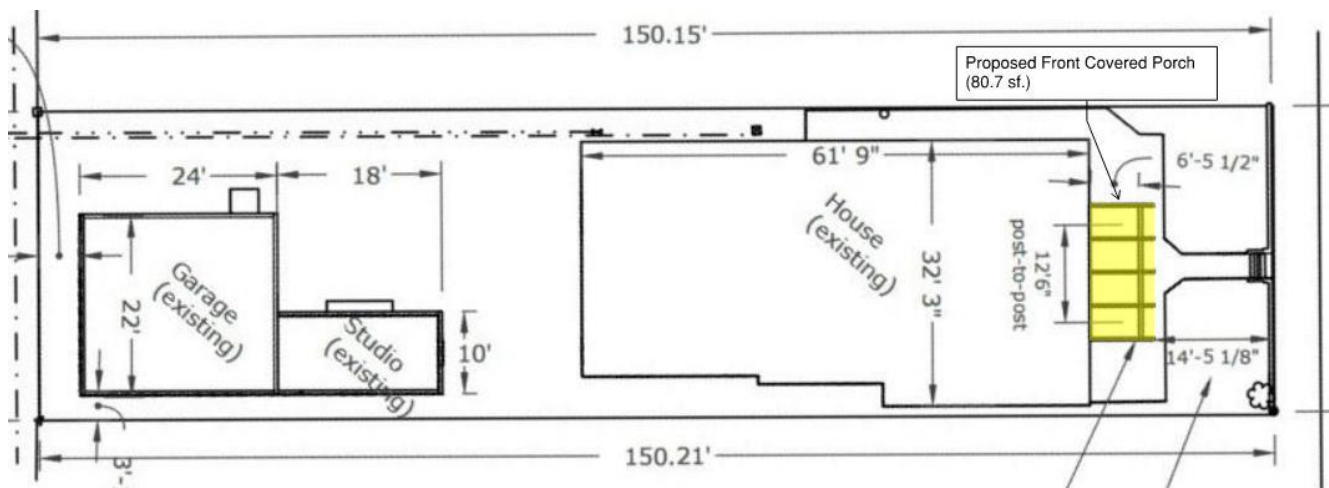
### PROCESS:

Variances are addressed in the City's Code of Ordinances, Section 16-4-180, Zoning Variances. Variances 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, 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 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 and the surrounding properties along Sackett Avenue are located within the High - Density Residential (R-3) zone district. Behind the property on the other side of the alley is Commercial District (C-1) in the SH 291 Corridor Overlay.
  2. The orientation of the existing residence is facing Sackett Avenue with a wall face 22' 3" from the front lot line. Staff has found records that the house was built in 1937 and subdivided into two lots in 2005. The lot size is now 5627 square feet according to a land survey plat recorded in 2020. The subdivision created a non-conforming residence to the current code's side setbacks.
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3. All of the other residences within the city block are fronting either Sacket Avenue, North K Street, or North L Street.
  4. The request is to receive relief from the minimum 15' front setback for a structure with a covered porch in this location. The applicant is requesting to decrease the front yard setback to 14' 5", a difference of 7".
  5. The second variance request is for maximum allowed lot coverage of all structures to build the front covered porch. The applicant proposed to build the front covered porch at 80.7 square feet. The maximum lot coverage (45%) of all structures for this lot is 2,532 square feet. The proposed lot coverage is 2,559 square feet, a difference of 27 square feet or 2% over the maximum lot coverage of all structures according to the land use code.



6. The chart shows the measurements taken with a laser measurement tool to calculate front yard setback of a primary structure in the neighborhood.
  - a. The addition of the front porch would be roughly 14.3 feet from front lot line.
  - b. Within the block on either side of Sackett Street there are a number of existing primary residences that encroach the required front yard setback.
7. As of Friday, February 25<sup>th</sup> staff has not received any opposition to the variance requests from the adjoining neighbors.

Proposed Porch (including eaves): 7.9 ft. New Distance from front lot line: 14.3 ft.	
Address	Front Setback
623 W. Sackett	22.2 ft.
625 W. Sackett	26 ft.
617 W. Sackett	57 ft.
635 W. Sackett	16.66 ft.
636 W. Sackett	11.28 ft.
628 W. Sackett	53 ft.
616 W. Sackett	21.4 ft.
540 W. Sackett	15 ft.
538 W. Sackett	8.62 ft.
530 W. Sackett	10.68 ft.
522 W. Sackett	10 ft.
521 W. Sackett	22.2 ft.
525 W. Sackett	22.5 ft.
533 W. Sackett	15.5 ft.
547 W. Sackett	19.5 ft.
603 W. Sackett	14 ft.

**REQUIRED SHOWING (Section 16-4-180):** The applicant shall demonstrate that a majority of the following criteria 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.

Applicant's response:

*The front building at 623 W Sackett is the original adobe structure built by the Railroad for their employees in the late 1800's. In 2021, we replaced the dilapidated roof and updated the interior so that it is livable for hopefully another 100 years! During the renovation design process, we considered adding a 2nd floor to increase living space, but ultimately decided there was too much structural risk given the 120+-year-old adobe walls. Instead, we added a studio space to the new alley-facing garage after demolishing the ancient railroad-tie wall structure in it's place, which brought our lot coverage to 45%. Finally, to complete the property renovation project, a covered porch is necessary to make the existing front 9'x32' concrete pad usable. The as-designed porch depth of 7'-10 3/8" (including eaves) is necessary to protect the users and furniture from exposure to the various weather elements experienced throughout the year and to match the aesthetic of similar but larger covered porches on neighborhood houses facing Sackett Ave.*

- The existing residence suggested to be built in 1937 in its current configuration and at the time there were no setback requirements that staff could find. The residence may be even older than what was found on the assessor's site.





- The definition of setback in the Land Use Code: *the distance required by this Chapter between the face of a building or structure and the lot line opposite that building face, measured perpendicularly to the building.* Note four (4) in Table 16-F of the Land Use Code: *A covered porch may encroach into the front yard setback by twenty-five percent (25%).* With the majority of homes along Sackett Avenue featuring front covered porches this limited space between home and front setback leaves limited area to construct a usable front porch.

- Special circumstances exist because the residence was built around 1937 or later. This made for a difficult building situation with an older house. Without being able to construct a second floor for more usable conditioned living space the only way was to develop outwards. The addition of an accessory structure used as a studio built in 2021 put the property at 45% lot coverage, the maximum for high-density (R-3) zone district.



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

*Applicant's response: In addition to the adobe walls that limit vertical development, unfortunately, the original parcel at 623 W Sackett was previously sub-divided into two 0.13 acres lots, resulting in limited area for development. Also, the original front railroad house was built close to the front property setback, leaving smaller-than-typical room to add the front porch that we desire.*

- The applicant did not construct the existing home to where it falls close to front setback. The applicant would like to create the covered porch to create a safer, usable, and more appealing entry.
  - The applicant does not have the ability to construct a covered porch of this size without being granted the variance. The sub-divided lot created limited area to expand on lot coverage. For if the applicant did want to expand upwards on the residence rather than build the studio they would still need to apply for the variance because the residence is within the minimum five (5) feet side yard setbacks for primary building.
3. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant a reasonable use of the building or land.

Applicant's response: *With it's northeast exposure, the front of the house often experiences extreme weather elements including intense sun, rain, sleet, and snow. Without a covered area to protect users and furniture, these conditions limit utilization of the concrete patio, and by extension, the front garden beyond. The result is that an already small lot is effectively made smaller - basically, we aren't able to use 15% of our total lot area (37.4' x 22.7' = 850/ 5627 total sqft ).*

- Strict application would deprive the applicant of making use to the full extent of the front yard. Surrounded by garden on one side and residence on the other, there is no area to get reprieve to enjoy the space.
  - The concrete slab in the front yard showed it was not covered even during the 2005 subdivision. This coverage will allow for more usable space on the property.
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.

Applicant's response: *A covered porch will enable a small space to be sufficiently protected from the elements, allowing us to create a comfortable place in which to enjoy the spectacular environment that surrounds us. Such an experience was a key reason why we invested in the purchase of this property in September 2020 and subsequent remodeling/ upgrading during 2021.*

- The variance is necessary to make reasonable use of the proposed porch because the current setback and maximum lot coverage make the space less usable. The existing concrete slab shown in the 2005 subdivision will now be utilized and updated for outdoor habitation while protecting the resident from the elements.
5. Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

Applicant's response: *The proposed porch design is consistent with the architecture of the local neighborhood. The as-designed size has been designed to protect users and furniture while also matching the aesthetic of similar but larger covered porches on neighborhood houses facing Sackett Ave.*

- The applicant with the addition of the front porch is making reasonable use of the property. Currently the concrete slab is not readily used by the resident. Existing maybe prior to 2005 the area has never been utilized to its full potential.



6. No Injury to the 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.

Applicant's response: *As the proposed porch addition will be build upon an existing concrete pad, it will not have a material impact on volume or direction of water drainage. Water will drain off the porch roof on to the existing concrete pad, which will flow in the NE direction into the garden between concrete pad and the Sackett Ave sidewalk. If necessary, gutters & downspouts will be used to manage water drainage.*

- The granting of the variance will not be injurious to the neighborhood as it is not out of character with neighboring front porches. The proposed porch will harmonize with the neighboring homes within the neighborhood. The applicant will be able to maintain the front porch with relative ease.
    - The minimal ask of the two variances of seven (7) additional inches into the front setback and 27 square feet (2%) over the maximum allowed lot coverage will likely be unnoticeable to neighbors.
  - Drainage may be properly installed not to create water collected on the front porch to wash out onto the sidewalk.
  - The Fire Chief, Public Works Director, and Chaffee County Director of Development Services had no concerns with the construction of the front porch at the proposed front setback and lot coverage.
7. Consistency with Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

*Applicant's response: Our goal is to create a comfortable home that complements the beauty and rhythms of our unique neighborhood while preserving the property's rich history. We think this goal is consistent with our neighbor's with whom we interact on a daily basis, and in support of the City of Salida's mission to promote the quality of life for it's current and future citizens.*

- The applicant complies with all other aspects of the code besides the proposed front setbacks and lot coverage.
- 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. There will be adequate space which the owner can use for maintenance of the front porch.

## **REVIEW AGENCIES:**

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

**Public Works Department – David Lady** – No concerns.

**Chaffee County Building Department – Dan Swallow** – No concerns or comments.

## **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 findings that a majority of the points 1 through 7 of the above section are met by the applicant.

## **RECOMMENDED FINDINGS:**

That the variance requests are in conformance with Section 16-4-180 (e), Required showing, because the variance allows the highest and best use of the property, will not be injurious to

the neighbors and maintenance is feasible, will not impact adjacent neighbors and is in keeping with the general purposes of the Code

**STAFF RECOMMENDATION:**

Staff believes the proposed variance meets the preponderance of criteria #'s 1, 2, 3, 4, 5, 6 and 7.

Based on the findings below, staff recommends the Board of Adjustment **APPROVE** the two variance requests based on the following findings of fact:

1. The existing conditions of the lot and the location of the residence are not the result of any action by the applicant.
2. The applicant will be able to maintain the proposed front porch on the property and will not be injurious to neighbors as required by Section 16-4-180 (6).

**RECOMMENDED MOTION: “I make a motion to approve the Bohn Variance requests as the requests meet the review standards for Zoning Variances, subject to the following condition:**

1. That the applicant submits a building permit that meets the requirements of the building department.

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 BY AN AGGRIEVED PERSON AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Application materials  
Site Plan  
Agency reviews