

From: dswallow@chaffeecounty.org
To: "[Kristi Jefferson](#)"
Subject: RE: 200 Wood Avenue Variance request
Date: Monday, January 31, 2022 1:59:47 PM

Kristi,

The portions of the garage and the new addition closer than 5 feet (including eaves) must be 1-hour fire-resistance rated construction. Openings are prohibited in exterior walls closer than 3 feet from property lines. The existing building must be evaluated by a structural engineer who must provide a report to the building department indicating the existing building and foundation can support the additional live and dead loads of a second story addition. Let me know if you have other questions.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org



From: Kristi Jefferson <kristi.jefferson@cityofsalida.com>
Sent: Monday, January 31, 2022 11:31 AM
To: Dan Swallow <dswallow@chaffeecounty.org>
Subject: 200 Wood Avenue Variance request

Dan,

The owner at 200 Wood Avenue has submitted a variance application to construct a second story accessory dwelling unit on the existing non-conforming detached garage. Please review the attached application materials and let me know if you have any concerns with the requests.

Kristi Jefferson
Planner
City of Salida
448 East First Street
Suite 112
Salida, CO 81201

From: dswallow@chaffeecounty.org
To: ["Barbara Van Wyck"](#)
Cc: [Kristi Jefferson](#)
Subject: RE: 200 Wood Ave
Date: Wednesday, February 16, 2022 1:09:29 PM

Barbara,

I drove by your place at on my way to lunch today. Your garage is 4'6" from an existing shed on your neighbor's property and 9'3" from your neighbor's house. If your neighbor agrees to an easement, then neither your neighbor's shed nor house can be within that easement so the option of establishing a five foot easement is off the table unless the shed is moved. As such, I suggest that you pursue a 3' easement and plan on rating the entire west wall of your garage for the existing structure and the second level addition. Eaves will not be permitted to encroach into the easement nor extend over your property line. A 3' easement on your neighbor's property would allow you to build the second floor addition and have unrated openings (windows) in that wall.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org

-----Original Message-----

From: Barbara Van Wyck <bkvanwyck@icloud.com>
Sent: Wednesday, February 16, 2022 9:22 AM
To: dswallow@chaffeecounty.org
Subject: Re: 200 Wood Ave

I appreciate your willingness to do this. I would also appreciate an opportunity to chat with you about this, and see if there is any wiggle room. And I feel it would be more beneficial to have a conversation rather than me trying to type all this out.

Thanks...maybe you could let me know when you might drive by and I could meet you out there?

Barbara
317.439.8032

> On Feb 16, 2022, at 9:06 AM, <dswallow@chaffeecounty.org> <dswallow@chaffeecounty.org> wrote:

>

> Barbara,

>

> I can come by but that will not change the requirements of the code so I don't think it would be useful. Views are not a consideration of the building code which regulates life safety. I'll drive by when I get a chance but it will not change the fact that you cannot have openings in walls closer than 3 feet to property lines and as I have already mentioned, I have no authority to waive that code requirement nor does our board of appeals.

>

>

> Dan Swallow

> Director of Development Services

> Chaffee County, CO

> (719) 530-5567

From: dswallow@chaffeecounty.org
To: ["Barbara Van Wyck"](#)
Cc: [Kristi Jefferson](#)
Subject: RE: 200 Wood Ave
Date: Wednesday, February 16, 2022 9:46:43 AM

Barbara,

I do not know how to be more clear. There is no wiggle room. The code is the code and I will not go out on a limb on a life safety issue. You will not be able to talk me into allowing you to violate the code and you need to be aware of that. If you want to talk to me about it then give me a call at my office.

Dan Swallow
Director of Development Services
Chaffee County, CO
(719) 530-5567
dswallow@chaffeecounty.org

-----Original Message-----

From: Barbara Van Wyck <bkvanwyck@icloud.com>
Sent: Wednesday, February 16, 2022 9:22 AM
To: dswallow@chaffeecounty.org
Subject: Re: 200 Wood Ave

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> Dan Swallow

> Director of Development Services

> Chaffee County, CO

> (719) 530-5567

> dswallow@chaffeecounty.org

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> dswallow@chaffeeconomy.org

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> -----Original Message-----

> From: Barbara Van Wyck <bkvanwyck@icloud.com>

> Sent: Tuesday, February 15, 2022 12:10 PM

> To: dswallow@chaffeeconomy.org

> Subject: Re: 200 Wood Ave

>

> Would you be willing to come here and get a visual? Then I can ask my neighbors for an easement and know the specifics. I just can't imagine not having a window on the west side on the second story of my new space. And I think a visual of the situation would be helpful to clarify it.

> Thanks for your time

> Barbara

>

>> On Feb 15, 2022, at 9:52 AM, <dswallow@chaffeeconomy.org> <dswallow@chaffeeconomy.org> wrote:

>>

>> Barbara,

>>

>> While there may not be a building close to the property line on your neighbor's property, they or future owners of that property have the right to build right up to their property line in the future (exclusive of zoning prohibitions) which would then create a situation where fire could move from building to building. Regardless of the reason that your lot is constrained, the code is the code and it must be applied universally and not on a case-by-case basis. If your neighbors were willing to establish an easement on their property then I would be willing to measure your fire separation distance to that easement rather than to the property line but that would prohibit their building within the easement .

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>> Dan Swallow

>> Director of Development Services

>> Chaffee County, CO

>> (719) 530-5567

>> dswallow@chaffeeconomy.org

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>> -----Original Message-----

>> From: Barbara Van Wyck <bkvanwyck@icloud.com>

>> Sent: Tuesday, February 15, 2022 8:29 AM

>> To: dswallow@chaffeeconomy.org

>> Subject: Re: 200 Wood Ave

>>

>> I understand this. And the reason I am asking for this to be considered individually is because there isn't a building next to where mine will be. The closest is a garage, and it is more than 8' away. My building overlooks a driveway. The reason the property line is so small is because of the old survey. My neighbors are reticent to do a boundary line adjustment as they built right up to the 5' line. But there is plenty of space. I can send a photo, or you are welcome to come and look at it. My alley is just across from the Touber building.

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>> Barbara

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>>> On Feb 15, 2022, at 8:19 AM, <dswallow@chaffeeconomy.org> <dswallow@chaffeeconomy.org> wrote:

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>>> Barbara,

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>>> The building code prohibits openings (doors or windows) within three feet of a property line to prevent transmission of fire from building to building. Unlike zoning which typically regulates aesthetic appearance, a variance cannot be granted for a building code requirement since the building code regulates life safety. The only exception to this rule is if the property line is on a right of way (street or alley) as we know that a building cannot be constructed in a right of way which creates a natural fire break between buildings. Neither I nor the board of appeals has any authority to grant a variance to this requirement nor do I think it would be a good idea to do so as this got into the code to prevent fires from destroying large swaths of cities like happened more than once in the early days and other cities throughout the country. Those disasters is why this is in the code to prevent their reoccurrence.

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>>> Dan Swallow

>>> Director of Development Services

>>> Chaffee County, CO

>>> (719) 530-5567

>>> dswallow@chaffeecounty.org

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>>> -----Original Message-----

>>> From: Barbara Van Wyck <bkvanwyck@icloud.com>

>>> Sent: Monday, February 14, 2022 7:05 PM

>>> To: dswallow@chaffeecounty.org

>>> Subject: Re: 200 Wood Ave

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>>> Sorry! Kristi Jefferson had forwarded a note from you saying I couldn't have windows on the west side of my ADU due to set backs and fire code.

>>> Due to poor boundary lines set up decades ago in my neighborhood there are issues with my building permit and I am applying for a variance at the 2/28 mtg with the board of adjustments.

>>> I am hoping to have a conversation or meeting with you to talk about this so we can look at my unique situation.

>>> Thanks for your reply, and sorry for the confusion!

>>> Barbara Van Wyck

>>>

>>> Sent from my iPhone

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>>>> On Feb 14, 2022, at 1:05 PM, dswallow@chaffeecounty.org wrote:

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>>>> Barbara,

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>>>> I have no idea what you are talking about. I am aware of no

>>>> building restriction at this address. Can you be more specific?

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>>>> Dan Swallow

>>>> Director of Development Services

>>>> Chaffee County, CO

>>>> (719) 530-5567

>>>> dswallow@chaffeecounty.org

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