



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO
May 23, 2022 - 6:00 PM

MINUTES

Email public comments to: publiccomment@cityofsalida.com

Please register for the Board of Adjustment meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

CALL TO ORDER BY CHAIRMAN

ROLL CALL

PRESENT

Board Member Chairman Greg Follet
Board Member Co-Chair Francie Bomer
Board Member Judith Dockery
Board Member Giff Kriebel
Board Member Michelle Walker
Board Member Dave Haynes
Alternate Board Member Aaron Derwingson
Alternate Board Member Brian Colby

APPROVAL OF THE MINUTES

1. March 28, 2022 - Draft Minutes

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Dockery.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Dockery, Board Member Kriebel, Board Member Walker, Board Member Haynes, Alternate Board Member Derwingson

THE MOTION PASSED.

UNSCHEDULED CITIZENS- NA

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
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| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

2. **304 Two Rivers Road Variance Application** - The purpose of the request is to receive two (2) variances from the minimum side yard setbacks to build a deck addition to the primary residence. Primary buildings in the Two Rivers Plan Development with High - Density Residential (R-3) underlying zone district require a minimum side yard setback of five (5) feet.

The applicants, Anie Roche and Sandeep Nijhawan, are requesting a minimum allowed side yard setback of 2' on either side to construct a front deck.

- A. Open Public hearing - 6:02 pm
- B. Proof of Publication

C. Staff Review of Application –

Planning Tech, Palumbo reviewed the application. Staff recommended to deny the request.

Commissioners asked whether the deck would have been compliant if it was built prior to the lot being split.

Planning Tech, Palumbo confirmed that it would have been.

D. Applicant's Presentation –

Applicant, Anie Roche spoke about the circumstances that led them to closing on the house early. Applicant thought that their variance was possible since it would have been possible prior to the lot being split. Additionally, the applicant spoke about how this variance meets fire code, that the deck would not be aesthetically pleasing if it was smaller and that the building department did not have an issue with the variance as long as they met the requirements.

Commissioners asked whether the applicant was told that after the platt was recorded and the lot was split it would be more difficult to get this process approved.

Applicant stated that they were not aware that the process would be more difficult.

Commissioners questioned whether the applicant purchased the property through a realtor.

Applicant confirmed that they did.

E. Public Input –

Dan Magario and Jinan Martini spoke against the variance.

F. Close Public Hearing - 6:22 pm

G. Board of Adjustment Discussion –

Commissioners talked about:

- The five points that this variance does not meet causing staff to recommend denial
- Whether it was the same person in the building department that told the applicant to close on the property and submit a variance that is now denying them the application
- Why the lot being split makes a difference in whether the variance should be approved
- Building a smaller deck as a compromise

H. Board of Adjustment decision –

Motion to deny the requests as the requests do not meet the review standards for zoning variances was made by Board Member Co-Chair Bomer, Seconded by Board Member Dockery.

Voting Yea: Board Member Co-Chair Bomer, Board Member Dockery, Board Member Walker, Board Member Haynes, Alternate Board Member Derwingson

Voting Nay: Board Member Chairman Follet, Board Member Kriebel

THE MOTION PASSED.

BOARD COMMENTS- NA

ADJOURN With no further business to come before the Commission, the meeting adjourned at 6:47 p.m