

**MEETING DATE:** Monday, May 26, 2020  
**MEETING TIME:** 6:00 PM  
**MEETING LOCATION:** City Council Chambers, 448 E. First Street, Suite 190, Salida, CO

---

**Present:** Follet, Bomer, Denning, Kriebel, Mendelson, Steimle, Walker, Van Nimwegen, Jefferson, Almquist, Attorney Nina Williams

**Absent:** Dockery, Chambers

---

**AGENDA SECTION:**

**I. CALL TO ORDER BY Follet: - 6:01 PM**

**II. ROLL CALL:**

**III. APPROVAL OF THE MINUTES – February 24, 2020 – Denning** made a motion to approve the minutes as written. **Kriebel** seconded the motion. All were in favor and the motion carried.

**IV. UNSCHEDULED CITIZENS – None**

**V. AMENDMENTS TO AGENDA - None**

**VI. PUBLIC HEARINGS –**

1. **Bourget Variance Application** - The purpose of 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 applicant is requesting a minimum allowed rear yard setback of 5' to build an attached garage to the proposed primary structure at 326 Crestone Avenue, Unit C.

**A. Open Public Hearing: 6:08 PM**

**B. Staff Review of Application.** **Jefferson** gave an overview of the application and explained that the applicant could build a detached garage with a 5' rear setback. He is requesting the variance so that he can build an attached garage to the primary residence because of access and easement constraints. Staff recommended approval of the variance.

**C. Applicant's Presentation: Property owner, Mark Bourget** explained why he is needing a variance for the attached garage and that he has already looked at a variety of configuration options to no avail, and that he was available to answer questions.

**D. Public Input:** Nancy Wallace, 929 W. Third Street, asked for clarification about the use of the garages and number and type of trees to screen the property from properties below. Stephanie Perko, 953 W. Third Street, also asked for clarification regarding screening and expressed a desire for additional landscaping and expressed concern about drainage coming down the hill from a neighboring property lot.

**E. Closed Public Hearing - 7:10 PM**

**F. Board Discussion –Follet** opened the discussion and the BOA reviewed each of the review standards. Discussion focused largely on the dimensions, number of bays, and location of the proposed garage and the idea that the applicant was indeed creating some of the challenge due to its size. The issue of what was considered “reasonable” was discussed at length. **Follet** reminded the Board that design of a proposed structure was not exactly in the purview of the Board, but rather that the focus was on whether the proposal met the criteria for the variance. **Van**

**Nimwegen** acknowledged that the applicant could technically separate the primary structure and the garage by just a few inches or a few feet (with the appropriate fire rated walls) to accomplish their intent and leave the garage where it is—but that such a solution would not allow the Board to condition any trees or fencing to protect nearby neighbors. **Mendelson** questioned the engineer's report regarding the stability of the slope in that location due to the existing river rock and expressed concern that the proposed garage and existing dwellings are too close to the escarpment. **Kreibel** suggested tabling the request in order to look at the site closer and to allow for additional engineering analyses. **Follet** noted that there was significant information provided already and felt that the Board could make a decision given what was available and the request in front of them. **Bomer** mentioned concern about drainage down to the neighboring properties and screening that could reduce injury to the neighborhood. **Jefferson** noted that on-site drainage was required to be addressed via the development, regardless, per the code. The applicant echoed the comments of **Van Nimwegen** that they could build the garage detached from the house but that they preferred to do it attached.

**G. Board decision** - A motion was made by **Bomer** to approve the variance request with the following conditions:

- In order to minimize the adverse effects from the proposed variance on other land in the neighborhood the conditions are as follows:
  1. A 6' tall privacy fence be built along the rear property line.
  2. A minimum of 12 trees be planted evenly spaced to provide screening along the rear property line.

**Kriebel** seconded the motion. **Mendelson** and **Walker** voted against and with a vote of 5 to 2 the motion carried.

**IX. UNFINISHED BUSINESS-**

**X. NEW BUSINESS-** **Van Nimwegen** mentioned that staff was expecting to have the latest installment of the Land Use Code updates soon and that could be covered in the next work session (June 9); that the E. Crestone Avenue requests were slated for June 22<sup>nd</sup>; and a variance request from Chaffee County was also expected to be before the Board soon. He also mentioned that Council recently approved the use of public ROW downtown for businesses to expand into temporarily, given the current health restrictions due to COVID.

**XI. BOARD COMMENTS-** **Steimle** noted that he wouldn't be available on June 12 but would be available on June 9.

**XII. ADJOURN:** With no further business to come before the Board of Adjustment, the meeting adjourned at 7:51 pm, with **Bomer** making the motion and **Denning** seconding.