

**AGENDA
CITY OF GUNNISON
ZONING BOARD OF ADJUSTMENT AND APPEALS
SPECIAL MEETING**

DATE: April 20, 2016
TIME: 7:00 PM
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

- 7:00pm
- I. CALL TO ORDER
 - II. PUBLIC HEARING – VA 16-1, SUBMITTED BY WILLIAMS ENGINEERING, LLC REPRESENTING SW VENTURES LLC, FOR A VARIANCE OF DEMENSIONAL STANDARDS FOR MINIMUM LOT SIZE FOR TOWNHOUSES.
 - IV. CONSIDERATION OF THE SEPTEMBER 5, 2014 MINUTES
 - V. UNSCHEDULED CITIZENS
 - VI. BOARD MEMBER COMMENTS
 - VII. STAFF COMMENTS
 - VIII. ADJOURN

**TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL
NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON
COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090**

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.cityofgunnison-co.gov Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

Application Fact Sheet
City of Gunnison Land Development Code
Minimum Application Contents
In accordance with §6.5 C.

City of Gunnison
P.O. Box 239
Gunnison, CO 81230
(970)641-8090

Applicant Name(s): SW Ventures LLC

Phone #: (970) 349-5261 **Fax #:** (970) 349-1097 **E-Mail:** karenstock@highmountainconcept.com

Mailing Address: PO Box 2751

City: crested butte **State:** CO **Zip:** 81224

Legal Description

Site Address of Property: _____ **Zoning:** R3
Block: _____ **Lot(s):** 79 **Addition:** Vantuyl Village Subdivision

Disclosure of Ownership- Please provide one of the following:

- Assessor Parcel Info Mortgage Deed Judgments
 Liens Contract Easement Agreement Other Agreements

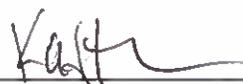
Summary of Request:

request for variance of the width of individual units

Attachments: Vicinity Map (8.5"X11") Description of Proposal

- Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)
 Vested Property Rights Authorization of Agent (Power of Attorney from Owner, if not the applicant)
 Site Plan (11"x17") to scale, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample)

YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s) Karen Stock  **Date** 4/5/16
Karen Stock **Date** _____

- For Office Use Only**
- | | | |
|---|--|--|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Variance | <input type="checkbox"/> Zoning Amendment |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Subdivision Exemption |
| <input type="checkbox"/> Mobile Home/RV Park | <input type="checkbox"/> PUD | <input type="checkbox"/> Vacation |
| <input type="checkbox"/> Consolidated Application | | |



- Assessor Quick Links
- Gunnison Assessor Home
- Find Property Records



Assessor Property Record Search

Property Record Card (PRC)

Owner and Parcel Information

Owner Name & Mailing Address		Today's Date: April 5, 2016	Account Number: R044614
SW VENTURES LLC PO BOX 2751 CRESTED BUTTE, CO 81224-2751		Appraisal Year: 2015	Parcel Number: 3701-362-27-010
Business Name:	NA		Account Type: Vacant
			Economic Area: Econ Area 1
			Tax District: 100
			Mill Levy: 56.217
Property Location:	VANTUYL CIR, GUNNISON	Parcel Map	Show Parcel Map
Neighborhood:	10530	Building Photos	NA
LEA:	VANTUYL VILLAGE R3 PER BLDG UNIT (10530)	Building Sketches	NA
Subdivision:	VANTUYL VILLAGE SUBDIVISION	Generate Neighboring Owner List by Distance	
Condo:		Search Sales By Subdivision	
Legal Description:	LOT 79 VANTUYL VILLAGE SUBDIVISION #570970		
Parcel Notes	TOTAL PARCEL = 6,825 SF STATEMENT OF AUTHORITY #596144 RECORDED DEC 31 2009 SW VENTURES LLC		

2016 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$22,880	\$6,640			\$22,880	\$6,640

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2015	\$22,880	\$6,640	54.929	\$364.71
2014	\$32,210	\$9,340	56.217	\$525.07
2013	\$32,210	\$9,340	49.778	\$464.92
2012	\$30,230	\$8,770	44.152	\$387.23
2011	\$30,230	\$8,770	44.343	\$388.89
2010	\$56,120	\$16,270	40.939	\$666.08
2009	\$56,120	\$16,270	39.757	\$646.84
2008	\$45,560	\$13,210	41.387	\$546.72
2007	\$29,400	\$8,530	36.186	\$308.68

Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

Land Information

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
VACANT RES LOTS	Vacant	0.157	YEAR ROUND	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW

Sales and Conveyance Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
No sales associated with this parcel.						

Zoom to County **Zoom to Base!** **Zoom In** **Zoom Out** **Hand** **Get Info** **Zoom to Parcel** **Center On Parcel** **Area Tool** **Print Page** **Search Sales** **Additional Options**

Controls

- Available Layers
- Parcels
- Parcel Numbers
- Lakes & Rivers
- Named Streams
- FEMA Flood Plains
- Roads
- Yearly Sales
- Taxing Districts
- Economic Areas
- Sections
- Townships
- Aerials 2011: (3 Ft.)
- Aerials 2012: (1 Ft.)
- Aerials 2013: (3 Ft.)



Show Scale

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JOSPEH LN

370136227002

Sw Ventures
370136227001
VolcanT

LOT 78

A B C D E F

Sw Ventures
370136227010
Lot 79

Sw Ventures LLC
VANTUYL CIR

SYDNEY ST

38°33'24.17N, 106°55'46.97W (38.5567, -106.9297)

Reports
Parcel

370136232005

Tractor Supply
Foundation
Capital
3900 S. Overland Av
Springfield MO
45807-8766

N PINE ST

B & B Printers
220 w Spencer Ave
Gunnison Co
81230
370136200050

Upper Gunnison
River water
234 N Main
Gunnison Co
81230
370136008002



Additional Options

Controls

Available Layers

- Parcels
- Parcel Numbers
- Lakes & Rivers
- Named Streams
- FEMA Flood Plains
- Roads
- Yearly Sales
- Taxing Districts
- Economic Areas
- Sections
- Townships
- Aerials 2011: (3 Ft.)
- Aerials 2012: (1 Ft.)
- Aerials 2013: (3 Ft.)

5



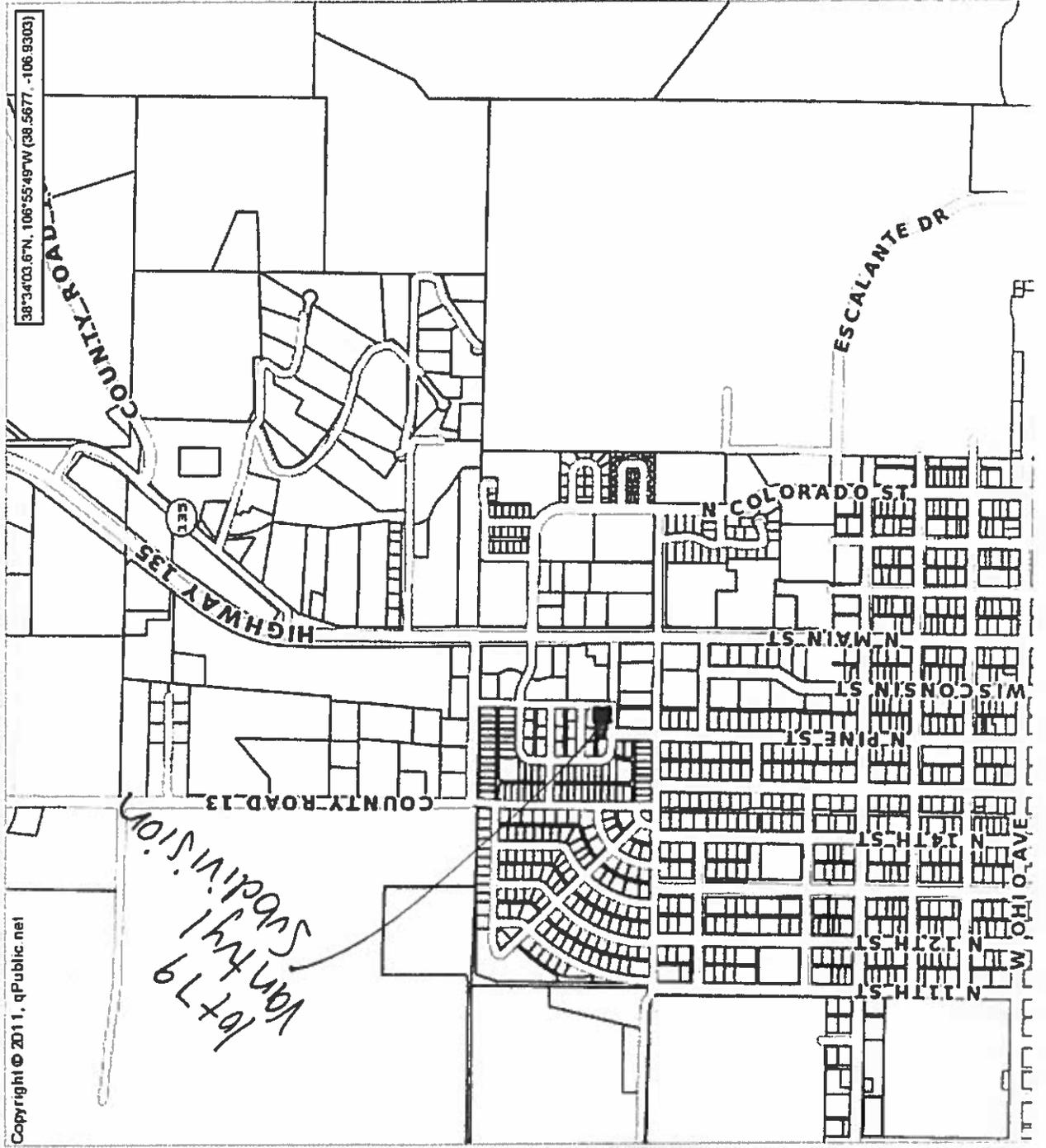
Show Scale

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38°34'03.6"N, 106°55'49"W (38.5677, -106.9303)

Reports

Parcel



WILLIAMS ENGINEERING, LLC

**400 N. Main Street
Gunnison, Co 81230
(970) 641-2499
Fax: (970) 641-3440**

March 29, 2015

City of Gunnison
Community Development Department
201 W. Virginia
Gunnison, Co 81230

Attn: Steve Westbay

Ref: Variance Request
300 Vantuyl Circle
Gunnison, Colorado
Job No. 2624

Dear Steve;

On the Behalf of SW Ventures, LLC we are hereby submitting a request for a variance in respect to Section 2.6.B (Dimensional Standards – Residential Zone Districts) of the City of Gunnison’s Land Development Code. The essentials in respect to the property are as follows:

Owner:	SW Ventures, LLC
Address:	300 Vantuyl Circle
Legal Description:	Lot 79, Vantuyl Village Subdivision, #570970, Gunnison, Colorado
Parcel Size:	0.157 Acres = 6,838.92 sft
Account Number:	R044614
Parcel Number:	3701-362-27-010
Zoning:	R3
Parcel Map:	See attached drawing
Proposed Site Plan:	See attached drawing

The Owner of the parcel is planning a townhouse project consisting of 4 units and in order to obtain land ownership by the individual townhouse owners, a variance to the City’s Dimensional Standards is necessary for the project. The City’s established dimensional standards in respect to the subject property and the proposed project are as follows:

<u>Dimensional Standard</u>	<u>City Standard</u>	<u>Proposed Project</u>	
Maximum Density	4.7 units	4 units	City 30 units/acre
Lot Size Townhouse	3,125 sft	1,275 to 2,400 sft	
Maximum lot coverage	45%	44.8%	
Maximum parking/access	40%	17%	
Minimum landscape area	15%	30%	
Minimum lot frontage	25 ft	17 ft	Standard for Townhouse
Minimum front setback	15 ft	15 ft	
Minimum side setback	5 ft	5 ft	
Minimum rear setback	5 ft	5 ft for 2 story & 10 ft for 3 story	
Maximum building height	35 ft	35 ft or less	
Minimum building width	20 ft	17-20 ft	R3 zoning
Minimum floor area	480 sf	680-1,000 sft	
Minimum storage area	32 sf	Garage	
Snow storage	15%	15%	% of parking & access coverage

The variance request hereby submitted to the City for the project is as follows:

<u>Dimensional Standard</u>	<u>City Standard</u>	<u>Variance Request</u>	<u>Number Requested</u>
Lot Size Townhouse	3,125 sft	1,275 sft	4 units
Minimum Lot Frontage	25 ft	17 ft	2 units
Minimum Building Width	20 ft	17 ft	3 units

The City's Land Development Code Dimensional Standards for the minimum lot size of 3,125 sft. is based on the standard City lot size of 25 ft. x 125 ft. which is the basis for the 3,125 sft. Dimensional Standard. The minimum lot frontage is based on the width of 25 ft. for a standard city lot, while the minimum building width of 20 ft. is not consistent in consideration of the city's required setbacks. Flexibility is not built into the code for parcels that are not in conformance with the city's standard lot sizes. The City should consider changes to the Dimensional Standards in order to be more flexible in order to preclude the cost and effort of obtaining variances.

Section 8.3 (Required Showing-Dimensional Standards Variance) of the City Land Development Code sets forth the elements the applicant shall demonstrate for approval of a variance as follows:

- A. **Special Circumstances Exist.** 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 City of Gunnison approved the Vantuyll Village Subdivision and the multifamily lots within this subdivision were included within the overall subdivision. The variance being requested is for Lot 79 in the subdivision. The lot is a corner lot and as such lot frontage set back is applied to two sides of the parcel which front City streets. The lot is 91 ft. wide by 75 ft. deep and with a front set back of 15 ft. enforced on the side of the lot and a side setback of 5 ft. on the

other side there is only 71 ft. of allowable building frontage and the Owner could only construct two units on the lot. The lot is included in the overall City R3 zoning in the Subdivision which is intended to provide for higher density.

- B. Not result of Applicant.** The special circumstances and conditions that are not the result from any act of the applicant.

The subject lot was platted and approved by the City as part of the Vantuyl Village Subdivision and the present Owner of the parcel did not have control of the lot sizes. Under the previous City standards the lot could have been developed with 4 units, which would be consistent with existing townhouse units constructed on Lots 77 & 78 of the Subdivision. The two existing townhouse complexes on Lots 77 & 78, under the present regulations, would now require variances for the same the same three variances being requested for lot 79 of lot size, lot width and building width.

- C. Strict Application is Necessary to Provide Reasonable Use.** The special circumstances and conditions are such that the strict application of the provisions of Land development Code would deprive the applicant of reasonable use of the land or building.

The applicant would be deprived of two units under the present City Dimensional Standards and they would be deprived of reasonable use of the multifamily zoned property for the construction of attainable affordable housing.

- D. 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.

See the comments in paragraph C.

- E. Minimum Variance.** The granting of the Variance is the minimum necessary to make possible the reasonable use of the land or building.

See the comments in paragraph C.

- F. Not Injurious 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.

As discussed in paragraph A the Lot was included in an overall City approved plat for the Vantuyl Village Subdivision, which consisted of eighteen (18) R3 zoned multifamily lots. This Lot is one of the 18 City approved Lots and at the time of approval it was deemed to not be detrimental to the public welfare or environment and the only thing that has changed since that approval is the Dimensional Standards. The granting of a variance would be consistent with the previously developed townhouse projects on Lots 77 & 78.

G. Consistent with Land Development Code. The granting of the Variance is consistent with general purposes and intent of this Land Development Code.

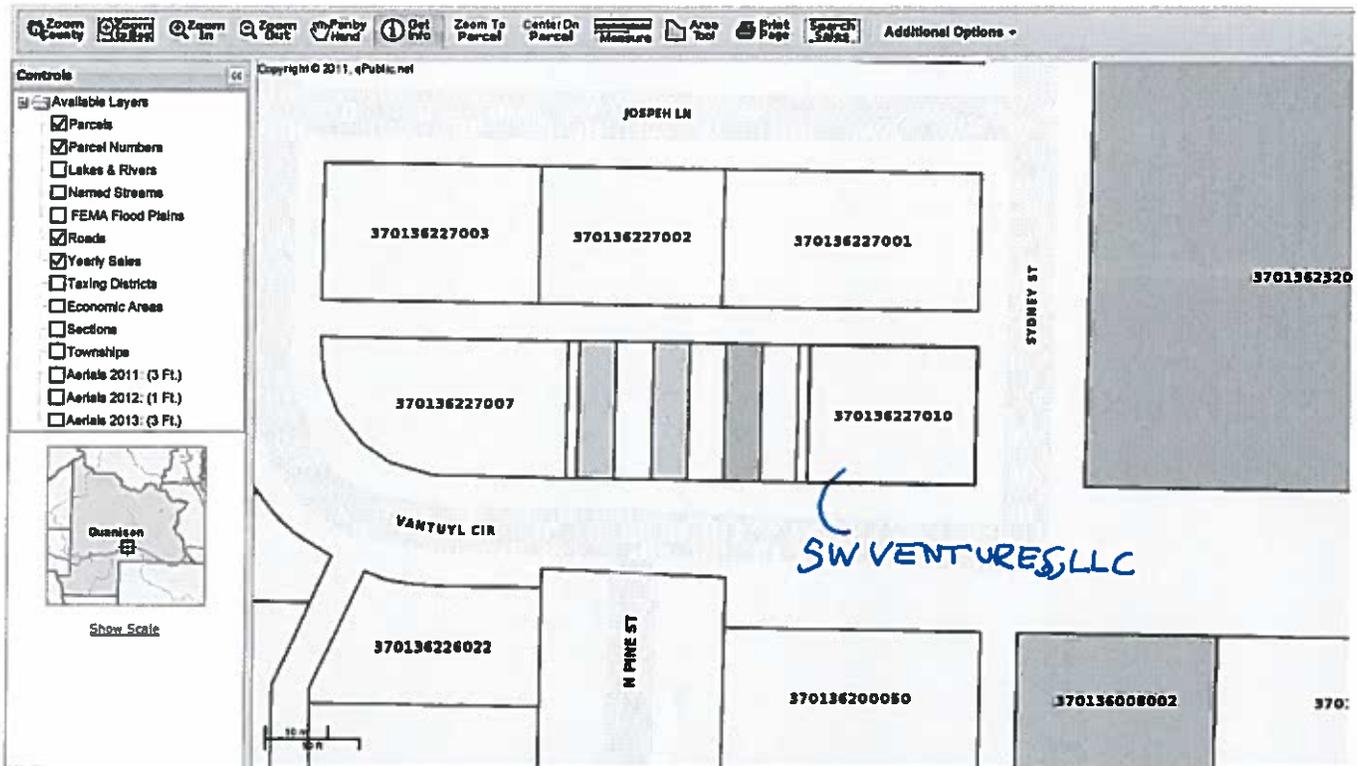
The intent of the code is to provide for multifamily projects on R3 zoned property. The Dimensional Standards are not consistent across the board in respect to multifamily, townhouses, and condominiums. The minimum lot sizes for multifamily vary from 3,000 sft for a three story building to 2,000 sft for a one story building, while the minimum for a townhouse is 3,125 sft. The project is in fact a multifamily project which would allow for 2,000 sft lot, but when the townhouse terminology is applied the minimum lot size becomes 3,125 sft. The minimum lot frontage and building width are directed tied to the minimum lot size and must reflect standards consistent with lot size. It is our understanding that the City is in the process of changing the minimum building width for a townhouse to 20 ft. which is one step forward but it will not solve the inconsistency in the dimensional standards.

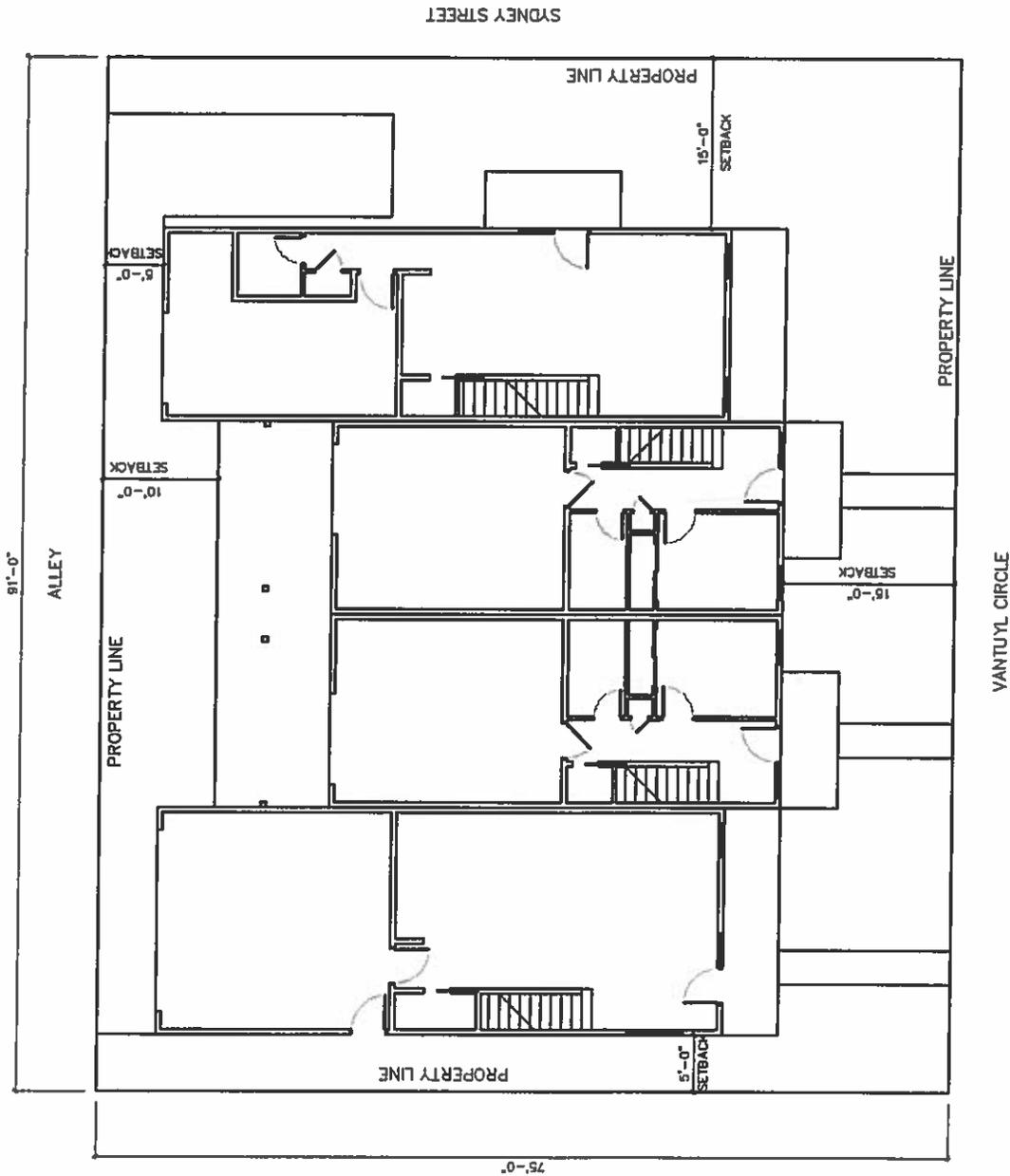
Sincerely,



Robert L. Williams, PE
Williams Engineering, LLC

Email Copy: SW Ventures, LLC





SYDNEY STREET

SW VENTURES
 LOT 79 VANTUYL VILLAGE

LOT 78

ALLEY

ADD'L REAR SETBACK FOR BUILDING HEIGHT (INTERIOR UNITS ONLY)

PROPERTY LINE

5'-0"
REAR SETBACK

2 CAR GARAGE

ADD'L PARKING

ADD'L PARKING

1 CAR GARAGE

ADD'L PARKING

1 CAR GARAGE

1 CAR GARAGE

UNIT A

UNIT D

PORCH

PROPERTY LINE

PROPERTY LINE

SYDNEY STREET

PORCH

UNIT B

UNIT C

PORCH

PORCH

5'-0"

6'-0"

5'-0"

15'-0"
FRONT SETBACK

PROPERTY LINE

5'-0"
SIDE SETBACK

15'-0"
FRONT SETBACK

VANTUYL CIRCLE

1 SITE PLAN
SCALE: 1"=10'-0"

DESIGN DEVELOPMENT
03-31-2016

LOT 79, VANTUYL VILLAGE
300 VANTUYL CIRCLE
GUNNISON, CO 81230

STAFF REPORT
SW Ventures, LLC – 300 VanTuyl Circle

TO: Zoning Board of Adjustments and Appeals
FROM: Community Development Staff
DATE: April 20, 2016
RE: Variance Request VA 16-1 - Dimensional Standards for Townhomes

CODE PROVISIONS

City of Gunnison Land Development Code (LDC), Section 8.1, Variances, authorizes deviation from the standards of the underlying zone district and shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements and minimum landscape area.

The *LDC* specifies that variance applications be reviewed by the Zoning Board of Adjustments and Appeals (Board) at a Public Hearing after 15 days public notice. The Board may approve, approve with conditions, deny, or remand the application back to the applicant. The Board is the final authority for variance applications.

Variances are authorization to deviate from the literal terms of the *LDC* that would not be contrary to the public interest in cases where the literal enforcement of the provisions of the *LDC* would result in undue or unnecessary hardship.

APPLICATION

The applicant, SW Ventures, LLC, represented by John Stock, is requesting a variance for the minimum lot size for a townhome, minimum lot frontage for a townhome and the minimum building width. The legal description of the property is Lot 79, VanTuyl Village Subdivision (Rec. No. 570970), City and County of Gunnison, Colorado. The applicants' narrative states:

...The Owner of the parcel is planning a townhouse project consisting of 4 units and in order to obtain ownership by the individual townhouse owners, a variance to the City's Dimensional Standards is necessary for the project...

The variance request hereby submitted to the City for the project is as follows:

<u>Dimensional Standard</u>	<u>City Standard</u>	<u>Variance Request</u>	<u>#</u>
<u>Requested</u>			
<i>Lot Size Townhome</i>	<i>3,125 sqft</i>	<i>1,275 sqft</i>	<i>4 units</i>
<i>Min. Lot Frontage</i>	<i>25 ft</i>	<i>17 ft</i>	<i>2 units</i>
<i>Min. Building Width</i>	<i>20 ft</i>	<i>17 ft</i>	<i>3 units</i>

The City's Land Development Code Dimensional Standards for the minimum lot size of 3,125 sqft is based on the standard City lot size of 25 ft x 125 ft which is the basis for the 3,125 sqft dimensional standard. The minimum lot frontage is based on the width of 25 ft for a standard city lot, while the minimum building width of 20 ft is not consistent in consideration of the city's required setbacks.

STAFF REPORT
SW Ventures, LLC – 300 VanTuyl Circle

Flexibility is not built into the code for parcels that are not in conformance with the city's standard lot sizes. The City should consider changes to the Dimensional Standards in order to be more flexible in order to preclude the cost and effort of obtaining variances.

*The following addresses **Section 8.3** of the Land Development Code: Required Showing- Dimensional Standards Variance:*

A. Special Circumstances Exist: *...The lot is a corner lot and as such lot frontage set back is applied to two sides of the parcel which front City streets. The lot is 91 ft wide by 75 ft deep and with a front set back of 15 ft enforced on the side of the lot and a side setback of 5 ft on the other side there is only 71 ft of allowable building frontage and the Owner could only construct two units on the lot...*

B. Not Result of Applicant: *...Under the previous City standards the lot could have been developed with 4 units, which would be consistent with existing townhouse units constructed on Lots 77 & 78 of the Subdivision. The two existing townhouse complexes on Lots 77 & 78, under the present regulations, would now require variances for the same, the same three variances being requested for lot 79 of lot size, lot width and building width.*

C. Strict Application Deprives Reasonable Use: *The applicant would be deprived two units under the present City Dimensional Standards and they would be deprived of reasonable use of multifamily zoned property for the construction of attainable affordable housing.*

D. 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...See the comments in paragraph C.*

E. Minimum Variance: *The granting of the Variance is the minimum necessary to make possible the reasonable use of the land or building. See C above....*

The intent of the code is to provide for multifamily projects on R3 zoned property. The Dimensional Standards are not consistent across the board in respect to multifamily, townhouses, and condominiums. The minimum lot sizes for multifamily vary from 3,000 sqft for a three story building to 2,000 sqft for a one story building, while the minimum for a townhouse is 3,125 sqft...

SITE ASSESSMENT

The property is located within the VanTuyl Village Subdivision and is zoned R3 Multi-Family Residential. Surrounding uses include multi-family and single-family residential to the southwest and west, vacant multi-family parcels to the north, and commercial and professional businesses to the east and south.

STAFF REPORT
SW Ventures, LLC – 300 VanTuyl Circle

The VanTuyl Subdivision was approved under the previous *Land Development Code* with the intent of four multi-family units on the subject site. Two of the R3 zoned parcels (lots 77 and 78) were constructed under those standards. The development of the remaining vacant R3 zoned lots (62-76 and 79) requires compliance with the City’s *Land Development Code* including dimensional standards, street buffers and landscaping requirements.

The subject site is constrained with two street frontages and the use and function of the site is limited in regard to meeting the minimum lot size and lot frontage for a townhome and the minimum building width.

In order to provide appropriate use and function of the site while utilizing the R3 Multi-Family zone district density allowances, the applicant is requesting a minimum lot size per townhome of 1,275 square feet, a minimum lot frontage of 17 feet for two of the proposed townhomes and a minimum building width of 17 feet.

DEPARTMENTAL COMMENTS:

Fire Marshall:	No issue
Building Official:	No issue
Parks and Recreation Dept.:	No issue
Police Department:	No issue
Public Works Director:	No issue
City Engineer:	No issue
Water/Sewer Superintendent:	No issue
Electric Superintendent:	No issue

STAFF OBSERVATIONS:

1. The applicant is requesting a variance for the minimum lot size for a townhome (1,275 square feet instead of 3,125 square feet), minimum lot frontage for a townhome (17 feet instead of 25 feet) and the minimum building width (17 feet instead of 20 feet).
2. The site is constrained with a double frontage lot configuration.
3. The applicant intends to construct four units and plat them as common interest community townhomes.
4. The proposed variance is would allow consistency with the townhomes located on Lots 77 and 78 in regard to design and density.
5. The dimensional change proposed by the variance is considered minimal and does not negatively affect the health, safety and welfare of the community.

REVIEW STANDARDS

Section 8.3 (Required Showing) states that “... *The applicant shall demonstrate the following to the Board before a variance may be authorized.*”

STAFF REPORT
SW Ventures, LLC – 300 VanTuyl Circle

A. **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.

No Conflict. The site is constrained with two street frontages. The variance is necessary to provide reasonable use of the site that includes utilization of the R3 Multi-Family Residential zone district zoning allowances.

B. **Not Result of Applicant.** The special circumstances and conditions are not the result from any act of the applicant.

No Conflict. The lot was platted and approved within the VanTuyl Ranch Subdivision, under the previous *Land Development Code* standards. Lots 77 and 78 were constructed similar to the requested four-unit development on Lot 79.

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

No Conflict. The variance is necessary to provide reasonable use of the site in regard to higher density allowances of the R3 zone district.

D. **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.

No Conflict. The variance is necessary to provide reasonable use of the site to construct more than two townhomes.

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

No Conflict: The applicant is proposing the minimum necessary for the reasonable use and function of the site.

F. **Not Injurious 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.

No Conflict: The granting of the Variance will not be detrimental to the neighborhood or public welfare. The site design is consistent with townhomes constructed on Lots 77 and 78 of the VanTuyl Village Subdivision.

G. **Consistent with the *Land Development Code*.** The granting of the variance is consistent with the general purposes and intent of this *LDC*.

No Conflict: The purpose of the *Land Development Code* includes: (1) establish standards for all proposed development in the City; (2) protect quality of life; (3) establish a review process; (4) provide for orderly development of the City; (5) provide adequate public facilities; and (6) conserve property values. The requested use is consistent with the intent of the *Land Development Code*.

STAFF REPORT
SW Ventures, LLC – 300 VanTuyl Circle

ACTION

At the Zoning Board of Adjustments and Appeals meeting of April 20, 2016, Board Member _____ moved, and Board Member _____ seconded to APPROVE the request by SW Ventures, LLC for Variance Application, VA 16-1 for a variance for the minimum lot size for a townhome, minimum lot frontage for a townhome and the minimum building width on Lot 79, VanTuyl Village Subdivision, based on the following findings of fact and condition:

Findings of fact:

1. The Zoning Board of Adjustments and Appeals finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the *City of Gunnison Land Development Code*; and the *City of Gunnison Master Plan (2007)*.
2. The Zoning Board of Adjustments and Appeals finds that the application meets the seven review standards as defined in the *Land Development Code* for variances.
3. The Zoning Board of Adjustments and Appeals finds that the applicant is requesting a variance for the minimum lot size for a townhome (1,275 square feet instead of 3,125 square feet), minimum lot frontage for a townhome (17 feet instead of 25 feet) and the minimum building width (17 feet instead of 20 feet).
4. The site is constrained with a double frontage lot configuration. The Zoning Board of Adjustments and Appeals finds that the variance provides reasonable use of the site that allows utilization of the R3 Multi-Family Residential zone district zoning density allowances.
5. The variance allows consistency with the townhomes located on Lots 77 and 78 in regard to design and density
6. The Zoning Board of Adjustments and Appeals finds that the application promotes the long term health, safety, and welfare of the community.

Condition:

1. The applicant shall apply for a building permit through the Community Development Department before the variance approval expiration date of April 20, 2017.

MEMBERS	PRESENT	ABSENT	EXCUSED
MARLA LARSON	X		
MARION HICKS	X		
WES BAILEY			X
ELLEN HARRIMAN	X		
SCOTT FRAZIER			X

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, STEVE MELDRUM

I. CALL TO ORDER AT 3:00 PM BY CHAIR MARLA LARSON

II. PUBLIC HEARING – VA 14-3, AEQUITAS VERITAS, LLC.

Open Public Hearing.

Chair Larson opened the public hearing at approximately 3:00 p.m.

Proof of publication. Proof of publication was entered into the record.

Review of the Process. Planner Ruggera reviewed the process for a Variance Application. The applicant, Aequitas Veritas, LLC, represented by Steve Meldrum, is requesting a front setback variance of five feet instead of the 15 foot required setback.

Applicant Presentation. Steve Meldrum stated the design on this site is difficult and if the 15’ setback had to be met on the south, it would leave a 40’ buffer from Denver Avenue. The proposed building will set back a little more than the existing building.

Director Westbay discussed buffer requirements and their function to provide for screening, landscaping and sidewalks. He stated the existing building is nonconforming to the Code and the proposed building will be set back farther than the existing structure. He stated the applicant is proposing a quality design.

Public Input. There was none.

Staff Presentation. Staff had nothing further to present.

Commission Discussion. There was no further discussion.

Close Public Hearing. Chair Larson closed the public hearing at 3:07 p.m.

Action. At the Zoning Board of Adjustments and Appeals meeting of September 5, 2014, Board Member Marla moved, and Board Member Marion seconded to APPROVE the request by Aequitas Veritas, LLC for Variance Application, VA 14-3 for a front setback variance of five feet on the southern boundary of 700 North Boulevard based on the following Findings of Fact and Condition:

Findings of Fact:

1. The Zoning Board of Adjustments and Appeals finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the *City of Gunnison Land Development Code*; and the *City of Gunnison Master Plan (2007)*.
2. The Zoning Board of Adjustments and Appeals finds that the application meets the seven review standards as defined in the *Land Development Code* for variances.
3. The Zoning Board of Adjustments and Appeals finds that the applicant is requesting a variance for a 5' front setback instead of the required 15' front setback.
4. The site is constrained with a double frontage lot configuration. The Zoning Board of Adjustments and Appeals finds that the variance is necessary to provide reasonable use of the site that includes functional parking and access and pedestrian facilities.
5. The Zoning Board of Adjustments and Appeals finds that the redevelopment of this site will create buffers and sidewalk of 25' along Denver Avenue and 22' along Main Street that will enhance the property and street frontage.
6. The Zoning Board of Adjustments and Appeals finds that the application promotes the long term health, safety, and welfare of the community.

Condition:

The applicant shall apply for a building permit through the Community Development Department before the variance approval expiration date of September 5, 2015.

Roll Call Yes: Ellen, Marion and Marla

Roll Call No:

Roll Call Abstain:

Motion Carried

III. CONSIDERATION OF THE JUNE 11, 2014 MEETING MINUTES

Member Ellen Harriman moved and Member Marion Hicks seconded to approve the June 11, 2014 meeting minutes as amended.

Roll Call Yes: Ellen, Marion and Marla

Roll Call No:

Roll Call Abstain:

Motion Carried

IV. UNSCHEDULED CITIZENS

There were no unscheduled citizens.

V. BOARD COMMENTS

Board Member Ellen Harriman moved to excuse Members Wes Bailey and Scott Frazier from the September 5, 2014 meeting. Board Member Marion Hicks seconded the motion.

Roll Call Yes: Ellen, Marion and Marla

Roll Call No:

Roll Call Abstain:

Motion Carried

VI. STAFF COMMENTS

Director Steve Westbay gave an update on current happenings within the Community Development Department.

VII. ADJOURN

The meeting was adjourned at approximately 3:15 p.m.

Marla Larson, Chair

Attest:

Andie Ruggera, Secretary