

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

DATE: AUGUST 11, 2016
TIME: 7:00 PM
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

- I. CALL TO ORDER**
- II. PUBLIC HEARING – VA 16-3, SUBMITTED BY NAVID NAVIDI, REQUESTING A FRONT SETBACK VARIANCE ALONG REED STREET AND NEW YORK AVENUE.**
- III. CONSIDERATION OF THE JUNE 1, 2016 MINUTES**
- IV. ELECTION OF OFFICERS**
- 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. Work sessions
are not recorded and formal action cannot be taken. For further information, contact the
Community Development Department at 641-8090.**

STAFF REPORT
Navid Navidi – 1001 West New York Avenue

TO: Zoning Board of Adjustments and Appeals
FROM: Community Development Staff
DATE: August 11, 2016
RE: Variance Request VA 16-3 – Front Setback Variance

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, Navid Navidi, is requesting a front setback variance for the construction of a 70' by 100' shop building. The legal description of the property is Lots 15 and 16, Island Acres #2, City and County of Gunnison, Colorado. The applicants' narrative states:

“I am building a 70x100 metal shop building on my property at 1001 West New York Avenue. Based on special circumstances surrounding my property, I am requesting a variance on the City of Gunnison set back standards.

This corner lot is surrounded by Reed street on the West, New York Avenue to the North, and highway 50 to the East. According to the city definition, this property has three front lines which require 15 foot setbacks each.

I am asking the board to consider a variance to classify Reed street and New York street as rear and side lot lines with 5 foot setbacks as this will be necessary to provide reasonable use of this property.”

STAFF REPORT
 Navid Navidi – 1001 West New York Avenue

SITE ASSESSMENT

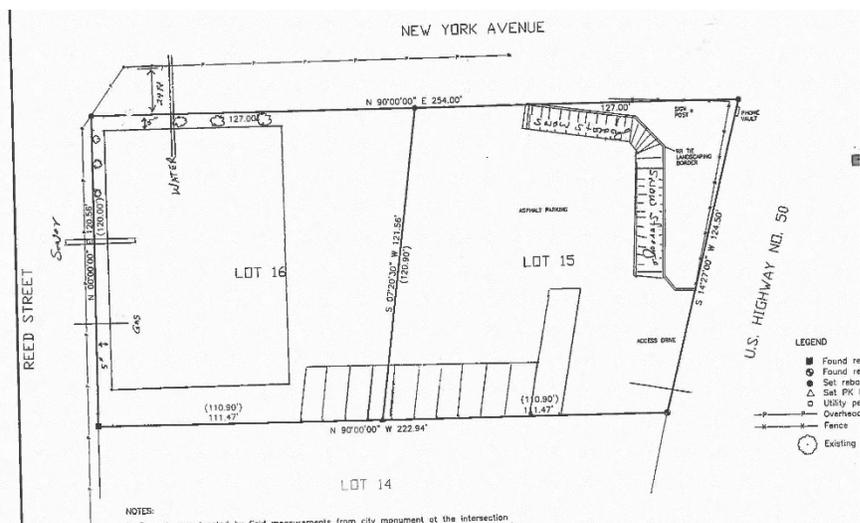
The property is located on the corners of Reed Street, New York Avenue and Highway 50 and is within the Commercial zone district. The site is constrained with three street frontages. The site was historically a fast food restaurant that was destroyed by fire. The site has been vacant since and surrounding uses include residential to the west and north and commercial services to the east and south.



The applicant is requesting front yard setback variances, from 15 feet to five feet, on Reed Street and New York Avenue to construct a shop that is 70 feet by 100 feet. Historically, in similar instances, a variance has been granted on one of the three street frontages for reasonable use of the site.

In review of the site and the proposed structure, the 15-foot setback along New York Avenue can be achieved by moving the proposed structure to the south leaving a five-foot side setback. The width of the lot is 120 feet and the proposed structure is 100 feet long. The side setback requirement of 5 feet can be met as well as the 15-foot setback along the New York Street Frontage. Existing structures along Reed Street from New York Avenue to Bidwell Avenue are placed at a five-foot setback.

Staff is in support of a variance for the Reed Street setback of five-feet and believes it is appropriate because most of the structures along Reed Street are placed in a similar configuration. Staff does not support a variance from the New York front yard setback and believes that there is adequate room for the placement of the structure on



STAFF REPORT
Navid Navidi – 1001 West New York Avenue

the site to meet the side (south property line) and the front New York Avenue setback. Staff is recommending approval of the Reed Street setback of five feet and denial of the Variance request of five feet on New York Avenue.

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 as long as the height does not interfere with the overhead power lines.

STAFF OBSERVATIONS:

1. The applicant is requesting a variance of the front yard setback requirements on Reed Street and New York Avenue to place a 70' by 100' shop.
2. The site is constrained with a three street frontages and historically in similar situations, a variance for one of the street frontages has been approved.
3. The proposed variance along Reed Street is appropriate and provides consistency with the existing structures south of the subject site.
4. The proposed structure can be accommodated on the site without a variance from the 15-foot setback on the New York Avenue frontage.
5. Staff recommends approval of the Reed Street variance and denial of the New York Avenue setback variance request.
6. The Reed Street variance is considered appropriate 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:*"

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.

Possible Conflict. The site is constrained with three street frontages. The variance of the Reed Street frontage is appropriate and provides consistency with other structures situated along Reed Street with a five-foot setback.

The proposed structure can be situated on the site to meet the New York Avenue front setback (15 feet) and the side setback (5 feet). There are not any special circumstances that would warrant a variance of the New York frontage.

STAFF REPORT
Navid Navidi – 1001 West New York Avenue

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

Possible Conflict. The placement of existing structures along Reed Street is not the result of the applicant. The Reed Street variance is appropriate and would provide consistency with existing structures to the south of the site.

Allowance of the New York variance would set a precedence for other variance applications that do result in undue or unnecessary hardship.

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.

Possible Conflict. The Reed Street variance is appropriate to provides reasonable use of the structure.

Denial of the New York variance does not deprive the applicant of reasonable use of the property. There is adequate room on the site for the placement of the proposed structure that would allow compliance with the New York front setback and the side (south property line) setback.

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.

Possible Conflict. The Reed Street variance provides reasonable use of the structure and provides consistency with setbacks south of the subject site.

The New York variance is not necessary to provide reasonable use of the site.

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

Possible Conflict: The applicant is proposing the minimum necessary along Reed Street for the reasonable use and function of the structure.

The New York variance request is not the minimum for the reasonable use of the land or building and the proposed structure could be placed on the property to meet both front yard and side setbacks.

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.

Possible Conflict: The granting of the Reed Street variance will not be detrimental to the neighborhood or public welfare.

The granting of the New York variance would set a precedence to other variance requests that do not comply with the seven review standards.

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

Possible 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 Reed Street variance request is consistent with the intent of the *Land Development Code*. The New York variance request does not meet the purpose of the *Land Development Code*.

ACTION

At the Zoning Board of Adjustments and Appeals meeting of August 11, 2016, Board Member _____ moved, and Board Member _____ seconded to APPROVE the request by Navid Navidi for Variance Application, VA 16-3 for a front yard setback variance on the Reed Street frontage and DENY the request for a front yard setback along New York Avenue, based on the following findings of fact:

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 variance request for the Reed Street front yard setback 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 from the minimum front setback of 15 feet to five feet on the Reed Street and New York Avenue frontages, for the placement of a 70' by 100' shop.
4. The Zoning Board of Adjustments and Appeals finds that the site is constrained with a triple street frontage lot configuration. The Board further finds that, historically, with this type of configuration a setback variance from one of the street frontages has been approved.
5. The Zoning Board of Adjustments and Appeals finds that the majority of structures along Reed Street are situated with a five-foot setback and granting the variance for the Reed Street frontage is appropriate and provides consistency.
6. The Zoning Board of Adjustments and Appeals finds that the site provides adequate width and space to place the 70' by 100' structure and meet the side setback of 5

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Navid Navidi – 1001 West New York Avenue

feet (south boundary line) and the front yard setback of 15 feet along New York Avenue.

7. The Zoning Board of Adjustments and Appeals finds that the variance request for the New York Avenue front yard setback DOES NOT meet the seven review standards as defined in the *Land Development Code* for variances.
8. The Zoning Board of Adjustments and Appeals finds that the Reed Street setback variance promotes the long term health, safety, and welfare of the community.

Condition:

1. A revised site plan shall be submitted to the Community Development Director indicating compliance of the New York Avenue front setback and the side setback prior to issuance of a building permit.

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): NAVID NAVIDI

Phone #: 970-641-2628 Fax #: 970-641-2630 E-Mail: hhtowing@pcrs.net

Mailing Address: PO Box 81

City: GUNNISON State: CO Zip: 81230

Legal Description

Site Address of Property: 1001 NEW YORK AVE Zoning C
Block: ISLAND ACRES Lot(s): 15-16 Addition: _____
#2

Disclosure of Ownership- Please provide one of the following:

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

Summary of Request: PLEASE SEE ATTACHED

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)

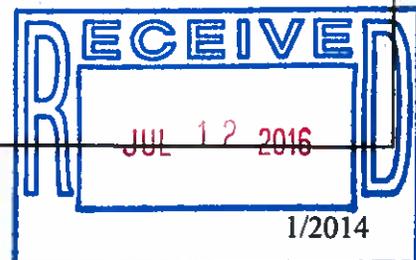
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s)

Navid Navidi

Date 7-12-16
Date _____

- For Office Use Only
- | | | |
|---|--|--|
| <input type="checkbox"/> Conditional Use | <input checked="" 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 | | |



City of Gunnison

Zoning board of adjustments

Dear sir or madam,

I am building a 70x100 metal shop building on my property at 1001 West New York Avenue. Based on special circumstances surrounding my property, I am requesting a variance on the City of Gunnison set back standards.

This Corner lot is surrounded by Reed street on the West, New York Avenue to the North, and highway 50 to the East. According to the city definition, this property has three front lot lines which require 15 foot setbacks each.

I am asking the board to consider a variance to classify Reed street and New York street as rear and side lot lines with 5 foot setbacks as this will be necessary to provide reasonable use of this property.

Thank you,

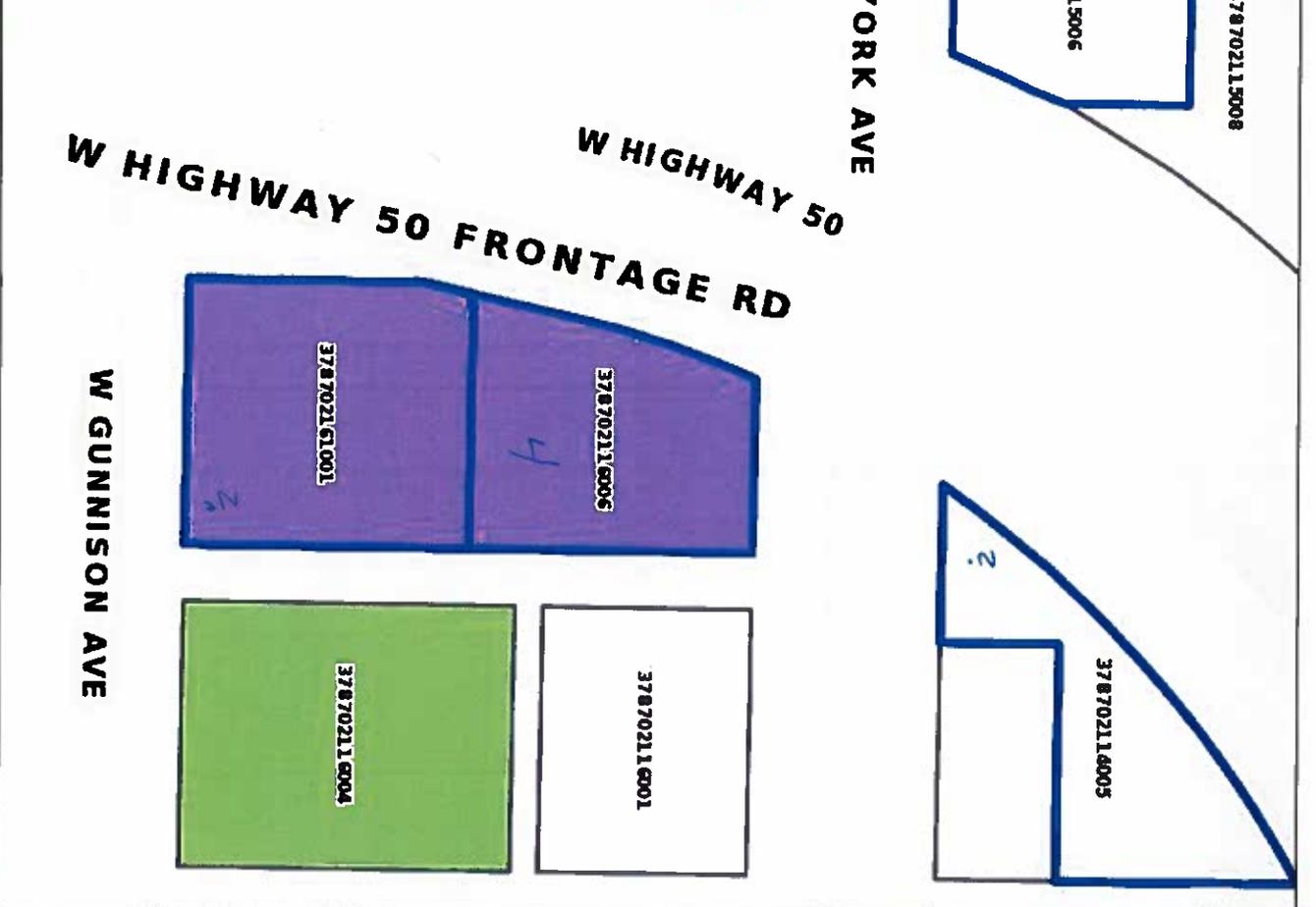
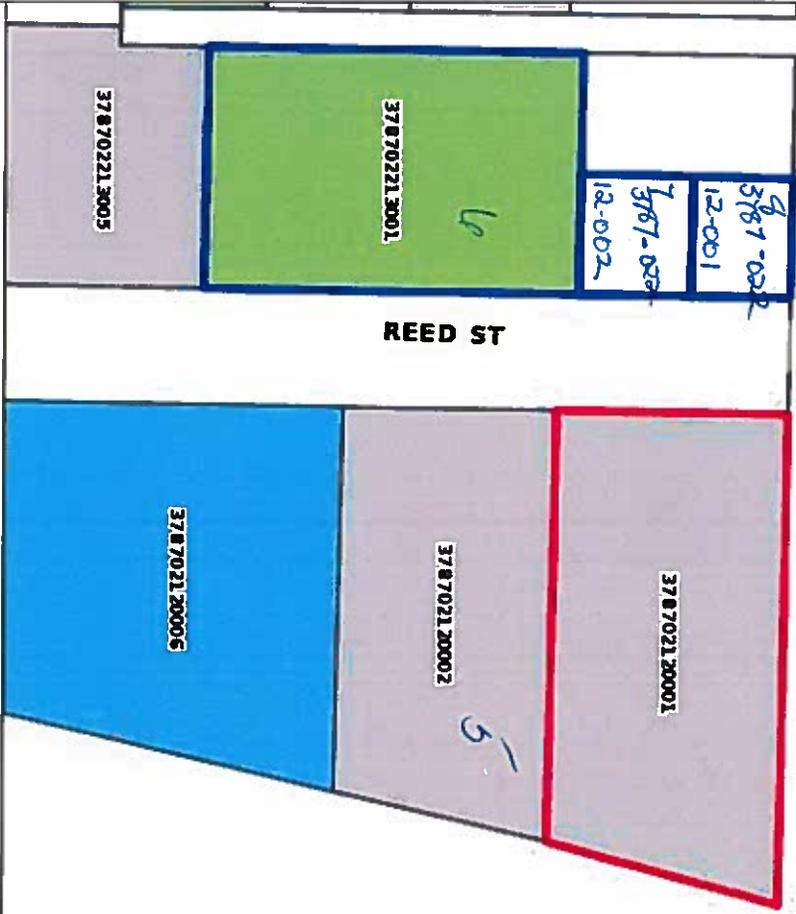
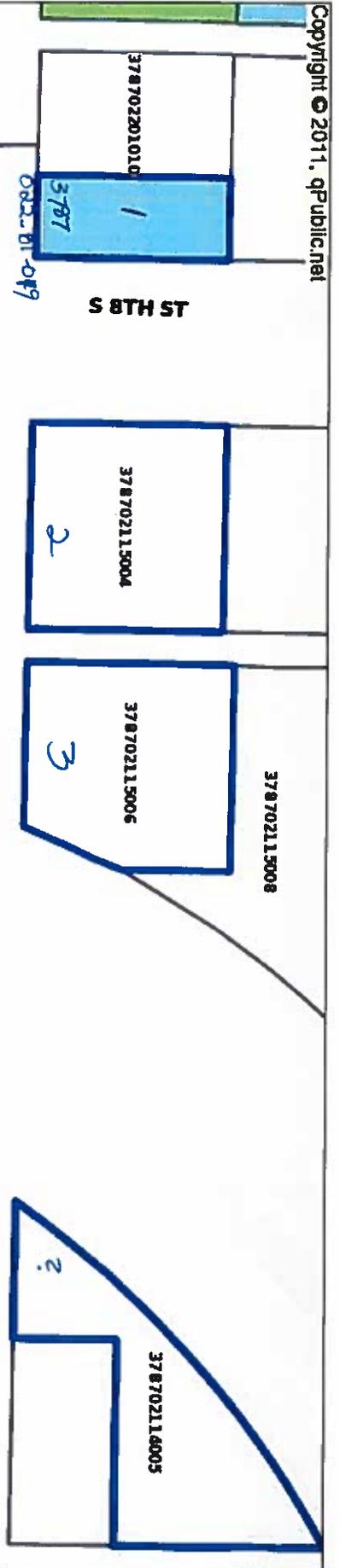
Navid Navidi

P.O. Box 81

Gunnison, Co

970-641-2628





Date printed: 07/12/16 : 16:43:29

- 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: July 13, 2016	Account Number: R002246
NAVIDI NAVID NAVIDI DEBRA A PO BOX 81 GUNNISON, CO 81230-0081		Appraisal Year: 2015	Parcel Number: 3787-021-20-001
Business Name: NA			Account Type: Vacant
			Economic Area: Econ Area 1
			Tax District: 100
			Mill Levy: 56.217
Property Location: 1001 W NEW YORK AVE, GUNNISON		Parcel Map	Show Parcel Map
Neighborhood: 12370		Building Photos	Building Images
LEA: COMMERCIAL HWY 50 SERVICE RD (12370)		Building Sketches	NA
Subdivision: ISLAND ACRES SUBDIVISION 2		Generate Neighboring Owner List by Distance	
Condo:		Search Sales By Subdivision	
Legal Description: LOTS 15,16 ISLAND ACRES SUBD 2 #590609			
Parcel Notes			

2016 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$192,080	\$55,700			\$192,080	\$55,700

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2015	\$192,080	\$55,700	54.929	\$3,059.56
2014	\$169,070	\$49,030	56.217	\$2,756.33
2013	\$169,070	\$49,030	49.778	\$2,440.61
2012	\$253,610	\$73,550	44.152	\$3,247.40
2011	\$253,610	\$73,550	44.343	\$3,261.43
2010	\$302,920	\$87,850	40.939	\$3,596.49
2009	\$302,920	\$87,850	39.757	\$3,504.80
2008	\$245,160	\$71,100	41.387	\$2,953.56
2007	\$245,160	\$71,100	36.186	\$2,584.92
2006	\$197,230	\$57,200	43.784	\$2,516.24

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 COM LOTS	Vacant	0.647	YEAR ROUND	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW

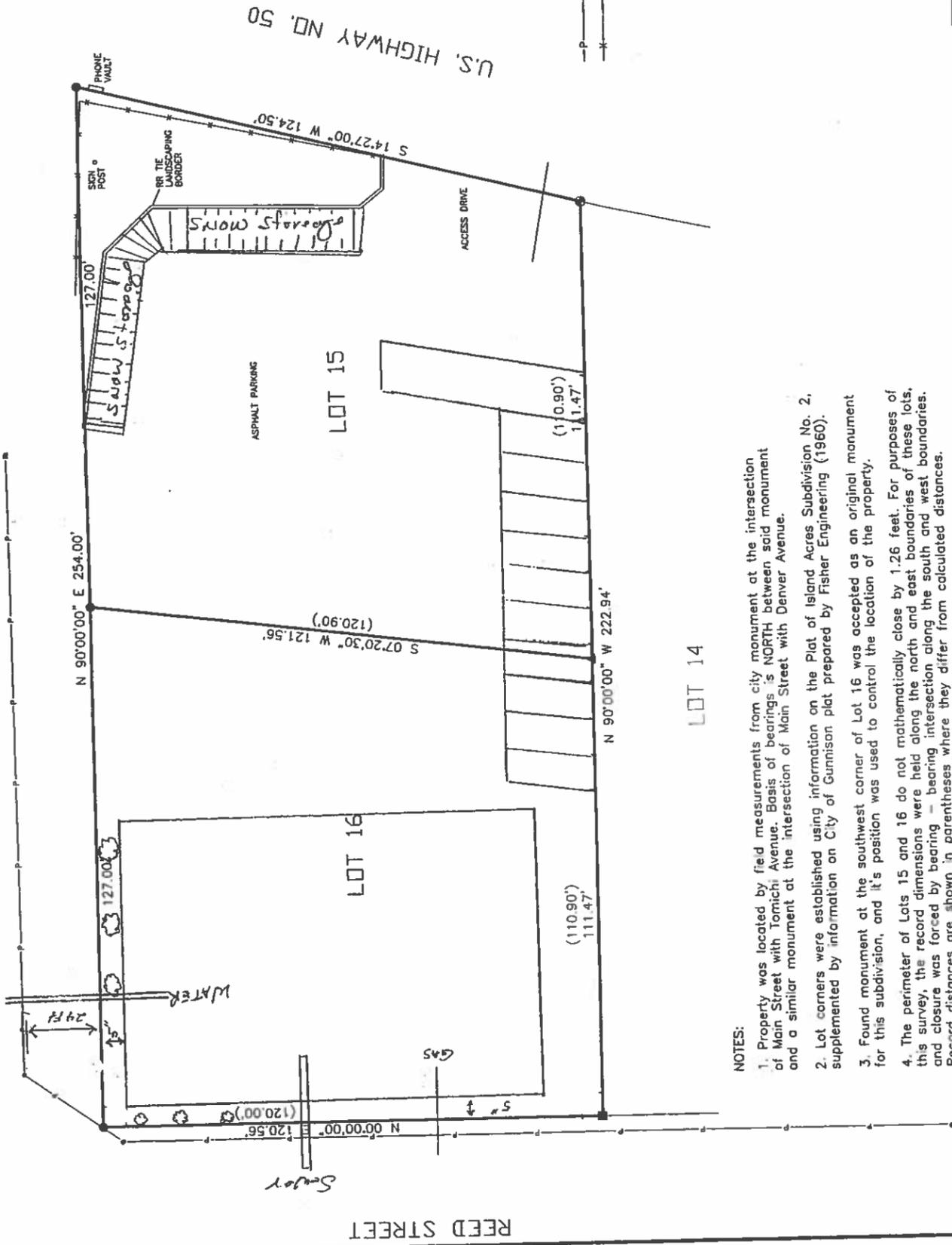
Sales and Conveyance Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
05/11/2009	\$275,000	COMMUNITY BANKS OF COLORADO	NAVIDI NAVID ETAL	Vacant	590609	SPEC WARR DEED - FEE
07/16/2008		MARKS MELODY PUBLIC TRUSTEE	COMMUNITY BANKS OF COLORADO	N/A	585188	PUBL TRUST DEED - NO FEE
12/22/2003	\$325,000	SHULER DAVID L ETAL	GC WILLIS INC	Improved	537878	GEN WARR DEED - FEE
03/30/1994	\$200,000	Unknown	Unknown	Improved	B000744P0000	WARRANTY DEED - FEE

The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: June 30, 2015

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NEW YORK AVENUE



- LEGEND**
- Found rebar with aluminum cap stamped "LS 1776"
 - Found rebar with plastic cap stamped "LS 11250"
 - Set rebar with plastic cap stamped "LS 34979"
 - △ Set PK Nail with aluminum washer stamped "LS 34979"
 - Utility pedestal
 - Overhead utility lines
 - Fence
 - Existing aspen tree

NOTES:

1. Property was located by field measurements from city monument at the intersection of Main Street with Tomichi Avenue. Basis of bearings is NORTH between said monument and a similar monument at the intersection of Main Street with Denver Avenue.
2. Lot corners were established using information on the Plat of Island Acres Subdivision No. 2, supplemented by information on City of Gunnison plat prepared by Fisher Engineering (1960).
3. Found monument at the southwest corner of Lot 16 was accepted as an original monument for this subdivision, and its position was used to control the location of the property.
4. The perimeter of Lots 15 and 16 do not mathematically close by 1.26 feet. For purposes of this survey, the record dimensions were held along the north and east boundaries of these lots, and closure was forced by bearing - bearing intersection along the south and west boundaries. Record distances are shown in parentheses where they differ from calculated distances.

IMPROVEMENT SURVEY PLAT
LOTS 15 & 16
ISLAND ACRES SUBDIVISION NO. 2
CITY OF GUNNISON
GUNNISON COUNTY, COLORADO

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970-641-2910
PROJECT # 12-2-7

DATE : 4/20/12
LATEST REVISION DATE :

SHEET 1 OF 1

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this survey and plat were made under my direction and control, and that both are true and correct to the best of my knowledge. I further certify that this plat accurately depicts the location of the existing improvements located within the boundaries of the subject parcel, that there are no visible encroachments upon the subject parcel by the improvements of any adjoining parcel, except as shown, and that monuments evidence of any easement crossing or burdening the subject parcel, except as shown, and that monuments have been set or found as shown.

Timothy E. Pearson
Timothy E. Pearson
Colorado L. S. No. 34979

Date: 4-20-12

MEMBERS	PRESENT	ABSENT	EXCUSED
MARLA LARSON	X		
ELLEN HARRIMAN	X		
SCOTT FRAZIER	X		
SHARON CAVE			X

OTHERS PRESENT: Planner Andie Ruggera, Planning Technician Michelle Spain.

I. CALL TO ORDER AT 7:06 PM BY CHAIR MARLA LARSON

Chairperson Larson amended the agenda to allow for election of officers at our next meeting.

II. PUBLIC HEARING – VA 16-2, SUBMITTED BY ANDREW V SOVICK FOR A VARIANCE OF DEMENSIONAL STANDARDS FOR A PROTECTED ENTRY WAY INTO THE YARD SETBACK

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:08 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, *Section 8.1*, of the Land Development Code (LDC). *City of Gunnison Land Development Code (LDC)*, Section 8.1, Variances, authorizes deviation from the dimensional standards of the underlying zone district.

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 applicant, Andy Sovick, is requesting a front setback variance for the construction of an entryway roof extension. The legal description of the property is Lots 11 and 12 along with the adjacent tract that is 57' by 50', Block 155, West Gunnison Addition, City and County of Gunnison, Colorado. Planner Ruggera reviewed the site plan submitted and commented that the current placement of the house was non-conforming as far as the setbacks. This request will extend the non-conformity by four feet so the setback will then be 6'.

Applicant Presentation.

Andy Sovick introduced himself and gave his reasons to enhance this property. This is his personal residence and he wanted to upgrade the look. This is a functional request also. The house was already situated below grade. This will help with any water damage in the future.

Public Input. There was none.

Staff Presentation. Planner Ruggera added that adding this roof extension provides reasonable use for this request. Staff is recommending approval.

Commission Discussion. There was no further discussion.

Close Public Hearing. Chair Larson closed the public hearing at 7:12 p.m.

ACTION

At the Zoning Board of Adjustments and Appeals meeting of June 1, 2016, Board Member Harriman moved, and Board Member Frazier seconded to APPROVE the request by Andy Sovick for Variance Application, VA 16-2 for a front yard setback variance at 700 North 14th Street, based on the following findings of fact:

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 front setback (6 feet) for the placement of a roof extension over the front entryway.
4. The Zoning Board of Adjustments and Appeals finds that the site is constrained with a double frontage lot configuration and with the existing dwelling unit location.
5. The variance allows reasonable use of the existing dwelling unit.
6. The Zoning Board of Adjustments and Appeals finds that the application promotes the long term health, safety, and welfare of the community.

Roll Call Yes: Larson, Frazier, Harriman

Roll Call No:

Roll Call Abstain:

Motion Carried

III. CONSIDERATION OF THE APRIL 20, 2016 MEETING MINUTES

Board Member Harriman moved and Board Member Frazier seconded to approve the April 20, 2016 meeting minutes as presented.

Roll Call Yes: Larson, Frazier, Harriman
Roll Call No:
Roll Call Abstain:
Motion Carried

IV. ELECTION OF NEW OFFICERS- tabled.

V. UNSCHEDULED CITIZENS -There were no unscheduled citizens.

VI. BOARD COMMENTS- None

VII. STAFF COMMENTS

- Planner Ruggera gave an update on current happenings within the Community Development Department.
- Lazy K property update was reviewed. Plans were submitted for review and a comment form was attached. This all listed on our website. This is the master plan for the property. There may not be funding until 2018. We will be looking for grant funds. The Master Plan will be ready in the next month. The Master Plan will need to be accepted by City Council.
- Complete Streets project was reviewed. Planner Ruggera confirmed that approximately 204 people participated. Many who attended were opposed to this design. The next meeting will not be until the end of June. The biggest concerns were the median and the protected bike lanes. The City will move forward but with some changes. Board Member Larson indicated that flower pots would do better on certain sections of Tomichi. Updates will be posted on our website. The consultants will be getting back to us in the next few weeks.

VIII. ADJOURN

The meeting was adjourned at approximately 7:20 p.m.

Marla Larson, Chair

Attest:

Michelle Spain, Secretary