

**AGENDA**  
**CITY OF GUNNISON**  
**ZONING BOARD OF ADJUSTMENT AND APPEALS**  
**SPECIAL MEETING**  
Rev. 8/29/2014

**DATE:** SEPTEMBER 5, 2014  
**TIME:** 3:00 PM  
**PLACE:** CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

- 3:00**
- I. CALL TO ORDER**
  - II. PUBLIC HEARING – VA 14-3, SUBMITTED BY AEQUITAS VERITAS, LLC FOR A MINIMUM FRONT SETBACK AT 700 N. MAIN STREET.**
  - IV. CONSIDERATION OF THE JUNE 11, 2013 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](http://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.

**ALL ZONING BOARD OF ADJUSTMENTS & APPEALS MEETINGS  
ARE BROADCAST LIVE ON LOCAL CABLE CHANNEL 15**



August 19, 2014

Zoning Board of Adjustment & Appeals  
City of Gunnison Community Development Department  
PO Box 239  
Gunnison, CO 81230

RE: Setback Variance Request

Dear Community Development Department & Zoning Board of Adjustment & Appeals,

On behalf of Aequitas Veritas, LLC, I am requesting a setback variance for the property located on the Northeast corner of Denver Avenue and Main Street (Hwy 135).

Due to the property being located on the corner of two streets, the property has two front lot lines. One front lot line is on Main Street (Hwy 135) and one on Denver. Since the property is located on a corner, numerous design constraints are added to the development possibilities and design of the property, limiting the investment of the owners.

The City of Gunnison' Land Development Code requires that corner lots have large setbacks, both building setbacks and buffer standards, as well as sufficient parking and safe access points for driveways, etc. These requirements by the Land Development Code as well as the constraints of the site itself heavily limit the development options for the owner.

**Section 2.6 C** of the City of Gunnison's Land Development Code states that a building set back of a minimum of 15' is required from front lot lines (property lines).

The south side of the property along Denver Avenue is already setback 25' (due to the existing public right of way) from the street pan and 23'-6" from the street curb, as shown on the attached site plan. Using the 15' building setback would create the building structure to be 40' from the street pan.

We are requesting a variance from this "front building setback" of 15' off of the property line and to instead use a building setback of 5' off of the property line, creating the building to be 30' from the street pan.

This variance request would not affect any of the Zone District Buffer Standards. Due to the existing 25' public right of way between the property line and Denver Avenue, the Buffer Standards would be met.

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

**A. Special Circumstances Exist:** The south property line is already setback 25' from the street pan and 23'-6" from the curb. The Land Development Code requires an additional building setback from the property line of 15'. Adding this 15' building setback to the existing 25' from the street equals a total of 40' from the street. This limits the design and development, thus the value, of the property. There are numerous other constraining factors: driveway access points, parking, etc. that limit the design and development options too.



**B. Not Result of Applicant:** Applicant has no control of the existing property lines in particularly in relation to the existing layout of the City's streets.

**C. Strict Application Deprives Reasonable Use: Variance is Necessary to Provide**

**Reasonable Use:** The 15' front building set back from the property line on the south creates a sizable loss of valuable building space, approximately 500 SF for the first floor and an additional 500 SF for the second floor, as the desired design and layout exist. The building can not just be extended or moved in other directions on the site to compensate for this square footage loss because of parking requirements and driveway access locations.

**D. Variance is Necessary to Provide Reasonable Use:** The 15' front building set back on the South side of the property creates a sizable loss of valuable building space, approximately 500 SF for the first floor and an additional 500 SF for the second floor, as the desired design and layout exist. The building can not just be extended or moved in other directions on the site to compensate for this square footage loss because of parking requirements and driveway access locations.

**E. Minimum Variance:** This is a reasonable and minimum request of meeting the intentions of the Land Development Code building setback. This request is for a building setback of 5' from the property line that would provide a 30' building setback from Denver Avenue street pan.

**F. Not Injurious to Neighborhood:** Granting this variance would not be detrimental to the neighborhood, the public welfare, or environment. The building setback would still meet the overall intent of the Land Development Code of a minimum of 15', in actuality it would be 30' from the street pan if this request is granted.

**G. Consistent with the Land Development Code:** The Intent of the Land Development Code as stated in **Section 1.3 Purposes** is "to protect and enhance the quality of life in the city and its environs so as to promote general health, safety, and welfare..." as well as to "Conserve the value of properties and to respect the rights of property owners and the interests of the citizens of the city."

This variance request would require the building to have a building setback of 5' from the property line which would in turn set the building back a total of 30' from the edge of the street. This variance would not jeopardize the health, safety or welfare of the public, but it would give better value to the property owner for development and design.

We appreciate your time and help with this variance request.

Please call if you have any questions or concerns.

Sincerely,

Jennifer Barvitski

Jennifer M. Barvitski, Architect, LLC  
PO Box 23  
Gunnison, CO 81230  
970-641-6297

**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

<b>Applicant Name(s):</b> Aequitas Veritas LLC		
Phone #: (970) 641-1306 Fax #: (970) 641-1306 E-Mail: zipadeeeh@gmail.com		
<b>Mailing Address:</b> po Box 868		
City: Gunnison	State: Colorado	Zip: 81230
<b>Legal Description</b>		
Site Address of Property: 700 Main Street Zoning C		
Block: 52 Lot(s): 5-12 Addition: first Gunnison 581951		
<b>Disclosure of Ownership- Please provide one of the following:</b>		
<input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Judgments <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements		
<b>Summary of Request:</b> See Attached		
<b>Attachments:</b> <input checked="" type="checkbox"/> Vicinity Map (8.5"x11") <input checked="" type="checkbox"/> Description of Proposal		
<input checked="" type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)		
<input type="checkbox"/> Vested Property Rights <input checked="" type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant)		
<input checked="" type="checkbox"/> Site Plan (11"x17") <b>to scale</b> , 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)		
<b>YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION</b>		
<b>Signature(s)</b> <u>Stephen Ryffe</u>		Date <u>8/18/2014</u>
		Date _____
<b>For Office Use Only</b>		
<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		





**EXHIBIT A - LEGAL DESCRIPTION**

Lots Five (5) to Twelve (12), both inclusive, Block Fifty-two (52), City of Gunnison, Colorado, according to the official plat of FIRST ADDITION TO GUNNISON, on file and of record in the office of the Clerk and Recorder of Gunnison County, Colorado,

County of Gunnison,  
State of Colorado.



**CONFIRMATION DEED**  
**(CRS §38-38-502)**  
**Public Trustee's Foreclosure Sale No. 2013-013**

THIS DEED is made April 15, 2014 between Melody Marks as the Public Trustee in and for the County of Gunnison, State of Colorado, grantor and Tomichi Landmark 1, LLC, grantee, the holder of the certificate of purchase whose legal address is 323 S Teller St, Gunnison, CO 81230.

WHEREAS, the Grantor(s) described below did convey to the public trustee, in trust, the property hereinafter described to secure the payment of the indebtedness provided in said deed of trust:

Original Grantor(s)	Tahosa Investments, LLC
Original Beneficiary(ies)	Community Banks of Colorado
Current Holder of Evidence of Debt	Community Banks of Colorado, a division of NBH Bank, N.A.
Date of Deed of Trust	January 31, 2008
County of Recording	Gunnison
Recording Date of Deed of Trust	January 31, 2008
Recording Information (Reception Number)	581953

WHEREAS, a violation was made in certain of the terms and covenants of said deed of trust as shown by the notice of election and demand for sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said deed of trust; combined notice of sale and right to cure and redeem was given as required by law; said property was sold according to said combined notice; and a certificate of purchase thereof was made and recorded in the office of said county Clerk and Recorder; and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said deed of trust, confirms the foreclosure sale and sells and conveys to grantee the following described property located in the County of Gunnison, State of Colorado, to wit:

See attached Exhibit A

Also known by street and number as:

**THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.**

To have and to hold the same, with all appurtenances, forever.

Executed on: April 15, 2014

Melody Marks, Public Trustee in and for the County of Gunnison, State of Colorado



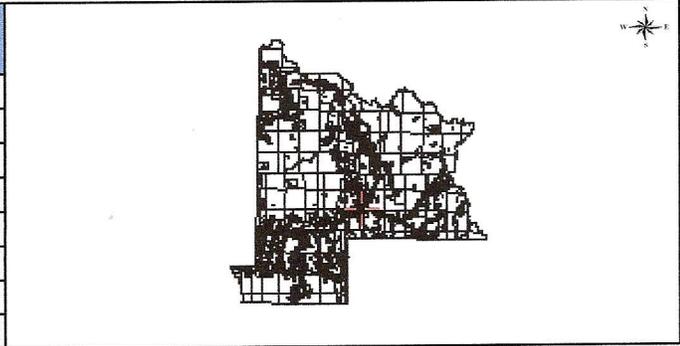
Teresa Brown  
By: Teresa Brown, Deputy Public Trustee

When Recorded Return to: Gunnison County Public Trustee

**ELECTRONIC  
COPY**



Gunnison County Assessor			
Parcel: 3701-363-36-002 Acres: 0.545			
Name:	TAHOSA INVESTMENTS LLC	Land Value	207810
Site:	700 N MAIN ST, GUNNISON	Building Value	365810
Sale:	\$800,000 on 2008-01-31 Reason= Qual=	Assessed Value	166340
Mail:	PO BOX 1419 GUNNISON, CO 81230	Total Value	573620
			0
			0
			0



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. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER GUNNISON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—  
Date printed: 08/18/14 : 18:20:43



**AUTHORIZATION OF AGENT**

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

Jennifer Barviski

po box 23

97064162397

Name

Address

Phone

to act in my/our behalf concerning the application for action under the *Land Development Code* of the City of Gunnison.

Legal description and street address of the property for which application is being made:

Block 52, Lots 5-12, First Gunnison

700 North Main St, Gunnison, CO 81230

Type/s of permit applied for:

- 1) Variance 3) \_\_\_\_\_  
2) \_\_\_\_\_ 4) \_\_\_\_\_

FIRST OWNER OF RECORD:

Aequitas Veritas LLC

Printed Name of Property Owner

Stephen Ruffe

Signature of Property Owner

August 18, 2014

Date

SECOND OWNER OF RECORD:

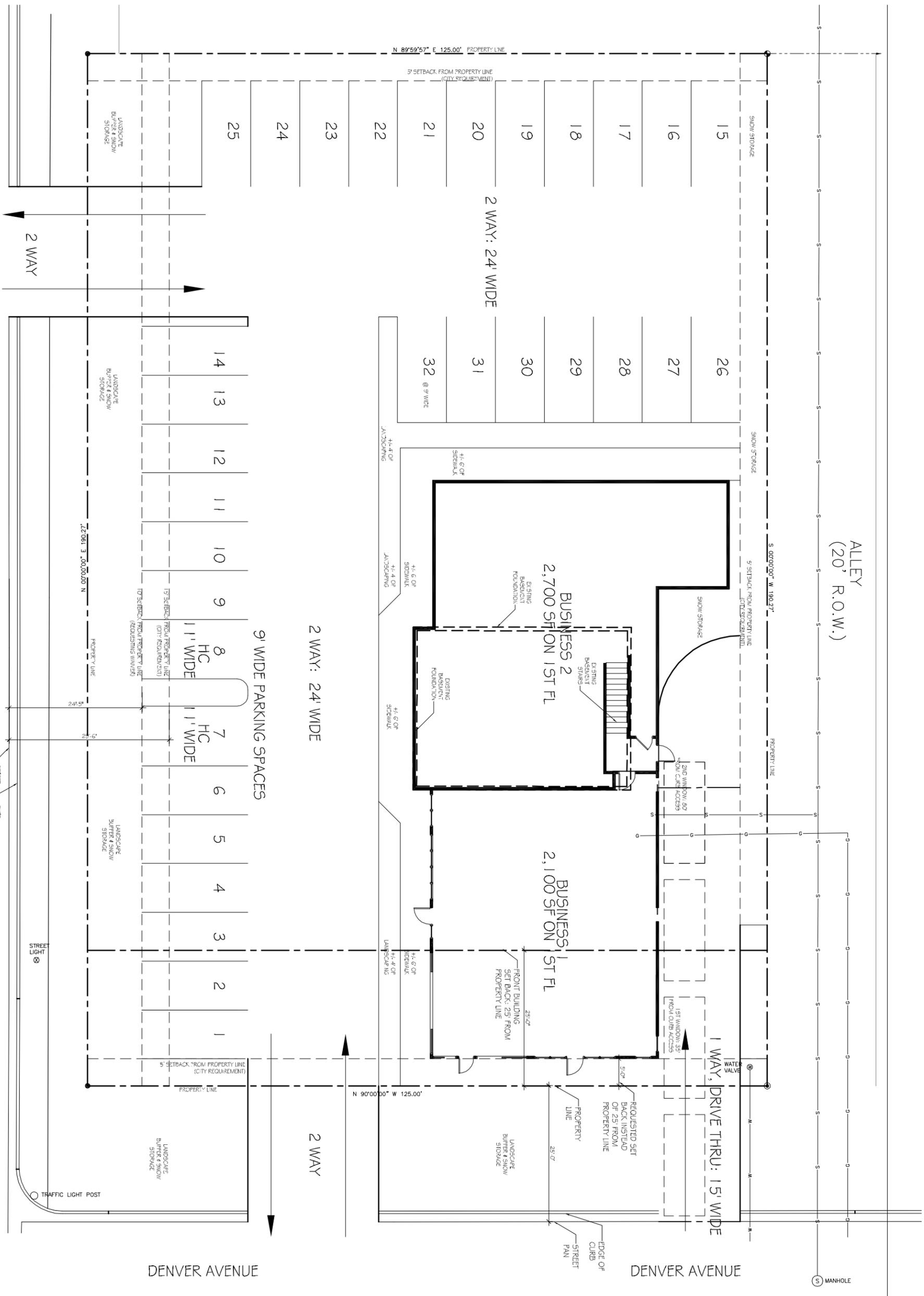
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

ALLEY  
(20' R.O.W.)

MANHOLE



DENVER AVENUE

DENVER AVENUE

SITE PLAN  
NOT TO SCALE

DRAWN	JMB
CHECKED	-
DATE	09/19/23-A
FILE	
JOB NO.	0904
SHEET	SITE
# OF SHEETS	

**AEQUITAS VERITAS, LLC**  
**COMMERCIAL CORNER**  
 GUNNISON, COLORADO  
 SITE PLAN

**Jennifer M. Barvitski,**  
**Architect, LLC**  
 architecture ♦ planning  
 po box 23  
 gunnison, co 81230  
 phone (970) 641-6297  
 fax (970) 641-5653

