



City of Florence

Florence Municipal Center
600 W.3rd Street, Florence, Colorado 81226.
(719) 784-4848 Fax (719) 784-0228
Email: planning@florencecolorado.org
www.florencecolorado.org

Members:
Gerry Nelson
Terri Norton
Sandra Roberts

CITY OF FLORENCE
BOARD OF ZONING ADJUSTMENT MEETING
FLORENCE MUNICIPAL CENTER, CITY HALL CHAMBERS
Wednesday, January 3, 2024 at 5:00 p.m.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes from the December 6, 2023 Meeting
- IV. Old Business:
- V. New Business:
 - a) Action Item – Election of Board of Zoning Adjustment Chair and Vice Chair.
 - b) **Public Hearing** – BOZA 24-001 – Justin & Ashley Steed
Request for a variance from sidewalk and paving requirements.
 - c) **Public Hearing** – BOZA 24-002 – Michael Scruggs
Request for a variance from accessory structure, paving and sidewalk requirements.
- VI. Upcoming Agenda Items -
- VII. Next Meeting Date and Time: February 7, 2024 at 5:00 p.m.
- VIII. Adjourn



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BOARD OF ZONING ADJUSTMENTS MEETING MINUTES

Wednesday, December 6, 2023 AT 5:00 P.M.

Commissioners	Present	Absent
Chair Angel	X	
Board Member Nelson	X	
Board Member Norton	X	
Board Member Roberts	X	
Vacant		
City Council Representative Mergelman	X	

Staff Present	Present	Absent
Planning Director Fox	X	
City Manager Nasta	X	

I. Call to Order

Chair Angel called the meeting to order at 5:10 p.m.

II. Roll Call

All Board Members present

III. Approval of Minutes from the July 5, 2023 Meeting

Member Roberts motions to approve the minutes from the July 5, 2023 meeting.

Seconded by Member Norton.

Roll Call: 4 ayes, Motion passed.

IV. New Business

a) Public Hearing – BOZA 23-002 – Fremont RE-2 School District / Fremont Elementary School – Requesting variance from sidewalk requirement.

- Planning Director states Fremont RE – 2 School District is in the process of constructing a new parent pick-up and drop-off zone, a new parking lot, and new cafeteria at Fremont Elementary School. The School District is requesting a variance from sidewalk requirements along east side of North Frazier Avenue between 5th and 7th streets. The variance request from Municipal Code 17.68.025 - Sidewalk Requirements, the district believes that a variance is necessary for the following reasons: 1) a sidewalk along North Frazier Avenue will adversely affect the safety of students during drop-off and pickup times by parents. 2) the additional design and construction costs for the installation of the sidewalk. 3) the school district, engineers and construction



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company for the project perceive the new cafeteria as an extension of or an addition to the main building rather than a distinct independent structure, as a hallway will connect the two buildings. Florence Municipal Code 17.68.025(A) - Sidewalk Requirements, states the following: "At the time of erection of a new structure, addition to or enlargement of an existing structure (if the addition or enlargement exceeds 50% of the floor area of the structure), or a change in use, within any district in the City, an adequate sidewalks must be provided at the sole cost of the developer of the parcel." The new cafeteria will be approximately 12% of the floor area of the existing school.

- Alex Ewers, 3 Rocks Engineering – Representing Fremont RE-2 School District. Explained the existing school structure and cafeteria, which the students now have to walk across 5th Street to the current cafeteria. The new cafeteria will now be onsite as part of a singular building eliminating the students from having to cross roads. Safety is one of the main goals of this project. The drop-off lanes have been reconfigured as well as the parking on-site, adding significant amount of parking, then a drop-off lane that exists off North Frazier. The existing building is about 64,000 square feet; the proposed cafeteria addition is just under 10,000 square feet. As stated before in Title 17.68.025 that a sidewalk is required if a new structure is built, which the school district is not building a new structure, it will be an addition to the existing structure. Second requirement is if an existing structure has an addition over 50% of the footprint, the new cafeteria will be about 12%. The third requirement is if there is a change in use, in their opinion it is a school and will remain a school. Another reason a sidewalk was not incorporated into the east side of Frazier Avenue is it would introduce pedestrian conflict with vehicular conflict at three different locations along North Frazier Avenue due to the new configuration of the drop-off and parking area. The school district has safety concerns from an operational standpoint, then as a professional representative, 3 Rocks Engineering, has traffic safety concerns.
- Chair Angel inquires about CDOT information and the traffic light timing at West 3rd Street and Frazier Avenue.
- Dr. Brenda Krage, Superintendent states that bell schedules and times are sent to CDOT every year.
- Chair Angel opens the public hearing.
- Sue Kinzer, 302 Wilson Avenue – expresses safety concern about children that are walking down the street that she resides due to the width of that portion of 5th Street, traffic and pedestrian traffic.
- Chair Angel closes the public hearing.
- Member Norton inquires about staff monitors while students are being dropped off to insure that the traffic keeps flowing.
- Dr. Brenda Krage, Superintendent states that anytime students are being dropped off staff is assigned to monitor directional traffic flow.
- City Council Representative Mergelman inquires if the current drop-off zone will still be available.
- Alex Ewers, 3 Rocks Engineering states that it will not be.



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Member Roberts makes motion for BOZA 23-002 Fremont RE-2 School District / Fremont Elementary School requesting variance from sidewalk requirements, based on the requirements delineated in Florence Municipal Code Chapter 17.88.080 A-F, Board of Adjustment, Policy Determinations, the applicant, Fremont RE-2 School District, shall be granted a variance from Florence Municipal Code Title 17.68.025 – Sidewalk Requirements along North Frazier Avenue.

Seconded by Member Nelson

Roll Call: 4 ayes, Motion carries.

Adjournment: The meeting adjourned at 5:46 p.m.

By: _____
Board of Zoning Adjustment Chair

Date: _____

BOARD OF ZONING ADJUSTMENT
MEETING DATE: JANUARY 3, 2024
STAFF REPORT

Agenda Item: **Public Hearing** – BOZA 24-001 / Justin & Ashley Steed
Request for a variance from sidewalk and paving requirements.

Department: Planning

Background / Description of Item:

Justin and Ashley Steed are in the process of constructing a single-family home located at 770 Pine Street and requesting a variance from the sidewalk, paving of driveway and parking area requirements.

Staff Comments:

The applicants are requesting a variance from Florence Municipal Code 17.68.025 – Sidewalk Requirements and 17.68.030 - Supplementary Requirements.

- Municipal Code 17.68.025 A: *“At the time of erection of a new structure, addition to or enlargement of an existing structure or a change in use, within any district in the City, an adequate sidewalk must be provided at the sole cost of the developer of the parcel.”*
 - Subject property is located in a neighborhood that does not currently have sidewalks, and is not projected to have sidewalks in the near future.

- Municipal Code 17.68.030 I-2: *“Areas used for parking and maneuvering of vehicles must be paved with concrete or asphalt unless a variance is granted by the Florence Board of Zoning Adjustments. The Board may waive concrete or asphalt paving for projects if the public street fronting on the property is unpaved and is not projected for paving within five (5) years from the date of the project's completion.”*
 - Subject property was previously vacant; the driveway for the new home will be onto Pine Street, which is unpaved for its entirety. The adjacent properties are vacant lots or have single-family homes with driveways that are unpaved or gravel. The adjacent streets, Spruce and Cedar, are also unpaved.

According to Florence Municipal Code 17.88.080 - Board of Adjustment, Policy Determinations, the Board of Zoning Adjustment may grant a variance of temporary permit only if it makes findings that all the following requirements, insofar as applicable, have been satisfied:

A. That there are unique physical circumstances or conditions, such as irregularly shaped, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;

*****From Applicants statement on Item 10a of the attached application.**

- *N/A - There are not unique physical circumstances.*

B. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

*****From Applicants statement on Item 10b of the attached application.**

- *There are no unusual circumstances on conditions except sidewalks and street and driveway paving are not present at this time.*

C. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title;

***** From Applicants statement on Item 10c of the attached application.**

- *There are no sidewalks or paving in the neighborhood currently, the property can be developed but approving these variances would allow the are to stay in conformity with how it is now.*

- *Sidewalk would be difficult to install due to the fact that the area is not developed.*

D. That such unnecessary hardship has not been created by the applicant;

***** From Applicants statement on Item 10d of the attached application.**

- *No, the hardship was not created by the applicant.*

E. That the variance, if granted will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;

***** From Applicants statement on Item 10e of the attached application.**

- *No, it will not alter the character of the neighborhood.*

F. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provision of this title, which is in question.

***** From Applicants statement on Item 10f of the attached application.**

- *If these variances are granted it will be the minimum variance that will afford relief.*

The timeline below was followed in advance of this meeting with regard to notification requirements:

- December 13, 2023: Notification letters were sent to property owners within 300 feet of the subject property.
- December 16, 2023: Public Notice of the Public Hearing was published in the *Cañon City Daily Record*.
- December 19, 2023: Property was posted with a Public Hearing Notice sign.

Attachments included:

- Application
- Map and pictures of the area.

Suggested Motion:

Based on the requirements delineated in Florence Municipal Code Chapter 17.88.080 A-F, Board of Adjustment, Policy Determinations, the applicants, Justin and Ashley Steed, shall / shall not be granted a variance from Florence Municipal Code Chapter 17.68.030 - Supplementary Requirements and Chapter 17.68.025 – Sidewalk Requirements.

(6)

CITY OF FLORENCE, COLORADO
ZONING VARIANCE APPLICATION
(In accordance with Florence Municipal Code Section 17.88)

Has a pre-submittal conference been held with the City of Florence regarding this application? If not, please contact the City of Florence Planning Office at 719-784-4848 Ext. 7 to schedule a pre-submittal conference before proceeding with this application.

1. Date of Application: 11 / 8 / 2023
2. Application Fee Required with Application: **\$125.00**
3. Street address of property:
770 Pine Street Florence, CO 81226
4. Name, Address and Telephone Number of Property Owner(s):
Justin & Ashley Steed
[REDACTED]
[REDACTED]
5. Name, Address and Telephone Number of any Representative:
6. Current zoning of the property? Residential
7. What is the current use of the property?
 Residential Commercial Vacant
Describe:
But planning to set up a home.
8. Describe the proposed use of the property?
For residential purposes.

PAID NOV 14 2023
39170
⑦

9. List the requested variance(s) from the City's regulations, and describe why the requested variance is the best solution:

Variance from Sidewalks
Variance from paving
cost alot
currently no side walks or paving in the
area.

10. Provide a statement of justification for the variance request in direct response to the following:

- a) That there are unique physical circumstances or conditions, such as irregular shape, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property:

N/A - There are no unique physical
Circumstances

- b) That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located:

There are no unusual circumstances
on conditions except sidewalks and
street & driveway paving are not
present at this time.

- c) That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the regulations:

There are no sidewalks or paving in the
neighborhood currently, the property can be
developed but approving these variances would allow
the area to stay in conformity with how it is now →

- d) That these hardships have not been created by the applicant and/or property owner:

No, The hardship was not created by the
applicant.

(c) Sidewalks would be difficult to install due to the fact that the area is not developed.

- e) That the variance, if granted will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property:

NO, it will not alter the character of the neighborhood.

- f) That the variance, if granted, is the minimum variance that will afford relief, and is the least modification possible of the provision of the zoning regulation which is in question:

If these variances are granted it will be the minimum variance that will afford relief.

11. Provide a time schedule for construction or occupancy.

Construction to start as soon as possible, and plan to be occupied at the latest July of 2024

12. Further explanations and additional pertinent information can be attached if needed.

By signing this application, you are agreeing to the following:

1. Certifying that the above information is true and correct to the best of your knowledge and belief.
2. Acknowledging that you understand that if any information is untrue or inaccurate this application may be rendered void.
3. Agreeing to all requirements of the City of Florence zoning and code requirements.
4. Agreeing to reimburse the City of Florence for the costs mailings, sign preparation, legal review, and professional reviews, if required.
5. Authorizing City staff to inspect the property for compliance with applicable codes and ordinances.
6. To provide additional information as may be required by the Board of Zoning Adjustments.

Property owner(s) signature and date:

J. Stead [Signature]

11/08/23

Representatives (if any) signature and date:

Please remit application fee to the City of Florence. This application will not be processed until the application fee is paid, all questions are answered and all attachments are included. The City staff, or Board of Zoning Adjustments, may require additional information as deemed necessary. Once this application is deemed to be complete and fees have been paid, you will be notified of the initial meeting or public hearing on this application, and your responsibility for posting a public hearing notice on the property.

①

770 Pine Street

67

DIVISION ST

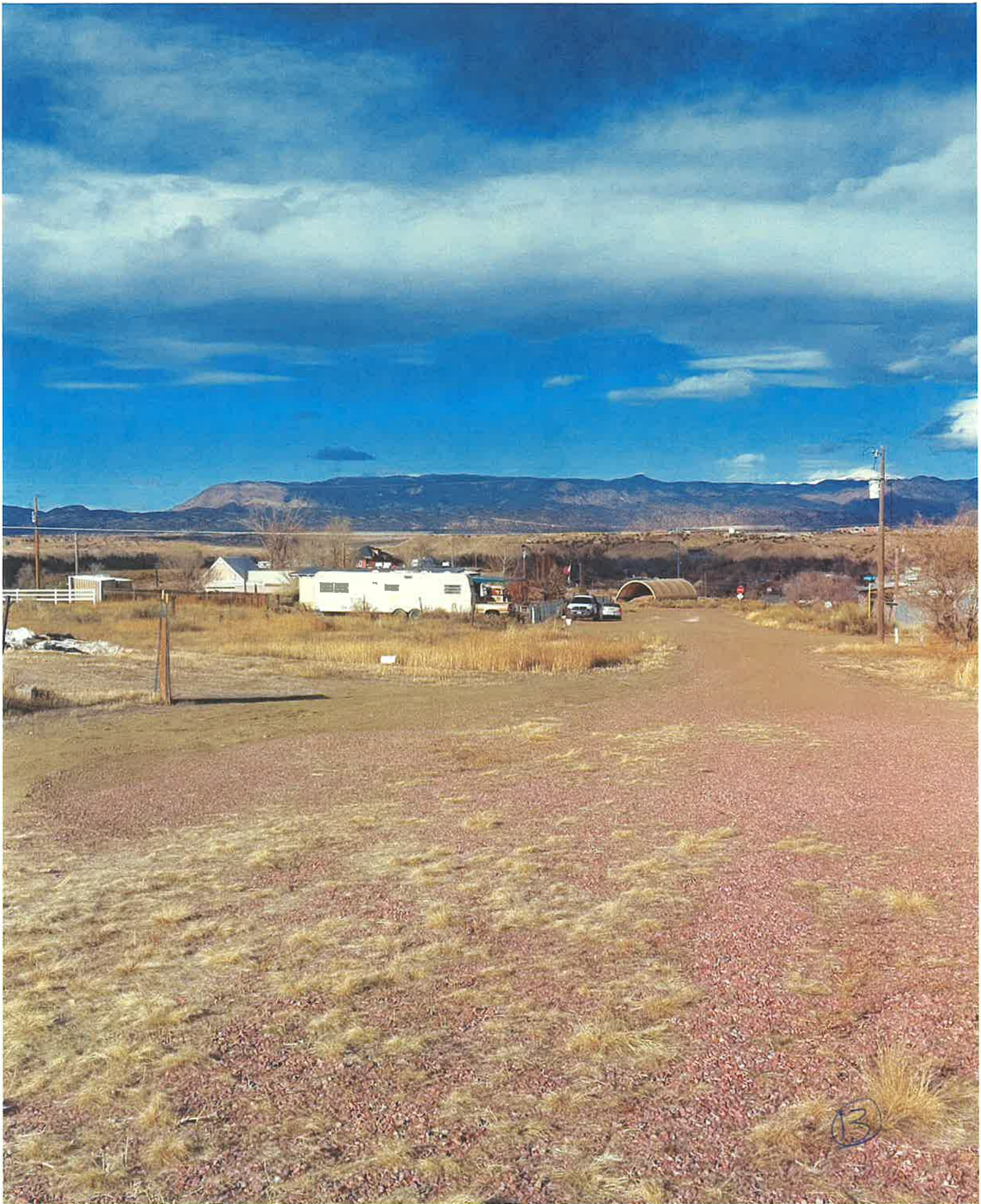
CEDAR ST

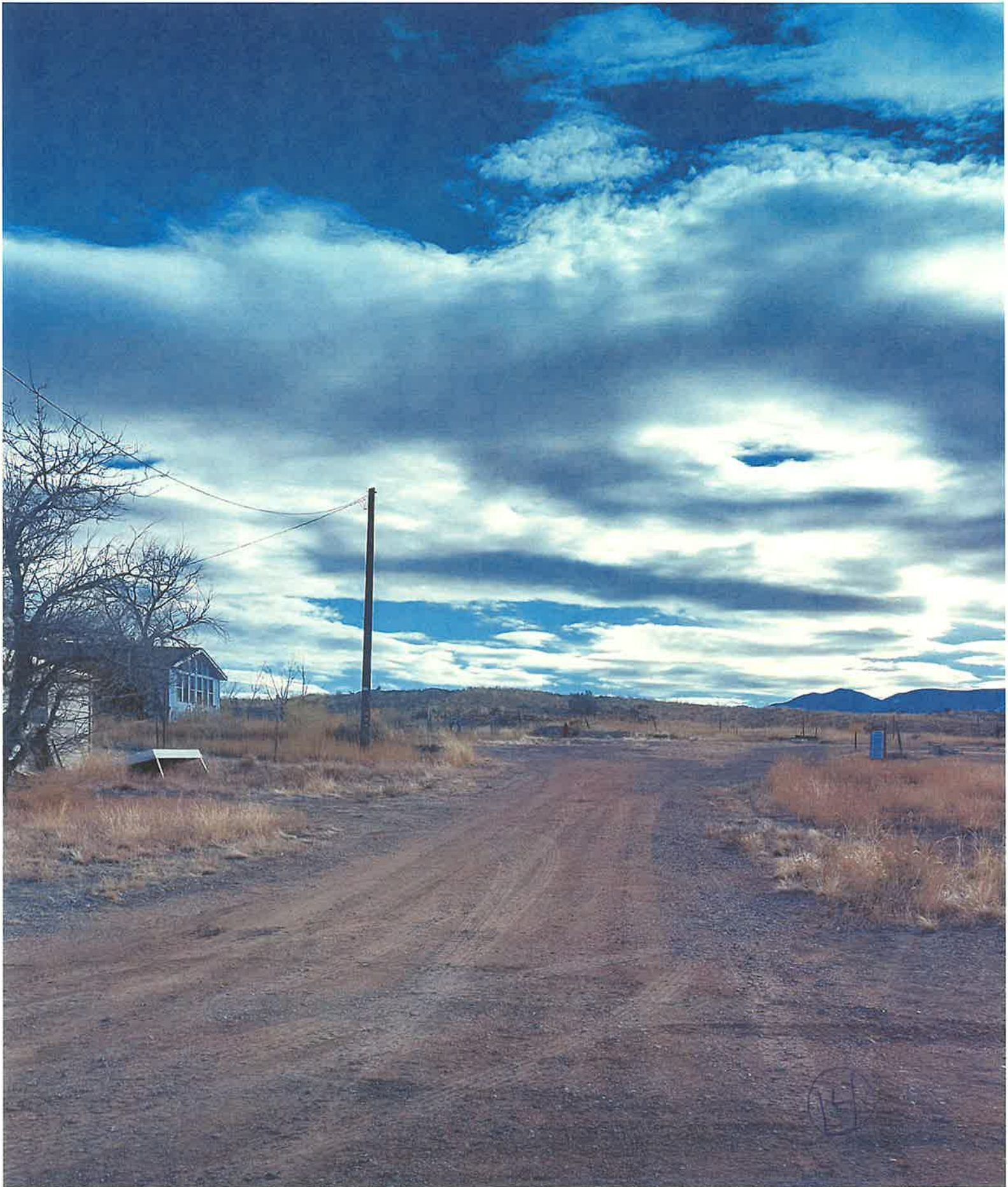
PINE ST

SPRUCE ST



12





BOARD OF ZONING ADJUSTMENT
MEETING DATE: JANUARY 3, 2024
STAFF REPORT

Agenda Item: **Public Hearing** – BOZA 24-002 / Michael Scruggs
Request for a variance from accessory structure, sidewalk and paving requirements.

Department: Planning

Background / Description of Item:

Michael Scruggs would like to construct a 1,200 square foot detached garage at 401 Highland Avenue and is requesting a variance from the accessory structure maximum square footage allowed, sidewalk, paving of the driveway and parking area requirements.

Staff Comments:

The applicant is requesting a variance from Florence Municipal Code 17.64.015 – Accessory buildings and structures, 17.68.025 – Sidewalk Requirements and 17.68.030 - Supplementary Requirements.

- Municipal Code 17.64.015 C-1 – “*No detached accessory structure or combination of structures shall exceed twenty-five (25) percent of the lot area, up to a maximum of one thousand (1,000) square feet, or one hundred (100) percent of the foot print of the principal structure, whichever is smaller.*”
 - The residential or principal structure is roughly 1,187 square feet according to the Fremont County Assessors.
 - Mr. Scruggs has indicated that he has already purchased a 1,200 square foot metal building for the garage that he would like to have constructed at the above address.
 - The size of the potential detached garage will exceed the Municipal Code limit by 200 square feet.
 - The potential detached garage would roughly be 4% of the lot area.

- Municipal Code 17.68.025 A: “*At the time of erection of a new structure, addition to or enlargement of an existing structure or a change in use, within any district in the City, an adequate sidewalk must be provided at the sole cost of the developer of the parcel.*”
 - Property is located in a neighborhood that does not currently have sidewalks, and is not projected to have sidewalks in the near future.

- Municipal Code 17.68.030 I-2: “*Areas used for parking and maneuvering of vehicles must be paved with concrete or asphalt unless a variance is granted by the Florence Board of Zoning Adjustments. The Board may waive concrete or asphalt paving for projects if the public street fronting on the property is unpaved and is not projected for paving within five (5) years from the date of the project's completion.*”
 - Highland Avenue is currently chip sealed.

According to Florence Municipal Code 17.88.080 - Board of Adjustment, Policy Determinations, the Board of Zoning Adjustment may grant a variance of temporary permit only if it makes findings that all the following requirements, insofar as applicable, have been satisfied:

A. That there are unique physical circumstances or conditions, such as irregularly shaped, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;

*****From Applicants statement on Item 10a of the attached application.**

- *The property lot is large enough for the addition of a garage and still be under 40% land usage from buildings.*

B. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

*****From Applicants statement on Item 10b of the attached application.**

- *There are no sidewalks in neighborhood, only drainage ditch + culvert piping at the driveways.*

C. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title;

***** From Applicants statement on Item 10c of the attached application.**

- *Not without major storm drainage, street, curb + gutter development.*

D. That such unnecessary hardship has not been created by the applicant;

***** From Applicants statement on Item 10d of the attached application.**

- *The City has not changed any aspect of street, curb, gutter since I purchased property 8 years ago.*

E. That the variance, if granted will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;

***** From Applicants statement on Item 10e of the attached application.**

- *The property is large enough to support 1200 sq. ft. building, this will only improve property + neighborhood. No impairment of any adjacent property.*

F. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provision of this title, which is in question.

***** See Applicants statement on Item 10f of the attached application.**

The timeline below was followed in advance of this meeting with regard to notification requirements:

- December 13, 2023: Notification letters were sent to property owners within 300 feet of the subject property.
- December 16, 2023: Public Notice of the Public Hearing was published in the *Cañon City Daily Record*.
- December 19, 2023: Property was posted with a Public Hearing Notice sign.

Attachments included:

- Application
- Map and pictures of the area.

Suggested Motion:

Based on the requirements delineated in Florence Municipal Code Chapter 17.88.080 A-F, Board of Adjustment, Policy Determinations, the applicant, Michael Scruggs, shall / shall not be granted a variance from Florence Municipal Code Chapter 17.64.015 – Accessory buildings and structures, Chapter 17.68.025 – Sidewalk Requirements and Chapter 17.68.030 - Supplementary Requirements.

CITY OF FLORENCE, COLORADO
ZONING VARIANCE APPLICATION
(In accordance with Florence Municipal Code Section 17.88)

Has a pre-submittal conference been held with the City of Florence regarding this application? If not, please contact the City of Florence Planning Office at 719-784-4848 Ext. 7 to schedule a pre-submittal conference before proceeding with this application.

1. Date of Application: 11 / 30 / 23
2. Application Fee Required with Application: \$125.00
3. Street address of property: 401 W. HIGHLAND AV.
FLORENCE CO
4. Name, Address and Telephone Number of Property Owner(s):
MICHAEL SCRUGGS
~~_____~~
~~_____~~
5. Name, Address and Telephone Number of any Representative:
6. Current zoning of the property? R-1
7. What is the current use of the property?
 Residential Commercial Vacant
Describe:
RESIDENCE - SINGLE FAMILY
8. Describe the proposed use of the property?
ADDING A DETACHED GARAGE

PAID NOV 30 2023

RECEIVED

39221

18

9. List the requested variance(s) from the City's regulations, and describe why the requested variance is the best solution:

#1 GARAGE DESIGN IS 1200 SQ.FT., 200^{SQ} FT.
OVER CODE

#2 SIDEWALK

#3 PAVING of Driveway

10. Provide a statement or justification for the variance request in direct response to the following:

- a) That there are unique physical circumstances or conditions, such as irregular shape, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property:

THE PROPERTY LOT IS LARGE ENOUGH FOR THE ADDITION OF A GARAGE AND STILL BE UNDER 40% LAND USAGE FROM BUILDINGS

- b) That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located:

THERE ARE NO SIDEWALKS IN NEIGHBORHOOD,
ONLY DRAINAGE DITCH + CULVERT PIPING
AT THE DRIVEWAYS

- c) That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the regulations:

NOT WITHOUT MAJOR STORM DRAINAGE,
STREET, CURB + GUTTER DEVELOPEMENT

- d) That these hardships have not been created by the applicant and/or property owner:

THE CITY HAS NOT CHANGED ANY
ASPECT OF STREET, CURB + GUTTER
SINCE I PURCHASED PROPERTY 8 YEARS
AGO.

- e) That the variance, if granted will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property:

THE PROPERTY IS LARGE ENOUGH TO SUPPORT 1200 SQ.FT. BUILDING, THIS WILL ONLY IMPROVE PROPERTY + NEIGHBORHOOD, NO IMPAIRMENT OF ANY ADJACENT PROPERTY

- f) That the variance, if granted, is the minimum variance that will afford relief, and is the least modification possible of the provision of the zoning regulation which is in question:

THERE WAS NEVER ANY INTENTION OF NEEDING A VARIANCE. I VISITED SEVERAL TIMES THE PLANNING OFFICE BUILDING + HAD MANY CONVERSATIONS WITH THE INSPECTOR + DIRECTOR - ALL OF

11. Provide a time schedule for construction or occupancy.

AS THIS PROJECT STARTED AUG. 2022, I HOPE TO RECEIVE MY PERMIT + START AS SOON AS POSSIBLE. COMPLETION WITHIN 6 MONTHS IS

12. Further explanations and additional pertinent information can be attached if needed.

POSSIBLE DEPENDING ON UNFORESEEN DELAYS. DUE TO MY CURRENT EXPENDITURES AND THE FACT THE BUILDING IS IN MY POSSESSION, A VARIANCE WOULD BE THE BEST CURE.

WIECH STATED THAT A 1200 SQ.FT. BUILDING WOULD POSE NO PROBLEMS, ALSO DURING MY INITIAL VISIT, I ASKED FOR BUT DID NOT RECEIVE ANY LITERATURE OF CODES OR MEASUREMENTS AS STATED ON YOUR WEBSITE

By signing this application, you are agreeing to the following:

1. Certifying that the above information is true and correct to the best of your knowledge and belief.
2. Acknowledging that you understand that if any information is untrue or inaccurate this application may be rendered void.
3. Agreeing to all requirements of the City of Florence zoning and code requirements.
4. Agreeing to reimburse the City of Florence for the costs mailings, sign preparation, legal review, and professional reviews, if required.
5. Authorizing City staff to inspect the property for compliance with applicable codes and ordinances.
6. To provide additional information as may be required by the Board of Zoning Adjustments.

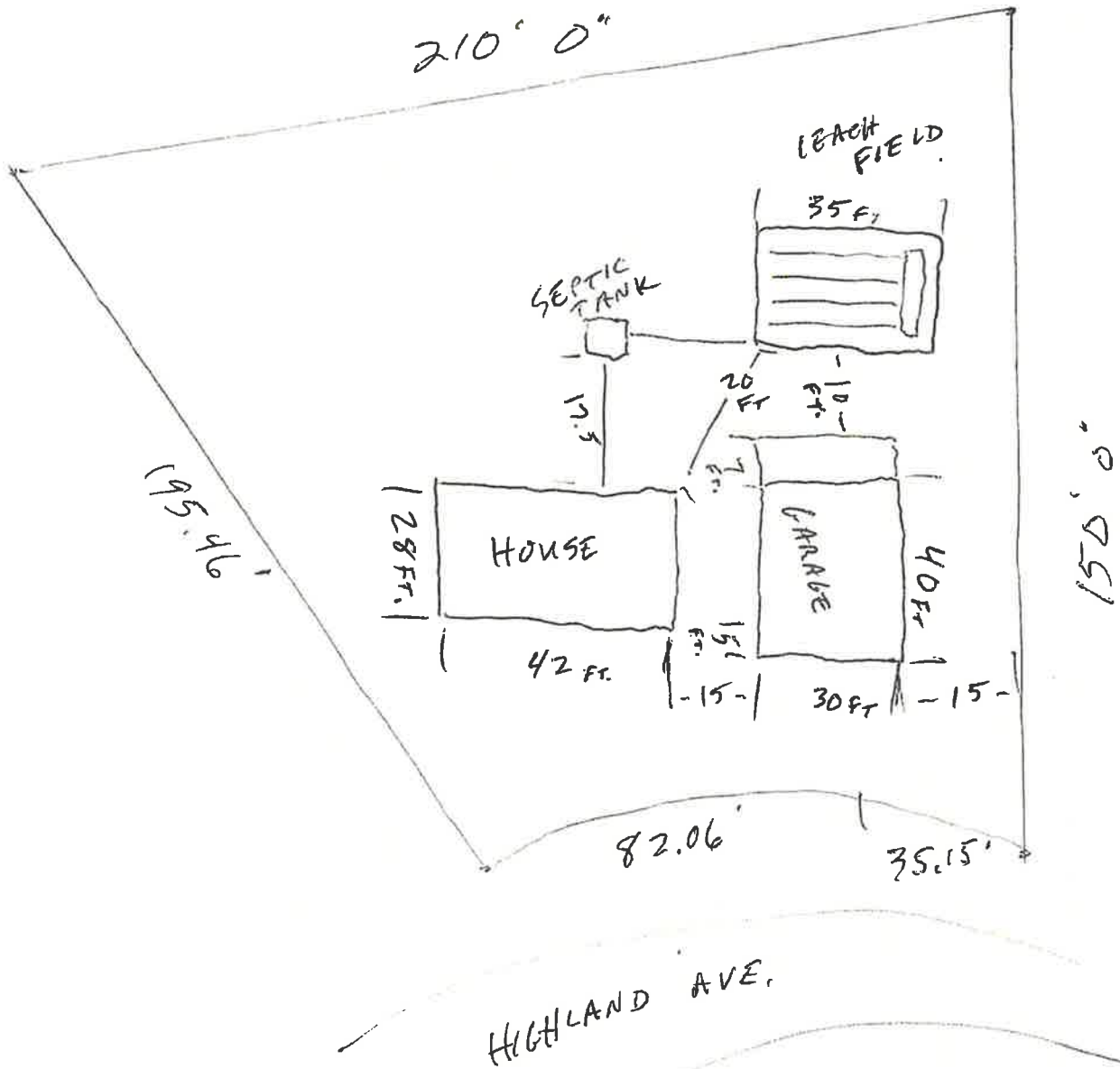
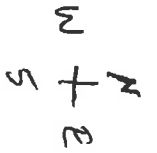
Property owner(s) signature and date:

 11.30.23

Representatives (if any) signature and date:

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401 W. HIGHLAND AVE.



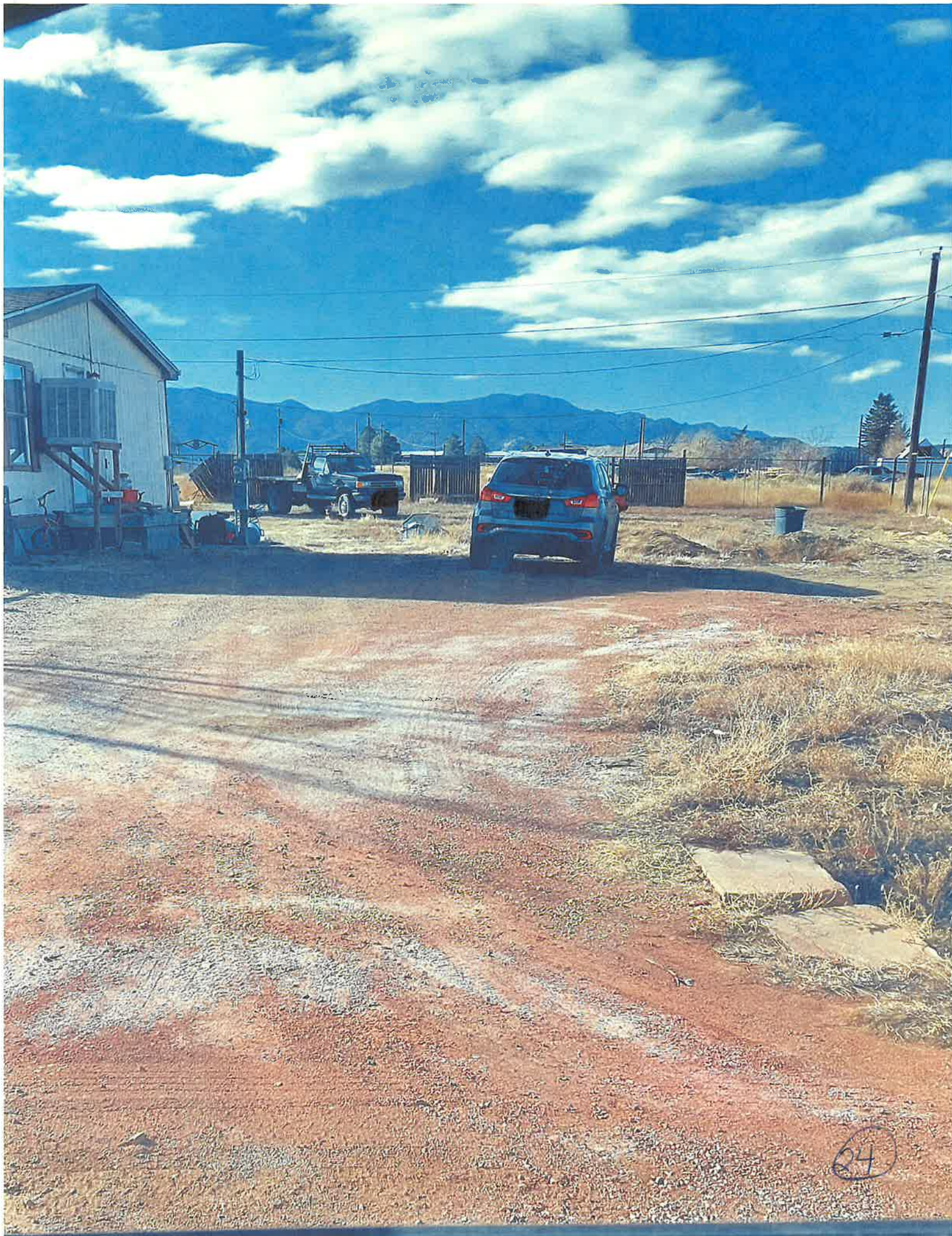
401 W. Highland Avenue

LEGHORN DR

HIGHLAND AVE



23





25

Ashley Fox

From: Ashley Fox
Sent: Tuesday, September 26, 2023 10:15 AM
To: mascrg@yahoo.com
Subject: Code
Attachments: 17.64.015__Accessory_buildings_and_structures. (1).pdf

Hello,
I have attached the section on accessory structures.
Please let me know if you have any other questions.
Have a good day.

Ashley Fox
Planning and Building
City of Florence