

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
AUGUST 20, 2024**

Board Members Present

Ed Norden-Chairman
Gardner Fey
Matthew Landis
James Javernick

Planning Staff Present

Mike Fowler, Planning Coordinator
Joanne Kohl, Office Manager
Danielle Adamic, Senior Coordinator

AGENDA

- 1. Elect a Chairman and Vice Chairman**
- 2. APPROVAL OF THE AUGUST 20, 2024, BOARD OF ZONING ADJUSTMENT MEETING AGENDA.**
- 3. APPROVAL OF THE FEBRUARY 21, 2023, BOARD OF ZONING ADJUSTMENT MEETING MINUTES.**

4. BOZA 24-001 Yoder

Requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 472 Basswood Ln. Canon City CO 81212.

Applicant: Stan Yoder

5. BOZA 24-002 Fluckey:

Requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 17225 State Highway 115, Penrose CO.

Applicant: Anna Fluckey

6. OTHER ITEMS FOR DISCUSSION

7. ADJOURNMENT

Chairman Ed Norden called the Tuesday, August 20, 2024, meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 4:00 P.M.

Roll call was completed with the aforementioned members present.

Minutes from August 20,2024

Chairman Norden states that the first item on the agenda is to elect a Chairman and Vice-Chairman.

Chairman Norden states he will entertain a motion to nominate a chairman.

MOTION

Mr. Javernick motions to nominate Ed Norden as Chairman.

SECOND

Mr. Fey second the motion.

Motion passed unanimously (4 of 4)

MOTION

Chairman Norden makes a motion to nominate Matt Landis as Vice-Chairman.

SECOND

Mr. Fey second the motion.

Motion passed unanimously (4 of 4)

Chairman Norden stated there was 2 items on the agenda if there were any other changes, additions, or corrections to the August 20, 2024, BOZA Meeting Agenda. He stated he would hear a motion to approve the agenda.

MOTION

Mr. Landis motioned to approve the agenda of the August 20, 2024, BOZA meeting.

SECOND

Mr. Fey second the motion.

Motion passed unanimously. (4 of 4)

Chairman Norden asked if there were any other changes, or discussions to the February 21, 2023, BOZA Meeting Minutes. He stated he would entertain a motion to approve the minutes.

MOTION

Mr. Javernick motioned to approve the minutes for the February 21, 2023, BOZA meeting.

SECOND

Mr. Landis second the motion.

Motion passed unanimously. (4 of 4)

FIRST ITEM

BOZA 24-001 Yoder

Requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 472 Basswood Ln. Canon City CO 81212, this is West of Canon City.

Chairman Norden asks for a staff report.

Coordinator Fowler states that the applicant is Stan Yoder, and he is requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 472 Basswood Ln. Canon City CO 81212. The property development requirements are:

Minimum lot area: Four and one-half (4 ½) acres.

Maximum lot coverage: Fifteen (15) percent.

Maximum building height: Thirty-five (35) feet.

Minimum lot width: Three hundred (300) feet.

Minimum setback requirements:

Front yard: Fifty (50) feet.

Side yards: Twenty-five (25) feet for interior lot lines and fifty (50) feet for corner lot lines.

Rear yard: Fifty (50) feet

Mr. Yoder is proposing a side Yard 5' Variance. His lot coverage will be 1.28%, Front yard is 180' and the rear yard is 238'.

Chairman Norden confirmed that the applicant is requesting the variance for the side yard at 5' feet and asked Stan Yoder if this is correct. The Chairman asked if there was a neighboring house on the side. Mr. Yoder answered no.

Fowler states the department recommends approval with a ILC, as a contingency item.

MOTION

Mr. Landis motions for approval of the **BOZA 24-001 Yoder** variance request with Staff recommendations.

SECOND

Mr. Javernick second the motion for approval.

Chairman Norden accepts the motion with the stipulation that a surveyor complete the ILC.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

SECOND ITEM

BOZA 24-002 Fluckey

Requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 17225 State Highway 115, Penrose CO.

Chairman Norden asks for departments staff report.

Coordinator Fowler states that the applicant is Anna Fluckey, and is requesting approval for a variance from the Fremont County Zoning Resolution for the property located at 17225 State Highway 115, Penrose CO. The property development requirements are:

Minimum lot area: Lots comprising an area of seventy-five hundred(7,500) square feet or more but less than two (2) acres shall be serviced

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by public water and sewer. Lots comprising an area of two (2) acres or more but less than four and one-half (4 ½) acres shall be serviced by public water. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and an individual sewage disposal system.

Maximum lot coverage: Sixty-five (65) percent.

Minimum lot width:

Seventy-five (75) feet with public sewer and water.

One hundred (100) feet without public sewer and water.

Maximum building height: Fifty (50) feet.

Minimum setback requirements:

Front yard: Forty (40) feet.

*Side yard: Ten (10) feet.

If a street is adjacent to the side property line, the side yard setback adjacent to the street shall be fifteen (15) feet.

Two (2) additional feet for each story over one (1) story.

Two (2) additional feet for each story over one (1) story.

Two (2) additional feet for each story over one (1) story.

*Rear yard: Twenty (20) feet.

A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway, which this property is on Hwy 115. They are proposing a variance from all setbacks on this lot.

Chairman Norden asked for him to repeat the setbacks for the State Hwy.

Anna Fluckey stated the only setback they are requesting is the one from the State Hwy, not all four.

Chairman Norden requested clarification as to which one. Mr. Fowler stated it is only the one along the Hwy. The Chairman asked what the use of the property is. Mr. Fowler stated there is only a shed on it now

Mr. Fey asks if there are any problems with the State Highway Department with those short of setbacks.

Ms. Fluckey states that they have an approval sent to the planning team that they agreed to the setback.

Coordinator Fowler states that it is in their CDP, not with the variance request.

Chairman Norden states that these are going to be storage units.

Coordinator Fowler states, yes it will be a storage unit facility and RV storage.

Chairman Norden asks if there are any other questions for Staff.

Mr. Fey asks if the backs of the storage units will face the highway, so will any people be going in and out?

Ms. Fluckey asks for the Civil Engineer to speak about the details.

Civil Engineer for this application, Jim Brzostowicz, states that they did the plan for this, and they could have put the building right in the middle that met all the setbacks, but it would be one building and the whole site would be paved around it. With this approach they can have the garage doors face the interior and one driveway in the middle, big enough for a firetruck to turn around in and will have more green space.

Chairman Norden states option one is compliant with the setbacks and option two needs the setback variance.

Mr. Brzostowicz states option one has more drive aisle, but makes the lot more tight, the alternate plan option two is a lot more green, but requires the variance with only one drive aisle.

Chairman Norden if there are any more questions for the staff or applicant.

Coordinator Fowler states that Staff recommends denial since the lot is off the highway, but it can be met with setbacks. If the board recommends approval, staff will require an ILC also.

Chairman Norden asks Mr. Fowler that he has the email from CDOT stating they are ok with this. The Chairman asks where is the access to the property.

Mr. Fowler states the access is on the bottom of the left corner of the building is the access. The CDOT email also states that the access from the Hwy is only a temporary access, until H street is improved.

Mr. Brzostowicz states they have taken H Street into consideration, and if H Street gets improved they will close the access from Hwy 115.

Chairman Norden asks if this is a right turn only onto 115.

Mr. Brzostowicz states there are no restrictions from CDOT.

Chairman Norden asks that they can turn around and turn right and turn left, if granting the variance will affect the sight of making a left or right turn.

Mr. Brzostowicz states no the building will still be 85'feet off the Hwy so there is plenty of sight distance.

Mr. Fey asks if it's a four lane.

Mr. Brzostowicz states that it is.

Chairman Norden states the Dept. is recommending denial. He asks if there is any other reason for their recommendations other than they believe they can meet setback with another design.

Mr. Fowler states no.

Mr. Landis asks the applicant if there was any other advantages or disadvantages by choosing option 2.

Mr. Brzostowicz states yes because it's less building sq. footage and more drive aisle so it would be a better development if there was more building sq. footage. It would have larger and more units.

Mr. Fey asks if option 2 affects the stormwater discharge.

Mr. Brzostowicz states either way would work that they have a detention pond designed , the pond may need to be larger for option one.

Chairman Norden asks if there has been any comments from neighboring properties.

Mr. Fowler states there has been no comments received from property owners.

MOTION

Mr. Javernick motions for approval of the **BOZA 24-002 Fluckey** variance request with the recommended Staff recommendations and the stipulation of the ILC requirement.

SECOND

Mr. Fey second the motion for approval.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 7 – ADJOURNMENT

With no further items for discussion, Chairman Norden declared the meeting adjourned at 4:30 P.M.


Chairman, Fremont County Board of Zoning Adjustment


Date