

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
FEBRUARY 21, 2023**

Board Members Present

Ed Norden-Chairman
Dave Boden –Vice Chairman
Matthew Landis
James Javernick

Planning Staff Present

Danielle Adamic, Planning Coordinator
Joanne Kohl, Office Manager

AGENDA

1. **Elect a Chairman and Vice Chairman**
2. **APPROVAL OF THE FEBRUARY 21, 2023, BOARD OF ZONING ADJUSTMENT MEETING AGENDA.**
3. **APPROVAL OF THE SEPTEMBER 20, 2022, BOARD OF ZONING ADJUSTMENT MEETING MINUTES.**
4. **BOZA 22-004 HAMAND**
Request for variance from the Fremont County Zoning Resolution (FCZR) by Teresa Hamand for the property located at 2145 Cedar Ave., in Canon City. The property is located in the Agricultural Living Zone District.
5. **OTHER ITEMS FOR DISCUSSION**
6. **ADJOURNMENT**

Chairman Ed Norden called the Tuesday, February 21, 2023, meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 3:04 P.M.

Roll call was completed with the aforementioned members present.

ITEM 1

Chairman Norden states that the first item on the agenda is to elect a Chairman and Vice-Chairman. He asks Coordinator Adamic if this is annual or every 2 years.

Coordinator Adamic states it is annual.

Chairman Norden states he will entertain a motion to elect a Chairman.

MOTION

Mr. Javernick motions to elect Ed Norden as Chairman.

SECOND

Mr. Landis second the motion.

Motion passed unanimously (4 of 4)

MOTION

Mr. Javernick makes a motion to elect Dave Boden as Vice-Chair.

SECOND

Mr. Landis second the motion.

Motion passed unanimously (4 of 4)

ITEM 2

Chairman Norden asked if there were any other changes, additions, or corrections to the February 21, 2023, BOZA Meeting Agenda. He stated he would entertain a motion.

MOTION

Mr. Javernick motioned to approve the agenda of the February 21, 2023, BOZA meeting.

SECOND

Mr. Landis second the motion.

Motion passed unanimously. (4 of 4)

ITEM 4 – BOZA 22-004 HAMAND

Representative: Teresa Hamand

Chairman Norden states that Teresa Hamand is requesting a variance from the Fremont County Zoning Resolution (FCZR) by Teresa Hamand for the property located at 2145 Cedar Ave., in Canon City. The property is located in the Agricultural Living Zone District.

VARIANCE REQUEST

- a. To allow a 5'9" and 36'.8' side-yard setback.
- b. To allow a 42' front-yard setback
- c. To allow an increase in lot coverage to 16.46%

ZONING REQUIREMENT

4.3.5 DEVELOPMENT REQUIREMENTS:

4.3.5.2 Maximum lot coverage: Ten (10) percent

4.3.5.5 Minimum setback requirements:

4.3.5.5.1 Front yard: Seventy-five (75) feet

4.3.5.5.2 Side yards: Fifty (50) feet

4.3.5.5.3 Rear yard: Fifty (50) feet

Representative: Teresa Hamand

Chairman Norden asks Ms. Hamand to explain what they exactly want to do.

Ms. Hamand replies

Chairman Norden states they are ready to hear from the department for staff report.

Coordinator Adamic states Ms. Hamand is wanting to build an addition, this will be a mud room and a little bit extra living space onto the home. The home does sit on a non-conforming lot right now and is zoned Agricultural Living. The lot is only .29 of an acre. The lot coverage would increase about 5 percent, bringing it up to 16.46 lot coverage, when in this zone district the lot coverage is only at 10 percent coverage. The property itself on the west side is Brookside limits, right behind her is Industrial and the rest around her is all Agricultural Living.

Chairman Norden states this was a non-conforming lot when the AG living zone was created correct.

Coordinator Adamic replies yes.

Chairman Norden asks if there are a number of non-conforming lots in that area.

Coordinator Adamic replies yes.

Chairman Norden asks if this was a different zone district would she have been allowed to proceed without coming before the Board.

Coordinator Adamic replies that not on the side yard at the 5.9.

Chairman Norden states he understands that the Planning Commission and Board of County Commissioner's are reviewing Agricultural Zone Districts.

Coordinator Adamic replies yes.

Chairman Norden states that her documentation shows that she notified adjacent property owners.

Coordinator Adamic replied yes, there were 4 adjoining property owners and there was no response from any of them.

Chairman Norden stated that this variance required a public hearing as well which was advertised.

Coordinator Adamic replied yes.

Chairman Norden asks if there are any other questions for the department or the applicant.

Chairman Norden states that since this is a public hearing he will formally declare the public hearing open and ask if there is any public comment. There being no public comment, the public hearing will be closed and asks the Board members their desires to take action on this application.

MOTION

Mr. Javernick motions for approval of the **BOZA 22-004 Hamand** variance request.

SECOND

Mr. Boden second the motion for approval.

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

Chairman Norden states that before they adjourn, the Planning Commission and Commissioner's on Agricultural Zone Districts, what exactly are they doing and what's the approach. Are they trying to make things easier he hopes.

Coordinator Adamic states that they are trying to make things easier. Right now there 16 different zone districts and they are trying to group a lot more zone districts together so it's not so confusing. They will have more restrictions on lot acres and what you can do, depending on how many acres you have. There will be public meetings. Affordable housing, they are looking at 2024, the regulations will be a lot sooner, probably within the next 6 months.

Chairman Norden states that before the meeting, they had a conversation as to whether this type of application here before the Board of Zoning Adjustment couldn't have been handled administratively.

Mr. Javernick states that they have had several of these applications over the years and you look at this and say, why are we talking about it, the applicant had to pay a surveyor \$1,500, it burns money up and time and puts stuff off that creates more activity for the county. He feels like they need to start doing things in this county, they are so burdened by regulation.

Chairman Norden states that they did not formally approve the minutes from the September 22, 2022 meeting, so they need to do that.

ITEM 3

Chairman Norden asked if there were any other changes, additions or corrections to the September 20, 2022, meeting minutes. He stated he would entertain a motion.

MOTION

Mr. Javernick motioned to approve the minutes of the September 20, 2022, BOZA meeting.

SECOND

Mr. Landis second the motion

Motion passed unanimously. (4 of 4)

ITEM 5- OTHER ITEMS FOR DISCUSSION

None

ITEM 6 – ADJOURNMENT

With no further items for discussion, Chairman Norden declared the meeting adjourned at 3:17 P.M.


Chairman, Fremont County Board of Zoning Adjustment


Date