

JUN 10 2024

Planning & Zoning



# FREMONT COUNTY BOARD OF ZONING ADJUSTMENT APPLICATION FOR VARIANCE FROM THE FREMONT COUNTY ZONING RESOLUTION

- Applicant Stan Yoder Address 3167 Maple Lane  
 City Canon City, Co State Co Zip Code 81212  
 Telephone (719) 371-7840 Facsimile \_\_\_\_\_ Email \_\_\_\_\_
- Consultant \_\_\_\_\_ Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_ Email \_\_\_\_\_
- Address of property for which the variance is being requested 477 Basswood Lane  
Canon City, Co 81212
- The current deed of record for the variance property is recorded in Book Number \_\_\_\_\_ at Page Number \_\_\_\_\_ under Reception Number \_\_\_\_\_ of the Fremont County Clerk and Recorders' Records. A copy of this document shall be attached to this application by the applicant.
- Is the property owner different than the applicant?  YES  No. If the owner is different, then a letter from the owner must be attached to this application stating the owner's name, address and telephone number and it must grant authority to the applicant to apply for the variance.
- The variance property is located in the AR District
- The current land use of the variance property is Single family dwelling
- The proposed land use of the variance property is Single family dwelling
- Is the current and or proposed use a permitted, conditional, special review or temporary use in the zone district? Please specify. NO
- Provide a brief description of the variance request. Asking for a 5' set back on one property line due to building restrictions from the mountain elevations

11. Is the variance property located within a designated flood plain? YES NO If yes, but the structure requiring the variance will not be located within the high-water line of the flood hazard area then documented verification of this shall be provided by a Colorado Registered Professional Engineer or Land Surveyor and attached to this application. If yes and the structure requiring the variance is to be located within the high-water line of the flood hazard area then a completed application for a Fremont County Flood Damage Prevention Permit shall be attached to this application.
12. Is the variance property located within a designated mine subsidence area? YES NO If yes, documentation shall be attached to this application evidencing what measures are being taken to mitigate the hazard.
13. What is the water source for the variance property? Well
14. What is the method of sewage disposal for the variance property? OWTS
15. Does the variance property receive irrigation water? \_\_\_ YES X NO If yes, what is the name of the irrigation company? \_\_\_\_\_
16. Does the variance property contain an irrigation ditch and or easement for an irrigation ditch? \_\_\_ YES NO If yes, what is the name of the irrigation company? \_\_\_\_\_
17. Does the variance property front on or is it adjacent to a State or Federal Highway?  YES  NO  
If yes, what is the name of the highway? \_\_\_\_\_  
(if the variance property gains access from a State or Federal Highway, documentation shall be attached to this application verifying legal access to the property)
18. What is the type of construction for the structure requiring the variance? Cabin
19. What is the use of the structure requiring the variance? Living
20. The following items are the minimum development requirements for the AR Zone District in which the variance property is located:
- The minimum allowed lot area is 4½ acres or \_\_\_\_\_ square feet.
  - The maximum allowed lot coverage is 15 percent, which computes to \_\_\_\_\_ square feet.
  - The minimum allowed lot width is 300 feet.
  - The minimum allowed front-yard setback is 50 feet.
  - The minimum allowed rear-yard setback is 50 feet.
  - The minimum allowed side-yard setback is 25 feet.
  - The minimum allowed side-yard setback, if adjacent to a street, is 50 feet.
  - The minimum allowed setback, if adjacent to a State or Federal Highway is \_\_\_\_\_ feet.

- i. The minimum allowed setback for a livestock structure is \_\_\_\_\_ feet.
- j. The maximum allowed building height of a structure is \_\_\_\_\_ feet.
- k. The minimum number of off-street parking spaces required for the use of the property is \_\_\_\_\_

21. The following items are the development features, existing and proposed, for the variance property:

- a. The lot area is 2.43 acres or \_\_\_\_\_ square feet.
- b. The lot coverage is 0 percent, which computes to 0 square feet.
- c. The lot width is ~~6030~~ 217 feet.
- d. The front-yard setback is 180 feet.
- e. The rear-yard setback is 238 feet.
- f. The side-yard setback is 5' variance feet.
- g. The side-yard setback, adjacent to a street, is NA feet.
- h. The setback, adjacent to a State or Federal Highway is NA feet.
- i. The setback for a livestock structure is NA feet.
- j. The building height of the structure is 24' feet.
- k. The number of off-street parking spaces required for the use of the property is 0

22. The Board of Zoning Adjustment shall have the power to grant variances from the Fremont County Zoning Resolution, but only where all of the following conditions are found to exist. The applicant shall provide "their" justification, finding each condition to exist.

- a. The variance would not authorize any use other than those enumerated as a "use-by-right" in the Zone District, and that the essential character of the Zone District would not be altered.

That is correct, It will stay a single family residence.

- b. An unnecessary hardship to the variance property owner could be shown to occur if the provisions of the Zoning Resolution were strictly interpreted.

Due to the topo of the land, This seems to be the only place to build the cabin and still have room for the septic

c. The circumstances found to constitute a hardship, requiring this variance, either were not created by the owner, or were in existence at the time of the passage of the Zoning Resolution and cannot be reasonably corrected, without variance. That is correct. contour, topo and slopes are all original and have not been altered by man.

d. The variance, if approved, would not be inconsistent with the intent and purpose of the Zoning Resolution and would not prejudicially effect the health, safety and general welfare of the inhabitants of Fremont County, It will not affect the other lots in any way.

23. The following items shall be attached to this application:

- a. A copy of the current deed of record for the variance property.
- b. An improvement location certificate, survey plat or certified plot plan for the variance property, evidencing the location and size of all existing and proposed improvements (*such as structures, wells, septic systems driveways etcetera*), along with any significant topographic features, **performed, signed and sealed by a Colorado Registered Professional Land Surveyor.**
- c. A complete building permit application.
- d. If applicable, documentation from the variance property owner allowing the application to be made.

**NOTE:** All questions must be answered, all appropriate attachments must be made and the non-refundable application fee provided at the time of submittal or the submittal will not be accepted and will not be placed on the Board of Zoning Adjustment Meeting Agenda.

All property owners of property adjacent to the variance property will be notified of this application by the Department.

**By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the**

application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board of Zoning Adjustment regarding the Application to be null and void.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

I further understand that a notice of the Board of Zoning Adjustment Meeting for this item will be published in a local newspaper at my expense.

Stan Yoder  
Applicant Printed Name

Stan Yoder  
Signature

6/5/24  
Date



**SITE EVALUATION PLAN**  
**472 BASSWOOD LN. CAÑON CITY, CO 81212**