



## City of Florence

Florence Municipal Center  
600 W.3<sup>rd</sup> Street, Florence, Colorado 81226.  
(719) 784-4848 Fax (719) 784-0228  
Email: [planning@florencecolorado.org](mailto:planning@florencecolorado.org)  
[www.cityofflorenceco.gov](http://www.cityofflorenceco.gov)

Members:  
Bliss Eckland  
Charlette Henagar  
Kirk Nelson  
Terri Norton  
Sandra Roberts

CITY OF FLORENCE  
BOARD OF ZONING ADJUSTMENT MEETING  
FLORENCE MUNICIPAL CENTER, CITY HALL CHAMBERS  
*Wednesday, June 4, 2025 at 5:00 p.m.*

### AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of July 3, 2024 Meeting
- IV. Old Business:
- V. New Business:
  - a) **Public Hearing** – BOZA 25-001 – C.A.N. Construction  
Request for a variance from sidewalk requirement.
- VI. Upcoming Agenda Items - None
- VII. Next Meeting Date and Time: TBD
- VIII. Adjourn



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## BOARD OF ZONING ADJUSTMENTS MEETING MINUTES

Wednesday, July 3, 2024, AT 5:00 P.M.

Commissioners	Present	Absent
Board Member Henagar	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 Norton called the meeting to order at 5:00 p.m.

### II. Roll Call

Member Nelson absent, all other members present.

City Council Representative Mergelman present

### III. Approval of Minutes from the March 6, 2024 meeting

Member Roberts motions to approve the minutes from the March 6, 2024, meeting.

Seconded by Member Henagar.

**Roll Call: 3 Ayes**, Motion passed.

### IV. New Business

#### a) **Public Hearing – 24-003 – C.A.N. Construction** - Requesting variance from sidewalk requirements.

- Planning Director states C.A.N. Construction is in the process of constructing a single-family home located at 224 West 4th Street and is requesting a variance from sidewalk requirements. The legal publication for the variance request did mention paving of the driveway; however, the company has since decided to pave the area, so a variance request is not needed. The applicant requests a variance from Florence Municipal Code 17.68.025A – Sidewalk Requirements. *“At the time of erection of a new structure within any district in the City, an adequate sidewalk must be provided*



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*at the sole cost of the developer of the parcel.”* The subject property is in a neighborhood that does not currently have sidewalks and is not projected to have sidewalks in the near future.

- Chair Norton opens public hearing.
- Steve Rossi, one of the partners and applicants, states they are going to pave the driveway. Other properties in the area do not have sidewalks.
- Chair Norton closes public hearing.

Member Roberts make the motion that based on the requirements delineated in Florence Municipal Code Chapter 17.88.080 A-F, Board of Adjustment, Policy Determinations, the applicant, C.A.N. Construction, shall be granted a variance from Florence Municipal Code Chapter 17.68.025 – Sidewalk Requirements.

Seconded by Member Henagar.

**Roll Call: 4 Ayes, Motion passed.**

By: \_\_\_\_\_  
Board of Zoning Adjustment Chair

Date: \_\_\_\_\_

# BOARD OF ZONING ADJUSTMENT

MEETING DATE: JUNE 4, 2025

## STAFF REPORT

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**Agenda Item:** Public Hearing – BOZA 25-001 / C.A.N. Construction  
Request - variance from sidewalk requirements.

**Department:** Planning

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### **Background / Description of Item:**

C.A.N. Construction is in the process of constructing a single-family home located at 224 Moffatt Avenue and is requesting a variance from sidewalk requirements.

### **Staff Comments:**

The applicant requests a variance from Florence Municipal Code 17.68.025 – Sidewalk 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.”*
  - The subject property is located in a neighborhood that currently lacks sidewalks, curbs, gutters, and paved streets, with no plans for such infrastructure improvements in the future.
  - Given that the neighborhood currently lacks sidewalks, the installation of new sidewalks would present significant challenges due to both engineering constraints and substantial associated costs.

The timeline below was followed in advance of this meeting regarding notification requirements:

- May 14, 2025: Notification letters were sent to property owners within 300 feet of the subject property.
- May 16, 2025: Public Notice of the Public Hearing was published in the *Cañon City Daily Record*.
- May 19, 2025: Property posted with a Public Hearing Notice sign.

### **Attachments included:**

- BOZA Application
- Map
- Pictures

**According to Florence Municipal Code 17.88.080 - Board of Adjustment Policy Determinations, the Board may grant a variance 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:

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

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

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

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

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

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

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

- 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:

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

- 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.***

**Suggested Motion:**

Based on the requirements delineated in Florence Municipal Code Chapter 17.88.080 A-F, Board of Adjustment, Policy Determinations, the applicant, C.A.N. Construction, ***shall / shall not*** be granted a variance from Florence Municipal Code Chapter 17.68.025A – Sidewalk 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: 4 1 16 1 2025
2. Application Fee Required with Application: \$125.00
3. Street address of property: 224 Moffatt  
Florence, CO. 81226
4. Name, Address and Telephone Number of Property Owner(s):  

<u>CAN CONSTRUCTION</u>	<u>STEVE ROSSI</u>	<u>[REDACTED]</u>
<u>105 N. SANTA FE</u>	<u>DAVE MEANS</u>	<u>[REDACTED]</u>
<u>Florence, CO. 81226</u>		
5. Name, Address and Telephone Number of any Representative:  
N/A
6. Current zoning of the property? R-1 R-3/Residential
7. What is the current use of the property?  
☒ Residential ☐ Commercial ☐ Vacant  
Describe: Single Family / New Construction
8. Describe the proposed use of the property?  
Single Family Residence

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

REQUEST VARIANCE FROM INSTALLING SIDEWALK + CURB + GUTTER. NEITHER OF THESE EXIST ON EITHER SIDE OF THE STREET IN THIS ENTIRE NEIGHBORHOOD.

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:

NO UNIQUE PHYSICAL CONDITIONS EXIST.

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

NO SIDEWALKS, GUTTER, OR PAVING EXIST ON ANY STREETS IN THIS NEIGHBORHOOD.

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

TO INSTALL SIDEWALKS ENGINEERING + ELEVATIONS WOULD NEED TO BE COMPLETED FOR THE ENTIRE BLOCK

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

FAMILY RESIDENCE TO BE BUILT ON EXISTING VACANT LOT.

- 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:

VARIANCE REQUEST will NOT ALTER ANY CHARACTER OF THE ENTIRE 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:

No installation of sidewalk, curb + gutter is all that is requested.

11. Provide a time schedule for construction or occupancy.

Construction start 4/7/25  
Estimated completion 8/31/25

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

PLEASE SEE ATTACHED PICTURES OF SITE

13. Include the following with the application:
- A copy of the deed showing ownership of the property.
  - A site plan of the property, access points and a floor plan for any structures.
- Maximum sheet size of any attachment is limited to 11x17".  
If color printing, larger sheet size, or special handling is required, the applicant must provide two copies of the application materials.

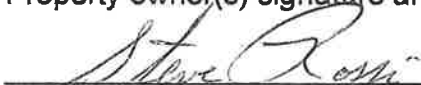
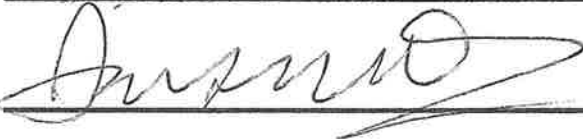
The site plan must include the following information:

- A. Date, sheet title (Name-Variance Request for (address), scale & north arrow.
- B. Property address.
- C. A vicinity map to locate the development in relation to surrounding area, streets, etc.
- D. Property boundaries and adjacent street / alley /sidewalks.
- E. Dimensions of property boundaries.
- F. Existing and proposed man-made features, including buildings, fences, landscaping, parking, screening, dumpsters, signs, driveways, and dimensions of each, and dimensions to the property boundaries. Be sure to include individual parking space dimensions.
- G. Location and size of all drainage-ways or other natural features, which would affect or would have an effect on property that is subject of the variance request.
- H. Location and dimensions of all easements on the property.

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:

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.

## DEED OF TRUST

(Due on Transfer - Strict)

THIS DEED OF TRUST is made this 3<sup>rd</sup> day of **February, 2025** between **C.A.N. Construction LLC** (Borrower), and the Public Trustee of the County in which the Property (See paragraph 1) is situated (Trustee); for the benefit of **Farmers Acceptance LLC** (Lender) whose address is: PO Box 643, Canon City, CO 81215

Borrower and Lender covenant and agree as follows:

1. **Property in Trust.** Borrower, in consideration of the indebtedness herein recited and the trust herein created, hereby grants and conveys to Trustee in trust, with power of sale, the following described property located in the County of Fremont, State of Colorado:

**Lot A, Jim Hammock Lot Line Vacation, County of Fremont, State of Colorado**

Also known as: **224 Moffet Avenue, Florence CO 81226** together with all its appurtenances (Property).

2. **Note: Obligation Secured.** This Deed of Trust is given to secure to Lender:
  - A. the repayment of the indebtedness evidenced by Borrower's note (Note) dated **February 3, 2025** in the principal sum of **Two Hundred Ninety Nine Thousand Five Hundred Thirty Three and 92/100 Dollars (\$299,533.92)**, with interest on the unpaid principal balance from February 3, 2025 until paid, at the rate of 10% per annum, with principal and interest payable at **PO Box 643, Canon City, CO 81215** or such other place as Note Holder may designate and payable on or before August 1, 2025 in one payment of all principal and interest accrued.
3. **Title.** Borrower covenants that Borrower owns and has the right to grant and convey the Property, and warrants title to the same, subject to general real estate taxes for the current year, easements of records or in existence, and recorded declarations, reservations and covenants, if any, as if this date.
4. **Payment of Principal.** Borrower shall promptly pay when due the principal amount evidenced by the Note, and late charges as provided in the Note and shall perform all of Borrower's other covenants contained in the Note.
5. **Application of Payments.** All payments received by Lender under the terms hereof shall be applied by Lender first in payment of amounts due, then to amounts disbursed by Lender pursuant to paragraph 9 (Protection of Lender's Security), and the balance in accordance with the terms and conditions of the Note.
6. **Prior Mortgages and Deeds of Trust; Charges; Liens.** Borrower shall perform all of Borrower's obligations under any prior deed of trust and any other prior liens. Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may have or attain a priority over this Deed of Trust, and leasehold payments or ground rents, if any, in the manner set out in paragraph 23 (Escrow Funds for Taxes and Insurance) or, if not required to be paid in such manner, by Borrower making payment when due, directly to the payee thereof. Despite the foregoing, Borrower shall not be required to make payments otherwise required by this Paragraph if Borrower, after notice to Lender, shall in good faith contest such obligation by, or defend enforcement of such obligation in, legal proceedings which operate to prevent the enforcement of the obligation or forfeiture of the Property or any part thereof, only upon Borrower making all such contested payments and other payments as ordered by the court to the registry of the court in which such proceedings are filed.
7. **Property Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire or hazards included within the term "extended coverage" in an amount at least equal to the lesser of (1) the insurable value of the Property or (2) an amount sufficient to pay the sums secured by this Deed of Trust as well as any prior encumbrances on the Property. All of the foregoing shall be known as "Property Insurance".

The insurance carrier providing the insurance shall be qualified to write Property Insurance in Colorado and shall be chosen by Borrower subject to Lender's right to reject the chosen carrier for reasonable cause. All insurance policies and renewals thereof shall include a standard mortgage clause in favor of Lender, and shall provide that the insurance carrier shall notify Lender at least ten (10) days before cancellation, termination or any material change of coverage. Insurance policies shall be furnished to Lender at or before closing. Lender shall have the right to hold the policies and renewals thereof.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower.



756089  
Page: 2 of 2  
10/08/2002 10:34s  
NORMA HATFIELD FREMONT CTY CLK&REC CO R 11.00 D 0.00

Sheet # 2 of 2  
Reception No. \_\_\_\_\_  
Recording Date:    /    /   

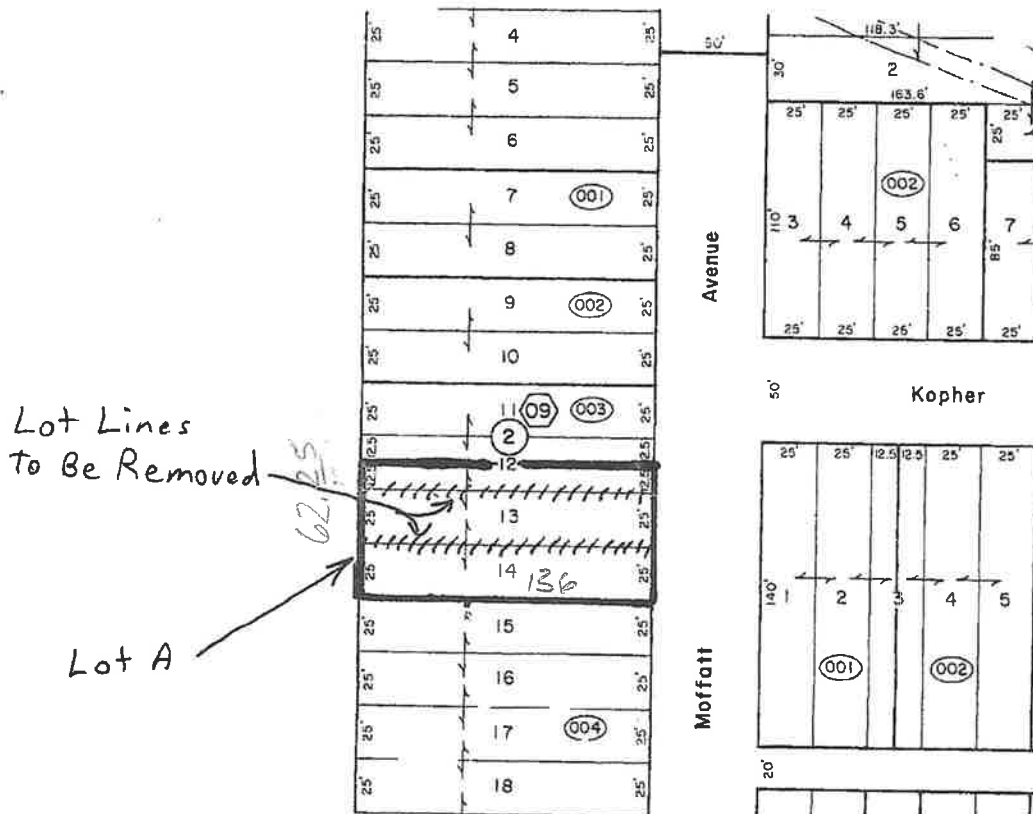
Do not write above this line.

Area reserved for Recording  
Information.

CITY OF FLORENCE, FREMONT COUNTY, COLORADO

Jim Hammock  
Title

LOT LINE VACATION



Existing Legal Description:

Lot(s) 13 + 14 + S 1/2 Lot 12 Block 2  
Triumph Oil Company's Florence Heights Addition  
Florence, Colorado

New Legal Description:

Lot A Jim Hammock LLV

New Address: 224 MOFFATT AVENUE

Drawing Date: 6/10/02

Drawn  
By: \_\_\_\_\_



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### CHANGE OF ADDRESS

03/12/2025

C.A.N Construction LLC  
105 North Santa Fe Avenue  
Florence, CO 81226

Due to a street name spelling error, the Fremont County Assessor's records need to be corrected for the following property:

**Current address:** ~~224 Moffet Avenue~~, Florence, CO 81226.

**Changed to:** 224 Moffatt Avenue, Florence, CO 81226.

#### **LEGAL INFORMATION:**

**Parcel: #** 99922035

**Account #:** R037815

**Legal Description:** Lot A, Jim Hammock LLV

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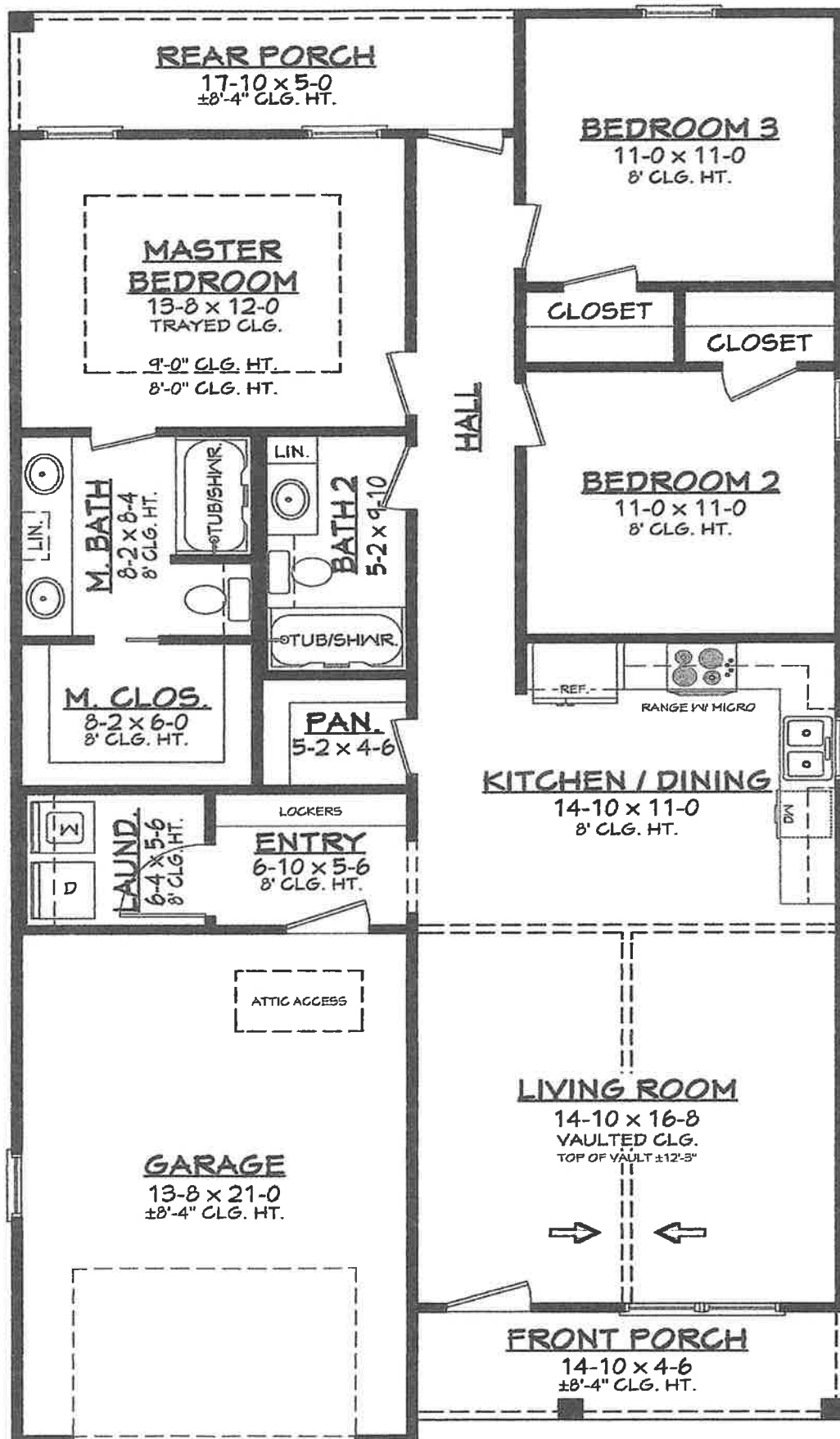
This change is imperative and vital to E-911, Emergency Services and Homeland Security, which is why this office is continuing the process of ensuring all properties in Florence have a valid and accurate site address.

The United States Post Office, the Fremont County Assessor, the Fremont County Clerk's Office, and the Fremont County Treasurer's Office will be notified and will make the necessary changes to their records but may require extra forms from the owner.

The easiest and most efficient way to notify your bank, insurer, mortgage company, etc., is to provide them with a copy of this letter, which confirms your new address.

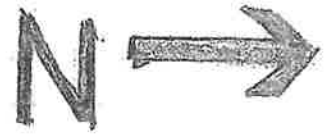
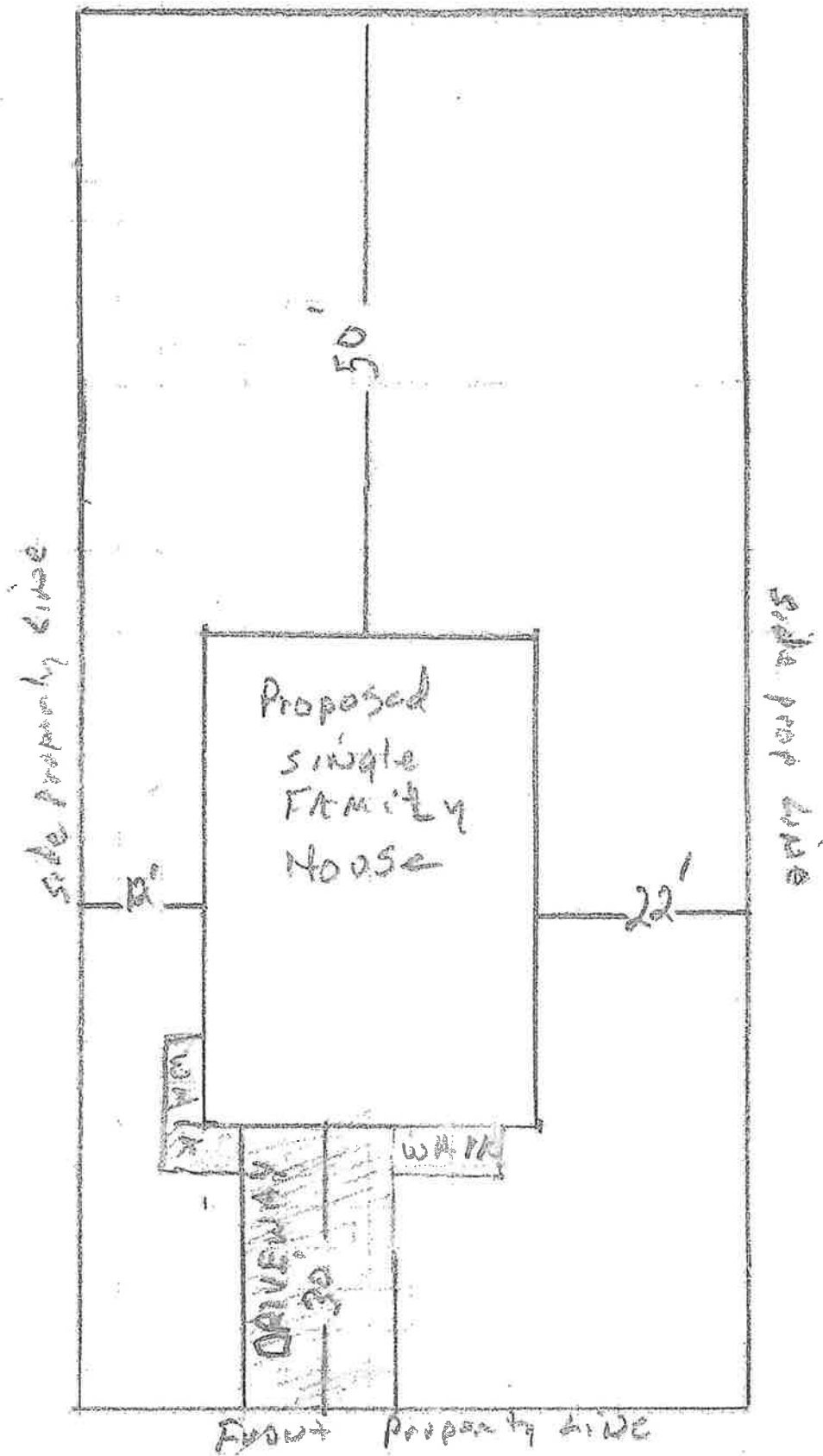
Respectfully,

  
Ashley Fox  
Planning Director





Rear Prop Line

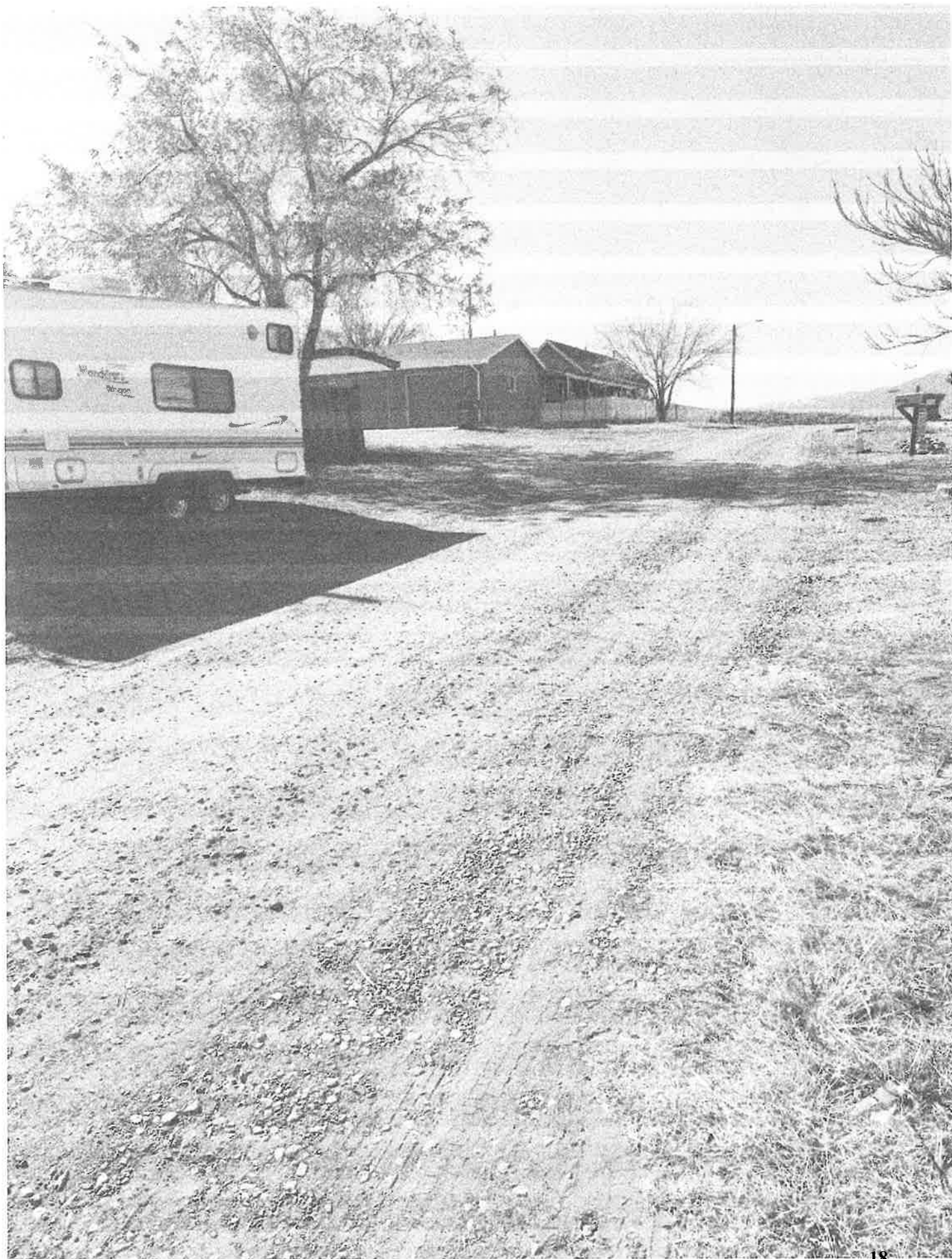


MOFFATT AVE

Kopher









**224 Moffatt Avenue**







# **PUBLIC NOTICE**

An Application For **WATER SERVICE CONNECTION**

Will Be Considered at Public Hearing  
**AT 10:00 A.M. On 10/14/2025**

**Before the Florence**

**COUNCIL CHAMBERS**

In The Council Chambers  
of the Municipal Building  
Located at 600 West 3rd  
Street, Florence, Colorado

All Interested Parties Are Urged  
to Attend

Applicant: **10-11-2025**

Property Location:  
**10-11-2025**

