



City of Florence

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

Members:
Charlette Henagar
Gerry Nelson
Terri Norton
Sandra Roberts

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

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes from the March 6, 2024 Meeting
- IV. Old Business:
- V. New Business:
 - a) **Public Hearing** – BOZA 24-003 – CAN Construction
Request for a variance from sidewalk requirement.
- VI. Upcoming Agenda Items -
- VII. Next Meeting Date and Time: August 7, 2024 at 5:00 p.m.
- VIII. Adjourn



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BOARD OF ZONING ADJUSTMENTS MEETING MINUTES

Wednesday, March 6, 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

Planning Director called the meeting to order at 5:00 p.m.

II. Roll Call

All members present.

III. Approval of Minutes from the December 6, 2023 meeting

Member Norton motions to approve the minutes from the December 6, 2023, meeting.

Seconded by Member Roberts.

Roll Call: 3 Ayes, Motion passed. Member Henagar abstained.

IV. Approval of Minutes from the January 3, 2024, meeting

Member Norton motions to approve the minutes from the January 3, 2024, meeting.

Seconded by Member Nelson.

Roll Call: 3 Ayes, Motion passed. Member Henagar abstained.



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V. New Business

- a) **Action Item** – Election of Board of Zoning Adjustment Chair.
Member Nelson nominates Terri Norton for Board of Zoning Adjustment Chair
Seconded by Member Henagar
Roll Call: 4 Ayes, Motion passed.

Action Item – Election of Board of Zoning Adjustment Vice Chair.
Member Norton nominates Sandra Robers for Board of Zoning Adjustment Vice Chair
Seconded by Member Henagar
Roll Call: 4 Ayes, Motion passed.

- b) **Public Hearing – 24-001 – Justin and Ashley Steed** - Requesting variance from sidewalk and paving requirements.
- Planning Director states Justin and Ashley Steed are wanting to construct a single-family home located at 770 Pine Street and are requesting a variance from Florence Municipal Code 17.68.025 - Sidewalk Requirements and 17.68.030 – Supplementary Requirements, paving of driveway and parking area. *Municipal Code 17.68.025 A: "At the time of erection of a new 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 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."* 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. The adjacent streets, Spruce and Cedar, are also unpaved.
 - Chair Norton opens public hearing.
 - *No comments or questions from the public.*
 - Chair Norton closes the public hearing.
 - Planning Director explains that the Boards decision to grant a variance must be based on and meet all the findings of fact, if applicable, listed in the application.
 - Member Roberts confirms that none of the streets in the area are paved and do not have curb, gutter or sidewalks.

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 applicants, Justin and Ashley Steed, shall be granted a variance from Florence Municipal Code Chapter 17.68.030 - Supplementary Requirements and Chapter 17.68.025 – Sidewalk Requirements.

Seconded by Chair Norton

Roll Call: 4 Ayes, Motion passed.



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- c) **Public Hearing – 24-002 – Michael Scruggs** - Requesting variance from accessory structure size, paving and sidewalk requirements.
- Planning Director explains that Mr. Scruggs would like to construct a 1,200 square foot detached garage at 401 Highland Avenue and is requesting a variance from Florence Municipal Code 17.64.015 – Accessory Building and Structures, also a variance from 17.68.025 – Sidewalk Requirements and 17.68.030 Supplementary Requirements – paving of the driveway and parking area. *Municipal Code 17.64.015 C-1 – “No detached accessory structure shall exceed a maximum of one thousand (1,000) square feet, or one hundred (100) percent of the footprint of the principal structure, whichever is smaller.”* Mr. Scruggs has indicated that he has already purchased a 1,200 square foot metal building for a garage that he would like to have constructed at the above address. The size of the potential detached garage will exceed the maximum square footage allowed per municipal code. *Municipal Code 17.68.025 A: “At the time of erection of a new 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 property is 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.”* Further states that Highland Avenue is currently chip sealed.
- Chair Norton opens the public hearing.
- Michael Scruggs states his son is currently residing at the Highland address and he purchased the building not aware of the City’s restrictions on size.
- Chair Norton inquires if the building will be on the side of the home or behind.
- Mr. Scruggs states that the building will be on the side of the home, as indicated on the site plan. A shed was in the same place but has been removed.
- Member Roberts inquires about the height of the new garage.
- Mr. Scruggs states that he believes it will be about 16 feet tall.
- Chair Norton closes the public hearing.

Member Henagar makes motion that 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 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.

Seconded by Member Roberts

Roll Call: 4 Ayes, Motion passed.

Adjournment: The meeting adjourned at 5:23 p.m.

By: _____
Board of Zoning Adjustment Chair

Date: _____

BOARD OF ZONING ADJUSTMENT

MEETING DATE: JULY 3, 2024

STAFF REPORT

Agenda Item: Public Hearing – BOZA 24-003 / CAN Construction
Request for a variance from sidewalk requirements.

Department: Planning

Background / Description of Item:

CAN 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.

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 in a neighborhood that does not currently have sidewalks and is not projected to have sidewalks in the near future.

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

- June 17, 2024: Notification letters were sent to property owners within 300 feet of the subject property.
- June 15, 2024: Public Notice of the Public Hearing was published in the *Cañon City Daily Record*.
- June 17, 2024: Property posted with a Public Hearing Notice sign.

Attachments included:

- Application
- Map and pictures of the area

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, CAN 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: 6 1 10 1 24
2. Application Fee Required with Application: \$125.00
3. Street address of property: 224 N. 4th
FLORENCE, CO. 81226
4. Name, Address and Telephone Number of Property Owner(s):
C.A.N. CONSTRUCTION STEVE ROSSI 719-251-4499
105 N. SANTA FE DAVE MEANS 719-429-1937
FLORENCE, CO. 81226
5. Name, Address and Telephone Number of any Representative:
N/A
6. Current zoning of the property? R-3 1 RESIDENTIAL
7. What is the current use of the property?
 Residential Commercial Vacant
Describe: NEW CONSTRUCTION SINGLE FAMILY RESIDENCE
8. Describe the proposed use of the property?
SINGLE FAMILY RESIDENCE

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PAID JUN 11 2024

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. NO SIDEWALKS EXIST IN THIS BLOCK ON EITHER SIDE OF THE STREET.

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 EXIST ON EITHER SIDE OF THE STREET FOR THIS WHOLE BLOCK. CITY OFFICIALS HAVE INSPECTED THIS SITE AND STATED ENGINEERING FOR CURB & GUTTER FOR ENTIRE BLOCK WOULD NEED TO BE COMPLETED FIRST.

- 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 SIDEWALK ENGINEERING & ELEVATIONS WOULD HAVE TO BE DONE FOR CURB & GUTTER INSTALLATION PRIOR TO SIDEWALK FOR ENTIRE BLOCK.

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

SINGLE FAMILY RESIDENCE WAS 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:

This VARIANCE 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 sidewalk installation is all that is requested.

11. Provide a time schedule for construction or occupancy.

Construction of dwelling is complete.

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

SEE ATTACHED PERMIT APPLICATION NOTING BOZA VARIANCE REQUIRED CHECKED NO.

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:

Steve Rossi 6/10/24

Dan [Signature] 6/10/24

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.

Building Permit Application City of Florence						Permit No. 23-137																							
Applicant to complete numbered items only.																													
1. Job Address: 224 W. 4th St. FLORENCE, CO. 81226				Assessor's Schedule No.: 61010490																									
2. Property Owner: CAN Construction DANE MERRAY/STEVE ROSSI		Mailing Address: CAN Construction 105 N. SANTA FE FLORENCE CO 81226		Phone No.: 719-251-4499 719-429-1937																									
3. Contractor: CAN CONSTRUCTION		Mailing Address: CAN CONSTRUCTION 105 N. SANTA FE FLORENCE, CO 81226		Phone No.: 719-251-4499 719-429-1937 Florence City Contractors License No.: 3033-23																									
4. Engineer/Architect: 3 Rocks ENGINEERING		Mailing Address: 403 MAIN ST. CANON CITY, CO. 81212		Phone No.: 719-430-5333 Colorado License No.: 0051004																									
5. Use of Building: Single Family Residence																													
<table border="1"> <tr> <td><input checked="" type="checkbox"/> (New Construction)</td> <td><input type="checkbox"/> Addition</td> <td><input type="checkbox"/> Alteration</td> <td><input type="checkbox"/> Repair</td> <td><input type="checkbox"/> Move</td> <td><input type="checkbox"/> Remove</td> </tr> </table>						<input checked="" type="checkbox"/> (New Construction)	<input type="checkbox"/> Addition	<input type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Move	<input type="checkbox"/> Remove																		
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6. Describe Work: New construction of single family residence																													
7. Valuation of Work: \$ 260,000.00 Construction Start Date: 11/13/23																													
City's Valuation of Work: \$ 171,528.00		2.5% Fremont County Use Tax: \$		Occupancy Group/Division: R-3 / Residential																									
		2.5% Florence City Use Tax: \$ 2,144.10		Type of Construction: New / Wood Frame																									
		Plan Check Fee: \$		Zone District:																									
		Flood Permit Fee (\$75): \$		Fire Sprinklers Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																									
		Driveway Access Permit Fee: \$ 25.00		BOZA Variance Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																									
		Building Permit Fee: \$ 1200.00		Total: \$ 3310.10																									
New Building Footprint Sq. Ft. 1722		Total Area All Buildings on Lot Sq. Ft. 1722		Lot Coverage % 11																									
Building Height or No. of Stories 1		Feet		Max. Occupancy Load Occupants																									
Special Conditions: All work must meet plan review comments and adopted building codes, including 2006 International Codes.				<table border="1"> <thead> <tr> <th>Special Approvals</th> <th>Required</th> <th>Received</th> <th>Not Required</th> </tr> </thead> <tbody> <tr> <td>Fire Department</td> <td></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Water Source</td> <td></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Sewage Disposal</td> <td></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Special Use</td> <td></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		Special Approvals	Required	Received	Not Required	Fire Department			<input checked="" type="checkbox"/>	Water Source		<input checked="" type="checkbox"/>		Sewage Disposal		<input checked="" type="checkbox"/>		Special Use			<input checked="" type="checkbox"/>	Other			<input checked="" type="checkbox"/>
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Sewage Disposal		<input checked="" type="checkbox"/>																											
Special Use			<input checked="" type="checkbox"/>																										
Other			<input checked="" type="checkbox"/>																										
Separate permits are required from the State of Colorado for manufactured home placement and electrical and plumbing work. This permit becomes void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work and placement of structures on the lot will be complied with whether specified herein or not. The granting of a permit does not presume to give the authority to violate or cancel the provision of any other state or local law regulating construction of the performance of construction.				Setbacks: Front <u>25'</u> Rear <u>25'</u> L Side <u>5'</u> R Side <u>5'</u>																									
Plans Checked By: <u>Richard</u>				Approved for Issuance By: _____ (City Manager)																									
Signature of Applicant: <u>Steve Rossi</u>		Date: <u>11/13/23</u>		FEMA Designated Flood Zone: <u>X</u> FEMA FIRM Map Panel Number: 08043CO _____ F City of Florence Flood Damage Prevention Permit No.: _____																									

RECEIVED NOV 21 2023

224 West 4th Street

W-5TH-ST

N-MAPLE-AVE

W-4TH-ST

N-SANTA-FE-AVE

W-3RD-ST







