Deated an January	. 24 2022 -+-	1230
Posted on January	/ 24. 2022 at:	



TOWN OF WIGGINS AGENDA BOARD OF ADJUSTMENT MEETING January 26, 2022 at 6:30 P.M.

304 CENTRAL AVENUE WIGGINS, CO 80654

NOTE: DUE TO LIMITED SEATING CAPACITY, THE PUBLIC IS HIGHLY ENCOURAGED TO ATTEND THE MEETING VIA ZOOM

GO TO https://us06web.zoom.us/j/89138082108 FOR THE MEETING LINK

I. INTRODUCTIONS

- 1. Call the Meeting to Order
- 2. Roll Call
- 3. Approval of the Agenda Items
- 4. Approval of the Minutes from the previous meeting held on April 14, 2021

II. PUBLIC HEARING (Public Comment will be taken during the hearing)

- Review and consideration of a Variance Application submitted by Brian and Hope Becker for the purpose of adjusting a setback requirement for a garage addition on the singlefamily property located at 475 4th Avenue.
 - a. BOA RESOLUTION 01-2022 A Resolution Approving an Application for a Variance Adjusting the Required Setback from Karen Street to 15-foot for the Single-Family Property Located at 475 E. $4^{\rm th}$ Avenue, Wiggins, Colorado

III. ADJOURNMENT:

1. Closing Remarks by Chairman and Adjournment of the Meeting.



MINUTES OF MEETING

TOWN OF WIGGINS BOARD OF ADJUSTMENT

April 14, 2021 at 7:00 p.m.

CALL TO ORDER & ROLL CALL

A regular meeting of the Board of Adjustment for the Town of Wiggins, Colorado was held on Wednesday, April 14, 2021 via Zoom. Chairman Jeffrey Palmer called the meeting to order at 6:33 p.m. The following Board of Adjustment Members answered roll call: Chairman Jeff Palmer, Board of Adjustment Members David Herbstman, Bruce Miller, Mark Strickland, Bryan Flax, and Jerry Schwindt. Member Pat Musgrave arrived after the meeting was underway. Staff present were Town Manager, Tom Acre; Town Clerk, Deb Lee; and Planning and Zoning Administrator, Hope Becker.

APPROVAL OF AGENDA

Motion was made by Adjustor Bruce Miller to approve the agenda as written. Second was made by Adjustor David Herbstman. Roll Call: Unanimously approved.

APPROVAL OF MINUTES FROM AUGUST 26, 2020

Motion was made by Adjustor Mark Strickland to approve the minutes from August 26, 2020. Second was made by Adjustor Jerry Schwindt. Roll Call: Unanimously approved.

PUBLIC HEARING – Consideration of a Variance Application Submitted by DBSI, Inc. on Behalf of High Plains Bank for the Purpose of Adjusting a Setback Requirement for the Property Located at 401 Central Avenue

The Public Hearing was opened by Chairman Jeffrey Palmer. The Town Clerk stated proper notifications were made. No disclosures to the Board were made.

Planning and Zoning Administrator Hope Becker provided the staff summary and information to the Board of Adjustment Members regarding the request for a setback variance. High Plains Bank requested a zero lot-line setback at the southwest corner of their property where the drive would exit on to Central Avenue.

The bank would like to create a drive through to accommodate customer services. The plans indicate customers would enter from Pearl Street and drive around the back of the lot and exit into the alley and on to Central Avenue. Colorado Department of Transportation will not allow the bank to create an additional parking lot exit on to Central Avenue because the Town's alley is already present. The bank is requesting a zero-lot line adjustment to allow for them to create a roadway that will be adjacent to the alley creating a 2-lane road; therefore, providing residents safe access to their property and a safe exit for bank customers. The following points were also made:

- The exit from the bank will be one-way only. Customers will not be allowed to enter the bank's parking lot from Central Avenue.
- Proper traffic signage will be posted and the bank's responsibility to provide and maintain.
- The only entrance that will be allowed from Central Avenue will be for residents that live on Jasper or Pearl Street that need to access their homes from the rear of their properties.
- The bank would be required to sign a License Maintenance Agreement to be approved by the Board of Trustees. The agreement would require the bank to maintain this driveway entrance/exit and hard surface the drive.

Sam Creighton was present to present information and answer questions from the Board of Adjustment Members. The Public Hearing was opened at 7:10 pm. No comments were received from the Zoom audience.

Chairman Jeffrey Palmer offered a suggestion of making the entire alley one way. Hope provided information and concern that the one way would not be monitored nor abided by. It was re-iterated that the alley is not designed for 2-way traffic and would only be considered 2-way for the first 30 feet off of Central Avenue that would be the portion that the bank would maintain.

The Public Hearing was closed at approximately 6:56 pm.

The Board of Adjustment Members did not have additional questions regarding the variance application. Tom provided additional comments that the Town may monitor the traffic for a time after the bank is fully constructed. If traffic becomes a problem, then the Town can make the alley a one way only at a later time.

CONSIDERATION OF BOARD OF ADJUSTMENT RESOLUTION 01-2021: BOA RESOLUTION 01-2021: A resolution approving a variance application for a zero-lot line setback for High Plains Bank Located at 401 Central Avenue, Wiggins, Motion was made by Adjustor Jerry Schwindt to approve Board of Adjustment Resolution 01-2021. Seconded by Adjustor Mark Strickland. Roll Call: Mark Strickland, Yes; David Herbstman, Yes; Bruce Miller, Yes; Bryan Flax, Yes; Jerry Schwindt, Yes; Pat Musgrave, Abstain; Jeffrey Palmer, yes. Motion Carries.

ADJOURNMENT

Dela

Chairman Jeffrey Palmer, upon receiving no further comments or concerns from the Board of Adjustment Members, adjourned the meeting at 6:59 pm.

Respectfully submitted:

Deborah Lee, Town Clerk



MINUTES OF MEETING

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ADJOURNMENT

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Respectfully submitted:

Deborah Lee, Town Clerk



STAFF REPORT

Board of Adjustment Meeting January 26, 2022

DATE: January 19, 2022

AGENDA ITEM NUMBER: 2

TOPIC: Consideration of BOA Resolution 01-2022 - A Resolution Approving an Application for a Variance Adjusting the Required Setback from Karen Street to 15-foot for the Single-Family Property Located at 475 E. 4th Avenue, Wiggins, Colorado.

STAFF MEMBER RESPONSIBLE: Tom Acre, Town Manager

BACKGROUND:

The Land Development Code requires land owners to apply for a variance when adjustments need to be made to the minimum requirements for a property. The Board of Adjustment may approve a variance if the board concludes that the current minimum requirements would result in a hardship for the applicant.

SUMMARY:

Hope and Brian Becker have applied for a setback variance for a proposed garage on their single-family property located at 475 E. 4th Avenue. The subject property is located at the northwest corner of 4th Avenue and Karen Street. The Becker's plan to construct the garage in the northeast corner of their property. Locating the overhead door from the east (Karen Street).

The Land Development Code (LDC) requires corner lots to have a 25-foot setback from the property line to the front of the building. The Becker's state in their application that moving the garage further back from the Karen Street property line would place the garage in the middle of their yard and would impact the usefulness of the backyard. The alternative solution to move the garage to the west side of the yard, off of the alley, would result in the removal of mature trees and well-established landscaping. The Becker's recognize they need a minimum setback distance for functionality of the garage and drive way access.

LAND DEVELOPMENT CODE ANALYSIS:

A variance may be granted if the BOA finds that: (Wiggins LDC § 02.14.L3)

- 1. If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property; or
- 2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public; or
- 3. The hardship relates to the applicant's land, rather than the 2.41 personal circumstances; or

- 4. The hardship is unique and unusual, or nearly so, rather than one shared by many surrounding properties; or
- 5. The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this Ordinance; and
- 6. The hardship is not the result of the applicant's own actions; and/or
- 7. The variance will neither result in the extension of a nonconforming situation in violation nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan

OPTIONS AVAILABLE TO THE BOARD OF ADJUSTMENT:

The Board of Adjustment may adopt this resolution as presented and grant the variance, amend the resolution, or not adopt the resolution and deny the variance.

MOTION FOR APPROVAL

I make a motion to adopt BOA Resolution 01-2022 A Resolution Approving an Application for a Variance Adjusting the Required Setback from Karen Street to 15-foot for the Single-Family Property Located at 475 E. 4th Avenue, Wiggins, Colorado.

ACTION REQUESTED

MOTION, SECOND, ROLL-CALL VOTE

(Resolutions require affirmative votes from the majority of Board of Adjustment members present.)

TOWN OF WIGGINS, COLORADO BOARD OF ADJUSTMENT

BOA RESOLUTION NO. 01-2022

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE ADJUSTING THE REQUIRED SETBACK FROM KAREN STREET TO 15-FOOT FOR THE SINGLE-FAMILY PROPERTY LOCATED AT 475 E. 4TH AVENUE, WIGGINS, COLORADO

WHEREAS, there has been submitted to the Board of Adjustment of the Town of Wiggins a request for approval of a variance to allow a 15-foot setback on the east side (on Karen Street) of the property located at 475 E.4th Avenue; and

WHEREAS, the Wiggins Land Development Code (LDC) provides the Board of Adjustment the authority to vary or modify zoning provisions applicable to property, upon the finding that certain conditions are present; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Board of Adjustment finds for the reasons set forth below the requested variance meets the conditions enumerated in the Wiggins LDC, and therefore should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Board of Adjustment of the Town of Wiggins finds the requested variance meets the conditions enumerated in Wiggins LDC § 02.14.L3 as set forth below:

If the applicant complies strictly with the provisions of the Ordinance, he/she can make
no reasonable use of his/her property; or
The hardship of which the applicant complains is one suffered by the applicant rather
than by neighbors or the general public; or
The hardship relates to the applicant's land, rather than personal circumstances; or
The hardship is unique and unusual, or nearly so, rather than one shared by many
surrounding properties; or
The variance requested is the minimum that will afford relief and the least possible
modification of the requirements of this Ordinance; or
The hardship is not the result of the applicant's own actions; or
The variance will neither result in the extension of a nonconforming situation in
violation nor authorize the initiation of a nonconforming use of land, nor conflict with the
goals and policies of the Comprehensive Plan.

<u>Section 2.</u> In accordance with the above findings, the Board of Adjustment of the Town of Wiggins hereby approves the requested variance to allow a 15-foot setback on the east side (on Karen Street) of the property located at 475 E.4th Avenue.

INTRODUCED, ADOPTED AND RESOLVED THIS 26TH DAY OF JANUARY, 2022.

	TOWN OF WIGGINS, COLORADO
ATTEST:	Jeffrey Palmer, Chairman
Deb Lee, Town Clerk	



Town of Wiggins Planning & Zoning Department

304 E Central Avenue * Wiggins, CO 80654 Phone: (970) 483-6161 * Fax: (970) 483-7364 townofwiggins.colorado.gov

VARIANCE APPLICATION

Please fill form out completely. Incomplete applications will not be processed.

*Please note: Applications will be placed on the Board of Adjustors' agenda when application is completed and returned with all proper documentation to the Town Hall by the 1st of each month. Board meetings are held every 4th Wednesday of each month.

Filing Fee		ite: 6/2 021 2022				
APPLICAN	T INFORMAT	TON				
	Name:	Hope & Brian Be	cker			
I Owner ⊢	Address:	475 E 4th Avenu	e		City, State Zip: Wiggins, CO 80654	
	Phone:	(303) 325-1301 Email:		Email:	hope.becker5@gmail.com	
Applicant	Name:				Contractor License	
Applicant Owner	Company:			-1	· (1 - 7 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
☐ Primary	Address:				City, State Zip:	
Contractor	Phone:			Email:		
Property	Address: 475 E	4th Avenue	n n	City, S	State Zip: Wiggins, CO 80654	
Information					g Zone District:	
	16250 sq ft	Residential		R1-R	Residential	
☐ Filing fee: \$☐ Site Plan wi	6250 PAYABLI	the application: ETO: TOWN OF Work setbacks indicated	IGGINS			
☐ Elevations	اد.					
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			1.61	of paper may	be used if necessary.)	
By my signatu correct. I unde	are affixed here	to, I certify that I ha	ave read and ex	amined this	application and know the same to be true and athority to violate or cancel any provisions of an	
X Signature of Ab	ne Bec	m		-	1/6/2022 Date	
3 J V F)	E.					

Revised: 12/14/2021

000010

PLEASE PROVIDE ANSWERS TO ALL QUESTIONS. Questions may also be answered on a separate sheet of paper.

A) If the applicant complies strictly with the provisions of the Ordinance, can he/she can make no reasonable use of his/her property? Please explain.

No, the building would then be in the middle of our backyard which would disrupt the existing landscaping and garden and uproot extremely aged trees. This would also prevent us from using the yard space. By placing the garage more to the east - the yard space is better porportioned for animals and family use.

B) How is the hardship of which the applicant complains suffered by the applicant rather than by neighbors or the general public?

Because we are on a corner lot - we are required to have a deeper set back on our side yard verses a 7 foot side yard setback that would be required for other normal lots. Our house face 4th Avenue. The LDC allows for a 15' set back from the rear of the property; however, the rear of our lot shares a side yard of a residential home which faces Karen St. Our lot does not have direct side neighbors. We are seperated from another 4th Ave neighbor on our block by an alley. We are essentially a corner lot next to a corner lot.

C) How does the hardship relate to the applicant land, rather than personal circumstances?

My neighbor is not required to have 2 deep setbacks in order to place a detached garage in their backyard. At most, they would only have to adhere to a 15 foot rear setback. As previously stated, if we follow current LDC setbacks then we have to follow more restrictions than our fellow neighbors and the building will be in the middle of our backyard. We do not have the ability to do a rear entry due to the rear lot line being landlocked.

D) How is the hardship unique and unusual, or nearly so, rather than one shared by many surrounding properties

We have 2 deep 25' setbacks to adhere to that other properties along Karen Street or Ridge Street would not have to adhere to. We consider the "front" of our garage to be the man door facing south. The south side of the garage would be more than 25 feet off of 4th Avenue. The building would be set completely to the north east corner. A 15' setback would still allow for the Karen and 4th Avenue site triangle to be clear providing more than 100 feet north of the stop sign on Karen Street.

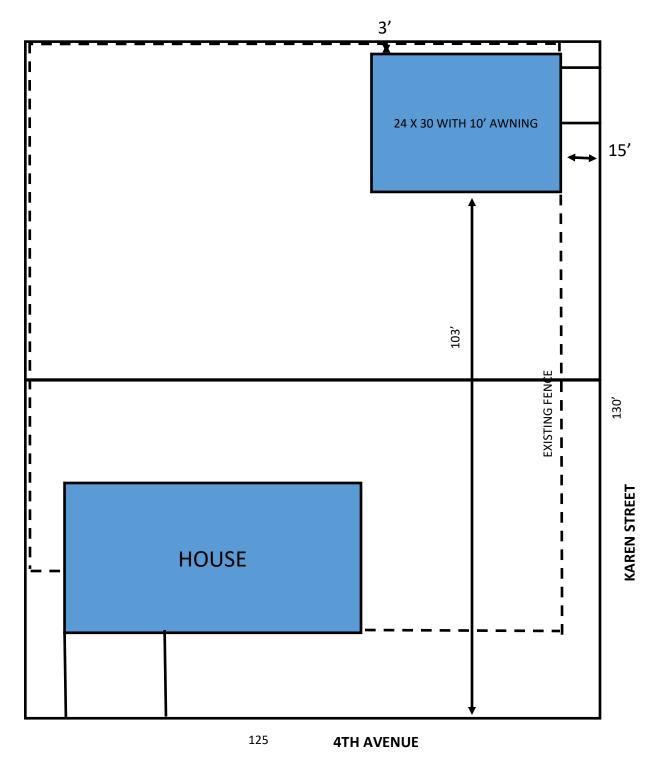
E) How is the variance requesting the minimum that will afford relief and the least possible modification of the requirements of the Ordinance?

Allowing a 15' setback on the east side of our lot will allow for the garage facing Karen Street to not disrupt the settings of the rest of the yard. The building is not intended for permanent parking outside the bay door but will be used for minor repairs and restoration of vehicles, woodworking projects, and storage. By having it on the east versus the west yard, we would also not have to move utilites, cut down 30 year old trees, demolish a permanent dog kennel, AND the garage would be better located to allow us to still enjoy the backyard.

F) How is the hardship not the result of the applicant's own actions?

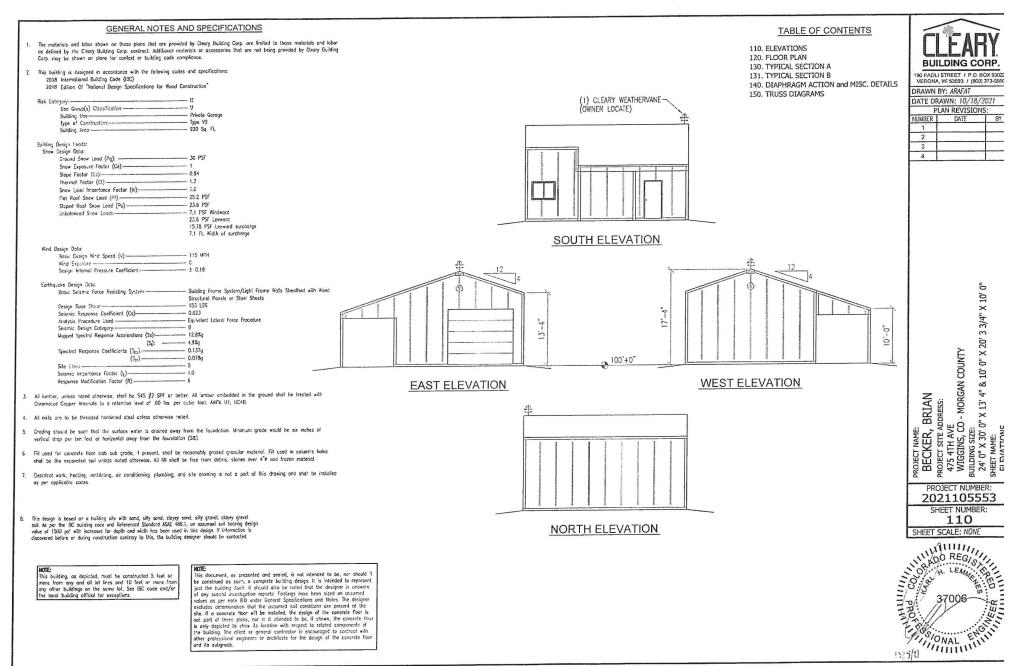
The position of all of the landscaping & older trees in the west part of the yard are as old as the house. The house was built in 1974 which was prior to the LDC setback rqmts. The Town's alley is also on the west side of the property. The garage bay door would be more accessible from Karen St verses the town's alley. Having the garage on Karen Street would also allow us easier access to the bay door and to keep things cleared out as per the H&S ordinance verses using a ten foot alley.

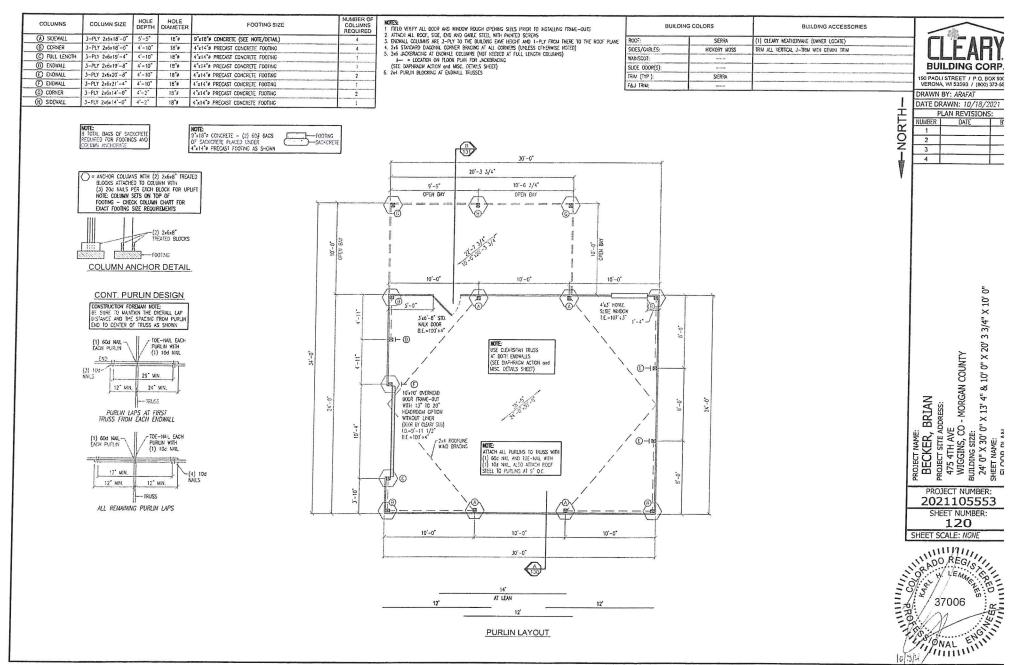
Revised: 12/14/2021

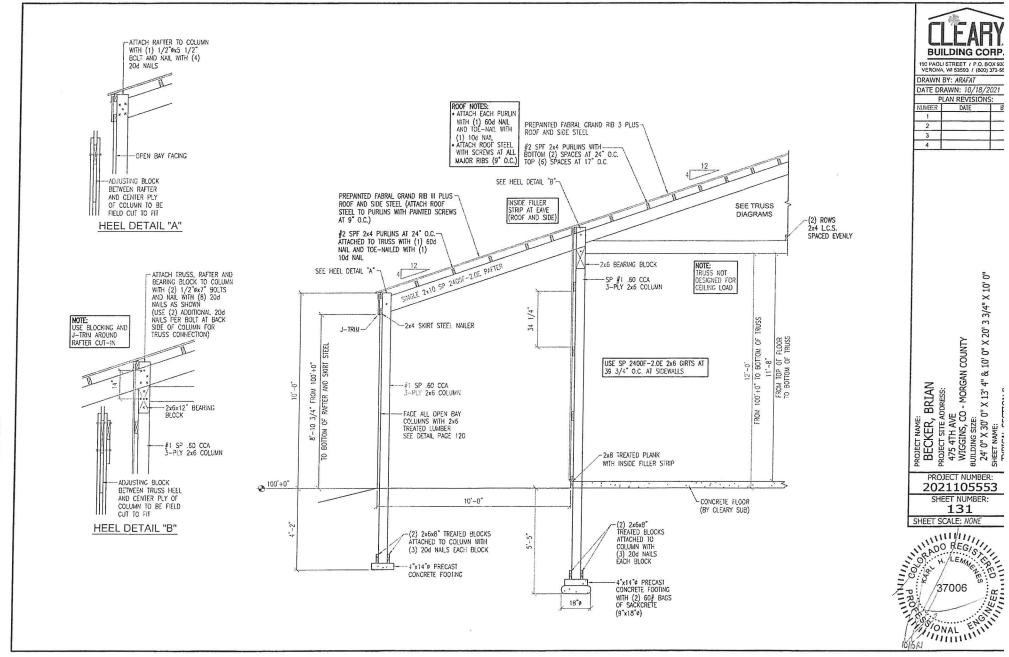


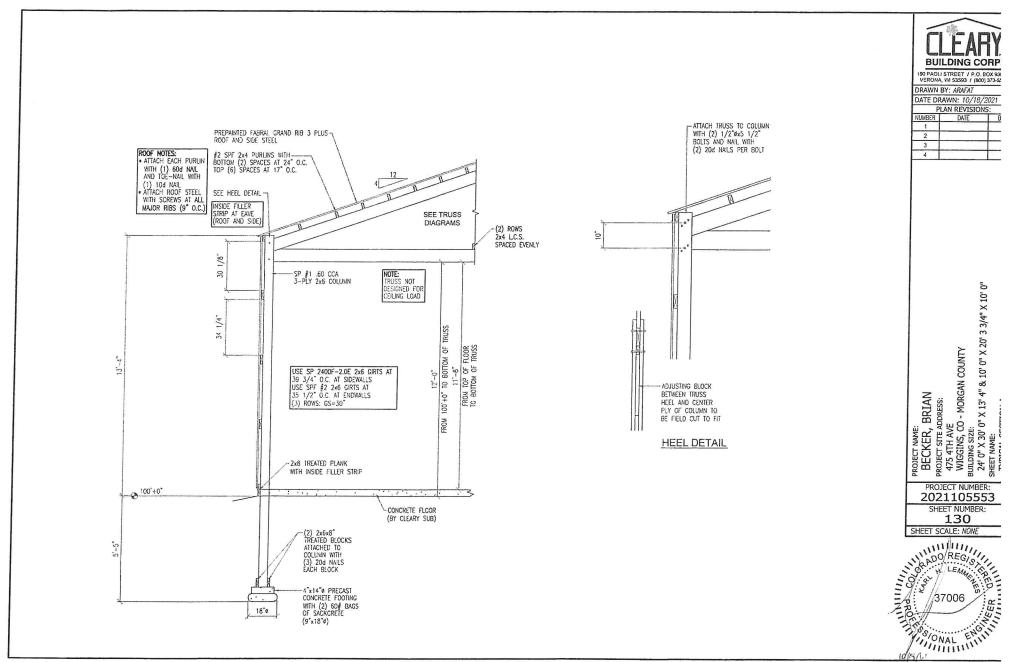
N 475 E 4th Avenue

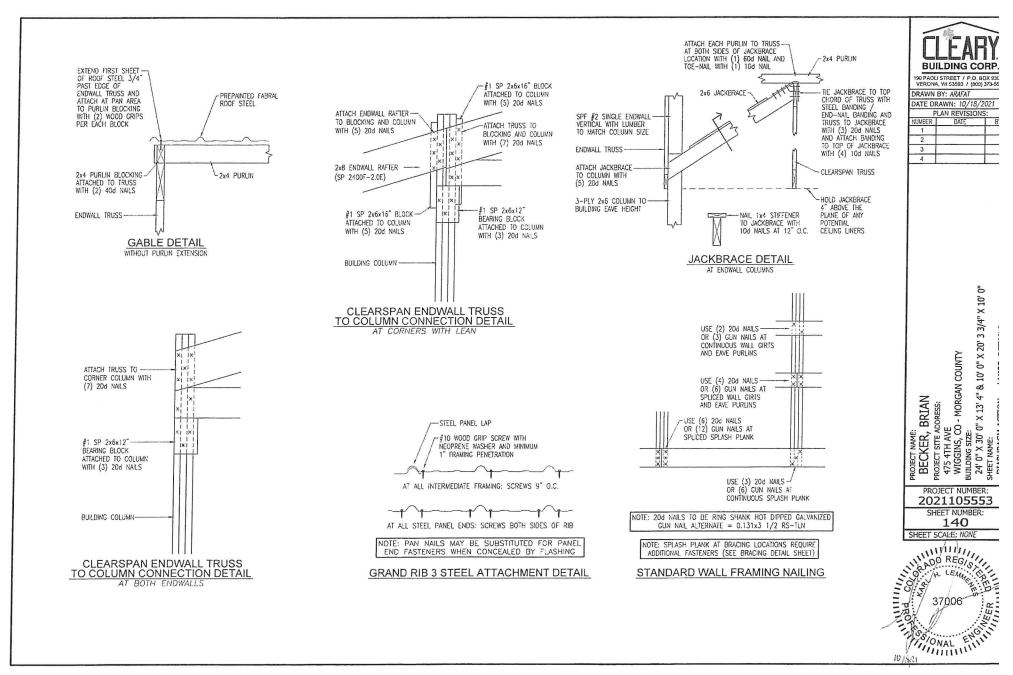
Lot 10 & 11, Block 1, Hillside Addition

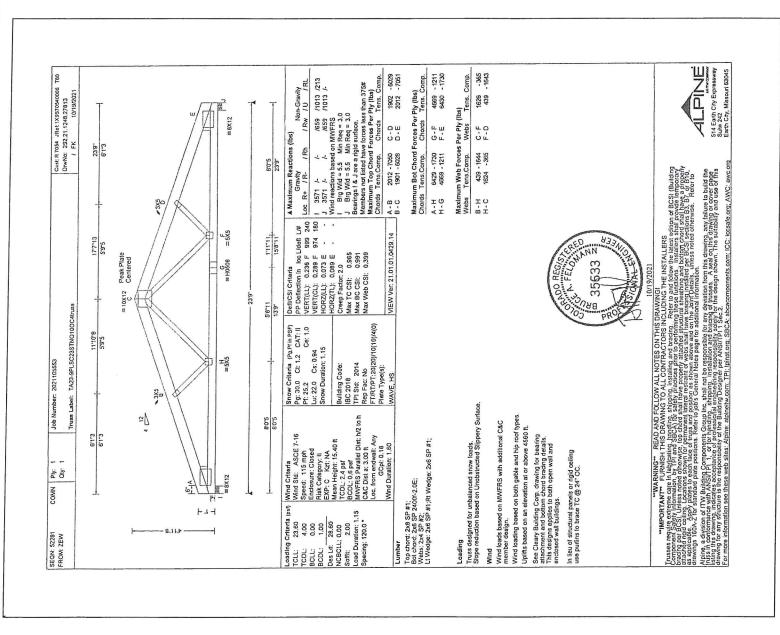












TRUSS CHECK (CHECK BOX AND INITIAL)

X TRUSS SIZE GA

X ROOF PITCH GA X BAY SPACING GA

X SLC / RLC GA X DESIGN LOADS GA

X OVERHANGS GA DATE

190 PAOLI STREET / P.O. BOX 93 VERONA, WI 53593 / (800) 373-5 DRAWN BY: ARAFAT DATE DRAWN: 10/18/2021 PLAN REVISIONS: 4

PROJECT NAME:
BECKER, BRIAN
PROJECT SITE ADDRESS:
475 4TH AVE
WIGGINS, CO - MORGAN COUNTY
BUILDING SIZE:
24 0" X 30' 0" X 13' 4" & 10' 0" X 20' 3 3/4" X 10' 0" PROJECT NUMBER: 2021105553 SHEET NUMBER: 150 SHEET SCALE: NONE ADO REGISTION DE STATEMENT DE S

10/4/11

TOWN OF WIGGINS, COLORADO NOTICE OF PUBLIC HEARING

Notice is hereby given that the Wiggins Board of Adjustments will hold a public hearing at 6:30 p.m. on Wednesday, January 26, 2022.

The purpose of the hearing will be to consider a variance application located at Hillside Addition, WI Block: 01 Lot: 10 & 11. The physical Address is known as 475 E 4th Avenue, Wiggins, CO.

Any person may appear at the public hearing and be heard regarding the matters under consideration. This meeting will be held at Wiggins Town Hall, 304 E Central Avenue, Wiggins, CO 80654, and via ZOOM. ZOOM will allow community members to participate remotely in the meetings during the public comment section. Please look on the town's website – townofwiggins. colorado,gov - for information on how to participate in the electronic meeting.

Copies of the proposed request will be on file and available for public inspection in Wiggins Town Hall, located at 304 E Central Avenue, Wiggins, Colorado, 80654, during regular business hours M-F 8:30AM-4:30PM.

Dated the January 11, 2022.

Published January 13, 2022 in the Fort Morgan Times.

TOWN OF WIGGINS, COLORADO

Tom Acre Town Manager

Published: Fort Morgan Times January 13, 2022-1862089

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan State of Colorado

The undersigned, <u>Melissa Najera</u>, being first duly sworn under oath, states and affirms as follows:

- He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the Fort Morgan Times.
- The Fort Morgan Times is a newspaper
 of general circulation that has been published
 continuously and without interruption for at least
 fifty-two weeks in Morgan County and
 meets the legal requisites for a legal newspaper
 under Colo. Rev. Stat. 24-70-103.
- The notice that is attached hereto is a true copy, published in the Fort Morgan Times in Morgan County on the following date(s):

Jan 13, 2022

Subscribed and sworn to me before me this

Notary Public

SHAYLA NAJERA NOTARY PUBLIC STATE OF COLORADO

NOTARY ID 20174031965 MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: Ad Number: 1050049 1862089

Fee:

\$33.12