



**TOWN OF WIGGINS
AGENDA**

**BOARD OF ADJUSTMENTS MEETING
April 27, 2022 AT 6:30 P.M.**

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

**NOTE: MEETING WILL BE HELD VIA ZOOM
[CLICK HERE FOR THE ZOOM 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 January 23, 2022

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

1. Consideration of a Variance Application submitted by Stage Coach Meats for the purpose of adjusting a setback requirement for the property located at 600 W. Third Avenue.
 - a. Staff Report
 - b. Variance Application
 - c. Applicant Site Plan, Elevations, & Floor Plan
 - d. BOA RESOLUTION 02-2022: A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE ADJUSTING THE REQUIRED SETBACK FROM GRANITE STREET TO 15-FOOT FOR THE INDUSTRIAL PROPERTY LOCATED AT 600 W. THIRD AVENUE, WIGGINS, COLORADO.

III. ADJOURNMENT:

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



MINUTES OF MEETING

**TOWN OF WIGGINS
BOARD OF ADJUSTMENTS**
January 26, 2022 at 6:30 p.m.

CALL TO ORDER & ROLL CALL

A regular meeting of the Board of Adjustments for the Town of Wiggins, Colorado was held on Wednesday, January 26, 2022 at Town Hall and via Zoom. Chairman Jeffrey Palmer called the meeting to order at 6:48 p.m. The following Adjustors answered roll call: Chairman Jeff Palmer, Members David Herbstman, Bruce Miller, Mark Strickland. Bryan Flax and Chad Forbes arrived late. Member Jerry Schwindt was absent. Staff present were Town Manager, Tom Acre; and Town Clerk, Deb Lee.

APPROVAL OF AGENDA

Motion was made by Member David Herbstman to approve the agenda as written. Second was made by Member Mark Strickland. Roll Call: Unanimously approved.

APPROVAL OF MINUTES FROM APRIL 14, 2021

Motion was made by Member David Herbstman to approve the agenda as written. Second was made by Member Mark Strickland. Roll Call: Unanimously approved.

PUBLIC HEARING – CONSIDERATION A VARIANCE APPLICATION SUBMITTED BY BRIAN AND HOPE BECKER FOR THE PURPOSE OF ADJUSTING A SETBACK REQUIREMENT FOR THE PROPERTY LOCATED AT 475 E 4TH AVENUE

The Public Hearing was opened by Chairman Jeffrey Palmer. The Town Clerk stated proper notifications were made. Member Bruce Miller received notification of the hearing via mail. He is neighbors with the applicant.

Member Bryan Flax arrived to the meeting.

Town Manager, Tom Acre, provided the staff summary and information to the Adjustors regarding the request for a setback variance. Mr. & Mrs. Becker requested a 15-foot lot-line setback from the east side of their property along Karen Street where their new detached garage will face. The detached garage will be a 20x30 feet building. The applicant's property is a corner lot which poses concerns for the line of site at the corner of Karen Street and 4th Avenue. A typical set back requirement is 25 feet back from both Karen Street and from 4th Avenue. The building is planned to be at the rear of the property which will be ample distance from the corner. Following the Land Development Code would force the applicants to place the building in the middle of the backyard which would prevent the applicants from enjoying the yard.

Hope Becker was present to present information as an applicant and answer questions from the Members. Hope provided a few small details to the members regarding the property and details of the building.

Member Chad Forbes arrived to the meeting.

The Public Hearing was opened for public comments. No comments were received from the Board Room or Zoom audience. The Public Comment portion of the hearing was closed.

The Members did not have additional questions regarding the variance application.

CONSIDERATION OF BOARD OF ADJUSTMENTS RESOLUTION 01-2022: 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. Motion was made by Member David Herbstman to approve Board of Adjustment Resolution 01-2021. Seconded by Member Bruce Miller. Roll Call: Unanimously Approved.

ADJOURNMENT

Chairman Jeffrey Palmer, upon receiving no further comments or concerns from the Adjustors, adjourned the meeting at 7:05 pm.

Respectfully submitted:



Deborah Lee, Town Clerk



STAFF REPORT

**Board of Adjustment Meeting
April 27, 2022**

DATE: August 22, 2020

TOPIC: Consideration of BOA Resolution 02-2022 – A Resolution Approving a Setback Variance Request for the Property located at 600 W 3rd Avenue, Wiggins, Colorado

FROM: Hope Becker, Planning & Zoning Administrator

BACKGROUND:

The Land Development Code (LDC) requires land owners to apply for a variance when adjustments need to be made to the minimum requirements for a property. A variance is a relaxation of the terms of the zoning ordinance where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

As used in the LDC, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts. (LDC, 2.14.M)

SUMMARY:

Mr. Kris Musgrave has applied for a setback variance for a proposed commercial addition at his property located at 600 W 3rd Avenue. The subject property is known as Stagecoach Meat Company and is located at the southwest corner of 3th Avenue and Granite Street. Mr. Musgrave plans to construct the new addition on the west end of his property.

The LDC requires minimum setbacks from all property lines to the building. The applicant states in his application that abiding by the required setbacks would impact the type of addition he could construct to maximize space for his growing business. The alternative solution to make the proposed addition smaller would not meet his business needs to serve the community. Constructing an addition on the to the east of his property would be more costly due to increased excavating that would be required. Mr. Musgrave recognizes he needs a minimum setback distance for functionality of the business.

Mr. Musgrave’s property is isolated in a quiet corner of town. His property is located on the southwestern edge of town. Agate Street dead ends into 3rd Avenue and Granite Street will continue to provide town road access to the small vacant lot behind Stagecoach Meats. The 20-foot setback provided on the site plan will meet the minimum requirement for parking spaces in front of the new addition.

LAND DEVELOPMENT CODE ANALYSIS:

Per the Wiggins LDC § 02.14.L3 a variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardship for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

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

Corner Lot Set Back (LDC, 1.14 Definition)- “A lot situated at the junction of a front street and a side street. A 25-foot set back is required from both streets.”

Industrial District Minimum Setback Requirements (LDC) & Proposed Setbacks

	LDC	Proposed
Front Yard Setback	Not indicated	20 feet
Side Yard Setback	20 feet	10 feet
Rear Yard Setback	30 feet	10 feet

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 02-2022 A Resolution Approving a Setback Variance Request for the Property located at 600 W 3rd 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
BOARD OF ADJUSTMENT**

RESOLUTION BOA NO. 02-2022

**A RESOLUTION APPROVING A SETBACK VARIANCE REQUEST FOR THE PROPERTY AT 600 W 3RD
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 for 600 W 3rd Avenue to allow:

- A 10-foot side yard setback on the west side of the property (on Granite Street); and
- A 10-foot rear yard setback on the south side of the property; and
- A 20-foot front yard setback on the north side of the property (W 3rd Avenue).

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.

Section 2. In accordance with the above findings, the Board of Adjustment of the Town of Wiggins hereby approves the requested variance for the property located at 600 W 3rd Avenue, Wiggins, Colorado to allow:

- A 10-foot side yard setback on the west side of the property (on Granite Street); and
- A 10-foot rear yard setback on the south side of the property; and
- A 20-foot front yard setback on the north side of the property (W 3rd Avenue).

INTRODUCED, ADOPTED AND RESOLVED THIS 27TH DAY OF APRIL, 2022.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairman

ATTEST:

Deborah 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: \$250	Date: <u>3/30/2022</u>		
APPLICANT INFORMATION			
Property Owner	Name:	<u>Stagecoach Holding Company, LLC</u>	
	Address:	<u>600 W. 3rd Ave</u>	City, State Zip: <u>Wiggins, CO 80654</u>
	Phone:	<u>970-483-7280</u>	Email: <u>stagecoachmeats@gmail.com</u>
Applicant <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Primary Contractor	Name:	<u>Kris Musgrave</u>	Contractor License
	Company:	<u>Stagecoach Holding Company, LLC</u>	
	Address:	<u>600 W. 3rd Ave</u>	City, State Zip: <u>Wiggins, CO 80654</u>
	Phone:	<u>970-483-7280</u>	Email: <u>stagecoachmeats@gmail.com</u>
Property Information	Address:	<u>600 W. 3rd Ave</u>	City, State Zip: <u>Wiggins, CO 80654</u>
	Size (acres):	Existing Use: <u>Meat Processing</u>	Existing Zone District: <u>Industrial</u>
Description of Variance Being Requested: <u>Setback variance on front, side, and back of proposed building</u>			

Documents required with the application:

- Filing fee: \$250 PAYABLE TO: TOWN OF WIGGINS
- Site Plan with dimensions of setbacks indicated
- Elevations
- Vesting Deed
- Authorization Letter (if applicant is not the owner)
- Please answer **ALL** questions from the back. (A separate sheet of paper may be used if necessary.)

By my signature affixed hereto, I certify that I have read and examined this application and know the same to be true and correct. I understand that the granting of a permit does not presume to give authority to violate or cancel any provisions of any state or local laws regulating a variance request.

X *Kris Musgrave*
 Signature of Applicant

3/30/22
 Date

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.

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

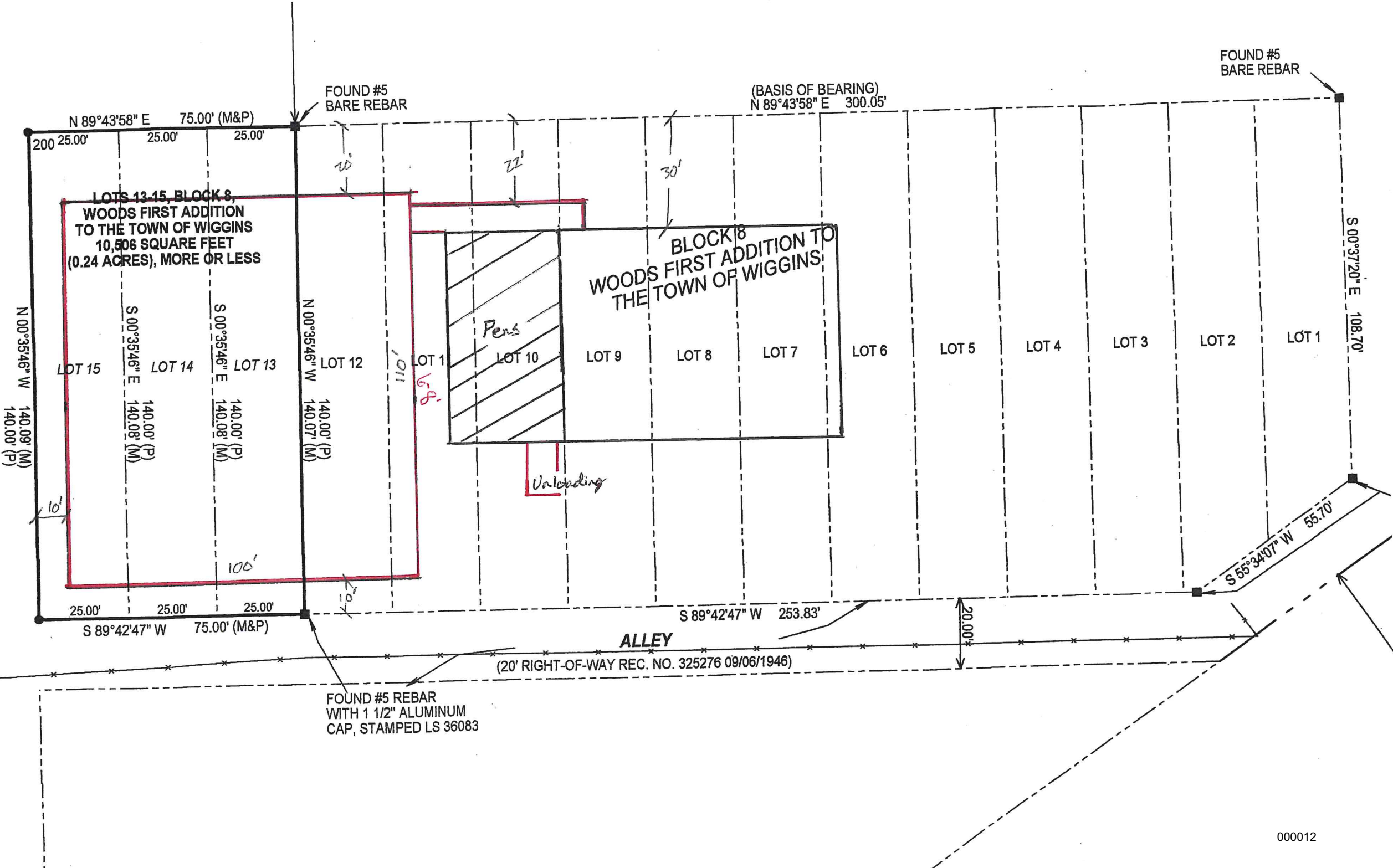
- C) How does the hardship relate to the applicant land, rather than personal circumstances?

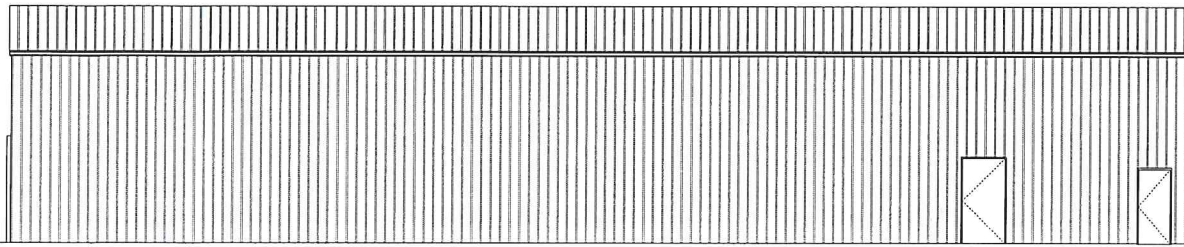
- D) How is the hardship unique and unusual, or nearly so, rather than one shared by many surrounding properties

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

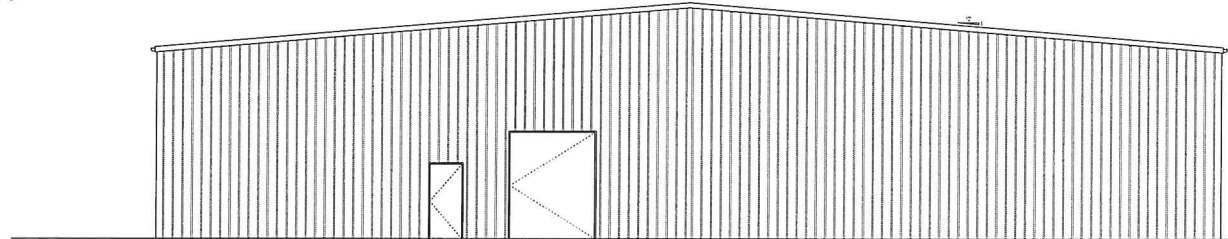
- F) How is the hardship not the result of the applicant's own actions?

- A) We have consulted with a processing plant specialist on the overall design, space, and workflow of the new building. If we are to comply with the restrictions of the Ordinance, we will lose approximately 3,800SF of the designed 11,000SF, effectively cutting our operating space by 34%. With this substantial of a reduction in available space, production capacity would be reduced to a level that would not make our project feasible in this location.
- B) Our location is on the far west boundary of the town, with CDOT across the street to the north, railroad right-of-Way to the east, and a small vacant lot to the south. Granite Street, which runs on the west boundary of our property, is currently not maintained as there is no needed access by the general public south on Granite St. beyond 3rd Ave. If granted the variance to the setback ordinance, there will be no impact to neighbors or the general public, however, the constraint we are encountering with the setback restricts our ability to build a viable project at our current location.
- C) We are requesting the variance in order to maximize the effective area of our land, given our secluded location within the town. It is our personal commitment to maintain the growth of our business within the Town of Wiggins, however, the reduction of usable area of our land without a variance to the setback ordinance will make it no longer feasible to expand in our current location.
- D) Our property is uniquely located in a secluded corner of town, with limited public impact.
- E) We are requesting the minimum relief needed in order to construct our project with maximum production capacity within our property boundaries, while maintain setbacks enough to accommodate utility easement and parking needs.
- F) As we are not the original owners or builder of the existing facility, we were not able to give input on a master plan or placement of the existing facility within the lot space. The location of the existing facility constrains the placement of our new facility. We are placing the new facility as reasonably close to the existing facility as possible without risking construction and/or maintenance issues.

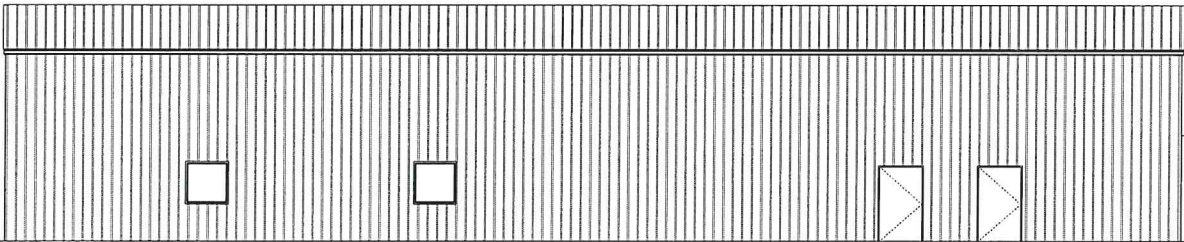




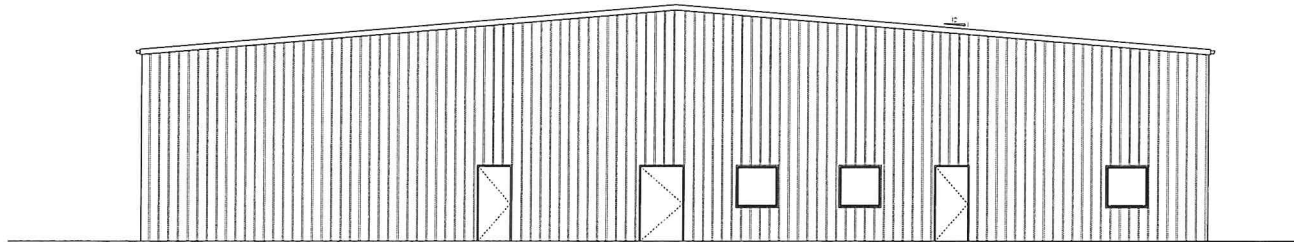
RIGHT



REAR



LEFT



FRONT

ELEVATIONS

EPIC DESIGN & CONSULTING, LLC.
 GEORGE CROPHULL, JR.
 1105 COUNTY RD. 29 FT. MORGAN, CO 80701
 CELL 303.960.0861 Email: gcr@epic.com

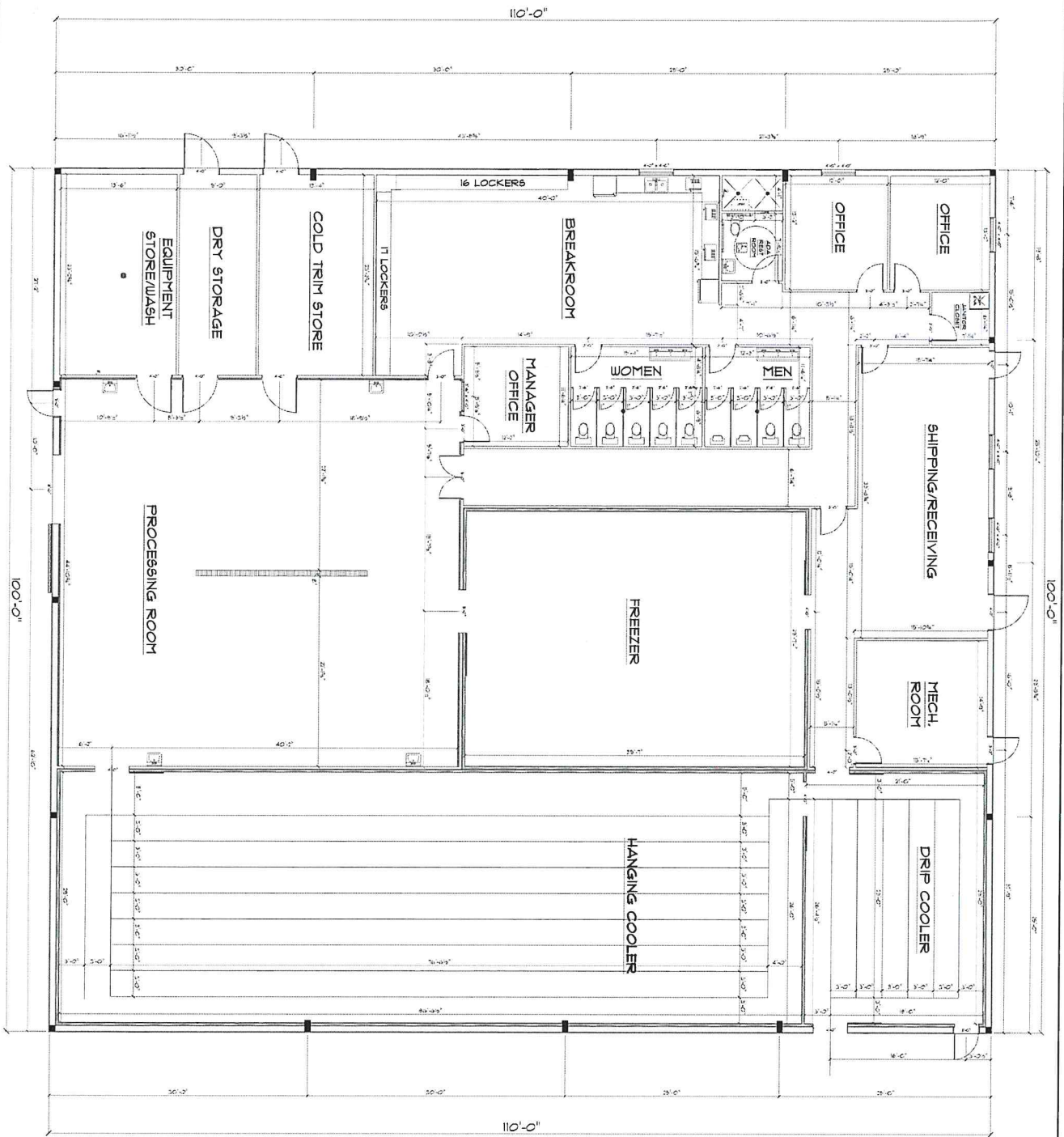
KEEFE CONSTRUCTION SERVICES
 STAGECOACH MEATS
 203 WEST FOURTH AVENUE
 WIGGINS, COLORADO

—DATE—
 08.2021
 —SCALE—
 3/16" = 1 FT.
 —NOTES—
 OPTION B
 REVISED
 —SQ. FT.—
 MAIN - 11,000

REVISED
 10.08.21

NOTES:
 THESE PLANS ARE DRAWN FOLLOWING THE
 2018 INTERNATIONAL BUILDING CODES.
 PLEASE CHECK AND FOLLOW THE LOCAL CODES.
 PLEASE VERIFY ALL FIELD DIMENSIONS.
 PLEASE VERIFY ALL WINDOW CODES & SIZES.
 EPIC DESIGN & CONSULTING HAS NOT AND WILL NOT
 VERIFY THE ACCURACY OF THE DATA PROVIDED.
 PLEASE SEE PLAN.

A5



REVISED
10.08.21

STEEL BUILDING FLOOR PLAN

THIS DRAWING IS THE PROPERTY OF EPIC DESIGN & CONSULTING, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF EPIC DESIGN & CONSULTING, LLC IS STRICTLY PROHIBITED. © 2021 EPIC DESIGN & CONSULTING, LLC

A2	1/4" = 1' FT. REVISIONS: OPTION B NOTES: 3/16" = 1 FT. SCALE:	DATE: 08.2021 KEEFE CONSTRUCTION SERVICES STAGECOACH MEATS 203 WEST FOURTH AVENUE WIGGINS, COLORADO	EPIC DESIGN & CONSULTING, LLC. GEORGE CROMWELL, JR. 1108 COUNTY RD. 25 FT. MORGAN, CO CELL 970.768.0861 www.epicdesign.com
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