

APR 02 2019

PLANNING & ZONING

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

1. Applicant John A. & Dawn Marie Mosher Address 113 Bobwhite Loop
 City Cañon City State CO Zip Code 81212
 Telephone 303-499-1466 Facsimile _____ Email johnamosher@gmail.com
2. Consultant Crown Point Land Services Address PO Box 749
 City Cañon City State CO Zip Code 81215-0749
 Telephone 719-275-5005 Facsimile _____ Email crown.land@outlook.com
3. Address of property for which the variance is being requested 1358 Flora Dr. Cañon City, CO 81212
4. The current deed of record for the variance property is recorded in Book Number _____ at Page Number _____ under Reception Number 965357 of the Fremont County Clerk and Recorders' Records. A copy of this document shall be attached to this application by the applicant.
5. 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.
6. The variance property is located in the LDR and AS zones
7. The current land use of the variance property is Vacant Property
8. The proposed land use of the variance property is Residential - Single Family Home
9. Is the current and or proposed use a permitted, conditional, special review or temporary use in the zone district? Please specify. Yes, permitted use - Residential
10. Provide a brief description of the variance request. _____
This request is for a variance on Zoning Resolution 2.4.3, the 25% Lot Line Adjustment limitation by allowing 0.7 Acre Metes & Bounds Lot Book 718 Page 363 to become part of .93 Acre Lot 10, Flora Heights Filing II resulting in a single a 1.63 acre lot, an increase of 75% and complying with all regulations.

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? City of Cañon City Water Department
14. What is the method of sewage disposal for the variance property? Fremont Sanitation District
15. Does the variance property receive irrigation water? YES NO If yes, what is the name of the irrigation company? Lincoln Park Crooked Ditch
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? Framed Single Family house
19. What is the use of the structure requiring the variance? Single Family residence
20. The following items are the minimum development requirements for the LDR Zone District in which the variance property is located:
- The minimum allowed lot area is 0.2 acres or 8,500 square feet.
 - The maximum allowed lot coverage is 35 percent, which computes to 2,975 square feet.
 - The minimum allowed lot width is Eighty-five (85) feet.
 - The minimum allowed front-yard setback is Twenty-five (25) feet.

- e. The minimum allowed rear-yard setback is _____ Twenty (20) feet.
- f. The minimum allowed side-yard setback is _____ Ten (10) feet.
- g. The minimum allowed side-yard setback, if adjacent to a street, is _____ Fifteen (15) feet.
- h. The minimum allowed setback, if adjacent to a State or Federal Highway is Twenty-five (25) feet.
- i. The minimum allowed setback for a livestock structure is _____ NA feet.
- j. The maximum allowed building height of a structure is _____ Thirty-Five (35) feet.
- k. The minimum number of off-street parking spaces required for the use of the property is Two (2)

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

- a. The lot area is _____ 1.63 acres or _____ 71,063 square feet.
- b. The lot coverage is _____ 5.19 percent, which computes to _____ 3,689 square feet.
- c. The lot width is _____ 280 feet.
- d. The front-yard setback is _____ 180 feet.
- e. The rear-yard setback is _____ 120 feet.
- f. The side-yard setback is _____ 70 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 _____ 18 feet.
- k. The number of off-street parking spaces required for the use of the property is _____ Two (2)

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.

The proposed use is a single family dwelling and it's accessory uses. This is an allowed use in the Zone District, thereby a use by right.

- b. An unnecessary hardship to the variance property owner could be shown to occur if the provisions of the Zoning Resolution were strictly interpreted. Would not be able to build in desired location. The reason for this is The City of Cañon City Water Department regulations require a minimum of 40 feet of public right-of-way frontage. The 25% restriction imposed by **Zoning Resolution 2.4.3** does not allow a Lot Line Adjustment that can be approved or processed.
- 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. Metes & Bounds Lot Book 718 Page 363 was originally created in 1979 through a Fremont County Subdivision Waiver Process. This Metes & Bounds Lot was purchased by the present owners in 2018. Design efforts were made to adjust the property, however, The City of Cañon City Water Dept. regulations requiring a minimum of 40 feet of public right-of-way frontage would not allow water service. This is not possible without a Lot Line Adjustment. Variance requested is for **Zoning Resolution 2.4.3**
- 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, Intent and purpose is to produce land use compatibility and preserve property values. The end result will be LDR, which is more restrictive than AS, thus preserving property values. Approval will reduce the total number of dwellings that are allowed to be developed in this area, reducing potential future impact to roads, water, public sewer systems, fire departments and law enforcement. Use of property will comply with the Zoning Resolution and Zoning District

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.

Once the application has been reviewed by the Department and found to be adequate for placement on the Board of Zoning Adjustment Meeting Agenda, the applicant will be required to provide a minimum of ten (10) complete copies (*all documents in these copies must be 8½"X11" or folded to that size*).

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.

John A and Dawn Marie Mosher
 Applicant Printed Name



 Signature

4/2/2019
 Date