



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

1. Applicant Andy Neinas Address 45000 W US Hwy 50
 City Canon City State CO Zip Code 81212
 Telephone 800-755-3246 Facsimile _____ Email andy@raftecho.com
2. Consultant 3 Rocks Engineering Address 430 Main St.
 City Canon City State CO Zip Code 81212
 Telephone 719-430-5333 Facsimile _____ Email alexe@3rocksengineering.com
3. Address of property for which the variance is being requested _____
45130 W US Hwy 50, Canon City, CO 81212
4. The current deed of record for the variance property is recorded in Book Number _____ at Page
 Number _____ under Reception Number 996915 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 Agricultural Rural Zone District
7. The current land use of the variance property is Undeveloped Land, with residential
 rental
8. The proposed land use of the variance property is Glamping Development
9. Is the current and or proposed use a permitted, conditional, special review or temporary use in the
 zone district? Please specify. Yes, Special Review Use
10. Provide a brief description of the variance request. _____
Variance request on the minimum setback requirments for the two
 Glamping units in the Upper Northwest corner of the property.

- 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? Potable water hauled and stored in cistern
- 14. What is the method of sewage disposal for the variance property? OWTS for Glamping Sites
- 15. Does the variance property receive irrigation water? YES NO If yes, what is the name of the irrigation company? _____
- 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? Glamping Structure
- 19. What is the use of the structure requiring the variance? Camping
- 20. The following items are the minimum development requirements for the Ag/Rural Zone District in which the variance property is located:
 - a. The minimum allowed lot area is 4 1/2 acres or 196,020 square feet.
 - b. The maximum allowed lot coverage is 15 percent, which computes to 29,403 square feet.
 - c. The minimum allowed lot width is 300 feet.
 - d. The minimum allowed front-yard setback is 50 feet.
 - e. The minimum allowed rear-yard setback is 50 feet.
 - f. The minimum allowed side-yard setback is 25-interior lot. 50-corner lot feet.
 - g. The minimum allowed side-yard setback, if adjacent to a street, is 25 feet.
 - h. The minimum allowed setback, if adjacent to a State or Federal Highway is N/A feet.

- i. The minimum allowed setback for a livestock structure is 20 feet.
- j. The maximum allowed building height of a structure is 35 feet.
- k. The minimum number of off-street parking spaces required for the use of the property is _____
1 Space/Unit

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

- a. The lot area is 16.16 acres or 703930 square feet.
- b. The lot coverage is .018 percent, which computes to 12603.59 square feet.
- c. The lot width is 1088' at widest _____ feet.
- d. The front-yard setback is 2.8' and 9' feet.
- e. The rear-yard setback is 50+ feet.
- f. The side-yard setback is 55 and 165 feet.
- g. The side-yard setback, adjacent to a street, is N/A feet.
- h. The setback, adjacent to a State or Federal Highway is N/A feet.
- i. The setback for a livestock structure is N/A feet.
- j. The building height of the structure is 20 feet.
- k. The number of off-street parking spaces required for the use of the property is 10

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 variance will not authorize any additional use outside of the SRU. The location of the proposed glamping structures will be
be an extension and will be consistent with the Glamping operation already operating.
- b. An unnecessary hardship to the variance property owner could be shown to occur if the provisions of the Zoning Resolution were strictly interpreted.
The proposed locations minimize the removal of natural vegetation, and allow for optimal guest experience.
The two lots would have been combined to prevent this variance but the north site is zone RV which is no longer a recognized zone.

- 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. _____

The property boundary line already existed that separates the two properties that are under the same ownership.

The sites cannot be combined due to zoning.

- 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, _____

The variance would maintain a rural residential environment while not impeding on any agricultural activities of the area.

The well-being of all Fremont County will be kept as the two

Glamping properties will be under the professional mngmt of EchoLand LLC

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.

Andrew C. Neinas
Applicant Printed Name

Andrew C. Neinas
Signature

3/15/2022
Date