



ZONING BOARD OF APPEALS

Proceedings

April 13, 2021
(Zoom Webinar and viewable on City of Greeley YouTube)
1:15 p.m.

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m.

II. Roll Call

Chair Yeater, Commissioners Andersen, Briscoe, Romulo and Schulte were present.
(Commissioners Franzen and Modlin were absent.)

III. Approval of minutes for meeting held on November 10, 2020

Commissioner Andersen moved to approve the minutes dated November 10, 2020.
Commissioner Romulo seconded the motion. Motion carried 5-0. (Commissioners Franzen and Modlin were absent.)

IV. A public hearing to consider a variance request to allow for a 3-foot reduction from the required interior side parking setback, from 3 to zero feet in the Residential Low Density zone district

Case No.: VAR2020-0020
Project Name: 2040 Balsam Avenue Parking Setback Variance
Applicant: Irma Navarro
Location: 2040 Balsam Avenue
Presenter: Brittany Hathaway, Planner III

Brittany Hathaway addressed the Board and introduced the request as a variance to allow an existing driveway to be zero feet from the interior side set back where a 3-foot setback is required. Ms. Hathaway presented a map and aerial photograph showing the location of the site as well as photographs showing the site conditions. She advised that the applicant proposes keeping the existing driveway extension installed by a previous owner in 2014 or 2015. Ms. Hathaway reported that the proposal meets the overall standards with the exception of the 3-foot encroachment into the side setback, adding that the site was graded to steer storm water away from neighboring properties. The applicant became aware of the setback issue after applying for a flatwork permit to replace the adjacent driveway leading to the garage.

Ms. Hathaway described the variance approval criteria and noted that the request is the minimum needed to accommodate any difficulty involved. She advised that the current owner did not install the driveway extension and was unaware of any issue until after purchasing the home and applying for a subsequent flatwork permit. Ms. Hathaway stated that requiring the current owner to meet the required setback might result in an unnecessary hardship, adding that there have been no neighborhood comments or complaints and storm water is diverted from running onto neighboring properties. She advised that the applicant was unaware that the flatwork poured previously had been done without a permit. Staff recommended approval.

The applicant, Irma Navarro, 2040 Balsam Avenue, addressed the Board and stated that she had nothing to add to the staff presentation.

Chair Yeater opened the public hearing at 1:22 p.m. There being no communication by U.S. mail, email or Zoom Q&A, the public hearing was closed at 1:22 p.m.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to reduce the required driveway setback to zero where the minimum setback is three feet, complies with Section 18.22.040(f), Items 1 and 3, and Section 18.22.040(g), Items 1, 2 and 3 of the Development Code; and, therefore, approves the request. Commissioner Romulo seconded the motion. Commissioner Andersen thanked applicant for seeking a permit. Motion carried 5-0. (Commissioners Franzen and Modlin were absent.)

V. A public hearing to consider a variance request to allow for a reduced front setback from 25 feet to 13.5 feet for the installation of a gas canopy in the Commercial High Intensity zone district

Case No.: VAR2020-0017
Project Name: 2730 23rd Avenue Gas Canopy Setback Variance
Applicant: Shahzad Sarwar
Location: 2730 23rd Avenue
Presenter: Kira Stoller, Planner II

Kira Stoller addressed the Board and introduced the request as a variance to allow for a reduced front setback Ms. Stoller presented an aerial photograph showing the location of the site that is zoned Commercial High Intensity. She described the surrounding properties and indicated that they are also zoned Commercial High Intensity.

Ms. Stoller explained that the site was originally developed in 1967 and upgraded in 2012. She advised that the existing gas pumps are located 13 feet from the front property line on 23rd Avenue. Ms. Stoller noted that a prior variance application was approved in 2012 but had since expired. She advised that the request today is for a variance increasing the setback from 23rd Avenue to allow for installation of a larger gas canopy over three islands with fuel pumps. Ms. Stoller reported that the owner is upgrading the current pumps to meet credit card chip reader requirements and wants to protect his investment with a canopy, adding that the canopy will also provide shelter and better lighting for customers. She presented photographs of the site and surrounding areas

Ms. Stoller reported that the previous variance approval submitted in 2011 included a 10-foot setback for a canopy and was granted by the Board in January 2012. Due to funding constraints, the owner was unable to construct the canopy at that time. Ms. Stoller advised that the applicant has secured funds to move forward with the project and is submitting a new variance request that is similar to what was previously proposed and approved. She provided a rendering of the canopy and indicated that the maximum height was 17 feet and would include lighting.

Staff found that the request meets three of the five variance consideration criteria 1, 3, 5 and will accommodate the existing pump locations without encroaching too far into the front setback. Ms. Stoller added that the request aligns with Comprehensive Plan goals. She added that all three mandatory criteria had been met, stating that the variance will not negatively affect neighboring properties. Ms. Stoller noted that the only way to avoid a setback variance would be to relocate the gas pumps, adding that the site is unique in that the canopy installation is being proposed long after use of the site as a gas station was established. Staff recommended approval.

Referring to the 25-foot setback requirement, Commissioner Briscoe asked how the setback was established and the purpose of that particular setback for a gas canopy. Ms. Stoller advised that gas station canopies are treated as structures in the same manner that parking is considered a structure under the current definition in the Code. She added that those areas are usually for landscaping or access drives and that setting structures further from the road provides less of a shadow effect. Ms. Stoller stated that the canopy itself is being measured from its outer edge. Upon question by Commissioner Briscoe, Ms. Stoller advised that the canopy is being considered like any other general type of structure.

The applicant, Shahzad Sarwar, 12441 Arlington Avenue, Broomfield, Colorado, addressed the Board and stated that he had no additional comments.

Chair Yeater opened the public hearing at 1:34 p.m. There being no communication by U.S. mail, email or Zoom Q&A, the public hearing was closed at 1:34 p.m.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to reduce the required front setback from 25 feet to 13.5 feet for the installation of a gas canopy located at 2730 23rd Avenue complies with Section 18.22.040(f), Items 1, 3 and 5, and Section 18.22.040(g), Items 1, 2 and 3 of the Development Code; and, therefore, approves the requested. Commissioner Romulo seconded the motion. Commissioner Schulte observed that the canopy does not appear to affect any aspect of the site and he did not see a downside to approval. Chair Yeater agreed and commended the applicant for improving the property. Commissioner Andersen stated that she was pleased to see better lighting on the north side of the bridge along 23rd Avenue. Motion carried 5-0. (Commissioners Franzen and Modlin were absent.

VI. Adjournment

The meeting adjourned at 1:37 p.m.

DocuSigned by:

Justin Yeater

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Justin Yeater, Chair

DocuSigned by:

Mike Garrott

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Mike Garrott, Assistant Secretary