

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
July 15, 2019
MINUTES – Revised 8-19-19

The Morgan County Board of Adjustments met on Monday, July 15, 2019, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Charlie Ruyle, Mike Erker, Julie Padilla and Viola Johnson. Also present were Pam Cherry, Planning Administrator, and Jody Meyer, Planning Assistant and Shannon Shields, Planning Clerk.

The meeting was called to order by Chairman Allyn Wind.

Minutes: 05-20-19

Motion was made by Viola Johnson and seconded by Charlie Ruyle to approve the minutes of the May 20, 2019 hearing. Motion carried 4-0.

Agenda:

It was moved by Charlie Ruyle and seconded by Viola Johnson to accept the agenda as presented. Motion carried 4-0.

Allyn Wind read the procedural rules for this hearing.

Mike Erker, Planning Commission Board member joined the meeting.

NEW BUSINESS:

PUBLIC HEARING IS OPEN

OWNER: Snyder Bible Church

APPLICANT: Merle Grauer

Variations from 3-650 Table 1 of Appendix B, Zone District Bulk Requirements and Special Design Standards Chart of the Morgan County Zoning Regulations regarding Minimum Front Yard Setback from 25 ft. to 21.37 ft. for an addition to the Church building and a Variance for Maximum Lot Coverage by Structures from 35% to 40.4% located in Lots 20-29, Block 8, Original Town of Snyder, located in the SE1/4NW1/4 of Section 12, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado aka 22622 Fisher Avenue, Snyder, CO 80750.

Merle Grauer was present to represent this application for Snyder Bible Church.

Pam Cherry, Planning Administrator, read her file summary as follows:

Merle Grauer, on behalf of Snyder Bible Church, has submitted this application for Variations to Section 3-650 Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding required setbacks and maximum lot coverage in the Rural Community Residential Zone District. The required setbacks are 25 foot front, ten foot side and fifteen foot rear. The maximum lot coverage in the zone district is 35%. The property is addressed as 22622 Fisher Avenue, Snyder, Colorado 80750 with a parcel numbers of 1037-122-20-901 located in the N ½ of the SE ¼ of the NW ¼ of Section 12, Township 4 North, Range 56 West, of the 6th P.M. Morgan County, Colorado.

Snyder Bible Church is requesting to reduce the front setback from the required twenty-five feet to 21.37 feet to allow for an addition to the church building, a reduction of 8.7%. Also requested is a variance from maximum lot

coverage by structures from 35% to 40.4%, a reduction of 11.5%. A lot combination agreement application has been submitted concurrently and is being reviewed administratively. As condition of the approval of the lot combination is the approval of these requests for variances.

The property is located within the 100-year FEMA regulated floodplain. The church will be required to submit a Floodplain Development Permit application prior to or concurrently with the Building Permit application. FEMA and Morgan County regulations currently require that the new construction be elevated a foot above the adjacent ground, or a foot above the base flood elevation if that has been calculated. Additionally, if the addition to the building exceeds 50% of the value of the existing building, the entire structure must be brought into compliance by elevating.

Approximately 80 landowners were identified within the 1,320 foot notification area. As of the date of this report, no comments have been received either in support or opposition. Agency referrals have been made, again without comment as of July 2, 2019.

In reviewing this application the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:

Strict application of the regulations will result in peculiar or exceptional hardship. The church has been in its current location for many years, and serves the community.

- (3) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

The parcel is in Snyder where many properties are in need of cleanup and/or restoration. This project is an opportunity to improve the living conditions in Snyder.

- (4) The hardship is not self-imposed;
The property owner will demolish and existing building and needs to replace the area and amenities that the building provided. This is not a self-imposed hardship.

- (5) The variances, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;

If granted the variance will not adversely affect the use of adjacent property.

- (6) That the variances, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and
If granted, the variance meets the intent of the Zoning Regulations and the Comprehensive Plan.

- (7) That the variances, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.
The variance, if granted, will not adversely affect the health, safety and welfare of the citizens of Morgan County.

Pam Cherry recommended approval of these variance requests subject to:

1. The lot combination agreement will be granted prior to recording the Resolution for this permit.

2. No further variances will be granted for this property.
3. Floodplain Development Permit is required.
4. Before a permit is issued, Snyder Sanitation District comments will be taken into consideration after their Board meeting on July 18, 2019.

Viola Johnson noted there was a small discrepancy with the legal description stating it should read the parcel is located in the “Original Town of Snyder” in the Agenda.

Merle Grauer is the contractor for this project and is here to represent the Snyder Bible Church. He explained the setback and lot coverage issues to the Board. This new project includes a new fellowship hall and the older building will hold the classrooms and a baptism room and kitchen area. The drainage pond will sit where the old demolished building will be. This should add value to the Snyder area.

Viola Johnson asked why the combination of lots. Pam Cherry explained the lot combination gives the landowner more potential to meet setback requirements because it becomes one big lot with the exterior being all the lots combined instead of each individual lot.

OPEN PUBLIC TESTIMONY

Those in favor – none

Those in opposition – none

PUBLIC TESTIMONY CLOSED

It was moved by Charlie Ruyle and seconded by Mike Erker to approve this Application for Variances from 3-650 Table 1 of Appendix B, Zone District Bulk Requirements and Special Design Standards Chart of the Morgan County Zoning Regulations regarding Minimum Front Yard Setback from 25 ft. to 21.37 ft. for an addition to the Church building and a Variance for Maximum Lot Coverage by Structures from 35% to 40.4% located in Lots 20-29, Block 8, Original Town of Snyder, located in the SE1/4NW1/4 of Section 12, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado aka 22622 Fisher Avenue, Snyder, CO 80750, with the following conditions:

- 1. The lot combination agreement will be granted prior to recording the Resolution for this permit.**
- 2. No further variances will be granted for this property.**
3. Floodplain Development Permit is required.
4. Before a permit is issued, Snyder Sanitation District comments will be taken into consideration after their Board meeting on July 18, 2019.

Roll call vote was taken. Motion carried with a vote of 5-0.

It was moved by Charlie Ruyle and seconded by Mike Erker to authorize Allyn Wind to sign the Resolution for these Variances. Motion carried 5-0.

It was moved by Charlie Ruyle and seconded by Viola Johnson to adjourn this meeting. Motion carried 5-0. Meeting adjourned at approximately 6:00 P.M.

Respectfully submitted,

Jody Meyer, Planning Assistant