

**TOWN OF NEW CASTLE
RESOLUTION NO. BZ-2016-01**

A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE TOWN OF
NEW CASTLE APPROVING A VARIANCE APPLICATION FOR THE FIRST
BAPTIST CHURCH OF NEW CASTLE.

WHEREAS, the First Baptist Church of New Castle (“Applicant”) has submitted to the Board of Zoning Adjustment of the Town of New Castle, Colorado, an application from for a variance from the R-1 zone district regulations (“Application”) for property located at 190 N. 7th Street, New Castle, Colorado, a tract of land situated in the SE1/4 NE1/4 of section 31, Township 5 South, Range 90 West of the 6th P.M. and more fully described in the Warranty Deed recorded in the real property records of Garfield County, Colorado, at reception no. 564688 (“Property”); and

WHEREAS, the Application requests two variances: (1) to encroach 4.77 feet into the rear setback on the northeastern part of the Property, and (2) to allow 6 feet of separation between permanent structures as opposed to the 10 feet required by R-1 zoning regulations; and

WHEREAS, pursuant to § 17.12.030 of the Municipal Code the Board of Zoning Adjustment held a public hearing on the 7th day of June, 2016, to consider the Application, at which hearing the public and interested persons were given the opportunity to express their opinions regarding the Application; and

WHEREAS, on the basis of substantial competent evidence produced at the aforementioned hearing, the Board of Zoning Adjustment makes the following findings pursuant to § 17.12.020 of the Municipal Code:

1. The hearing before the Board of Zoning Adjustment was extensive and complete, and all pertinent facts, matters and issues were heard at the meeting;
2. There are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected Property;
3. Because of physical circumstances or conditions, the Property cannot reasonably be developed in conformity with the provisions of the Town’s zoning regulations;
4. Such unnecessary hardship has not been created by the Applicant;
5. The variances, if granted, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property;

6. The variances, if granted, are the minimum variances that will afford relief and are the least modification possible of the Town's zoning regulations which are in question;
7. For the above stated and other reasons, the proposed variances are in the best interest of the health, safety, and welfare of the citizens of the Town of New Castle.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment of the Town of New Castle, Colorado, that:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Board of Zoning Adjustment of the Town of New Castle.

2. Approval. The Board hereby approves the Application as well as the following variances from the R-1 Residential Zone District Regulations on the Property:

- A. An encroach of up to 4.77 feet into the rear setback on the northeastern part of the Property; and
- B. Only 6 feet of separation will be required between permanent structures on the Property.

3. Conditions. The variance granted herein is subject to the following conditions:

- (A) All representations of the Applicant contained in the Application or otherwise stated in writing or presented verbally at the public hearing before the Board of Zoning Adjustment shall be considered part of the Application and binding on the Applicant; and
- (B) Going forward, Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;
- (C) The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs; and
- (D) Violation of any of the above conditions shall be cause for revocation of the variance.

THIS RESOLUTION BZ 2016-1 was adopted by the New Castle Board of Zoning Adjustment by a vote of ___ to ___ on the 7th day of June, 2016.

TOWN OF NEW CASTLE BOARD OF
ZONING ADJUSTMENT

Art Riddile, Chair

ATTEST:

Melody Harrison, Town Clerk



Town of New Castle **Planning & Code Administration**
450 W. Main Street **Department**
PO Box 90 **Phone:** (970) 984-2311
New Castle, CO 81647 **Fax:** (970) 984-2716

(1)

Staff Report
First Baptist Church of New Castle – Variance
New Castle Board of Zoning Adjustment – Meeting – June 7, 2016

Report Date: 5/20/16

Project Information

Name of Applicant: First Baptist Church of New Castle (Church/applicant)

Applicant’s Mailing Address 190 N. 7th St, New Castle, CO. 81647
Phone/Email: Telephone – 970.984.2306 E-mail:
newcastlefirstbaptist@gmail.com

Property Address: 190 N. 7th St., New Castle, CO 81647

Property Owner: First Baptist Church of New Castle

Owner Mailing Address 190 N. 7th St., CO 81602. Telephone – (970)-366-2278
/Phone:

Proposed Use: Church

Municipal Code Reference: Chapter 17.12 – Board of Adjustment (variance)

Size of Site: .812 acres

Street Frontage: N. 7th St.

Existing Zoning: R-1

Surrounding Zoning: R-1 and Open Space (OS)

Parking Requirements: One-half off-street parking space per three seats

Hours of Operation: **Sunday:** - 9 A.M. to 11:30 A.M. and 4:30 P.M. to 6:00 P.M.
Tuesday – 10:00 A.M. to 11:30 A.M.
Wednesday – 6:00 A.M. to 7:00 A.M. & 6:30 P.M. to 8:00 P.M.
1st Friday of each month – 10:00 A.M. – 12:00 P.M.
Vacation Bible School one month during summer – 6:00 P.M.
to 8:00 P.M.

I Description of Application:

This application is a request for a variance for the following use as listed in the application cover letter:

1. Church

II Variance Development Application Contents:

1. Applicant cover letter/Development Application
2. Proof of legal ownership (various deeds have been provided)
3. List of property owners within 250 feet
4. Site plan
5. Description of variance (to be considered by Board of Zoning Adjustment)
6. Copy of Public Service of Colorado easement
7. Agreement to abide by performance standards
8. Elevations
9. Site plan with Structural, Project General and Project Code notes
10. Footing/Foundation, Floor, Furniture/Exit plans with foundation details.
11. Performance standards agreement
12. Revised site plan

III Variance Application-Criteria/Issues:

The applicant is requesting a variance to encroach 4.77 feet in to the rear setback on the northeastern part of the lot (please see site plan). The property adjacent is open space owned by the Town of New Castle. If the intent of the building setback is not to infringe upon or violate the fire code separation between buildings, then this is a non-issue because there are no associated structures on Town Open Space. The second variance request is to allow 6 feet separation between the old church and the new Sanctuary and Greeting Hall. R-1 zoning requires a 10 foot separation between permanent structures. This will become a non-issue when the old church is demolished.

Criteria:

1. That there are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property,

Comment: The subject property is irregular in shape with no side yard setback. The boundary of the parcel is uneven without conventional rectangle/square lines as seen in most of the lots in New Castle

2. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title,

Comment: It is not possible to keep from encroaching upon the rear setbacks without losing valuable parking space or refuse location. It also allows for greater flexibility for pedestrian and vehicle travel

3. That such unnecessary hardship has not been created by the applicant,

Comment: The church was built sometime after 1951 and the existing property boundaries were designed to gain the most out of buildable space without excavating the hillside on the

eastern boundary of the property.

4. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property,

Comment: There is absolutely no way the character of the neighborhood will be impacted. In fact, as one resident said during the P&Z hearing, this new church will be a great improvement to the neighborhood.

5. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of this title's provisions that are in question;

Comment: If the variance is approved, this is the minimum relief with the least modification necessary to construct a new church.

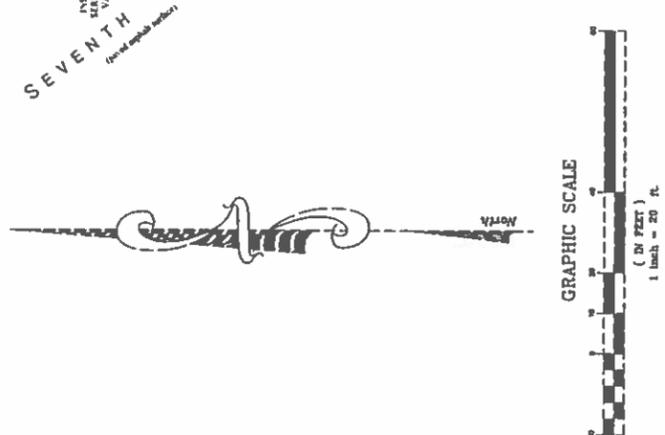
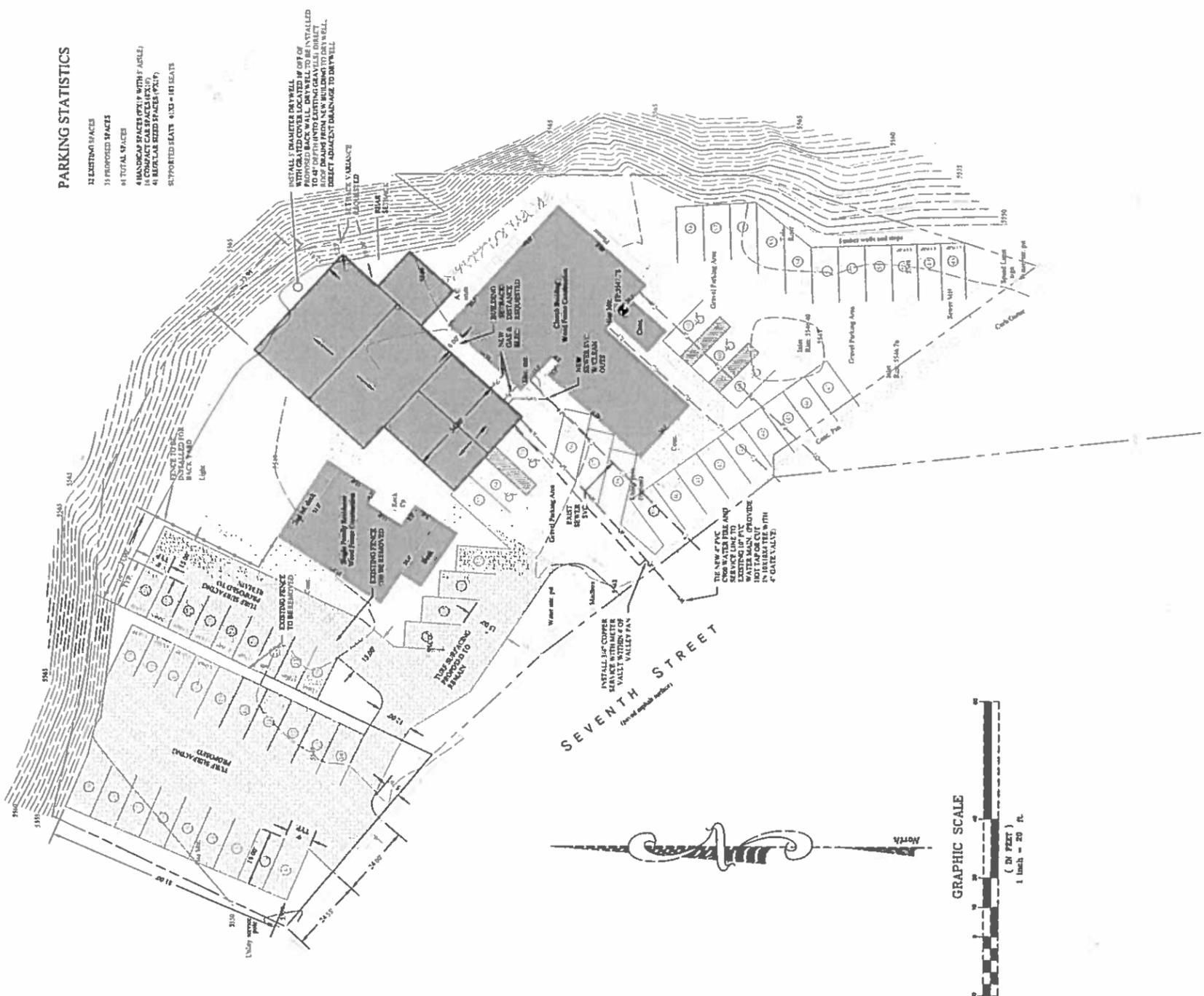
IV Staff Recommendation for Variance:

The staff recommends approval of the First Baptist Church of New Castle variance with the following conditions:

1. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
2. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
3. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

PARKING STATISTICS

- 12 EXISTING SPACES
- 11 PROPOSED SPACES
- 41 TOTAL SPACES
- 4 HANDICAP SPACES (21' x 52' WITH 5' AISLE)
- 41 MARKED SPACES (21' x 12')
- 41 MARKED SPACES (21' x 12')
- SUPPORTED SEATS: 4130 = 181 SEATS



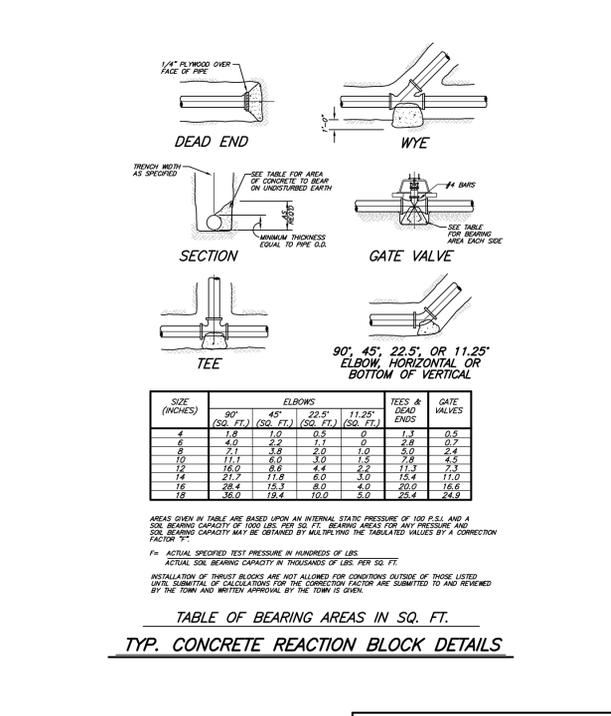
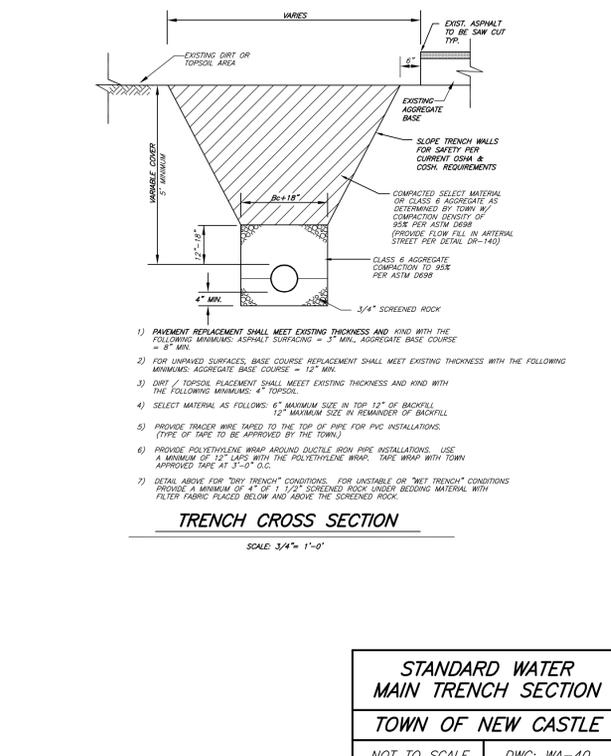
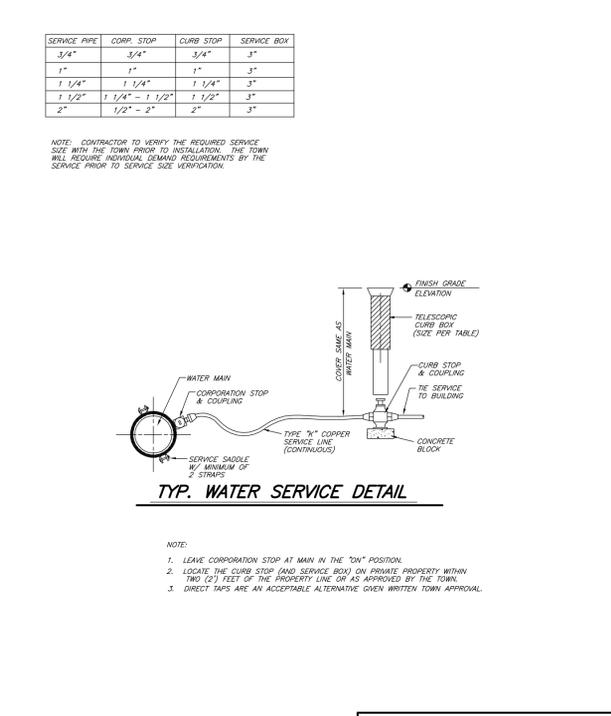
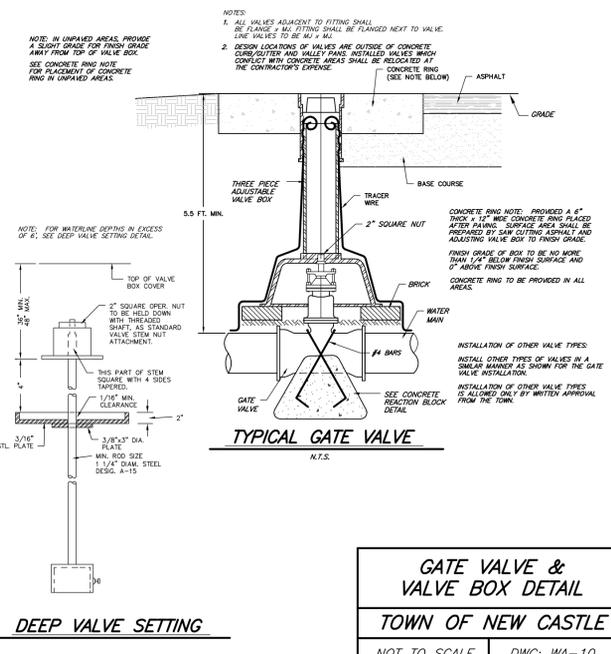
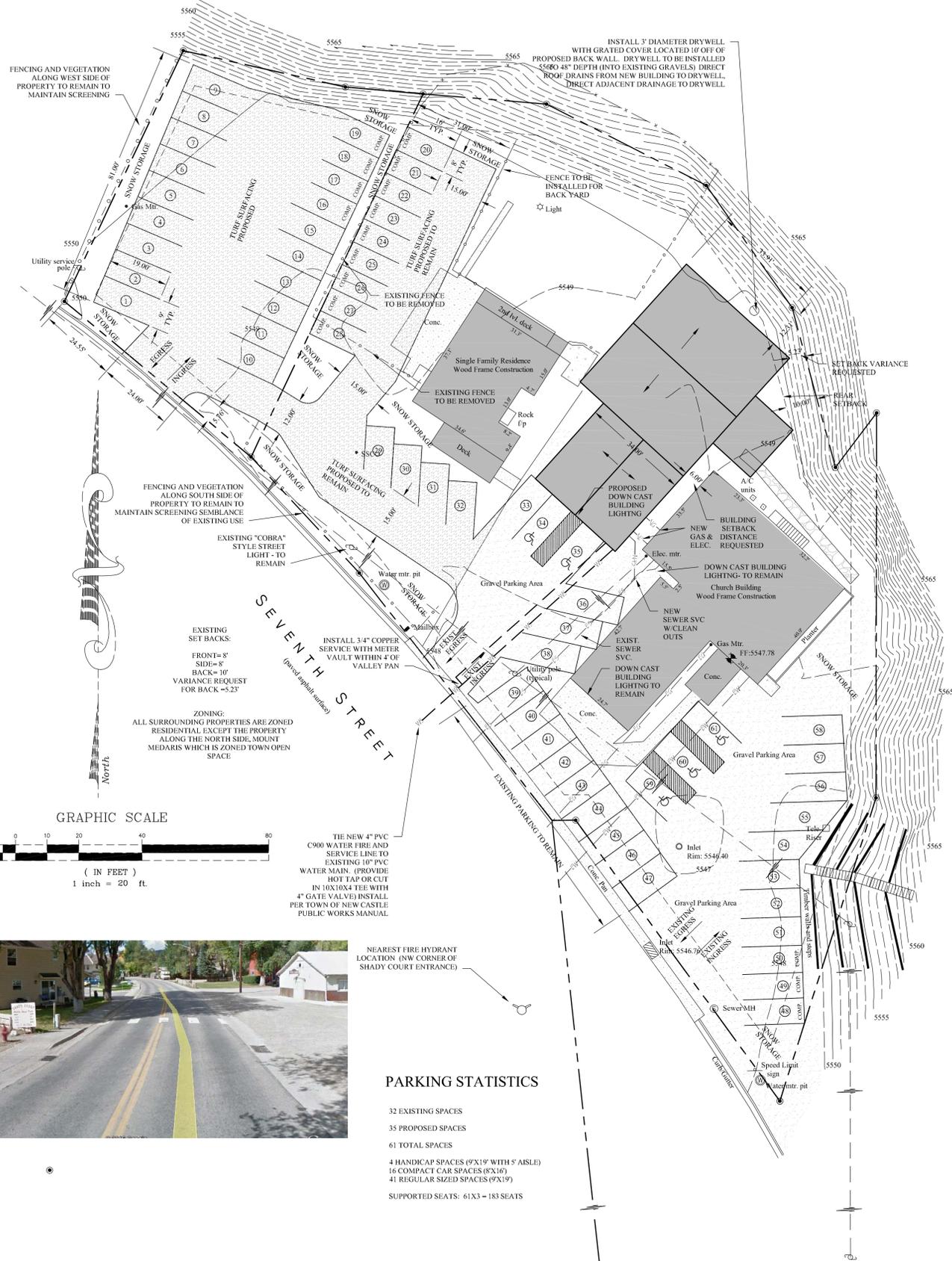
PERFORMANCE STANDARDS

I, Graham Riddle, ON THIS DATE 4/15/16 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15.04.090, 1983



NO:	
REVISIONS:	
DATE:	
STAMP:	
NEW ADDITION FOR:	
PROJECT:	FIRST BAPTIST CHURCH
DRAWING TITLE:	SITE PLAN
PROJECT No:	15-007
DATE:	10/5/2015

172 N. 7th Street
NEW CASTLE, CO

Tim,

I have reviewed the First Baptist Church of New Castle proposed addition and site plan, and also been told by Graham Riddle that the new additions of the church are going to have a fire sprinkler system installed. With the sprinkler system in the new buildings the chances of a fully involved fire in the buildings lessen the need for more apparatus and more apparatus access to the buildings. As the plans stand now I have no additional comments or requirements to this application until such time as building plan review.

Please contact me with any questions or concerns.

THANK YOU,

ORRIN D. MOON

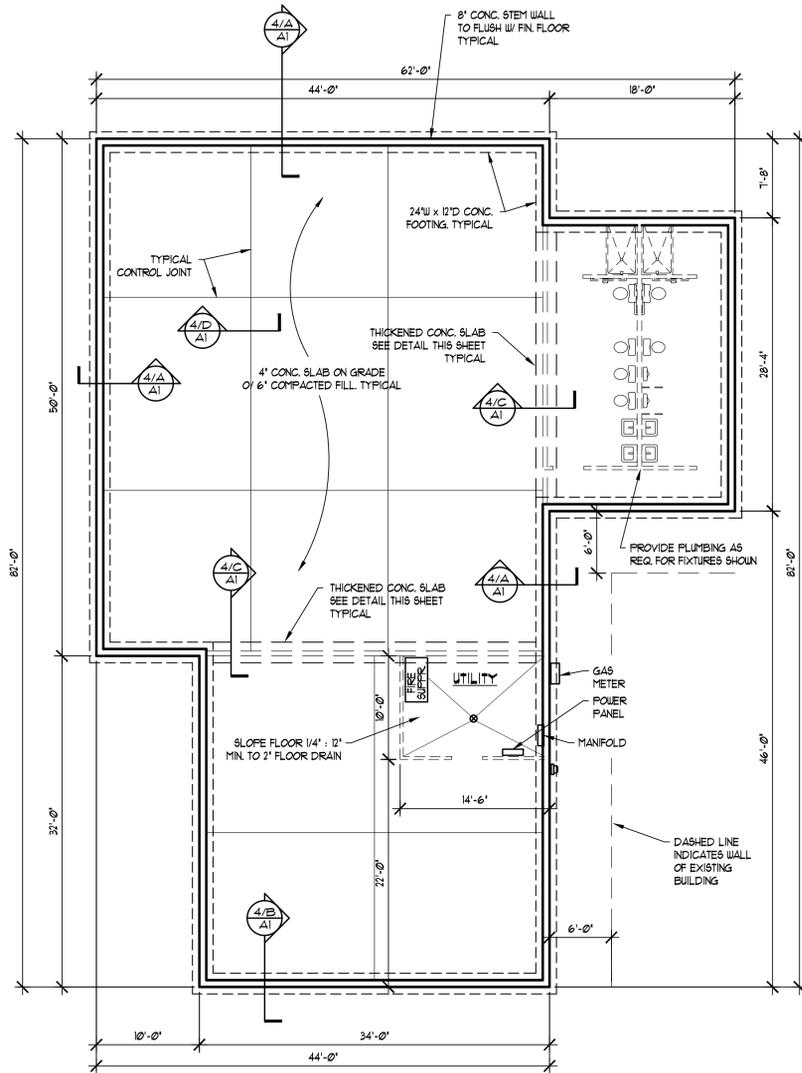
ACTING DIVISION CHIEF/FIRE MARSHAL

COLORADO RIVER FIRE RESCUE

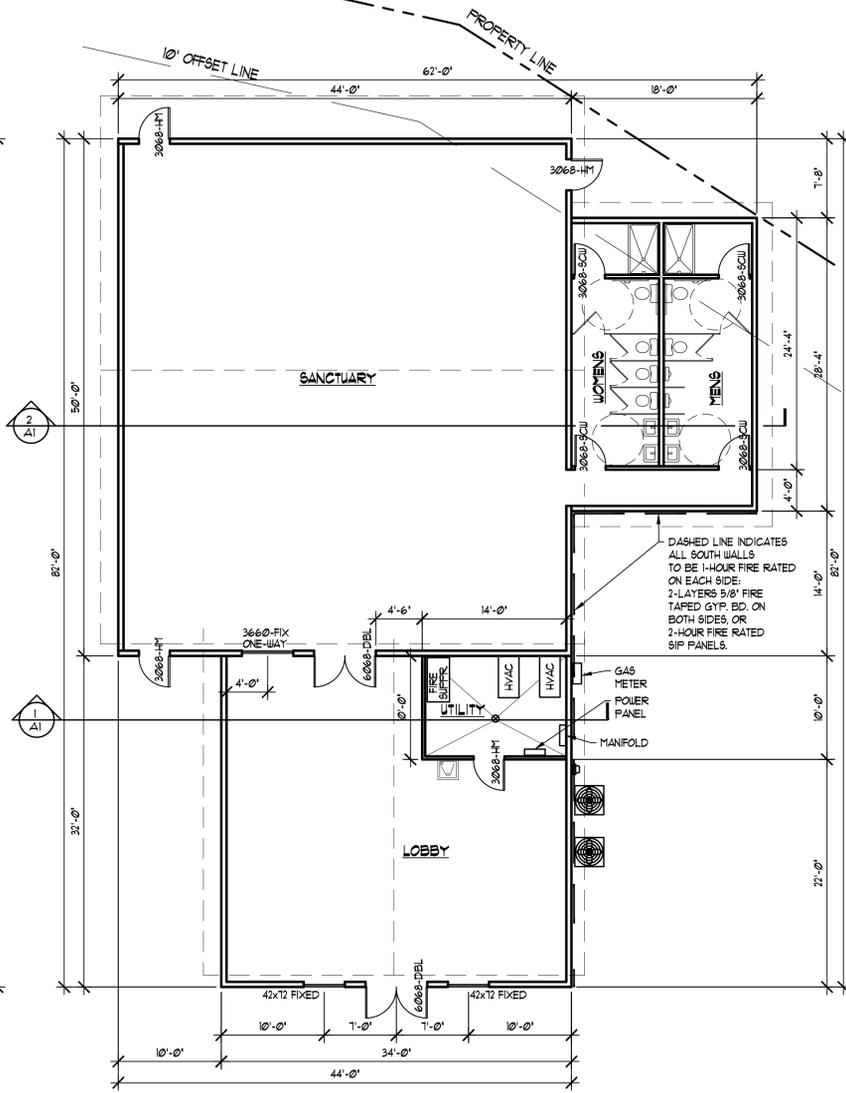
970-625-1243

orrin.moon@crfr.us

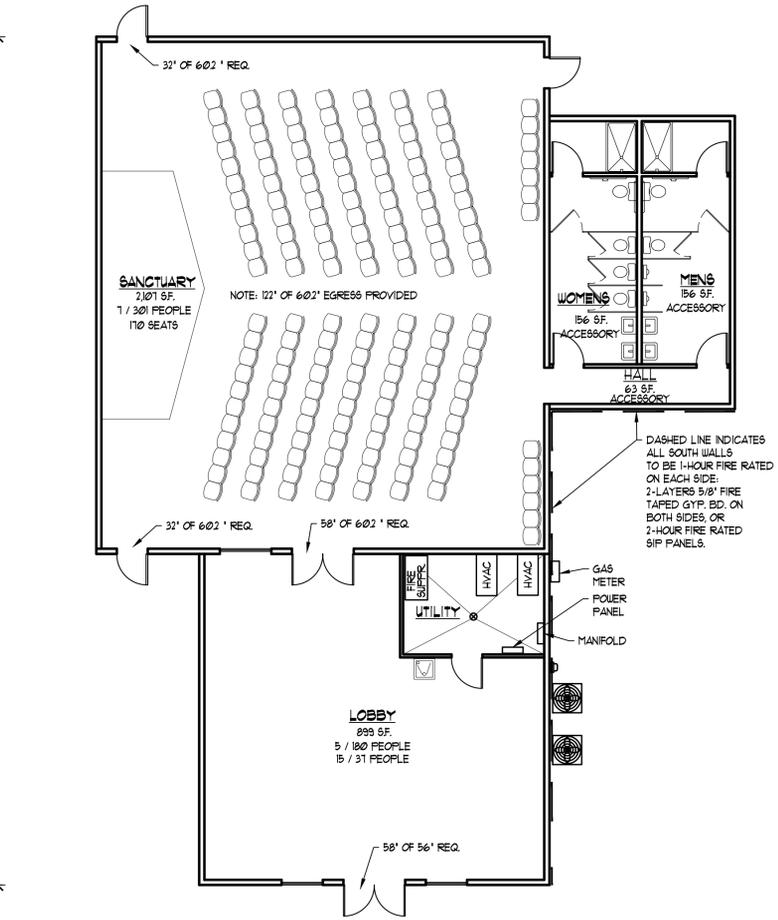




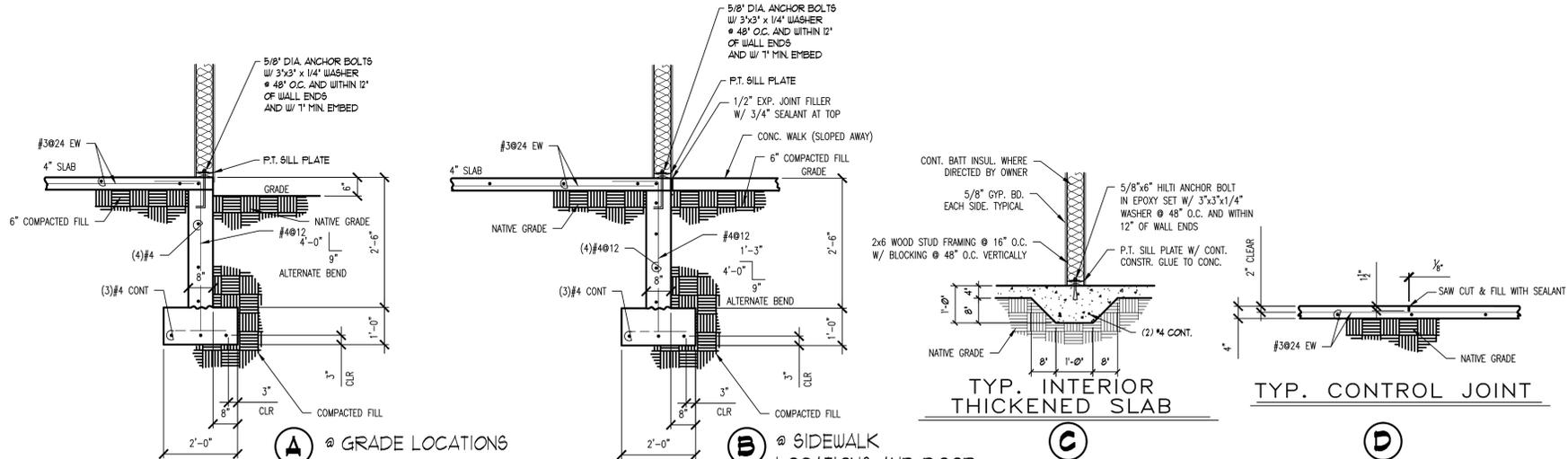
1 FOOTING / FOUNDATION PLAN SCALE: 1/8" = 1'-0"



2 FLOOR PLAN SCALE: 1/8" = 1'-0"



3 FURNITURE / EXIT PLAN SCALE: 1/8" = 1'-0"



4 FOUNDATION DETAILS SCALE: 1/2" = 1'-0"

NO.	REVISIONS:	DATE:

STAMP:

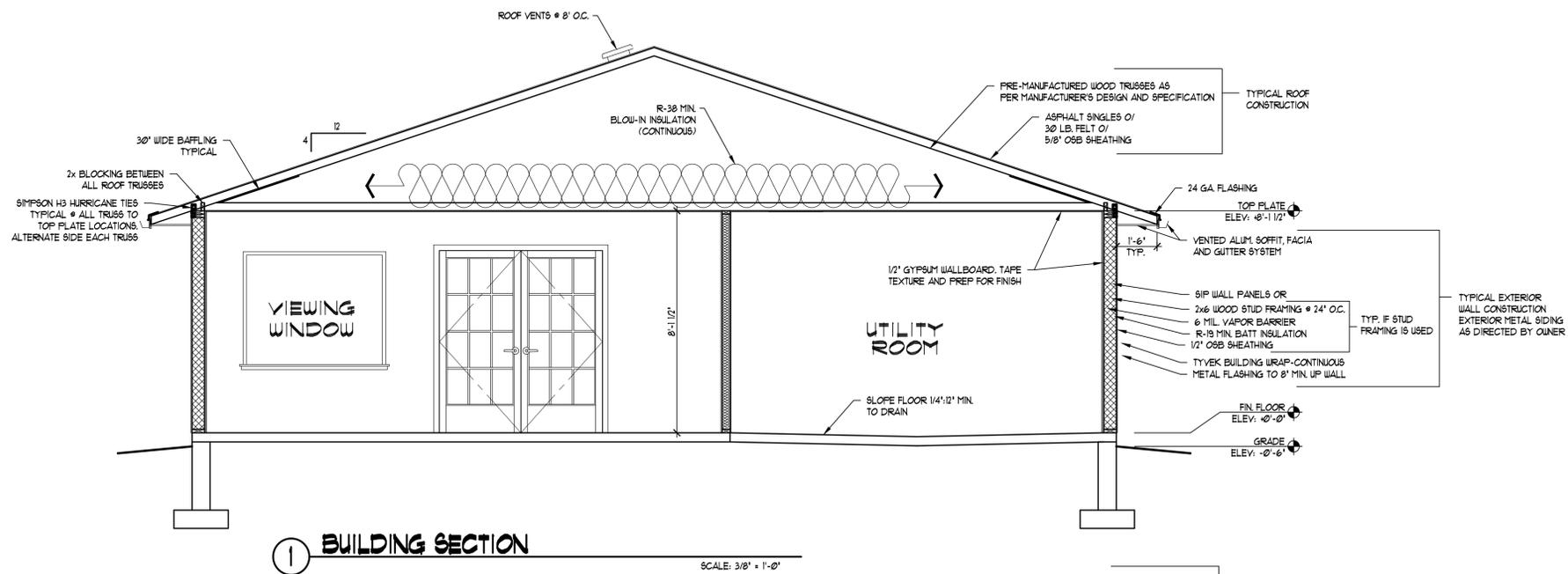
PROJECT: NEW ADDITION FOR:

FIRST BAPTIST CHURCH
172 N 7th Street
NEW CASTLE, CO

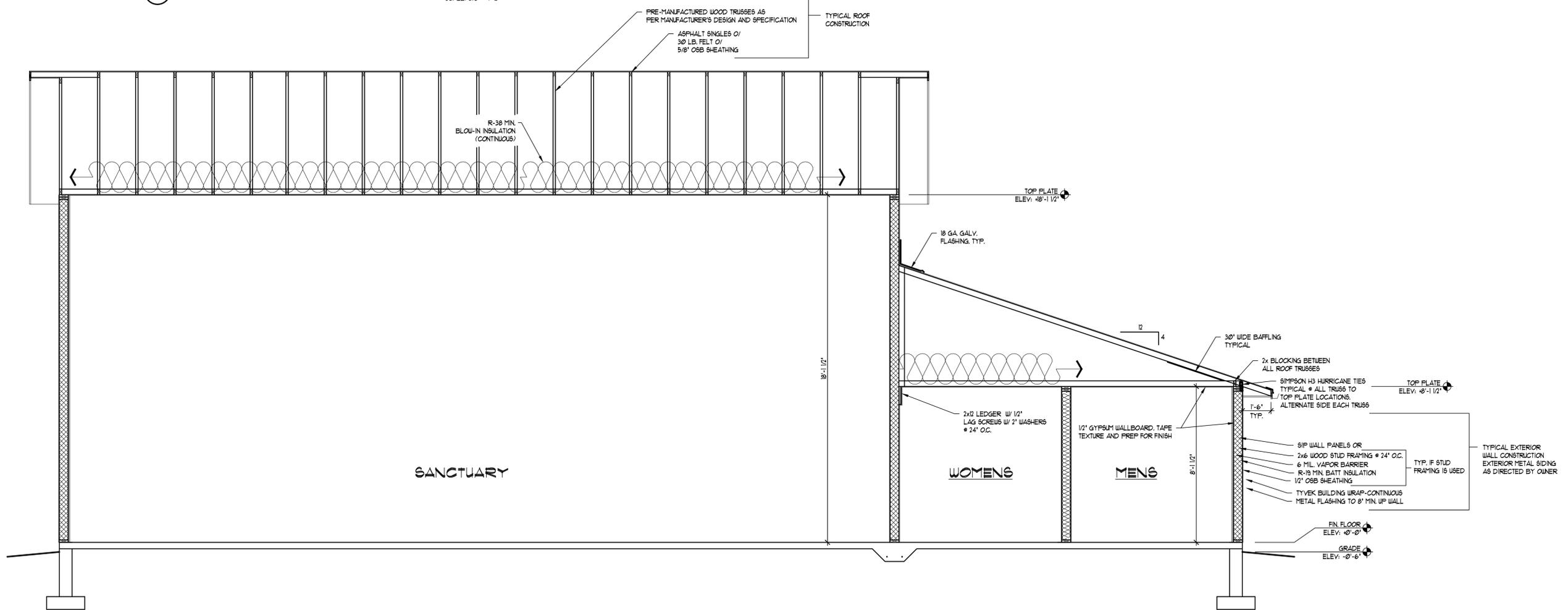
DRAWING TITLE:
FOOTING / FOUNDATION PLAN
FLOOR PLAN
FURNITURE / EXIT / CODE PLAN
FOUNDATION DETAILS

PROJECT No.
15-001
DATE: 12/21/2015
SHEET No:

A1



1 BUILDING SECTION
SCALE: 3/8" = 1'-0"



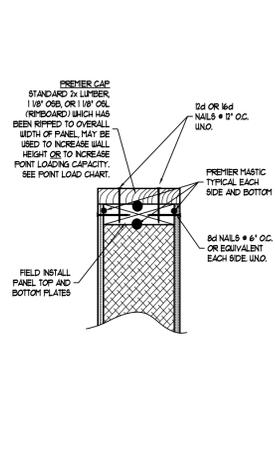
2 BUILDING SECTION
SCALE: 3/8" = 1'-0"

NO.	REVISIONS:	DATE:

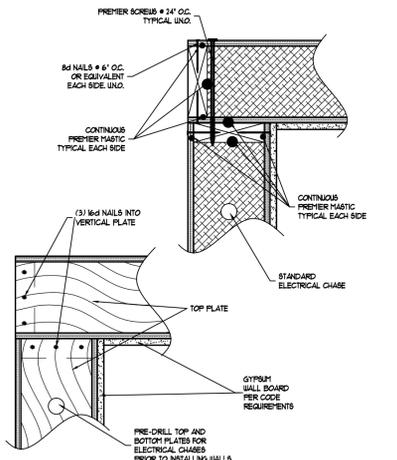
PROJECT: NEW ADDITION FOR:
FIRST BAPTIST CHURCH
172 N 7th Street
NEW CASTLE, CO

DRAWING TITLE:
BUILDING SECTIONS
PROJECT No.
15-001
DATE: 11/15/2015
SHEET No:

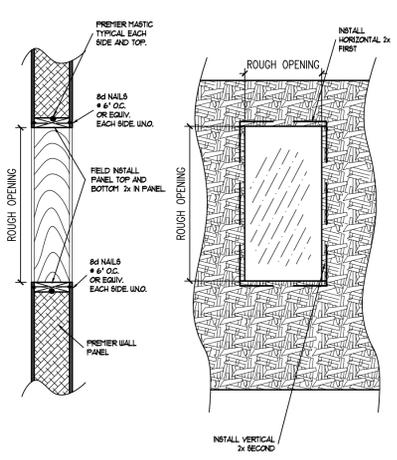
A3



PBS-010 CAP PLATE 8-16-07
PREMIER BUILDING SYSTEMS

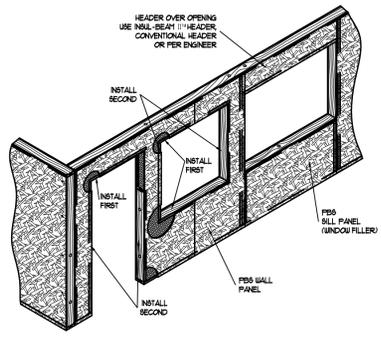


PBS-011 WALL PANEL CORNER CONNECTION 8-16-07
PREMIER BUILDING SYSTEMS

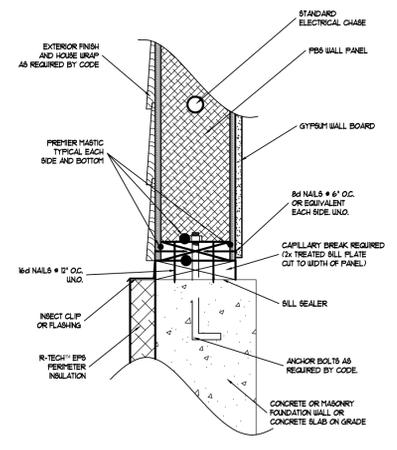


PBS-204 TYPICAL OPENING FRAMING 8-17-07
PREMIER BUILDING SYSTEMS

SEE LOAD DESIGN CHARTS FOR ALLOWABLE LOADS

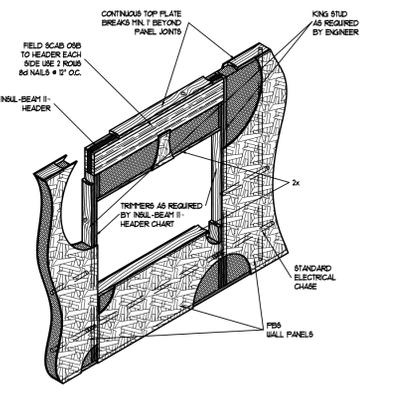


PBS-203 TYPICAL PANEL WALL 8-17-07
PREMIER BUILDING SYSTEMS

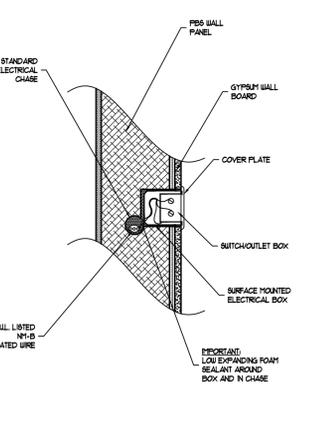


PBS-103 PANEL / FOUNDATION CONNECTION 8-16-07
PREMIER BUILDING SYSTEMS

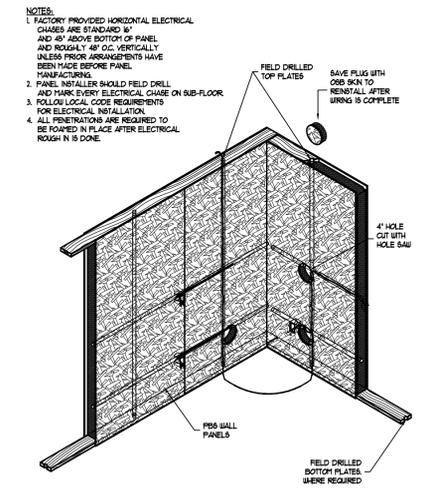
SEE DESIGN MANUAL FOR INSULBEAM II HEADER CHART



PBS-201 INSUL-BEAM HEADER 8-17-07
PREMIER BUILDING SYSTEMS

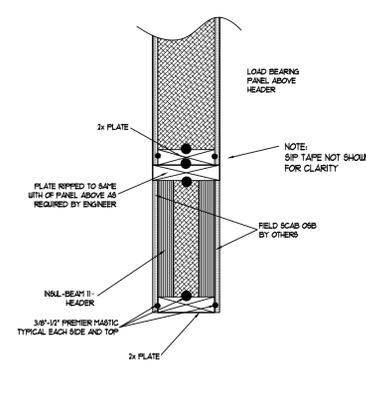


PBS-207 ELECTRICAL BOX INSTALLATION 8-17-07
PREMIER BUILDING SYSTEMS



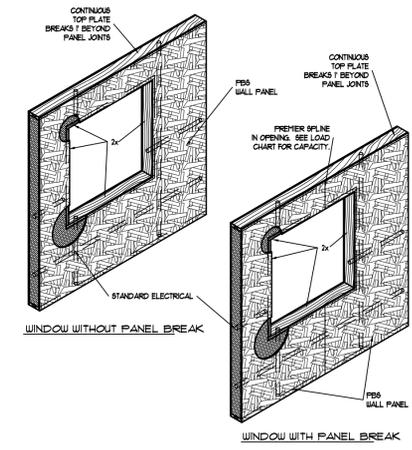
PBS-206 STANDARD ELECTRICAL CHASES 8-17-07
PREMIER BUILDING SYSTEMS

SEE DESIGN MANUAL FOR INSULBEAM II HEADER CHART



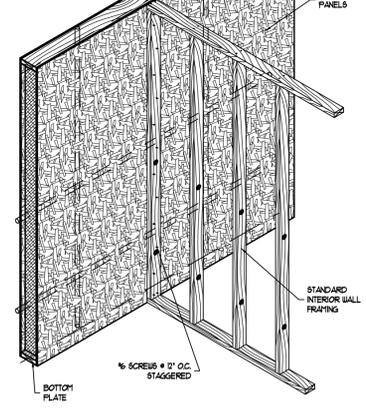
PBS-211 INSUL-BEAM HEADER ABOVE OPENING 11-9-07
PREMIER BUILDING SYSTEMS

SEE PREMIER DESIGN MANUAL FOR HEADER CHART FOR CAPACITIES

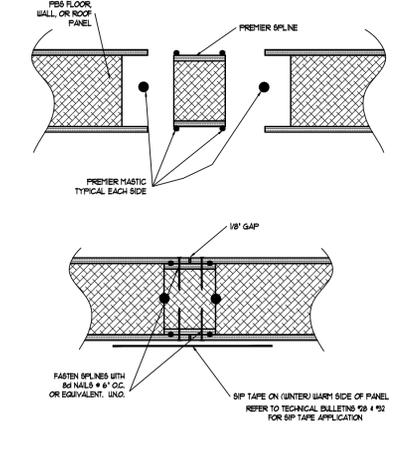


PBS-202 PANEL AS HEADER 8-17-07
PREMIER BUILDING SYSTEMS

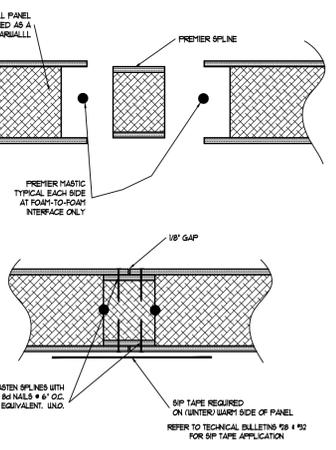
OPTIONAL 2-3 PREMIER SCREWS FROM OUTSIDE INTO INTERIOR FRAMING



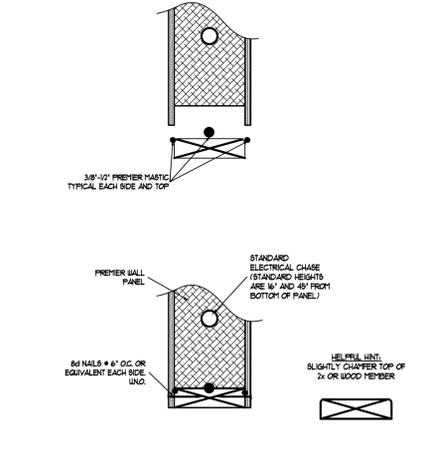
PBS-208 INTERIOR WALL CONNECTION 8-17-07
PREMIER BUILDING SYSTEMS



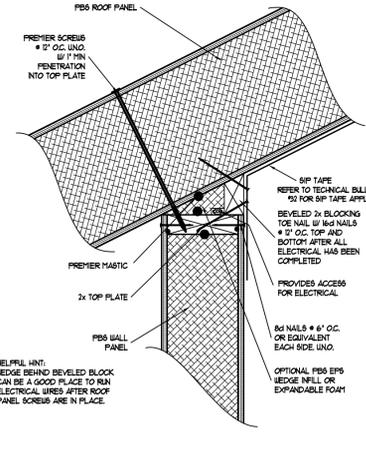
PBS-005 PREMIER SPLINE CONNECTION 11-9-10
PREMIER BUILDING SYSTEMS



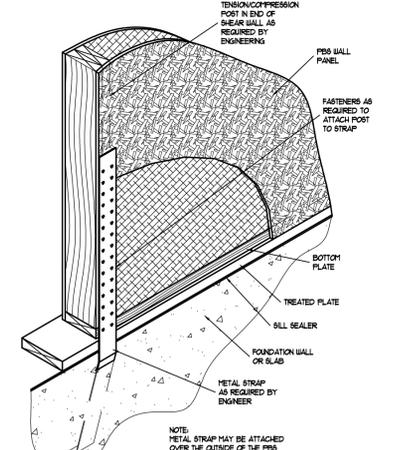
PBS-005a SPLINE CONNECTION FOR SHEARWALLS 11-9-10
PREMIER BUILDING SYSTEMS



PBS-009 PANEL TO PLATE CONNECTION 8-16-07
PREMIER BUILDING SYSTEMS



PBS-301 BEVELED BLOCK PANEL WALL/ROOF 11-9-10
PREMIER BUILDING SYSTEMS



PBS-105 STRAP HOLDDOWN CONNECTION 8-16-07
PREMIER BUILDING SYSTEMS

IN PLANE PANEL JOINT (INSTALL LAST)



NOTE: 6\"/>

NOTE: 12\"/>

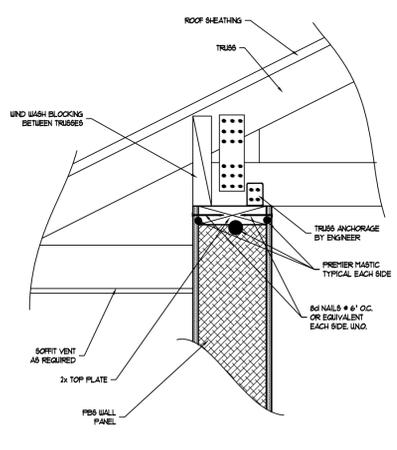
TAPE INSTALLATION CENTER TAPE OVER JOINT REMOVE BACKING AND PRESS FIRMLY INTO PLACE. PRESS FROM THE CENTER OUTWARD TO ENSURE A TIGHT SEAL. AFTER TAPE HAS BEEN INSTALLED REMOVE BUBBLES AND WRINKLES WITH A ROLLER OR SIMILAR TOOL.

JOINTS OVER BEAMS ROLL OUT TAPE CENTERED OVER BEAM PRIOR TO PANEL INSTALLATION AND SECURE WITH STRAPLERS. AFTER PANELS ARE INSTALLED AND SECURED OVER TAPE REMOVE BACKING AND PRESS FIRMLY INTO PLACE.

OVERLAPS AND 1\"/>

NOTE: 12\"/>

PBS-013 SIP TAPE APPLICATION 11-9-10
PREMIER BUILDING SYSTEMS



PBS-205 TRUSS BEARING 8-17-07
PREMIER BUILDING SYSTEMS

NO.	
REVISIONS:	
DATE:	

PROJECT: **FIRST BAPTIST CHURCH**
172 N 7th Street
NEW CASTLE, CO

PROJECT No. **15-001**
DATE: **12/27/2015**
SHEET No.

A5

