



**MEMO TO:** Chairperson Wolter and Planning Commissioners  
**FROM:** Catherine E. Trotter, AICP, Town Planner  
**DATE:** August 22, 2018  
**SUBJECT:** Verizon Clocktower Wireless Facility– Variance request

Back in 2012, the Town Board adopted Ordinance #401 which amended the Fraser Municipal Code and Zoning regulations to restructure the Board of Adjustment (BOA) and have the Planning Commission take on the responsibilities of the BOA. The BOA shall consist of five (5) voting members and two (2) alternates. The Mayor and the Trustee appointed to the Planning Commission (PC) by the Mayor shall serve as alternate members of the BOA. **The Mayor and Trustee Quinn are alternates and will both have to act because two regular members will be absent.**

**The concurring vote of four (4) members of the BOA shall be required to grant an application for a variance.**

**MATTER BEFORE THE PLANNING COMMISSION/BOA:**

We are in receipt of a variance application submitted by Anne Richards on behalf of Verizon Wireless (applicant).

Christofer J. Hillison is the owner of subject property which is located at 520 N. Zerex Street in the Business and Riverwalk Mixed Use Overlay zoning district (Fraser 1<sup>st</sup> – Easton 1<sup>st</sup> Lot 8-17, Block 10 the west half of Lot 17). Link to Fraser Land Development Code and Zoning Districts:

[https://library.municode.com/co/fraser/codes/municipal\\_code?nodeId=CH19LADECO\\_ART2ZO\\_DIV2ZODI&showChanges=true](https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART2ZO_DIV2ZODI&showChanges=true)

The applicant would like to construct a 40' monopole disguised as a clocktower with associated ground equipment.

The maximum building height *for structures* in the Business District and in the Riverwalk Mixed Use Overlay District is 45'. In the Fraser Land Development Code under Supplemental Uses, we now have regulations governing Telecommunication facilities also known as commercial mobile radio service (CMRS) facilities. Link to Fraser Land Development Code:

[https://library.municode.com/co/fraser/codes/municipal\\_code?nodeId=CH19LADECO\\_ART2ZO\\_DIV4SUUS\\_S19-2-480TECMFA&showChanges=true](https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART2ZO_DIV4SUUS_S19-2-480TECMFA&showChanges=true)

This type of CMRS would be considered a building or structure-mounted CMRS facility which is a permitted use per the Schedule of Uses detailed in Section 19-2-340. The maximum height of a building-mounted CMRS facility is the following:

All building-mounted CMRS facilities may protrude no higher than the parapet wall or the top of the building if no parapet wall is present. Herein lies the challenge as the existing building height is 15' 5".

This variance request is to allow a 40' clocktower wireless facility with ground equipment to be constructed at 520 Zerex Street. The property owner has consented to this proposal.

See vicinity and aerial maps below:



**ACTION REQUESTED/EXECUTIVE SUMMARY:**

The applicant is requesting approval of the variance as detailed in the variance application.

**BACKGROUND:**

The BOA shall have the power to grant variances from the provisions of the Zoning Code. Link to Fraser Land Development Code:

[https://library.municode.com/co/fraser/codes/municipal\\_code?nodeId=CH19LADECO\\_ART1GEPR\\_DIV3BOAD&showChanges=true](https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART1GEPR_DIV3BOAD&showChanges=true)

The BOA may grant a variance only if it finds all of the following conditions are present:

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of lot;
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located;
3. The unique physical circumstances or other conditions, or any other hardship complained of, have not been created by the applicant;
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter;
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property;
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter of the Town Comprehensive Plan.
7. The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

The Code states that no grant of a variance shall be complete or effective unless and until the BOA has adopted a written resolution approving the variance, which resolution shall identify the property for which the variance is granted, specify the terms of the variance and any conditions approved by the Board. A copy of the resolution shall be recorded in the office of the Grand County Clerk and Recorder.

A draft resolution is in the packet for your review and consideration.

Please contact me with questions and/or comments. [ctrotter@town.fraser.co.us](mailto:ctrotter@town.fraser.co.us).  
Thanks.