1. CALL TO ORDER

2. APPROVAL OF MINUTES

   A. Minutes From The June 1, 2020 Board Of Adjustments Meeting
      Documents:
      060120-boa-corrected.pdf

   B. Minutes From The June 8, 2020 Board Of Adjustments Meeting
      Documents:
      060820-boa-corrected.pdf

   C. Minutes From The June 15, 2020 Board Of Adjustments Meeting
      Documents:
      061520-boa-corrected.pdf

3. ITEMS FOR CONSIDERATION

   A. Warhover/Givens Variance
      Activity #: PL-20-118
      Applicant: Anne Warhover and Cales Givens
      Petition: Setback variances for existing home, existing garage, and proposed addition connecting the two.
      Legal: Lot 4 Soda Creek Highlands
      Location: Approximately 3 miles north of Steamboat Springs off of CR 36

      Documents:
      Staff Report PL-20-118 WarnhoverGivens 7.13.20.pdf

   B. Nissen Variance
4. ADMINISTRATOR'S REPORT
Administrator's Report may include the reading of future Board of Adjustments agendas.

5. ADJOURNMENT

Agenda packets can be accessed at www.co.routt.co.us/AgendaCenter.

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners’ Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.
The Routt County Board of Adjustment meeting was called to order via Zoom at 6:00 p.m. with the following members participating: Chairman Brian Fitzgerald, Gerry Albers, Don Prowant and Jeff Gustafson. Interim Planning Director Kristy Winser and staff planner Tegan Anderson were also present. Sarah Katherman prepared the minutes.

PUBLIC COMMENT
There was no public comment.

APPROVAL OF MINUTES – November 4, 2019
Mr. Prowant moved to approved the minutes of the November 4, 2019 Board of Adjustment hearing, as written. Mr. Albers seconded the motion. The motion carried 4 - 0, with the Chair voting yes.

ACTIVITY: PL-20-106
APPELLANT: Sierra and Matt Fallon
REQUEST: Variance Construct a new single family residence within the property setback

Required setbacks: 50 ft. from the property line / 80 ft. from center line of road

Requested setbacks: 5 ft. from the property line for a variance of 45 ft. and 50 ft. from the center line of the road for a variance of 30 ft.

LOCATION: 25485 County Road 56

Chairman Fitzgerald noted that because the meeting is virtual, the applicant could choose to table at any time due to technical difficulties.

Ms. Sierra Fallon reviewed the petition. She stated that her family had owned the property since 1970. There are two dwelling units on the property. The existing structures were both built in 1929. A secondary dwelling permit was granted retroactively for the property about 20 years ago. The property is a triangle bordered by the Elk River, CR 56 and the Kurtz ranch, which is on the west side of the property. She said that the parcel has been surveyed. In response to a question from Chairman Fitzgerald. Ms. Fallon said that the three residences on the Kurtz property are about two acres from the property line. Ms. Fallon noted the tiny (9 sq. ft.) building envelope of land that does not encroach into any of the setbacks, and said that none of the existing structures are in that area. She explained that the proposal is to rebuild a two story home on the footprint of the existing house. Ms. Fallon presented renderings of the proposed new structure. She stated that no other changes are planned for the property.
Chairman Fitzgerald clarified that because only four BOA members are present, an approval would require a unanimous vote, and that the applicant could request a postponement until a full board could be present. Ms. Fallon chose to proceed.

Ms. Fallon said that they would like to use the existing foundation walls if possible, but if the walls are not sound, a foundation with a crawl space would be built on the same footprint. She stated that the parcel, which was created in 1970, is a legal non-conforming lot in the Agricultural/Forestry (A/F) zone district. The structures were all in existence prior to the creation of this parcel. Ms. Fallon stated that the Kurtzes are aware of the proposal and have no objections. Ms. Fallon stated that there is no sight line from the Kurtz residences to the home site. Ms. Fallon stated that no changes would be made to the well or the septic system, other than to upgrade the interior plumbing. The electrical service to the site will be improved.

Ms. Fallon noted that the proposed structure includes a small bump-out which does extend beyond the foundation. She stated that this had been taken into account in calculating the variance request. In response to a question from Mr. Gustafson, Ms. Fallon clarified that the roof overhang is 3 ft. beyond the walls. Ms. Ebbert stated that overhangs of two feet are allowed without consideration, but because this overhang is three ft., an additional foot was included in the calculation of the variance request. Mr. Gustafson suggested that in order to ensure that there is sufficient room to construct the proposed building, a setback of 3 ft. or 4 ft. would be appropriate.

Ms. Winser stated that the variance request was advertised very broadly, which would allow the Board of Adjustment to modify the amount of variance granted. She noted that the variance will be specific to the site and the plans submitted.

Ms. Ebbert noted that the parcel contains only 0.28 acres, but because it is zoned A/F the required setbacks are 50 ft. from the property lines and 80 ft. from the center line of the road. The minimum lot size in the A/F zone district is 35 acres. Ms. Ebbert stated that the secondary dwelling, which is registered, encroaches into the neighboring property, but because it was constructed prior to zoning in Routt County, the Planning Department is not addressing this issue. The property owners are working to resolve the issue with their neighbors. Ms. Ebbert stated that staff recommends approval of the variance request.

**MOTION**

Mr. Gustafson moved to approve a setback variance of 48 ft. from the west property line (for a setback of 3 ft.) and a setback variance of 30 ft. (for a setback of 50 ft.) from the center line of CR 56. This approval is based on the following findings of fact:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because of the
R.C.B.O.A. MINUTES June 1, 2020

unusually small area that meets setbacks on this parcel that make construction of any structure impractical.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created prior to the adoption of the Routt County Zoning Regulations.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. The physical constraint is the small area of the parcel of 0.28 acres.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because the configuration and size of the structure is generally in conformity with the adjacent properties and neighborhood.

5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.

This approval is subject to the following conditions:

1. The building shall comply with all applicable requirements of the Routt County Building Department.

2. If construction of the building does not commence within 1 year, this variance shall be subject to another review with full submittal. A 12 month extension may be approved administratively without notice.

3. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level on non-conformance will be subject to a new application. Minor variations that do not increase the level of non-conformance can be approved administratively, without notice.

4. Best Management Practices (BMP’s) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.

5. A Grading and Excavation Permit will be required if necessary.

6. All exterior lighting will be downcast and opaquely shielded.

7. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.

Commissioner Albers seconded the motion.

The motion carried 4 – 0, with the Chair voting yes.
ADMINISTRATOR ’S REPORT
Ms. Winser reported that following the BOA virtual meeting training session, the Board of County Commissioners had reviewed and approved the remote meeting policy. She highlighted Section 8.e of the policy regarding the tabling of meetings for technical issues. She also discussed the protocol for continuing a meeting if a BOA member is temporarily unable to hear the proceedings.

Ms. Winser reviewed the upcoming schedule of hearings. The BOA expressed its support for hearing more than one item per meeting to reduce the frequency of meetings.

The meeting was adjourned at 6:45 p.m.
The Routt County Board of Adjustment meeting was called to order via Zoom at 6:00 p.m. with the following members participating: Chairman Brian Fitzgerald, Gerry Albers, Don Prowant and Jeff Gustafson. Interim Planning Director Kristy Winser and staff planner Tegan Anderson were also present. Sarah Katherman prepared the minutes.

PUBLIC COMMENT
There was no public comment.

ACTIVITY: PL-19-190
APPELLANT: Zirkel Wireless
REQUEST: Variance Construct telecommunications facility within the property setback
Required setbacks: 50 ft. from the property line
Requested setbacks: 25 ft. from the east property line for a variance of 25 ft.
LOCATION: West slope of Hahn's Peak via USFS access road 490

Chairman Fitzgerald noted that because the meeting is virtual, the applicant could choose to table the hearing at any time due to technical difficulties.

Mr. Alan Belvo, co-founder and president of Zirkel Wireless reviewed the petition, noting that the community in North Routt has been requesting access to broadband service for some time. Ms. Ebbert presented a topographical site plan of the area. Mr. Belvo stated that the proposed structure is 26 ft. x 13 ft. to be located on the only flat area within the parcel. The remainder of the parcel has grades of 50% to 70%. Mr. Jim Stegmeier of Yampa Valley Engineering, representing the applicant, stated that the request is for a variance of 25 ft. Ms. Ellen Slobodnik, also of Yampa Valley Engineering, noted that the antennae and a portion of the cabin that will house the equipment does not encroach into the setback.

Ms. Ebbert stated that this non-conforming lot is a very difficult site due to the slopes. The proposed site is the only buildable area on the property. She presented photos of the site and noted that the US Forest Service (USFS) had stated that the proposed location for the structure is the only safe spot on the parcel. Mr. Belvo confirmed that Zirkel Wireless had consulted with the USFS, and will meet with USFS representatives soon to finalize the details of the access permit. Ms. Ebbert said that staff is recommending approval of the variance request.
Mr. Stegmeier stated that no fencing is being proposed because all the equipment will be housed within the cabin structure. The facility is to be located entirely on private property.

Ms. Winser stated that Planning Commission had reviewed the proposal last Thursday and had unanimously approved the Conditional Use Permit for the telecommunications facility contingent upon the variance being granted. She added that referrals had been sent to the USFS, Colorado Parks and Wildlife, Steamboat Lake State Park and the Building Department. She reported that the applicant had worked with the Building Department to ensure that the proposed structure meets snow, wind and avalanche standards.

In response to a question from Mr. Prowant, Ms. Ebbert explained that the parcel is owned by multiple parties, each with a percentage ownership. The County no longer allows this type of ownership. She stated that all interested parties had signed off on the proposal.

MOTION
Commissioner Albers moved to approve the variance from the required setback of 25 ft., for a setback of 25 ft. from the west property line, to allow for the construction of a telecommunications facility. This approval is based on the following findings of fact:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because of the severe topographical constraints of this parcel.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in the early to mid-1970s.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. This physical constraint is severe slope of the parcel and the limited accessibility.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because the configuration and size of the structure is generally in conformity with the adjacent properties and neighborhood.

5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.

This approval is subject to the following conditions:
1. The building shall comply with all applicable requirements of the Routt County Building Department.

2. If construction of the building does not commence within 1 year, this variance shall be subject to another review with full submittal. A 12 month extension may be approved administratively without notice.

3. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level on non-conformance will be subject to a new application. Minor variations that do not increase the level of non-conformance can be approved administratively, without notice.

4. A foundation only building permit will initially be signed off on by Planning. Prior to Planning signing off on the full building permit, a certified survey of the location of the foundation forms must be submitted.

5. Best Management Practices (BMP’s) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.

6. A Grading and Excavation Permit will be required if necessary.

7. All exterior lighting will be downcast and opaquely shielded.

8. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.

Commissioner Prowant seconded the motion.

The motion carried 4 – 0, with the Chair voting yes.

ADMINISTRATOR’S REPORT
Ms. Winser reviewed the upcoming schedule of hearings.

The meeting was adjourned at 6:35 p.m.
The Routt County Board of Adjustment meeting was called to order via Zoom at 6:00 p.m. with the following members participating: Chairman Brian Fitzgerald, Gerry Albers, Don Prowant and Jeff Gustafson. Interim Planning Director Kristy Winser and staff planner Tegan Anderson were also present. Sarah Katherman prepared the minutes.

PUBLIC COMMENT
There was no public comment.

ACTIVITY: PL-20-116
APPELLANT: Gregory and Christine Rudolph
REQUEST: Variance to construct and addition to a single family residence within the property setback
- Required setbacks: 50 ft. from the property line
- Requested setbacks: 42 ft. from the east property line for a variance of 8 ft.

LOCATION: Lot 3 Elk River Estates, Filing 3; located at Elk View Drive

Chairman Fitzgerald noted that because the meeting is virtual, the applicant could choose to table at any time due to technical difficulties. He said that with only four members present a unanimous vote is needed to approve the request. The applicant may request a tabling until a full board is present.

Mr. Steve Ivancie of Jake’s Drafting, representing the petitioner, reviewed the variance request. He presented an aerial view of the site and indicated the location of the enclosed entry that will increase the non-conformity. On a site plan, he indicated the proposed addition and the parts of the house that currently encroach into the setback.

Ms. Ebbert confirmed that the existing house, which was constructed in 1972 (the same year that zoning went into effect in Routt County), received a building permit and was granted a variance in 2000 for the location of the existing house in its current location. In response to a question from Chairman Fitzgerald, Ms. Ebbert stated that because the existing structure has been approved twice: once through the building permit and again through a variance, there would be no need to again approve the existing encroachment into the setback. Ms. Winser stated that the motion could acknowledge the previous variance.

Ms. Ebbert explained that the proposed new entryway would essentially enclose the existing porch. She presented a photo of the house. The area that would increase the footprint of the portion of the house that is in the setback is 58 sq. ft. She stated that the current owners cannot change the location of the home. Mr.
Ivancie noted that the enclosed porch would be contained within the existing roof overhang. Although the entryway technically enlarges the footprint of the house, it will not increase the area under the roofline.

Mr. Gustafson asked about the retaining walls. Mr. Ivancie reviewed the variance that was granted in 2000, which included the retaining walls to allow egress from the basement. In conjunction with that variance, a variance was granted to bring the existing house into conformance in its current location. He reviewed the site plan and indicated that the existing structure encroaches into the setback well beyond where this new enclosure is located. There was a discussion of extending the variance beyond what is being requested. Ms. Ebbert stated that any variance approval is specific to the plans submitted.

**MOTION**

Commissioner Albers moved to approve the requested 8 ft. variance from the required setbacks, for a setback of 42 ft. from the east property line. He recognized that the existing house has a 12’ setback previously approved. This approval is based on the following findings of fact:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because the property owners are limited by the existing location of the residence.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in the early to mid-1970s.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. This physical constraint is the approved, existing location of the residence.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because the configuration and size of the structure is generally in conformity with the adjacent properties and neighborhood.

5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.

This approval is subject to the following conditions:

1. The building shall comply with all applicable requirements of the Routt County Building Department.
2. If construction of the building does not commence within 1 year, this variance shall be subject to another review with full submittal. A 12 month extension may be approved administratively without notice.

3. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level of non-conformance will be subject to a new application. Minor variations that do not increase the level of non-conformance can be approved administratively, without notice.

4. Best Management Practices (BMP’s) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.

5. A Grading and Excavation Permit will be required if necessary.

6. All exterior lighting will be downcast and opaquely shielded.

7. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.

Mr. Gustafson seconded the motion.

The motion carried 4 – 0, with the Chair voting yes.

ADMINISTRATOR’S REPORT
Ms. Winser reviewed the upcoming agendas for July 13th and August 10th. She reported that an advertisement would be put out soon to fill open positions on both Board of Adjustment and Planning Commission.

The meeting was adjourned at 6:45 p.m.
Warnhover/Givens

Variance

ACTIVITY #: PL-20-118
BOARD OF ADJUSTMENT HEARING DATE: July 13, 2020 at 6:00 pm

PETITIONER: Anne Warnhover and Cales Givens
PETITION: Property line setback variances for existing home, existing garage, and proposed addition connecting the two.

LEGAL: Lot 4, Soda Creek Highlands
LOCATION: 32115 Highlands Rd.
ZONE DISTRICT: Mountain Residential Estate (MRE)
AREA OF PARCEL: 1.42 acres
STAFF CONTACT: Alan Goldich, agoldich@co.routt.co.us
ATTACHMENTS: • Narrative • Site Plan • Slope analysis • Building plans

History:
The Soda Creek Highlands subdivision was created in 1971. When the County adopted zoning, the Mountain Residential Estate (MRE) zone district was assigned to it, even though the minimum lot size in the MRE zone district was 5 acres. A blanket non-conforming lot variance was granted for the entire subdivision on June 12, 1972, due to the lots being less than 5 acres. A very short time later, the subject residence and detached garage were built.

Site Description:
The subject parcel is 1.42 acres, which is significantly smaller than the five acres required in the MRE zone district. The lot is located in the inside bend of a switchback in the road and is triangle shaped. The grade of the road exceeds the current standards for roadways. This is due to the fact that road was constructed prior to the adoption of roadway standards. The Woodchuck irrigation ditch runs through the western portion of the property. The site is covered with mature vegetation, including trees and shrubs. A slope analysis was performed and submitted as part of the application. This analysis shows that slopes on a majority of the site exceed 30%.
Project Description:
The applicant is requesting a variance to bring the two existing structures, the residence and detached garage, into conformance. They are also requesting a variance for an addition they wish to construct that will connect the residence and the garage. The footprint of the addition is the same distance from the property line as the existing house. There is a covered patio proposed that will extend 12’ further into the setback than any of the existing structures. This covering is an extension of the roof of the proposed addition.

Staff Comments:
- As noted in the project description, the applicant is requesting variances for three separate structures; one for the existing residence, one for the existing garage, and one for the proposed addition. The responses provided by the applicant mainly focus on the two existing structures.
- When evaluating whether a structure complies with setbacks, it is staff’s policy to allow a typical 2’-3’ overhang to extend into the setback. The patio covering is part of the roof and is larger than a typical overhang. Because of this, a variance is required for the roof extension over the patio. It is staff's opinion that the variance for the covered patio is a self-imposed hardship based on the design of the addition. If a covered patio is desired, there is room on the other side of the residence to construct this. It is staff’s opinion that this request is based on personal convenience, as detailed in section 3.4.6.B below, and should not be approved.
- Staff is supportive of the request to bring the existing structures into conformance. Staff also recommends approval of the request for the proposed connection between the garage and the residence that would not encroach into the setback any farther than the existing structures.

***Issues for Discussion***
1. What is your opinion on the variance request for the roof extension over the patio.

Setbacks for MRE District
Setbacks in the MRE zone district are 50’ from all property lines.

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<thead>
<tr>
<th>Side Setback</th>
<th>Existing Setback From Property Line</th>
<th>Proposed Setback From Property Line</th>
<th>Variance</th>
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</thead>
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<tr>
<td>Existing Main House</td>
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<td>22.4’</td>
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<tr>
<td>Existing Garage</td>
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<tr>
<td>Proposed Connector</td>
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<tr>
<td>Proposed Outdoor Covered</td>
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<td>Proposed Connector</td>
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Section 3.4.6 – Standards for Grant of Denial of Variances

B. Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit or special privilege to the applicant.

C. Under no circumstance shall the BOA grant a variance to allow a use not permissible under the terms of this Resolution in the appropriate Zone District.

D. Variances shall be granted with respect to specific plans or within defined parameters. Unless otherwise specified by the BOA, a variance may be transferred to successive owners prior to construction if no changes are made to the approved plan. Variances shall run with the land after the construction of any authorized structures and only for the life of such structures.

E. The BOA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.

F. In order to insure that the protection of the public good and the intent and purpose of these Regulations are preserved, the BOA may impose any other condition upon the granting of a variance, including those categories of conditions which may be placed upon Land Use Approvals under Section 3.2.6.

Applicable Regulations – Routt County Zoning Resolution

3.4.6 The Board may grant such variance if all of the following are found to exist:

3.4.6.A.1 Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced.

Petitioner Comments: The existing home and garage were constructed as detached buildings and have existed in such a manner since 1972. The buildings were constructed around the inception of the Routt County Building and Planning department, and each structure was granted a non-conforming variance in 1972. It is unclear as to whether these structures were built just before or just after these governing bodies were created. Lot 4, Soda Creek Highlands is located with the Highlands Road on both the east and west side of the lot at a roadway grade of 7%. The structures are located in the southeast corner of the parcel closer than 50’ to the property line on the high side of the lot. Due to the existing location of the buildings; there is no way to connect the buildings and make the site more functional without a variance. Based on the existing slopes and the location of the main house; relocation of the garage to within the building setbacks requires extensive engineering design including the construction of retaining walls in the setbacks and a full remodel of the home. The owners considered moving the garage to the south, however the lot is split north-south by the Woodchuck Ditch making the west side of the lot unusable with the location of the existing home. The Woodchuck Ditch bypassing the lot creates a peculiar and exception difficulty from other lots in the zone district. Denial of the connection does not appear to meet the intent of the zone district. Residents in the Soda Creek Highlands are Routt County citizens living year round in their homes close to town. Permitting a small addition to enclose an existing garage and homes provides residential development in a manner which creates livable space in a rural setting.

Staff Comments: The difficulty in moving or removing the existing structures (garage and house) would create an unreasonable hardship because there was, and is, no other
location on the property to construct these structures due to the steep slopes and existing mature vegetation.

3.4.6.A.2 Circumstances creating the hardship were in existence on the effective date of the regulations from which a variance is requested, or created subsequently through no fault of the appellant.

Petitioner Comments: The buildings were built in the current configuration in the early 1970’s and the 2020 the owners are trying to improve the circulation and uses of the structures.

Staff Comments: The existing structures were constructed in the early 1970’s, well before the current owners took possession of the property.

3.4.6.A.3 That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District.

Petitioner Comments: Lot 4, Soda Creek Highlands is a steep and narrow lot. It is not possible to relocate the garage to another location on the lot due to grade from the existing roadway and still meet the MRE setbacks. The MRE setbacks on Lot 4, Soda Creek Highlands which is a 1.42 acre parcel, leave a building area of 15,743 sq. feet or 25% of the entire lot. Based on the existing slope of the ground their square footage is further reduced. A slope analysis of the lot is being submitted that depicts slopes from 0 to 20%, 20% to 30% and 30% and higher. This diagram shows that there is not sufficient space to relocate the garage where the slope is less than 30% grade.

Staff Comments: As indicated on the slope analysis, a majority of the grades on the site are 30% or greater. 30% is the threshold detailed in the Subdivision Regulations as being too steep for development. In addition to this, the minimum lot size in the MRE zone district is 5 acres. This lot is 1.42 acres, well below the minimum size. This results in a very small building envelope. Most of this available building envelope contains slopes 30% or greater.

3.4.6.A.4 That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.

Petitioner Comments: Granting the variance will not impact any of the above criteria. Neighbors will not see the addition as the proposal encloses existing stairs and walkways and creates some additional living space on the south portion of the lot far from the roadway and neighbors. The proposed connector space will be 27.6 feet from the south property line, which is the same amount that the existing main house projects into the setback. While the proposed outdoor covered space roof does project more into the setback than the existing structures (15.75’ from the south boundary), we believe that it would have no impact to the south neighbor. The south property, as noted above, is a septic and electrical easement area that is over 125’ long and is for the benefit of Lot 4. The easement area acts as a de-facto property line since no structures may be constructed in this parcel. The nearest residence is over 500 feet away from the planned residential improvements. Neighbors will not see or be impacted by the addition to the existing home.

Staff Comments: The variance will not diminish adjacent properties. The lot is triangle shaped, with the road on two of these sides. There are no visible homes on the other side of this street. There is also a septic easement on the south property line of the subject lot that prevents and structures from being placed there. The variance will not change the character of the neighborhood either since both of these structures have existed in their current locations for close to 50 years.
3.4.6.A.5 The variance, if granted, will not be directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan.

**Petitioner Comments:** The variance will not be contrary to the intent and purpose of the Routt County Master Plan. MRE Zoning is noted to provide areas for affordable, mid-density residential development designed in a manner to create livable space in a rural setting, yet conveniently located to reduce unnecessary commuting. Approval of the variance for encroachment to the zoning setbacks will not negatively impact the Routt County Master Plan.

**Staff Comments:** No conflicts with the Master Plan have been identified.

**Board of Adjustment Options:**

**Approve** the variance if the above noted tests are met.

**Approve conditionally** if the above noted tests are met or can be met by the application of certain conditions, or if certain conditions are necessary to mitigate concerns.

**Table** for specific reasons; e.g. more information, site review, etc.

**Deny** the variance if it does not meet the criteria stated above or if the variance would create a health or safety hazard or would negatively impact public welfare.

**STAFF RECOMMENDATION**

**Existing Structures**

Staff recommends approving the variance for the existing residence and existing garage, based on the following findings of fact.

**FINDINGS OF FACT** that may be appropriate if the **Variance** is APPROVED:

1. An unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because there was, and is, no other location on the property to construct these structures because of the steep slopes and existing mature vegetation.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in the early 1970s.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. This physical constraint is the small acreage size and the steepness of the parcel.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because a road borders two of the three lot lines and the third contains a septic easement which prevents the neighboring landowner from building anything in this area.
5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.

Addition

Staff recommends approving the variance for the addition without the roof extension with conditions of approval, based on the following findings of fact.

FINDINGS OF FACT that may be appropriate if the Variance is APPROVED:

1. An unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because of the location of the existing residence and garage.

2. Circumstances creating the hardship for the addition were created subsequently through no fault of the appellant because the present nonconformity was created in the early 1970s. However, the roof extension can easily be built in a conforming location and is not part of this approval.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. This physical constraint is the small acreage size and the steepness of the parcel.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because a road borders two of the three lot lines and the third contains a septic easement which prevents the neighboring landowner from building anything in this area.

5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.

CONDITIONS that may be appropriate include the following:

1. The building shall comply with all applicable requirements of the Routt County Building Department.

2. If construction of the building does not commence within 2 years, this variance shall be subject to another review with full submittal. A 12 month extension may be approved administratively without notice.

3. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level on non-conformance will be subject to a new application. Minor variations that do not increase the level of non-conformance can be approved administratively, without notice.

4. A foundation only building permit will initially be signed off on by Planning. Prior to Planning signing off on the full building permit, a certified survey of the location of the foundation forms must be submitted.

5. Best Management Practices (BMP’s) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.
6. A Grading and Excavation Permit will be required if necessary.
7. All exterior lighting will be downcast and opaquely shielded.
8. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
May 28, 2020

Jeff Gerber
Gerber Berend Design Build
2546 Copper Ridge Drive Unit D
Steamboat Springs, CO 80487

Re: Lot 4 Soda Creek Highlands written narrative of variance, describing specific relief being requested and reason for request.

Dear Committee Members:

Lot 4 in Soda Creek Highlands is a 1.42 acre lot purchased by Annie Warhover & Cales Givens in 2017. The lot contains two existing non-conforming structures: a single story house and an unattached garage that were built around the time Routt County established building and planning departments in 1972. It is unclear as to whether these structures were built just before or just after these governing bodies were created. According to Alan Goldich at Routt County Planning, we discovered that building permits could be not be found for either of these existing structures, however a non-conforming lot variance was issued on June 12, 1972.

The new Owners desire to add an 800 square foot connector between the House and Garage, that would be a safer and relatively maintenance-free alternative to their existing uncovered steps and walkway. It would also allow them to add some very functional space to their existing home. Their intended addition would be located within, but no closer, to the lot lines as the existing non-conforming. The proposed outdoor covered space roof does extend further into the setback than the existing non-conforming, however, the south line of the property is the north line of a non-buildable area for septic leach field and electrical services noted as Parcel B on the purchase deed, creating an additional buffer between Lot 4 and its neighbor to the south.

We are requesting a setback variance for:

1)Existing single-story house
2)Existing unattached garage
3)Proposed connector

Our belief is that the combination of the 50 foot front and side setbacks, the small size of the lot, and the existing non-conforming structures create a hardship for the clients to add on to their home. We request the following setback relief:
<table>
<thead>
<tr>
<th><strong>Side Setback</strong></th>
<th><strong>Allowed</strong></th>
<th><strong>Existing From Property Line</strong></th>
<th><strong>Proposed From Property Line</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Main House</td>
<td>50 ft</td>
<td>27.6’</td>
<td></td>
</tr>
<tr>
<td>Existing Garage</td>
<td>50 ft</td>
<td>0.5’</td>
<td></td>
</tr>
<tr>
<td>Proposed Connector</td>
<td>50 ft</td>
<td></td>
<td>27.6’</td>
</tr>
<tr>
<td>Proposed Outdoor Covered Space Roof</td>
<td>50 ft</td>
<td></td>
<td>15.75’</td>
</tr>
</tbody>
</table>

| **Front Setback**                    |             |                                 |                                 |
| Existing Garage                      |             | 23.0’                           |                                 |
| Proposed Connector                   |             |                                 | 45.0’                           |

Please let us know if we can provide any additional information.

Kind regards,

Jeff Gerber
June 26th, 2020

Routt County Planning
136 6th Street, 2nd Floor
Steamboat Springs, CO 80477

RE: Warhover Residence
Lot 4, Soda Creek Highlands
32115 Highlands Road, Steamboat Springs, CO
Variance Application

Dear Routt County Planning;

Four Points Surveying & Engineering is pleased to submit the attached variance application on behalf of Harold Givens and Anne Warhover, the owners Lot 4, Soda Creek Highlands, also known as 32115 Highlands Road, Steamboat Springs, Colorado.

Warhover and Givens purchased the existing home located on Lot 4, Soda Creek Highlands in 2017 with the existing house and garage in the current location. The current locations of the buildings encroach the setbacks of MRE Zoning district however the two structures were issued a non-conforming lot variance June 12, 1972 prior to construction of buildings. The purchase of the property includes a Parcel B which is an easement area for a septic leach field and electric service lines on the north portion of the unplatted parcel to the south of Lot 4 and is part of Routt County Parcel No. 933283003.

To approve the variance the Board of Adjustment (BOA) must find the requested variance meets the criteria of the Routt County Zoning Regulations Section 3.4.6. Standards for the Grant or Denial of Variances as outlined below.

The BOA may grant a variance if all of the following are found to exist as the applicant we note all of the five standards exist for approval of the variance as outlined below.

1) Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced. The new property Owners desire to add an 800 square foot connector between the existing home and garage to improve the safety and function of their home. The existing home and garage were constructed as detached buildings and have existed in such a manner since 1972. The buildings were constructed around the inception of the Routt County Building and Planning department, and each structure was granted a non-conforming variance in 1972. It is unclear as to whether these structures were built just before or just after these governing bodies were created. Lot 4, Soda Creek Highlands is located with the Highlands Road on both the east and west side of the lot at a roadway grade of 7%. The structures are located in the southeast corner of the parcel closer than 50’ to the property line on the high side of the lot. Due to the existing location of the buildings; there is no way to connect the buildings and make the site more functional without a variance. Based on the existing slopes and the location of the main house; relocation of the garage to within the building setbacks requires extensive engineering design including the construction of retaining walls in the setbacks and a full remodel of the home. The owners considered moving the garage to the south, however the lot is split north-south by the Woodchuck Ditch making the west side of the lot
unusable with the location of the existing home. The Woodchuck Ditch bypassing the lot creates a peculiar and exception difficulty from other lots in the zone district. Denial of the connection does not appear to meet the intent of the zone district. Residents in the Soda Creek Highlands are Routt County citizens living year round in their homes close to town. Permitting a small addition to enclose an existing garage and homes provides residential development in a manner which creates livable space in a rural setting.

2) Circumstances creating the hardship were in existence on the effective date of the regulations from which a variance is requested or created subsequently through no fault of the appellant. The buildings were built in the current configuration in the early 1970’s and the 2020 the owners are trying to improve the circulation and uses of the structures.

3) That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District. Lot 4, Soda Creek Highlands is a steep and narrow lot. It is not possible to relocate the garage to another location on the lot due to grade from the existing roadway and still meet the MRE setbacks. The MRE setbacks on Lot 4, Soda Creek Highlands which is a 1.42 acre parcel, leave a building area of 15,743 sq. feet or 25% of the entire lot. Based on the existing slope of the ground their square footage is further reduced. A slope analysis of the lot is being submitted that depicts slopes from 0 to 20%, 20% to 30% and 30% and higher. This diagram shows that there is not sufficient space to relocate the garage where the slope is less than 30% grade.

4) That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood. Granting the variance will not impact any of the above criteria. Neighbors will not see the addition as the proposal encloses existing stairs and walkways and creates some additional living space on the south portion of the lot far from the roadway and neighbors. The proposed connector space will be 27.6 feet from the south property line, which is the same amount that the existing main house projects into the setback. While the proposed outdoor covered space roof does project more into the setback than the existing structures (15.75’ from the south boundary), we believe that it would have no impact to the south neighbor. The south property, as noted above, is a septic and electrical easement area that is over 125’ long and is for the benefit of Lot 4. The easement area acts as a de-facto property line since no structures may be constructed in this parcel. The nearest residence is over 500 feet away from the planned residential improvements. Neighbors will not see or be impacted by the addition to the existing home.

5) The variance, if granted, will not be directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan. The variance will not be contrary to the intent and purpose of the Routt County Master Plan. MRE Zoning is noted to provide areas for affordable, mid-density residential development designed in a manner to create livable space in a rural setting, yet conveniently located to reduce unnecessary commuting. Approval of the variance for encroachment to the zoning setbacks will not negatively impact the Routt County Master Plan.

The variance request meets all of the requirements as outlined in Section 3.4.5A. and we look forward to the planning department review and presentation to the Board of Adjustment.

We are available to meet or speak 970-871-6772 about the project anytime.

Sincerely;

Walter N. Magill, PE-PLS
Four Points Surveying and Engineering
Looking north. Existing garage on the right, residence in the background.

Looking northwest towards the existing residence.
The Warhover Givens Residence
32115 Highland Road
Steamboat Springs, CO 80487

Carl Warnke, P.E.
1855 Ski Time Square, Unit E2C
Steamboat Springs, CO 80487

Main Level Plan

Key
Existing Structures

SCALE: 1/4" = 1'-0"
The Warhover Givens Residence

32115 Highland Road
Steamboat Springs, CO 80487

Exterior Elevations

EXISTING GARAGE  PROPOSED CONNECTOR  EXISTING HOUSE

EXISTING HOUSE  PROPOSED CONNECTOR  EXISTING GARAGE

Proposed outdoor covered space
Existing Deck

SCALE: 1/4" = 1'-0"

1 North Elevation

2 East Elevation

Carl Warnke, P.E.
1855 Ski Time Square, Unit E2C
Steamboat Springs, CO 80487

90'-4 5/8" Lower Level
100'-0" Main Level
107'-10" Top of Plate

EXISTING GARAGE
PROPOSED CONNECTOR
EXISTING HOUSE

A2.0
The Warhover Givens Residence
32115 Highland Road
Steamboat Springs, CO 80487

EXISTING GARAGE
PROPOSED CONNECTOR
EXISTING HOUSE

EXISTING HOUSE
PROPOSED CONNECTOR
EXISTING GARAGE

90'-4 5/8"
Lower Level
100'-0"
Main Level
107'-10"
Top of Plate

Carl Warnke, P.E.
1855 Ski Time Square, Unit E2C
Steamboat Springs, CO 80487

SCALE: 1/4" = 1'-0"

West Elevation
Nissen Garage Setback
Variance

ACTIVITY #: PL-20-119
BOARD OF ADJUSTMENT HEARING DATE: July 13, 2020 at 6:00 pm

PETITIONER: Jeff Nissen / Windsong Acres, LLC
PETITION: Request to construct a garage in the setback
LEGAL: TR IN TR 105 7-5-85 TOTAL 2A
LOCATION: 33425 County Road 33
ZONE DISTRICT: Agriculture / Forestry
AREA OF PARCEL: 2 acres
PROPOSED SETBACK VARIANCE: Required: 50' Proposed: 16'
STAFF CONTACT: Tegan Ebbert tebbert@co.routt.co.us
ATTACHMENTS:
- Applicant narrative
- Site plan
- Site visit photos

History:
This parcel was created in May 1972, after the adoption of the Routt County Zoning Regulations. Typically this would be considered an illegal parcel. However, the erroneous approval of a building permit on the parcel changed the status of the parcel to “accepted” by the County, meaning it has all of the same development potential and uses by right as other parcels in the Agriculture / Forestry Zone District.

According to the Routt County Assessor’s inventory records, the existing house located on the parcel has been in existence since 1971 and the existing garage was built in 1975.

The current owner purchased the property in 2018.

Site Description:
The subject parcel is triangular in shape and contains 2 acres. The parcel is bisected by Trout Creek and borders County Road 33 to the southeast. All of the existing development on the parcel is on the northwestern section of the lot.
The lot currently contains one single family residence and a garage that borders the northern property line.

**Project Description:**
The applicant is proposing to remove the existing garage and to construct a new garage in the same general location on the parcel.

### Setbacks for the Agricultural / Forestry Zone District

<table>
<thead>
<tr>
<th>Property Line Setback</th>
<th>Proposed</th>
<th>Required</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>16’</td>
<td>50’</td>
<td>34’</td>
</tr>
</tbody>
</table>

### Section 3.4.6 – Standards for Grant of Denial of Variances

- **B.** Under no circumstances shall a variance be granted on the sole basis of personal convenience or special privilege to the applicant.
- **C.** Under no circumstance shall the BOA grant a variance to allow a use not permissible under the terms of this Resolution in the appropriate Zone District.
- **D.** Variances shall be granted with respect to specific plans or within defined parameters. Unless otherwise specified by the BOA, a variance may be transferred to successive owners prior to construction if no changes are made to the approved plan. Variances shall run with the land after the construction of any authorized structures and only for the life of such structures.
- **E.** The BOA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.
- **F.** In order to insure that the protection of the public good and the intent and purpose of these Regulations are preserved, the BOA may impose any other condition upon the granting of a variance, including those categories of conditions which may be placed upon Land Use Approvals under Section 3.2.6.

### Applicable Regulations – Routt County Zoning Resolution

3.4.6  The Board may grant such variance if all of the following are found to exist:

3.4.6.A.1  Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced.

**Petitioner Comments:** Should the provisions of the Zoning Regulations in Section 3.4.6.A of the Routt County Building Code be strictly enforced, the property owner would endure unreasonable hardship because the residence needs adequate sanitary services which can only be located in a certain portion of the property due to setbacks and Trout Creek. The remaining buildable area of this property is very small. The setbacks for this property’s zone (Agricultural & Farming) are exceptional for a property of this size.

**Staff Comments:** The buildable area is a clear constraint to development on the subject lot. The available land that meets the property boundary setbacks, the setback from the center...
line of CR 33, and the waterbody setback is so small and fragmented that it could not feasibly accommodate a garage. Building the garage on the land on the south side of Trout Creek would require either the construction of a bridge across the creek or a second driveway point off of CR 33. Both of those options are not practical because Routt County Public Works only allows one access point per parcel off of a County Road, and the construction of a bridge would require a waterbody setback permit that likely would not be approved as it couldn’t meet the necessary criteria. It is an unnecessary and unreasonable hardship to expect that the setbacks can be met on this parcel for this proposed development.

3.4.6.A.2 Circumstances creating the hardship were in existence on the effective date of the regulations from which a variance is requested, or created subsequently through no fault of the appellant.

Petitioner Comments: The Zoning Regulations in Section 3.4.6.A were adopted March 7th, 1972. The Routt County Property Report Card identifies the structure as being purchased on 09/28/2018. Therefore, the circumstances creating the hardship were in existence prior to the requested variance, at no fault of the property owner as the garage currently exists within the setback.

Staff Comments: Although the County Planning Department does not have evidence that this parcel was subdivided prior to March 7th, 1972, the County has acknowledged it as an accepted lot through the previous approval of a building permit. The small area of the lot is no fault of the applicant, who purchased the parcel in 2018.

3.4.6.A.3 That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District.

Petitioner Comments: The property is triangular, see Property Description above, creating a narrow shape. This property is in an area of Routt County where lots are many acres in size, making the property an exceptional size and shape to the zoning of Agricultural and Farming (AF).

Staff Comments: The current minimum lot size in the Agricultural / Forestry Zone District is 35 acres. This parcel, at 2 acres, is significantly smaller and carries a number of additional site constraints. Because Trout Creek bisects the parcel, the buildable area of the lot is greatly reduced. Per section 5.11 from the Routt County Zoning Regulations, a watercourse that flows for a minimum of 90 days consecutively on an annual basis is subject to waterbody setback regulations. The required setback is 50' from the ordinary high watermark of Trout Creek. The subject property possesses exceptional features: the size and the waterbody, that do not occur generally in other properties in the A/F Zone District.

3.4.6.A.4 That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.

Petitioner Comments: The proposed new garage, to be placed near the footprint of the existing garage, will not impede visibility or block light to any adjacent properties. The proposed new residence will not diminish the value of adjacent properties nor will it change the character of the neighborhood. The new garage does not diminish the use of the adjacent property.

Staff Comments: The proposed garage is nearly in the same location and of similar dimensions as the existing garage. It will not impact light, air, or open space to the surrounding parcels. The site is currently surrounded by open, agricultural land with few visible residences. No comment was received from adjacent property owners.
3.4.6.A.5 The variance, if granted, will not be directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan.

Petitioner Comments: The variance requested is not contrary to the intent and purpose of the Zoning Regulations or the Routt County Master Plan.

Staff Comments: Although the Routt County Master Plan does not directly address Variances, this application is not directly contrary to its intent. The applicant is not proposing to increase residential density, they are proposing to replace existing development in kind.

Board of Adjustment Options:

Approve the variance if the above noted tests are met.

Approve conditionally if the above noted tests are met or can be met by the application of certain conditions, or if certain conditions are necessary to mitigate concerns.

Table for specific reasons; e.g. more information, site review, etc.

Deny the variance if it does not meet the criteria stated above or if the variance would create a health or safety hazard or would negatively impact public welfare.

STAFF RECOMMENDATION
Staff recommends approving the variance as requested with conditions of approval, based on the following findings of fact.

FINDINGS OF FACT that may be appropriate if the Variance is APPROVED:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because of the small parcel size and required waterbody setbacks severely constraining the buildable area.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in the early to mid 1970s.

3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District in that the site has a physical constraint limiting the building envelope. This physical constraint is the small acreage size and waterbody bisecting the parcel.

4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because the configuration and size of the structure is generally in conformity with the adjacent properties and neighborhood.

5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies.
CONDITIONS that may be appropriate include the following:

1. The building shall comply with all applicable requirements of the Routt County Building Department.

2. If construction of the building does not commence within 1 year, this variance shall be subject to another review with full submittal. A 12 month extension may be approved administratively without notice.

3. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level on non-conformance will be subject to a new application. Minor variations that do not increase the level of non-conformance can be approved administratively, without notice.

4. A foundation only building permit will initially be signed off on by Planning. Prior to Planning signing off on the full building permit, a certified survey of the location of the foundation forms must be submitted.

5. Best Management Practices (BMP’s) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.

6. A Grading and Excavation Permit will be required if necessary.

7. All exterior lighting will be downcast and opaquely shielded.

8. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.

9. A Plumbing Agreement for the garage bathroom shall be recorded by the applicant prior to issuance of a building permit.
April 18, 2020

**Variance Application Narrative**

<table>
<thead>
<tr>
<th>Contact Information:</th>
<th>Project Details:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sam Samlowski</td>
<td>A new garage</td>
</tr>
<tr>
<td>On Behalf of: Jeff Nissen</td>
<td>33425 County Road 533, Routt County, CO</td>
</tr>
<tr>
<td>Via phone: 970.871.9101</td>
<td>SEAD Job Number: 20003</td>
</tr>
<tr>
<td>Via e-mail: <a href="mailto:sam@seadinc.com">sam@seadinc.com</a></td>
<td></td>
</tr>
</tbody>
</table>

**Written Narrative – Description of Variance Request**

**Property Description**

The Nissen property is a triangular-shaped plot located off the North side of County Road 33 in Routt County, Colorado. The North property line, parallel to County Road 33, is approximately 473 feet long. The West property line, running nearly North-South, is approximately 351 feet long. The South-East property line, connecting the North and West property lines, is approximately 470 feet long. Trout creek runs directly through the middle of the property east to west. The property is a triangular shaped lot, and is approximately 119,790 square feet or 2.75 acres. The Routt County Building Code requires that a 50-foot setback be applied to all property lines resulting in an allowable buildable area of 0.4 acres. Please refer to the attached SEAD drawings, sheet C-1, and Western Slope Geotech’s report.

The existing main residence and garage on the property are almost entirely within the 50-foot required setback from the North property line and is approximately 30 feet South of the property line.

**Relief Requested**

The property owner would like to request a variance to the Routt County Zoning Regulations such that a new garage may be constructed next to the main residence, in nearly the same location as the existing garage. The proposed new garage will not extend any further into property line setbacks than the existing garage and will be built partially withing the existing garage’s footprint. The relief needed requires moving the North setback to 16’ from the property line.

**Reason for the Request**

A new concrete septic tank and leach field needs to be installed near the existing residence while keeping the necessary distance from Trout Creek (please refer to Western Slope Geotech’s onsite water treatment system design). The proposed septic tank also needs to clear the 100’ well setback which is the reason behind the new garage location. The properties buildable area within the setbacks is small when considering that Trout Creek runs directly through the middle of the buildable area. The highwater mark for Trout Creek restricts the buildable area even more. Please refer to sheet C-1. The requested variance and design of the garage and septic tank aim to move the developments away from Trout Creek, while maintaining proper clearances.
Written Narrative – Routt County Zoning Regulations Section 3.4.6.A Standards

Peculiar and Exceptional Difficulties
Should the provisions of the Zoning Regulations in Section 3.4.6.A of the Routt County Building Code be strictly enforced, the property owner would endure unreasonable hardship because the residence needs adequate sanitary services which can only be located in a certain portion of the property due to setbacks and Trout Creek. The remaining buildable area of this property is very small. The setbacks for this property’s zone (Agricultural & Farming) are exceptional for a property of this size.

Circumstances Creating Hardship Already in Existence
The Zoning Regulations in Section 3.4.6.A were adopted March 7th, 1972. The Routt County Property Report Card identifies the structure as being purchased on 09/28/2018. Therefore, the circumstances creating the hardship were in existence prior to the requested variance, at no fault of the property owner as the garage currently exists within the setback.

Property Geometry – Narrowsness and Shape
The property is triangular, see Property Description above, creating a narrow shape. This property is in an area of Routt County where lots are many acres in size, making the property an exceptional size and shape to the zoning of Agricultural and Farming (AF).

Variance Will Not Diminish Value
The proposed new garage, to be placed near the footprint of the existing garage, will not impede visibility or block light to any adjacent properties. The proposed new residence will not diminish the value of adjacent properties nor will it change the character of the neighborhood. The new garage does not diminish the use of the adjacent property.

Zoning Regulation Intent and Routt County Master Plan
The variance requested is not contrary to the intent and purpose of the Zoning Regulations or the Routt County Master Plan.

Please do not hesitate to reach out with any questions regarding this document.

Sincerely,

Sam Samlowski

Steamboat Engineering And Design, Inc.
Sam Samlowski, E.I.T., Project Engineer
sam@seadinc.com