ROUTT COUNTY BOARD OF ADJUSTMENT AGENDA
August 10, 2020
6:00 PM

Due to the COVID-19 pandemic, this hearing will be conducted through the Zoom application. You may access this meeting by clicking here. Live audio is available by calling (669) 900-6833.
Meeting ID: 858 7213 6030
Password: 599173

1. CALL TO ORDER

2. ITEMS FOR CONSIDERATION

   A. Schreiner Setback Variance

      Activity #: PL-20-125
      Applicant: Ben and Shauna Schreiner
      Petition: Request to add a deck and an addition to an existing structure in a setback
      Legal: R IN SE4SE4 SEC 10-5-85, PT OF TR 115 SEC 11-5-85
            TOTAL 4.57 AC
      Location: 33100 County Road 41

      Documents:

      PL-20-125 Staff Report Schreiner Variance.pdf

3. ADMINISTRATOR’S REPORT
   Administrator’s Report may include the reading of future Board of Adjustments agendas.

4. ADJOURNMENT

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

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Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.
Schreiner Setback

Variance

ACTIVITY #: PL-20-125
BOARD OF ADJUSTMENT HEARING DATE: August 10, 2020 at 6:00 pm

PETITIONER: Ben and Shauna Schreiner
PETITION: Request to add a deck and an addition to an existing structure in a setback
LEGAL: R IN SE4SE4 SEC 10-5-85, PT OF TR 115 SEC 11-5-85 TOTAL 4.57 AC
LOCATION: 33100 County Road 41
ZONE DISTRICT: Agriculture / Forestry (A/F)
AREA OF PARCEL: 4.57
PROPOSED SETBACK VARIANCE:
Required: 50'
Proposed: 19'
STAFF CONTACT: Tegan Ebbert tebbert@co.routt.co.us
ATTACHMENTS:
• Applicant narrative
• Site plan and elevation drawings
• Site aerial
• Site visit photos

History:
This parcel was created in June 1972, a few months after the adoption of the Routt County Zoning Regulations in March 1972. However, the issuance of building permits over the years has granted this parcel the status of being “accepted” by the County. The garage located on the parcel was constructed in 1972, followed by the residence in 1985, and the shop in 2010. In 2009 an addition was constructed onto the north side of the residence. The current property owners purchased this parcel in 2017.

Site Description:
The 4.57-acre parcel is a long and narrow rectangular shaped lot with access from County Road 41 at its west boundary. The property contains one residence, a garage, and a shop that are located on the only easily accessible flat area on the parcel. The areas immediately to the west, south, and east of the residence are steep hills going down, away from the house. The parcel is heavily treed and the structures are generally not visible from the public road.
**Project Description:**
The applicant is proposing to make the following modifications to the existing residence: add a deck to the west side of the house, increase the size of the deck on the east side of the house, and enclose the existing deck on the south side of the house. All three proposed alterations to the home will be located within the south setback.

**Setbacks for A/F District**

<table>
<thead>
<tr>
<th>Property Line Setback</th>
<th>Proposed</th>
<th>Required</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>South:</td>
<td>31’</td>
<td>50’</td>
<td>19’</td>
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</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, 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: 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 as an addition to the home would not be permitted to be built in the most sensible location. The south side of the home, where the proposed addition is to be placed, receives the greatest natural light, faces out toward a sweeping valley, and has existing roof and foundation elements to reduce construction complexity. The only allowable side of the home to construct an addition according to the requirements of the Routt County Building Zoning Regulations is to the north where the front door and entry to the home are as well as the exterior walls of the master bed and bathroom. An addition on the north side of the building would close off windows to these rooms and cause the main home’s entry to run through a kitchen. Therefore, an addition on the
south side of the house would have the most functionality when compared to other locations. Also, placing the addition on either the west or east sides of the house would not have a net difference on the distance which the addition extends into the property setback when compared to the south side, the result would be the same. Only the south side of the house is visible from County Road 41 and the existing roof lines between the house and decks are inconsistent. The proposed addition would unify the roof line around the deck and new living space, creating a more desirable look from the street and helping to clean up the look of the neighborhood.

Staff Comments: Staff finds that, due to the location of the existing residence, it would create an unnecessary or unreasonable hardship on the property owner if the provisions of the Routt County Zoning Regulations were strictly enforced. The current setback of the house is 32’ from the south property line and the proposed alteration will result in a setback of 31’, an overall minor increase in the level of non-conformity.

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 April 21st, 2017 by the current owners and has an Effective Built Date of 1972. Therefore, the house and attached deck locations, which extend into the property setback, were in existence prior to purchase date of the property, at no fault of the current property owners.

Staff Comments: The parcel was created in 1972 and is considered “accepted” by the County due to the issuance of building permits. The existing residence was constructed in 1985 and was granted both a building permit and a certificate of occupancy. The 1985 building permit file reveals that the permit was issued without review from the Planning Department, meaning that the plans were never checked for setback compliance. These circumstances are no fault of the petitioner.

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 zoned as Agriculture & Farming (AF) and while its shape is not abnormal for the area, the house location on the property is. Neighboring properties have houses placed closer to the center of the property, away from setbacks, avoiding the difficulty imposed on the Schreiner property.

Staff Comments: The current minimum lot size for a parcel zoned A/F is 35 acres, therefore, this 4.57-acre parcel is significantly smaller than a typical lot in the A/F zone district. The steep topography and narrow shape likely influenced the original location of the house. Today, the property owner is bound by the location of the existing house, which encroaches into a setback, while planning alterations and additions.

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 addition will not increase the overall height of the building and will only occupy the space of existing decks. The roof line will be improved from a currently inconsistent look to a uniform and clean roof line, wrapping around all the visible areas of the house from the road below. The proposed new residence will not diminish the value of adjacent properties nor will it change the character of the neighborhood.
Staff Comments: Due to the trees, vegetation, and topography of the site, the house is not entirely visible from the public road. The alterations and additions that the property owner is proposing would minimally increase the footprint of the structure and would not increase the overall height of the structure. No comments from adjacent property owners or neighbors were received by Planning staff.

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 and the overall increase in area of the structure is relatively small.

**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 for the alterations and additions 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 existing location of the residence that was granted a building permit and certificate of occupancy by Routt County.

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 the narrowness and 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 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. 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.

**STAFF RECOMMENDATION**

Staff recommends approving the variance for an after the fact approval the location of the existing residence 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 the residence that was granted a building permit and certificate of occupancy by Routt County in 1985.

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 the narrowness 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 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.
June 12, 2020

Variance Application Narrative

<table>
<thead>
<tr>
<th>Contact Information:</th>
<th>Project Details:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grady Koupal</td>
<td>The Schreiner Residence</td>
</tr>
<tr>
<td>On Behalf of: Ben Schreiner</td>
<td>Parcel ID: 946113005</td>
</tr>
<tr>
<td>Via phone: 970.871.9101</td>
<td>33100 County Road 41, Routt County, CO</td>
</tr>
<tr>
<td>Via e-mail: <a href="mailto:grady@seadinc.com">grady@seadinc.com</a></td>
<td>SEAD Job Number: 20021</td>
</tr>
</tbody>
</table>

Written Narrative – Description of Variance Request

Property Description
The Schreiner property is a rectangular-shaped plot located off the west side of County Road 41 in Routt County, Colorado. The North property line, perpendicular to County Road 41, is approximately 945 feet long. The West property line, running nearly North-South, is approximately 215 feet long. The South property line which is parallel with the North property line is approximately 861 feet long. The East property edge is arced along County Road 41 and is approximately 250 feet long. The total property area is 4.57 acres or 199,070 square feet. The currently constructed residence and elevated decks protrude 16 feet and 7 inches into the County-required 50-foot setback from the property line. Please refer to the attached SEAD drawings, sheet C-1. This condition existed prior to the Schreiner Family purchasing the property.

Relief Requested
The property owners would like to request a variance to the Routt County Zoning Regulations such that an addition to the residence may be constructed using the existing deck footprint. The property owners also request that within this variance, two new decks may be constructed, one of which extends 8-3/8 inches into the setback beyond the currently constructed deck. This request amounts to no additional conflict with the property setback for new living space and 8-3/8 inches of additional conflict with the property setback for a new deck.

Reason for the Request
The existing residence and decks on this property extend into the property setbacks, a condition which was present prior to the current homeowners purchasing the property. The proposed addition is most sensible to be placed in the proposed location on the south side of the house, which will also extend into the property setbacks.

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 as an addition to the home would not be permitted to be built in the most sensible location. The south side of the home, where the proposed addition is to be placed, receives the greatest natural light, faces out toward a sweeping valley, and has existing roof and foundation elements to reduce construction complexity. The only allowable side of the home to construct an addition according to the requirements of the Routt County Building Zoning Regulations is to the north where the
front door and entry to the home are as well as the exterior walls of the master bed and bathroom. An addition on the north side of the building would close off windows to these rooms and cause the main home’s entry to run through a kitchen. Therefore, an addition on the south side of the house would have the most functionality when compared to other locations. Also, placing the addition on either the west or east sides of the house would not have a net difference on the distance which the addition extends into the property setback when compared to the south side, the result would be the same. Only the south side of the house is visible from County Road 41 and the existing roof lines between the house and decks are inconsistent. The proposed addition would unify the roof line around the deck and new living space, creating a more desirable look from the street and helping to clean up the look of the neighborhood.

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 April 21st, 2017 by the current owners and has an Effective Built Date of 1972. Therefore, the house and attached deck locations, which extend into the property setback, were in existence prior to purchase date of the property, at no fault of the current property owners.

Property Geometry – Narrowness and Shape
The property is zoned as Agriculture & Farming (AF) and while its shape is not abnormal for the area, the house location on the property is. Neighboring properties have houses placed closer to the center of the property, away from setbacks, avoiding the difficulty imposed on the Schreiner property.

Variance Will Not Diminish Value
The proposed addition will not increase the overall height of the building and will only occupy the space of existing decks. The roof line will be improved from a currently inconsistent look to a uniform and clean roof line, wrapping around all the visible areas of the house from the road below. The proposed new residence will not diminish the value of adjacent properties nor will it change the character of the neighborhood.

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,

Steamboat Engineering And Design, Inc.
Grady Koupal, PE, Project Engineer
grady@seadinc.com
Colorado License No. 52709
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Planning

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Routt County Boundary
Parcels
Primary Public Road
Private
Page 19 of 24
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East side of house, deck to be increased in size
West side of house, deck to be added
South side of house, existing deck and patio area to be enclosed on both stories
North side of house, addition constructed in 2009, no proposed alterations