ROUTT COUNTY BOARD OF ADJUSTMENT AGENDA

October 12, 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. Timmerman Setback Variance

      Activity #: PL-20-159
      Applicant: Chris Timmerman; Representative Ryan Malone of SEAD
      Petition: Request to construct a deck within the property setback
      Legal: Lot 1, Steamboat Pines Subdivision, Filing 1
      Location: 30720 Elk Lane

      Documents:

      Timmerman Variance Staff Report PL-20-159.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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Timmerman Setback

Variance

ACTIVITY #: PL-20-159
BOARD OF ADJUSTMENT HEARING DATE: October 12, 2020 at 6:00 pm

PETITIONER: Chris Timmerman
PETITION: Request to construct a deck in the setback
LEGAL: Lot 1, Steamboat Pines Subdivision Filing 1
LOCATION: 30720 Elk Lane
ZONE DISTRICT: Mountain Residential Estates (MRE)
AREA OF PARCEL: 5.01 acres
PROPOSED (HEIGHT OR SETBACK) VARIANCE:
    Required: 50’
    Proposed: 34’
STAFF CONTACT: Tegan Ebbert tebbert@co.routt.co.us
ATTACHMENTS:
    - Application
    - Site and building plans
    - Slope images from Routt County GIS
    - Site visit photos

History:
The subject property is a 5.01-acre parcel that is part of the Steamboat Pines Subdivision, Filing 1 that was recorded in 1971. The existing house on the property was constructed in 1998. There is evidence that a building permit was reviewed by the Planning Department and was granted, however, the house was constructed within the 50’ setback on the southwest side of the property. Building and site plans were not retained by the Building Department from this era so there is no way to determine if the location was erroneously approved by Planning or if the house was built in a location that differed from the approved site plan. There is no evidence that a variance has been previously requested or granted on this parcel.

The current owners purchased the property in 2011. They are in the process of constructing a small addition to the dwelling unit in a location that conforms with setbacks.

Site Description:
The 5.01-acre parcel is accessed off of Elk Lane and is fairly uniform in shape. The lot is heavily treed and contains no other structures aside from the dwelling unit. The lot is severely sloped.
down to the north and east. The driveway and dwelling unit are on a more gently sloped area that appears to have been subject to grading and excavating to create appropriate topography for the construction of the dwelling. The dwelling is perched on a hill with open views northeast towards Mount Werner. The southeast portion of the parcel is inaccessible by vehicle due to the topography of the parcel.

**Project Description:**
This variance application has two components:

The first component is a request for variance to bring the existing dwelling unit that was constructed in 1998 into conformance.

The second component is a request for a variance to construct a deck attached to the northwest side of the dwelling unit. The proposed location of the deck encroaches into the setback, but does not increase the overall degree of encroachment that exists due to the location of the house.

**Setbacks for MRE 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>34’</td>
<td>50’</td>
<td>16’</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, 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 northwest side of the home, where the proposed addition is to be placed, faces out towards downtown Steamboat Springs and the ski area, and is also the only location on the current residence that does not have a deck built around at the main level of the house; which alleviates the property owners having to deconstruct existing deck structure to move the location of the addition. Current mature tree growth is present along the Northeast portion of residence, with the least amount of mature tree growth present at the proposed location of additions. The proposed deck addition of the Southwest portion of the proposed addition, which is in the current setbacks, allows for all of the current wrap around decks to connect on the residence and allows for ease of access through these exterior spaces. Therefore, a deck addition connecting to the existing wrap around deck on the Southwest side of the proposed addition would have the most functionality when compared to other locations. Only the Southwest and Southeast side and of the house are visible from Elk Lane. The proposed addition would unify the wrap around deck look, creating a more desirable look from the street and helping to clean up the look of the neighborhood.

Staff Comments: An unnecessary and unreasonable hardship would be imposed on the property owner if the provisions of the Zoning Regulations were strictly enforced due to the slope of the parcel that influenced the existing location of the dwelling unit. The topography would have made it difficult, if not impossible, to construct the dwelling further to the north, and remain in compliance with the maximum structure height of 40'. The area on the parcel that is flat or gently sloped and accessible from Elk Lane is located adjacent to the dwelling, to the south within the setback.

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 January 5th, 2011 by the current owners and has an Effective Built Date of 1998. 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 subdivision was platted in 1971, and therefore it is not subject to review under the current Routt County Subdivision Regulations. Current regulations state that land of 30% or greater slope is considered a “no build zone” and must be platted as such. Much of this property contains severely sloped land that by today’s standards would be unbuildable. The slope undoubtedly influenced the location of the existing dwelling and, by default, any additions that the current property owner would like to put onto it.

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 Mountain Residential Estates (MRE) 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 Timmerman property

Staff Comments: Although this parcel does not possess exceptional narrowness, shallowness, or size, it does possess exceptional topography. As previously noted, the
parcel contains large areas of 30% slope or greater that prohibit access to other areas of the property with a more gentle slope. The area accessible from Elk Lane with slopes suitable for development is located within the south setback.

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 deck addition will not protrude further into the setbacks than what is present now and will only connect to the existing wrap around decks. The wrap around decks on the residence will get a more uniform and consistent look with the proposed deck being able to connect to them. The proposed new deck addition and addition to the current residence will not diminish the value of adjacent properties nor will it change the character of the neighborhood.

**Staff Comments:** During the site visit, staff found the dwelling to be not visible from the roadway and staff was unable to see the adjacent homes from the proposed deck addition location. It is feasible that the dwelling is visible in the winter and spring when the aspen trees are bare of leaves. The deck addition being proposed will match the existing decks attached to the house and will be approximately 230 square feet in area with approximately 1/3rd of it encroaching into the setback. The proposed deck will appear to be on grade from anyone viewing the structure from Elk Lane. No comments were 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 Variance requests, staff do not believe that this application is contrary to its intent. The proposal will not increase residential density and the requested deck addition is an appropriate proposal for a residential parcel.

**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 existing location of the dwelling unit and the proposed new deck addition 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 severe topography and slope of the site and the location of the existing dwelling unit.

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 slope 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 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.
August 11th, 2020

Variance Application Narrative

Contact Information:
Ryan Malone
On Behalf of: Chris Timmerman
Via phone: 970.871.9101
Via e-mail: ryan@seadinc.com

Project Details:
The Timmerman Residence
Parcel ID: 161500001
30720 Elk Lane, Steamboat Springs, CO 80487
SEAD Job Number: 19127

Written Narrative – Description of Variance Request

Property Description
The Timmerman property is a rectangular-shaped plot located off the north side of Elk Lane in Steamboat Springs, Colorado. The North property line, running nearly East-West, is approximately 800 feet long. The East property line, running nearly North-South is approximately 160 feet long. The Southeast property line, running Northeast is approximately 642 feet long. The South property line is arced along Elk Lane and is approximately 180 feet long. The West property line which is parallel with the East property line is approximately 290 feet long. The total property area is 5.01 acres or 218,236 square feet. The currently constructed residence and southwest facing deck protrudes at a max of 15 feet 2 inches into the county required 50-foot setback from the property line. Please refer to the attached Steamboat Engineering And Design (SEAD) drawings, sheet C-1. This condition existed prior to the Timmerman Family purchasing the property.

Relief Requested
The property owners would like to request a variance to the Routt County Zoning Regulations such that a deck addition, attached to a proposed addition, may be constructed to connect to the existing deck on the Southwest portion of the existing residence. The existing Southwest deck and structure currently extend 15 feet 2 inches into the required setback. This request amounts to no additional conflict with the property setback for new living space and no additional conflict with the existing constructed deck.

Reason for the Request
The existing residence and deck on the Southwest portion of the residence 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 Northwest side of the existing residence. The proposed deck on the South side of the addition will be used to connect to the existing deck. This poses no issues protruding into the required setbacks, however; allowing the proposed deck to extend into the required setbacks to connect to the existing decks allows for the most reasonable design for the addition.

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 Northwest side of the home, where the proposed addition
is to be placed, faces out toward downtown Steamboat Springs and the ski area, and is also the only location on the current residence that does not have a deck built around at the main level of the house; which alleviates the property owners having to deconstruct existing deck structure to move the location of the addition. Current mature tree growth is present along the Northeast portion of residence, with the least amount of mature tree growth present at the proposed location of additions. The proposed deck addition of the Southwest portion of the proposed addition, which is in the current setbacks, allows for all of the current wrap around decks to connect on the residence and allows for ease of access through these exterior spaces. Therefore, a deck addition connecting to the existing wrap around deck on the Southwest side of the proposed addition would have the most functionality when compared to other locations. Only the Southwest and Southeast side and of the house are visible from Elk Lane. The proposed addition would unify the wrap around deck look, 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 7\textsuperscript{th}, 1972. The Routt County Property Report Card identifies the structure as being purchased on January 5\textsuperscript{th}, 2011 by the current owners and has an Effective Built Date of 1998. 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 Mountain Residential Estates (MRE) 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 Timmerman property.

**Variance Will Not Diminish Value**
The proposed deck addition will not protrude further into the setbacks than what is present now and will only connect to the existing wrap around decks. The wrap around decks on the residence will get a more uniform and consistent look with the proposed deck being able to connect to them. The proposed new deck addition and addition to the current 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.
Ryan Malone, EIT, Staff Engineer
ryan@seadinc.com

Reviewed by:
Jacob Mielke, PE, President
jake@seadinc.com
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Planning

Routt County Boundary
Road Centerlines

Parcels
Private
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