

**ROUTT COUNTY BOARD OF ADJUSTMENT
MINUTES**

August 10 , 2020

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 Ebbert were also present. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL-20-118

APPELLANT: Ben and Shauna Shreiner

REQUEST: Property line setback v ariance construct a deck and an addition to an existing structure

Required setbacks : 50 ft. from the property line s

Requested setbacks : 31 ft. from the south property line for a variance of 19 ft.

LOCATION: 33100 CR 41

Ms. Ebbert reviewed the request to construct a deck on 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 will be located in the south setback. Ms. Ebbert explained that the majority of the existing structure, which received a building permit and a certificate of occupancy, was originally constructed in the setback due to lack of thorough review by the County. Ms. Ebbert noted that at the time, the Building Department did not have plans reviewed by the Planning Department for setback compliance. She said that for this reason, staff is recommending approval of the application. She added that the proposed alterations will increase the non-conformity by only one foot.

Ms. Ebbert reviewed the site plan and pointed out the proposed alterations. She stated that the parcel contains about 4.5 acres, which is much smaller than the minimum lot size of 35 acres in the Agricultural/Forestry zone district, and is a long, narrow shape. The parcel also has steep topography; the house was built in the only flat area.

Ms. Ebbert presented photos of the property, and described the deck enclosure that would increase the encroachment by one foot. She said that all adjacent property owners were notified and no comments were received. In response to a question from Mr. Prowant, Ms. Ebbert confirmed that two variances are being sought: one to bring the existing home into conformance and another to grant a variance for the proposed changes.

There was no public comment.

MOTION

Mr. Gustafson moved to approve the variance request to bring the existing home into conformance, 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 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.

Mr. Albers seconded the motion. **The motion carried 4 - 0, with the Chair voting yes.**

MOTION

Mr. Gustafson moved to approve the variance of 19 ft. from the required setbacks for a 31 ft. setback from the south property line for the proposed additions and alterations, with 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 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.

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.

Mr. Albers seconded the motion. **The motion carried 4 - 0, with the Chair voting yes.**

ADMINISTRATOR 'S REPORT

Ms. Ebbert reviewed the upcoming agenda for September 14th. She stated that it is likely that there will also be a meeting in October. She reported that an advertisement for new members would be continued for another month before new Board of Adjustment members are appointed.

The meeting was adjourned at 6:30 p.m.