

ROUTT COUNTY BOARD OF ADJUSTMENT AGENDA

**June 15, 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. Rudolph Setback Variance

Activity #:	PL-20-116
Applicant:	Greg and Christine Rudolph
Petition:	Request to construct an addition to an existing residence in the setback
Legal:	Lot 3, Elk River Estates, Filing 3
Location:	29570 Elk View Drive

Documents:

[Staff Report Rudolph Variance pl-20-116.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.

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.

Rudolph Setback

Variance

ACTIVITY #: PL-20-116
BOARD OF ADJUSTMENT HEARING DATE: June 15, 2020 at 6:00 pm

PETITIONER: Gregory and Christine Rudolph
PETITION: Request to construct an addition to an existing residence in the setback
LEGAL: Lot 3, Elk River Estates, Filing 3
LOCATION: 29570 Elk View Drive
ZONE DISTRICT: Mountain Residential Estates (MRE)
AREA OF PARCEL: 3.36 acres
PROPOSEDSETBACK VARIANCE: Required: 50'
Proposed: 42'
STAFF CONTACT: Tegan Ebbert tebbert@co.routt.co.us
ATTACHMENTS:

- Application
- Site plan
- Site visit photo

History:

Elk River Estates, Filing 3 was platted in 1969, prior to the adoption of the Routt County Zoning Regulations on March 7, 1972. Upon adoption of the Zoning Regulations, the Mountain Residential Estates (MRE) Zone District was applied to this subdivision although most of the lots in the subdivision contain less than five acres, which is the current minimum lot size in the MRE Zone District.

The existing residence is recorded by the Routt County Assessor's Office as being constructed in 1972. The Routt County Building Department has record that the residence received a building permit (C72-152). However, the permit file cannot be located and the date of issuance was not recorded.

In 2000 the property owners applied for, and were granted, a variance for the current location of the residence as it was constructed within the 50' setback in addition to a variance to build a retaining wall within the setback to allow for a basement walkout feature.

Site Description:

The existing residence comes within 12' of the southeast property line; however, its location gained approval first through receiving a building permit in 1972 and again through approval from the Board of Adjustments in 2000.

The parcel is narrow and long in shape with the back portion of the parcel being generally flat. The property owners have worked to flatten that area over the years as it was originally a hill sloping away from the dwelling unit.

Project Description:

The applicant is proposing to complete a series of upgrades to their existing residence that include enlarging their garage and kitchen, and creating an enclosed entryway to the home. The entryway is the portion of the remodel that will increase the non-conformity of this residence by increasing the footprint. The proposal is to extend the sunken entryway so it aligns with the front of the remainder of the house resulting in approximately 58 square feet of area that is located within the setback.

Setbacks for MRE District

Property Line Setback	Proposed	Required	Variance
East:	42'	50'	8'

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 modest request to remodel the structure will enhance the livability of the house while only encroaching a mere 58 sf into the side setback. The Zoning Regulations are not intended to limit the use and enjoyment of ones primary residence especially in such a sparse rural subdivision.

Staff Comments: The existing residence was constructed and approved in its existing location. The nature of remodeling an existing home means that the property owners are bound by the location and configuration of the existing house. The applicant has planned the majority of the addition to be constructed in an area that complies with the required setbacks; however, the existing entryway of the home is located within the setback and expansion cannot be accomplished in a manner that meets setbacks. It is unreasonable to expect the property owner to relocate the existing structure to a conforming location after they have been granted prior approval for its current location.

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 structure was permitted and built prior to the Rudolph's purchase of the property in 2000. Per Routt County Records, the existing structure was built in 1972, prior to zoning regulations, required setbacks, and permit requirements. The structure was only required to be sited within the property boundaries of the lot, with no setback requirements at the time. The hardship was created when the County adopted zoning regulations and property boundary setbacks, which have been modified numerous times over the years, thus creating the need for a variance request.

Staff Comments: The Routt County Building Department issued a building permit for the residence in 1972 and the Board of Adjustments issued an approval of its location in 2000. The hardship of this property, the existing location of the residence, has been subject to two County approvals and is no fault of the applicant.

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 structure is located back on the property in a location to maximize views while as to not place the structure into the steeper slope which the structure overlooks. Many of the residences located in Elk River Estates are situated in a similar manner, many of these rural lots are sloping southerly and of similar size.

Staff Comments: Although the property is smaller than the typical parcel in the MRE Zone District, neither its size nor its topography are particularly limiting to development. However, an exceptional situation lies in the fact that the existing residence was placed in a non-conforming location. Generally, in the MRE Zone District, structures are subject to a 50' setback from all property lines. In 1972, this structure was constructed 12' from the southeast property line therefore impacting the allowance of future additions or remodels that trigger the need for a variance.

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 addition/remodel of this structure will not substantially increase the footprint of the house, and by no means will affect the character, curtail light, air or open space in

the neighborhood due to the minor enlargement of the garage and the enclosed entryway indistinguishable to the street view or neighbors.

Staff Comments: No comment was received regarding this application indicating that it will result in negative impacts on the neighborhood. The applicant is proposing to bring the entryway of the home in line with the façade of the garage and main body of the residence. This will cause no discernable impact on character, light, air or open space in the neighborhood.

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 proposed addition/remodel will not be contrary to either the intent or purpose of Routt County's Zoning Regulations or Master Plan due to its modest scope and lack of density of this rural subdivision.

Staff Comments: The Routt County Master Plan does not directly address variance requests. Property line setback variances are in place to ensure adequate spacing between structures and neighboring properties and the County has determined the minimum for the MRE zone district is 50'. The existing residence has been in its currently location for 48 years and the current proposal of an enclosed entryway would not increase negative impacts on the surrounding properties.

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 **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.

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.



APPLICATION FORM: LAND USE & ZONING

Activity No. _____	OFFICE USE
Base Fee \$ _____	Receipt No. _____
Received By _____	Date _____
Deemed Complete By _____	Date _____

I. PROJECT NAME RUDOLPH SETBACK VARIANCE

II. TYPE OF REVIEW

This application form must be accompanied by the applicable submittal checklist.

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Conditional Use Permit (CUP) |
| <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Water Body Setback Permit | <input type="checkbox"/> Pre-Application Conference | <input type="checkbox"/> Special Use Permit (SUP) |
| <input type="checkbox"/> Special Event Permit | <input type="checkbox"/> Floodplain Development Permit | <input type="checkbox"/> Zoning Amendment/Rezoning | <input type="checkbox"/> Conceptual PUD |
| <input type="checkbox"/> Administrative Amendment to CUP/SUP/PUD/Site Plan | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Final PUD | |

III. APPLICANT

Name Gregory and Christine Rudolph
 Mailing Address 29570 Elk View Dr.
 City Steamboat Springs State Colorado Zip 80487-9471
 Phone 970 846-9955 Email gregrudolph6@gmail.com

Representative / Primary Contact James Henry, Jake's Drafting Service, Inc.
 Mailing Address 426 Oak Street
 City Steamboat Springs State Colorado Zip 80477
 Phone 970 879-7929 Email Jakes@springsips.com

IV. PROPERTY OWNER

Name Rudolph, Gregory & Christine
 Mailing Address 29570 Elk View Dr.
 City Steamboat Springs State Colorado Zip 80487-9471
 Phone 970 846-9955 Email gregrudolph6@gmail.com

V. PROPERTY INFORMATION

Property Address 29570 Elk View Dr.
 General Location Elk River Estates, Routt County, Colorado
 Legal Description (may be attached) Lot 3, Elk River Estates, No. 3
 Parcel Identification No. (PIN) 120900003 Property Size (acres) 3.36 Ac+/-
 Current Use Residential Single Family Zoning MRE
 Proposed Use Residential Single Family Use

VI. SIGNATURES

This application form must be signed by both the applicant and legal owner of the property. Attach additional pages if necessary.

By signing below, the applicant acknowledges that all information contained on this application form and within accompanying submittals are true and correct and agrees to pay all required fees associated with this application. The base fee is intended to cover the estimated minimum staff hours to process the application. Any additional staff hours will be assessed at \$134 per hour. The applicant signing below is responsible for all additional hourly fees. Failure to pay fees may result in revocation of a permit/approval.

Applicant's Signature

GREGORY L. RUDOLPH
 Print/type name of applicant

By signing below, the property owner authorizes the applicant to petition Routt County for approval of the submitted application.

 Property Owner's Signature

GREGORY L. RUDOLPH
 Print/type name of property owner

Rudolph Setback Variance
Narrative

Greg and Christine Rudolph, owners of a single family residence located at 29570 Elk View Drive, aka Lot 3, Elk River Estates, Filing 3, Routt County, Colorado, hereby apply for a setback variance.

The Rudolph's request is to enlarge their existing garage, kitchen and create an enclosed entry way to the front of their house. Part of the proposed enclosed entry way and closet, located in the northern portion of the structure, will encroach into the east side setback but not the front setback.

The amount of the encroachment is approximately 58 sf. The specific relief the owners request is to construct an addition of an enclosed entry, the hatched portion that is clouded and boxed out in bold. (see Site Plan)

A previous setback variance was applied for and granted in November, 2000 for the basement remodel to daylight, constructing retaining walls into the setback.

The following is a detailed description, per Section 3.4.6.A of the Routt County Zoning Regulations, to justify the variance request.

-Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of the Zoning Regulations are strictly enforced.

The modest request to remodel the structure will enhance the livability of the house while only encroaching a mere 58 sf into the side setback. The Zoning Regulations are not intended to limit the use and enjoyment of ones primary residence especially in such a sparse rural subdivision.

-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 applicant.

The structure was permitted and built prior to the Rudolph's purchase of the property in 2000. Per Routt County Records, the existing structure was built in 1972, prior to zoning regulations, required setbacks, and permit requirements. The structure was only required to be sited within the property boundaries of the lot, with no setback requirements at the time. The hardship was created when the County adopted zoning regulations and property boundary setbacks, which have been modified numerous times over the years, thus creating the need for a variance request.

-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.

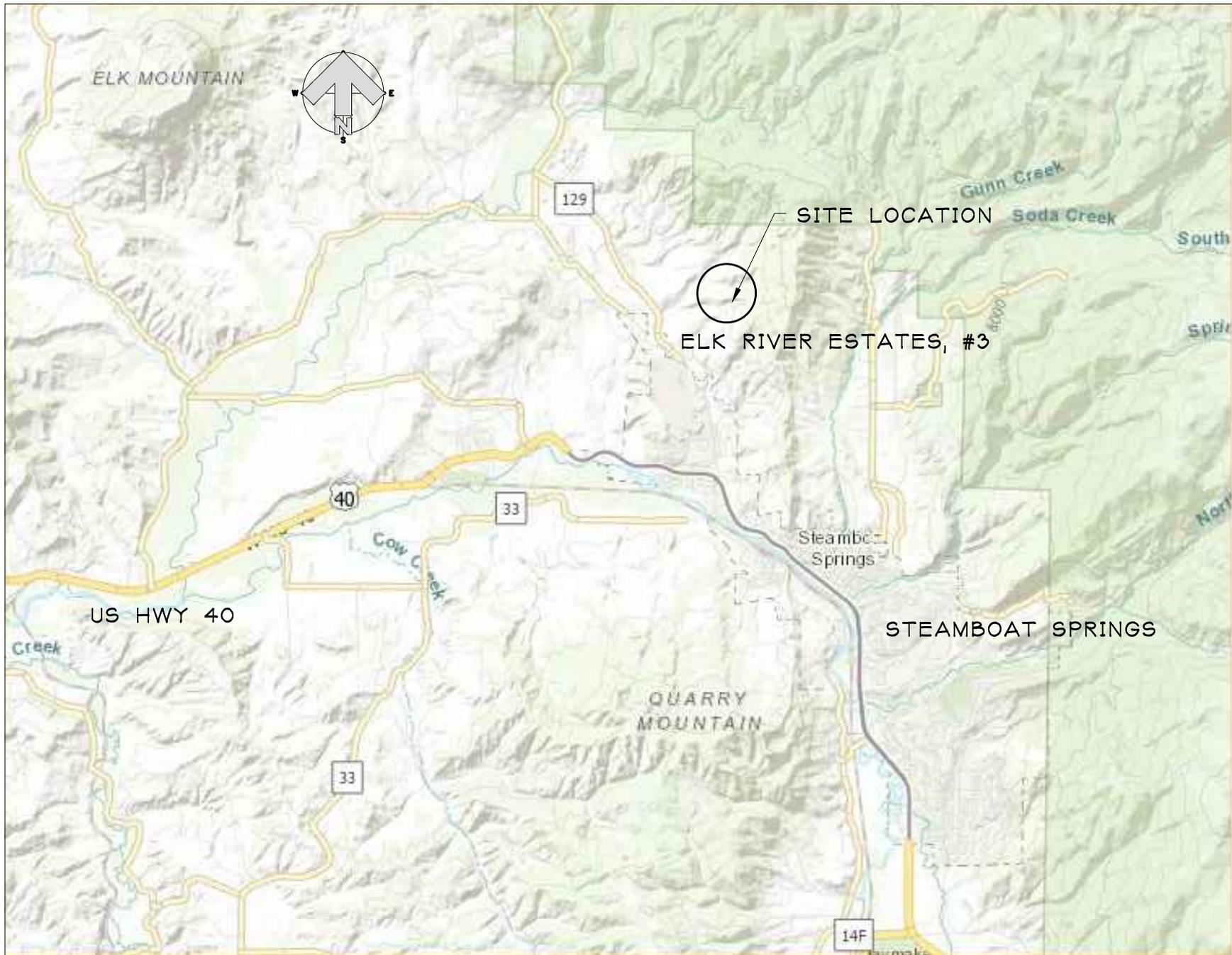
The structure is located back on the property in a location to maximize views while as to not place the structure into the steeper slope which the structure overlooks. Many of the residences located in Elk River Estates are situated in a similar manner, many of these rural lots are sloping southerly and of similar size.

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

The addition/remodel of this structure will not substantially increase the footprint of the house, and by no means will affect the character, curtail light, air or open space in the neighborhood due to the minor enlargement of the garage and the enclosed entryway indistinguishable to the street view or neighbors.

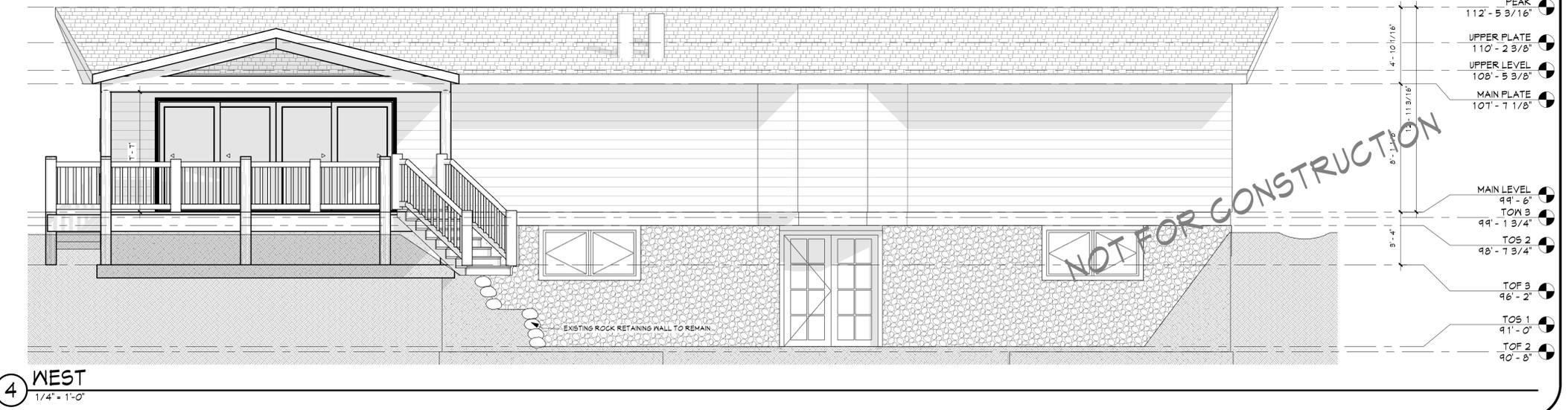
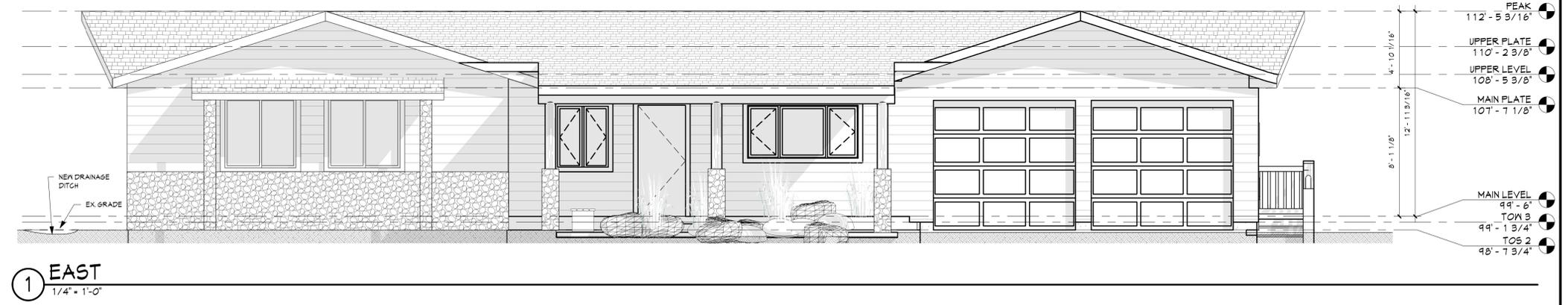
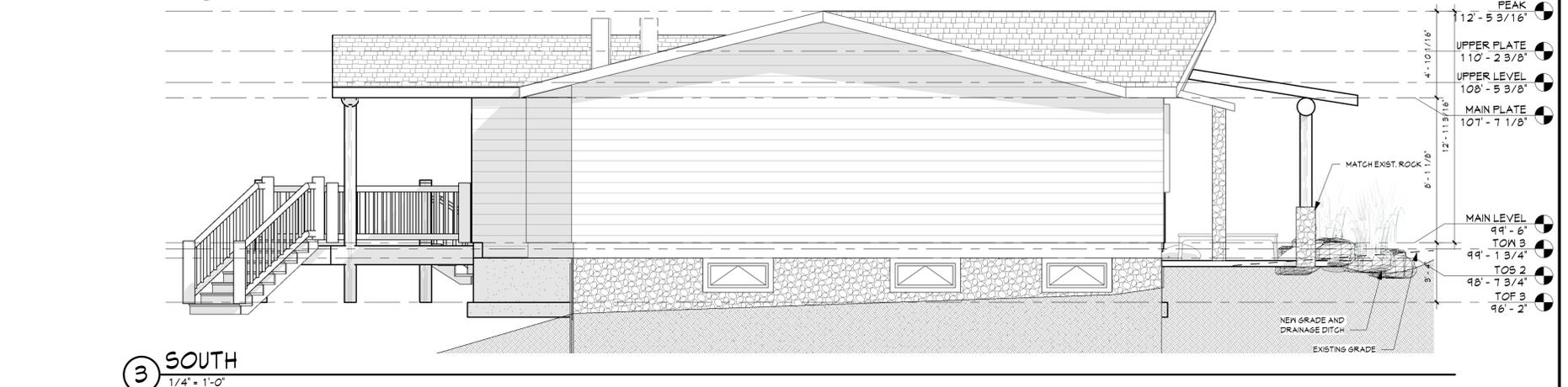
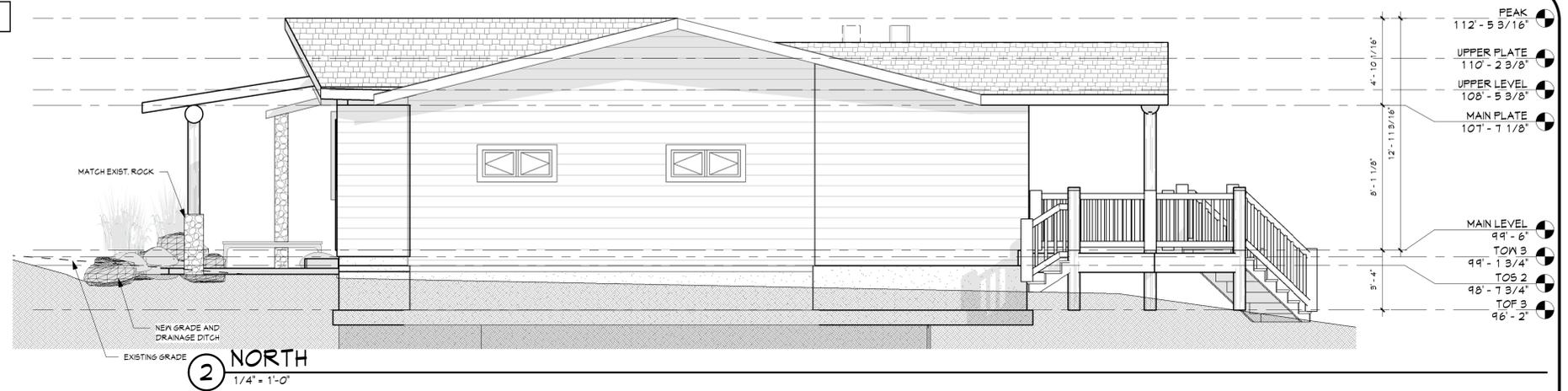
-That the variance, if granted, will not be directly contrary to the intent and purpose of the Zoning Regulations or the Routt County Master Plan.

The proposed addition/remodel will not be contrary to either the intent or purpose of Routt County's Zoning Regulations or Master Plan due to it's modest scope and lack of density of this rural subdivision.



LOCATION MAP

KEYNOTE LEGEND



DRAFTING SERVICE, INC.
 P.O. BOX 774-12
 426 OAK STREET
 STEAMBOAT SPRINGS, COLORADO
 970.879.7929
 FAX 970.879.8709
 JAKES@SPRINGSFPS.COM

Jake's
 "STRUCTURE ONLY"

ELEVATIONS FOR
the GREG & CHRISTINE RUDOLPH
 295 TO ELK VIEW DR.
 STEAMBOAT SPRINGS COLORADO
 OWNER CONTRACTOR (970) 846-9955

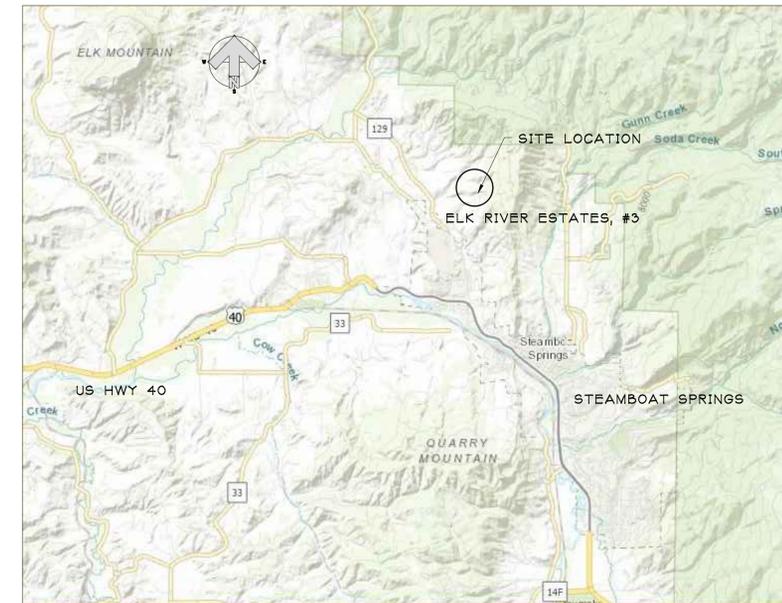
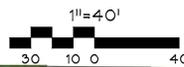
Job # 19,037
 File 19037A20
 Date 27AUG19
 Drawn VAM
 Checked JMH
 Reled 27AUG19
 Revd

Sheet Number
A3
 SHEET 6 OF 16

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NOT FOR CONSTRUCTION

NORTH



LOCATION MAP

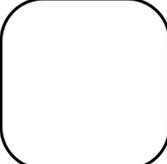
ZONED : MRE
 SETBACKS : 100' FRONTAGE, 50' SIDE & REAR
 PARCEL ID # : 120900003
 STREET ADDRESS : 29570 ELK VIEW DRIVE
 LEGAL DESCRIPTION : LOT 3, ELK RIVER ESTATES SUBDIVISION, FILING No.3
 ROUTT COUNTY, COLORADO

NOTE:
 NO WATER BODIES, RIVERS, STREAMS, LAKES, RESERVOIRS, OR PONDS ARE
 LOCATED WITHIN 50' OF THE PROPOSED STRUCTURE OR DRIVEWAY.

SITE PLAN

SCALE 1" = 40'

DRAFTING SERVICE, INC.
 P.O. BOX 174121
 428 OAK STREET
 STEAMBOAT SPRINGS, COLORADO
 970-874-1429
 FAX 970-874-8709



SITE PLAN FOR
RUDOLPH RESIDENCE
 29570 ELK VIEW DRIVE
 ROUTT COUNTY, COLORADO
 970.874.3307

Job No. 00.072
 File 00072010
 Date 22 JAN 00
 Drawn SKI
 Checked JMH
 Rel'd
 Revised

Sheet Number
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