

# ROUTT COUNTY BOARD OF ADJUSTMENT AGENDA

**September 14, 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. APPROVAL OF MINUTES

### A. Minutes From July 20, 2020

Documents:

[072020-boa-corrected.pdf](#)

### B. Minutes From August 10, 2020

Documents:

[081020-boa-corrected.pdf](#)

## 3. ITEMS FOR CONSIDERATION

### A. Rogers Setback Variance

Activity #:	PL-20-126
Applicant:	2RCC, LLC (Eric Rogers)
Petition:	Setback variance for three existing structures
Legal:	North of RCR 129 Moms Dream Ranch Exemption
Location:	approximately 1.25 miles north of the Village of Hahn's Peak

Documents:

[Staff Report 9.14.20.pdf](#)

### B. Campbell Setback Variance

Activity #:	PL-20-158
Applicant:	Eli and Erin Campbell; Representative Brian Adams
Petition:	Request for 1) a setback variance for an existing single family residence and 2) the construct a second story addition partially within the setback
Legal:	Lot 8, Country Green Subdivision
Location:	34725 Country Green Road

Documents:

[PL-20-158 Staff Report Campbell Variance.pdf](#)

#### **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](http://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.

**ROUTT COUNTY BOARD OF ADJUSTMENT  
MINUTES**

**July 20, 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 planners Alan Goldich and Tegan Ebbert were also present. Sarah Katherman prepared the minutes.

**PUBLIC COMMENT**

There was no public comment.

**MINUTES - JUNE 1, 2020**

Mr. Prowant moved to approve the minutes from the BOA hearing cited above, as written. Mr. Albers seconded the motion. **The motion carried unanimously.**

**MINUTES - JUNE 8, 2020**

Mr. Prowant moved to approve the minutes from the BOA hearing cited above, as written. Mr. Albers seconded the motion. **The motion carried unanimously.**

**MINUTES - JUNE 15, 2020**

Mr. Prowant moved to approve the minutes from the BOA hearing cited above, as written. Mr. Albers seconded the motion. **The motion carried unanimously.**

**ACTIVITY: PL-20-118**

**APPELLANT: Anne Warhover and Cale Givens**

**REQUEST: Property line setback v ariance to bring an existing home and garage into conformance, and a variance for a proposed addition to connect the two**

**Required setbacks : 50 ft. from the property line s**

**Requested setbacks :** 27.6 ft. from the side property line (existing house) for a setback of 22.4 ft. 49.6 ft. from the side property line (existing garage) for a setback of 0.5 ft. and 23 ft. from the front property line for a setback of 27 ft.

27.6 ft. from the side property line (proposed addition) for a setback of 22.4 ft. and 45 ft. from the front property line for a setback of 5 ft.

15.75 ft. from the side property line (proposed covered patio) for a setback of 34.2 ft.

**LOCATION: Lot 4 Soda Creek Highlands; 32115 Highlands Road**

Mr. Goldich reviewed the petition, noting the small size of the parcel for the zone district, the very steep terrain, the irrigation ditch that bisects the property and the triangular shape. He reviewed the site plan and indicated the existing home and garage and the proposed addition that connects the two. He described the proposed addition, which lines up with the existing home and encroaches into the setback the same amount. Mr. Goldich stated that the proposed roof extension to cover a ground-level patio would extend an additional 12 ft. into the setback beyond the foundation of the proposed addition, for a setback of 15.83 ft. from the south property line. He explained that setbacks are generally measured from the foundation and an allowance of 2 - 3 ft. of roof overhang beyond the foundation is typically accepted. He said that because the proposed overhang far exceeds the typical overhang and is a design feature, staff is recommending that the existing structures and the addition be approved without the roof overhang. He noted that there are two suggested motions: one for the existing structures and one for the addition. Mr. Goldich stated that the only issue for discussion identified by staff is the 12 ft. roof overhang.

Mr. Albers asked about the neighboring property to the south. Mr. Goldich stated that the leach field for the subject property is on the adjacent lot, so there is a septic easement. No comments were received from the property owners regarding the petition. Ms. Tanya Lillehoff, representing the petitioner, stated that the septic easement is 123 ft. wide. She indicated the easement on the site plan and offered that it provides a large buffer between the proposed addition and the neighbors' structures. Ms. Warhover stated that the adjacent property owner, Mr. Moser, has reviewed the plans and supports the proposal. She added that they have shown the plans to all of the neighbors and have received only positive comments. Ms. Warhover said that Mr. Moser cannot see their house from his residence.

Mr. Albers asked about the roadway easement on the subject parcel. Mr. Givens explained that the easement is there to allow Mr. Moser to improve the entrance to his driveway, if he wishes. He added that the Moser property is 40 acres, so there are many options. Mr. Goldich clarified that the 10 ft. easement that runs along the property line is a utility easement.

Mr. Prowant asked if the petitioners had considered other options on the property for a covered outdoor space. Ms. Warhover stated that the main goal of the proposal is to connect the garage to the house. She noted that the location of the addition is limited due to the terrain. Mr. Givens stated that the existing porch is about 12 ft. from the house footprint. He explained that covering the patio area will make snow removal much easier.

There was no public comment.

**MOTION - Existing structures**

Chairman Fitzgerald moved to approve the above stated variances from the required side and front property setbacks to bring the existing house and garage into conformance. This approval is based on the following findings of fact:

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.

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

Mr. Albers asked about the proposed covered patio. Mr. Goldich stated that the patio, without the covering, could be constructed without an additional variance because an at-grade patio is not considered a structure and setbacks only apply to structures. He said that this type of patio is considered to be more like landscaping. Mr. Givens stated that the overhang over the patio on the existing house is about 4 ft. He said that they put up an awning to shade the south side of the house, and offered that would be logical to shade the south side of the addition. Ms. Lillehoff presented architectural drawings of the proposed addition and covered patio.

#### **MOTION - Proposed addition**

Mr. Gustafson moved to approve the setback variances cited above for the proposed addition with a covered patio connecting the existing home and garage. This approval is based on the following findings of fact:

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.

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 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 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. 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.

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

**ACTIVITY: PL-20-119**

**APPELLANT: Jeff Niss en - Windsong Acres, LLC**

**REQUEST: Variance to construct a garage in the setback**

**Required setbacks : 50 ft. from the property line**

**Requested setbacks : 16 ft. from the north property line for a variance of 34 ft.**

**LOCATION: 33425 CR 33**

Ms. Ebbert described the lot, noting that it contains only 2 acres and is zoned Agriculture/Forestry. She added that Trout Creek bisects the lot. She stated that the proposed garage would be located entirely within the required 50 ft. setback and would be 15 ft. from the north property line. Ms. Ebbert indicated on a site plan the very small areas of buildable space that exist on the lot that are not within the required setbacks from the property lines and Trout Creek. These site constraints make it impossible to build on the north portion of the lot and not encroach into the setback. Building on the south portion is also not feasible because Routt County will not grant a second access point to the lot and is very unlikely to approve the waterbody setback permit that would be required to build a bridge. Ms. Ebbert indicated the location of the existing garage that the proposed garage would replace. The existing and the proposed footprints overlap, and the proposed garage is slightly farther from the property line than the existing garage.

There were no questions regarding the proposal. Mr. Prowant stated that the proposed garage was essentially a replacement for the existing garage.

There was no public comment.

**MOTION**

Mr. Gustafson moved to approve the above cited variance from the required setback to construct a garage. 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 **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.

Mr. Prowant seconded the motion.

**Discussion**

Under discussion, Ms. Ebbert noted that the suggested conditions include a Plumbing Agreement which is required for plumbed accessory structures on properties that are not eligible for a secondary dwelling unit.

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

**ADMINISTRATOR 'S REPORT**

Ms. Winser reviewed the upcoming agendas for August 10<sup>th</sup> and September 14<sup>th</sup>. She stated that several applications are in the pipeline, so it is likely that there will also be a meeting in October. 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 7:00 p.m.**

**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 14<sup>th</sup>. 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.**

---

# Rogers

## Setback Variance

---

**ACTIVITY #:** PL-20-126

**BOARD OF ADJUSTMENT HEARING DATE:** September 14, 2020 at 6:00 pm

---

**PETITIONER:** 2RCC, LLC (Eric Rogers)

**PETITION:** Setback variance for three existing structures

**LEGAL:** North of RCR 129 Moms Dream Ranch Exemption

**LOCATION:** approximately 1.25 miles north of the Village of Hahn's Peak

**ZONE DISTRICT:** Agriculture/Forestry (A/F)

**AREA OF PARCEL:** 23.04 acres

**PROPOSED SETBACK VARIANCE:** Required: 50'  
Proposed: See chart below

**STAFF CONTACT:** Alan Goldich, agoldich@co.routt.co.us

**ATTACHMENTS:**

- Narrative
- Pictures
- Vicinity Map
- Site Plan

---

**History:**

This parcel was created in 1995 with the recording of the Momsdream Ranch Exemption plat. The tax account states that all of the structures, except the pole barn, were built in 2005.

**Site Description:**

The site is accessed via CR 129. The eastern portion of the parcel (where all of the improvements are) is heavily wooded and none of the structures are visible from CR 129. There is a loop driveway on the property. The first structure you get to on the driveway is the hay barn on the right hand side of the driveway. The next structures are the residence and the pole barn. The residence is on the left hand side of the driveway (inside of the loop) and the pole barn is on the right hand side. Moving further down the driveway, the loafing shed is on the right hand side. To the northwest of the driveway (as you start to loop around on the driveway) is a drainage that flows from the northeast to the southwest. A pond was constructed on this drainage. There are other improvements inside and outside the loop. The land to the west of the pond is open pasture and is not accessible, except for small vehicles.

**Project Description:**

The applicant is applying for a retroactive variance on three structures. Two of the structures, the hay barn and the loafing shed, were not constructed by the applicant. The pole barn was constructed by the applicant. The requested setbacks are detailed in the chart below.

**Setbacks for A/F District**

Structure	Proposed	Required	Variance
Loafing Shed	6.2'	50'	43.8
Pole Barn	13.2'	50'	36.8'
Hay Barn	41.5'	50'	8.5'

**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: We utilize the property for residential purposes. Removal and relocation of the existing structures will cause an unnecessary and unreasonable hardship in the form of a large economic impact on our family, and a loss of storage for equipment used on the property. The hay barn and pole barn both have deep drilled concrete foundations due to the soil type found here, as well as concrete slabs on grade. It is not possible to move these foundations, so substantial and costly demolition would be required to relocate the structures. The current structures are used as living quarters for the family animals and equipment storage. The movement of the structures will also require a total relocation of the existing driveway, corrals, fences and other improvements throughout the property.*

**Staff Comments:** Staff agrees with this rationale as it relates to the loafing shed and hay barn. These structures were in place when the applicant bought the property. Staff does not agree with this rationale as it relates to the pole barn because the applicant constructed it. A financial hardship should not be applied to a situation that was created by the applicant. Also, staff observed other areas on the property that the pole barn could have been constructed that are outside of the setback that would not require relocation of any of the existing structures.

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 loafing shed, which is the closest structure to the property line, and the hay barn which is the closest structure to the public roadway and neighboring structures were built in the current configuration in 2005 by the previous owners. The survey used by the bank when we purchased the property did not identify any setback violations. When we built the pole barn in 2018, we applied for and received the required electrical permit – but a building permit was not required. We aligned the pole barn in conformance with the existing structures to the north and south because we were unaware of the existing or current setback violation when the pole barn was located and constructed. Because the pole barn was constructed between the existing structures, and no closer to the property line, it did not materially increase, change, or create the encroachment that the existing structures had already caused. Therefore, the circumstances creating the hardship were created through no fault of the appellant.

**Staff Comments:** Banks do not look for setback issues because it is outside of the scope of their review. It is the responsibility of the landowners, not others, to know what the restrictions and requirements are for development on their land. Existing structures do not provide a reliable guide to current regulations, and the actions of prior landowners do not relieve the current landowner of their responsibility to follow the regulations. Staff agrees that the loafing shed and hay barn comply with this criteria but disagrees that the pole barn does.

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 23 acre exemption parcel possesses two exceptional conditions that do not generally occur in the same Zone District. The first is the fact that it is entirely surrounded by Public Lands. The east line, where the setback violation has occurred, is bordering the Steamboat Lake State Park and the north line is the United State Forest Service. This portion of the state park sees very limited use by the public, due to lack of any trails or public improvements. The Second exception condition is that this exemption parcel was originally platted at only 23 acres in size, smaller than the standard minimum lot size of 35 acres that generally occurs in the A/F Zone district. This smaller size and the unique topography, including the location of a drainage running from the northeast to southwest, limit the potential locations of improvements. The goal of the A/F Zoning is to preserving the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County allowance of the current variance will not negatively impact any views. To that end, the three structures subject to this variance are not visible from the neighboring improvements. Additionally, the buildings are not visible from any streets due to the heavy aspen and evergreen forests as shown in the photographs below.

**Staff Comments:** Staff agrees that a condition that does not generally occur on other properties in the A/F zone district is present. This situation is the fact that the property is

surrounded on all three sides by property owned by public agencies. These public parcels do not have any improvements that the public can access. In addition parcel is smaller than the 35 acres required in the A/F zone district. Neither of these circumstances would have prevented the pole barn from being built elsewhere on the property.

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. Our property does not have any neighbors except for the vacant lands of the USFS to the north and Colorado State Park property to the east. Directly across RCR 129 is the North Routt Fire station. This building is used for fire service and volunteer meetings. The encroachment of the setback is not visible from any of these properties, due to the topography and established forest. The use and feel of the light, air and open space will not be impacted to users or occupants of the buildings by allowance of the variance to the east side setback.*

**Staff Comments: Staff agrees with this assessment.**

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. A/F Zoning is noted for the purpose of providing the productive agricultural and forested lands of Routt County and preserving the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County. In the neighborhood surrounding our property there will be little or no impacts from granting the variance, and the variance will permit the undisturbed use of a residential property as our full-time home.*

**Staff Comments: Staff agrees with this assessment.**

## **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 FOR THE POLE BARN**

Staff recommends **denying** the variance for the pole barn, based on the following finding of fact.

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

1. Circumstances creating the hardship were created by the applicant since this structure was built by the applicant without knowledge of the required setbacks in the A/F zone district.

**STAFF RECOMMENDATION FOR THE LOAFING SHED AND HAY BARN**

Staff recommends **approving** the variance for the loafing shed and hay barn based on the following finding 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 removal of the structures will create a financial hardship for the landowner.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the loafing shed and hay barn were constructed by the previous landowner.
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 neighboring properties (Steamboat Lake State Park and the US Forest Service) do not have improvements in close proximity to these structures.
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. This approval is specific to the site plan 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.
2. All exterior lighting will be downcast and opaquely shielded.
3. 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.

June 8, 2020

Routt County Planning  
136 6<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Steamboat Springs, CO 80477

RE: Rogers Residence  
61970 County Road #129  
Steamboat Springs, CO  
Variance Application

Dear Routt County Planning;

My name is Eric Rogers and my Wife, Daughter and I own and live full-time at 61970 County Road 129. The property - a tract of land described as North of RCR 129, Mom's Dream Ranch Exemption containing 23.04 acres, also known as 61970 RCR 129, Steamboat Springs, Colorado, is held in the name 2RCC (Two Rivers Cow Camp), LLC – which is just us.

Having lived near Steamboat Springs for several years, and finding ourselves heading north to the Zirkel Wilderness and Steamboat Lake, as much as south to town - we started looking at our options of moving north in 2015. We came across this property in late 2015 and fell in love with it, but were not able to purchase it until September 7, 2016, in a distressed state. This was our first experience with acreage and the number and type of improvements the previous owner had created, along with the amount of deferred maintenance from sitting vacant for 2 years, was intimidating - but seemed an exciting challenge. We have spent the last 4 years learning that we underestimated the challenges, but also underestimated how much we (and our pets) could enjoy living here. In that 4 years we have cleaned up a lot of deferred maintenance on the existing structures and property, have done a lot of forestry cleanup and wildfire mitigation in and around the property (in cooperation with the State Park), gone through the legal process of adjudicating the water storage that the previous owner had created, and immersed ourselves in the North Routt Community. In short, we have been cleaning up the 'loose ends' that we acquired with the property.

At the time of purchase, there were five buildings on the site as shown on the Improvement Survey Plat completed by Emerald Mountain Surveys Inc. We constructed an agricultural pole barn on the east property line in 2018 between the existing loafing shed and hay barn, using standing dead timber from on and around the property. The pole barn was permitted for electrical at the Routt County building department as required, but a site plan was not part of the application process for the structure. We also repaired and improved the hay barn and loafing shed over the last four years to their current state. During permitting for a remodel on the existing residence, to make it a better fit for our family, we realized the three easterly buildings are all encroaching the Agricultural / Forestry zoning setbacks of fifty (50') from the east property line. The buildings including the hay barn and loafing shed were constructed in 2005 and the newly constructed pole barn in 2018 are all within the 50' setbacks. Therefore we are making this variance application for approval. With the assistance of Four Points Surveying, we have prepared the variance request that follows. The paragraphs below provide the outline for the Board of Adjustment approval based on the current zoning regulations for the current buildings to remain as constructed in place.

**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. We utilize the property for residential purposes. Removal and relocation of the existing structures will cause an unnecessary and unreasonable hardship in the form of a large economic impact on our family, and a loss of storage for equipment used on the property. The hay barn and pole barn both have deep drilled concrete foundations due to the soil type found here, as well as concrete slabs on grade. It is not possible to move these foundations, so substantial and costly demolition would be required to relocate the structures. The current structures are used as living quarters for the family animals and equipment storage. The movement of the structures will also require a total relocation of the existing driveway, corrals, fences and other improvements throughout the property.
- 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 loafing shed, which is the closest structure to the property line, and the hay barn which is the closest structure to the public roadway and neighboring structures were built in the current configuration in 2005 by the previous owners. The survey used by the bank when we purchased the property did not identify any setback violations. When we built the pole barn in 2018, we applied for and received the required electrical permit – but a building permit was not required. We aligned the pole barn in conformance with the existing structures to the north and south because we were unaware of the existing or current setback violation when the pole barn was located and constructed. Because the pole barn was constructed between the existing structures, and no closer to the property line, it did not materially increase, change, or create the encroachment that the existing structures had already caused. Therefore, the circumstances creating the hardship were created through no fault of the appellant.
- 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. The 23 acre exemption parcel possesses two exceptional conditions that do not generally occur in the same Zone District. The first is the fact that it is entirely surrounded by Public Lands. The east line, where the setback violation has occurred, is bordering the Steamboat Lake State Park and the north line is the United State Forest Service. This portion of the state park sees very limited use by the public, due to lack of any trails or public improvements. The Second exception condition is that this exemption parcel was originally platted at only 23 acres in size, smaller than the standard minimum lot size of 35 acres that generally occurs in the A/F Zone district. This smaller size and the unique topography, including the location of a drainage running from the northeast to southwest, limit the potential locations of improvements. The goal of the A/F Zoning is to preserving the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County allowance of the current variance will not negatively impact any views. To that end, the three structures subject to this variance are not visible from the neighboring improvements. Additionally, the buildings are not visible from any streets due to the heavy aspen and evergreen forests as shown in the photographs below.

Recipient Name

Date

Page 3



From RCR 129 – Passing Property



From RCR 129 at South Property



From RCR 62 – Into Property



From Fire District Offices

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. Our property does not have any neighbors except for the vacant lands of the USFS to the north and Colorado State Park property to the east. Directly across RCR 129 is the North Routt Fire station. This building is used for fire service and volunteer meetings. The encroachment of the setback is not visible from any of these properties, due to the topography and established forest. The use and feel of the light, air and open space will not be impacted to users or occupants of the buildings by allowance of the variance to the east side setback.**

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. A/F Zoning is noted for the purpose of providing the productive agricultural and forested lands of Routt County and preserving the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County. In the neighborhood surrounding our property there will be little or no impacts from granting the variance, and the variance will permit the undisturbed use of a residential property as our full-time home.**

Recipient Name

Date

Page 4

Summary of the variance for each building

Building	Required	Requested
	Setback	Setback
LOAFING SHED	50.0	7.1
POLE BARN	50.0	13.2
HAY BARN	50.0	41.5

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 strive to be good neighbors to the Fire Station, State Park, and National Forest, and do not believe the encroachments in the setback negatively affect any of them, or the users of those public spaces. We sincerely appreciate your consideration of this variance request.

We are available to meet or speak about the project anytime.

Sincerely;



Eric Rogers  
2RCC LLC



Hay barn



Hay barn in foreground, pole barn in middle ground, loafing shed in background



Loafing shed in foreground, pole barn in middle ground, hay barn in background.



Look west toward the pond and pasture.





---

# Campbell Setback

## Variance

---

**ACTIVITY #:** PL-20-158

**BOARD OF ADJUSTMENT HEARING DATE:** September 14, 2020 at 6:00 pm

---

**PETITIONER:** Eli and Erin Campbell, Representative Brian Adams

**PETITION:** Request to construct a second story addition to an existing structure located in the setback

**LEGAL:** Lot 8, Country Green Subdivision

**LOCATION:** 34725 Country Green Road

**ZONE DISTRICT:** Mountain Residential Estates (MRE)

**AREA OF PARCEL:** 1.79

**PROPOSED SETBACK** Required: 50'

**VARIANCE:** Proposed: 28'

**STAFF CONTACT:** Tegan Ebbert [tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)

**ATTACHMENTS:**

- Applicant narrative
- Site plan
- 1990 BOA minutes and approval (Bailey Hearing)
- Site visit photos

---

### **History:**

This parcel was created in April, 1972 as part of the Country Green Subdivision. The plat was approved by the Board of County Commissioners and the parcels were assigned Mountain Residential Estates (MRE) zoning. In 1990 the property owners at the time were granted a variance to construct a single family residence 40' from the south property line. The meeting minutes from the October 22, 1990 Board of Adjustments meeting reveal that the applicant initially applied for a setback of 25' but indicated during the meeting that they could accomplish the construction with a setback of 40'. It appears that this change was made to appease the home owners' association at the time. The residence was then constructed approximately 34' from the property line. Neither staff, nor the current applicant, know if this was intentional or unintentional. The house also has an oversized overhang located on the south side of the residence bringing the distance from the property line to 28' 11 1/2". The Campbell family purchased the property in 2012.

**Site Description:**

The subject property is triangular in shape and bordered by Country Green Road on two sides. The entrance to the property is on the south side. The south side of the property, containing the driveway and front yard are generally flat. However, that area is entirely located within the setback. Behind the house is a fenced back yard that is a steep drop off, characterized by 20-30% slopes. Located to the west of the subject parcel is a lot containing a single family residence.

Today, the minimum lot size for a parcel in the MRE zone district is 5 acres, however, this parcel, with an area of 1.79 acres, is considered legal, non-conforming due to its approval status.

**Project Description:**

The applicant is proposing to construct a second story living space over the existing attached garage. This proposal does not increase the footprint of the structure, however, the improvements will be partially located within the south setback.

**Item of note:**

This application is broken into two different requests. The first is for an after-the-fact request to bring the existing residence into conformance. The second is for the proposed second story addition.

**Setbacks for MRE District**

<b>Property Line Setback</b>	<b>Proposed</b>	<b>Required</b>	<b>Variance</b>
South:	28'	50'	22'

**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: As noted above in the narrative, the existing steep topography of the lot makes accessing the road for a structure impractical without building close enough to the road to utilize the flatter portion of the lot. All areas within the building envelope of the lot are too steep for accessibility standards and practical construction.*

**Staff Comments: Staff find that it would be an unreasonable or unnecessary hardship for the property owner to move the existing residence. The property owner who constructed the residence in 1990 likely decided on the existing location based upon the topography of the lot and an access point with the gentlest grade. There is nothing in the 1990 Board of Adjustments Hearing minutes to indicate that the original request of a 25' setback wouldn't have been approved if the request had not been amended. The current proposal for a second story addition will not increase the footprint of the structure or the degree 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: As the hardship is based on existing topography, the circumstances were in effect prior to the date of the regulations.*

**Staff Comments: The parcel was created in 1972 via Board of County Commissioners' approval, although it is significantly smaller than a typical Mountain Residential Estates zoned lot. The configuration and topography of the lot remain the same as when it was originally subdivided. The currently owner is not the original builder of the residence and only discovered the discrepancy through a survey while preparing construction documents for the second story addition project.**

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 topography of this property has an apparent flatter upper portion, with a very steep lower portion down to the road below. The upper portion, on average, has 16% fall from road to setback, or buildable area. From there, the grade becomes steeper at 25-30% from front of building envelope to rear. Therefore, to place a building completely within the building envelope would result in a driveway access that would be too steep to utilize, and even still would cause the rear of a building to be roughly 16ft below the access drive. For these grade reasons, it is understandable to see why the original applicant asked to move the building closer to the road, utilizing the flatter portion for a constructible walkout basement and for an accessible driveway.*

**Staff Comments: The lot is smaller in area than a typical parcel zoned MRE and the lot is in a narrow, long configuration. The topography further complicates the site. Although the Planning Department considers slopes of 30% or higher to be unbuildable, this site has slopes of approximately 20-30% that likely influenced the location of the residence. The location of the residence is on the south side of the parcel on a raised, flat area that is easily accessed by Country Green Road. Overall, the site has a number of constraints that contributed to the nonconforming location of the residence.**

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: This additional variance will not diminish the value of the adjacent properties. The home, as it has already existed for roughly 30 years, is largely hidden from the road by the natural grade berm. Granting an additional variance for this existing prow form will not alter any adjacent lot view opportunities or open space.*

**Staff Comments: The location of the residence is not in a skyline zoned area and the proposed second story addition will match the existing roofline of the main portion of the house. The proposed addition will not increase the footprint of the structure or increase the level of non-conformity. No comments have been received from neighbors or the home owners' association**

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: Granting the existing prow form of the existing building to fit into a setback variance will not be directly contrary to the intent and purpose of the Master Plan or Regulations as the portion of the home that exceeds the existing 40ft setback approval is much less than half of the building's frontage size. The home will still successfully distance itself from the road and other neighboring homes.*

**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 and will not result in a larger structure footprint.**

## **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 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 existing location of the structure was influenced by site constraints upon its construction in 1990.

2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconforming lot that contributed to the site constraints was created in 1972.
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, the narrowness of the parcel, the topography, and the access point to the lot.
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.

### STAFF RECOMMENDATION

Staff recommends **approving** the variance **for the alterations and second story addition** 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 existing location of the structure was influenced by site constraints upon its construction in 1990.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconforming lot that contributed to the site constraints was created in 1972.
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, the narrowness of the parcel, the topography, and the access point to the lot.
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.

July 13, 2020

Dear Routt County Planning Department;

Please accept this letter as a request for a Variance to the Routt County Zoning Regulations standard based on Sec 3.4.4 for a variance to the Front Setback.

#### Narrative

In 1990, the then Owner of this property came before the Routt County Board of Adjustment to request a front setback variance. The front setback requirement in this MRE zone is 50ft. The letter on record from the BOA states that the Owner originally asked for a 25ft setback, and then during the meeting itself informed the BOA that they would only like to ask for a 40ft variance. The approved site plan for construction of this project appears to show that the Owner had intended on keeping out of this setback. The building was constructed to rotate from the site plan design, presumably in order to follow the grading contours of the site. A quick study of this shows that the site plan design would have rotated the building in a way that moved a corner of the home to a point on grade another 6-8ft lower, and was most likely the reason for the actual placement of the building. However, this decision appears to have pushed the prow shaped middle of the building into the 40ft setback variance area without the original Owner being aware.

Without this knowledge of the front setback construction error, the Campbells bought this lot in 2012. They now wish to do an addition to the home, by removing the existing roof over the one-story garage and adding a second floor above the garage only. They also wish to enlarge the exterior deck of the home. As shown on the site plan, the garage portion of the existing home already stays out of the 40ft approved front setback, and no new construction would encroach on this approved setback.

The Applicant does not have the original meeting minutes from the BOA meeting in 1990, but looking at the topography of the lot it is obvious to see why they originally needed to request this setback. The lot is relatively flat for the first 40-50 ft of the front of the lot (within the setback), then slopes down very steeply for the remainder of the lot. The irregular shape of the lot also makes the allowable building area quite restricted, but is very secondary when compared to the difficult topography hardships.

Based on the ILC survey of the lot, the existing tip of the structure is 34ft± from the property line. And, the tip of the prow roof is 29ft± from the property line. We would request to amend the originally approved variance to front setback to 29ft to bring this existing structure into legal conformity.

#### Criteria for review and approval

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.*

As noted above in the narrative, the existing steep topography of the lot makes accessing the road for a structure impractical without building close enough to the road to utilize the flatter portion of the lot. All areas within the building envelope of the lot are too steep for accessibility standards and practical construction.

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.*

As the hardship is based on existing topography, the circumstances were in effect prior to the date of the regulations.

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.*

The topography of this property has an apparent flatter upper portion, with a very steep lower portion down to the road below. The upper portion, on average, has 16% fall from road to setback, or buildable area. From there, the grade becomes steeper at 25-30% from front of building envelope to rear. Therefore, to place a building completely within the building envelope would result in a driveway access that would be too steep to utilize, and even still would cause the rear of a building to be roughly 16ft below the access drive.

For these grade reasons, it is understandable to see why the original applicant asked to move the building closer to the road, utilizing the flatter portion for a constructible walkout basement and for an accessible driveway.

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.*

This additional variance will not diminish the value of the adjacent properties. The home, as it has already existed for roughly 30 years, is largely hidden from the road by the natural grade berm. Granting an additional variance for this existing prow form will not alter any adjacent lot view opportunities or open space.

5. *The variance, if granted, will not be directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan.*

Granting the existing prow form of the existing building to fit into a setback variance will not be directly contrary to the intent and purpose of the Master Plan or Regulations as the portion of the home that exceeds the existing 40ft setback approval is much less than half of the building's frontage size. The home will still successfully distance itself from the road and other neighboring homes.

Thank you for considering this variance request.

Sincerely;

Brian Adams  
APEX Architecture, PC



# ROUTT COUNTY REGIONAL PLANNING COMMISSION

November 26, 1990

Eric and Karen Bailey  
Box 771325  
Steamboat Springs, CO 80477

Dear Mr. and Mrs. Bailey:

The Routt County Board of Adjustment convened on October 22, 1990, to review a setback variance to build a single-family dwelling 25' from north and south property lines and height variance of 3' above the 25' allowable height. The property is located on Lot 8 Country Green and is zoned Mountain Residential Estates.

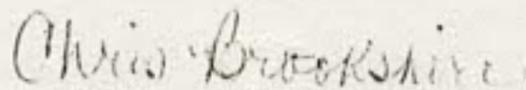
During the hearing it was explained that you would like to change the variance request to build 40' from the lot line (82' from centerline of roadway). The height variance would remain the same. The Country Green Homeowners Association approved the change of variance request.

The Board approved a setback variance of 40' from property line (82' from centerline of roadway) and height variance of 3' above the 25' allowable height with the following conditions:

1. The building shall comply with all applicable requirements of the Environmental Health and Building Departments.
2. If construction does not commence within one year, this variance shall be reviewed again for continued appropriateness.

This letter is for your records. If you have any questions, please contact this office.

Sincerely,



Chris Brookshire  
Secretary

P.O. BOX 773749, STEAMBOAT SPRINGS, COLORADO 80477  
(303) 879-2704 • FAX (303) 879-3992

Vote

The motion to approve the variance with the friendly amendment was approved 4-aye to 1-nay (Yurich).

Eric Bailey - Setback and height variance

Mr. Eric Bailey was present to request a setback variance to build a single-family dwelling 25 feet from north and south property line and height variance of 3' above the 25' allowable height. The property is located on Lot 8 Country Green and is zoned Mountain Residential Estates (MRE).

Discussion

Mr. Bailey explained that he would like to change his variance request to build 40' from the lot line (82' from centerline of roadway) instead of 25'. He has met with the Country Green Homeowners Association and the change to the original setback request was adopted at that meeting. The new setback request has been approved by the homeowners association and he submitted a letter to that effect.

Ms. Grogan explained to the Board where the new location would be as per the site plan submitted in the factsheet. She also presented a video of the site.

Is the house further up the hill in the scrub oak? Mr. Bailey explained that the house will be located 50' further away from the road to the west.

There were no comments from the audience and no correspondence received except the letter from the homeowners association.

Mr. Bailey presented a model of the lot showing elevations and the location of the house and road. He explained that the road is not built in relation to where the stakes were placed. When the property was surveyed the stakes were in the wrong location and the buildable area was not on his property and the prime solar gain was lost. He did not want to build around the ridge on the property and lose all of the solar area.

Mr. Bailey explained that the adjoining neighbors each have height variances and one has a setback variance. His height variance is a result of the slope. The house is intended as a single story with a loft and a steep pitch.

Motion

Mr. Yurich offered a motion to approve the setback variance of 40' from property line (82' from centerline of roadway) and height variance of 3' above the 25' allowable height with the following conditions:

1. The building shall comply with all applicable requirements of the Environmental Health and Building Departments.

10/22/90

Minutes

R.C.B.O.A.

2. If construction does not commence within one year, this variance shall be reviewed again for continued appropriateness.

Mr. Maddox seconded the motion.

Vote

The motion was unanimously approved.

Jim Rossi - Ranch mobile home variance

Mr. Jim Rossi was present to request a ranch mobile home variance to be placed in Section 6, Township 3 North, Range 85 West. The mobile home will be located approximately 1 mile southwest of Oak Creek, Colorado on the west side of County Road 25.

Discussion

Mr. Rossi explained that this mobile home will replace a ranch mobile home that was located at the site approximately 1.5 years ago. The owner of the mobile home (Mr. Berry) will be working for him part-time and for the Town of Oak Creek full-time. He stated that the sewer is installed, the water is supplied from the Town of Oak Creek and electricity is supplied by YVEA. The closest neighbor is Jerry Nelson and he cannot see the mobile home from his property.

**What duties will Mr. Berry have on the ranch?** Mr. Rossi stated that he will be building fence and haying. He will be working weekends and after work as a trade for placement of the mobile home. During haying season he will be receiving extra income.

**How many mobile homes are currently on the ranch?** Mr. Rossi stated that there is one mobile home.

**Is there a temporary mobile home variance on this property?** Mr. Rossi stated that he placed a temporary mobile home on the property that he lived in while he was building his home and then the mobile home was used for ranch help. **Is this mobile home located south or northwest of Oak Creek?** It is approximately 200 yards away from the location for the new mobile home.

Mr. Yurich stated that he had once fixed fence for Mr. Rossi. The previous owner of the mobile home did mechanical work for Mr. Rossi and worked full time at the coal mine. The mobile home is located in a nice area and is out of everyones way.

**Is there a foundation at the site?** There is no foundation.

Mr. Sharpe asked if Mr. Yurich could impartially review this variance since he was once employed by Mr. Rossi. Mr. Yurich stated that he could review this item without any conflict of interest.

Proposed area of second story addition





Backyard area

Front of house, area of existing encroachment into south setback



Front yard area

Country Green Road

Northeast corner of lot from Country Green Road

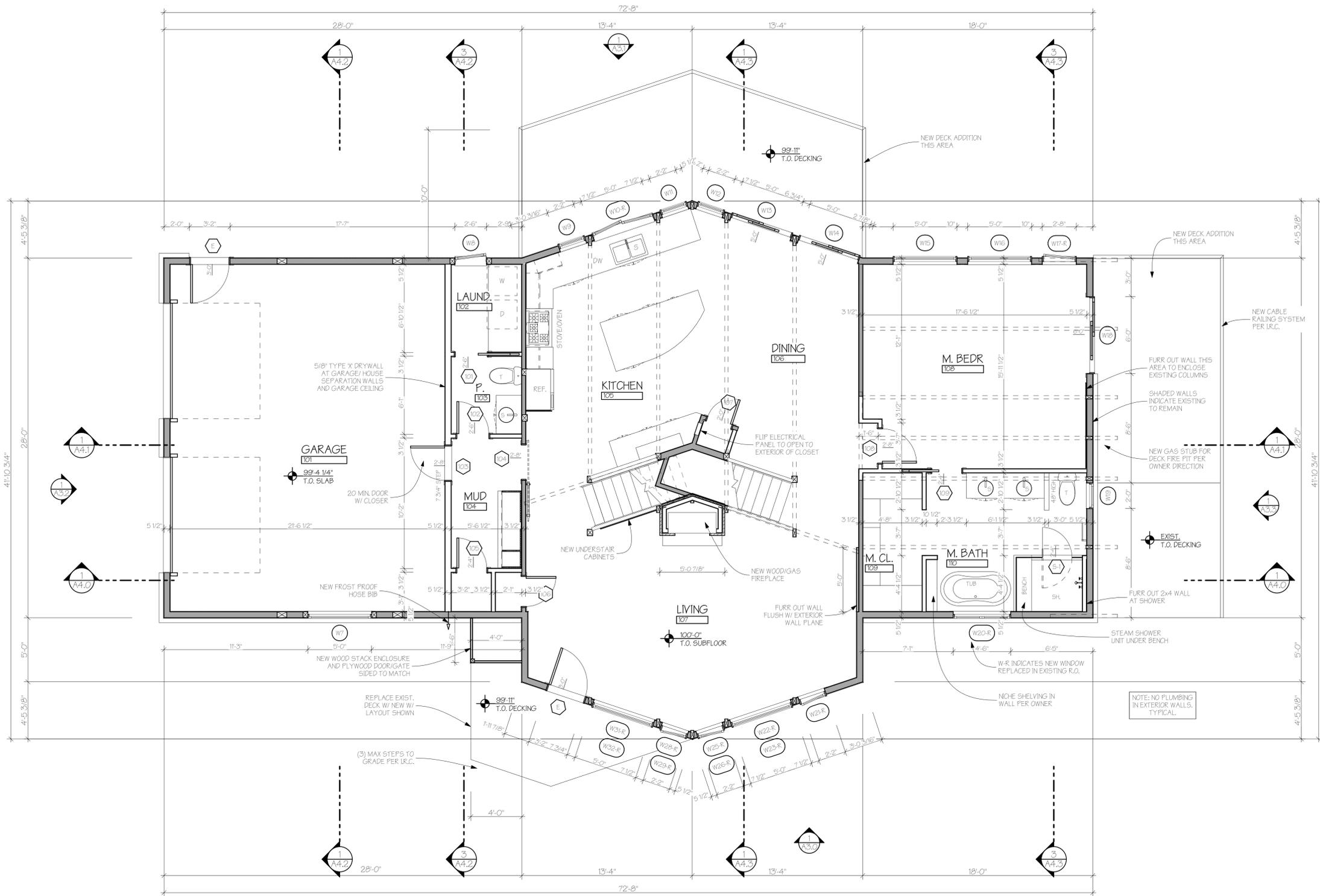


North side of lot from Country Green Road



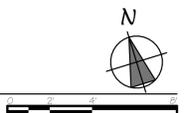






NOTES:  
 1) VERIFY ALL DIMENSIONS WITH EXISTING IN FIELD. CONTACT ARCHITECT WITH ANY DISCREPANCIES.  
 2) WINDOW LOCATION DIMENSIONS ARE NOT BASED ON ANY SPECIFIC WINDOW MANUF. VERIFY WITH ARCHITECT ONCE WINDOW MANUF. IS SELECTED.

1 MAIN LEVEL PLAN  
 SCALE: 1/4" = 1'-0"



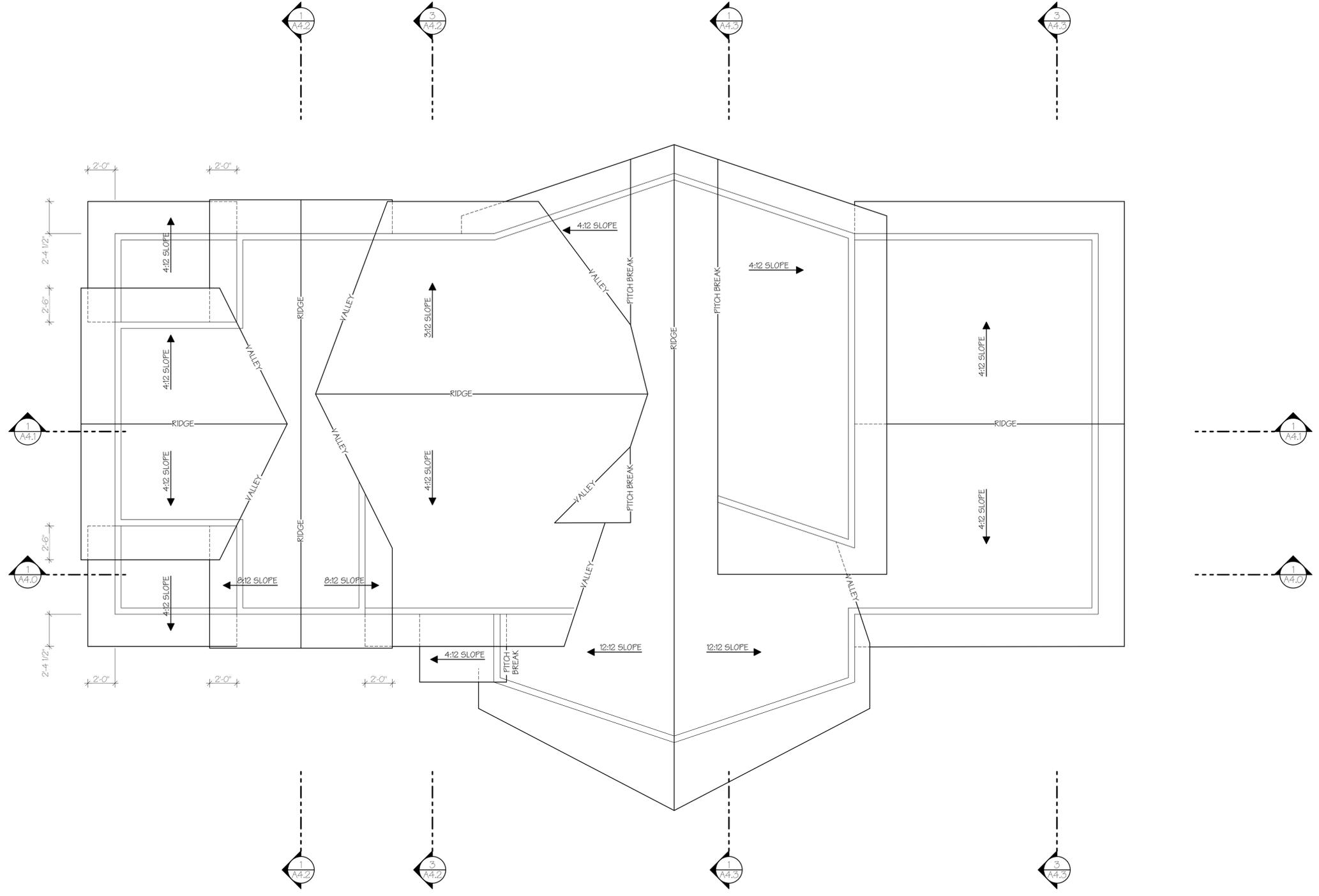
An Addition and Remodel for  
**CAMPBELL**  
 34725 COUNTRY GREEN RD  
 LOT 8, COUNTRY GREEN SUBD.  
 ROUTT COUNTY, COLORADO

REVISIONS:

NO.	DATE	DESCRIPTION

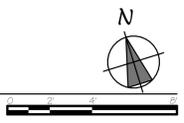
ISSUE DATE: 07/13/2020  
 BOA VARIANCE  
 PROJECT NO: 15016  
 SHEET TITLE: MAIN LEVEL PLAN  
 SHEET NO: A2.1





NOTES:  
 1) VERIFY ALL DIMENSIONS WITH EXISTING IN FIELD. CONTACT ARCHITECT WITH ANY DISCREPANCIES.  
 2) WINDOW LOCATION DIMENSIONS ARE NOT BASED ON ANY SPECIFIC WINDOW MANUF. VERIFY WITH ARCHITECT ONCE WINDOW MANUF. IS SELECTED.

1 ROOF PLAN  
 SCALE 1/4" = 1'-0"



An Addition and Remodel for  
**CAMPBELL**  
 34725 COUNTRY GREEN RD  
 LOT 8, COUNTRY GREEN SUBD.  
 ROUTT COUNTY, COLORADO

REVISIONS:

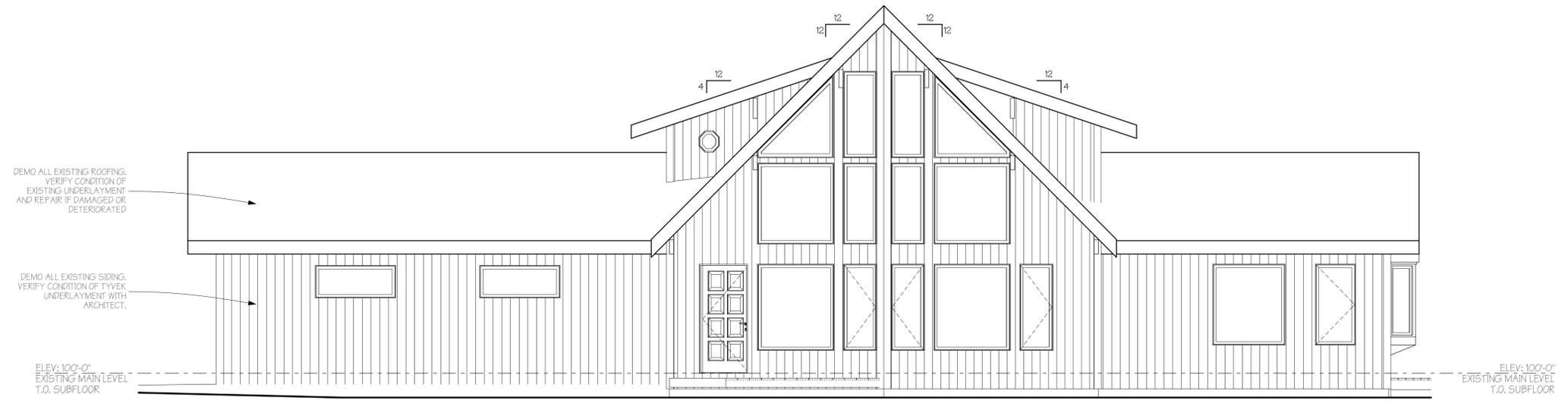
ISSUE	DATE	CHANGE

ISSUE DATE: 07/13/2020  
 BOA VARIANCE

PROJECT NO: 15016

SHEET TITLE:  
 ROOF PLAN

SHEET NO:  
**A2.4**



① DEMO SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"



② SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS:

ISSUE	DATE	CHANGE

ISSUE DATE: 07/13/2020  
BOA VARIANCE

PROJECT NO: 15016

SHEET TITLE:  
ELEVATION(S)

SHEET NO:  
**A3.0**





