

ROUTT COUNTY BOARD OF ADJUSTMENT

MINUTES

AUGUST 12, 2019

The Routt County Board of Adjustment meeting was called to order at 6:00 p.m. with the following members present: Acting Chairman Jeff Gustafson, Brian Fitzgerald, Rohail Abid, Gerard Albers and Don Prowant. Assistant Planning Director Kristy Winsor and staff planner Tegan Anderson were also present. Sarah Katherman prepared the minutes from a recording.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES - June 10, 2019

Mr. Fitzgerald moved to approved the minutes of the June 10, 2019 Board of Adjustment hearing, as written. Mr. Prowant seconded the motion. **The motion carried 5 - 0, with the Chair voting yes.**

ACTIVITY: PL-19-140

PETITIONER: John Skovgaard

REQUEST: Variance from required setbacks to accommodate an addition to an existing house and new garage

Required setbacks : 50 ft. from all property lines

Requested setbacks : 16 ft. from east property line (for a variance of 34 ft.) for the garage
34 ft. from west pro perty line (for a variance of 16 ft.) for the garage
28 ft. from the east property line (for a variance of 22 ft.) for the addition
33 ft. from the west property line (for a variance of 17 ft.) for the addition

LOCATION: 32818 McKinnis Creek Road

.Mr. John Skovgaard reviewed the application for two sets of variances from the required setbacks to add a master suite onto an existing home and to build a garage.

Ms. Anderson stated that the parcel is zoned Mountain Residential Estates (MRE), which has a minimum lot size of five acres, even though the parcel contains only 0.59 acres and at its widest is only 85 ft. She stated that due to the 50 ft. setbacks required in the MRE zone district, a variance was granted for the existing home on the lot. She presented a site plan and indicated the proposed

addition and the proposed garage. In response to a question from Mr. Albers, Ms. Anderson indicated the two existing driveways. She stated that the driveway on the east side of the lot will be closed off if this variance request is granted. Mr. Skovgaard clarified that the narrow portion of concrete would be removed and the wider area would be converted to a patio. The access on the west side will be the only access. Ms. Anderson presented photos of the property and indicated the locations of the proposed new addition and garage.

Mr. Fitzgerald noted that none of the parcels in the subdivision contain five acres. Ms. Anderson confirmed that this is true and added that the subject parcel is the smallest lot in Fox Estates, and the narrowest. She stated that the subdivision was created in the 1970s, and offered that a subdivision of this type would be zoned differently under the current regulations. In response to a question from Mr. Fitzgerald, Mr. Skovgaard stated that there are three vacant lots in the subdivision and that one was recently purchased and a new home is being constructed. Mr. Skovgaard said that a variance had been granted last year for a garage on Lot 10. He said that he assumes that many of the lots probably required variances due to the location of the road and the steepness of the area.

Mr. Prowant asked about the rebar on the plat. Mr. Gustafson said that those are the survey monuments. There was a discussion of the driveway. Ms. Anderson noted that the upper road is private. The road that ends in a cul-de-sac is a public road.

Ms. Anderson stated that the applicant's intention is to build the garage first and then the addition. She stated that the typical condition of approval allows for construction to begin within one year. She said that because the addition would be constructed later, staff is recommending allowing two years for construction of the addition to commence. She stated that this is the only difference between the two suggested motions listed in the staff report.

Mr. Gustafson reviewed the findings of fact, noting that the same findings apply to both variance requests.

MOTION

Mr. Prowant moved to approve the requested variances to accommodate a new 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 size and configuration of the property that makes adhering to the required setbacks unreasonable and the lot unbuildable.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in 1970 when Fox Estates Subdivision was platted.

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.

: 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 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 5 - 0, with the Chair voting yes.

MOTION

Mr. Prowant moved to approve the requested variances to accommodate an addition onto an existing home. 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 size and configuration of the property that makes adhering to the required setbacks unreasonable and the lot unbuildable.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created in 1970 when Fox Estates Subdivision was platted.
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.

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 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. Fitzgerald seconded the motion.

The motion carried 5 - 0, with the Chair voting yes.

ADMINISTRATOR 'S REPORT

Ms. Winser stated that there would be a BOA meeting on September 9th, and that two applications would be considered. Mr. Gustafson said that he may recuse himself from one of those two requests.

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