

ROUTT COUNTY BOARD OF ADJUSTMENT

DRAFT MINUTES

NOVEMBER 13, 2017

The Routt County Board of Adjustment meeting was called to order at 6:00 p.m. with the following members present: Chairman Steve Moore, John St. Pierre, Brian Fitzgerald and Don Prowant. Staff planners Alan Goldich and Jillian Ferguson were also present. Sarah Katherman recorded the meeting and prepared the minutes.

MINUTES – May 8, 2017

Mr. Fitzgerald moved to approve the minutes of the May 8, 2017 Board of Adjustment hearing, as written. Mr. St. Pierre seconded the motion. **The motion carried unanimously.**

MINUTES – July 10, 2017

Mr. Fitzgerald moved to approve the minutes of the July 10, 2017 Board of Adjustment hearing, as written. Mr. St. Pierre seconded the motion. **The motion carried unanimously.**

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL-17-157

PETITIONER: Autum and Mark Sloop

REQUEST: Variance from required setbacks for an existing structure

Required setbacks: 50 ft. from all property lines

Requested setbacks: 10.4 ft. setback from the west property line (for a variance of 39.6 ft.)

11.6 ft. setback from the south property line (for a setback of 38.4 ft.)

LOCATION: Lot 15, Elk River Estates F2; 29255 Elk View Court, Steamboat Springs

Mr. Moore noted that with only four members of the Board of Adjustment present, a unanimous decision must be reached for a variance to be approved.

Mr. Mark Sloop reviewed the chain of ownership of the property, which he purchased in 2004. He said that he is the fourth owner of the property since the house was built. The original owner constructed the garage. He said that the garage structure had been in existence since sometime in the late 1970s, and had never been questioned in the course of many surveys and title searches. Mr. Sloop stated that the structure was originally built as a pole barn. The slab was subsequently poured around it. He reviewed an aerial photograph of the site.

Mr. Sloop said that although he had done extensive research in the County's files, he had not been able to locate a permit for the garage. He added, however, that he had spoken with Yampa Valley Electric Association (YVEA) representatives who assured him that YVEA would not have provided service to the structure if an approval had not been obtained from the building department. Mr. Sloop stated that the garage structure is served by electricity and is metered independently of the house. He stated that the non-conformance was discovered when he and his wife applied for a permit for improvements to the main house. He was told that although no changes are planned for the garage, the structure would have to be brought into conformance prior to an issuance of Certificate of Occupancy for the addition.

Mr. Sloop discussed the practical difficulties of tearing down and re-building the garage. He noted the expense of such a project and stated that due to the location of the leach field, septic system, well, and the mature trees around the house, locating the storage structure outside the required setbacks would be very difficult and impractical. He noted that the lot, which contains 1.51 acres, is very small compared to other lots in the Mountain Residential Estates (MRE) zone district. He offered that it would be unreasonable to locate the structure in the front yard.

Mr. Moore asked if the building permit had been obtained for the remodel of the main house. Mr. Sloop confirmed that it had, and that no changes to the garage are planned. He said that he uses the structure for storage and family projects, and parks his truck there in the winter to allow for easy access and quick response to towing requests.

Mr. Fitzgerald asked if the applicants would accept a condition of approval that would disallow any changes to the garage. Ms. Autumn Sloop said that they would be fine with such a condition.

In response to a question from Mr. Prowant, Mr. Sloop stated that YVEA had updated and buried the electric lines that serve the property. The structure does not encroach into the utility easement.

Public Comment

Mr. John Waddick, the adjacent property owner to the west, stated that he had lived there since 1988. He said that the garage had been in existence over the course of several owners, and that it had never caused any problems. He indicated his property on the aerial photo, and noted that the garage, which is located in the southwest corner of the Sloop property, is very close to his property line. He stated that the Sloops take excellent care of their property and that he is in support of the variance request. He said he would be very disappointed if the Sloops were forced to remove the garage.

Mr. Bill Fetcher, a nearby neighbor, stated that he had lived in the neighborhood since 1985 and that his house was constructed at the same time as the Sloop's home. He said that the Sloop home had been built by Lawrence Snowden, who had constructed the shed with a metal roof, contrary to the covenants of the Elk River Estates homeowners' association. He said that when he refused to comply with the shingle roof covenant, the homeowners' association dissolved and many other metal roof were subsequently built in the subdivision. Mr. Fetcher said that this had benefited him when his house, that was equipped with a metal roof, was struck by lightning. He stated that the Sloop's garage is an asset to the property and should be allowed to remain. Mr. Fetcher reviewed the access to the lots in the neighborhood.

Mr. Waddick stated that the garage structure has been in existence for about 40 years with no complaints. He offered that if the structure was placed incorrectly, it was not Mr. Sloop's fault and he should not have to pay for its removal.

Seeing no further comment, Mr. Moore closed public comment.

Ms. Ferguson confirmed that no additional correspondence had been received regarding the petition. She noted that the property, with only 1.51 acres, is much smaller than most parcels in the MRE zone district, which has a minimum lot size of 5 acres. With the 50 ft. required setbacks, the mature trees, the septic leach field and the well, the buildable area on the lot is very constrained. She added that the property slopes in the front of the house, which would add to the difficulty of finding an alternate location for the garage. Mr. Goldich stated that staff recommends approval of the variance request.

Ms. Ferguson confirmed that staff was unable to find a permit for the structure, but that YVEA insists that electrical service would not have been provided to the garage without a sign-off from the Building Department.

Mr. Sloop clarified that he does not use the garage for his business. He said that he has a separate lot where all of his towing equipment is located. He said that he stores his truck in the garage in the winter for easy access.

Ms. Sloop presented an additional letter of support from neighbors Allyson Spear and John DiVincintis. Mr. Moore read the letter into the record.

Mr. Moore noted a discrepancy between the variance request listed in the staff report (39.6 ft.) for a setback of 10.4 ft. from the west property line and the distances indicated on the improvement location certificate. The distance shown on the certificate indicates that the actual setback is 10.1 ft. from the property line. He suggested that the variance should match the measurements listed on certificate to ensure that the variance is adequate.

MOTION

Mr. Prowant moved to approve a 39.9 ft. variance from the required 50 ft. setback for a setback from the west property line of 10.1 ft. and a 38.4 ft. variance from the required 50 ft. setback for a setback of 11.6 ft. from the south property line to bring an existing structure into conformance. 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 limited buildable area due to the property line and septic system setback requirements, and that placement of a large shop in the front yard is considered unreasonable.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created during the late 1970's.
3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not generally occur in other property in the same Zone District because of the narrowness and shallowness of the buildable area

- created by the property line and septic system setback requirements and the fact that this lot is only 1.51 acres in the MRE zone district.
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 and has existed since the late 1970's.
 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. 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.
3. All exterior lighting will be downcast and opaquely shielded.

Discussion and Friendly Amendments

Mr. Fitzgerald expressed concern with including conditions in the variance approval that do not apply to the structure being brought into conformance. He proposed a friendly amendment to strike suggested conditions 3, 4 and 6. This amendment was accepted, as indicated above.

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

ADMINISTRATOR'S REPORT

Mr. Goldich stated that no new variance applications had been submitted and that no Board of Adjustment meetings had been scheduled at this time.

The meeting was adjourned at 6:45 p.m.