

**ROUTT COUNTY BOARD OF ADJUSTMENT
FINAL MINUTES**

JUNE 8, 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 Anderson were also present. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL-19-190

APPELLANT: Zirkel Wireless

REQUEST: Variance Construct telecommunications facility within the property setback

Required setbacks : 50 ft. from the property line

Requested setbacks : 25 ft. from the east property line for a variance of 25 ft.

LOCATION: West slope of Hahn 's Peak via USFS access road 490

Chairman Fitzgerald noted that because the meeting is virtual, the applicant could choose to table the hearing at any time due to technical difficulties.

Mr. Alan Belvo, co-founder and president of Zirkel Wireless reviewed the petition, noting that the community in North Routt has been requesting access to broadband service for some time. Ms. Ebbert presented a topographical site plan of the area. Mr. Belvo stated that the proposed structure is 26 ft. x 13 ft. to be located on the only flat area within the parcel. The remainder of the parcel has grades of 50% to 70%. Mr. Jim Stegmeier of Yampa Valley Engineering, representing the applicant, stated that the request is for a variance of 25 ft. Ms. Ellen Slobodnik, also of Yampa Valley Engineering, noted that the antennae and a portion of the cabin that will house the equipment does not encroach into the setback.

Ms. Ebbert stated that this non-conforming lot is a very difficult site due to the slopes. The proposed site is the only buildable area on the property. She presented photos of the site and noted that the US Forest Service (USFS) had stated that the proposed location for the structure is the only safe spot on the parcel. Mr. Belvo confirmed that Zirkel Wireless had consulted with the USFS, and will meet with USFS representatives soon to finalize the details of the access permit. Ms. Ebbert said that staff is recommending approval of the variance request.

Mr. Stegmeier stated that no fencing is being proposed because all the equipment will be housed within the cabin structure. The facility is to be located entirely on private property.

Ms. Winser stated that Planning Commission had reviewed the proposal last Thursday and had unanimously approved the Conditional Use Permit for the telecommunications facility contingent upon the variance being granted. She added that referrals had been sent to the USFS, Colorado Parks and Wildlife, Steamboat Lake State Park and the Building Department. She reported that the applicant had worked with the Building Department to ensure that the proposed structure meets snow, wind and avalanche standards.

In response to a question from Mr. Prowant, Ms. Ebbert explained that the parcel is owned by multiple parties, each with a percentage ownership. The County no longer allows this type of ownership. She stated that all interested parties had signed off on the proposal.

MOTION

Commissioner Albers moved to approve the variance from the required setback of 25 ft., for a setback of 25 ft. from the west property line, to allow for the construction of a telecommunications facility. 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 severe topographical constraints of this parcel.**
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 **severe slope of the parcel and the limited accessibility.**
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. 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.

Commissioner Prowant seconded the motion.

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

ADMINISTRATOR 'S REPORT

Ms. Winser reviewed the upcoming schedule of hearings.

The meeting was adjourned at 6:35 p.m.