

ROUTT COUNTY BOARD OF ADJUSTMENT

FINAL MINUTES

JUNE 10, 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, Thorne Clark and Don Prowant. Assistant Planning Director Kristy Winser and staff planner Tegan Anderson were also present. Sarah Katherman prepared the minutes from a recording.

SUNSHINE LAW RESOLUTION

Mr. Gustafson reviewed the Sunshine Law Resolution specifying posting locations for the announcements of Routt County Board of Adjustment hearings for 2019 in accordance with C.R.S § 24-6-402.

MOTION

Mr. Fitzgerald moved to approve the Sunshine Law Resolution for 2019, as presented. Mr. Prowant seconded the motion. **The motion carried 4 - 0.**

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES - December 17 , 2018

Mr. Fitzgerald moved to approved the minutes of the December 17, 2018 Board of Adjustment hearing, as written. Mr. Prowant seconded the motion. **The motion carried 4 - 0, with the Chair voting yes.**

ACTIVITY: PL-19-128

PETITIONER: Gerald and Connie Moscoe

REQUEST: Variance from required setbacks to accommodate a new garage
Required setbacks : 50 ft. from all property lines

Requested setbacks : 39 ft. from south property line (for a variance of 11 ft.)
37 ft. from west property line (for a variance of 13 ft.)

LOCATION: 26755 US Highway 40; located immediately west of Riverbend Trail

Mr. Moscoe reviewed the application. He said that the existing shed, which is dilapidated, would be torn down. The garage would be placed on the same footprint, but would extend slightly further into the south setback. He presented a site plan and indicated the location of the proposed garage, the shared driveway, the Hogue ditch and a run-off ditch that crosses the property. He stated that the

lower (southeastern) portion of the lot often floods. Mr. Moscoe noted that the abandoned leach field is on the eastern side of the lot. The property is now served by Steamboat II Metropolitan Water and Sanitation District. Mr. Moscoe indicated the location of the water and sewer lines to the house.

Mr. Prowant asked about the utility lines. Mr. Moscoe indicated the location of the above ground lines that extend to the pole. The electric service to the house is underground.

Mr. Gustafson noted that with only four members of the Board of Adjustment present, a unanimous vote is needed for approval. Ms. Anderson said that the applicant could request that the application be tabled at any time prior to a motion being made.

Ms. Anderson stated that the property has many constraints. With setbacks of 50 ft. there is only a small area on the 0.88-acre lot that is not in the setbacks. She noted that the property is zoned Agricultural/Forestry (A/F), which has a minimum lot size of 35 acres. This is a legal non-conforming lot. Ms. Anderson presented photos of the existing shed that will be torn down, the house, a small storage shed and the southeast portion of the lot, which is the area that often floods. She offered that it would be very impractical to locate the garage in that portion of the lot. Ms. Anderson stated that the garage cannot be attached to the house, as it would block the egress windows from the bedroom. The garage must also be separated sufficiently from the house to accommodate the snow that will shed from the garage and from the house.

Ms. Moscoe added that there are snow storage easements on the north and southwest parts of the lot that prohibit anything from being built in those areas.

There was no public comment.

Mr. Gustafson asked about the distance to the power line. Mr. Moscoe estimated that it was approximately 34 ft. Ms. Moscoe noted that the neighbor's garage is 18 ft. from the property line.

Ms. Anderson said that a building permit application had been submitted and reviewed, and it was determined that the proposed garage meets code. The only thing holding back the issuance of the building permit is the variance. She added that the applicants had also obtained a demolition permit for the shed. Ms. Anderson stated that no correspondence had been received regarding the variance request other than the referral from the Building Department.

Mr. Gustafson reviewed the five criteria that must be met for a variance to be granted. He noted that the only area on the lot that could accommodate the garage and not encroach into the setback is on the southeast side of the house, which is the area that floods. He stated that it would not be practical to locate the garage there.

MOTION

Mr. Fitzgerald moved to approve the requested variances of 11 ft. on the south side (for a setback of 39 ft. from the property line) and 13 ft. on the west (for a setback of 37 ft. from the property line) 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 of lot and significant development constraints that limit the location of the proposed structure.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity and small parcel were created prior to the adoption of the Routt County Zoning Regulations on March 7, 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 many physical constraints limiting the building envelope. These physical constraints are the small acreage size, potential for flooding, and location of existing structures on 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. 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. Clark seconded the motion.

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

ADMINISTRATOR 'S REPORT

Ms. Winser stated that no new applications for variance requests had been submitted, so there will be no meeting on July 8, 2019.

Ms. Anderson said that two new members had been appointed to the Board of Adjustment: Rohail Abid and Gerard Albers.

Ms. Winser stated that staff was working with the County Attorney's office to arrange for a BOA training session. She said that if it could not be arranged for a regularly scheduled meeting, it might be combined with the Planning Commission training, which will be held on a Thursday evening.

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