

**ROUTT COUNTY
FINAL MINUTES**

JUNE 15, 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-20-116

APPELLANT: Gregory and Christine Rudolph

REQUEST: Variance to construct and addition to a single family residence within the property setback

Required setbacks : 50 ft. from the property line

Requested setbacks : 42 ft. from the east property line for a variance of 8 ft.

LOCATION: Lot 3 Elk River Estates, Filing 3; located at Elk View Drive

Chairman Fitzgerald noted that because the meeting is virtual, the applicant could choose to table at any time due to technical difficulties. He said that with only four members present a unanimous vote is needed to approve the request. The applicant may request a tabling until a full board is present.

Mr. Steve Ivancie of Jake's Drafting, representing the petitioner, reviewed the variance request. He presented an aerial view of the site and indicated the location of the enclosed entry that will increase the non-conformity. On a site plan, he indicated the proposed addition and the parts of the house that currently encroach into the setback.

Ms. Ebbert confirmed that the existing house, which was constructed in 1972 (the same year that zoning went into effect in Routt County), received a building permit and was granted a variance in 2000 for the location of the existing house in its current location. In response to a question from Chairman Fitzgerald, Ms. Ebbert stated that because the existing structure has been approved twice: once through the building permit and again through a variance, there would be no need to again approve the existing encroachment into the setback. Ms. Winser stated that the motion could acknowledge the previous variance.

Ms. Ebbert explained that the proposed new entryway would essentially enclose the existing porch. She presented a photo of the house. The area that would increase the footprint of the portion of the house that is in the setback is 58 sq. ft. She stated that the current owners cannot change the location of the home. Mr.

Ivancie noted that the enclosed porch would be contained within the existing roof overhang. Although the entryway technically enlarges the footprint of the house, it will not increase the area under the roofline.

Mr. Gustafson asked about the retaining walls. Mr. Ivancie reviewed the variance that was granted in 2000, which included the retaining walls to allow egress from the basement. In conjunction with that variance, a variance was granted to bring the existing house into conformance in its current location. He reviewed the site plan and indicated that the existing structure encroaches into the setback well beyond where this new enclosure is located. There was a discussion of extending the variance beyond what is being requested. Ms. Ebbert stated that any variance approval is specific to the plans submitted.

MOTION

Commissioner Albers moved to approve the requested 8 ft. variance from the required setbacks, for a setback of 42 ft. from the east property line. He recognized that the existing house has a 12' setback previously approved. 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 **the property owners are limited by the existing location of the residence.**
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 approved, existing location of the residence.
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. Gustafson seconded the motion.

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

ADMINISTRATOR 'S REPORT

Ms. Winser reviewed the upcoming agendas for July 13th and August 10th. 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 6:45 p.m.