

ROUTT COUNTY BOARD OF ADJUSTMENT

FINAL MINUTES

OCTOBER 8, 2018

The Routt County Board of Adjustment meeting was called to order at 6:00 p.m. with the following members present: Chairman Steve Moore, Jeff Gustafson, Don Prowant and Brian Fitzgerald. Assistant Planning Director Kristy Winser and staff planners Chris Brookshire and Alan Goldich were also present. Sarah Katherman prepared the minutes from a recording.

MINUTES - June 11, 2018

Mr. Gustafson moved to approve the minutes of the June 11, 2018 Board of Adjustment hearing, as written. Mr. Prowant seconded the motion. **The motion carried unanimously.**

PUBLIC COMMENT

There was no public comment.

Chairman Moore notified the petitioners that because only four members of the Board of Adjustment (BOA) are present, a unanimous vote would be required for approval. He said that the petitioners could request a tabling at any time prior to a motion being made.

ACTIVITY: PL-18-174

PETITIONER: Nick Metzler

REQUEST: Variance from the required setbacks to enclose a deck to combine two buildings to bring a legal non-conforming structure into conformance

Required setbacks: 50 ft. from all property lines

Requested setbacks: 14.7 ft. from the north property line (for a variance of 35.3 ft.)

42.92 ft. from the north property line (for a variance of 7.08 ft.)

LOCATION: 41300 CR 36, Steamboat Springs, CO

Tr. In N2SW4NE4SW4 Section 33, T6N, R84W - 3.5 acres

Mr. Metzler described the property and presented a site plan. He pointed out the existing structures, including a small hay meadow, the drainages and the areas vegetated with large cottonwoods. Mr. Metzler said that he had had the buildings reviewed by an engineer, who confirmed that structures are all sound. He said that he and his wife are proposing to connect the existing buildings to make a single family home that would accommodate their family and guests. He described the variance request that would enable them to connect two of the buildings. Mr. Metzler stated that final construction plans have not been developed, as they were not certain if the variance would be approved.

Mr. Metzler said that he had discussed the proposal with the surrounding neighbors, all of whom were supportive of the concept. He stated that there would be no way to connect the buildings without encroaching into the 50 ft. setback.

Ms. Brookshire stated that the request is actually for two variances: one for the new connection between the structures, and another to bring an existing legal non-conforming structure into conformance. She said that to address the staff comments included the staff report, staff had added some suggested conditions to the standard conditions that usually accompany variance approvals. She said that variances are generally approved subject to specific plans, but in this case only conceptual drawings are available. She said that once the building is constructed, it will be the only single family home on the property. The other existing residential unit will not be allowed to be used as a dwelling unit unless it is also connected to the others at some point in the future. A condition of approval addresses this requirement. Ms. Brookshire stated that the petitioner has been made aware of this condition.

Mr. Metzler added that the no part of the new structure will exceed the height of the existing two-story structure.

In response to a question from Mr. Moore, Ms. Brookshire explained that a variance is needed for the legal non-conforming structure because if something were to happen to that structure (a fire, for example), it could not be rebuilt in its current location without a variance. Any new construction would have to meet current zoning regulations.

Mr. Gustafson suggested that one variance could address the existing building and the proposed connecting structure. He also asked why in the second application to be considered tonight, the BOA was instructed to ignore the existing structure, but not in this case. Mr. Goldich explained the difference is that in the current (Metzler) the structure was built prior to 1972 resulting in a legal non-conforming structure and in the second application on the agenda the structure was built after 1972. Ms. Brookshire added that each variance must be considered on its own merits. Mr. Moore offered that joining the structures will result in one building, and so could be addressed through a single variance. Ms. Brookshire stated that the second variance is needed to clarify the existence of the deck that also encroaches in the setback. She stated that staff discussed the issue of whether to divide the request into two variances and decided that two variances would better clarify that the existing building could be rebuilt in its current location.

Mr. Metzler clarified that the new construction would not exceed the height of the existing building, and would not go outside the footprint of the existing building, but the roof line may need to be altered to accommodate the combined building and the addition of windows. Ms. Brookshire reiterated that the variance must be

approved to specific plans. Any alteration in those plans would require a new variance.

Mr. Fitzgerald asked if variances could be granted specific to the plans presented regarding the height and footprint of the buildings, without constraining the applicant's ability to adjust the shape of the roof. Mr. Gustafson reviewed the proposal against the criteria. He said that he was having a difficult time figuring out how the new proposed construction could meet criteria 2 and 3. Mr. Prowant said that the variance for the north structure could be approved based on its age, and that allowing the connection of the two structures was very reasonable. He offered that a variance could be granted for the deck, which could then be enclosed. The other variance for the 14.71' could be tabled, pending specific drawings. Mr. Moore recognized the practical aspect of the proposal and the benefits of reusing the existing structures. He said that the parcel meets criterion 3 in that it is much smaller than the 35 acre minimum lot size in the A/F zone district.

Mr. Fitzgerald offered that because the variance would be granted for the encroachment in the setback, the roofline should not be an issue. Mr. Moore said that the alteration of the roof line confuses the issue because the variance must be granted specific to the plans presented. Mr. Metzler stated that his understanding was that once limits were set on the footprint and the height, the variance would allow for some flexibility in design. He acknowledged that the exact plans may be somewhat different from the sketches presented. He said that the key to the entire project is the enclosed connection between the two buildings. Following discussion of the need to more specific plans, particularly regarding the roof line, Mr. Metzler asked the BOA to table the request to the next available date.

MOTION

Mr. Fitzgerald moved to table the request until the November 5, 2018 BOA meeting at the request of the applicant. Mr. Prowant seconded the motion. **The motion carried 4 - 0, with the Chair voting yes.**

ACTIVITY: PL-18-173

PETITIONER: Mark Wellstone

REQUEST: Variance from the required setback for an existing barn

Required setbacks: 50 ft. from all property lines

**Requested setbacks: 1 ft. from the east property line (for a variance of 40 ft.)
24 ft. from the south property line (for a variance of 26 ft.)**

LOCATION: 31715 Whiskey Hill Lane; located approximately 0.5 miles southwest of the intersection of CR 35 and CR 41

MOTION

Mr. Fitzgerald moved to table the petition to the November 5, 2018 meeting at the request of the applicant. Mr. Gustafson seconded the motion. **The motion carried 4 - 0, with the Chair voting yes.**

The meeting was adjourned at 7:00 p.m.