



**STEAMBOAT SPRINGS BOARD OF ADJUSTMENT  
MEETING AGENDA  
CITIZEN'S MEETING ROOM, CENTENNIAL HALL, 124 10<sup>TH</sup> STREET  
THURSDAY, MARCH 15, 2018 5:00PM**

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**Public Hearings**

**AGENDA ITEM #1**

**Project:** MAA-18-02, Sunlight Subd, Lot 24  
**Applicant:** Frank Becker  
**Project Location:** Lot 24 (address TBD)  
**Type of Application:** Major Adjustment  
**General Description:** A major adjustment to remove the requirement for garage setback from principal structure.  
**Project Planner:** Bob Keenan, AICP, CFM Senior Planner, 970-871-8260  
[bkeenan@steamboatsprings.net](mailto:bkeenan@steamboatsprings.net)

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**AGENDA ITEM #2**

**Approval of Minutes:** Minutes from the February 15, 2018 Board of Adjustment Public Hearing will Be reviewed for approval.

**Adjournment:**

The above applications are available for review and inspection during regular business hours at the Department of Planning & Community Development, 124 10<sup>th</sup> Street, Steamboat Springs, CO. Three or more City Council members may attend this event and may discuss public business, to include information of public policy. For more information please contact Julie Franklin, City Clerk 970-879-2060.

POST: 3/2/18  
Remove: 3/16/18

# Agenda Item #1

## Staff Report

### Department of Planning & Community Development

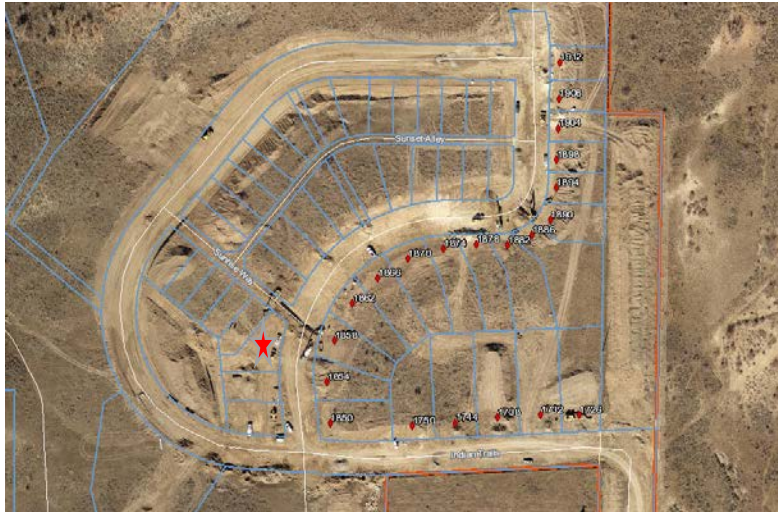
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#### Board of Adjustment Agenda Item #1

##### Project Overview

Project Name Sunlight Subdivision, Lot 24 (TBD Address)	Project Code & Type MAA-18-02 Major Adjustment
Applicant Steamboat Sunlight, LLC C/O Frank Becker	Zoning RN-4
<b>Project Description</b> A major adjustment to not require a minimum garage placement (setback) from principal structure of 20'.	
Prepared By Bob Keenan, AICP Senior Planner 970-871-8260	Through Tyler Gibbs, AIA Director of Planning & Community Development 970-871-8244
Staff Report Date March 8, 2018	
Board of Adjustment Hearing Date March 15, 2018	

## Project Location



## Background

The subject property is a vacant corner lot located within the recently platted Sunlight Subdivision. The subject lot is zoned RN-4 and is located at the corner of Sunrise Way and Sunlight Drive.

The subject lot configuration is rather unique in that it is wide along the Sunlight Drive frontage and increasingly narrows at the rear of the property. The frontage along Sunrise Way is very minimal which adds to the uniqueness of the lot. Driveway access to the lot is proposed via Sunrise Way which is preferred by the Public Works Engineering staff.

The owner of the property is also the developer of the subdivision. The owner has the property for sale and is currently under contract with pending this variance approval.

## Project Description

The applicant has designed a home for the subject lot. Through the design process the applicant found that it is very difficult, if not impossible, to meet one of the standards in the RN-4 zone district. The applicant has since applied for a major adjustment to eliminate the requirement for garage placement (setback). The garage placement (setback) requires that garages, attached or detached, be setback from the front of the principal structure by a minimum of 20'.

RN-4 Dimensional Standards Overview		
Building Placement		
Lot Line Setbacks	Standard	Proposed
<u>Sunlight Drive</u>		
Front – Principal Building	15' min., 20' max.	15'
Front - Porch	7' min.	15'

Front – Accessory Building	15'	n/a
Side (north)	5' min.	5'
Side (south)	5' min.	5'
Rear	5' min.	5'
<b>Garage Placement (setback)</b>	<b>20' min. from front of principal structure</b>	<b>No requirement</b>

*\* Based upon the information provided in the application, Planning Staff was not able to verify compliance dimensional standards except those noted above. The applicant shall verify compliance with all other standards at time of building permit.*

## Project Analysis

The following section provides staff analysis of the application as it relates to key sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, Staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

## Principal Discussion Items

Discussion on this variance should pertain to whether or not the request to eliminate the garage placement standard meets the criteria for approval.

## Criteria for Approval

Approval Criteria Summary	Consistent?		
	Yes	No	NA
1. In compliance with all requirements	✓		
2. Not a grant of special privilege	✓		
3. Necessary due to special circumstances relating to the size, shape, topography, location, or surroundings	✓		
4. Strict application of the standard is an unnecessary hardship, hardship not the result of actions of the applicant		✓	
5. No adverse impacts to legal uses or impacts accurately assessed	✓		
6. Least modification possible	✓		
7. Any existing nonconformities are part of request			✓
8. Consistent with CDC, Community Plan and other applicable plans	✓		

*718.D – When these general criteria for approval are applicable, Major Adjustments may be approved upon a finding that the following criteria are met:*

1. The property and the use of such property for which the Major Adjustment is requested meets one of the following:
  - a. The property is in full compliance with all requirements of the applicable zone district; or

*Staff Analysis: Consistent. The property is vacant and is in full compliance with the requirements of the RN-4 zone district.*

2. The Major Adjustment will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and applicable zoning district.

*Staff Analysis: Consistent. Approval of this adjustment will not constitute a grant of special privilege. Other properties with special circumstances have the same rights to apply for an adjustment.*

3. The Major Adjustment is necessary due to special circumstances relating to the size, shape, topography, location, or surroundings of the subject property and to provide it with use rights and privileges permitted to other properties in the vicinity and in the applicable zone district.

*Staff Analysis: Consistent. The adjustment is necessary to account for the unique shape of the subject lot which precludes meeting the 20' minimum garage setback from the front of the principal structure.*

4. The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.

*Staff Analysis: Not consistent. While the strict application of the garage setback standard creates an unnecessary hardship to the applicant due to the special circumstances related to the unique shape of the lot, these special circumstances are a direct result of actions of the property owner/applicant. The property owner is the same owner that developed and platted the subdivision which created the subject lot.*

5. The Major Adjustment will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Major Adjustment and has agreed to mitigate those impacts. In making this determination, the Board of Adjustment shall begin with the assumption that variations from standards create impacts on adjacent properties and shall place the burden of proof on the applicant to demonstrate compliance with this criterion for approval. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.

*Staff Analysis: Consistent. The major adjustment should not injure or adversely impact uses of adjacent properties.*

6. The Major Adjustment is the least modification possible of the standard that will afford relief to the applicant.

*Staff Analysis: Consistent. It appears that the major adjustment is the least modification possible that will afford relief to the applicant.*

7. When considering the amount of variation requested, any existing nonconformity will be considered part of the overall Major Adjustment request. For example, an existing nonconforming structure encroaches five feet into the required setback, and the applicant is requesting a Major Adjustment to encroach an additional five feet. The Major Adjustment request shall be for a ten-foot encroachment into the required setback.

*Staff Analysis: Consistent. The subject lot is vacant and there are no existing nonconformities.*

8. The Major Adjustment is consistent with the purpose and intent of this CDC, the Community Plan, and other adopted plans, as applicable.

*Staff Analysis: Consistent. The adjustment is consistent with the purpose and intent of the CDC, Community Plan and other applicable adopted plans.*

## **Staff Findings**

Staff finds that the major adjustment for garage placement, #MAA-18-02, is **INCONSISTENT** with the Criteria for Approval for a Development Plan.

## **Recommended Motion**

Staff recommends that the application not be approved due to lack of consistency with a part of criterion #4, above.

## **Alternative Motion**

If the Board of Adjustments finds that the application is consistent with the criteria for approval, staff recommends the following conditions of approval:

1. Prior to approval of a building permit the applicant shall apply and receive approval for a double front setback waiver to make the frontage along Sunrise Way a side setback.
2. Only the garage placement (setback) has been varied through this application. The applicant shall demonstrate compliance with all other applicable standards at time of building permit.
3. The owner shall transfer title to a person(s) or entity that is not related to the original developer of the property, Steamboat Sunlight, LLC.

## **Attachments**

Attachment 1 – Plan Set

Attachment 2 – Applicant Narrative

# Attachment 1

## **Major Adjustment Application for Lot 24, Sunlight Development, Steamboat Springs, CO**

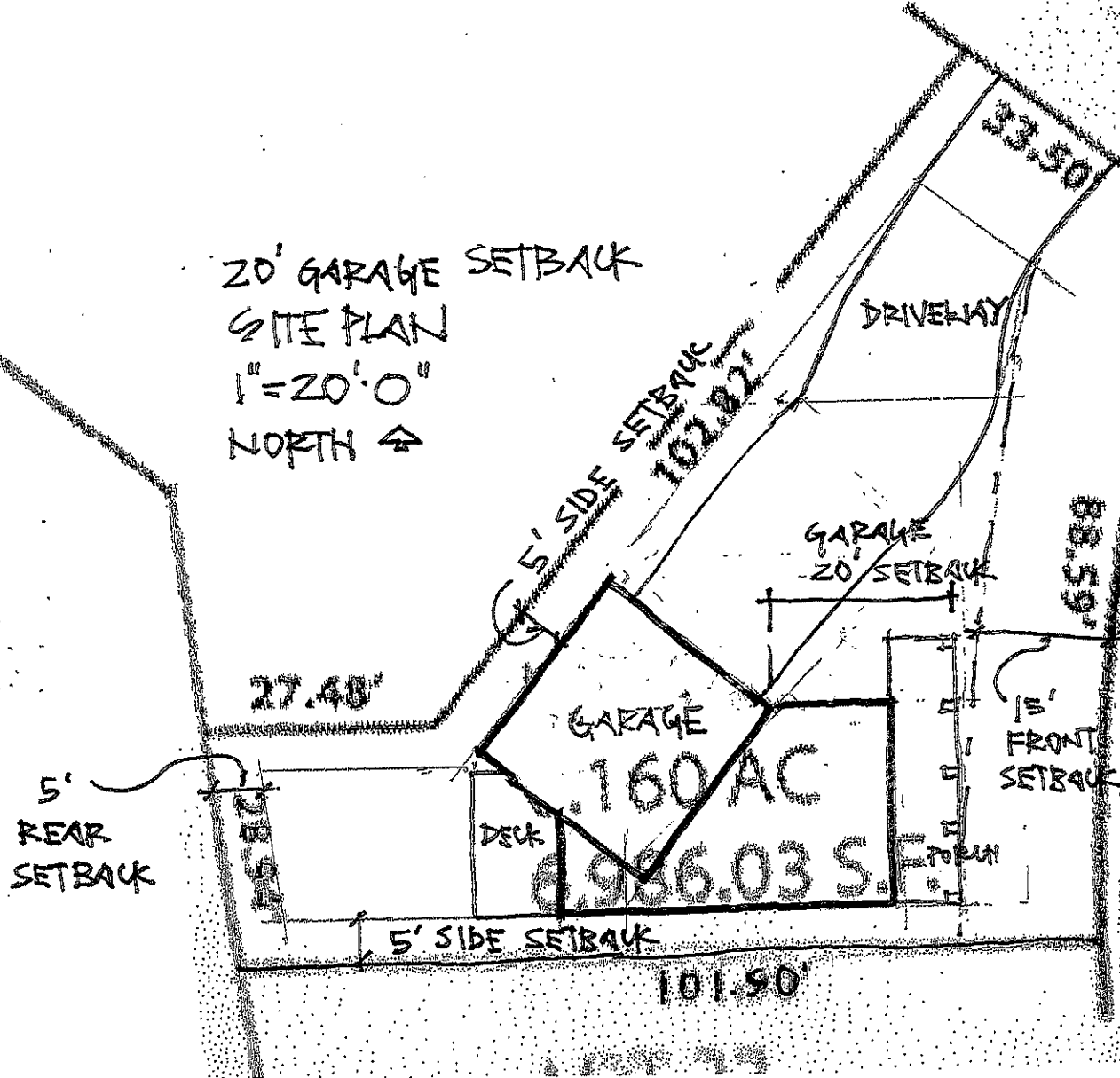
Submitted by: Frank Becker, Becker Design Build LLC, Becker Architecture LLC

970.846.8016



RK  
AC

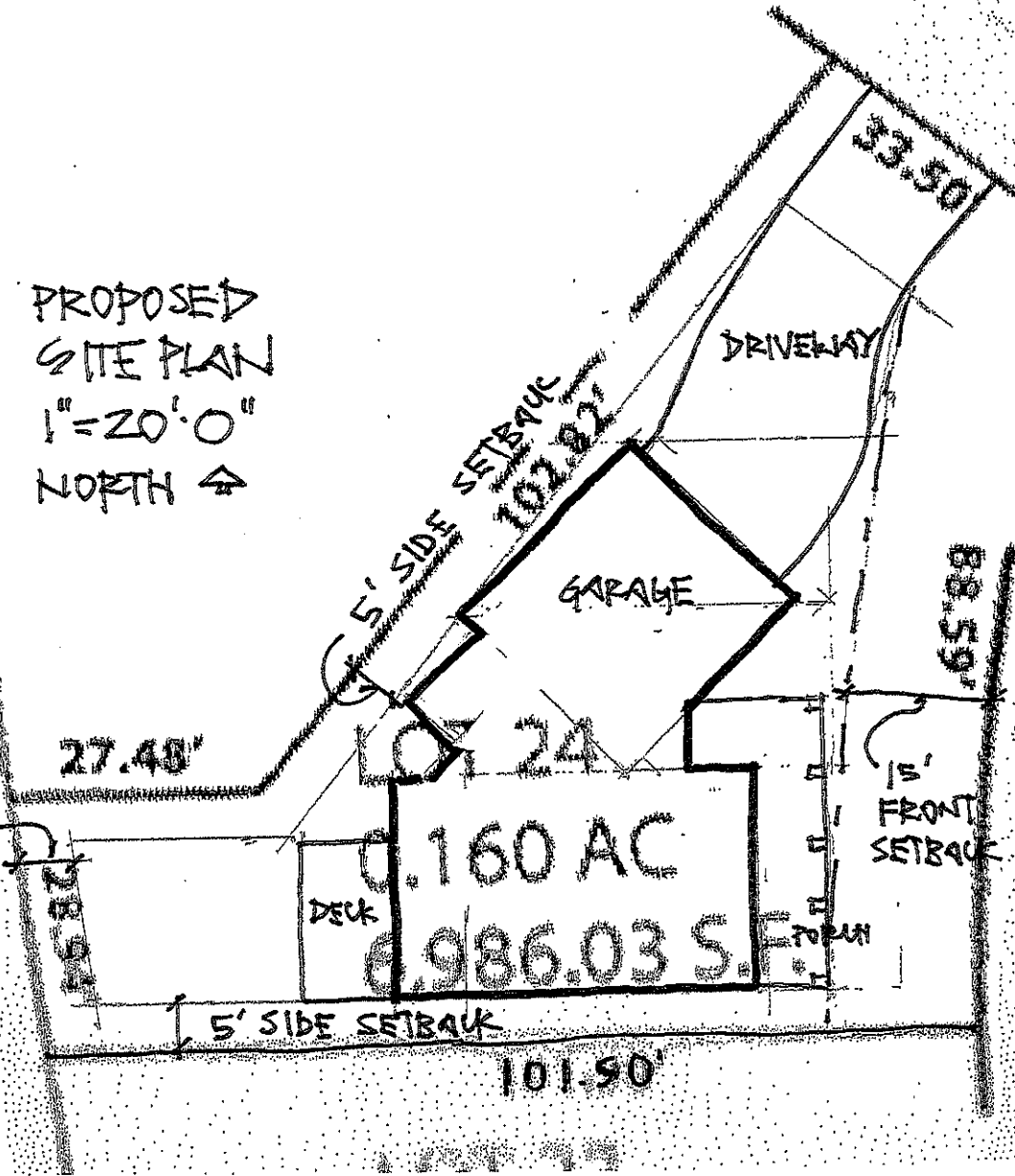
20' GARAGE SETBACK  
SITE PLAN  
1" = 20' 0"  
NORTH ↑



RK  
AC

PROPOSED  
SITE PLAN  
1" = 20' 0"  
NORTH ↑

5'  
REAR  
SETBACK



DECK

GARAGE

DRIVEWAY

5'  
FRONT  
SETBACK

5' SIDE SETBACK

101.90'

LO# 24

0.160 AC

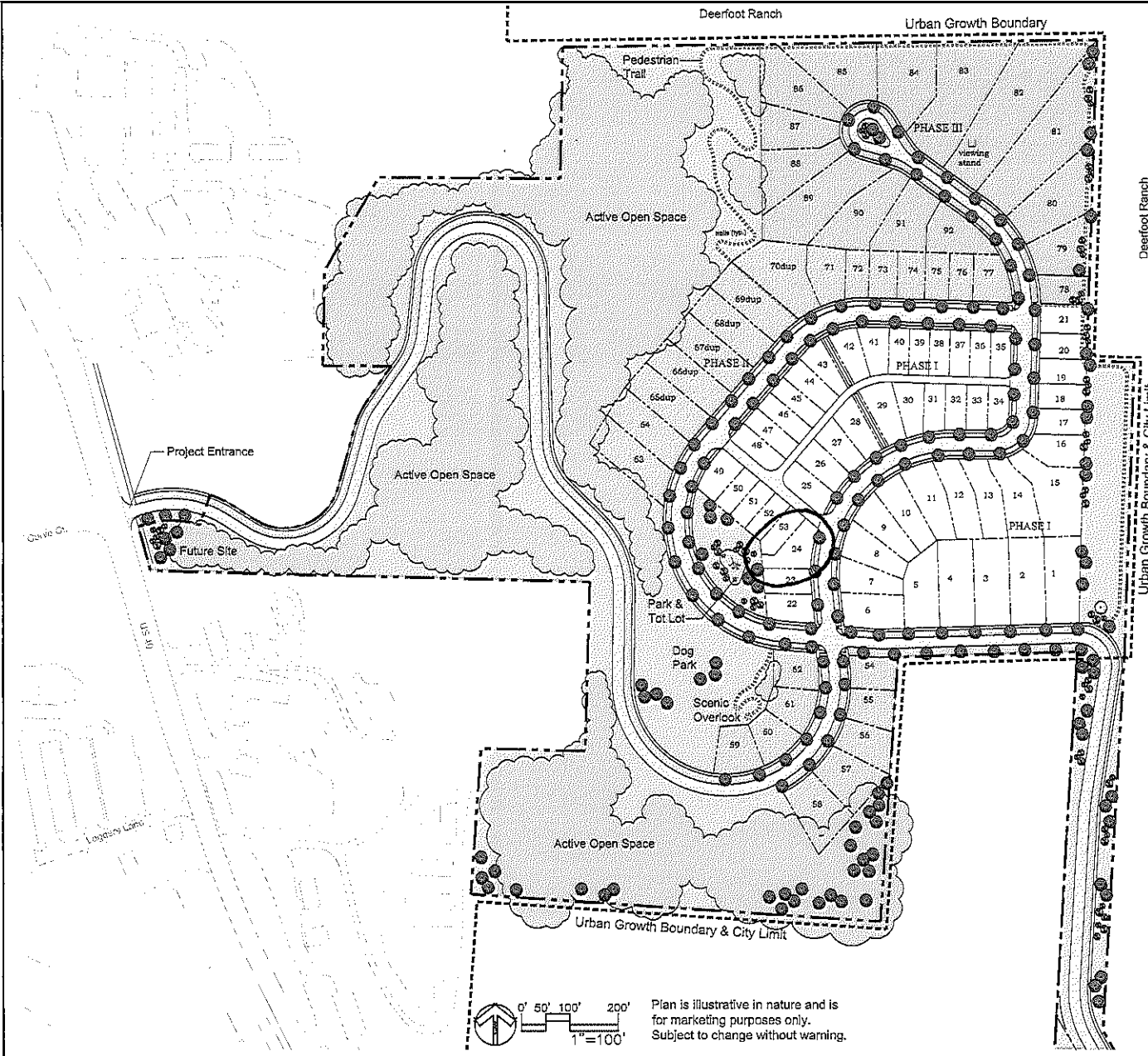
6,986.03 S.F.

88.59'

33.50'

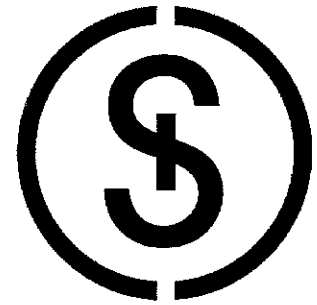
27.48'

5' SIDE SETBACK  
102.82'



# Sunlight Neighborhood

[www.SUNLIGHTSTEAMBOAT.com](http://www.SUNLIGHTSTEAMBOAT.com)



Nick Metzler  
 Broker/Sunlight Sales  
 970.846.8811  
[sunlight@mybrokers.com](mailto:sunlight@mybrokers.com)



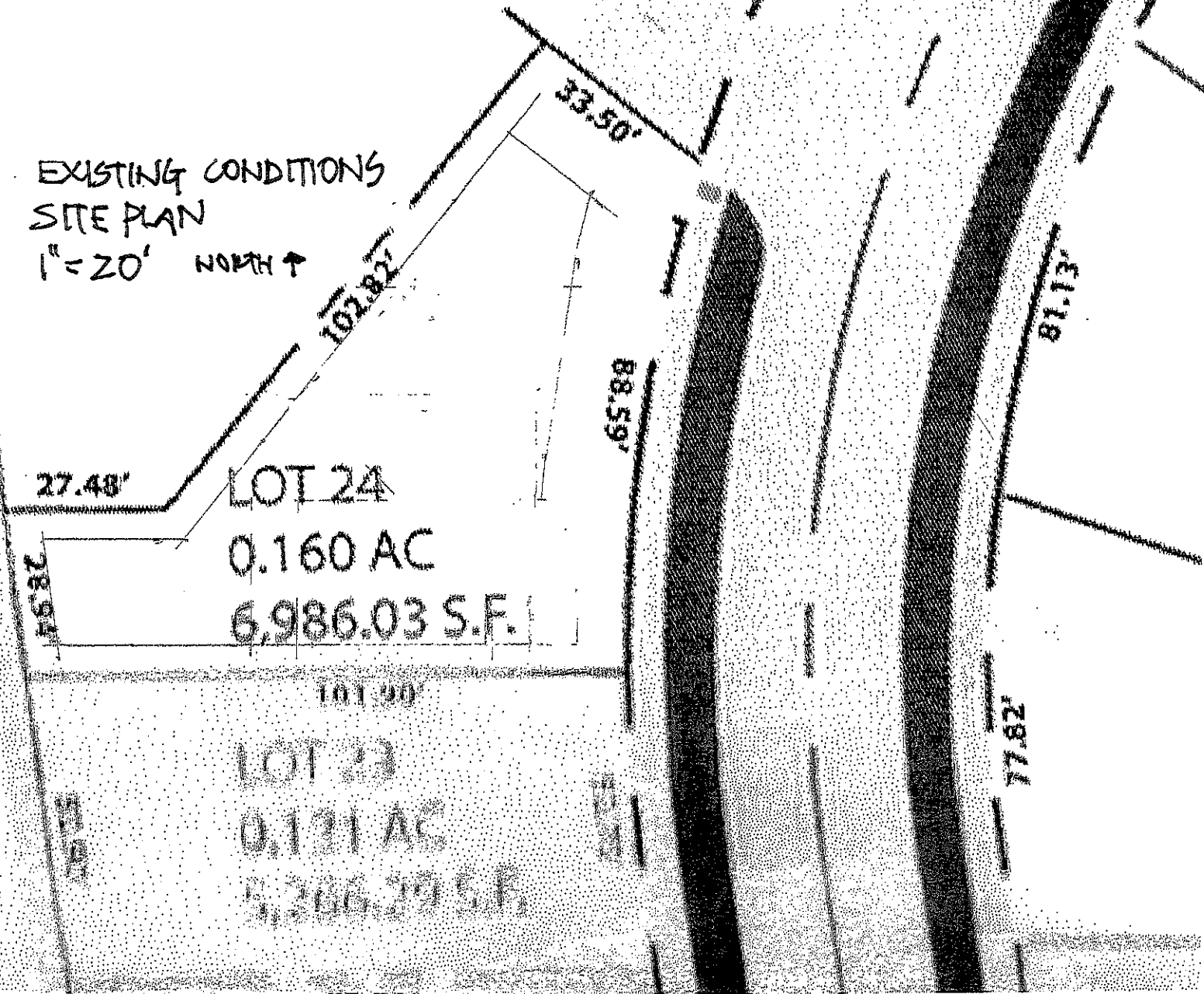
Bert Svendsen  
 Broker/Sunlight Sales  
 970.846.2354  
[sunlight@mybrokers.com](mailto:sunlight@mybrokers.com)

EXISTING CONDITIONS  
SITE PLAN

1" = 20' NORTH ↑

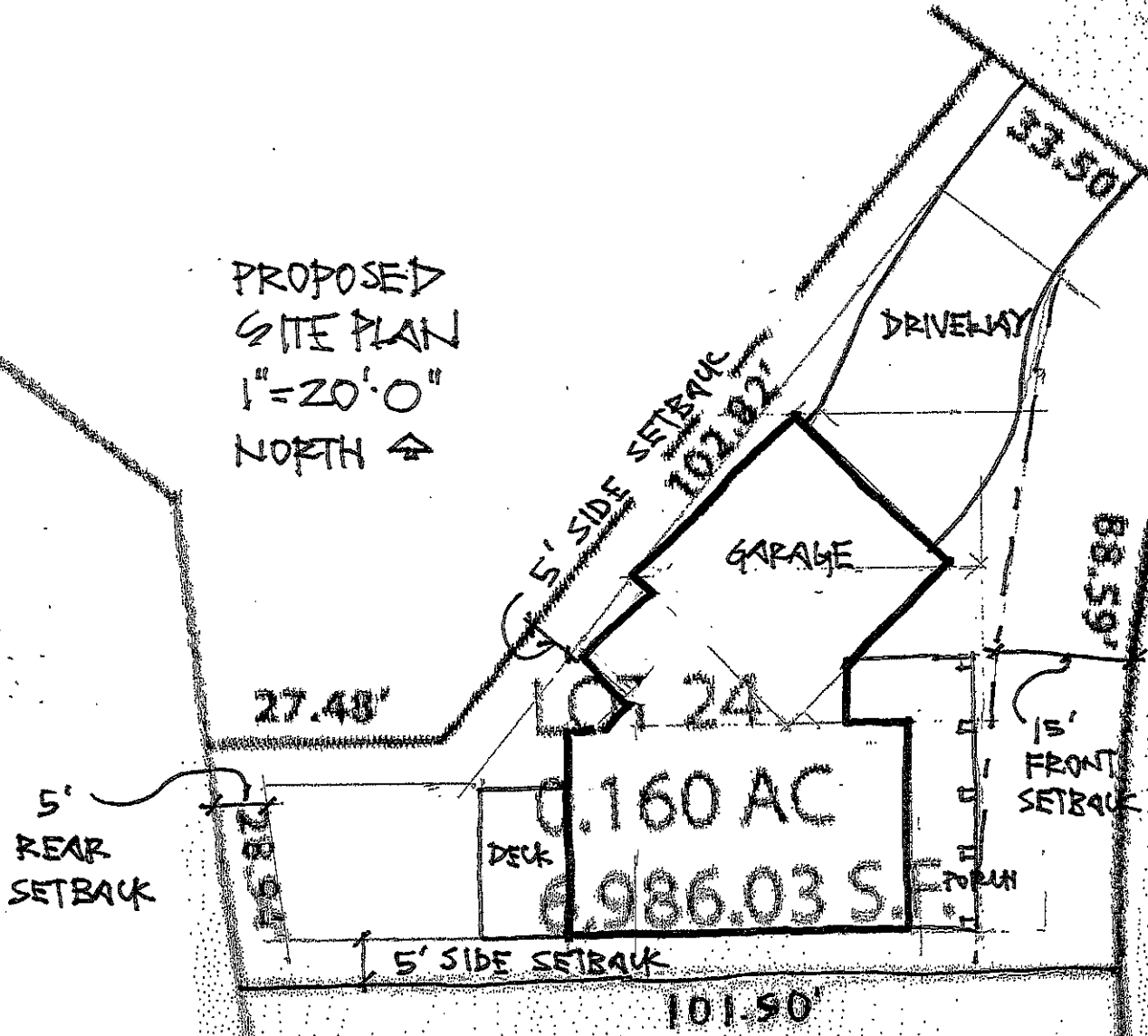
RK  
1 AC

52.9



RK  
AC

PROPOSED  
SITE PLAN  
1" = 20' 0"  
NORTH ↑



0.160 AC  
986.03 S.F.

5' SIDE SETBACK

101.50'

5' FRONT SETBACK

5' REAR SETBACK

DECK

GARAGE

DRIVEWAY

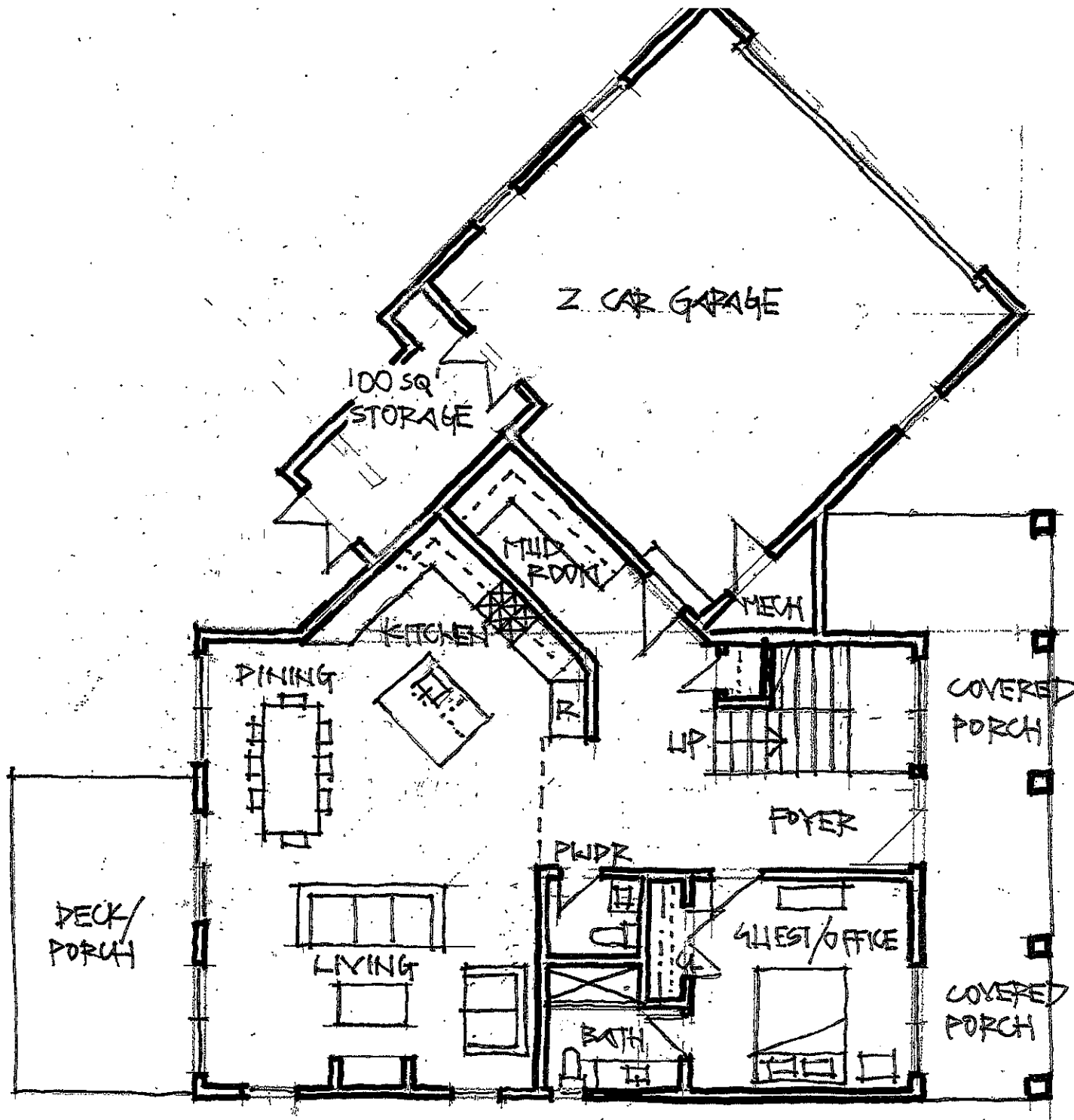
33.50'

88.59'

27.48'

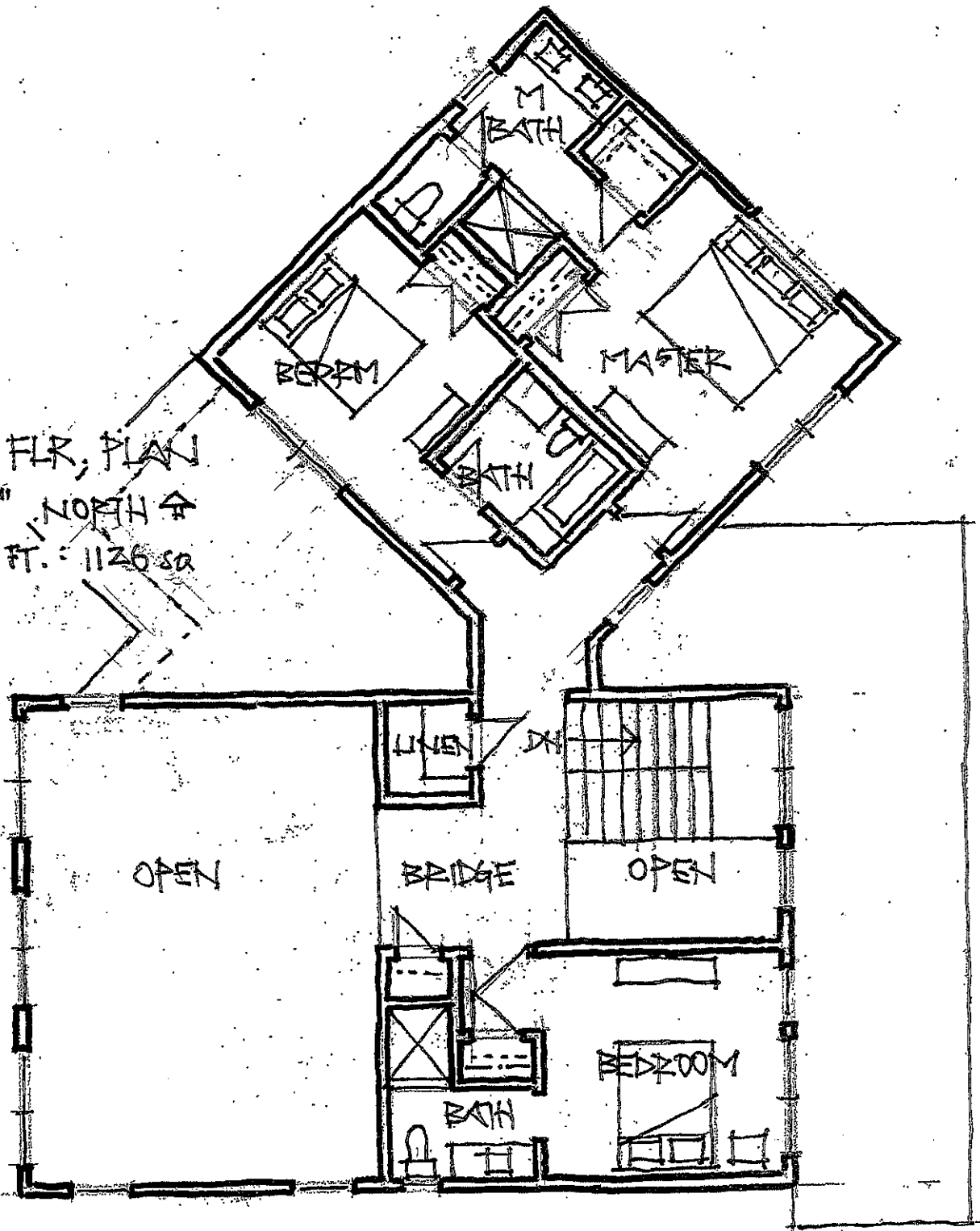
102.82'

PROPOSED  
SITE PLAN  
1" = 20' 0"  
NORTH ↑



MAIN FLOOR PLAN  
 SCALE:  $\frac{1}{8}'' = 1'-0''$   
 GARAGE SQ': 695 SQ'  
 LIVING SQ': 1153 SQ'  
 TOTAL LIVING: 2279 SQ'

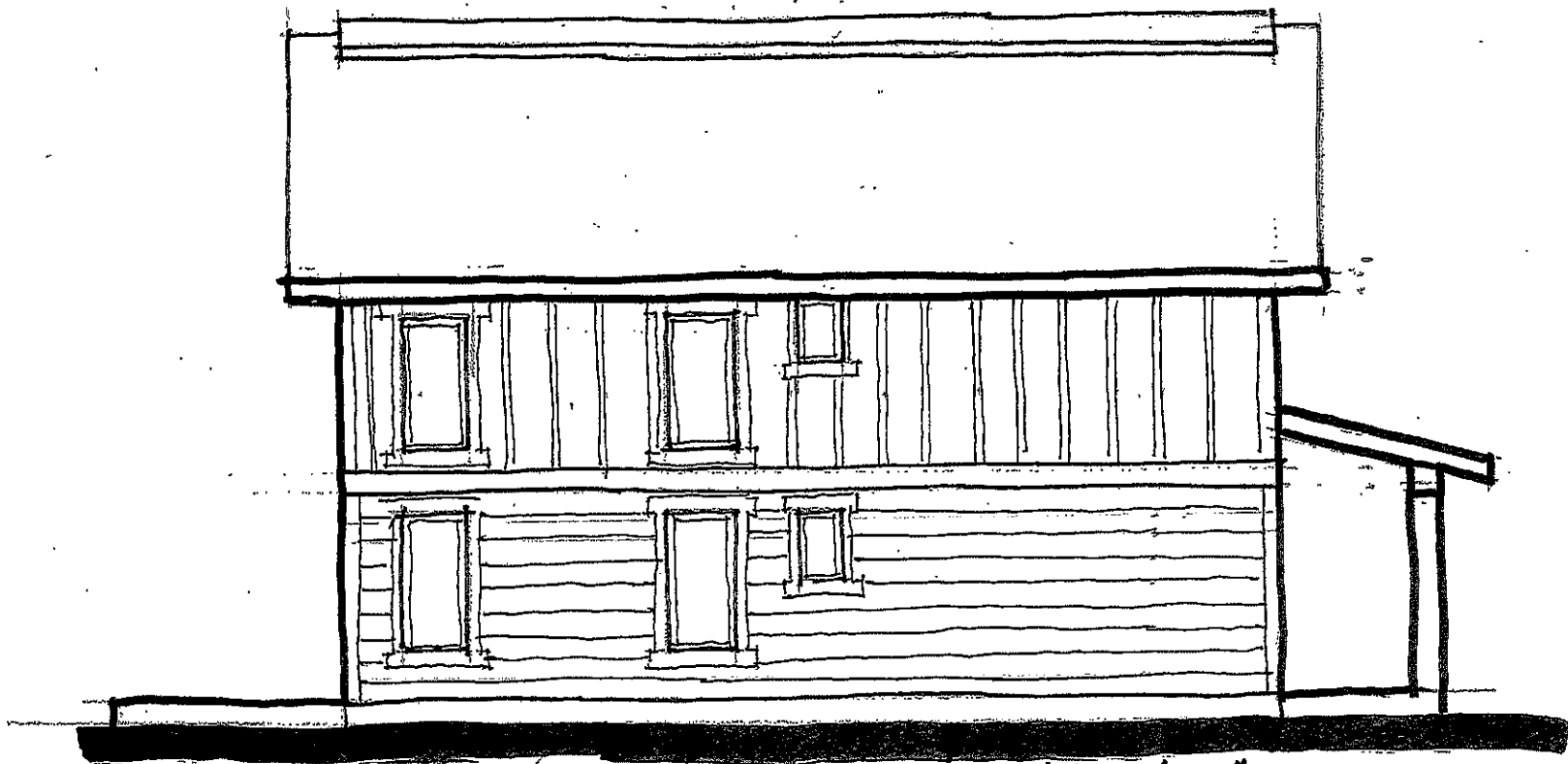
SECOND FLR. PLAN  
1/8" = 1'-0" NORTH ↑  
LIVING SR. FT. = 1126 SR





EAST ELEVATION;  $\frac{1}{8}'' = 1'-0''$





SOUTH ELEVATION,  $\frac{1}{8}'' = 1'-0''$



WEST ELEVATION,  $\frac{1}{8}'' = 1'-0''$

## Attachment 2

### **In addition to the original submittal for the Major Adjustment for Lot 24, Sunlight Development**

The property and the use of such property for which the Major Adjustment is requested meets all of the following:

The lot is a legal nonconforming lot. With the odd shape of the lot, the lot is unbuildable. Almost all of the other lots in the new development are rectangular in shape and buildable.

The Major Adjustment will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and applicable zoning district. The applicant and owner's goal is to make the lot buildable.

The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant. With the lot being unbuildable, it is definitely an unnecessary hardship.

The Major Adjustment will not injure or adversely impact legal conforming uses of adjacent property. This is a new development of new residential homes. There are no existing homes to impact.

The Major Adjustment is the least modification possible of the standard that will afford relief to the applicant. A minor variance is not enough to make the lot buildable. 20% of 20' garage setback is 16'. The garage will still be in the middle of the buildable living area of the home.

The Major Adjustment is consistent with the purpose and intent of this CDC, the Community Plan, and other adopted plans. This fits into the whole purpose of the major adjustment. We would like to make the unbuildable lot buildable.

Basically, as seen on the drawn site plan with the 20' front garage setback, there is not much area to build the living area of the home. One would not have any potential to build on the north side of the lot with the location of the driveway. Also, the home owners would like to have some back yard like all of the other new homes that will be built in the development. The location of the garage (with the 20' front setback) is in the middle of the potential location of the home. It excludes any open floor plan design for the main floor.

All of the other lots in this development are rectangular in shape. There is a clear cut (sharply defined) driveway access from the alley or from the front of the house for all of the other lots in the development. For lot 24, there is no clear cut access. With the Public Works office wanting the alley access for the driveway like lots 49-53, this is a special circumstance that needs to be addressed with the major adjustment. The lot is unbuildable with the 20' garage setback from the front of the house.

# Agenda Item #2

FINAL MINUTES  
BOARD OF ADJUSTMENT MEETING  
FEBRUARY 15, 2018

## **STEAMBOAT SPRINGS BOARD OF ADJUSTMENT Meeting Minutes** **February 15, 2018**

The special meeting of the Steamboat Springs Board of Adjustment was called to order at approximately 5:01 p.m. on Thursday, February 15, 2018, in Room 113-114, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Board of Adjustment members in attendance were:  
Chair Jim Moylan, Tom Effinger Jr., Ryan Spaustat and Vice-Chair Theo Dexter.  
Absent: Levine, Arnold Staff member present was Principal Planner Rebecca Bessey.

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### PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

### **Summary of Updated CDC Terminology and Process Changes**

**Bessey:** There were some changes that occurred in the update to the Community Development Code that impact the Board of Adjustment. You're going to work with one of these changes tonight with one of the applications.

The CDC update was adopted last November by Council and took effect January 1. We're still in a transition stage, so you may see some projects that will be reviewed under the old code and some that will be reviewed under the new code. Tonight, Item 1 is being reviewed for approval under the new code; Item 2 remains under the old code.

There's not a lot of drastic changes. Your review criteria for the most part stayed the same, though the wording might be slightly different in the new code. There are two main changes that I wanted to make sure you were aware of and understood.

The first is really just a terminology change. In the new code, instead of calling what you all do variances, we are now calling them major adjustments. We still have a minor adjustment process for things that can be approved administratively. That change was to try to clarify process and approval criteria and lessen some of the confusion between variances that you grant versus those that City Council does.

The second major change regards waterbody setback variances. Previously, all waterbody setback variances went to Planning Commission and City Council, regardless of the type of development. Since the BOA typically deals with all things single-family and duplex, Planning Commission and City Council thought

that you were very capable of handling the waterbody setback adjustments as well. For the most part, the criteria is similar to or the same as what you're used to looking at; there's just a few additional criteria specific to the waterbody setback requirements, which is detailed in your packet.

**#1: WS-17-01 - Entress Subd. F2, Lot 1**

STAFF PRESENTATION

**Rebecca Bessey:**

This application is for a major waterbody setback adjustment at 11 E Spruce Street. There's an existing home on the lot and a small storage building. The lot was originally platted as lot 2 of the Entress Subdivision, and it included a building envelope to preserve the steep slopes on the lot. The existing home is constructed within that building envelope.

In 2015, the adjacent lots were annexed into the city and incorporated into lots 1 and 2 as Entress Subdivision filing 2. At the time of the replatting of those lots, no new building envelopes were imposed. So they didn't change the existing envelopes, and they didn't create any new ones.

The applicants are requesting a major adjustment to the waterbody setback to create a building envelope that would accommodate a secondary unit on the lot. There is no other room within the existing building envelope to accommodate a secondary unit. Without that adjustment to that standard, given the building setbacks from the property lines, the access easement, the snow storage easement and the waterbody setback, there's only about 337 square feet in a pretty irregularly shaped building area that would remain on the lot. The proposed building envelope would comply with all of the property line setbacks. It would be outside of any drainage, access and snow storage easements on the lot.

The closest point between the building envelope and the high watermark and the creek would be 21 feet, 4 inches. It would get further from there.

We've reviewed this application for conformance with the criteria for approval. Staff finds it to meet those criteria, and we would recommend approval of this major adjustment. If it is approved, the applicant will proceed with the final plat to be approved administratively which would document this building envelope on that plat.

QUESTIONS FOR STAFF

Effinger: Why are we looking at a building envelope rather than a building footprint? A lot of the waterbody setbacks I saw before, they knew where they were going to put the building exactly, and they made the waterbody setback that amount.

Bessey: Correct. We've seen it handled that way. Because this lot has a platted building envelope on it already, I think the applicants were intending to plat this

building envelope and then they would be able to locate the building anywhere within that. Because right now this portion of the lot is outside of the existing building envelope, the plat implies it wouldn't allow any construction to occur anywhere else on the lot. So they want to actually plat the building envelope to make that a legal building site. We've done that before. City Council has approved waterbody setbacks to allow for a building envelope without having the final location of the structure.

## **APPLICANT PRESENTATION**

Chancie Keenan, Mountain Architecture Design Group, Applicant Representative:

I think the application speaks for itself for the most part. As Rebecca had stated, because this was previously a county lot with the established building envelope, we're asking for an additional building envelope for the secondary unit. The adjacent properties between the creek and this area – I'd say the majority of them already encroach into the waterbody setback. It's a very dense neighborhood. This application is for a secondary unit and I think is consistent with the city's desires to increase density in Old Town. The owner has had several conversations with adjacent property owners, and they have all expressed their support as well.

## **BOARD MEMBER QUESTIONS**

Effinger: There's another building down there that's existing nonconforming. It looks like a pretty good building.

Bessey: It looks like an old cabin.

Effinger: Did they apply to have that become existing nonconforming recently? How did that happen?

Bessey: It may have been registered when it was annexed. I don't have that data in front of me.

Effinger: It's been there for a long time. They didn't build it.

Bessey: That was on the property prior to the property being annexed in 2015. That would have been constructed long before city standards applied to it.

## **BOARD MEMBER DELIBERATION/MOTION**

Board Member Effinger moved to approve WS-17-01; Board Member Dexter seconded the motion.

**DISCUSSION ON MOTION**

Effinger: I'll cite the criteria for approval. I read through the additional criteria for waterbody setbacks. You meet all the requirements. If we approve this, they still have to get a floodplain development permit. That means they have to build above base flood elevation. That looks reasonable. So I'll just cite all the criteria listed in the report.

Moylan confirmed that Effinger would like to incorporate all those criteria into the motion.

Bessey: You could cite the attached resolution that has the criteria in it.

Effinger so cited.

**VOTE**

The motion carried unanimously.

**#2: VAR-17-04, Norvell Add. To SS Block 2, Lots 6-28**

**STAFF PRESENTATION**

Rebecca Bessey:

This is being reviewed under the old code, so we're going to call this a variance. This is at 250 James Street. There's an existing single-family home and a detached garage on the property. The lot and the structures are both legal nonconforming in terms of size. It's a lesser area than what the RO zone district requires now. The garage exists with 0 setbacks rear and side with a small encroachment across the property line. The home is considered a historic structure, and the applicant has requested the variance be reviewed per the historic structure criteria for approval.

They are requesting to demo the existing garage and create an attached garage with a second-story master suite above it. That would eliminate the encroachment on the neighboring lot, but they're still requesting a 0-foot setback from the property line. In addition, they're requesting a modest building addition to a portion of the house to raise the ceiling height and make a portion of the existing second story more usable as a bedroom. This would result in a 1-foot variance to the front setback. The garage being constructed in the same location as the current garage would require an 8-foot variance request to the side and rear setback.

The code allows for a 20% reduction to setbacks in the side and rear for nonconforming lots. That's why it's an 8-foot rather than a 10-foot. They're also requesting a floor-area ratio variance. The RO district has a maximum FAR of 45%. They are requesting 59%.

For comparison, the 45% would allow for 1,856 square feet of building on the site; the 59% would allow them 2,415 square feet. If their lot was meeting zone district standards at 6,000 square feet, the 45% FAR would allow them 2,700 square feet of gross floor area. So they're still a little under what you would typically see in the RO district for a full-size lot.

We did receive one letter of public comment. I provided that for you, and I also followed up and spoke with Ms. Condy. She had some concerns about the location of the garage in relation to the creek. She wanted me to make sure I mentioned that after speaking with her, she was okay with it. She thought they were going to be moving the garage closer to the creek in line with the front of the house. Once I walked her through the plans, she understood that it would be reconstructed in the same location. She is comfortable with that. With regard to the snow, she was happy that the garage roof was going to be shedding the snow in the opposite direction from her property. Lastly, she had some concerns about the trees on her property and whether they would be impacted by the construction. I indicated to her that I would pass that along to the applicant. That's not something that's really within our purview through this process.

Staff has reviewed this for conformance with variance criteria for historic structures and found it to meet those criteria. We are recommending approval of the requested variances.

**QUESTIONS FOR STAFF**



Effinger said he did a survey for this property last year but does not have a connection to it now. He did not see any reason to recuse himself.  
Board members agreed.

Spaustat: Do they need a waterbody setback variance? Or are they already encroaching in the waterbody setback?

Bessey: Staff is recommending approval subject to them receiving a waterbody setback variance prior to building permit. I believe the applicants are well aware of that.

Michael Olsen, Architect, Applicant Representative:

We started this process under the old code, so we thought we'd just stay with that. At that time it was a two-part process. It appears that with the new code it's been combined into one part, one process. We were not informed that that would be the case until tonight. So we would have probably put them together.

Moylan confirmed that the BOA will see the waterbody setback variance in future.

## **APPLICANT PRESENTATION**

Olsen: I think it's pretty self-explanatory. Rebecca did a good job highlighting everything. We were planning on doing a shallow foundation to minimize damage to trees and impact to the neighboring property. That's a thickened slab rather than a 4-foot deep foundation.

## **BOARD MEMBER QUESTIONS**

Effinger: What's the reasoning for the bedroom above the garage?

Olsen: The house is a series of old cabins put together, so there's low ceilings. There's no room that's a normal ceiling height in the building. So we're trying to create one room that might have a semblance of a nice space. So there's one bedroom downstairs, and there would be one bedroom upstairs in the part of the addition where we're popping the top, and then this room. There's another space that's used as a bedroom, but it's kind of carved out of an attic with really low ceiling heights.

Effinger: So just going straight up over the garage is the minimum you could do.

Olsen: There's really nowhere else to expand on the lot, and it's the only place to really put a garage. We didn't want to put the garage forward. This seemed like the least offensive place to put it because there's already an existing structure there that everybody's accustomed to seeing. We're just trying to utilize that footprint a bit better and improve that structure with one-hour walls on the outside for fire and shed the snow back onto the applicant's property, whereas the current garage is shedding it into the neighbor's shed. So it's kind of beneficial to the neighbors to have this put in as it's proposed.

Kady Watson, Applicant:

When I bought the house in 2013, it was just me and my two kids. But I've recently gotten remarried, and now we're a family of seven. So we desperately need this space. I appreciate that Rebecca spoke to Jody. I've also spoken to four of my other direct neighbors who are all very much in favor. They said they're willing to write to you guys if you need, send an email, whatever is needed.

### **BOARD MEMBER DELIBERATION/MOTION**

Board Member Dexter moved to approve VAR-17-04; Board Member Effinger seconded the motion.

### **DISCUSSION ON MOTION**

Effinger: The waterbody setback variance application is going to come to us, so if we approve this variance, we're kind of approving the waterbody setback in a way sort of. Because if we don't approve the waterbody setback, they can't do anything that they've got planned here. This is one of the things that's going to come up.

Dexter: It seems like it's all existing. The southeast corner comes out just a tiny bit further than the existing garage, so it's not really a change of use. That's why I didn't bring anything up on that.

Effinger: It's not going to be real controversial.

Dexter: I wouldn't think so.

### **VOTE**

The motion carried unanimously.

Spaustat mentioned that he thought a 50-foot waterbody setback on Butcherknife is pretty excessive.

Bessey said it is a priority of the Planning Commission to review those requirements – hopefully around mid-year.

**Approval of Minutes: January 18, 2018**

Board Member Effinger moved to approve the January 18, 2018 meeting minutes with the changes as indicated by Moylan; Board Member Dexter seconded the motion.

The motion carried unanimously with Board Member Spaustat abstaining.

**ADJOURNMENT**

The meeting adjourned at approximately 5:34 p.m.