

Steamboat Springs Board of Adjustment Minutes

November 15, 2018

The special meeting of the Steamboat Springs Board of Adjustment was called to order at approximately 5:00 p.m. on Thursday, November 15, 2018, in Room 113-114, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Board of Adjustment members in attendance were:
Chair Jim Moylan, Vice-Chair Theo Dexter, Tom Effinger, David Levine, Ryan Spaustat and Peter Arnold. Staff members present were planning technician Michael Fitz and staff planner Kelly Douglas.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

#1: MAA-18-03, Fairway Meadows Subdivision, F1 Lot 31

STAFF PRESENTATION

Toby Stauffer: (Note: Kelly Douglas presented in Toby's absence)

This is a request for a new duplex on a vacant lot with some adjustments to the front setback, overall height and average plate height. The closest part of the building will be almost four feet from the property line. That is about 24 feet from the edge of the road to the property line. The garage is supposed to have a setback of 25 feet and it has about an 8.5-foot setback from its closest point. The overall height request is for 52 feet; there's a 40-foot maximum in this zone district, which is RN2. The average plate height for the two sides and the rear of the structure is 40 feet, 8 inches, 44 feet, 9 inches and 41 feet, 1 inch.

The general cause of this adjustment is the topography on the property. River Queen Lane is quite high, and this property drops off quite dramatically. It is actually a little bit lower than the properties on either side of it. We have found that these adjustments are supportable based on the topography and the hardships on the property.

The first recommended condition for approval is that the applicant shall address all comments provided by the Building Department on the building permit for the project. There were some comments that came in a little bit late on the project. They apply generally to the building permit. There were some minimum fire separation distances, and they might have to change a couple of their windows to comply with those comments.

There is not to be any parking in front of the garage on the right-of-way because there's not enough space. So all parking on the property should occur within the garage. The driveway width and grades do need to meet City Engineering Standards.

QUESTIONS FOR STAFF

None.

APPLICANT PRESENTATION

Jason Lewis, Co-Owner, Applicant: We've worked extensively on this for quite some time now. I think one of the things to point out is when you see these types of requests, there is a significant elevation difference from both adjoining properties where they have been built up and have left this property in what I would consider a significant bowl. If you look at the initial grade and the proposed final grade, there is a significant difference in terms of the degree of variance of the finished grade. That's the type of difference that is currently on both sides with those neighboring properties. They brought in boulders and landscape to kind of put their grade sloping to this lot. I think if you look at our proposed final grade, it would actually correct the issue that is currently at the site.

We put a lot of design into this with various architects to come up with this model that we think would work and conform with the other properties surrounding it. Initially, when you see these numbers you would say well, the height is extremely tall. It would be very consistent with the rooftops of what is currently there. It would be taller with the chimneys and whatnot, but as you look down that street it's not going to be significantly different or impeding any type of view from the location of where this would be built. There's no home directly across the street; it's a rather steep hillside.

So we took in all those considerations with the neighbors: Are we going to be impacting anybody else? We think that this design would best conform to what is there and fix some of the challenges that are posed with this lot.

QUESTIONS FOR APPLICANT

Dexter: Right where the tip of the arrow is, does the road also dip here? Or does your lot dip away from the road greater than the lots on either side?

Lewis: The road is pretty flat. So from the edge of the pavement on the road to the property line is our biggest drop. So there is no dip there; the road is consistent throughout.

Spaustat: Are you comfortable with the conditions of approval, specifically the no parking?

Lewis: Yes, that's not a problem with us. We're going to be using it for a personal home, so we understand that.

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Spaustat: When I was looking at the proposed grading, specifically I noticed along the southern property line it looked like the contours didn't tie in for the proposed and existing. For instance, your proposed 62 contour is tying into a 58 along the south property line. I just want to make sure everyone is comfortable that the grading is going to work and you're going to be able to do it on your property, and that the height variance that you're getting actually represents the difference in height.

Lewis: With the verified survey that we have, I can't answer that specifically. But we would verify that. I do know that the contour breaks there at the property line with the way they did their grade.

Stauffer: This is something we would probably see on the building permit that we would review. We would have multiple departments looking at that to make sure we have the right drainage on the property and that we're not grading on another property. It will have to work out for building permit.

Effinger: The height is measured from the existing grade, not from this new grade. So if it was measured from the new grade, the variance would be much less, wouldn't it?

Lewis: Yes, it would be. That's what I wanted to point out.

Effinger: That's the reason you need the variance is because it's so steep, and there's a lot of dirt going in there.

Lewis: It is in a bowl. I think the fortunate thing with what we're going to be doing here is when we excavate, we're going to have to bring dirt in to fix this lot. It didn't make sense to bring in a whole bunch of dirt, have it re-surveyed and then call it new grade.

Effinger: I don't think it's legal.

Stauffer: Probably not; it would probably be considered development.

Lewis: That's why I wanted to point out that the initial height versus the finished grade would be significantly less.

Effinger: We've done a lot of these up there. All those houses had to have some kind of a variance. The question from me is always: Is this the minimum relief? You can create your own problem by building a great, big place. Keeping the height thing in mind, if I resolve that in my mind, you're really not doing that much of a variance for the height. With the road, you can't do much else to get into a garage.

Lewis: We looked at a lot of different driveway concepts, and they just didn't work. The neighbor on the left has a one-way-in driveway, and you have to back all the way out. So from a functionality standpoint, this conforms with the property to the right; it has the same type of driveway. We wanted to keep things consistent, keeping in mind the impact to the neighbors. I did have discussions with one of the neighbors about this. So we think this is

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the minimum relief necessary. We looked at a lot of different designs and spoke to several architects.

Effinger: You couldn't make the house skinnier.

Lewis: No, we couldn't. This takes a very unique design to make the plan work; it's functional; it doesn't impact at the final level the other homes. I think it's the best product that we could come up with for the site. This is a costly design to build, but it's very functional and conforming to the area.

PUBLIC COMMENT

Verges Thomas, 1765 River Queen Lane: We talked to Jason a little bit on the phone. We just wanted to state our concern of making sure more on the sides; we're not as concerned on the front. I think everything in the front of that whole neighborhood is tight to the street. There's a big drop-off. I think it's more just on the side and making sure that we're not destabilizing our side. In some of those pictures you saw there's retaining walls and rock walls and all this sort of stuff. That's probably our concern in terms of just excavation and making sure that those grades tie in. So we're just here more from an information standpoint.

Lewis: I appreciate the comments. We are more than happy to work with you guys as well as the other neighbors to ensure that we're not impacting you through construction and final grade and all that.

Effinger confirmed that violations of the parking condition would be enforced on a complaint basis.

Levine confirmed that there is enough room from the edge of pavement to the garage doors and that this is a snow removal issue.

BOARD MEMBER DELIBERATION/MOTION

Board Member Levine moved to approve MAA-18-03 with the recommended conditions of approval.

Board Member Arnold seconded the motion.

The motion carried unanimously.

#2: MAA-18-12, Rendezvous Trails Subdivision, F1, Lot 24

STAFF PRESENTATION

Kelly Douglas: This major adjustment application before you tonight is for a property located off of Burgess Creek Road past the intersection with Ridge Road. It's zoned RN1. Currently there's a carport on the site that was granted a variance in October, 2000 to encroach 13.1 feet into the east side setback. The request before you is to enclose that carport. The footprint will not change. Staff is recommending approval. No additional public comment was received beyond that provided by the applicant in Attachment 3.

QUESTIONS FOR STAFF

Levine confirmed that the side setback standard in that zone district is 15 feet.

APPLICANT PRESENTATION

Walter Magill, Four Points Surveying and Engineering, Applicant Representative: We were hired by the McKenzie's for the major adjustment, but it's really a minor project to address something that was incomplete in 2000. One of the conditions was that no permanent closure shall be erected around the carport or over the stairway leading up to the deck. We couldn't really find a good record of why they wouldn't let them enclose the carport, but it wasn't part of the first request. Since the McKenzie's have owned the property in the last 4-5 years, they've certainly recognized why an enclosed carport is important to them: To keep out wildlife, for safety and enclosure of the entire garage with the materials they store in there. They had support from their neighbors for the enclosure. This is a 1965 subdivision, and today you couldn't do that subdivision because you wouldn't come up with buildable areas with less than 30% slope. But the lots are angled, and there are cross-access easements. To get to their lot, they have a driveway and underground utility easement which crosses the entry of Lot 25. To the south of their existing house, there is a 30-foot-wide driveway and utility easement which crosses and provides access to Lot 23. So they don't have the ability to adjust this garage and make it offset to their house. To make the best of what's existing there, they're just requesting to enclose the carport.

Douglas: I was able to go back to the minutes from the October, 2000 meeting. The Board of Adjustment anticipated that maybe down the line someone would want to enclose the carport, and they thought that the applicant should have to come back before the Board. So what's happening tonight was their intent.

Caitlin McKenzie, Applicant: We've lived there for about six years. The property today is how it was when we bought it. Since we've lived there, we've run into what we expected when we moved into the neighborhood, which was that wildlife would be prominent in that area. We'd like to protect our property and protect the wildlife from waste and things like that by enclosing the carport into a garage to have that space sealed off from wildlife and for privacy from the neighbors. We don't plan to change the footprint. It's really the only option for us to have a garage; the rest of the lot is so steep, and the other easements

below our house don't give us any other options to put a garage anywhere else. So we feel like we've exhausted our options, and we'd like to put up walls on the three sides to make it an enclosed garage.

QUESTIONS FOR APPLICANT

None.

BOARD MEMBER DELIBERATION/MOTION

Board Member Arnold moved to approve MAA-18-12.

Board Member Dexter seconded the motion.

DISCUSSION ON MOTION

Levine: I don't think this will affect anything by having it enclosed.

Arnold: I think it's a good thing because I took care of that property several years ago, and I had a bear rip the railing off the deck that I had the trash can strapped to.

McKenzie said something similar happened the other night.

VOTE

The motion carried unanimously.

#3: MAA-18-11, Yahmonite Addition to Steamboat Springs, B5, Lots 13-14

STAFF PRESENTATION

Kelly Douglas:

This is a major adjustment application for a property located at about the intersection of Thornburg and Uncochief. It's zoned RN2. The existing home was built in 1977 and it was granted a minor adjustment for the existing 6-foot front setback encroachment in 2015, which brought it into legal conforming status. Today the applicant is requesting to encroach into the front setback an additional 10 feet in order to expand their existing one-car garage into a two-car garage. Staff is recommending approval. No public comment has been received.

QUESTIONS FOR STAFF

APPLICANT PRESENTATION

Tim Stone, Kelly & Stone Architects, Applicant Representative: We've been retained by the homeowner to do a renovation to an existing property on Thornburg Street. There is a garage that is legal nonconforming now. They went through that paperwork a couple years back. We went through a variety of design iterations, and this ended up working best on the lot. It works great with snow storage and general site design as well. It works better than a couple of the other options we came up with. We had a detached garage that we were exploring. As you all can imagine, single-car garages have pretty limited utility. So we're just wanting to make the frontage of the overhead doors 24-25 feet, which is about the minimum workable garage width. That puts us a little closer to the Thornburg setback. There aren't any snow storage or utility easements in that setback. The proximity to the property line that we're asking for is very consistent with all the other properties up and down Thornburg Street. When the RN2 zone district was adopted 15 years ago, a more restrictive garage setback was part of the dimensional requirements, which was 25 feet compared to the primary setback of just 20 feet. So we're asking to encroach an additional 10 feet into that.

QUESTIONS FOR APPLICANT

Effinger: If you're going to do it on that part of the lot, that's the minimum relief.

Stone: To get a two-car, you need 25 feet.

Effinger: The only other alternative is a detached garage somewhere.

Stone: We felt this worked better from a snow storage standpoint and a site flow standpoint. We're trying to utilize the existing structure as a responsible approach to development.

Effinger: And the existing driveway and everything.

PUBLIC COMMENT

Chet Lambert, 852 Yahmonite: I live around the corner, and it fits with the neighborhood. There's really no impact, so I'm in support of this rather than expanding out.

BOARD MEMBER DELIBERATION/MOTION

Board Member Dexter moved to approve MAA-18-11.
Board Member Spaustat seconded the motion.

DISCUSSION ON MOTION

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Levine: Even though we're in the front setback, it's the side of the garage without living space. I find that favorable.

VOTE

The motion carried unanimously.

Approval of Minutes: October 23, 2018

Moylan: I made a few editorial comments but nothing substantive.

Levine: They were paraphrased well.

Board Member Arnold moved to approve the October 23, 2018 meeting minutes; Board Member Levine seconded the motion. The motion carried unanimously with Spaustat and Effinger abstaining.

ADJOURNMENT

Board Member Spaustat moved to adjourn the meeting at 5:35 p.m.

Board Member Arnold seconded the motion.

The motion carried unanimously.