

**STEAMBOAT SPRINGS BOARD OF ADJUSTMENT MEETING MINUTES
MARCH 19, 2009**

The regular meeting of the Steamboat Springs Board of Adjustment Public Hearing was called to order at approximately 6:00 p.m., on Thursday, March 19, 2009, in Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Board members in attendance were Chairman James Moylan, David Levine, Tom Effinger, Ryan Spaustat and alternates Bryan Alkema and Warren Harner. Absent: Rick Pighini.

Staff members present were Planning Services Manager John Eastman, City Planner Jason Peasley and Staff Assistant Tami Heskett.

PUBLIC COMMENTS

Mike Olson –

A couple of years ago we came before the BOA on a project on Ski Trails Lane. That project was a duplex and there was a height variance and a setback variance granted. What happens if the client wants to turn that into a single family home even though it's already under construction? How does that affect the approval of the BOA?

Jason Peasley –

If you're planning to do the designs that you originally had planned, but with one less entrance, then I don't foresee that being an issue. If you're moving the building around quite a bit and expanding even further into the setbacks, then you would need to go through the process again.

John Eastman –

No, the actual approval would need to be relooked at just to make sure.

Mike Olson –

The internal function would change, but there would be little if any change to the outside of the building.

John Eastman –

I don't think that there will be an issue.

Mike Olson –

The thought that comes to my mind is that there are two accesses. For a single family home you're only allowed one access. Will that have an impact on the change of use?

John Eastman –

You're going to have to resubmit a revised building permit. If you're making changes to the external of the building then you will have to submit a revised building permit.

Ski Ranches Subdivision, Filing 5, Lot 19 #VAR-08-09 A Setback Variance to construct retaining walls and parking decks in the front setback and to allow for the garage and principal structure of a duplex to encroach into the front setback.

Board Member Levine stepped down.

Discussion on this agenda item began at approximately 6:10 p.m.

STAFF PRESENTATION

Jason Peasley –

This is a request for a front setback variance. The front setback principle structure standard is 15' and the attached garages are 20'. They're proposing a setback of 9'6" for the principle structure and 16'6" for the garage.

There's an additional variance for retaining walls greater than 4' in the setback to accommodate for parking decks. This is a very steep lot on Val D'Isere Circle. Staff finds that all of the criteria for approval have been met and recommend approval.

Mike Olson, representative for the applicant, was sworn in.

APPLICANT PRESENTATION

Mike Olson –

When we started this project, this parking structure was damaged. When we went to pull a building permit we had to build a nonconforming structure because it was in the right of way. We received a building permit to repair the structure and we decided to develop this property and that's why we're here today. We've worked really hard to fit this structure into this lot the best we possibly could.

BOARD QUESTIONS

Board Member Effinger –

Did you say that there was an already existing variance for the parking structure?

Jason Peasley –

No, the parking deck is already there. I doubt that they received a variance for it.

Board Member Effinger –

Because it already exists, you could do it that way. You didn't have to have a variance because it was already there.

Mike Olson –

Correct. In order to do any development, you have to encroach into the setback at least a little bit in order to make it work since this is a very steep lot. We wanted to keep the existing parking structure there and reutilize it for the new developed building for the future.

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Board Member Harner –

I'm trying to get a feel for the scope and size of this project. How the building looks now, it almost doubles in size. The existing houses there and another house that's almost the same size built next to it.

Mike Olson –

It more than doubles the size. This project is going to be phased. The first phase will be the remodeling of the existing structure and garage and the second phase would be the new addition. It was all an effort to resalvage the existing structure.

Board Member Harner –

The parking structure is going to be the bridge for one driveway. For the other bridge for the other driveway how much space is on that bridge for parking before you get to the garage?

Mike Olson –

It's going to be adequate space for 2 cars.

Board Member Harner –

Without going in the garage?

Mike Olson –

Correct. The bridge is within the setback and the building front door is within the setback.

Jason Peasley –

There is an extra 5' setback for the garage so there is a variance there as well.

Mike Olson –

The garage is a little bit over, but the main things that are a problem are the front entry and the bridge. You won't notice it because it is at grade.

FINAL APPLICANT COMMENTS

None

PUBLIC COMMENT

None

BOARD DELIBERATION

Board Member Effinger –

As you probably noticed in the plans I did the topographic survey on this job. I wanted everybody to know that, even though I did that, I'm in no financial or other arrangement with the owner at this point. It won't affect the way I vote.

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John Eastman –
How long ago did you do that work?

Board Member Effinger –
September 20, 2008.

John Eastman –
That was the end of the contract once you completed the work?

Board Member Effinger –
Yes.

Mike Olson –
Board Member Effinger would probably be the best one to discuss the steepness of this slope since he's already walked this site before.

Board Member Effinger –
It's steep.

None of the board members had any objections to Board Member Effinger's disclosure.

Board Member Effinger –
If you're going to build a big duplex then maximize the lot. This is the way to do it and use this slope like this. Even if they made a smaller duplex, the front entry ways would still have to have a variance. You can't put this building any further down the hill and still be able to get to it as evidenced by the bridges. The bridges are the only way to get to this building. I think that this is about all that you can do to this lot. I think you asked for the minimum relief because it's such a steep lot. It's one of those situations where there's not much else you can do. They're lucky that they could get under the height limit also. Down the road a little bit, where it gets even steeper, it would be even more difficult to get under the height limit. At least with this building they are able to do that.

Board Member Alkema –
I agree that no matter what they do to this piece of property, they are going to need a variance in order to have any kind of access. Not having a garage in this climate is in fact a hardship. I would like to note that this is a nightly rental place and I think that it's going to be a massive structure. I am surprised that there are no neighbor's or adjoining property owner's comments for such a massive structure. I would say that it's going to be a small hotel up there. If we look at just the variance then I think it's within reason. The variance is all that we look at, not the project. I am in favor of it.

Board Member Spaustat –
It seems to meet all of the criteria for approval from my perspective.

ANALYSIS OF APPROVAL CRITERIA

Criteria for Approval	Staff Finding
1) <i>Legal Use.</i> The property is in full compliance with all requirements of the zone district.	Consistent. The duplex on this property is a use with criteria in the RN-3 Zone District. The proposed duplex meets the Duplex Use Criteria.
2) <i>Equal Enjoyment.</i> The variance will not constitute a grant of special privilege.	Consistent. The variance will not grant a special privilege given the unique constraints of the property, particularly slope.
3) <i>Hardship.</i> Strict enforcement of the provisions of the CDC would result in unnecessary hardship	Consistent. Due to the steep nature of the property, the single story addition (at the street front) for the duplex would either violate the overall height restriction or the front setback.
4) <i>Hardship not Self-imposed.</i> Special circumstances of the subject property are not the result of the actions of the applicant.	Consistent. The hardship imposed by the steep slope of the lot is not a result of the applicant's request.
5) <i>Injury to Adjoining Property Mitigated.</i> The variance will not permanently injure or adversely impact adjacent property; or the applicant has accurately assessed the impacts of the proposed variance and has agreed to mitigate those impacts.	Consistent. The proposed addition will not significantly impact adjoining properties. Front setback variances and retaining wall variances of this nature are common in this neighborhood due to the steep slopes.
6) <i>Minimum Relief.</i> The request is the least possible.	Consistent. The proposed variance is the minimum necessary to develop a duplex that meets the Duplex Use Criteria.
7) <i>No Increase in Nonconformity.</i> The variance does not expand the scope of any nonconforming use.	N/A
8) <i>Special Circumstances.</i> The variance is necessary because of special circumstances of the subject property.	Consistent. The steepness of the property requires the building to be at the front of the lot and hence encroach into the setback.
9) <i>Consistent with CDC, Policies and Plans.</i> The variance is consistent with this CDC.	Consistent. The variance is consistent with the purpose and intent of the Community Development Code and adopted land use policies and plans.
10) <i>Previous Variance.</i>	N/A

RECOMMENDED MOTION

Based upon the above findings, **staff recommends approval** of this variance application for a 9 foot 6 inch front principal structure front setback, a 16 foot 6 inch attached garage front setback and a 6-inch front setback to construct retaining walls for Ski Ranches Subdivision, Filing 5, Lot 19.

MOTION

Board Member Harner moved to approve the Ski Ranches Subdivision, Filing 5, Lot 19 #VAR-08-09. Board Member Effinger seconded the motion.

DISCUSSION ON THE MOTION

Board Member Harner –

We were asking if there were conditions. Some of these places have staging requirements for a slope like that.

Board Member Effinger –

You know the conditions that you normally put on there?

Mike Olson –

I thought that Public Works was going to put some conditions on there?

Jason Peasley –

There are some additional conditions from Public Works. It just says that the following items be identified in each phase of the building permit are considered critical improvements and must be constructed prior to instead of a TCO and a CO. They can't be bonded for. Public drainage improvements and storm water are quality features.

VOTE

Vote: 5-0

Voting for approval to approve: Effinger, Spaustat, Moylan, Harner and Alkema.

Stepped Down: Levine

Absent: Pighini

Mike Olson –

One note for Board Member Alkema is that we could have made that smaller if we weren't trying to save that existing structure. It created a problem when you're trying to attach an entry into a building that doesn't have a garage or an entry.

Board Member Alkema –

I don't think that the scope will be noticeable from the street because it is so below grade. Looking up from the bottom of the hill it is sheltered by an aspen forest and there is a lot of land in between the other houses.

Mike Olson –

We tried to bring the mass down some so it wouldn't look like there was a big wall right there.

Discussion on this agenda item ended at approximately 6:22 pm.

**APPROVAL OF MINUTES FROM JANUARY 15, 2009
CHANGES**

Board Member Alkema –
I was absent at that meeting.

Board Member Spaustat –
I was also absent at that meeting.

Board Member Levine –
I was here and Board Member Alkema, we do have you as present at this meeting. I thought that you were here since I'm pretty sure we needed you for a quorum.

Board Member Alkema –
Sorry, I guess I was here. Why did I step down?

Board Member Levine –
You had done some work with them.

Board Member Alkema –
I had stepped down on the one they did with Gabe with the Ski Trail Lane. Is this the Ski Trail Lane one?

Board Member Levine –
No, this one's on Buckskin Drive.

Board Member Effinger –
I think that I was out of town.

Board Member Moylan –
My only corrections would be on pg. 4 under my comment change 'proceeding' to preceding'. Pg. 5 under John Eastman's first comment put 'any' and 'then' in quotes.

MOTION

A motion was made by Board Member Levine and seconded by Board Member Alkema to approve the minutes of the January 15, 2009 meeting as amended.

VOTE

Vote: 4-0

Voting for approval: Levine, Moylan, Harner and Alkema.

Abstaining due to Absence: Effinger and Spaustat.

Absent: Pighini

DIRECTOR'S REPORT

John Eastman –

Due to the ongoing budget issues, starting on April 3, the City is going to a 4/9 schedule. The City will be open from 7:30 to 5:30 on Monday through Thursday and closed on Friday. The entire City Staff will be taking a 10% pay cut.

ADJOURNMENT

Board Member Alkema moved to adjourn the meeting at approximately 6:25 pm. Board Member Effinger seconded the motion.

VOTE

Vote: 6-0

Voting for approval to adjourn: Effinger, Levine, Spaustat, Moylan, Harner and Alkema.

Absent: Pighini