

**STEAMBOAT SPRINGS BOARD OF ADJUSTMENT MEETING MINUTES
AUGUST 06, 2009**

The special meeting of the Steamboat Springs Board of Adjustment Public Hearing was called to order at approximately 6:05 p.m., on Thursday, August 6, 2009, in Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

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

Staff members present were City Planner Jason Peasley and Staff Assistant Tami Heskett.

PUBLIC COMMENTS

None.

Chelsea Subdivision Replat Lot 1, #VAR-09-02

Discussion on this agenda item began at approximately 6:06 p.m.

STAFF PRESENTATION

Jason Peasley –

This is similar to what you've seen in the past where they're asking for a setback variance. The applicant is looking to do a dormer addition to their house. The thing that makes it unique is that this is a historically designated property. Within the CDC we have alternative criteria for historical structures. On pg 3-4 in the staff report are the 3 criteria to which you will be reviewing this application. 2 of the criteria have to do with the maintenance of the historical structure. Alexis is a member of the historical preservation staff and she took this application through its review with the historical preservation commission.

APPLICANT PRESENTATION

Jan Kaminski –

He gave a brief background of the house. I had a client that was able to work with the historic preservation committee to come up with a design that met the secretary of interior standards. This protects the face of the building and it moves the addition back and it makes it secondary. We have this alternative criteria which loosens it up. In the past people would build right up to the property line and in this case it was built over the property line. We do have an easement for that. We will be building into the setback, but we're not going to be increasing the nonconformity that's over the property line. We are the guinea pigs for this new historical preservation ordinance, which provides for not only preservation of historical resources but also gives incentives for people to maintain those historical resources and follow the Downtown guidelines for the secretary of interior standards.

BOARD QUESTIONS

Board Member Moylan –

Alexis's report is in here and it passed with the historical preservation committee. I think that the last thing they did was that they granted the permit, correct?

Alexis –

They granted a certificate of approval and we did that through administrative review, because if staff finds that they are follow design guidelines for the secretary of interior standards then they can do it through administrative review.

Board Member Moylan –

Does staff have a recommendation on this variance request?

Jason Peasley –

On pg 4 section 8 staff has recommended approval on this variance with the findings that it meets the criteria a-c.

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Board Member Levine –

The extra addition that they're adding is going to go to '0'?

Jason Peasley –

Yes, on pg 3-7 you can see the addition above the existing structure.

MOTION

Board Member Spaustat moved to approve VAR-09-02 and Board Member Effinger seconded the motion.

DISCUSSION

Board Member Alkema –

I think that it's the minimum amount of relief on the property. I think that it's aesthetically appealing and that it will fit in with the character of the neighborhood. The historical HPAC has approved the certificate of historic preservation.

Board Member Moylan –

We are concurring with the staff's analysis of the approval criteria of pg 3-3 and 3-4 of the staff report.

VOTE

Vote: 5-0

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

Absent: Pighini and Harner.

Discussion on this agenda item ended at approximately 6:18 pm.

APPROVAL OF MINUTES FOR MAY 21, 2009

Changes:

Board Member Moylan –

Pg 5 under Board Member Effinger's second comment second to the last sentence change 'it' to 'it's'. On pg 13 under my comment last sentence change 'affect' to 'effect'. Pg 16 under Board Member Pighini's second comment first sentence change 'issue' to 'level'. On pg 22 under Adjournment change 'Board Member Moylan' to 'Board Member Effinger'.

MOTION

A motion was made by Board Member Levine and seconded by Board Member Alkema to approve the minutes of the May 21, 2009, meeting minutes as written.

VOTE

Vote: 4-0

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

Abstaining due to absence: Spaustat.

Absent: Pighini and Harner

APPROVAL OF MINUTES FOR JUNE 18, 2009

Changes:

Board Member Moylan –

Under the motion change 'Board Member Moylan moved to table' to 'Board Member Levine moved to table'.

MOTION

A motion was made by Board Member Alkema and seconded by Board Member Effinger to approve the minutes of the June 18, 2009, meeting minutes as written.

VOTE

Vote: 4-0

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

Abstaining due to absence: Spaustat.

Absent: Pighini and Harner.

DIRECTOR'S REPORT

Jason Peasley –

City Council heard the appeal of the variance for Ski Trail Lane. The council reviewed the application and over turned your denial. They looked at it with a little bit more flexibility. They looked at it whether it was better to have the roof structure there or not and they decided that yes it was better to have the roof structure there. They felt that the dispute between the land owners was being argued in the wrong venue. The roof is staying on the structure and the noise levels are being mitigated whether or not it meets the criteria. I'm not sure where it's going to go from here.

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Board Member Moylan –

I think that City Council has more discretion to reviewing the code than we do. Our job is that we adhere to the code and if there's 1 criteria that's not met then our obligation is to deny it. The applicant has the opportunity to appeal to City Council as what happened in this case. I think that most of us was troubled with the fact that we're talking about this roof that's suspended in the air. The final analysis I think that the existence of the roof abated the noise issue and it was visually better than what was there before. I think as a practical matter the City Council came to the right conclusion. The point is that we have that kind of discretion. So we have to follow the code and if the applicant appeals as in this particular situation it prevailed, which was probably a good thing.

ADJOURNMENT

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

VOTE

Vote: 5-0

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

Absent: Pighini and Harner.