

# AGENDA ITEM # 3

## BOARD OF ADJUSTMENT COMMUNICATION FORM

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**To:** Chairman and Board of Adjustment Members

**From:** Jason K. Peasley, AICP, City Planner (Ext. 229)  
jpeasley@steamboatsprings.net

**Through:** Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)

**Date:** May 20, 2010

**File Name:** #VAR-10-01, Village Green Highlands Subdivision, Lot 5 (1255 Buckskin Drive)

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**ITEM:** Variance application to place a covered walkway adjacent to the existing garage 19 feet into the 25 foot front setback to provide revised pedestrian access to the existing home.

MOTION  
 INFORMATION

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### I. REQUEST OR ISSUE

Variance application to place a covered walkway adjacent to the existing garage 19 feet into the 25 foot front setback to provide revised pedestrian access to the existing home.

### II. BACKGROUND INFORMATION

#### A. General Information

The subject site is located on the south side of Buckskin Drive. The site slopes steeply down and away from the road (see Attachments 1 and 2). The site contains an existing house and garage. The garage was constructed in the front setback with the granting of a variance by the Steamboat Springs Board of Adjustment in 1992 (see Attachment 3).

## B. Reasoning

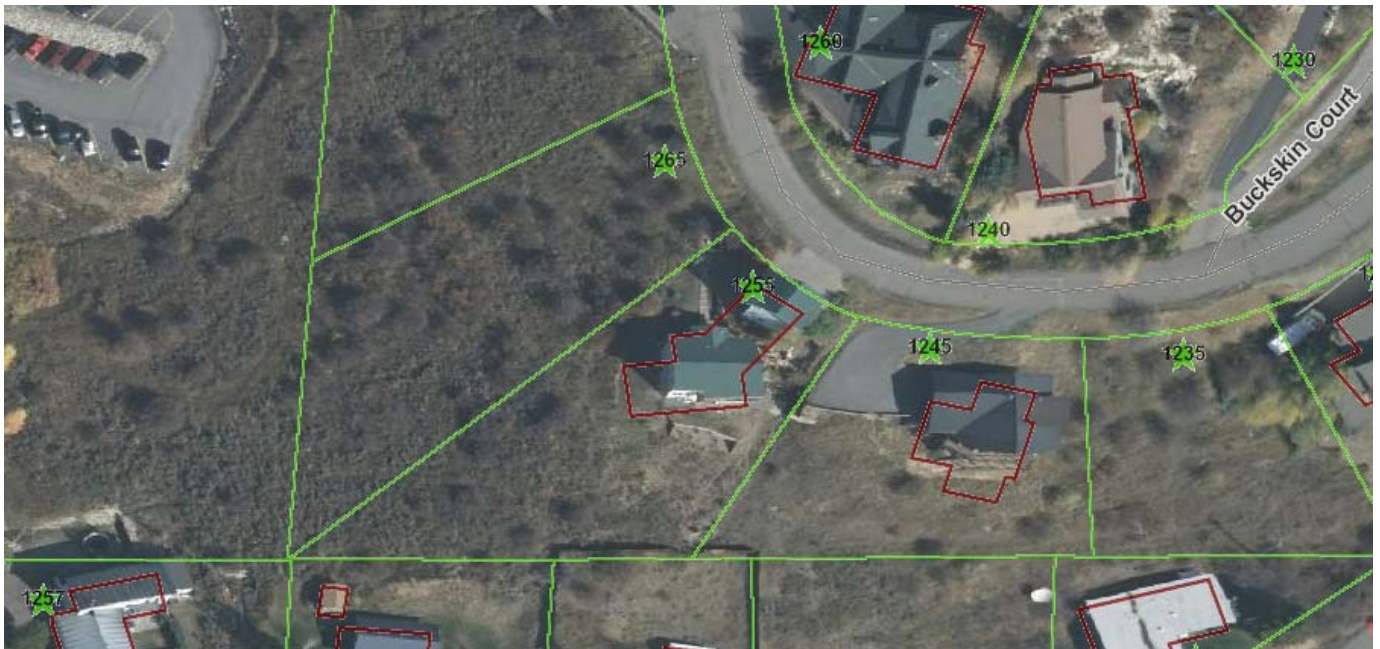
The applicant wishes to construct a covered walkway adjacent to and affixed to the existing garage to provide pedestrian access down a steep portion of the lot to the existing home. This access will replace the existing access that is located within the existing garage.

## III. NEIGHBORHOOD CHARACTER

The Buckskin Neighborhood is characterized by its relatively large lots with significant portions of each lot containing slopes in excess of 30%. Over the past three years, three variances were approved in the Village Green Highlands Subdivision, each requesting setback relief due to steep slopes.

## IV. PROJECT LOCATION

Village Green Highlands Subdivision, Lot 5  
1255 Buckskin Drive



**V. ANALYSIS**

**A. Setbacks**

**Setback Table, RE-2 Zone District** (Shading indicates that a variance is required)

	<b>Code Requirements: <i>Setbacks</i></b>	<b><i>Proposed</i> Set Back</b>	<b>Complies?</b>
<b>Front</b>	<b>25' Primary Structure/Accessory Structure</b>	<b>6.26'</b>	<b>Variance Required</b>
<b>Side</b>	<b>15' Primary Structure 10' Accessory Structure</b>	<b>37'</b>	<b>Complies</b>
<b>Rear</b>	<b>15' Primary Structure/ Accessory Structure</b>	<b>140'</b>	<b>Complies</b>

**B. Mass, Scale and Design Impacts**

The proposed covered walkway addition will not add any significant mass to the existing garage and will be compatible with the other structures on the lot.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES**

It does not appear that there are any environmental issues. The covered walkway addition would be permanently affixed to the existing garage.

**VII. ANALYSIS OF APPROVAL CRITERIA**

**Sec. 26-70 (d) Criteria for Review and Approval and Staff Findings**

Variances may be approved when it is determined from evidence at the public hearing that the variance is consistent with the purposes of this Section and that all of the following criteria in Section 26-164 have been met:

<b>Criteria for Approval</b>	<b>Staff Finding</b>
1) <b><i>Legal Use.</i></b> The property is in full compliance with all requirements of the zone district.	<b>Consistent:</b> Covered walkways are a permitted use in RE-2 Zone District.

<p>2) <b>Equal Enjoyment.</b> The variance will not constitute a grant of special privilege.</p>	<p><b>Consistent:</b> The proposed variance will not constitute a special privilege as many of the neighboring properties has also obtained variances due to the steep slopes in the neighborhood.</p>
<p>3) <b>Hardship.</b> Strict enforcement of the provisions of the CDC would result in unnecessary hardship</p>	<p><b>Consistent:</b> Strict enforcement of the setbacks would result in a walkway that would be built into the steep sloping ground, necessitating additional retaining walls that would be located within the front setback.</p>
<p>4) <b>Hardship not Self-imposed.</b> Special circumstances of the subject property are not the result of the actions of the applicant.</p>	<p><b>Consistent:</b> The steep slopes located within the front setback of this lot necessitate this variance and are not the result of actions of the applicant.</p>
<p>5) <b>Injury to Adjoining Property Mitigated.</b> 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.</p>	<p><b>Consistent:</b> The proposed covered walkway will not adversely affect adjoining properties.</p>
<p>6) <b>Minimum Relief.</b> The request is the least possible.</p>	<p><b>Consistent:</b> The proposed covered walkway is the least impactful method of providing external pedestrian access from the road to the house without the addition of retaining walls within the front setback.</p>
<p>7) <b>No Increase in Nonconformity.</b> The variance does not expand the scope of any nonconforming use.</p>	<p><b>Consistent:</b> The proposed covered walkway does not increase the scope of any nonconforming use.</p>
<p>8) <b>Special Circumstances.</b> The variance is necessary because of special circumstances of the subject property.</p>	<p><b>Consistent:</b> The steep slope of the lot creates the necessity for this structure to be located within the front setback.</p>

<p>9) <i>Consistent with CDC, Policies and Plans.</i> The variance is consistent with this CDC.</p>	<p><b>Consistent:</b> The proposed variance is consistent with all other provision of the Community Development Code.</p>
<p>10) <i>Previous Variance.</i></p>	<p><b>Consistent:</b> The previously approved variance for the existing garage does not bind the Board of Adjustment to approve or deny the proposed variance.</p>

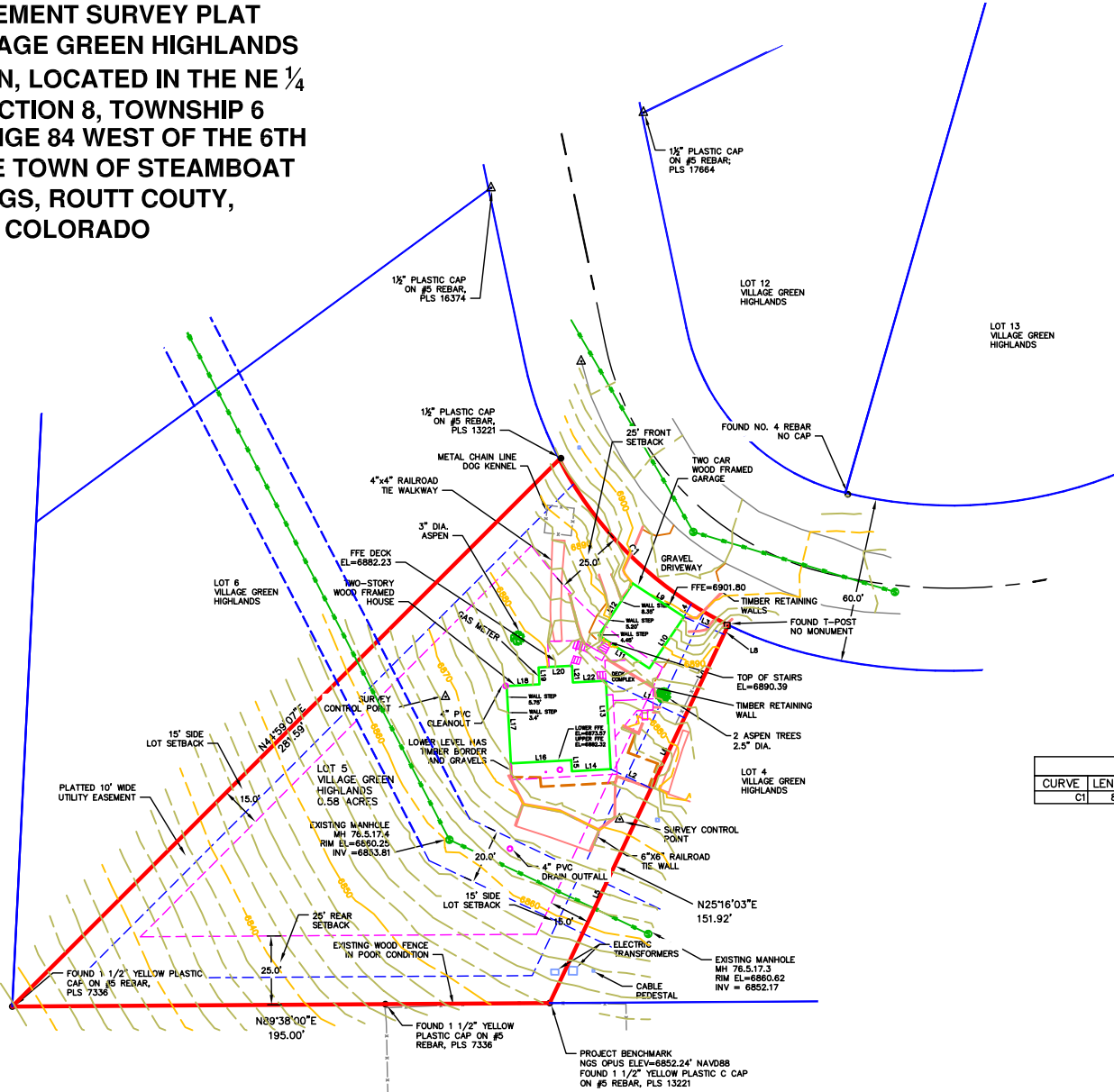
**VIII. RECOMMENDED MOTION**

Based upon the above analysis, the Board of Adjustment approves this variance application to construct place a covered walkway adjacent to the existing garage 19 feet into the 25 foot front setback to provide revised pedestrian access to the existing home.

**IX. ATTACHMENTS**

- Attachment 1: Variance Plan prepared by Four Points Surveying and Engineering
- Attachment 2: Site Photos
- Attachment 3: Variance approval letter dated March 25, 1992

**IMPROVEMENT SURVEY PLAT  
LOT 5, VILLAGE GREEN HIGHLANDS  
SUBDIVISION, LOCATED IN THE NE ¼  
SW ¼ SECTION 8, TOWNSHIP 6  
NORTH, RANGE 84 WEST OF THE 6TH  
P.M., IN THE TOWN OF STEAMBOAT  
SPRINGS, ROUTT COUTY,  
COLORADO**



**NOTES:**

- 1) AN IMPROVEMENT SURVEY PLAT OF LOT 5, VILLAGE GREEN HIGHLANDS PER THE FINAL PLAT AS RECORDED AT FILE NO. 6974, ON DECEMBER 3, 1970. FIELD SURVEYING COMPLETED FRIDAY, SEPTEMBER 18, 2009.
- 2) THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FOUR POINTS SURVEYING AND ENGINEERING, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, FOUR POINTS SURVEYING AND ENGINEERING, INC. RELIED UPON THE FINAL PLAT OF VILLAGE GREEN HIGHLANDS.
- 3) EASEMENTS FOR LOT 5, VILLAGE GREEN HIGHLANDS ARE BASED ON THE FINAL PLAT OF VILLAGE GREEN HIGHLANDS DEPICTING 10 FOOT SIDE LOT LINE UTILITY EASEMENTS AND 10 FOOT REAR LOT UTILITY EASEMENTS.
- 4) LOCATES FOR UTILITIES WERE NOT REQUESTED OR OBTAINED BY FOUR POINTS SURVEYING AND ENGINEERING, INC. IN CONJUNCTION WITH THIS SURVEY. UTILITY LOCATES SHOULD BE OBTAINED PRIOR TO PERFORMING ANY WORK IN THE REFERENCED AREA.
- 5) PROJECT BENCHMARK: ELEVATION OF 6852.24 FEET ON THE SOUTHEAST CORNER OF LOT 5 AS MONUMENTED BY A FOUND 1 1/2" YELLOW PLASTIC CAP ON #5 REBAR, PLS 13221. ELEVATION BASED ON NGS OPUS SOLUTION.
- 6) PROPERTY CORNERS WERE ON LOT 5 AS INDICATED. THE LOCATION OF IMPROVEMENTS SHOWN IS BASED ON REAR LOT FOUND PINS FOR LOT 5, VILLAGE GREEN HIGHLANDS AS SHOWN HEREON.
- 7) CHECK CITY OF STEAMBOAT SPRINGS PLANNING SERVICES FOR BUILDING SETBACKS PRIOR TO COMMENCING DESIGN.
- 8) STREET ADDRESS: 1255 BUCKSKIN DRIVE, STEAMBOAT SPRINGS, COLORADO

**SURVEYOR'S CERTIFICATE**

I, WALTER N. MAGILL, BEING A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY (I) WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, (II) HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY (III) IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND (IV) CONTAINS ALL OF THE INFORMATION REQUIRED BY C.R.S. 38-51-102 (9) AND C.R.S. 38-51-103, 38-51-104, 38-51-105 AND 38-51-106. THE NOTES SHOWN HEREON ARE A PART OF THIS CERTIFICATION.

WALTER N. MAGILL, REGISTERED LAND SURVEYOR, PLS 38024  
STATE OF COLORADO

**ROUTT COUNTY CLERK AND RECORDER'S ACCEPTANCE**

THIS MAP WAS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF ROUTT COUNTY, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2009 AT RECEPTION NUMBER \_\_\_\_\_ TIME: \_\_\_\_\_

ROUTT COUNTY CLERK AND RECORDER

**ROUTT COUNTY SURVEYOR CERTIFICATE**

THIS MAP WAS FILED AND INDEXED AS FILE NO. \_\_\_\_\_ ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009, AT \_\_\_\_\_ A.M. IN THE LAND SURVEY PLAT RECORDS FILE AND INDEX SYSTEM MAINTAINED IN THE OFFICE OF ROUTT COUNTY CLERK AND RECORDER PURSUANT TO C.R.S. 38-50-101.

ROUTT COUNTY SURVEYOR

BY: RIDGWAY C. MOON

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	87.30	137.77	36°18'21"	45.17	S45°34'13"E	85.85

**LINE TABLE**

LINE	LENGTH	BEARING
L1	31.49	S64°43'57"E
L2	16.21	S64°43'57"E
L3	16.02	S64°43'57"E
L4	4.93	N32°41'44"E
L5	86.22	N25°16'03"E
L6	28.29	N25°16'03"E
L7	33.48	N25°16'03"E
L8	3.76	N25°16'03"E
L9	22.28	S57°46'48"E
L10	22.51	N33°09'45"E
L11	21.91	S57°46'48"E
L12	22.51	N33°09'45"E
L13	32.15	S03°06'21"E
L14	14.10	S86°53'39"W
L15	4.00	N03°06'21"W
L16	22.00	S86°53'39"W
L17	28.10	N03°06'21"W
L18	11.90	N86°53'39"E
L19	6.10	N03°06'21"W
L20	12.15	N86°53'39"E
L21	6.10	S03°06'21"E
L22	12.00	N86°53'39"E

PALMQUIST RESIDENCE

**IMPROVEMENT SURVEY PLAT  
LOT 5, VILLAGE GREEN HIGHLANDS SUBDIVISION**

Horizontal Scale  
1" = 20'

Contour Interval = 2'

NO.	DATE	REVISIONS	INT.

DATE: 8-21-09 DESIGN: WMM  
JOB NO. 1001-011 DRAFTED: WMM  
DWG. NAME REVIEW: WMM

**Four Points  
Surveying and Engineering**

440 South Lincoln Ave., Suite 4B  
P.O. Box 779966  
Steamboat Springs, CO 80487  
(970)-871-6772  
wmpepb@gmail.com

SHEET NO.  
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OF 1

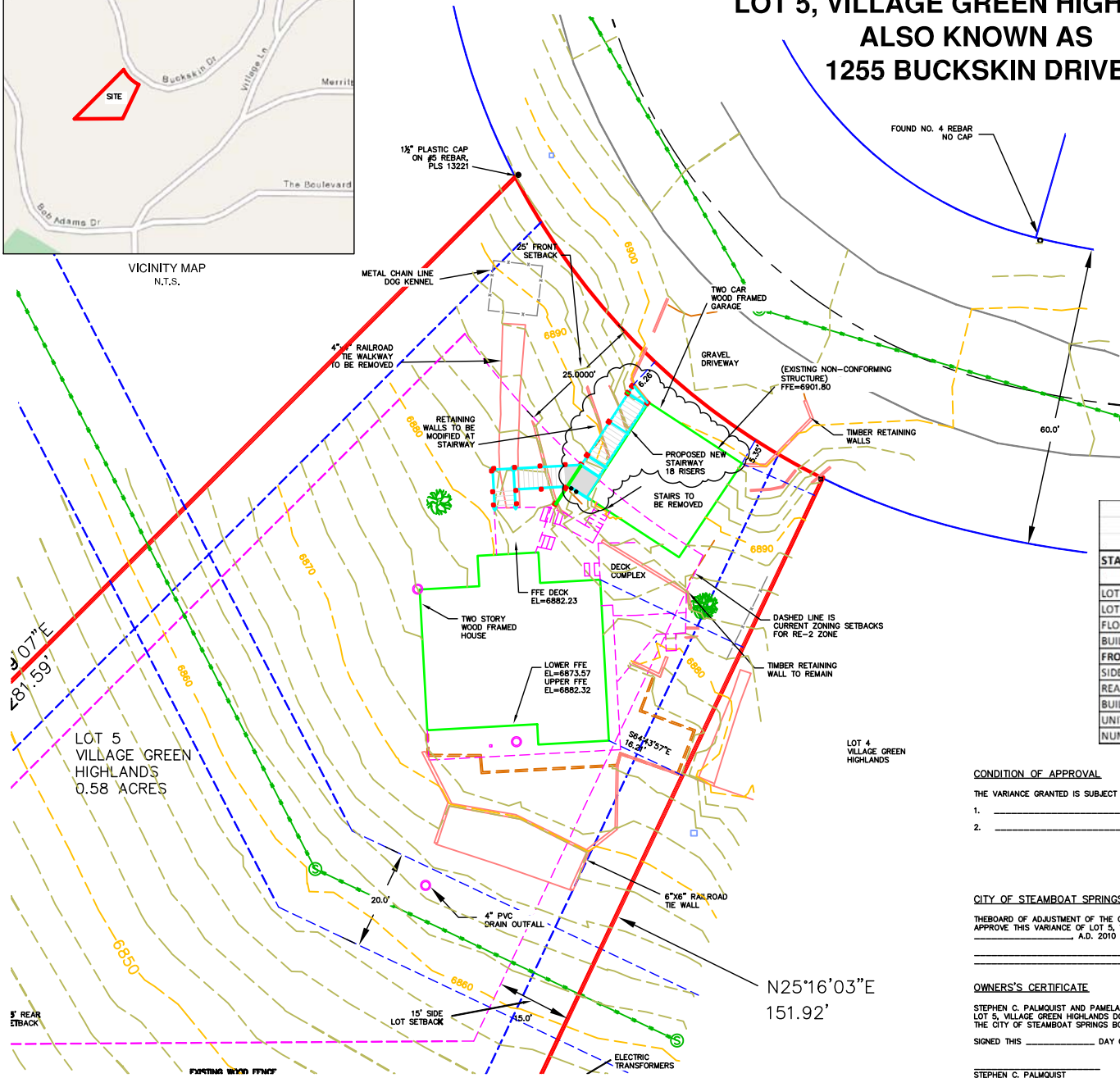
**NOTICE OF RESEARCH**  
PURSUANT TO C.R.S. S 38-51-106(1)(B)(X) RESEARCH REGARDING THE RIGHTS-OF-WAYS AND EASEMENTS AS SHOWN HEREON WAS OBTAINED BY TITLE COMMITMENT NO. 919105 C7 AS PREPARED BY STEWART TITLE GUARANTY COMPANY AS OF OCTOBER 22, 2009 AND NOT FROM THE PERSONAL SEARCH OF WALTER N. MAGILL, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO.

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

# VARIANCE FOR LOT 5, VILLAGE GREEN HIGHLANDS ALSO KNOWN AS 1255 BUCKSKIN DRIVE



VICINITY MAP  
N.T.S.



- NOTES:
- 1) A LAND SURVEY OF LOT 5, VILLAGE GREEN HIGHLANDS PER THE FINAL PLAT AS RECORDED AT FILE NO. 6974, ON DECEMBER 3, 1970. FIELD SURVEYING COMPLETED FRIDAY, SEPTEMBER 18, 2009.
  - 2) THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FOUR POINTS SURVEYING AND ENGINEERING, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, FOUR POINTS SURVEYING AND ENGINEERING, INC. RELIED UPON THE FINAL PLAT OF VILLAGE GREEN HIGHLANDS.
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  - 5) THIS IS NOT A MONUMENTED LAND SURVEY.
  - 6) PROJECT BENCHMARK: ELEVATION OF 6852.24 FEET ON THE SOUTHEAST CORNER OF LOT 5 AS MONUMENTED BY A FOUND 1 1/2" YELLOW PLASTIC CAP ON #5 REBAR, PLS 13221. ELEVATION BASED ON NGS OPUS SOLUTION.
  - 7) PROPERTY CORNERS WERE ON LOT 5 AS INDICATED. THE LOCATION OF IMPROVEMENTS SHOWN IS BASED ON REAR LOT FOUND PINS FOR LOT 5, VILLAGE GREEN HIGHLANDS AS SHOWN HEREON.
  - 8) STREET ADDRESS: 1255 BUCKSKIN DRIVE, ZONING RE-2
  - 9) THE PROPERTY IS NOT IN ANY FLOOD PLAN OR FLOODWAY PER CURRENT FEMA MAPPING.

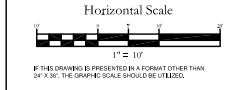
I HEREBY CERTIFY THAT THE HORIZONTAL AND VERTICAL MEASUREMENTS AS SHOWN HEREON ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WALTER N. MAGILL, PLS 38024  
PROFESSIONAL LAND SURVEYOR

LOT 5, VILLAGE GREEN HIGHLANDS 1255 BUCKSKIN DRIVE ZONED RE-2		
STANDARDS	ZONE DISTRICT REQUIREMENTS	VARIANCE
LOT AREA	13,500 SF	None
LOT COVERAGE	0.35	None
FLOOR AREA RATIO	No Max.	None
BUILDING HEIGHT	APH - 28', OH - 40'	None
FRONT SETBACK	P 25', ACC 25'	P 25', ACC 6'
SIDE SETBACK	P 15', ACC 10'	None
REAR SETBACK	P 15', ACC 15'	None
BUILDING SEPARATION	N/A	N/A
UNIT SIZE	N/A	N/A
NUMBER OF UNITS	N/A	N/A

PALMQUIST RESIDENCE

LOT 5, VILLAGE GREEN HIGHLANDS SUBDIVISION  
SITE PLAN



Contour Interval = 2'

NO.	DATE	REVISIONS	INT.

DATE: 4-14-2010 DESIGN: WJM  
JOB NO. 1001-011 DRAFTED: WJM  
DWG. NAME REVIEW: WJM

Four Points  
Surveying and Engineering

440 South Lincoln Ave., Suite 4B  
P.O. Box 775906  
Steamboat Springs, CO 80487  
(970)-671-6772  
www.fourpointseng.com

SHEET NO.  
1  
OF 1

CONDITION OF APPROVAL

THE VARIANCE GRANTED IS SUBJECT TO THE FOLLOWING APPROVAL CONDITIONS

1. \_\_\_\_\_
2. \_\_\_\_\_

CITY OF STEAMBOAT SPRINGS BOARD OF ADJUSTMENT APPROVAL

THE BOARD OF ADJUSTMENT OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, DOES HEREBY AUTHORIZE AND APPROVE THIS VARIANCE OF LOT 5, VILLAGE GREEN HIGHLANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2010

\_\_\_\_\_, CHAIRPERSON OF BOARD OF ADJUSTMENT

OWNERS'S CERTIFICATE

STEPHEN C. PALMQUIST AND PAMELA JEAN PALMQUIST, BEING THE OWNERS OF SAID LOT 5, VILLAGE GREEN HIGHLANDS DO HEREBY SUBMIT THIS VARIANCE REQUEST TO THE CITY OF STEAMBOAT SPRINGS BOARD OF ADJUSTMENT.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

STEPHEN C. PALMQUIST PAMELA JEAN PALMQUIST



Attachment 2

3-8



3-9

City of  
**Steamboat Springs** 

March 25, 1992

Mr. and Mrs. Fredrick Conrath  
675 Pershing St.  
Craig, CO 81625

RE: Conrath Residence Variance Request (BA-92-03)

Dear Mr. & Mrs. Conrath;

This letter is to inform you that the Steamboat Springs Board of Adjustment approved the variance requested for your lot located at 1255 Buckskin Drive at a public hearing held on March 19, 1992.

The variance which was approved was for a the construction of a detached garage 9' into the required 10' accessory structure setback along Buckskin Drive. The legal description of the subject lot for which the variance was approved is Lot 5, Village Green Highlands. The Board of Adjustment stipulated a condition of approval of the variance that the design of the driveway into the garage be acceptable to the City Public Works Dept.

The variance is effective for a period of one year from the date of approval, or until March 20, 1993. Construction of the garage must be is commenced and diligently pursued within this time period.

Please let me know if you need any further assistance in this matter and good luck with the construction of your home.

Sincerely,

CITY OF STEAMBOAT SPRINGS

  
Karen B. Campbell  
City Planner

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## Attachment 3

P.O. Box 775088, Steamboat Springs, Colorado 80477  
City Hall - 879-2060; Utility Accounting - 879-6993; Police - 879-1144; Public Works Shop - 879-1807  
Steamboat Springs Airport - 879-9042; Transit - 879-5585; FAX: 303-879-8851