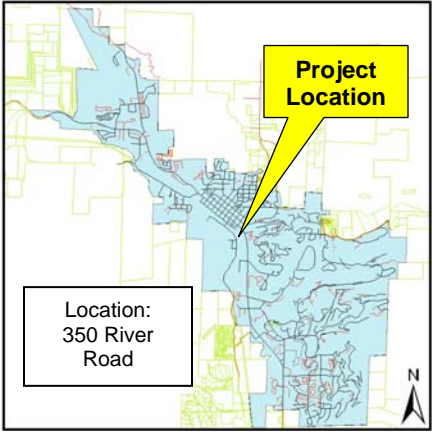


DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

BOARD OF ADJUSTMENT AGENDA ITEM #3: VAR-10-02	
Project Name:	Adams Addition Lots 8 – 9 at 350 River Road
Prepared By:	Seth E. Lorson, City Planner (Ext 280)
Through:	Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)
Date:	September 8, 2010
Board of Adjustment (BOA):	September 16, 2010
Zoning:	Residential Old Town (RO)
Applicant:	George and Erinn Cook
Request:	Four foot (4') Variance to side setback



DIMENSIONAL STANDARDS OVERVIEW			
Standard	CDC	Proposed	Variance
Lot Area	N/A		
Lot Coverage	N/A		
Floor Area Ratio (FAR)	N/A		
Building Height	N/A		
Setbacks			
Front	15 feet	15+ feet	0
Rear	50 feet	50+ feet	0
Side	10 feet	6 feet	4 feet

Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

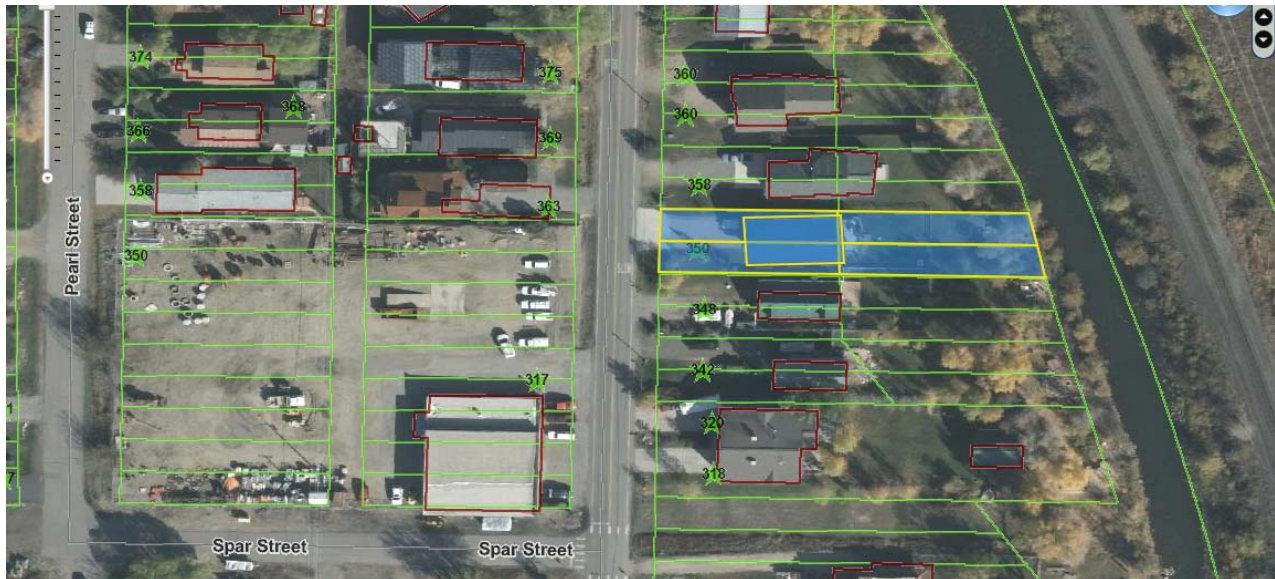
CDC - SECTION 26-70 (D): A VARIANCE MAY BE APPROVED IF THE BOARD OF ADJUSTMENT DETERMINES THAT THE PROPOSAL MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Legal use	<input checked="" type="checkbox"/>			
2)	Equal enjoyment	<input checked="" type="checkbox"/>			
3)	Hardship	<input checked="" type="checkbox"/>			
4)	Hardship not self-imposed	<input checked="" type="checkbox"/>			
5)	Injury to adjoining property mitigated	<input checked="" type="checkbox"/>			
6)	Minimum relief	<input checked="" type="checkbox"/>			
7)	Increase in nonconformity			<input checked="" type="checkbox"/>	
8)	Special circumstances	<input checked="" type="checkbox"/>			
9)	Consistent with CDC, policies and plans	<input checked="" type="checkbox"/>			
10)	Previous variance	<input checked="" type="checkbox"/>			

Staff Finding: Staff finds the application CONSISTENT with the Criteria for Approval for a Variance of 4 feet to the side building setback.

.... (Detailed project analysis is located in Section VII; Staff Findings and Conditions are in Section VIII)

AERIAL PHOTO



II. BACKGROUND

The single-family residence at 350 River Road was built in 1999 with a two-car garage as the primary street presence and the main entrance is situated along the south side of the building. The main wall of the building is setback 11.5 feet from the south property line and has existing shed roof above the two doors (garage door and main entrance) that encroach 2 feet into the side setback (up to 3 feet is allowed).

III. REASONING AND PROJECT DESCRIPTION

The request for a 4 foot side setback variance is to construct a shed roof that spans the distance of the side of the building (50') and 5 supporting piers. The two existing shed roofs inadequately protect the walkway between the front driveway and the main entrance. The building's main roof sheds and melts onto the walkway creating a hazardous situation for accessing the main entrance. During a pre-application meeting, staff suggested that a variance would not be needed if piers were not built to hold up the proposed roof. Without the piers the shed roof would be of questionable integrity and a potential safety hazard with snow load.

IV. NEIGHBORHOOD CHARACTER

River Road is in the Brooklyn Neighborhood between the Yampa River and Emerald Mountain. All adjacent properties are zoned Residential Old Town (RO). Brooklyn is characterized by small lots and primarily residential uses with a few industrial and commercial uses interspersed.

V. OVERVIEW OF DIMENSIONAL STANDARDS – RESIDENTIAL NEIGHBORHOOD ONE – LOW DENSITY (RN-1) ZONE

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold** do not comply with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

DIMENSIONAL STANDARDS – CDC Section 26-132

Standard	Code Requirements	Proposed	Variance
<i>Setbacks</i>			
<i>Front</i>	15 feet to principal structure	Fifteen plus (15+) feet	0
<i>Rear</i>	Fifty (50) waterbody setback	Fifty plus (50+) feet	0
<i>Side</i>	Ten (10) feet	Six (6) feet	4 feet

VI. MASS, SCALE, AND DESIGN IMPACTS

The proposed covered walkway is made of wood and is 50 feet in length and 5 feet wide. It spans the entirety of the south side of the building and has 5 piers holding it up. There are no enclosed sides sans the existing building. A new concrete walkway will be constructed underneath the proposed shed roof.

VII. PROJECT ANALYSIS

A) CRITERIA FOR APPROVAL

CDC - Section 26-70 (d): *Criteria for review and approval.* 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 or alternative criteria in subsection (e) or alternative criteria for floodplain development permit variances in section 26-164 or alternative criteria for sign variances in article IX have been met:

(1) *Legal use.* The property and the use of such property for which the variance is requested is in full compliance with all requirements of the zone district in which the property is located, or there is a legal nonconforming structure or lot, or there is a conforming structure housing a legal nonconforming use. No variance may be granted which would permit or expand any unlawful use of property.

Staff Analysis: Consistent. The single-family residence is a use by right in the RO zone district.

(2) *Equal enjoyment.* The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located.

Staff Analysis: Consistent. The proposed covered walkway does not constitute a grant of special privilege.

(3) *Hardship*. The special circumstances of the subject property make the strict enforcement of the provisions of this CDC an unnecessary hardship to the property owner.

Staff Analysis: Consistent. The proposed covered walkway will mitigate a hazardous situation with snow, ice and water shedding from the main roof to the main entrance walkway.

(4) *Hardship not self-imposed*. The special circumstances of the subject property are not the result of the actions of the applicant.

Staff Analysis: Consistent. The direction the main roof sheds and the home design having the main entrance on the side are the circumstances creating the hardship.

(5) *Injury to adjoining property mitigated*. The variance will not permanently injure or adversely impact legal conforming uses of adjacent property; or the applicant has accurately assessed the impacts of the proposed variance and has agreed to mitigate those impacts. In making this determination the board shall begin with the assumption that variations from development standards create impacts on adjacent properties, and shall place the burden of proof on the applicant to show:

- a. Impacts to adjacent properties are presumed.
 - b. That there are no impacts, or that the impacts have been adequately mitigated.
- Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.

Staff Analysis: Consistent. The proposed covered walkway will encroach into the side setback 2 feet more than the existing two shed roofs. The applicant has communicated with the adjacent (south) property owner in regards to this encroachment and has been provided a letter of support. (see attachment 4)

(6) *Minimum relief*. The requested variance is the least modification possible of the provision of the CDC that will afford relief to the applicant.

Staff Analysis: Consistent. The proposed covered roof will canopy a 6 foot walkway which is a reasonable size for an entrance to a home.

(7) *Increase in nonconformity*. When considering the amount of variance requested, an existing nonconformity will be considered part of the overall variance request. For example, an existing nonconforming structure encroaches five (5) feet into the setback, and the applicant would like to encroach an additional five (5) feet. The variance request is for a ten (10) feet encroachment into the required setback.

Staff Analysis: N/A.

(8) *Special circumstances.* The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located.

Staff Analysis: Consistent. The proximity of the neighboring property due to the width of the lot compared to the width of the building and the amount of snow an ice build-up create a special circumstance that requires a Variance to promote safe access to this property.

(9) *Consistent with CDC, policies and plans.* The variance is consistent with the purposes and intent of this CDC and purpose of the CDC and adopted land use policies or plans, as applicable. In granting any variance, appropriate conditions and safeguards may be prescribed to ensure that the purpose and intent of this title will not be violated.

Staff Analysis: Consistent. The variance request is consistent with the purpose and intent of the Community Development Code and the adopted land use policies and plans. The subject property with the proposed covered walkway will continue to be consistent with lot size, building size, building height, and use as required by the RO zone district.

(10) *Previous variance.* Every piece of property is unique, so evidence that a variance was previously granted under similar circumstances shall not be considered binding grounds for granting a variance.

Staff Analysis: Consistent. The proposed Variance meets the criteria on its own merit and has not been compared to other properties.

VIII. STAFF FINDING & MOTION

Staff finds this variance request is in compliance with the City of Steamboat Springs Community Development Code Section 26-70.

Motion

The Board of Adjustment finds that the Variance request for a 4 foot encroachment into the side building setback at Adams Addition Lots 8 – 9 at 350 River Road is consistent with CDC Sec. 26-70 (d) criteria for approval.

IX. ATTACHMENTS

- Attachment 1 – Applicant narrative
- Attachment 2 – Site plan & elevations
- Attachment 3 – Images of existing conditions
- Attachment 4 – Adjacent property support letter

Single Family Variance Application
350 River Road
George and Erinn Cook
cookconcrete@msn.com
970 846-1393

Attached: photos, approval from the adjacent property owners, site plan, survey of the property.

This variance applies to CDC Sect 26-132 Dimensional Standards - Encroachment into set back areas

We are requesting this variance to mitigate water and ice build up due to drip from the roof edge as evidenced in the photos provided. We wish to construct a shed roof 50.5 feet in length and 6 feet (R' walkway, 1' overhang) in width on the south facing side of our home. According to the survey this would cause a 4.14 foot encroachment on the 10 foot setback requirement between our home and the shared property line with 348 River Road.

We wish to have approval of the variance for the safety of our children, pet and guests that come to our home, as well as mitigate damage that the ice and water are doing to the exterior of the home. The ice build up on the sidewalk, as well as the dangers of dropping ice and snow from the roof edge, make it a hazardous situation for all that try to access the main entrance of our home.

For the majority of the year, we access our home through a man door through the garage to the garage entry to the home. Even this entry is unsafe due to ice buildup and drip from above.

We ask that you approve our variance so that we, as homeowners, and our guests can enter our home safely and relieve us from a dangerous situation.

Criteria for Review and Approval

1. Legal use

The home is in full compliance with all requirements of the zone district in which the property is located.

2. Equal enjoyment

Some homes have been afforded special considerations due to the lot sizes in the neighborhood. The homes across the street have a shared driveway. Another home has a garage in the alley way.

3. Hardship

We suffer a hardship due to our inability to use our walkway during the winter and rainy months.

4. Hardship not self imposed

The hardship is due to the lot size and the size of the pre-built home.

5. Injury to adjoining property mitigated

The roof will not impact the neighbors and will present a more sightly appearance. In addition, see the attached letter from the neighboring property owners.

6. *Minimum Relief*

The minimum ADA requirement has been met to allow access.

7. *Increase in nonconformity*

N/A

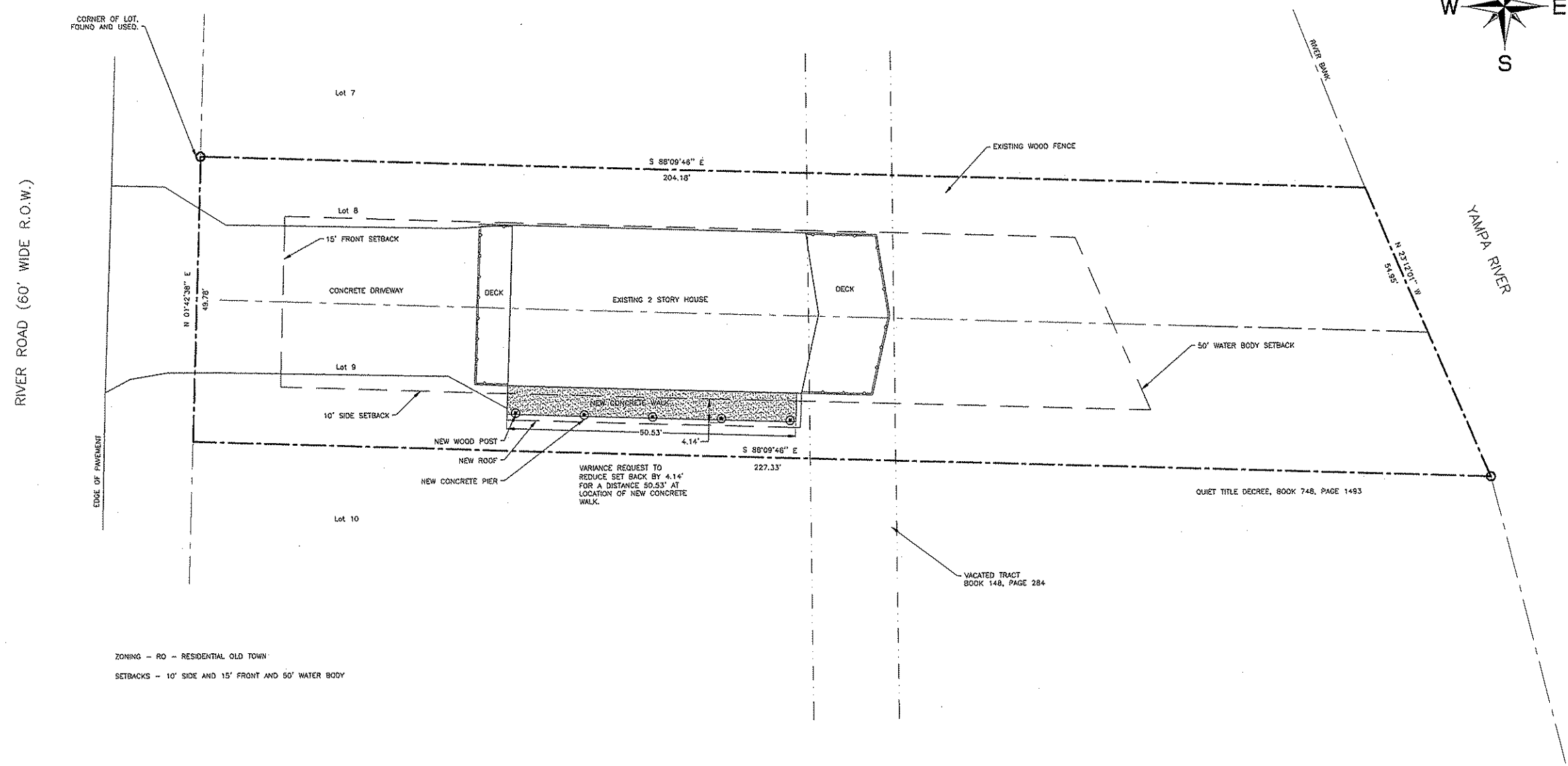
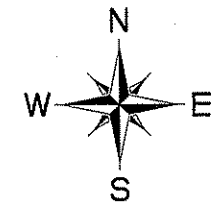
8. *Special circumstances*

Due to the width of the lot and the width of the pre-built home.

9. *Consistent with CDC, policies and plans*

This variance allows for the safety of the inhabitants of the home and visitors.

YVE
 YAMPA VALLEY ENGINEERING, INC.
 STRUCTURAL
 MECHANICAL
 ENGINEERING
 DESIGN
 DRAFTING
 SERVICES
 JAMES STEGMAIER, P.E.
 1784 KAMAR PLAZA
 P.O. BOX 772192
 STEAMBOAT SPRINGS, CO
 80477
 970-870-8229
 yveengr@yveengr.com



LEGAL DESCRIPTION

LOTS 8 AND 9, BLOCK 2, ADAMS ADDITION TO THE TOWN OF STEAMBOAT SPRINGS, TOGETHER WITH THAT PORTION OF THE VACATED TRACT ADJOINING SAID LOTS AND TOGETHER WITH THE PARCEL OF LAND BETWEEN THE VACATED TRACT AND THE WESTERLY BANK OF THE YAMPA RIVER IF THE NORTH AND SOUTH LINES OF SAID LOTS WERE EXTENDED TO THE RIVER BANK, ROUTT COUNTY, COLORADO.

350 RIVER ROAD

PROPOSED SITE PLAN

ZONE: RN-3



PLANS FOR:
COOK RESIDENCE
 350 RIVER ROAD
 STEAMBOAT SPRINGS, COLORADO

JOB NO.: 10-011
 DRAWN: AJM
 DATE: 4-26-10

REVISIONS		
NO.	DATE	DRAWN

SHEET NUMBER
C-2
 SITE PLAN

1 PROPOSED SITE PLAN

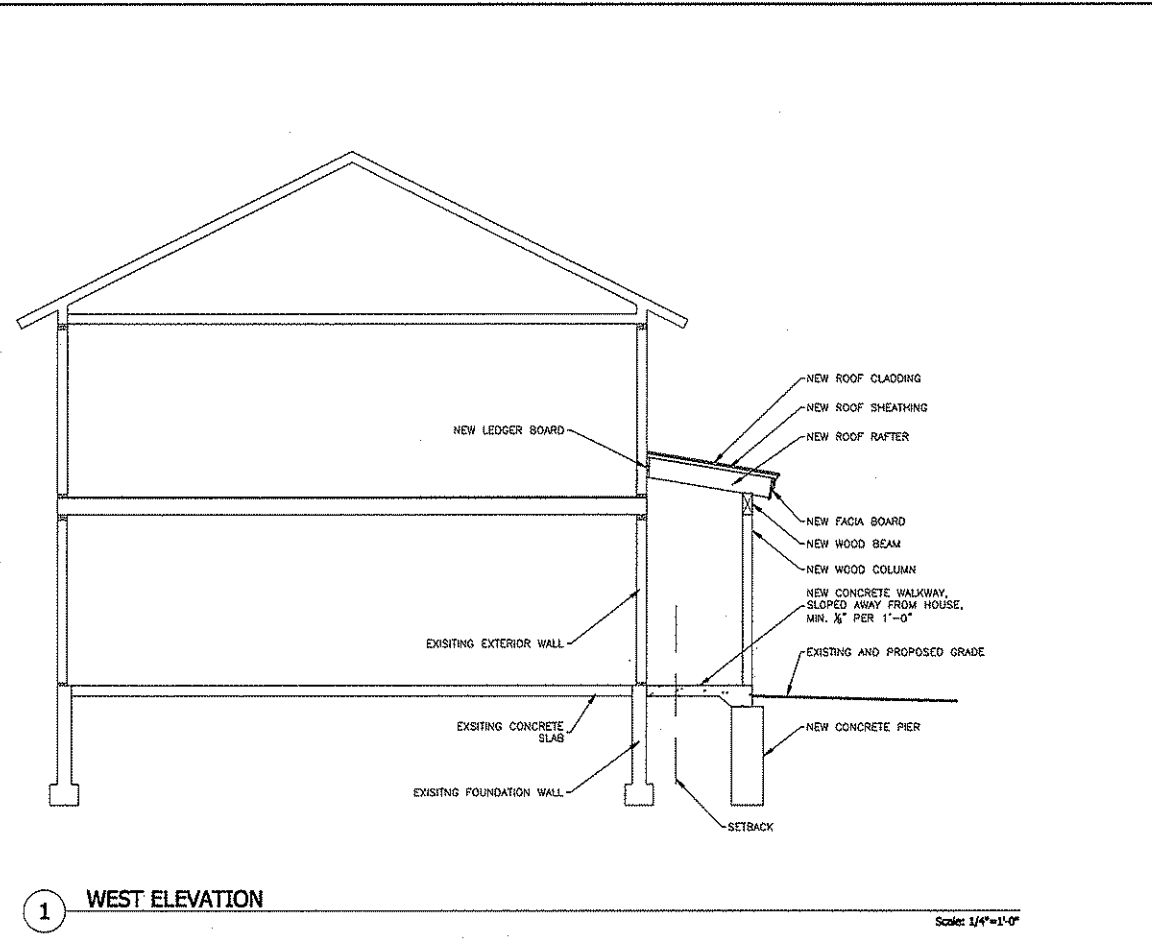
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PLANS FOR:
COOK RESIDENCE
350 RIVER ROAD
STEAMBOAT SPRINGS, COLORADO

JOB NO: 10-011
DRAWN: AJM
DATE: 4-28-10

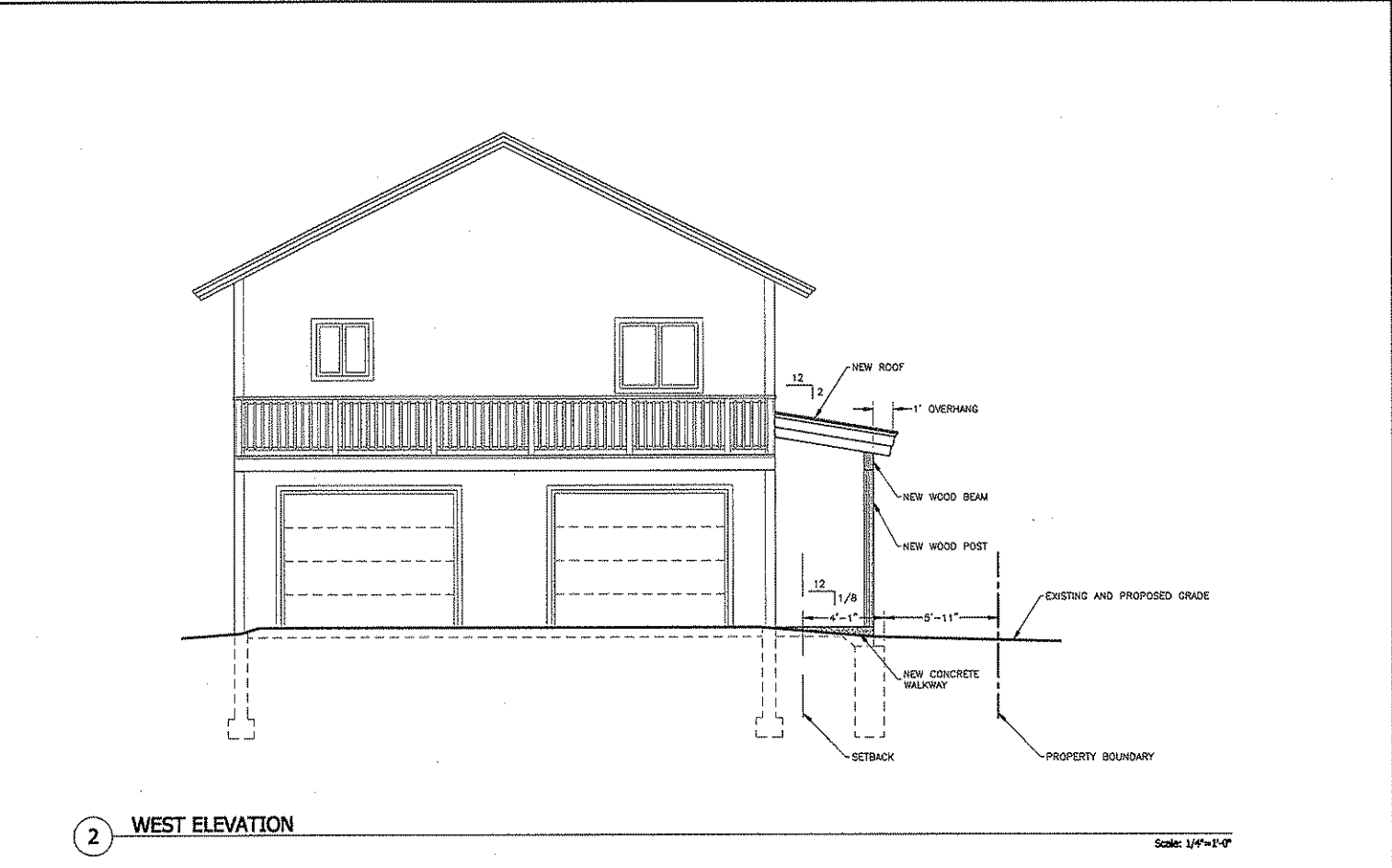
REVISIONS		
NO.	DATE	DRAWN

SHEET NUMBER
A-1
ELEVATIONS



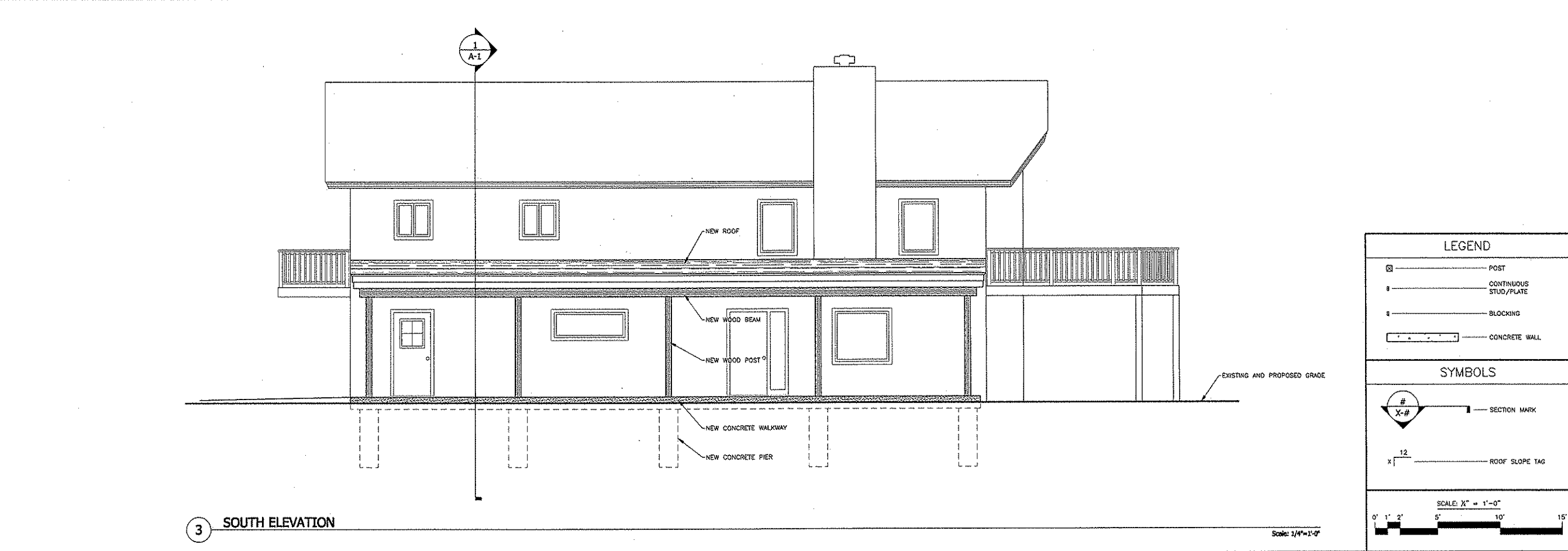
1 WEST ELEVATION

Scale: 1/4"=1'-0"



2 WEST ELEVATION

Scale: 1/4"=1'-0"



3 SOUTH ELEVATION

Scale: 1/4"=1'-0"

LEGEND	
	POST
	CONTINUOUS STUD/PLATE
	BLOCKING
	CONCRETE WALL

SYMBOLS	
	SECTION MARK
	ROOF SLOPE TAG

SCALE: 1/4" = 1'-0"



January 27, 2010

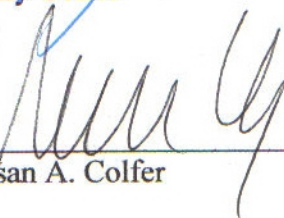
To whom it may concern:

We, Kelly and Susan Colfer, residents and owners of 348 River Road (Lots 10 & 11 BLK 2, Adams Addition to Steamboat Springs) give our permission for our neighbors and adjacent property owners, George and Erinn Cook, residents and owners of 350 River Road (Lots 8 & 9 BLK 2 and Adjoining Vacated Alley, Adams Addition to Steamboat Springs) to build a shed roof, 52 feet in length and 5 feet in width, with 6 piers spaced 10 feet apart from their property that will exceed the 10 foot setback requirement between their home and our property line.



Kelly Colfer

2-8-10
Date



Susan A. Colfer

2-8-10
Date