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February 12, 2025

Routt County Planning Department  
136 6<sup>th</sup> Street  
Steamboat Springs, CO 80477  
Phone: (970)-879-2704

RE: Lot 8, Moonhill Meadows  
Rosemary Whittingham  
50215 Moon Hill Drive,  
Steamboat Springs, CO 80487  
Parcel No. 141200008

Dear Planning Department,

Please accept this application as the narrative for an adjustment per the Routt County Unified Development Code (UDC) Chapter 4, Procedures, Section 7 Relief. 4.72: Adjustments

### **Background**

Lot 8, Moonhill Meadows is a 5.36 acre property that contains a residential single family home, a barn, and a 36' x 48' garage as shown on the attached Improvement Survey Plat. Mr. and Mrs. Whittingham have owned the property since 1973. The original home was constructed in 1971, remodeled in 1988 and 2009. There is a barn constructed in 2004 on westerly side of the property and garage on the northside of the property constructed in 1984. Routt County approved a variance for the garage in 1984 from the 50' agricultural/forestry zoning setback to fifteen prior to the start of the construction for the garage. However, during layout the builder utilized the north fence line for measuring the fifteen feet and the fence was not constructed on the property line. The barn was constructed on an old barn footprint in 2004 and outside of the boundary of Lot 8. The owners are currently working with the neighbor to the north on a lot line adjustment to resolve the issue with the location of the barn.

### **4.72 Adjustments**

- A. Purpose. The purpose of this section is to provide the requirements, allowances, and limitations for an adjustment to the requirements of this UDC. An Adjustment is a deviation from a dimensional requirement in this UDC which would not be contrary to the public interest when, owing to special circumstances or conditions, the strict enforcement of the provisions of this UDC would result in an undue or unnecessary hardship. Adjustments shall only be granted in accordance with the terms of this section.
- B. Authority.

1. The Board of Adjustment, in accordance with the procedures and standards of this section, shall have the authority to approve, approve with conditions, or deny an application for an Adjustment for deviations of dimensional standards, limited to the following:
  - a. Minimum property line setbacks;
  - b. Maximum allowable building height;
  - c. Maximum separation permitted between a secondary dwelling unit and a primary dwelling unit;
  - d. Historic secondary dwelling units; and
  - e. Signs.
2. The Board of County Commissioners shall have the authority to approve, approve with conditions, or deny an application for an Adjustment to any other dimensional standard not under the authority of the BOA.
3. In order to ensure the protection of the public welfare and fulfill the intent and purpose of this UDC, the BOA or BCC may impose any other condition found to be necessary upon the granting of an Adjustment.
4. Adjustments shall only be granted with respect to specific plans, or within defined parameters, including but not limited to a specific height, setback, or building envelope. Unless otherwise specified by the BOA or BCC, an Adjustment may be transferred to successive owners prior to construction if no changes are made to the approved plan. Adjustments shall run with the land after the construction of any authorized structures and only for the life of such structures.

C. Standards. The review body may grant an Adjustment if all of the following conditions are found to exist:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this UDC are strictly enforced. **The owner would be forced to demolish the garage which has been in service for over forty years and then build a new garage. The location of the garage does not impact any neighboring properties due to the Keller irrigation ditch north of the fence line and west of the barn.**
2. The requested Adjustment is the minimum deviation necessary to enable reasonable use of the property. **The request for allowance for the garage to remain as constructed is the minimum deviation necessary to maintain the garage.**
3. The Adjustment is necessary to provide the property with comparable use rights and privileges permitted to other properties in the vicinity and in the applicable zone district. **The adjustment will allow the owners and future owners to maintain a structure which has been in place for forty years and will not impact surrounding properties in the vicinity. There are no utilities in the easement area and the barn is located at the end of a private roadway.**
4. The Adjustment , if granted, will not confer a personal convenience or special privilege to the applicant. **The adjustment will not be a personal convenience or special privilege since the constructed location was an error which occurred forty years prior and only became an issue after the barn constructed in 2004 was noted as constructed on the neighboring property in 2024.**
5. Circumstances creating the hardship were in existence on the effective date of the regulations from which an adjustment is requested, or were created subsequently through no fault of the applicant. **The owners went through the variance process with Routt County Planning per the required regulations. The hardship occurred by contractor error and was not the fault of the applicant.**
6. The property for which a Adjustment is requested possesses a site-specific constraint, such as exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zone district. **Lot 8,**

Moonhill property is a unique property as it is the largest lot in the subdivision and the Keller irrigation ditch is located to the west and north of the garage. Due to the waterbody, no new buildings can be permitted for construction surrounding the existing garage. In addition, the garage is at the end of the cul-de-sac roadway and very little traffic sees the garage.

7. The Adjustment , if granted, will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood. The garage has been in place for forty years and the impact will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood.
8. The Adjustment , if granted, will not be directly contrary to the intent and purpose of this UDC or the Master Plan. The proposed adjustment aligns with the intent and purpose of the UDC and Master Plan by supporting the preservation of existing structures and promoting sustainable building practices. The garage is a well-established and integral part of the property, and its removal would result in unnecessary resource waste while also diminishing the property's functionality and enjoyment for the owners.

We look forward to a full review of the adjustment of the garage on Lot 8, Moonhill Meadows. Please process the application as soon as possible and contact me by email or phone with any questions.

Sincerely,

Walter Magill, PE-PLS  
Four Points Surveying and Engineering