

## **Narrative in Support of Petition for Variance Request Pursuant to Section 5.3.3.E of the Routt County Zoning Regulations**

### **To Whom It May Concern:**

This office represents Joshua and Carrie Babyak, the owners of the property located at 29400 County Road 14, Steamboat Springs, CO 80487, also known as the Fair Acres Ranch (the "Property"). The Routt County Assessor Property Record Card showing the current ownership of the Property is attached hereto as Exhibit A. We are requesting variances pursuant to Section 5.3.3.E. of the Routt County Zoning Regulations, which provides as follows:

The owner of a unit that has been designated as an historic site pursuant to Routt County Resolution 93-006 or is listed on the state or federal register of historic buildings may request relief from strict compliance with this section by a petition to the Board of County Commissioners. Such relief may be granted if the owner demonstrates that the historic nature of the building would be damaged if strict compliance were required and that strict compliance is not necessary to protect the safety, health or welfare of the public.

On March 29, 2022, the Board of County Commissioners unanimously approved the placement of the historic district for the Fair Acres Ranch on the Routt County Register of Historic Properties and authorized the Chair to sign Resolution Number 2022-016, designating the Fair Acres Ranch to the Routt County Register of Historic Properties. The historic district is depicted on the map attached hereto as Exhibit B. The historic district includes the main house, which was constructed around 1911. The main house consists of approximately 2,037 square feet of above grade livable space, plus a basement for a total size of roughly 2,658 square feet. The current owners desire to preserve the main house as a secondary dwelling unit and to construct a new residence on the Property, outside the boundaries of the historic district.

The Property is approximately 55.2 acres in size, and it is zoned AF (Agriculture and Forestry). The Routt County Zoning Regulations permit Secondary Dwelling Units in the AF zone. Section 5.3 of the Zoning Regulations contains certain standards for Secondary Dwelling Units. Section 5.3.B. provides that Secondary Dwelling Units may be separated by no more than 300 feet from the Primary Dwelling Unit on properties of 35 acres or more. Section 5.3.D. provides that the maximum size for Secondary Dwelling Units is 800 square feet of habitable space. Therefore, to register the main house as a Secondary Dwelling Unit, the owners need, and by this letter are requesting, variances to both of these standards.

The historic nature of the main house would be damaged if strict compliance to the Zoning Regulations were required. The square footage of the existing main house is not changeable because it must be preserved as an historic building, and significant demolition would be necessary to reduce the size of the main house to only 800 square feet of living space. Complying with Section 5.3.B. is not possible without destroying the historic significance and structure of the main house. In addition, the Primary Dwelling Unit must be built outside of the

historic district, and it will be separated from the main house by approximately 1,200 feet, as is shown on the site map attached hereto as Exhibit C. Complying with Section 5.3.D. is not practical due to the location of the historic district and the structures therein.

Strict compliance with the Zoning Regulations is not necessary to protect the safety, health, or welfare of the public. Rather, these variances would permit the Babyaks to maintain the historic significance of the main house and the other structures within the historic district while giving them the ability to construct a new residence and utilize the remainder of the Property.

The intent of Section 5.3.3.E. is to allow a new residence to be constructed on a parcel that would not be permitted under normal circumstances while preserving the registered historic structure, according to former Planning Director, Caryn Fox, as she wrote in a 2006 letter to Arianthé Stettner, attached hereto as Exhibit D. Granting these variance requests to allow a new home to be constructed on the Property would protect and preserve the historic main house and the historic district for Fair Acres Ranch in general.

Please let us know if we can provide any additional information or answer any questions to assist with the processing of this petition for variance request.