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Sally Ross
Routt County Planning Department
Via email to: sross@co.routt.co.us

Re: Fair Acres Ranch Historical Property
Planning Project #PL20220098

Dear Ms. Ross:

My home is located at 30355 County Road 14b and I have owned it since 1993. The Fair Acres Ranch property (or "Property") is approximately one-half a mile north of my property. I can clearly see the current dwelling and outbuildings and the new construction.

I object to the granting of this variance request for a number of reasons:

1. The Babyaks purchased the Property in the spring of 2021. At this time the dwelling was fully remodeled and the exterior modified from its historic state. At the time of the purchase the Routt County Zoning regulations limited the Property to one primary residence and a secondary residence of no more than 800 square feet and no more than 300 feet from the primary residence. These regulations have not changed so there should have been no reasonable expectation that the Babyaks could build an additional primary dwelling on the Property. If their desire was to have a rural property with two separate primary residences they should have bought a larger piece of land.
2. So less than a year after purchasing the Property they apply for historical designation. While I appreciate the efforts of those involved in the historical designation process, I don't believe they've ever seen an old property they didn't like. So getting the Property so designated is no surprise and shouldn't rule the day.
3. The Babyaks have chose to proceed with construction of a foundation and road to a new primary residence in spite of their failure to obtain a variance prior to construction. They did so at their own peril and the fact that have subjected themselves to either removing the new construction or demolishing the old house should not be a factor in this determination. It was their choice to proceed as if they would succeed on this end run around applicable zoning regulations.
4. The old house is apparently completely remodeled on the interior so it essentially a new home. It has a new enclosed porch that is not historically correct. There is absolutely no reason it can't continue to be occupied as the primary dwelling on this parcel.

5. There is no justification for allowing a second dwelling unit 1200 feet from the existing unit while the rules require them to be within 300 feet (See comment 13 below).
6. There is no justification for building an additional dwelling of 4300 square feet when they knew the regulations limited a secondary unit to 800 square feet.
7. The request is contrary to newly adopted Master Plan by providing for a driveway through the entire 55 acre parcel with residences located at either end of the parcel.
8. The request does not meet the Master Plan's Open Space and Agricultural policies: 1, 2, 3, 4, 7, 9, 14, 15 and 16.
9. Having two residences located at either end of a 55 acre parcel violates Sustainability and Climate Action Plan Policies 1, 2, 4, and 5.
10. The proposal violates policies 2, 3, 4, 5, 6, 7 and 14 of the Natural Resource and Hazards guidelines.
11. The Master Plan surveys show strong support for strict adherence to the regulations limiting parcels under 70 acres to one primary dwelling and one secondary dwelling not more than 300 feet away and no more than 800 feet in size.
12. The Grouse Creek drainage has traditionally hosted large gatherings of elk during the winter. The location of the proposed new dwelling will unnecessarily disturb the elk.
13. The narrative of the applicant claims that the distance between the existing dwelling and the proposed new dwelling is 1200 feet. From reviews of available surveys and site plans it actually appears the distance between the dwellings would be closer to 2100 feet. Was this an innocent error and an intentional misrepresentation?
14. The narrative accessible to the public on the Planning Department website indicates there are a number of exhibits attached to the Narrative but are not available to the public. At a minimum, the proceeding should be continued while these omissions are corrected and the public has an opportunity to review all applicable documents.
15. Section 5.3.3. e of the Zoning Regulation makes this decision entirely within the discretion of the Board. While such section does allow the Board to excuse strict compliance with the applicable regulations for secondary units it also makes it clear that such a waiver should not occur if it negatively impacts the safety, health or welfare of the public. Allowing a precedent where a landowner in a predetermined and intentional manner seeks to avoid the requirements for a secondary unit by huge amounts (both in distance and square footage) is clearly a violation of the public's right to rely and enjoy the benefits of the Zoning Regulations as adopted, not manipulated, as here. Is the desire of the Babyaks for two houses justification to make exception to the public policy and protections contained in the long settled County rules?

In summary, I ask that this variance be denied. It is simply a situation where the Property owners have intentionally placed themselves in the position they now want relief from. They bought the Property knowing or should have known the limitations on construction of a new, 4300 square foot home, 1200 feet (or more accurately 2100 feet) from the existing dwelling. If they are so concerned about preserving the historic home perhaps they shouldn't have signed an agreement guaranteeing its destruction if they lose the variance. Or they could insure the preservation of the old house by simply canceling their attempt to put two homes on a piece of land where only one is allowable. Granting this request is ill advised and would set a horrible precedent for others to attempt to circumvent the Zoning Regulations.

Very truly yours,



Robert H. Stickler

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