

PETITIONER: RYAN & REBECCA NOWOSIELSKI
PETITION: VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE IN THE SETBACK
LEGAL: LOT 1, COUNTRY GREEN SUBDIVISION
LOCATION: 34620 COUNTRY GREEN ROAD
ZONE DISTRICT: MOUNTAIN RESIDENTIAL ESTATES (MRE)
AREA OF PARCEL: 2.47 ACRES
REQUIRED SETBACK: 50' FROM PROPERTY LINE TO STRUCTURE (NORTH)
50' FROM PROPERTY LINE TO STRUCTURE (WEST)
PROPOSED SETBACK: 10' FROM PROPERTY LINE TO STRUCTURE (NORTH)
20' FROM PROPERTY LINE TO STRUCTURE (WEST)
STAFF CONTACT: MICHAEL FITZ (MFITZ@CO.ROUTT.CO.US)
ATTACHMENTS: Proof Of Ownership (Deed), Vicinity Map, Existing Conditions Exhibit, Site Plan, Proposed Building Drawings Package

HISTORY:

The Country Green Subdivision Filing 1 PLAT was recorded in 1972, prior to the adoption of the Routt County Zoning Regulations and the Routt County subdivision regulations. This parcel was purchased by the applicant in November of 2021 and the applicant permanently resides in Routt County.

SITE DESCRIPTION:

The subject property is a vacant 2.47-acre rectangular shaped parcel vegetated with grasses, weeds, and heavy stands of deciduous and oak brush with occasional aspen trees. It is located off the private Country Green Lane and is the final lot on the dead-end road adjacent to the cul-de-sac. The parcel is on a very steep hill facing south, with existing grades adjacent to the access road at 80% and greater.

PROJECT DESCRIPTION:

The applicant is requesting the ability to construct a new single-family residence on the parcel. The proposed location of the structure complies with the regulated setbacks on the east and south property boundaries. The proposed house structure is located at the zoning required 50' setback from the north property boundary and the remaining structures (attached garage and site retaining walls) are at least 10' from the north property boundary. The proposed structures never reach a height greater than 10' above the elevation at the west property line adjacent to the access road and are in fact much lower than the access road.

*****ISSUES FOR DISCUSSION*****

This is a platted, buildable lot. The buildable status of this parcel is not under consideration as part of this application process but rather has the application presented a hardship and demonstrated that they have designed the house to fit the lot under the circumstances presented.

Water well permitting is managed by the Colorado Division of Water Resources, not Routt County. Speculative impacts to water supply and well permitting are not under consideration as part of this application process.

Setbacks for Mountain Residential Estates (MRE) District:

Property Line Setback	Proposed	Required	Variance
West:	20'	50'	30'
North:	10'	50'	40'

Section 3.4.6 – Standards for Grant or Denial of Variances:

- B. Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit, or special privilege to the applicant.
- C. Under no circumstance shall the BOA grant a variance to allow a use not permissible under the terms of this Resolution in the appropriate Zone District.
- D. Variances shall be granted with respect to specific plans or within defined parameters. Unless otherwise specified by the BOA, a variance may be transferred to successive owners prior to construction if no changes are made to the approved plan. Variances shall run with the land after the construction of any authorized structures and only for the life of such structures.
- E. The BOA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.
- F. In order to insure that the protection of the public good and the intent and purpose of these Regulations are preserved, the BOA may impose any other condition upon the granting of a variance, including those categories of conditions which may be placed upon Land Use Approvals under Section 3.2.6.

Applicable Regulations – Routt County Zoning Resolution:

- 3.4.6 The Board may grant such variance if all of the following are found to exist:
 - 3.4.6.A.1 Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced.

Petitioner Comments: The reason for this request is that the setback of 50 feet for all structures from the west side of the property and the extreme slope of the existing site (80% and greater) along with the fire apparatus access road standards for the Steamboat Springs Rural Fire Protection District requirements make it nearly impossible to build a residential structure that is safely accessible for firefighting operations. All reasonable building envelope locations were studied and the proposed solution with setback variances was the only one that provided a safe and buildable site.

Staff Comments: TBD

- 3.4.6.A.2 Circumstances creating the hardship were in existence on the effective date of the regulations from which a variance is requested or created subsequently through no fault of the appellant.

Petitioner Comments: The Country Green Subdivision was platted in February 1972 and the zoning regulations were adopted in March 1972. The lot is still in its original configuration without grading improvements, which is its most constraining feature, and the condition is no fault of the applicant.

Staff Comments: TBD

- 3.4.6.A.3 That the property for which a variance is requested possesses 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.

Petitioner Comments: The property for which the variance is requested contains an extremely steep existing slope (80% and greater), particularly at the western side of the property off the access road, that does not generally occur in other properties in the same zone district.

Staff Comments: TBD

- 3.4.6.A.4 That the variance, 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.

Petitioner Comments: The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air, or open space in the neighborhood, nor change the character of the neighborhood. The property for which the variance is requested is the final lot on the dead-end road directly adjacent to only one neighbor to the east and one neighbor to the north. Other properties at this end of the subdivision have structures at a similar setback from the proposed variance. The proposed structure location will not have increased view impact from the access road, nor provide any traffic visibility obstructions. The Country Green Homeowner's Association has been made aware of the variance request and did not take exception to the proposed solution as the structure within the setbacks is lower than the adjacent road elevation.

Staff Comments: TBD

- 3.4.6.A.5 The variance, if granted, will not be directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan.

Petitioner Comments: The variance, if granted, will not be directly contrary to the intent and purpose of the zoning regulations of the Routt County Master Plan. The variance does not propose an increase in allowable residential density, and aside from the requested setback relief, will meet all other zoning regulations.

Staff Comments: TBD