

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 – SERIES 2017**

**A RESOLUTION APPROVING VARIANCE 01-2017
LOCATED AT 1012 MAIN ST, MINTURN, CO.**

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-10 and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Section 16-21-610, and

WHEREAS, on September 6, 2017 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16-21-230, and

WHEREAS, pursuant to Minturn Municipal Code Section 16-1-20, the most appropriate use of land is allowed to be used with the variance, and

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-30, the Town Council makes the following findings:

- There are exceptional conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional conditions of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in unnecessary physical hardship inconsistent with the objectives of this chapter;
- The granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;
- The most appropriate use of land is being granted with this variance

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:

THAT the application for a Variance at 1012 Main Street, Replat of Parcel B & C, Manzanares Lot Line Adjustment, be approved subject to the following conditions:

- The building permit may not be issued until the Replat of Lot B vacating the lot line, is recorded with Eagle County Assessors office.

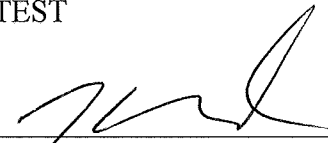
**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 6 day of
September, 2017**

TOWN OF MINTURN

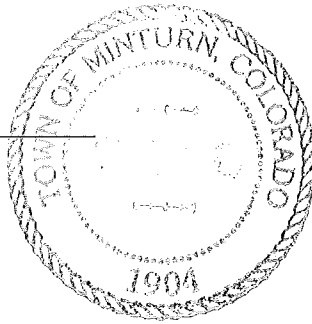
By: 

Mayor

ATTEST



Town Clerk





VARIANCE APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

302 Pine Street – PO Box 309

Minturn, CO 81645

(p) 970-827-5645

(f) 970-827-5545

Applicant: Sipes Architects, Inc	Address of: 1012 Main St., Minturn
Signature:	Requested Variance 01-2017
Property Owner (if different from applicant): (an affidavit of authorization must be included)	(name) David and Rachel Segerdahl (signature)

Please respond to the following questions regarding the variance request (attach additional sheets if necessary)

Please describe the nature of the requested variance: See attached letter

Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone? (if yes, please elaborate)

Yes, please see attached letter

Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code? (if yes, please elaborate)

Yes, please see attached letter

The Planning Commission and Town Council are required to make the following findings before granting a variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of the zoning code;
4. There is no substantial impairment to the public that would result from the granting of the variance

Town Use Only

Date received <u>8-10-2017</u>	Planner <u>JH</u>
Fee Paid <u>\$500</u>	Signature _____

Nature of the Variance request:

The Segerdahl's wish to add an addition to their 1980's vintage log cabin home at 1012 Main St in the South Town residential zone.

The existing home is 1.5 stories with basement. Utility spaces are in the basement, kitchen, dining, living, ¾ bath and guest bedroom are all on the main level with 2 bedrooms and a bath in the roof. The existing home has no garage or utility outbuildings. The proposed addition will consist of a new living space, master bedroom and bath above a new garage, entry/mudroom and stairs. The primary goals of the project are to gain a garage and additional living space for their growing family.

The existing narrow gravel drive is proposed to be regraded and widened to the 12' town residential minimum standard.

Both the existing home and addition are modest in size relative to the development rights on the property relative to the size of the lot. The combined building lot coverage is only 23% of the effective lot size (40% is allowed) however the shape of the lot combined with the grades from Mainstreet to the buildable portion of the lot create a situation where a variance request for increased site impervious coverage (54% rather than 50%) must be made.

Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone?

Yes, the shape of the lot combined with the grade differential between Main St and the buildable portion of the lot require 1300 sf of driveway before any construction could be contemplated. The building lot is very narrow (25') from Main St. down to where the grade levels out leaving no room between the setbacks for a garage closer to Main St. let alone the additional parking required by code.

Other properties in the zone have this same level change, but do not generally have the narrow portion of the lot requiring the long driveway. Other properties in the zone are also more generally rectangular. It is important to note that this shape was the result of a subdivision approved by the town at some point in the past.

Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code?

Yes. The physical shape of the lot results in a long driveway approach that other properties in the zone are not required to build. The town code for residential properties was not written with lots of this shape in mind. The code allows 40% building lot coverage and 50% impervious coverage. The only item not in common between these two calculations is for driveways. For all properties on the river the river setback area must be excluded from the total lot area for these calculations.

We understand that site impervious coverage and building lot coverage must be taken together and that no property owner is guaranteed the total allowable building lot coverage in the code. However, the literal interpretation of the code will result in significant building lot coverage (in our case the new addition) that is not available to this specific owner as compared to the typical lot in this zone. This is entirely due to the

shape of the lot as compared to the typical lot in the zone. Not granting a variance would result in significant hardship to the Segerdahl's and an unfair application of the code.

The required driveway down the narrow portion of the lot exceeds 10% of the effective lot size. It is therefore larger in area than the entire code anticipated impervious coverage that exceeds building lot coverage. We have no choice but to build this long driveway approach. Other properties in the same zone can choose, through design, to place building elements to minimize their hardscape surfaces. We are not afforded that privilege and this constitutes a unique hardship.

The variance process exists in the code to correct for unique conditions that do not fit the literal reading of the code. We also understand that the town understandably does not want to create precedent that modifies the intent of the code. We suggest to you that the narrow portion of our lot creates the problems that cause us to seek this variance and that excluding the portion of the impervious coverage traversing the narrow, otherwise unbuildable portion of the lot, from the total allowed impervious coverage would be a way to correct for this unique condition in a way that meets the intent of the code. Other than the additional impervious coverage required by the long driveway, this is a modest development proposal. We are not seeking to maximize the building, just to build enough. The resulting design proposal is very much in keeping with the generally more modest and funky character of the town.