

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2026-08

A RESOLUTION APPROVING A DEVELOPMENT PLAN AND MAJOR VARIANCE PL20250309, MARSHALL HOUSE DEVELOPMENT PLAN.

WHEREAS, on September 4, 2025, Chancie Keenan, Mountain Architecture Design Group, for Overlook Development LLC ("Applicant") submitted an application for the approval of a Development Plan and Major Variance PL20250309 ("Application") for a Development Plan and Major Variance for the Marshall House, a Local Landmark, with proposed use as a restaurant/tavern with cigar lounge ("Project") on the property located at 1133 Oak Street and more particularly described as DEVELOPMENT UNIT RIVER HOUSE CONDOMINIUM; and

WHEREAS, the City Council held a public hearing on the Application on February 3, 2026 to consider testimony from the Applicant, staff, and the general public regarding the application; and

WHEREAS, the public hearing was duly noticed in accordance with Section 703 of the City of Steamboat Springs Community Development Code ("CDC") by posting, publication, and mailing to surrounding property owners and to the owners of mineral rights, if any; and

WHEREAS, CDC criteria for approval of the Project are set forth in CDC Section 709.C, Section 719.D and Section 719.E; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on February 3, 2026, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report date January 28, 2026, that the following criteria have been met:

709.C Criteria for Approval:

1. The Development Plan is consistent with the character of the immediate vicinity or enhances or complements the mixture of uses, structures, and activities present in the immediate vicinity.
2. The Development Plan will minimize any adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.
3. The Development Plan provides adequate vehicular access, considering grade, width, and capacity of adjacent streets and intersections; parking;

- loading, unloading, refuse management, and other service areas; pedestrian facilities; and public or private transportation facilities.
4. The Development Plan complies with all applicable requirements of this CDC.
 5. The Development Plan is in substantial conformance with an approved Conceptual Development Plan, if applicable.

719.D General Criteria for Approval of Major Variance for the Front Principal Setback, CDC Section 221, to vary the standard the from 10'-0" to 1'-2 7/8":

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for unnecessary hardship and an acceptable alternative:
 - Unnecessary Hardship:** The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.
 - Acceptable Alternative:** The proposed development provides the following acceptable alternative to the standard:
 - The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
 - The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
 - The application of other code standards, purposes, or intents will be improved by varying the standard.

719.D General Criteria for Approval of Major Variance for the Front Accessory Setback, CDC Section 221, to vary the standard the from 15'-0" to 1'-1":

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for unnecessary hardship and an acceptable alternative:
 - Unnecessary Hardship:** The special circumstances of the subject property make the strict application of the standard an unnecessary

hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.

Acceptable Alternative: The proposed development provides the following acceptable alternative to the standard:

- The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
- The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
- The application of other code standards, purposes, or intents will be improved by varying the standard.

719.D General Criteria for Approval of Major Variance for the Side Principal Setback, CDC Section 221, to vary the standard the from 10'-0" to 5'-0":

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for both unnecessary hardship and an acceptable alternative:

Unnecessary Hardship: The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.

Acceptable Alternative: The proposed development provides the following acceptable alternative to the standard:

- The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
- The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
- The application of other code standards, purposes, or intents will be improved by varying the standard.

719.D General Criteria for Approval of Major Variance for Parking, CDC Section 300.F, to vary the standard for off-street parking from two spaces to zero spaces:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for an acceptable alternative:

Acceptable Alternative: The proposed development provides the following acceptable alternative to the standard:

- The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
- The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
- The application of other code standards, purposes, or intents will be improved by varying the standard.

719.E Alternative Criteria for Approval for Waterbody Setback Variance:

1. The property and the use of such property for which the Variance is requested meets the following:
 - The lot is a legal nonconforming lot.
2. The Variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and applicable zoning district.
3. The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.
4. The Variance is necessary due to special circumstances relating to the size, shape, topography, location, or surroundings of the subject property and to provide it with use rights and privileges permitted to other properties in the vicinity and in the applicable zone district.
5. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
6. The Variance is the least modification possible of the standard that will afford relief to the applicant.
7. When considering the amount of variation requested, any existing nonconformity will be considered part of the overall Variance request. For example, an existing nonconforming structure encroaches five feet into the required setback, and the applicant is requesting a Variance to encroach an additional five feet. The Variance request shall be for a ten-foot encroachment into the required setback.
8. The Variance is consistent with the purpose and intent of this CDC, the Community Plan, and other adopted plans, as applicable.
9. The property and the use of such property meets the following:

Strict enforcement of the setback requirement will deprive the property owner of all reasonable economic uses of the property in accordance with the applicable zone district.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, THAT:

SECTION 1. The foregoing recitals are incorporated by reference as the findings and determinations of the City Council.

SECTION 2. The City Council hereby approves the Application subject to the following conditions:

1. All exterior alteration to the structure must comply with the Secretary of the Interior's Standards and local Historic Design Guidelines. Building Permit shall not be issued until approved by staff. Specific exterior alterations requiring additional conformance include but are not limited to: roofing profile; stone veneer as exterior façade material for new foundation/walk out lower level; light fixture style/type and location; existing window reconstruction/restoration/rehabilitation; replacement window type and material, storm window placement, type and material; new window opening locations; new window material and type; all other exterior material types and treatment options.
2. At North elevation on historic portion of structure where the addition was removed, applicant shall better determine where the original window opening/s were located and select a compatible option while retaining the original size. If it is undeterminable, a more compatible option will be selected with Staff review.
3. Complete and submit professional materials testing and analysis for those materials identified by Staff and confirmed by both parties prior to building permit submittal - with results informing final specs, as agreed upon with Staff.

PASSED, ADOPTED, AND APPROVED this 3 day of February, 2026.



Steve Muntean
City Council President

ATTEST:

Julie Franklin, CMC, City Clerk