

May 14, 2024

City of Steamboat Springs Planning and Community Development
124 10th Street
Steamboat Springs, CO 80487

Reference: Riverfront Park
Major Variance Narrative – Development Permit Submittal #1(PL20240033)
1900, 1920, 1940, 1955, and 1960 Bridge Lane together with all common areas shown
on the plats for Riverfront Park
Steamboat Springs, CO 80487

Dear Planning Department,

Please accept this letter as a narrative for a proposed Major Variance at the addresses listed above for the Riverfront Park project as defined below. As this project is unique in nature, Steamboat Engineering And Design, Inc. (SEAD), Four Points Engineering and Surveying (Four Points) and the Riverfront Park Home Owners Association Board (HOA) have been working with the City Planning Officials (City) to establish the correct procedures on how to move forward with this project. Originally, this project was submitted for a new PUD in September of 2023. Based on multiple meetings and discussions, in accordance with the City's direction, the undersigned owners in Riverfront Park ("Owners") are submitting this project as a Development Plan – Public Hearing and Conditional Use (PL20240033). The DRT comments received on April 30, 2024, also indicated that a Major Variance would be needed for this project.

The Riverfront Park (RFP) project consists of a total of three existing buildings (Building 1, Building 3, and Building 4), the common areas shown on the Riverfront Park plats, and a vacant 2.17-acre lot. Building 3 and Building 4 are proposed to be used as three-story mixed-use buildings. Most units within Buildings 3 & 4 are proposed to have two full stories, and a partial mezzanine level. These two mixed-use buildings are made up of 7 units each for a total of 14 units. The 14 Units have been split into A and B designations in most cases. Please refer to the revised Architectural Plans for all specific unit sizes and proposed uses. The addresses for Buildings 3 and 4 are 1900 and 1920 Bridge Lane. Building 1 is a commercial space occupied by various local businesses including CED, Excel Gymnastics, and an Office for the Public Defenders. The address for this building is 1955 Bridge Lane. Building 1 - CED, Excel Gymnastics, and the Public Defender's office, all previously submitted for tenant finish permits and received certificates of occupancy. The vacant lot addresses are listed as 1940 and 1960 Bridge Lane. This project is unique as there are multiple existing buildings. Please see the Detailed Narrative, Architectural plans, and Civil Plans for more information.

The proposed dwelling units will be within the footprint of the existing buildings. Generally speaking, Unit A is proposed on the existing lower level and mezzanine levels while Unit B consists of existing dwelling units on the existing upper level. No changes are proposed to the upper-level dwelling units (Unit B), including their current size, **with the exception of Unit 6B**; however, the proposal does include designating lower-level garage space to Units **6B**, 13B and 14B.

Riverfront Park Major Variance Narrative

The proposed variance petition is regarding the dimensional standards set by the Commercial Services zone district for a max dwelling unit size. The standard is for a maximum dwelling unit size of 1,400 square feet.

The Community Development Code (CDC) defines “Dwelling Unit” as:

“Dwelling Unit. A building or portion of a building used or intended to be used as the residence of one family. An individual dwelling unit has independent access and living, sleeping, kitchen, and sanitary facilities for the exclusive use of the occupants of the dwelling unit. Dwelling unit does not include temporary or transient accommodations, such as rooms within hotels or other lodging uses, tents, recreational vehicles, or similar structures” (CDC, 8-21).

An attached garage in the CDC is defined as:

“Garage, Attached. A garage attached to a dwelling unit by a common wall” (CDC, 8-21).

The attached garage definition identifies the “dwelling unit” as a separate space from the garage by defining it as “attached to” rather than “within”, and the definition of “dwelling unit” does not include “garage” in its description of what it encompasses. Therefore, it is not apparent that the garage space should be included in the dwelling unit area.

In CDC, section 301.B 2. e., the use standards for Multiple-Family Residential specify that the dwelling units shall be measured as “gross floor area”:

“e. In CC, CS, and I zone districts, multiple-family dwelling units shall not exceed 1,400 square feet gross floor area” (CDC,3-18).

The Definition of “gross floor area” in the CDC, does not include garages or enclosed vehicular parking. While the definition includes “carports”, carports are open-sided automobile shelters, and are not proposed for this project.

“801.K Floor Area

1. Gross Floor Area Gross floor area is the combined gross horizontal area of all stories of a building measured from the exterior side of exterior walls. For individual units in a multi-unit building, gross floor area shall be measured from the center of common walls and from the exterior side of exterior walls. Gross floor area shall also include carports, mezzanines, and interior balconies” (CDC, 8-11).

None of the proposed dwelling units in Unit B exceed 1,400 square feet when considering the living, sleeping, kitchen, and sanitary facilities as defined by the CDC. Please note that the existing, previously approved square footage of the dwelling unit space in Unit 1B and 2B exceed the 1,400 square foot maximum.

Given the guidance of these provisions of the CDC, it does not seem relevant to include the area of the garages in the area of the “dwelling units”, however, the Planning Department has provided instruction to do so, therefore a variance is needed. The variance requested is for the total unit dwelling size and garage to be increased to a maximum of 2,514 square feet. Please refer to the attached Architectural Plans for all square footage breakdowns.

The following answers are in response to the sections of the CDC approval criteria displayed in italicized text below:

Variance – CDC Section 719

CDC Section 719.A Purpose

1. *The purpose of the Variance process is to allow for variations and alternatives to the standards in this CDC when an equal or better alternative is proposed or a hardship or difficulty exists.*

The proposed dwelling units qualify as a practical difficulty because they are within the existing building footprint and would require substantial renovation to change. The proposed dwelling units also qualify as an acceptable alternative because the application of the Community Development Code will be improved by varying the standard. Please refer to the answers below for further explanations.

2. *This CDC sets forth a unified regulatory program for development, including but not limited to best practices for site development, engineering, architectural design, compatibility with surrounding context, and mitigation of off-site impacts, that will implement the preferred direction and policies of the Community Plan and other adopted plans. It is understood that no standard can anticipate all possible circumstances, alternative approaches, and unanticipated consequences of its application.*

CDC Section 719.B Applicability

1. *Variance approval is required for all variations or modifications to standards in this CDC that do not meet the applicability of a Minor Adjustment or Major Adjustment, unless specifically exempted from a variance process by this CDC.*
2. *The following types of Variances are established for purposes of review process:*
 - a. *Minor Variance Variances*

The criterion for a minor variance is not met.

- b. *Major Variance Variances shall be reviewed through the Major Variance process when proposed application type or variation do not meet the applicability of a Minor Variance.*

The proposed dwelling unit size (when including the garage space) variance qualifies as a major variance.

719.D General Criteria for Approval

The following general criteria for approval shall apply to all Variance applications that are not reviewed in accordance with the alternative criteria for waterbody setback variances in Section 719.E. When these general criteria for approval are applicable, Variances may be approved upon a finding that the following criteria are met.

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.*

The proposed dwelling units are within the existing building footprint and are therefore not changing the impact on the surrounding properties as the appearance of the building exterior will remain unchanged.

2. *The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.*

Policy H-3.1 of the Community Plan states that “New development will incorporate a Mixture of Housing Types. The City shall encourage, through its land use regulations and incentive programs, the private sector to provide a mixture of housing types with varied price ranges and densities, that attempt to meet the needs of the community’s population...” (Community Pla, 9-7). The proposed dwelling units vary drastically in size, ranging from 600 square feet, up to 1,800 square feet (not including garages).

This variation will create a mixture of housing types, with varied price ranges, thus reaching a greater range of the population.

3. *The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative:*
 - a. *Unnecessary Hardship or Practical Difficulty*
 - i. *Major Variance 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.*

All proposed and existing dwelling units will be within the footprint of existing buildings. Unit A is proposed within the existing lower level and mezzanine level, while Unit B currently exists on the upper level. All Unit B's are currently existing dwelling units and were legally permitted through the original PUD approved by the City of Steamboat Springs. The existing footprint of every proposed Unit A exceeds 1,400 square feet only if the proposed Unit A garage is included.

Due to the fact that the Unit B's are legally created and existing strict adherence to the CDC under the newly designated zone district would result in a hardship and extreme practical difficulty imposed on the current owners that was inherited upon purchase of the units as it would require deconstruction of existing dwelling units and dedicating the space to another use, which would require a substantial renovation. Further, because the buildings were constructed prior to the current owners having purchased the units, the proposed unit size is not the result of the actions of the current owners or applicant. As Unit A is proposed within the existing building footprint, a similar hardship exists limiting the size of the dwelling unit to 1,400 square feet.

- b. *Acceptable Alternative The proposed development provides at least one of the following acceptable alternatives to the standard:*
 - i. *The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought; or*
 - ii. *The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance; or*
 - iii. *The application of other code standards, purposes, or intents will be improved by varying the standard.*

As stated above, in response to criteria 2, the proposed variable sizes of units are better aligned with Policy H-3.1 of the Community Plan. The proposed dwelling units are designed to be housing for various occupants, including families with children, single occupants, and target a workforce via the proposed deed restriction, all of which are valuable for the Steamboat Springs community. In the units that exceed the 1,400 square feet, there is not excessive space in these units existing footprints, and we believe it is a reasonable amount of space for a local family without being excessively larger in size than the standard, especially when the amount of dwelling square footage is further reduced by garage area. This variance achieves a result that is better than strict compliance of the code because it does not restrict the type of occupants of the space to only a certain demographic, but instead provides an option for a larger family to afford a dwelling that can achieve their special needs for the long-term. The proposed dwelling units for the buildings vary in size, and the average living area of each unit is less than the maximum 1,400 s.f. per dwelling unit. There is no apparent explanation in the CDC that describes the purpose of restricting the dwelling unit to 1,400 s.f. The Community Plan encourages varied price ranges and densities of housing to meet the needs of the community's population, therefore this variance

qualifies as an “Acceptable Alternative iii” by providing varied housing sizes to local families, workers, and tenants.

Works Cited

Community Development Code: Chapter 26 Steamboat Springs Municipal Code. Version 26-6,
Effective January 1,2018

Steamboat Springs Area Community Plan. Adopted May 2004

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 1, Riverfront Park, Filing 2

John Dalton

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 2, Riverfront Park, Filing 2

Riverfront Properties, LLC

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 3, Riverfront Park, Filing 2

NS Investments, LLC.

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE

OWNERS: Unit 4, Riverfront Park, Filing 2

Rod Coy Wells

Date

Heather Lynn Bertini

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 5, Riverfront Park, Filing 2

FW Properties, LLC.

By: _____
(Signature)

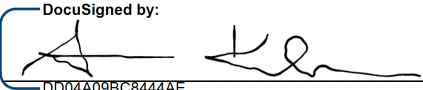
(Print Name)

Its: _____

Date: _____

**SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE**

OWNERS: Unit 6, Riverfront Park, Filing 2

DocuSigned by:

DD04A09BC8444AE...
Audrey Klawiter

6/14/2024
Date

DocuSigned by:

421451BCAA3445D...
Cameron Klawiter

6/14/2024
Date

Signed with Redlines on page 1.

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 7, Riverfront Park, Filing 2

Nicholas Salter

Date

**SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE**

OWNER: Unit 8, Riverfront Park, Filing 1

Lowry Capital, LLC.

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE

OWNERS: Unit 9, Riverfront Park, Filing 1

Shawn T. Bertini

Date

Dianne D. Bertini

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 10, Riverfront Park, Filing 1

Timothy James Ross

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 11, Riverfront Park, Filing 1

Steamboat Residential, LLC

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 12, Riverfront Park, Filing 1

Lani K. Cleverly

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMET PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 13, Riverfront Park, Filing 1

Milo Robert Veltus Rubin

Date

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Unit 14, Riverfront Park, Filing 1

CO MGD Holdings, LLC.

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Units 22, 23, 24, 25, 26, and 27, Riverfront Park, Filing 3

Bridge Lane Realty, LLC.

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____

SIGNATURE PLAN AMENDMENT FOR
DEVELOPMENT PLAN APPLICATION – MAJOR VARIANCE

OWNER: Future Expansion Parcel, Riverfront Park, Filing 2

Bridge Lane Realty, LLC.

By: _____
(Signature)

(Print Name)

Its: _____

Date: _____