

# Thunderhead Beach Variance Request



July 28, 2024

Landmark Job No. 2633-003

City of Steamboat Springs  
Planning Department  
PO Box 775088  
Steamboat Springs, CO 80477

RE: Major Variance Criteria for Approval for Preliminary Plat  
A consolidation of the Thunderhead Parcels & an adjustment of the boundary with Lot 2, Ski Hill  
Subdivision, Replat of Parcel D  
Steamboat Springs, Colorado

Ladies and Gentlemen:

On behalf of Majestic Realty Co. and Steamboat Ski & Resort Corporation (Applicants), we are submitting a Variance Request to accompany the Preliminary Plat that:

1. Consolidates the 'Thunderhead' Parcels (Tracts D, D-1, E, F, and F-1)
2. Adjusts the resulting common property line with Lot 2, Ski Hill Subdivision, Replat of Parcel D (Ski Parcel).

Because confusion may arise from Lot 2 being referenced on 2 separate plats, we have constructed this narrative to refer to the parcels as:

**Thunderhead Parcel** – The proposed Lot 1, Thunderhead Subdivision; and,  
**Ski Parcel** – The proposed Lot 2, Thunderhead Subdivision.

**This variance is to modify section 604.D Circulation:**

*"All commercial lots shall abut a public street or private street."*

We apologize for not recognizing this standard was not being met during the initial Preliminary Plat submittal. The Ski Parcel lot is not a commercial lot but zoned OR-Open Space and Recreation.

This same variance for the Ski Hill Subdivision, Replat of Parcel D which lawfully created the Ski Parcel. As this same variance was previously approved for the same property using the same CDC, we trust that support will continue to be received like a 'settled law' position.

As this variance request is being reviewed, please remember that the subject property has legal access to a public street via an existing easement. Reference to this easement appears on the cover of the included Draft Final Plat under note 8 that states:



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## 8. Lot 2, Thunderhead Subdivision, has access to Public Right-of-Way via that easement described in Book 583 at Page 238.

We have attached an exhibit that clearly shows this easement along with the various other means of public access to further demonstrate that the parcel is accessible for uses as intended and consistent with the underlying zoning designation.

Thank you in advance for your time and careful consideration of this application.

### Criteria for Review and Approval:

The following has been provided to assist Staff's review of the Criteria for Review per CDC Section 719.D:

**Criteria #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 property is an existing platted parcel that has previously been approved with this same variance. The requested lot line adjustment is to allow land area to ironically improve public access along the long awaited (and required) promenade. Adjacent properties should benefit from the promenade as envisioned by the Mountain Area Master Plan. The standard to be varied is categorized under 'Circulation' and the general intent is to ensure that development parcels can be accessed and not land locked. The subject Ski Parcel is not a development parcel in the usual sense and is used for recreation. To strictly meet the standard, a street would need to be constructed to the parcel which would have far more impacts to the adjacent properties and the public. **Such injury and adverse impacts are avoided by this proposed variance.**

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

The proposed project (includes both the Thunderhead and Ski Parcels) and this Variance request are compatible with the following goals, policies and strategies of the Steamboat Springs Area Community Plan:

- Policy LU-1.1: The Future Land Use Plan creates an integrated and compatible mix of land uses
- Goal GM-1: Steamboat Springs will have a compact land use pattern within a well-defined boundary
- Goal LU-2: Our community supports infill and redevelopment in core areas
- Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city
- Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation nodes
- Policy LU-5.1: Develop appropriate land use densities to support transit
- Strategy LU-5.1(b): Coordinate Land Use and Transportation decisions



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- Policy LU-5.2: New neighborhoods will be well connected by streets, sidewalks, trails, walkways and bicycle lanes.
- Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas
- Policy CD-1.4: Encourage high quality site planning and design
- Policy CD-2.2: Create a functional mix of uses in new neighborhoods and development areas
- Policy H-1.3: Integrate housing in mixed-use areas

**Criteria #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*

*1. 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.*

*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.*

It is our belief that the project request meets the **Unnecessary Hardship or Practical Difficulty** criteria.

The subject Ski Parcel has been improved and used as part of the Steamboat Ski Area and is accessed by a variety of methods via a network of easements. The property is visited daily with heavy seasonal users numbering in the tens of thousands. The adjacent properties, including One Steamboat Place, the Sheraton, Gondola Square, Antlers, Christie Club, Ptarmigan Inn, Chateau Chamonix, Elkhorn at Steamboat, Bear Claw and Edgemont are effectively developed and operating which leaves no corridor for extending a new street to the subject property.

Parcel D was created when the Ski Hill Subdivision plat was recorded in 1981. For 43 years, the property has not had direct access via a public or private street yet has become the focal point of the Steamboat Ski Area's operation and primary activity node. The adjacent properties were developed to afford the most direct and convenient access for owners and guests to this parcel.

To comply with this section, the application will need to acquire the necessary property to not only reach the property, which is about 290-ft from the One Steamboat Place circular drop off and over 400-ft from the Meadows Parking Lot shuttle stop, but such a road will trigger further CDC subdivision standards including:

- 602.E.9 – Any street that provides access to more than two lots or four units shall be a public street;



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- b. 602.E.10 – Access easements shall not serve more than two lots and shall not exceed 100-ft in length.

The above 2 requirements trigger right of way requirements (the narrowest historical option is 60-feet) that will need to be acquired by the Applicant for the road to occur on adjacent, off-site properties to reach the subject parcel – **a significant hardship and very impractical**, especially since the property has easements in place to serve the needs of the property.

The strict application of the standard is an unnecessary hardship to the applicant and the special circumstances are not the result of actions of the Applicant and exist with or without this Application.

We are happy to answer any questions you may have during your review. Thank you in advance for your time and careful consideration. If you have any additional questions or need any additional information, please do not hesitate to call.

On behalf of the Applicant,

Sincerely,  
Landmark Consultants, Inc.

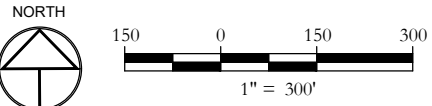
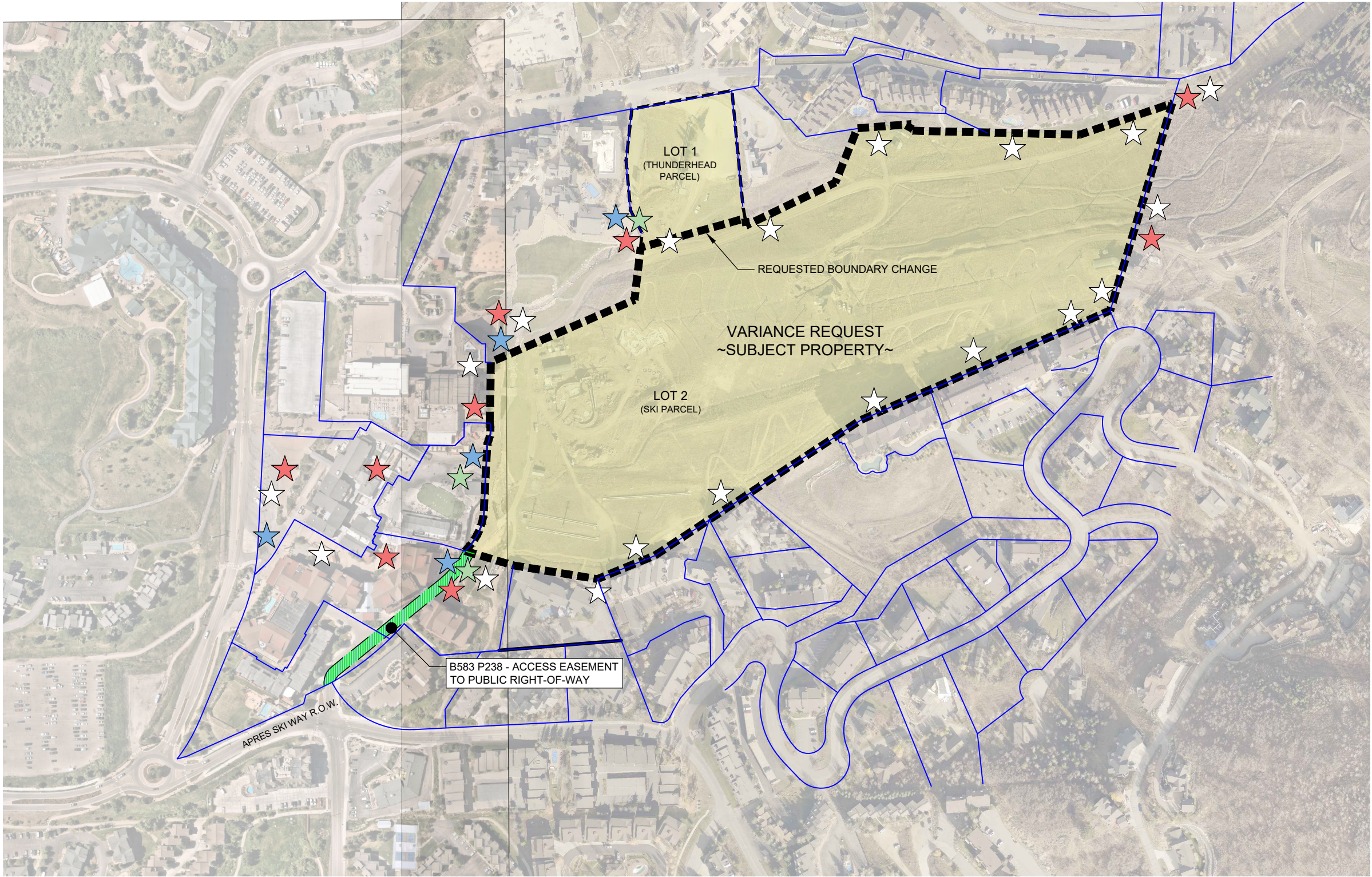
Erik Griepentrog, P.E.

Attachments:

Variance Exhibit V-1  
Recorded Easement Book 583, Page 238



DRAWING FILENAME: Y:\2633-003\Engineering\Planning Submittals\Access Variance Request\2633-003 - Variance Access Exhibit-240728.dwg LAYOUT NAME: V-1a DATE: Jul 28, 2024 - 10:42am CAD OPERATOR: erk  
LIST OF XREFS: [2633-003-ximage-City GIS] [2633-003-ximage-Nearmap]



LEGEND:

- EMERGENCY ACCESS
- PEDESTRIAN ACCESS
- DELIVERIES
- OTHER\*
- ACCESS TO PUBLIC RIGHT-OF-WAY
- ADJACENT PROPERTY
- SUBJECT PROPERTY

NOTE: THIS EXHIBIT IS GENERAL IN NATURE AND NOT INTENDED TO DEPICT ALL ACCESS OPPORTUNITIES (PUBLIC OR PRIVATE). AREAS OF ACCESS INDICATED HEREON MAY INCLUDE RESTRICTED/PRIVATELY CONTROLLED PROPERTY YET REFLECT REASONABLE ACCESS EXPERIENCED BY GUESTS AND RESIDENTS.

THIS IS NOT A SURVEY AND SHOULD NOT BE RELIED UPON FOR ACTUAL PROPERTY LIMITS OR LEGAL USES.

\* OTHER DENOTES GENERAL ACCESS FROM ADJACENT PROPERTIES SUCH AS SKI IN AND SKI OUT. THIS DOES NOT SUGGEST LEGAL OR ENTITLED USE BUT SIMPLY TO DEMONSTRATE ACCESSIBILITY OF THE SKI PARCEL.

PROJECT:	2633-003	NO.		DATE:		BY:		DESCRIPTION:	
DATE:	7-28-24								
DRAWN BY:	Grip								
CHECKED BY:									

FOR ILLUSTRATIVE PURPOSES ONLY  
7/28/24

These drawings are instruments of service provided by Landmark Consultants, Inc. and are not to be used for any type of construction or contracting unless signed and sealed by a Professional Engineer in the employ of Landmark Consultants, Inc.



CIVIL ENGINEERS | SURVEYORS

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Steamboat Springs, Colorado 80477  
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Thunderhead Subdivision  
Variance Exhibit

SHEET

V-1

Of Sheets



Recorded at 4:50 O'clock P. M. May 9, 1983

BOOK **583** PAGE **238**

Reception No. 326615 Kim Sullivan, Recorder Routt County, Colo.

**DECLARATION OF EASEMENT**

STEAMBOAT SKI CORPORATION, a Delaware corporation, hereby declares that a non-exclusive easement ("Easement") is hereby created and shall hereafter exist for ingress and egress on, over and across the real property described in Exhibit "A" attached hereto and by this reference incorporated herein and made a part hereof. The Easement shall run with and burden the real property described in Exhibit "A" and shall be for the benefit of, and an appurtenance to, the real property described in Exhibit "B" attached hereto and by this reference incorporated herein and made a part hereof.

The Easement may be vacated, released, abandoned, relocated or amended at any time by recorded agreement executed by Steamboat Ski Corporation, or its successors or assigns, and by all of the persons or entities who are, at the time of the recording of such written agreement, the record owners of any part of the real property described in Exhibit "B" and by the persons or entities who are at such time mortgagees under a mortgage or beneficiaries under a deed of trust which encumber any part of the real property described in Exhibit "B".

In the event that the Exhibit "A" property, or any part thereof, is hereafter conveyed, the Grantor of said conveyance shall be deemed to have reserved the Easement herein provided for and to have conveyed the Exhibit "A" property subject to this Easement.

IN WITNESS WHEREOF, the Grantor has executed this Declaration of Easement this 9 day of May, 1983.

STEAMBOAT SKI CORPORATION

By Hans Gier  
President

ATTEST:

Martin J. Hart  
Secretary

(Corporate seal)

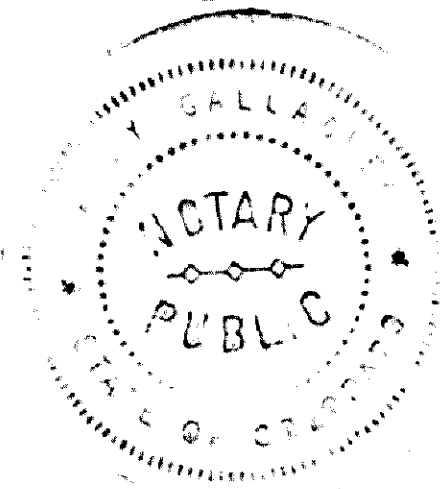
STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF                )

The foregoing Declaration of Easement was acknowledged before

me this 9<sup>th</sup> day of May, 1983, by Hans Geier, as President,  
and attested by Martin T. Hart, as Secretary, of STEAMBOAT SKI  
CORPORATION, a Delaware corporation.

Witness my hand and official seal.

My commission expires: 3-31-85



Nancy Gallagher  
Notary Public  
Address of Notary:

2400 ARCO TOWER  
707 17th Street  
Denver, Colorado 80202

EXHIBIT "A"  
TO DECLARATION OF EASEMENT  
BY STEAMBOAT SKI CORPORATION

A strip of land 30.00 feet in width located in Parcel E, Ski Hill Subdivision, said strip of land extending from the southeasterly line of said Parcel E, northeasterly to the northeasterly line of said Parcel E, said strip of land being 15.00 feet on each side of the following described centerline:

Commencing at Corner No. 49 located on the southeasterly line of said Parcel E,

thence N 64°14'55" E, 71.54 feet along the southeasterly line of said Parcel E to the True Point of Beginning;

thence northeasterly, 39.03 feet along the arc of a curve concave to the Southeast to a point tangent, said arc having a radius of 42.50 feet, a central angle of 52°37'05" and being subtended by a chord that bears N 24°39'19" E, 37.67 feet;

thence N 50°57'52" E, 379.14 feet to a point of curve to the left; thence northeasterly, 111.98 feet along the arc of said curve to a point on the northeasterly line of said Parcel E and the Point of Termination, from which the most easterly corner of said Parcel E bears S 73°19'44" E, 126.23 feet, said arc having a radius of 285.00 feet, a central angle of 22°30'42" and being subtended by a chord that bears N 39°42'31" E, 111.26 feet.



EXHIBIT "B"  
TO DECLARATION OF EASEMENT  
BY STEAMBOAT SKI CORPORATION

Parcel D, Ski Hill Subdivision, as recorded in File No. 8823,  
records of Routt County, Colorado.