

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. BOA-2024-03

A RESOLUTION APPROVING MAJOR ADJUSTMENT PL20240197, 2408 SKI TRAIL LANE.

WHEREAS, on 7/1/24, Steve Rumsey ("Applicant") submitted an application for the approval of a Major Adjustment PL20240197 ("Application") for a new deck to be setback 10 ft instead of the required 15 ft from the west side property line ("Project") on the property located at 2408 Ski Trail Lane and more particularly described as Lot 11B, Bear Claw Estates; and

WHEREAS, the Board of Adjustment held a public hearing on the Application on August 15, 2024 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 718.D; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on August 15, 2024, the Board of Adjustment hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated July 29, 2024, that the following criteria have been met:

1. The property and the use of such property for which the Major Adjustment is requested meets the following:
 - The property is in full compliance with all requirements of the applicable zone district.
2. The Major Adjustment 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 Major Adjustment 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.
4. 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.

5. The Major Adjustment will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Major Adjustment and has agreed to mitigate those impacts. In making this determination, the Board of Adjustment shall begin with the assumption that variations from standards create impacts on adjacent properties and shall place the burden of proof on the applicant to demonstrate compliance with this criterion for approval. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.
6. The Major Adjustment 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 Major Adjustment request. For example, an existing nonconforming structure encroaches five feet into the required setback, and the applicant is requesting a Major Adjustment to encroach an additional five feet. The Major Adjustment request shall be for a ten-foot encroachment into the required setback.
8. The Major Adjustment is consistent with the purpose and intent of this CDC, the Community Plan, and other adopted plans, as applicable.

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

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

SECTION 2. The Board of Adjustment hereby approves the Application.

PASSED, ADOPTED, AND APPROVED this 15 day of August, 2024.



~~Ryan Spaustat~~, Chair David R. Boy, Vice Chair
Board of Adjustment

ATTEST:

Julie Franklin, CMC, City Clerk