



## 719.B.2.b Narrative for Variance, Major Variance

### 4) Variance Request: CDC 408 Refuse Management

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August 25, 2025

#### Property Information:

Owners: Oak Street Partners, LLC  
PO Box 775457, Steamboat Springs, CO  
135 11th Street  
Development Unit River House Condominium  
Steamboat Springs, Routt County, Colorado  
PIN: 286700004  
Zone District: CK-2

#### Project Description / Request:

The Development Plan application is for the relocation of a historic structure to the subject site. The proposed use of the structure is a restaurant / tavern on the main level, and a cigar lounge on the basement level. The variance requests to locate the refuse area along Oak Street; zoning requires trash enclosures to be located in the alley, however there is no alley access to the site due to its location along Soda Creek. Soda Creek runs along the rear property line where an alley would historically be located. Additionally, the steep site topography restricts the location of the refuse containers to the front setback for truck access. The proposed trash enclosure is elevated above grade to allow access from the street to the enclosure via a bridge. The size of the enclosure is limited due to site constraints. A simple shed roof structure is proposed to accommodate (6) roll-out containers to be shared with all structures on the site. Variance criteria response by the applicant to Community Development Code criteria below.

## 719.D Criteria for Approval

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 requested variance to allow refuse access from the front of the site, rather than the rear, will not injure or adversely impact adjacent legally conforming uses. Due to the presence of Soda Creek along the rear property line, no alley access exists, making front-access refuse service a necessity along this portion of Oak Street. Due to the steep topography of the site and adjacent development, regrading the site to accommodate refuse 10' from Oak Street is infeasible.

To minimize impacts, refuse and recycling services will be shared with Smell That Bread bakery, as well as the existing residential units above the bakery, reducing the number of dumpsters in the area and limiting overall refuse-related activity.

Additionally, the refuse area will be screened with architectural elements designed to compliment the buildings and landscape to reduce visual impacts from Oak Street.

Roll-out containers are typical of other properties in the area.

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

The community plan does not specifically address the location of refuse management. An attractive enclosure will be incorporated to reduce the visual impact of the refuse containers and compliment the Community Development Code's Oak Street Design Standards.

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.*

Strict application of the refuse location standard creates a practical difficulty due to the unique site conditions. The property does not have alley access due to Soda Creek, leaving Oak Street as the only viable location for refuse service. This is a natural condition not created by the applicant. Requiring rear or alley access is infeasible and would have severe impacts on Soda Creek. Sharing refuse facilities with the neighboring bakery reduces the number of enclosures in the area, and the proposed architectural enclosure minimizes visual impact along Oak Street.

Due to the steep topography that slopes sharply from Oak Street down to Soda Creek, locating the trash enclosure outside the 10-foot front setback is not feasible. The enclosure must be sited near the street to provide access for collection and to avoid grading or disturbance near the creek.

The requested variance allows for effective refuse management while respecting the site's physical constraints and maintaining compatibility with the surrounding context.

- ~~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.~~

End of narrative.