



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

1) Variance Request: CDC 221 Zone District: CK-2, Front Setback

August 25, 2025

Revise October 15, 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 and adaptive re-use of a historic structure to the subject site. The proposed use of the structure is a restaurant / tavern (speak easy) on the main level, and a cigar lounge on the basement level. The variance request is to locate the historic structure within the zone district's front 10' principal building setback. The plan proposes a 1'-3" front setback in the Northeast corner of the site specific to the historic structure, encroaching into the setback by 8'-9"; see graphic on attached Exhibit 1 Site Plan. Additionally, the proposed trash enclosure is located near the front property line within the setback. This location is practical and necessitated by refuse service providers, and the extremely steep topography. 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.*

MARSHALL HOUSE

The requested variance to locate the historic structure in the front building setback is necessary due to the site's unique topographic conditions, including a significant slope down to Soda Creek and the presence of wetlands and floodplain at the rear of the property along the creek. Considering the size and shape of the historic resource, locating the building within the front setback allows the historic structure to be placed entirely outside of these environmentally sensitive areas, protecting natural resources and avoiding adverse impacts associated with disturbance; also maintaining the light and visual corridor of adjacent properties along Soda Creek.

The front property line jogs toward Oak Street to accommodate the Smell That Bread building on the corner of 11th and Oak Streets. Locating the historic structure toward the front building setback aligns closely with this adjacent building placement, resulting in a consistent setback

pattern. The cumulative effect of the building encroachment into the front setback has been considered with the encroachment, occurring at the northeast corner of the property. The structure's scale and design are compatible with neighboring buildings, and the use of an existing historic structure enhances the architectural fabric of the area.

All potential impacts have been carefully considered and the proposed building location represents the most practical solution given the site constraints and goal to preserve, protect, enhance, and perpetuate historic structures. The variance supports preservation, environmental protection, and neighborhood consistency without adversely affecting adjacent properties.

TRASH ENCLOSURE

The proposed trash enclosure's location is also limited to the front setback due to the presence of Soda Creek along the rear property line, resulting in the absence of an alley where traditional trash pickup would occur. The steep topography of the site limits the practical use of the enclosure to the front setback, where roll-out containers will be brought to the street via an elevated bridge to existing grade. The applicant met with the refuse provider and determined roll-out containers to be the only option for service, due to the topography. Locating the enclosure within the front setback keeps the scale of the enclosure to a minimum. The orientation screens the access from the public way. The enclosure is located between the two structures on site, limiting impact to adjacent properties. Additionally, refuse service is required at the street for all properties along this block due to the absence of an alley in the rear.

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

MARSHALL HOUSE

Chapter 11 of the Community Plan addresses the community's Historic Preservation vision and notes success of preservation due to voluntary, incentive-based approach to preservation and partnerships among the public and private sectors to preserve our strong sense of history and character, specifically in Old Town. This is precisely the case in preserving the Marshall House which would otherwise be demolished.

Goal HP-2: The Marshall House is planned to be available for historic tours outside of evening business hours to promote education, awareness, and public outreach.

Goal HP-4: The subject site is located within the identified Area of Commercial Historic Interest and a prime candidate for furthering the efforts of the Community Plan's Historic Preservation goals.

Section 112.A.1 & 112.A.2 of the Community Development Code address the purpose of Steamboat Springs Register of Historic Places. The relocation of this historic resource to the subject site promotes this purpose to '1. Preserve, protect, enhance, and perpetuate the exteriors of historic buildings, structures, ... that reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic, or other heritage'; and '2. Stabilize or improve aesthetic and economic vitality and values of Historic Resources....'.

Preservation of our local historic resources has been prioritized in recent community surveys, and by City Council. A variance to the property's front building setback is minimized in light of

preserving a historic resource in downtown Steamboat Springs for generations to experience, learn from, and enjoy.

TRASH ENCLOSURE

Chapter 7 of the Community Plan outlines goals for protecting natural, scenic, and environmentally sensitive areas. Locating the trash enclosure within the front setback meets several of these goals by minimizing the impact to the overall site and maximizing distance to environmentally sensitive areas along the creek.

Goal NS-1: Impact to wetlands and floodplain areas are avoided by locating the enclosure outside of these sensitive areas.

Goal NS-1.2: The proposed location creates the greatest setback to the riparian area to further protect water quality.

Chapter 11 of the Community Plan addresses the community's Historic Preservation vision and notes success of preservation due to voluntary, incentive-based approach to preservation and partnerships among the public and private sectors to preserve our strong sense of history and character, specifically in Old Town. The relocation of the Marshall House is a critical resource worth preserving, and will require utilitarian support in the way of refuse services. The proposed enclosure location is the most practical, least impactful location available on the site.

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.*

MARSHALL HOUSE

The requested 1'-3" front setback variance qualifies under the criteria for unnecessary hardship due to the presence of exceptional site constraints that are unique to this property and not the result of actions by the applicant. The parcel is bounded at the rear by Soda Creek, including designated wetlands and a FEMA-regulated floodplain, and features steep topography that significantly limits viable building area outside of these sensitive environmental zones.

The historic structure proposed for relocation to this site was not designed for this parcel, and its size and shape cannot be reasonably modified without compromising its architectural integrity. Strict application of the front setback requirement would force the structure into the rear of the site, resulting in disturbance to wetlands, encroachment into the floodplain, and significant grading—outcomes that conflict with city environmental policies and best practices for stream corridor protection.

Placing the building within the front setback avoids these environmental impacts while preserving the structure's historic value, maintaining neighborhood character, and aligning with the existing building pattern along Oak Street. These circumstances present a clear and demonstrable hardship that is not self-

imposed, and the variance represents the least intrusive, most practical solution to fitting a historically significant structure on a highly constrained site.

Note: Local building codes have allowances for structures to be placed on property lines fronting public ways.

TRASH ENCLOSURE

Soda Creek along the rear property line and the absence of an alley for traditional refuse service result in the necessity to locate the enclosure at the front of the property. The topography drops off steeply immediately at the front property line, eliminating the option for a standard dumpster pick up. Roll-out containers are the only practical option, and will be rolled to the ROW by staff, using the proposed bridge. Additionally, refuse service is required at the street for all properties along this block due to the absence of an alley in the rear.

~~*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.