

Staff Report
Variance Public Hearing
Planning & Zoning
June 1, 2021

Hearing is pertaining for the request of a height variance to allow for a higher limit than the 35' allowed on the west side of the home.

- Request: To be allowed a 42' height measurement on the east side of home.
- Reason: Due to the proximity to wetlands and sloping, the buildable space is greatly reduced. In addition a power pole is placed causing the structure to be pushed back further. There are no regulation requiring the burying of power lines. The applicant has been quoted \$1million to bury the pole. This limits the amount of grading that can occur. The variance is on once side of the home and is 436.1 feet from the back property line to the next property line. It is approximately 597.8 feet from the proposed structure to the back property line. The area is wetlands.
- Notices were sent to the following homes and notice was posted at Town Hall and in the Summit County Journal.
 - Anne Pankratz, 6620 Hwy 9.
 - Nicholas Forcier, 0028 Rustic
 - Kevin Polich, 6700 Hwy 9
 - Kristopher Carlsted, 6652 Hwy 9
 - Dan Cleary, 0040 Rustic
 - Evelyn Wilson, 0016 Rustic
 - Thomas Fitzgerald, 0034 Rustic
 - Rob Oderman, 6595 Hwy 9
 - Matt Parker, 6621 Hwy 9
 - Theobald, 6657 Hwy 9
 - Richard Getz, 0022 Rustic
 - Loan Eby, 0031 Rustic
 - Adam Brink, 6636 Hwy 9
- Considerations:
 - Considerations should be limited to the requested height of the proposed structure. Comments outside the height request are not to be considered for the variance request. The request is for a height increase on the west side of the home.
 - When reviewing the request the design of the home may be considered as part of the request. Items to consider:
 - Does the property owner have the ability to build his home in comparable size to others in the neighborhood?
 - Surrounding home sizes:
 - 0022 Rustic, 2304 sq.ft. 1.61 acres abutting wetlands
 - 6700 Hwy 9, 3414 sq.ft. .50 acres
 - 6652 Hwy 9, 1912 sq.ft. .36 acres
 - 6636 Hwy 9, 2070 sq. ft. Lot was combined to create 2.62 acres
 - 6620 Hwy 9, 3940 sq.ft. 2.970 acres abutting wetlands
 - Proposed structure:

- 3,111 sq.ft on 1.77 acres. Building envelope with wetlands is .05 acres or 3% of entire lot. Without the variance the home would be significantly smaller compared to the neighbors due to the proximity and size of the wetlands.
- The Building Official, Thomas Marshall with Charles Abbott has noted the average roof height is 32'. Public comments not related to the height variance requests shall not be considered.
- The corps of Engineers has been consulted and they have stated they have no jurisdiction unless the structure goes into the wetlands. They have also stated they have no issue with the cantilever structure. I spoke via email and phone with Benjamin Wilson, Project Engineer, CO West US corps of Engineers.
- Wetlands-Architectural Design Guidelines
 - “Some lots within the Town are impacted by wetlands. When feasible, wetlands located within or near individual building envelopes should be preserved as an amenity. When impacts from access drives or structures cannot be avoided, it is the owner’s responsibility to obtain all necessary permits from the Town and US Army Corps of Engineers as may be required.
- Building Height-Architectural Design Guidelines
 - The building height limit in the Town is 35 feet, as defined below. Maximum allowable building heights are not intended to imply that all portions of a building may be built to the maximum allowable height limit. Rather, building height and massing shall be designed in relationship to the characteristics of the topography. Form and massing shall step with the natural grades.
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 - Building Height (exclusive of chimneys and other architectural features) shall be measured from any point around the building at existing or finished grade (whichever is more restrictive) to the ridge of the highest roof. Existing grade is the natural topography that exists before any development takes place. Height measurement of buildings with stepped roofs will be at the discretion of the Town.
 - The intent is that building roof forms and skylines will be fragmented, with foundations and roof lines stepped to follow existing slopes, and the roof lines are to appear to be below the surrounding tree top levels when viewed from off site.
 - For that reason, the Town may allow cupolas, and/or roof peaks in limited areas to exceed the limits or maximum height, provided the intent is achieved. A site-specific topographical survey completed by a registered engineer, or surveyor must be used to determine existing grade. Finish grade for purposes of these height calculations is the final elevation of the surface material (soil, paving or patio) adjacent to the building as shown on the architect’s site plan. Construction of berms or building up grades around the building for the purposes of satisfying building height requirements shall be prohibited.
- The homeowner has a separate application for the home construction/design approval.
- Requests to speak

- Dan Cleary, 0040 Rustic
- Kevin Polich, 6700 Hwy 9