

BOARD OF ADJUSTMENTS  
MEETING AGENDA

501 Main Street, Fairplay

**Tuesday, January 10, 2017 at 9:00 a.m.**

BOARD OF ADJUSTMENT

.1. APPROVAL OF AGENDA

.2. PUBLIC HEARINGS

.2.1. VARIANCE CASE #16SET-09

Property is Lot O, Park City, addressed as 2491 C.R. 12, Alma. Applicant is requesting a 24 foot variance from the west side setback requirement, a 25.5 foot variance from the rear setback requirement, and an 8 foot variance from the east side setback requirement in order to construct a residence.

**APPLICANT:** Henry Smith

Documents:

[16SET-09 BOA Staff Report and Atts..pdf](#)  
[Referral Responses.pdf](#)  
[Application.pdf](#)

APPROVAL OF MINUTES FROM DECEMBER 13, 2016

PLANNING COMMISSION - CANCELLED

Any further information can be obtained at:  
Park County Planning Department, 1246 Co Rd 16  
P.O. Box 1598 Fairplay, CO. 80440  
(719) 836-4254  
[pcpd@parkco.us](mailto:pcpd@parkco.us)

**PARK COUNTY BOARD OF ADJUSTMENTS  
PLANNING DEPARTMENT STAFF REPORT**

Board of Adjustments Hearing Date: January 10, 2017

To: Board of Adjustments Members

Date: December 29, 2016

Prepared by: John Deagan, AICP; Planner

Case Number: 16SET-09

Subject: Smith Variance

Request: The applicant is requesting a 24-foot variance from the west side setback requirement, a 15.5-foot variance from the rear setback requirement, and an 8-foot variance from the east side setback requirement in order to build a house.

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**Application Summary:**

Applicant:	Henry Smith
Owner:	Same
Location:	Lot O, Park City, addressed as 2491 C.R. 12, Alma.
Current Zone District:	Residential
Surrounding Zoning:	Residential in all directions
Lot Size:	0.16 Acre
Existing Use:	Vacant
Proposed Use:	Single Family Residential

**Background:**

The subject lot is located in the Park City town site on County Road 12. A Vicinity Map is included as Attachment 1. The applicant is requesting a 24-foot variance from the west side setback requirement, a 15.5-foot variance from the rear setback requirement, and an 8-foot variance from the east side setback requirement in order to build a house. See the applicant's site plan, Attachment 2. Since the lot is less than 60 feet wide, it is not buildable at all with the current side setback requirements. The applicant is also requesting a variance from the rear setback requirement in order to build a deck attached to an existing structure on the lot. A note in the assessor's records indicates that this structure was damaged by fire in 1968, so it predates land use regulation in Park County.

Park City came into existence in 1879 but the first appearance of Lot O is on a survey dated 1941. Current subdivision review practice would not allow this lot to be created, as it is unbuildable with our current setback requirements without a variance.

## Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a variance (Land Use Regulation (LUR) Article III, Division 1, Section 3-100, page 2) is addressed below.

1. **A strict application of the Resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land:**

As mentioned above, the size of the lot prevents it from being built upon at all if the current setback requirements are followed.

2. **The applicant provided reasonable and adequate evidence that the variance request is not a self-imposed hardship that can be rectified by means other than relief through a variance:**

The proposed structure is of very modest size (504 square feet).

3. **There exists no substantial detriment to any neighbor or to the public by the granting of the variance:**

Staff discerns no substantial detriment to any neighbor or the public that would be caused by granting the variance.

4. **The intent and purpose of the regulation being varied is not substantially impaired or defeated by the granting of the variance.**

Setback regulations exist to provide privacy, light access, and air movement between structures. The house would be 60 feet from the nearest structure on a lot to the west. The deck would be 12 feet from the nearest structure on the lot to the north, but this structure is an outhouse that can no longer be used for its original intent and would be difficult to re-purpose as anything other than a storage building.

Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

### Impact Analysis:

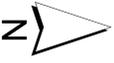
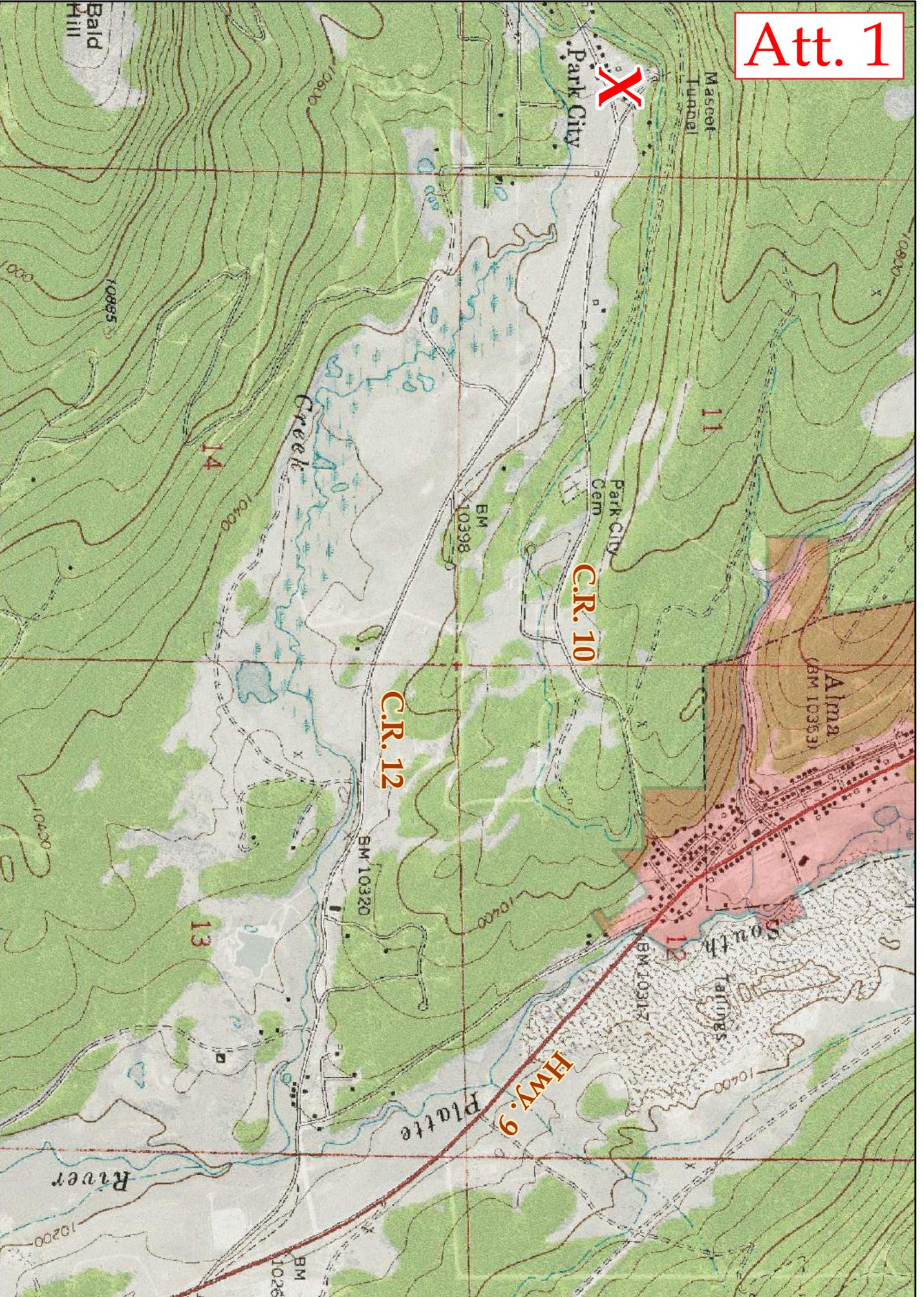
Only minimal physical or aesthetic impacts are anticipated.

### Public Comment:

No public comment has been received at this time.

### Recommendation:

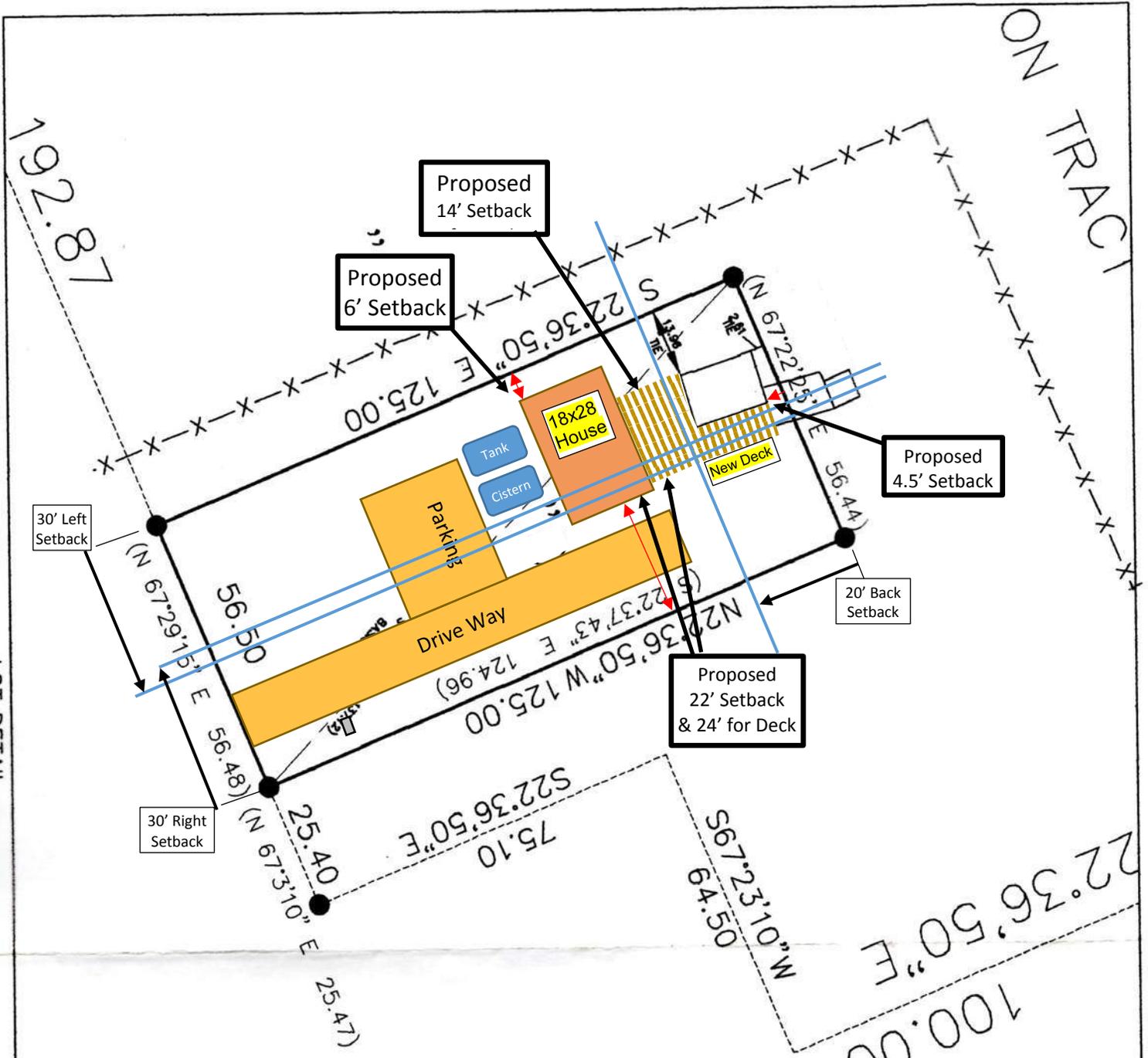
Staff recommends approval of the application with no conditions.



Vicinity Map  
Contour Interval is Forty Feet



ON TRACT



Site Plan  
1" = 30'

Lot is 0.16 acre

Henry Smith  
2491 C.R. 12  
Dec. 19 2016

LOT DETAIL

RESTITUTION OF ACTIONS AGAINST LAND SURVEYORS

# Park County Planning Department

P.O. Box 1598  
Fairplay, Colorado 80440

Phone: (719) 836-4254 ♦ Fax: 719-836-4268 ♦ E-mail address: [ideagan@parkco.us](mailto:ideagan@parkco.us)

## Referral Response

**Comment Deadline Date:** January 9<sup>th</sup>, 2016 **Submitted Date:** December 19<sup>th</sup>, 2016

**Case #:** 16SET-09 **Case Name:** Smith Structural Setback Variances

**Request:** Applicant is requesting a 24 foot variance from the west side setback requirement, a 25.5 foot variance from the rear setback requirement, and an 8 foot variance from the east side setback requirement in order to construct a residence.

**Location/Legal Description:** Lot O, Park City, addressed as 2491 County Road 12, Alma.

**Date of Board of Adjustment Hearing:** January 10<sup>th</sup>, 2016.

\_\_\_\_\_ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

\_\_\_\_\_ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

✓  
\_\_\_\_\_ We have reviewed this referral and find no conflicts with our interests.

\_\_\_\_\_ A formal recommendation is under consideration and will be submitted to you prior to \_\_\_\_\_.

\_\_\_\_\_ Please refer to the enclosed letter.

\_\_\_\_\_ We offer the following comments regarding this referral:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: Alene Samuels Date: 12/20/16

Title: Admin Supervisor

**John Deagan**

---

**From:** Andrew Spencer  
**Sent:** Wednesday, December 21, 2016 7:52 AM  
**To:** John Deagan  
**Subject:** RE: 16SET-09 (Smith) Variance Referral Request

John  
As you know we currently do not have a Preservationist on staff.  
Let me get back to you as soon as I can.  
I currently do not see any issues.  
Thanks

---

**From:** John Deagan  
**Sent:** Tuesday, December 20, 2016 1:32 PM  
**To:** Andrew Spencer  
**Subject:** FW: 16SET-09 (Smith) Variance Referral Request

This application involves an old structure in Park City.

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**From:** John Deagan  
**Sent:** Tuesday, December 20, 2016 1:22 PM  
**To:** Arlene Samuels; Sheila Cross; 'chief@nwfpd.net'; 'Pam Jacobus'  
**Subject:** 16SET-09 (Smith) Variance Referral Request

Please review the attached application and write or call with any questions.

John Deagan, AICP  
Park County Planner  
719 836 4254

**PARK COUNTY APPLICATION FOR  
VARIANCE  
NON-REFUNDABLE APPLICATION FEE: \$1060**

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail [pcpd@parkco.us](mailto:pcpd@parkco.us), fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

**A. APPLICANT AND OWNERSHIP INFORMATION**

Applicant's Name: Henry Smith  
 Mailing Address: 3655 N. Meyer  
 City: Seabrook State: TX Zip: 77586  
 Telephone  
 (work) 281-435-2300 (home) 281-328-9800 (fax) 281-596-7511  
 Owner's Name: Henry Smith  
 Mailing Address: Same  
 Telephone No.: 281-435-2300

**B. PROPERTY INFORMATION**

Complete Legal Description of Property Proposed for the Variance (attach additional page, if necessary):

T09 B78 S10 PARK City, Lot "0"

Street Address of Property: 2491 County Rd 12  
 Property's Total Acreage: .16  
 Current Zone District of Property: Residential  
 Proposed Zone District of Property: Residential

For County Use Only Planning Department Confirmation of Current Zone District: District: <u>RESIDENTIAL</u> <u>John Deegan</u> Print Full Name
---------------------------------------------------------------------------------------------------------------------------------------------------------------

**Requirements for a Variance  
Article III, Division 1, Section 3-100**

**C. APPLICATION REQUIREMENTS**

1. Application Fee. An application fee in the amount of \$1060 must be paid at the time of submission of the application. Make the check or money order to the Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.
4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor. **(ON SURVEY)**
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Variance, this information is at Park County Assessor's Office.
6. A vicinity map of where the proposed property is located within Park County.
7. A site plan drafted at a commonly used engineering scale with clear indication how the variance relates to the affected land with the following information:
  - a. Name and address of the owner;
  - b. Date of preparation, map scale, and north arrow;
  - c. Lot dimensions, total acreage, and points of access to the property, internal roads and trails. The map must illustrate how access is obtained from the property subject to variance to the nearest county road or highway;
  - d. Natural features of the property subject to variance including, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);
  - e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;
  - f. The dimensions, height and setbacks of all existing and proposed structures.
  - g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.
8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

For County Use Only: Initial Receipt of the Required Information	
(1.)	JCD
(2.)	JCD
(3.)	JCD
(4.)	JCD
(5.)	JCD
(6.)	JCD
(7.)	JCD
(7a.)	JCD
(7b.)	JCD
(7c.)	JCD
(7d.)	N/A
(7e.)	JCD
(7f.)	JCD
(7g.)	JCD
(8.)	JCD

9. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable
10. A written description identifying the specific provision of the Land Use regulations that the owner seeks to vary and the extent to which the provision is proposed to be varied or modified.
11. A written description of the reasons justifying the variance detailing how the standards for approval of the variance provided by Section 3-100(B) are met or satisfied.
12. Any other information that are judged necessary by the Planning staff to ensure compliance with the Standards for Approval.

*Note: Refer to Park County Land Use Regulations Article III, Standards for Approval of Variance.*

For County Use Only: Initial Receipt of the Required Information	
(9.)	N/A
(10.)	JCD
(11.)	JCD
(12.)	N/A

**D. APPLICANT AND LANDOWNER SIGNATURES:**

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]  
Print name: Henry Smith  
If company, state Title/Position: \_\_\_\_\_

**E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION**

This application was submitted to the Park County Planning Department on the following date and time:

DECEMBER 19<sup>th</sup>, 2016  
Month Day Year

For County Use Only:  
Verification of Date of Delivery and  
County Receipt of Application  
Date: DEC. 19<sup>th</sup>, 2016  
Print Name: JOHN DEAGAN

Payment of the Applicant Fee was made by:

<input checked="" type="checkbox"/>	Personal Check # <u>6128</u>	Amount \$ <u>1,060</u>
<input type="checkbox"/>	Cash	Amount \$ _____
<input type="checkbox"/>	Other _____	Amount \$ _____

**APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.**

**ALL BOARD OF ADJUSTMENT HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.**

Park County Website | Treasurer Web Site



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Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 12326 2015

PROPERTY ADDRESS: CO RD 12 ALMA

TAXABLE VALUE: \$3,230.00 ACTUAL VALUE: \$11,128.00 TAX DISTRICT: 015

Owners Name  
**MOULTON DAVID R S**  
**MOULTON NANCY A**  
**PO BOX 242**  
**COALDALE CO 81222**

Legal Description  
T09 R78 S10 PARK CITY  
LOT O

Select a payment option below.

TAX:	\$178.54
INTEREST:	\$0.00
FEE:	\$0.00
TOTAL TAX & ASMTS.:	\$178.54
<b>UNPAID BALANCE:</b>	<b>\$0.00</b>

First Half: Feb 28th  
Second Half: June 15th  
OR  
Full Payment: April 30th

Pay Full Amount  
Paid

Last Payment: 05/02/2016 Amount : \$178.54

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General Warranty Deed

STATE DOCUMENTARY FEE

This Deed is made on this day of December 5, 2016, between the

DATE 12-5-16

Grantor: Kevin J. Smith of address 3605 N Meyer Rd, Seabrook TX 77586

\$ 0

and the Grantee: Henry J. Smith of address 3605 N Meyer Rd, Seabrook TX 77586.

For consideration of the sum of \$ 10.00, the Grantor hereby bargain, deed and convey the following described real property to the Grantee forever, free and clear with WARRANTY COVENANTS:

Property Address: 2491 CR 12 Alma Co 80420

Legal Description: T09 R78 S10 Park City, Lot "0"

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs and assigns, that Grantor is lawfully seized in fee simple of the above described property; that it has a good right to convey, that the property is free from all encumbrances; that the Grantors and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the property that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, against every person lawfully claiming the same or any part thereof.

EXECUTED this day of December 5, 2016.

Grantor Name: Kevin J. Smith

Grantor Signature: [Signature]

Witness Name: \_\_\_\_\_

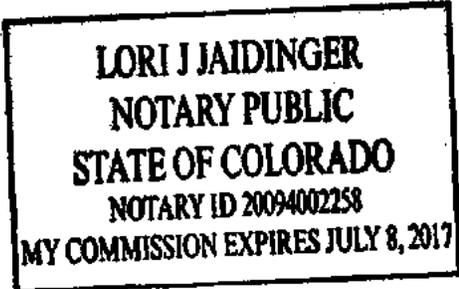
Witness Signature: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

STATE OF Colorado

COUNTY OF Park



On this day, personally appeared before me, Kevin J Smith, to me known to be the person described in and who executed the within instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of December 5, 2016.

Notary's Public Signature: [Signature]

\*730855\*

My commission expires 7/03/2017

730855 12/5/2016 11:24 AM  
1 of 1 WD RS11.00 D\$0.00

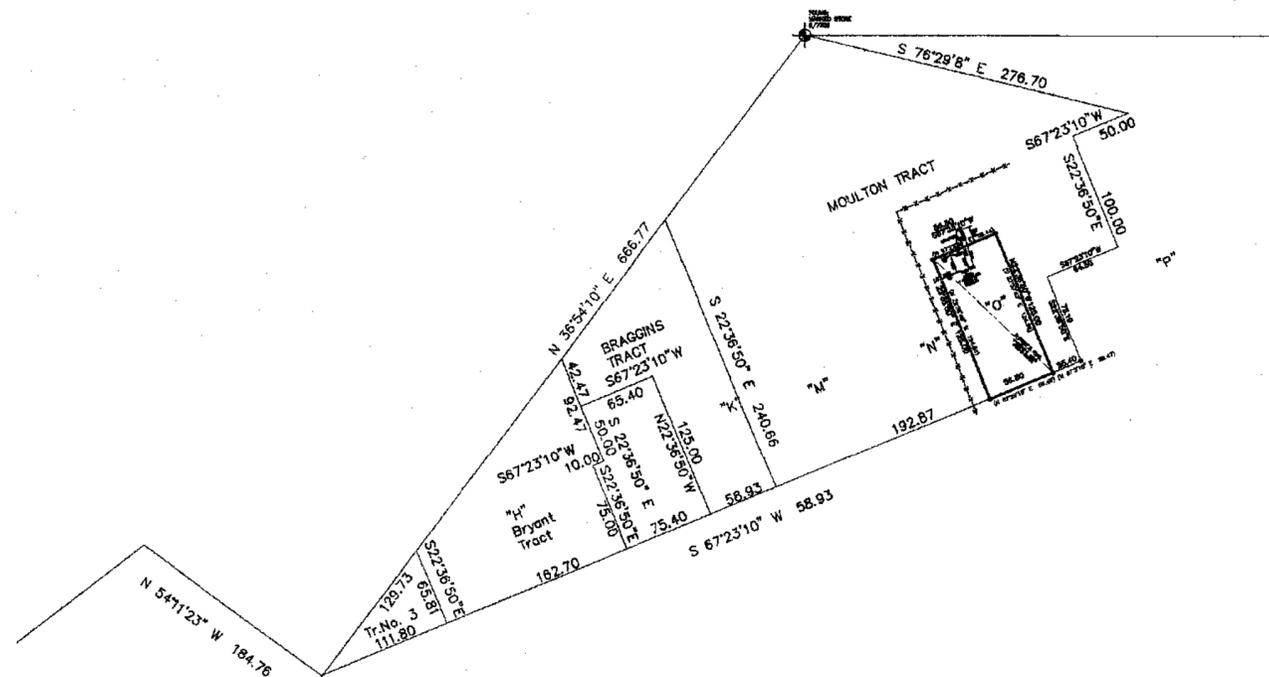
Debra A Green  
Park County Clerk

NO REAL ESTATE  
TRANSFER DECLARATION  
ACCOMPLISHED THIS DOCUMENT

ADVICE FORSATION  
 CLARENCE R. FORSATION

### LEGEND

- INDICATES FOUND #5 REBAR AND ALUM. CAP, LS 10408
- INDICATES SET NO. 5 REBAR WITH 1 1/2" ALUM. CAP, LS 11944
- ( ) INDICATES FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.
- ALL TIES ARE PERPENDICULAR TO PROPERTY LINES
- X- EXISTING FENCES



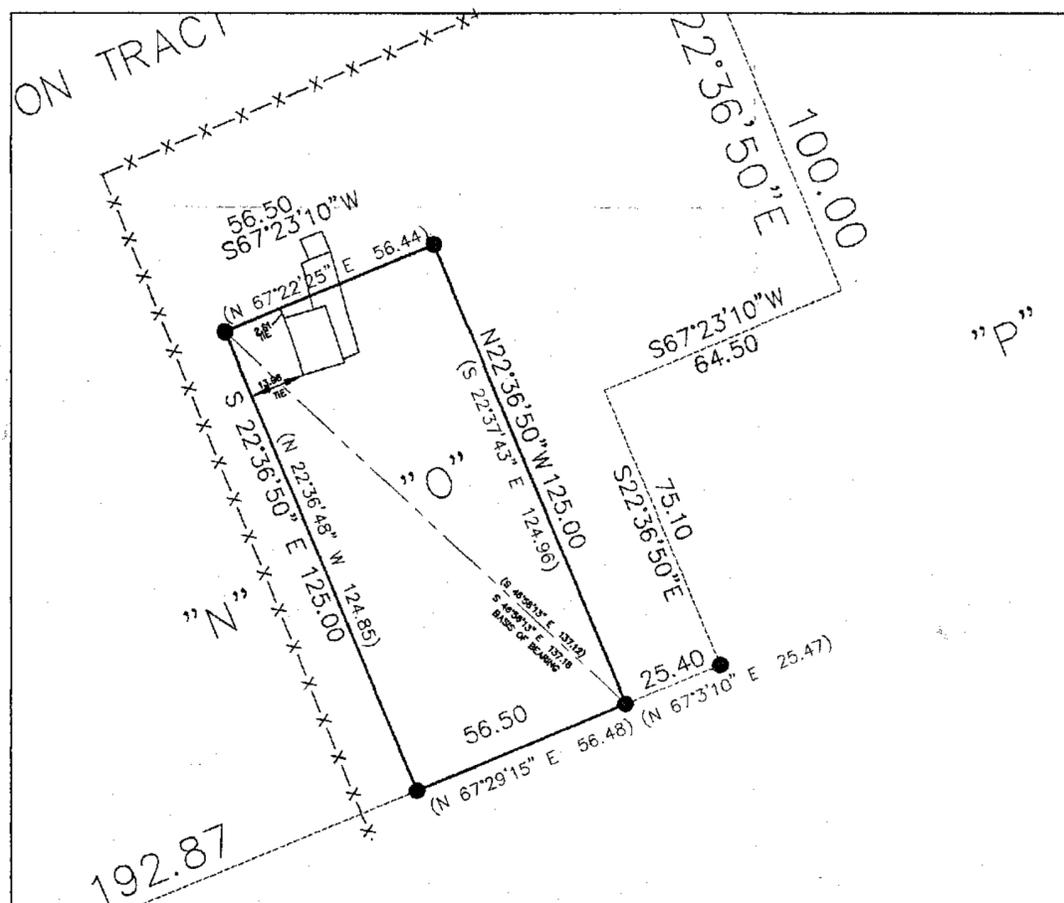
**SURVEYOR'S CERTIFICATE**  
 THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE STATEMENT HEREON, SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR NAMING SAID PERSON OR ENTITY. THOMAS L. BURNETT, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO DAVID R. S. MULTON THAT THE PLAT AND SURVEY OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WAS PERFORMED BY ME OR UNDER MY DIRECT AND PERSONAL SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH THE SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DATED THIS 21<sup>ST</sup> DAY OF MAY 2013  
 PROFESSIONAL LAND SURVEYOR LICENSE NO. 11944  
 © 2013 BURNETT LAND SURVEYING, INC.

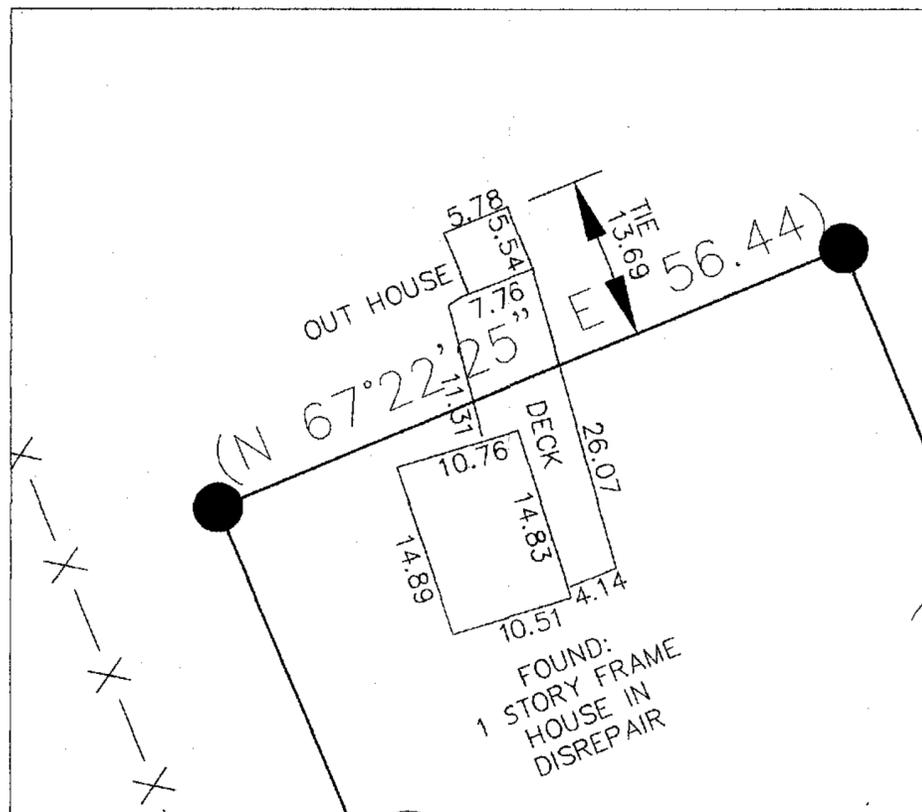
**NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS RIGHT-OF-WAY SURVEYS AT PAGE \_\_\_\_\_, AT RECEPTION NO. \_\_\_\_\_

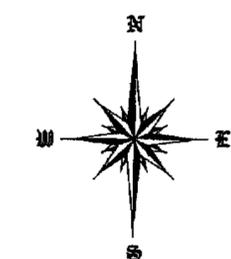
- NOTES:**
- 1) THE BASIS OF BEARING IS A CALCULATED BEARING BETWEEN THE SE CORNER AND THE NW CORNER OF SAID TRACT "O" AS BEING S46°56'13"E, WITH BOTH CORNERS BEING FOUND MONUMENTS AS SHOWN.
  - 2) CLIENT DID NOT WANT RIGHT-OF-WAYS AND EASEMENTS RESEARCHED AND SHOWN.
  - 3) THE PURPOSE OF THIS SURVEY IS FIND OR SET THE PROPERTY CORNERS.
  - 4) MEASUREMENTS SHOWN IN PARENTHESIS ARE FIELD MEASUREMENTS, UNLESS OTHERWISE NOTED.
  - 5) CERTIFICATION NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE, THIS SURVEY AND ALL RELATED DOCUMENTS ARE FOR THE SOLE USE OF THE CLIENT AT THE DATE OF CERTIFICATION, AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR NAMING SAID PERSON OR ENTITY.
  - 6) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
  - 7) THE RECORDED CERTIFICATE OF SURVEY SHOWING THE REARRANGEMENT OF CERTAIN TRACTS OF LAND LOCATED IN PARK CITY PERFORMED BY JOHN D. KRIESCHEL, LS 14108 RECORDED AT REC. NO. 323848 WAS USED AS THE BASIS OF THIS SURVEY.



LOT DETAIL



HOUSE DETAIL



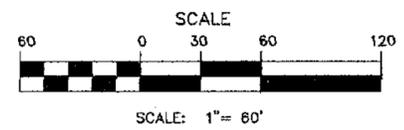
**LIMITATIONS OF ACTIONS AGAINST LAND SURVEYORS**

ALL ACTIONS AGAINST ANY LAND SURVEYOR BROUGHT TO RECOVER DAMAGES RESULTING FROM ANY ALLEGED NEGLIGENT OR DEFECTIVE LAND SURVEY SHALL BE BROUGHT WITHIN THREE YEARS AFTER THE PERSON BRINGING THE ACTION EITHER DISCOVERED, OR IN THE EXERCISE OF REASONABLE DILIGENCE AND CONCERN, SHOULD HAVE DISCOVERED THE NEGLIGENCE OR DEFECT WHICH GAVE RISE TO SUCH ACTION, AND NOT THEREAFTER, BUT IN NO CASE SHALL SUCH AN ACTION BE BROUGHT MORE THAN TEN YEARS AFTER THE COMPLETION OF THE SURVEY UPON WHICH SUCH ACTION IS BASED.

**TITLE COMMITMENT NOTES:**

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THE RECORD INFORMATION, WHICH IS REFERENCED HEREON, IS THE RESULT OF RESEARCH PERFORMED BY BURNETT LAND SURVEYING, INC. AND IS NOT NECESSARILY COMPLETE OR CONCLUSIVE.

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<b>LAND SURVEY PLAT</b>		
TRACT "O" PARK CITY		
PARK COUNTY, COLORADO		
ADDRESS: TBD		DATE: MAY 21, 2013
BURNETT LAND SURVEYING, INC.		SCALE: 1" = 30'
P.O. BOX 1953, 361 HWY 286, STE 104		DRAWN BY: TLB
FAIRPLAY, COLORADO 80440		PREPARED FOR: DAVE MULTON
(719) 898-1425 (888) 430-8463		JOB NO. 2013-036

Owners of Lots Adjacent to 12326, December 19<sup>th</sup> 2016

GISKE GREGORY J
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PO BOX 8596
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BRECKENRIDGE, CO 80424-8596
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O'CONNOR JOHN E REVOCABLE TRUST
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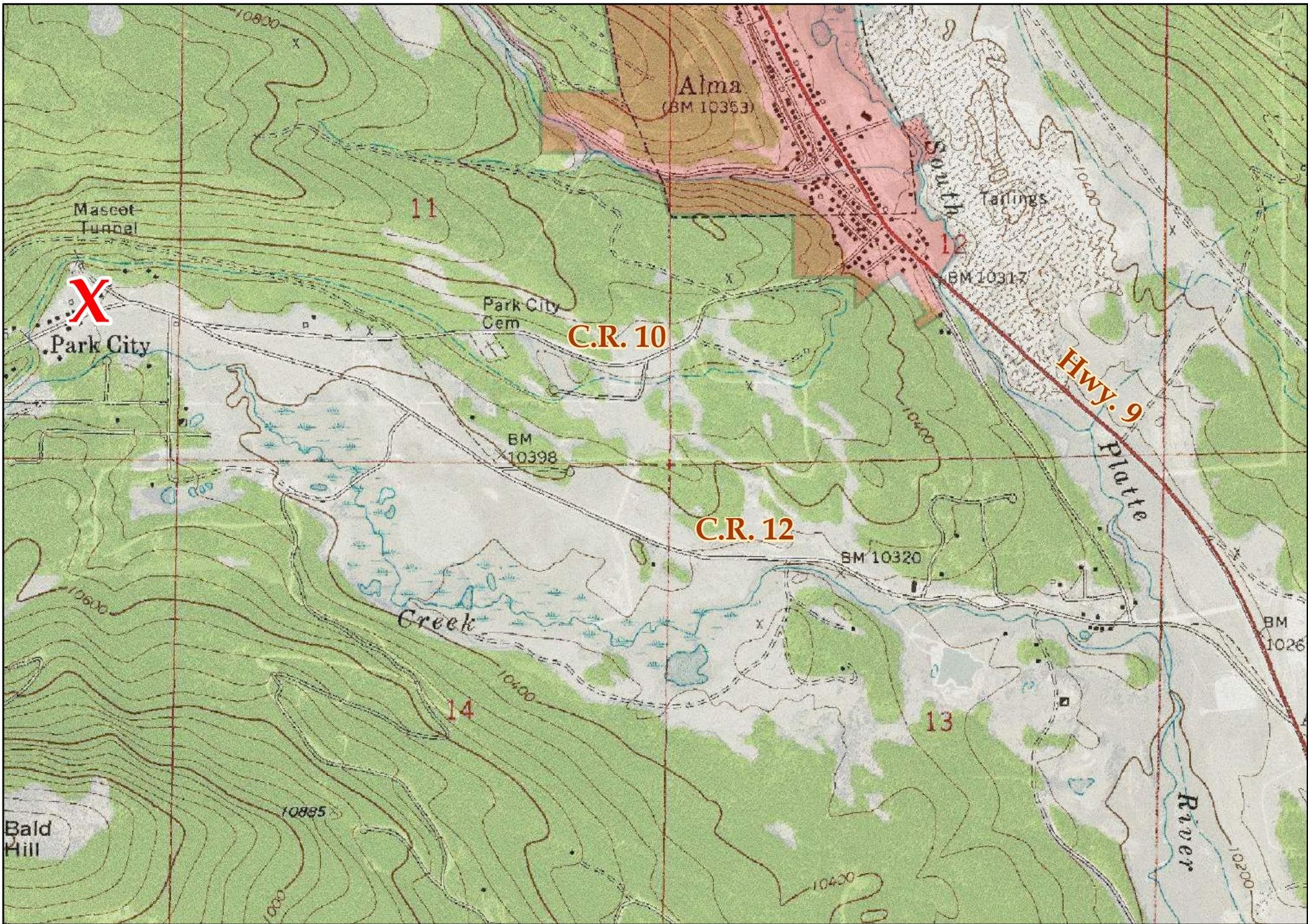
3052 W 23RD AVE
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DENVER, CO 80211-4632
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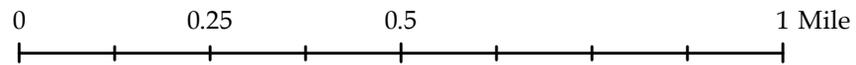
TUCKER BRIAN RAY
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3890 CONVERSE RD
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BENNETT, CO 80102
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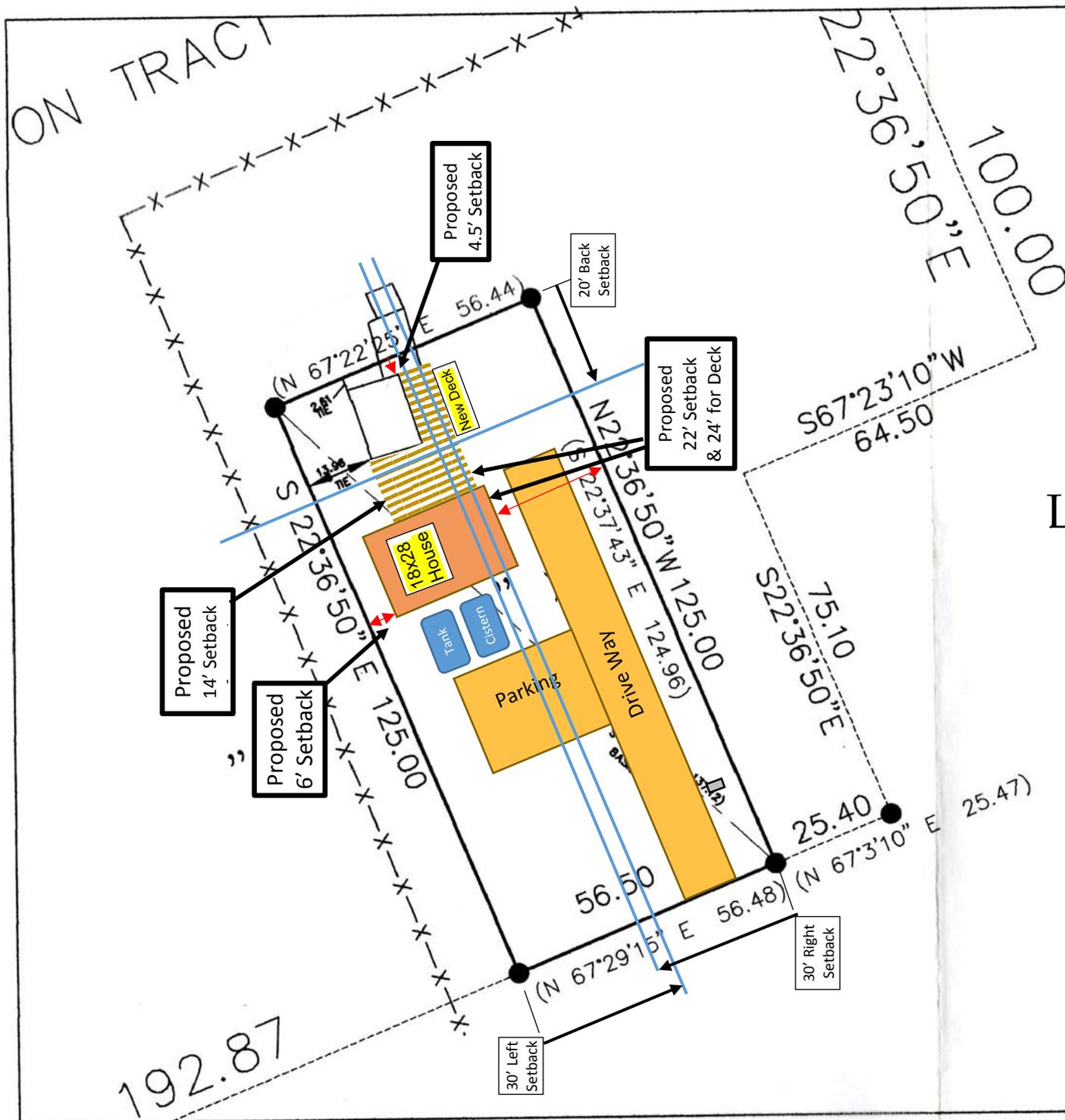


**Vicinity Map**  
*Contour Interval is Forty Feet*



Park County Planning Department

Site Plan  
1" = 30'



"P"

Lot is 0.16 acre

Henry Smith  
2491 C.R. 12  
Dec. 19 2016

LOT DETAIL

Henry Smith  
3605 N Meyer Rd  
Seabrook TX 77586

December 19, 2016

RE: Variance Request for property at:

2194 County Rd. 12, Alma CO 80420

Legal Description;

T09 R78 S10 Park City, Lot"0"

**To Whom It May Concern:**

The variance that is affecting our property at 2194 County Rd 12 is the requirement of a 30 foot set back from both sides as well as a 20 foot set back from rear of property line.

We are requesting the setback to be 6 feet instead of 30' from the left side and 22 feet instead of 30' from the right side, also the rear setback to be 4.5 feet from 20'. This would cover the location of the proposed house and also the location of a new Deck.

The reason for variance request is that, I want to build a small house on our property but the property is only 56.5 feet wide and a 30 foot setback from both sides would result in a (-3.5) foot building footprint, effectively rendering the residential property useless because we would not be able to build a residential structure and still be in compliance.

The reason we're asking for a variance of a 20 foot set back from rear of property is so that we can build a wooden deck in front of a storage building that is already there and is within the 20 feet of the rear of the property. The Deck would be with in the new setbacks on the sides.

The variance approval criteria as stated in section 3-100B will be met.

1. We will not be able to build a home unless these variances are approved
2. The ordinance is affecting the entire property and there is no other place that we can build a home on this property.
3. Building a small home on this property once variance is approved will not be to the detriment of any neighbor or the general public.
4. Granting this variance should not affect any other property owner's building Setbacks.

Please see attached property map describing improvements that require the variance.

Thank you very much.

Henry Smith