

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

Board of Adjustments Hearing Date: October 11, 2016

To: Board of Adjustments Members

Date: September 26, 2016

Prepared by: Sheila Cross, Director of Development Services  
Jill Falchi, Planning Technician

Case Number: 16SET-07

Subject: Lowitzer Variance

Request: The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage.

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**Application Summary:**

Applicant/Owner:	Arthur & Rose Lowitzer
Location:	Indian Mountain, Filing 25, Unit 2, Lot 103 addressed as 144 Red Cloud Drive
Current Zone District:	Residential (R)
Surrounding Zoning:	Residential (R) and Conservation Recreation (C/R). See Attachment 1.
Lot Size:	5.66 Acres
Existing Use:	Single Family Residential

**Background:**

The subject property is located in the western-most portion of the Indian Mountain Subdivision, approximately 1,000 feet from public land. See Attachment 2, Vicinity Map. The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage. See applicant's site plan, Attachment 3. Because of the lot's considerable slope, location of propane tank and well head, and desire to protect scenic vistas, the applicant is requesting this variance. See Aerial and Topo Maps, Attachments 4 and 5, respectively. The neighbors to the north have consented to this variance request.

## **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:**

The parcel in question has limited building sites because of the slope of the lot. The only other location for the proposed garage, on the south side of the house, was discounted because of the location of a propane tank and well head. Building a garage in that location would block access to both. In addition, the southern location would require considerable expense to bring power to.

- 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 hardship was caused by the previous owners who located the well and propane tank in the only other building site on the lot.

- 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. According to the applicant, the property owners to the north support this 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 dwellings. Given that the house immediately to the north is approximately 300 feet away from the proposed building site, the purpose of the regulation would not be substantially impaired by granting the request.

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

**Impact Analysis:**

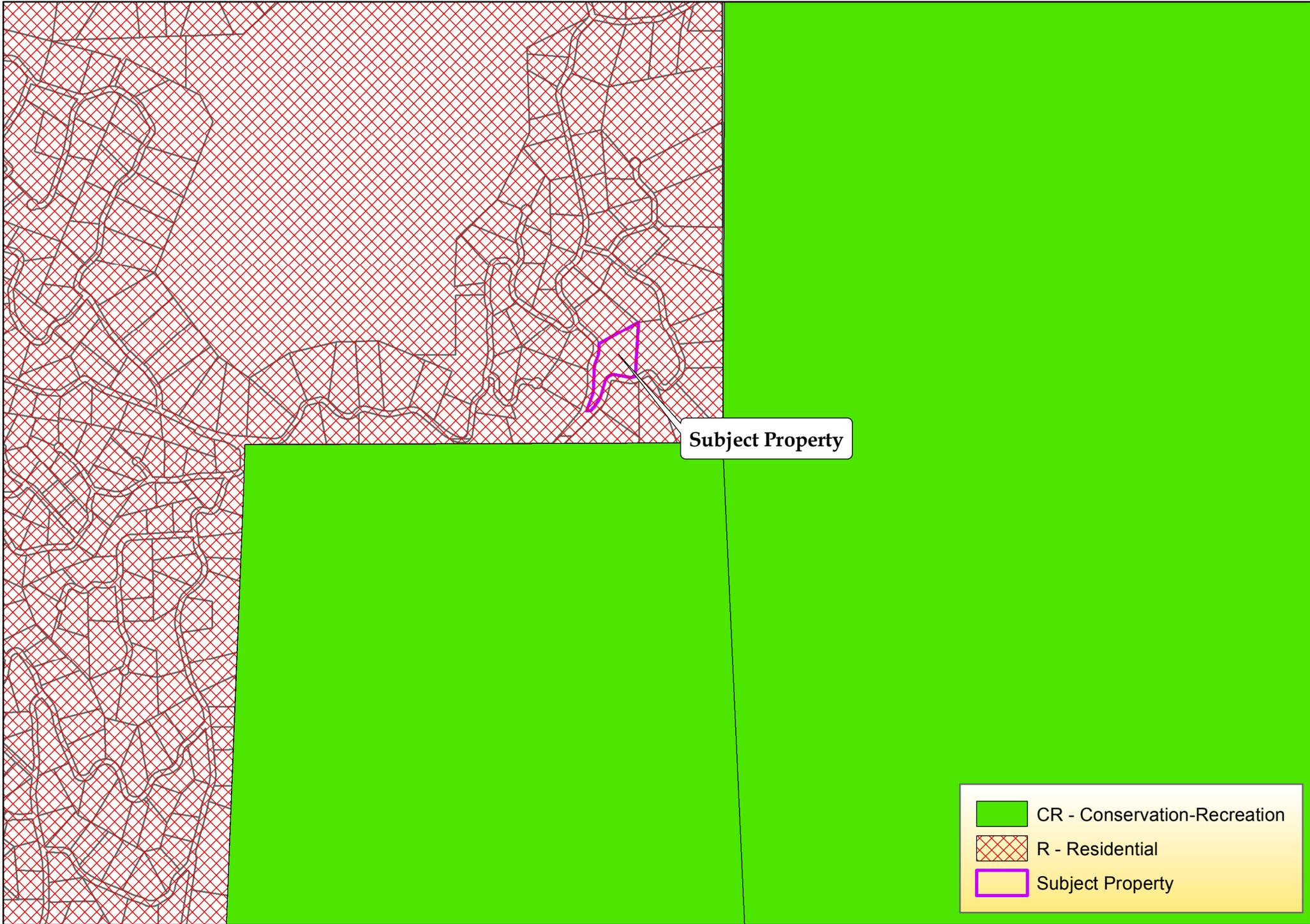
No physical or aesthetic impacts are anticipated.

**Public Comment:**

No public comments on this variance request had been received at the time this report was prepared.

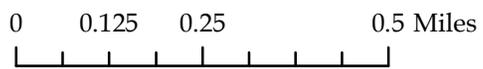
**Recommendation:**

Staff recommends approval of the application with no conditions.



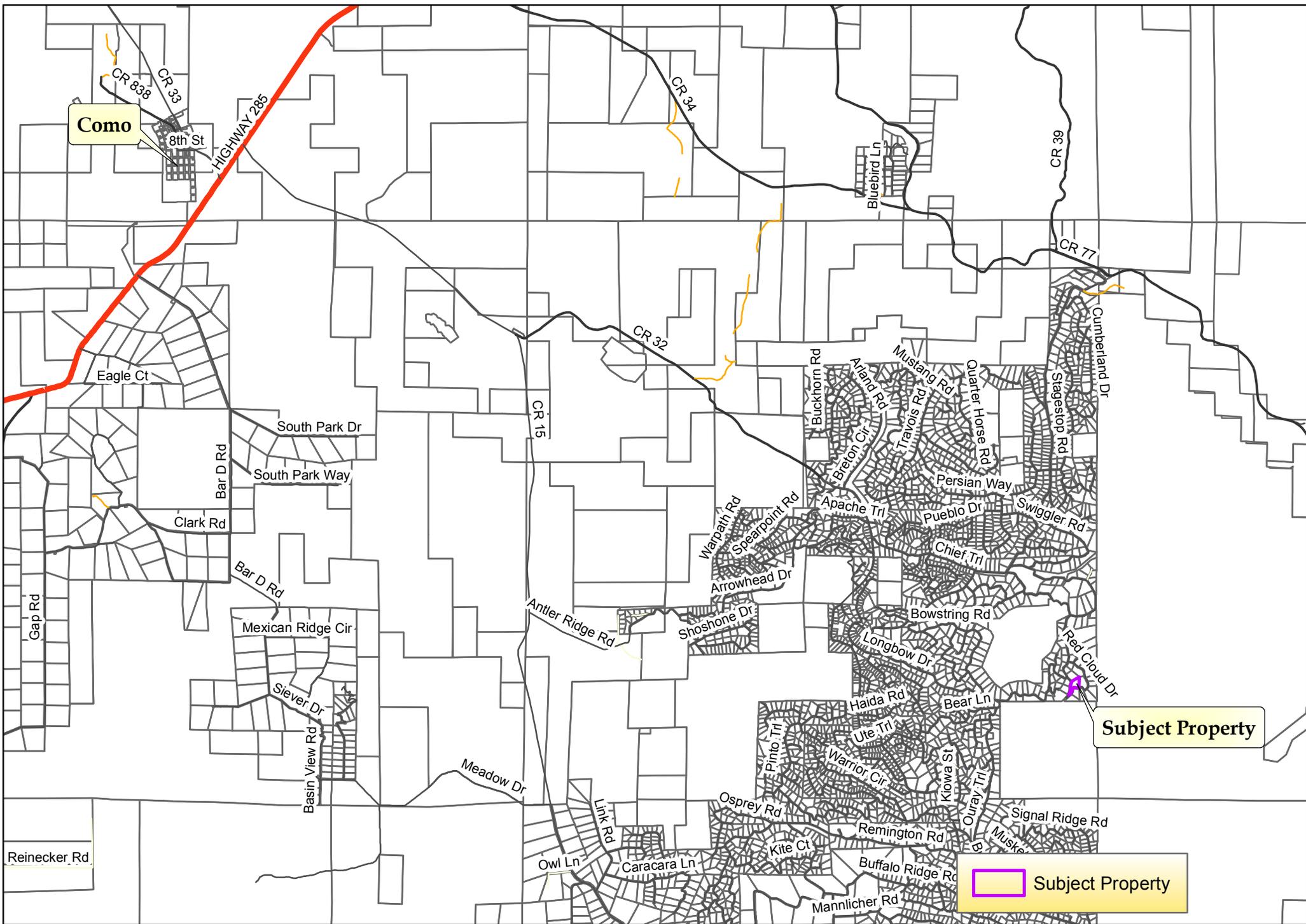
Date: 9/26/2016

# Attachment 1: Zoning Map



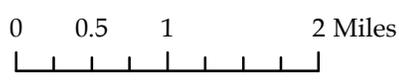
	CR - Conservation-Recreation
	R - Residential
	Subject Property

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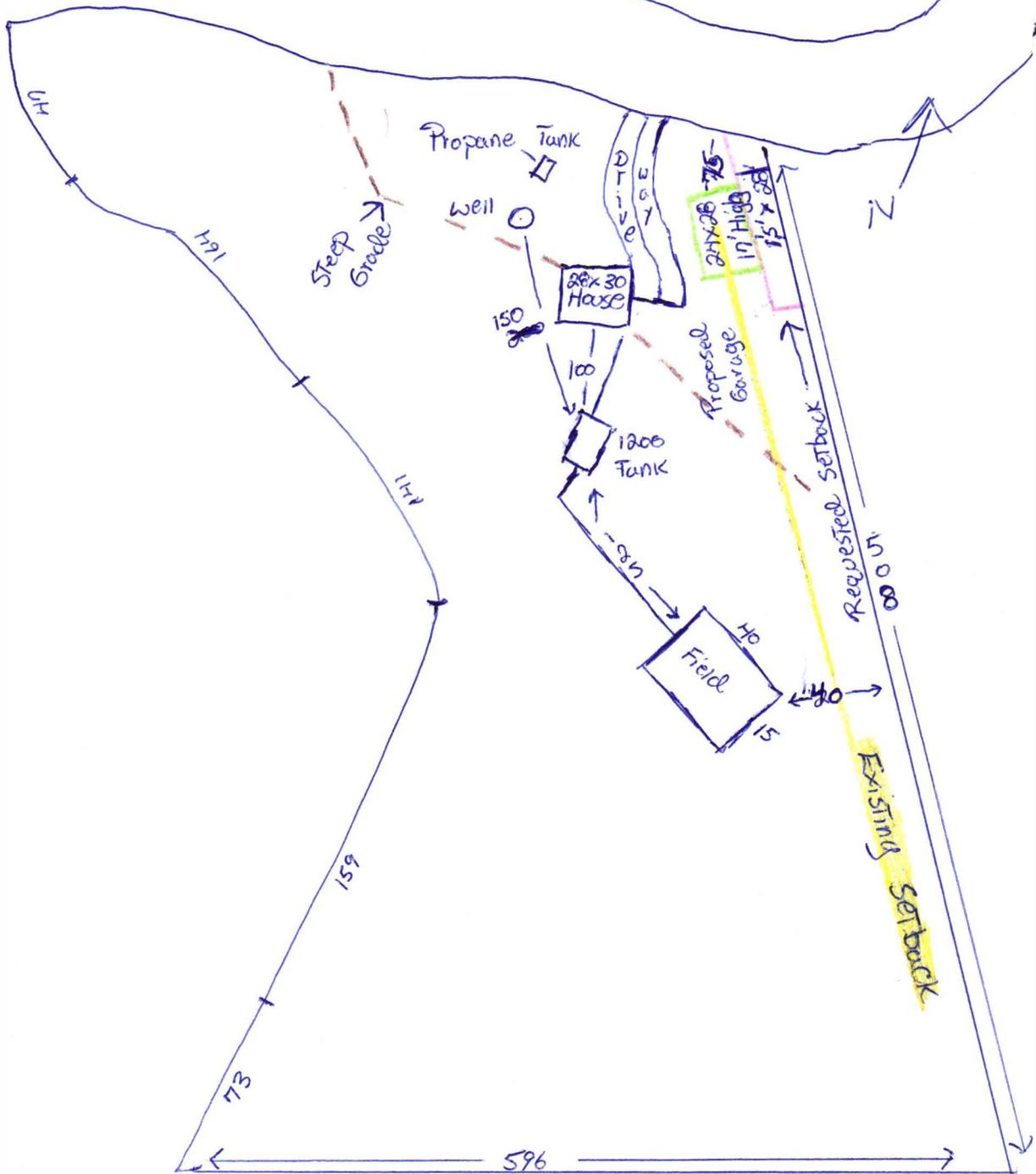
Date: 9/26/2016

### Attachment 2: Vicinity Map



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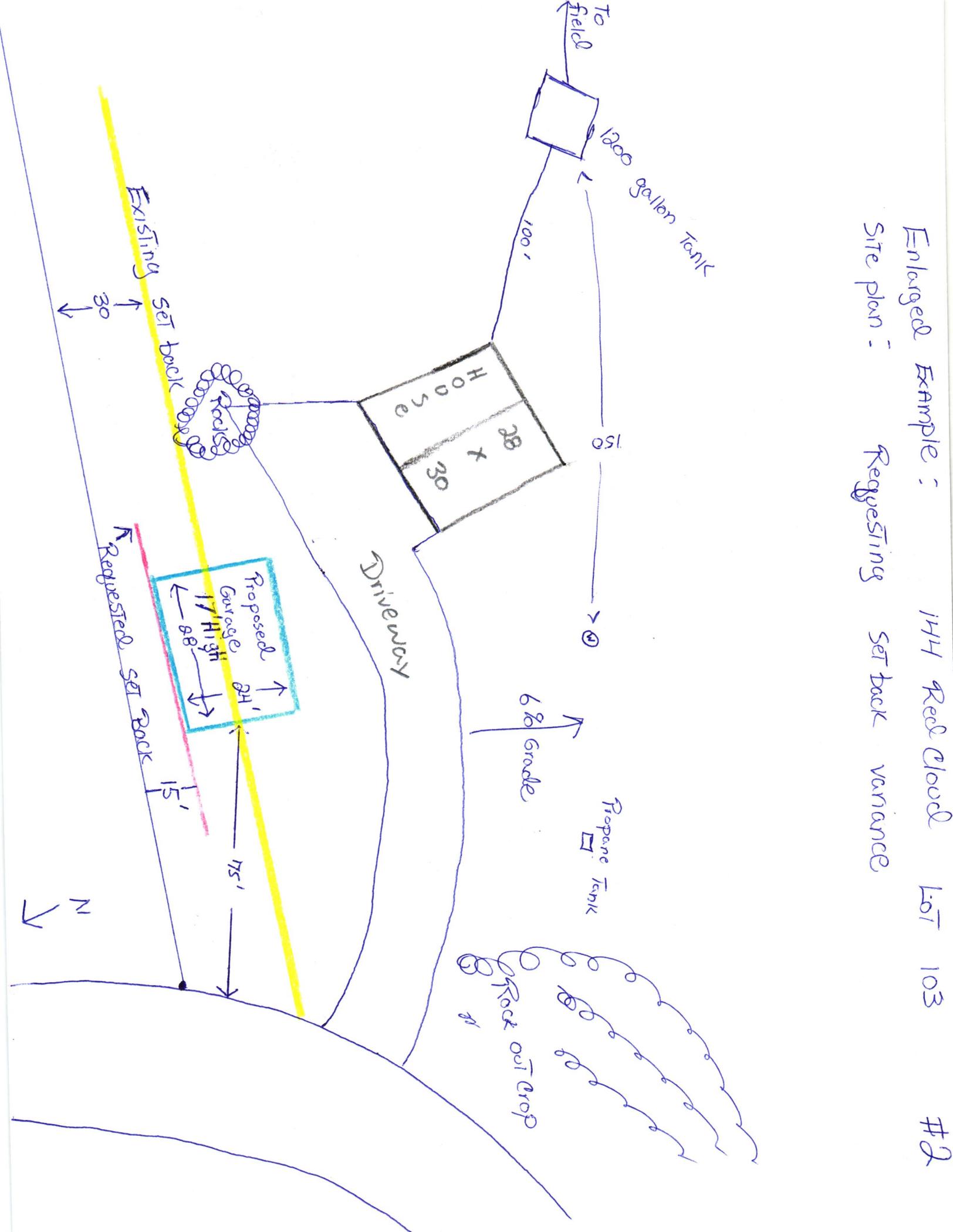
Requesting Set Back variance AT 15'x28'



Attachment 3: Site Plan

Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting Set back variance





Longbow Dr

Red Cloud Dr

Subject Property

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

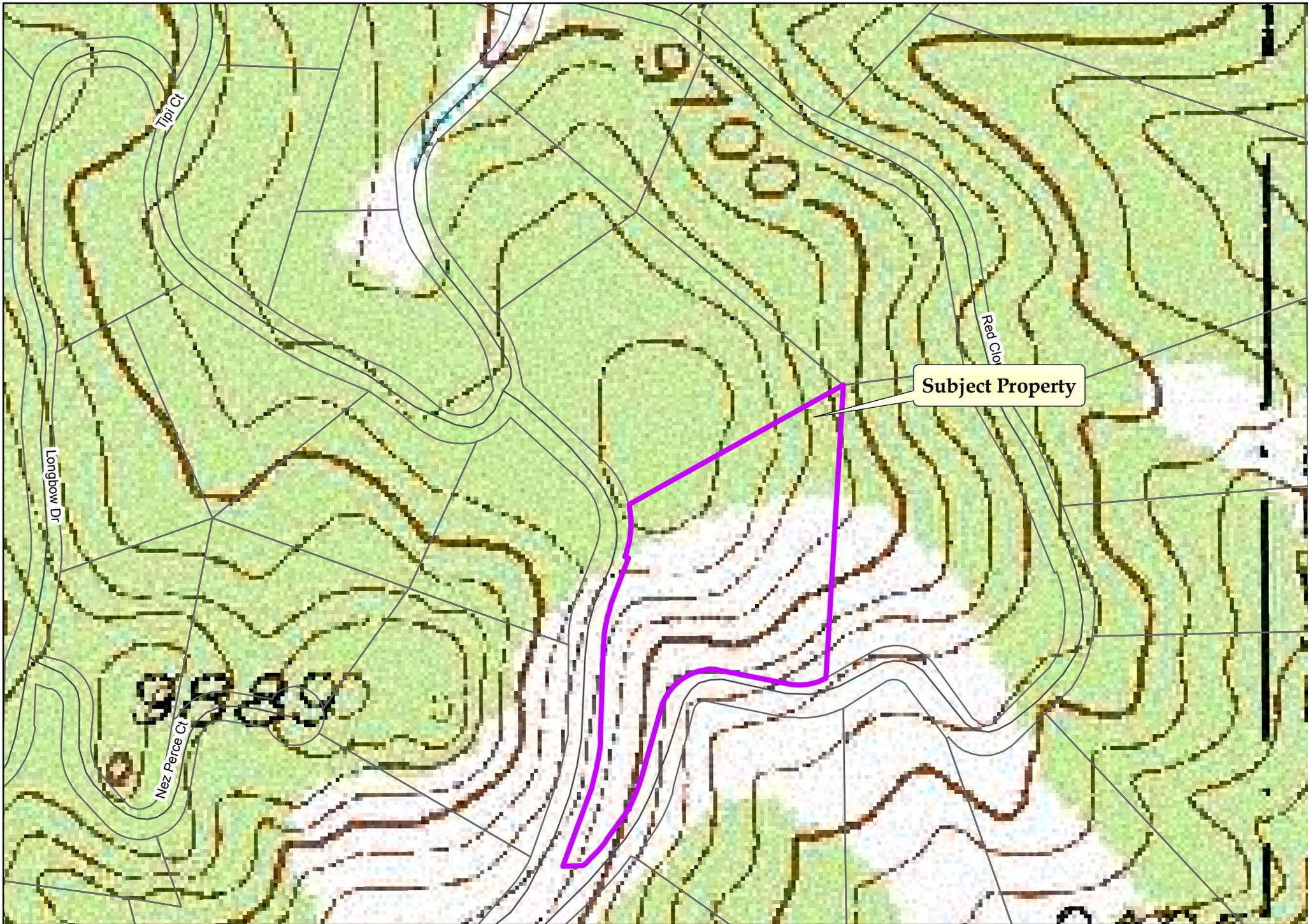
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### Attachment 4: Aerial Map

1 in = 150 feet



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### Attachment 5: Topo Map

1 in = 250 feet



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