

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

Board of Adjustment Hearing Date: September 14, 2022

To: Board of Adjustment Members

Date: September 7, 2022

Prepared by: John Deagan, AICP, Senior Planner

Case Number: 22SET-05

Subject: Carter Lot Lines Variance

Request: The applicant is requesting a 23 foot variance from the 30 foot setback from a structure to the front lot line, and an 11 foot variance from the 30 foot setback from a structure to the side lot line in order to build a garage.

Application Summary:

Applicant:	Gary Carter
Owner:	Same
Location:	K-Z Ranch Estates Unit 4 Lot 75, addressed as 494 Rising Sun Road, Bailey.
Current Zone District:	Residential
Surrounding Zoning:	Residential
Lot Size:	0.52 acres
Existing Use:	Single Family Residential
Proposed Use:	Same

Background:

The subject lot is located in the K-Z Ranch Estates subdivision, on the west side of County Road 43, 6 miles from Hwy. 285. A Vicinity Map is included as Attachment 1. The applicant wishes to build a garage.

Like most lots in K-Z Ranch Estates, lot 75 has a small building envelope. The possible building envelope for a garage is further reduced by wetlands and the septic system. In order to meet the wetland and septic system setback requirements, the applicant is requesting approval of variances from the north and west lot line setback requirements.

Land Use Regulations and Strategic Master Plan:

Each of the Land Use Regulation's standards for approval of a variance (Section 3-100 B) 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 lot has a small building envelope which is further constrained by wetlands and the septic system.

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 garage is of typical size, and garages are commonly held to be more of a necessity than a luxury in Park County's climate.

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

The proposed garage would be 146 feet from the house on the lot to the west. Staff opinion is that this would not create a substantial detriment.

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

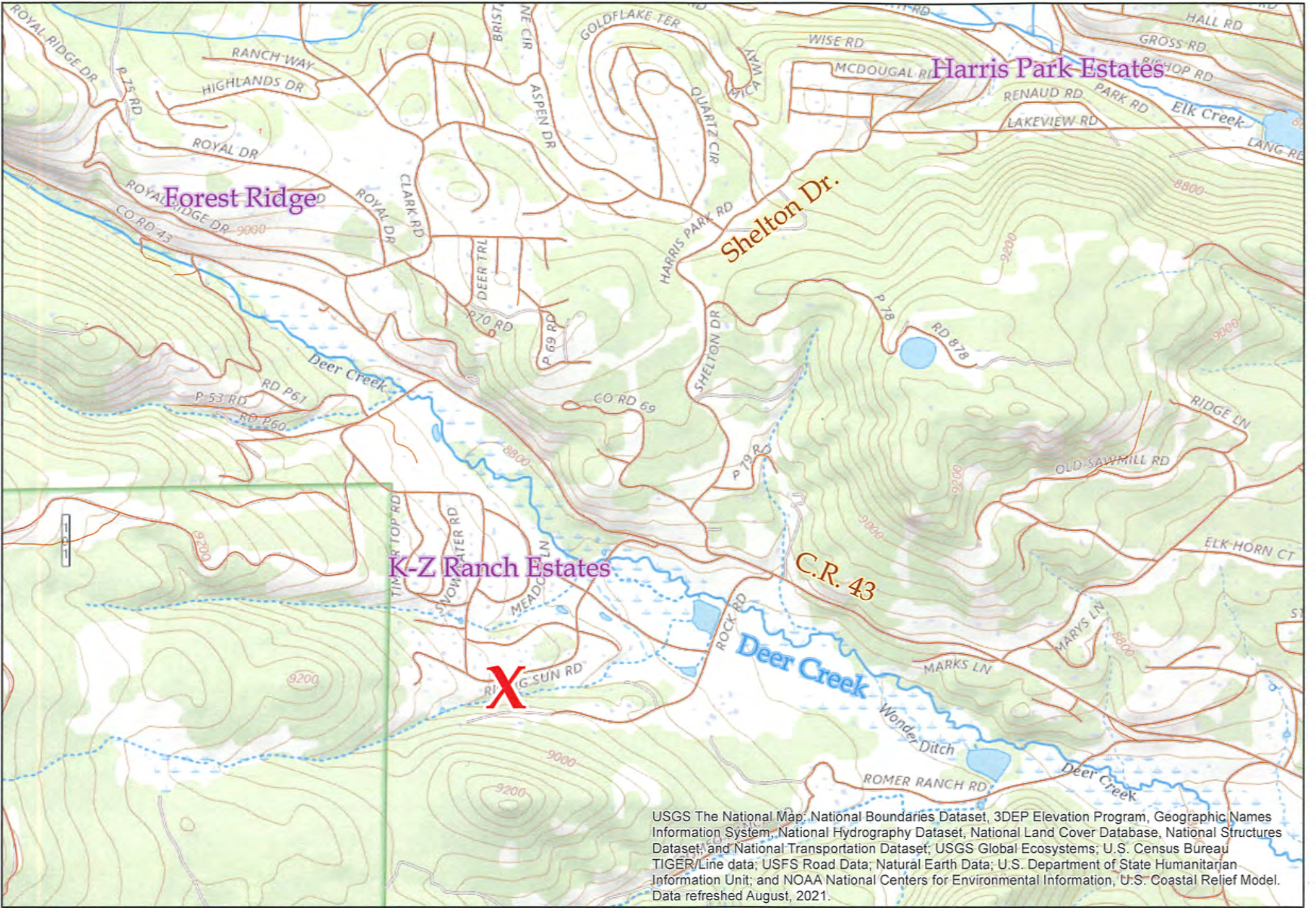
Setback regulations exist to provide privacy, light access, and air movement between structures. Staff opinion is that a 146-foot distance between structures is adequate for these purposes.

Public Comment:

No public comment has been received at this time.

Recommendation:

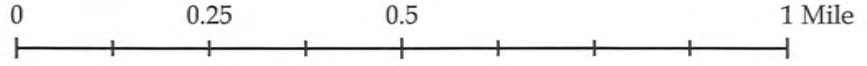
Staff recommends approval of the application with no conditions.



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.



Vicinity Map
Contour Interval is 40 Feet



Park County Planning Department