

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

Board of Adjustment Hearing Date: July 14, 2021

To: Board of Adjustment Members

Date: July 8, 2021

Prepared by: John Deagan, AICP; Planner

Case Number: 21SET-05

Subject: Aumiller Variance

Request: The applicant is requesting a twenty-foot variance from the thirty-foot setback from a structure to the front lot line in order to build a house.

Application Summary:

Applicant:	Terry Aumiller
Owner:	Same
Location:	Harris Park Estates Unit 4, Block 73, New Lot 37, addressed as 564 Marian Street
Current Zone District:	Residential
Surrounding Zoning:	Conservation/Recreation to north, Residential in all other directions
Lot Size:	0.47 acres
Existing Use:	Vacant
Proposed Use:	Single Family Residential

Background:

The subject lot is located at the north edge of the Harris Park Estates subdivision. It was created by the consolidation of two smaller lots in 2020. It is surrounded by Forest Service land to the north, platted lots to the east and south, and the Marian Street right-of-way to the west. A Vicinity Map is included as Attachment 1. Development on the lot is constrained by a steep slope in the eastern portion. The applicant is applying for a variance from the setback to the front (west) lot line in order to build a house.

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:**

Exceptional practical difficulty in construction within the normally required setbacks is caused by the lot's steep slope. Staff opinion is that this standard of approval is met.

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:**

Due to the presence of a steep slope and the lot's relatively small size, a strict application of setback requirements would result in a very small building envelope. Staff opinion is that this standard of approval is met.

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

No substantial detriment to any neighbor or the public is anticipated.

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, in this case, to provide space between structures on adjacent lots. The land on the other side of the Marian Street right-of-way is the northern end of a park owned by the Harris Park Estates metropolitan district. Staff opinion is that this standard of approval is met.

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

Recommendation:

Staff recommends approval of the application with no conditions.

Elk Creek Highlands

Harris Park Estates

Shelton Dr.

C.R. 43



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 February, 2020.



Vicinity Map
Contour Interval is 40 Feet

