



VARIANCE APPLICATION

Legal Description: Lot LOT 8 Subdivision BLUE ROCK SPRINGS SUB
Street Address: 0034 RUSTIC TER (CR 603) - BLUE RIVER, CO

Homeowner Name: TOM AND ALEX FITZGERALD Phone: 408-802-1233
Mailing Address: PO Box 2710 - Breckenridge CO 80424 Email: ataylor.fitz@gmail.com

Variance Being Requested:

We are requesting a variance to the front property setback for a proposed addition to an existing non-conforming home. The site is restricted by wetlands, topography, and existing overhead power lines.

Zoning Ordinance to which the variance is requested, and specify the nature of the variance requested:

Sec. 16-5-50. Site and structure requirements

a. Front yard. The front yard requirement shall be twenty-five (25) feet

We are requesting that the front setback as measured from road easement be reduced as shown on attached site plan.

State if the variance requested meets each of the following six (6) conditions. Please explain for each one:

1. That the granting of the variance will not authorize a use not permitted by the zoning regulations of the Town:

There is no proposed change to the existing use of this lot with the approval of this variance.

2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties having the same classification in the same zone district:

We believe that any other property with similar existing hardships could apply for similar setback variances.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, materially injurious to properties or improvements in the vicinity, or prevent the proper access of light and air to adjacent properties:

The requested variance presents no detrimental effects to the health, safety, and welfare of the public.

4. That the strict, literal interpretation and enforcement of the specified regulation would result in unnecessary hardship inconsistent with the objectives of the Title:

A majority of this site is determined to be unbuildable area due to existing utilities, wetlands, and topography conditions.

A setback of 25' from the existing road easement further limits the buildable area and creates complications for adding on to the existing structure.

5. That the circumstances found to create a hardship were not created by the owner, and are not due to, or the result of, general conditions in the zone district and cannot reasonably be corrected:

The hardship circumstances were created outside of the control of the existing homeowner. Previous zoning allowances, utility providers, and natural lot features have contributed to the hardships on this site.

6. That the variance would not be out of harmony with the intent and purpose of the zoning code:

Approval of this variance does not promote any development that is not in harmony with the intent and purpose of the zoning code.

Efforts have been made to reduce the addition footprint and minimize lot disturbance.

NO VARIANCE AUTHORIZING A CHANGE IN THE PERMITTED USE OF THE PROPERTY SHALL BE GRANTED.

The following documents are submitted herewith for the Commission's information and review:

1. Completed Application Form / Application Fee
2. Site plan diagram with proposed addition and setbacks / Proposed plans and elevations.
3. Adjacent neighbor mailing list.
4. _____

I/We the applicant named herein understand the following:

1. That the main function of the Planning and Zoning Commission is to provide for reasonable interpretations of codes and ordinances with relation to their intent, so that the spirit of the ordinance(s) shall be observed, public safety and welfare secured and justice adhered to.
2. Notice of hearings to be given at the expense of the applicant by publication in a newspaper of general circulation within the Town by posting on the premises and by mailing to all property owners within three hundred (300) feet of the property in question. Notices shall be posted, published and mailed at least ten (10) days before the hearing date and shall contain the time and date of the hearing, the name of the applicant, a general description of the property indicating its location (which may be shown by map), what relief is being sought and the grounds on which the relief is being sought. The owners within three hundred (300) feet of the affected property were notified of the variance request. This letter shall contain all the names and addresses of those notified, and shall be submitted to the Building Department at least ten (10) days prior to the scheduled hearing. The application must be submitted to the Building Department at least twenty (20) days prior to the date of the hearing.
3. I/We (the applicant) shall be notified of the Commission's decision within thirty (30) days after the date of the hearing.
4. That any decision made by the Planning and Zoning Commission is not binding as to covenants, which apply to the property in question. Applicant is responsible for obtaining any necessary approvals from the Homeowner's Associations or Committees, which administer the covenants within the subdivision where the property is located.
5. Within seven (7) days following action by the Planning and Zoning Commission, written findings and decision, in the form of a resolution, shall be transmitted to the applicant and to the Board of Trustees. Such decision of the Planning and Zoning Commission, with respect

to variances, is final and is subject to appeal only through a court competent jurisdiction pursuant to §31-23-307, C. R. S.

Signature:  Date: 3.12.24

Findings of the Planning & Zoning Commission:
