



TO: Mountain Village Town Council
FROM: Drew Nelson, Senior Planner
FOR: Town Council Public Hearing; May 16, 2024
DATE: May 6, 2024
RE: Staff Memo – Consideration of a Resolution Approving a Height Variance Pursuant to CDC Section 17.4.16 – Continued from the March 21, 2024, Regular Meeting

APPLICATION OVERVIEW: Height Variance for a New Single-Family Residence on Lot 166AR2-10

PROJECT GEOGRAPHY

Legal Description: LOT 166AR2-10, TELLURIDE MOUNTAIN VILLAGE, ACCORDING TO THE REPLAT OF LOT 166-AR, OSP-51 AND OS-166 TO LOTS 166AR2-1 THRU 166AR2-15, PARCEL A, OSP-51A, OSP-51RB AND OS-166R RECORDED APRIL 4, 2003 IN PLAT BOOK 1 AT PAGE 3116, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Address: 10 Stonegate Drive

Applicant/Agent: Jack Wesson, Jack Wesson Architects, Inc.

Owner: Shavano Investments, LLC

Zoning: Single Family

Existing Use: Vacant

Proposed Use: Single-Family Residence

Lot Size: .5239 acres

Adjacent Land Uses:

- **North:** Single-Family Residence
- **East:** Single-Family Residence
- **West:** Active Open Space – Ski Area
- **South:** Active Open Space – Ski Area



Figure 1: Vicinity Map

ATTACHMENTS

Exhibit A: Architectural Plan Set

Exhibit B: Staff/Public Comments

Case Summary: Jack Wesson, on behalf of owners Shavano Investments, LLC, is requesting a Height Variance to develop a new single-family residential unit on Lot 166AR2-10, TBD Stonegate Drive. This item was originally scheduled for review on March 17, 2024, and was continued to the May 16, 2024, regular meeting to accommodate significant design changes. The revisions include removing a large exterior stairway, reducing the overall height of the elevator shaft by moving it to a more interior location, and changing the roof form from shed to a shallow gable roof.

The site is extremely sloped, with nearly the entire property over 30% slopes and many portions over 50%. The proposed structure is a single-family residence in the single-family zone district. While the structure reads as a single story from the adjacent Sundance ski run, it is a five-story building that steps down the site towards Stonegate Drive. Due to the slope of the site, setback requirements, and a large no-build zone, the applicant is requesting a height variance, which is described in detail below. The property is bisected by a private section of Stonegate Drive, making the site smaller than the .5239 acres in size would indicate, and a large no-build zone exists on the west side of the property, reducing the buildable area further.

The proposed structure is 7,681 square feet of habitable space, with a total gross square footage of 8,780 square feet, and utilizes a mixture of wood, stone, and metal siding for the exterior materials. The proposed structure includes three interior parking spaces and one exterior space adjacent to the front entryway.

The DRB reviewed an initial application at a regular meeting on May 2, 2024, and has recommended approval of the variance request. The DRB also voted approve the Initial Architecture and Site Review (IASR) at that meeting, and the approval includes a condition that if the Height Variance is not approved by the Town Council, the applicant must return to DRB for an updated IASR review.

Applicable CDC Requirement Analysis: The applicable requirements cited may not be exhaustive or all-inclusive. The applicant is required to follow all requirements even if an applicable section of the CDC is not cited. ***Please note that Staff comments will be indicated by italicized Text.***

Table 1: Relevant information from CDC Sections 17.3.11-14; 17.5.6 (materials); 17-5.8 (parking)

CDC Provision	Requirement	Proposed
Maximum Building Height	40' (gable) Maximum	45.17' (post const.)*
Avg. Building Height	35' (gable) Maximum	24.86'
Maximum Lot Coverage	40% (9,598.4 sq ft)	17.08% (3,901 sq ft)
General Easement Setbacks	No encroachment	16' North and West
Roof Pitch		
Primary		2¼ : 12
Secondary		None
Exterior Material		
Stone	35% minimum	41.27%
Windows/Door Glazing	40% maximum	20.44%
Metal	n/a	19.92%
Wood	n/a	18.36%
Parking	2 enclosed/2 surface	3 enclosed/1 surface

Chapter 17.3: ZONING AND LAND USE REGULATIONS

17.3.11 and 17.3.12: Building Height and Building Height Limits

Sections 17.3.11 and 17.3.12 of the CDC provide the methods for measuring maximum building height and average building height, along with providing the height allowances for specific types of buildings based on their roof form. The proposed design incorporates a gable roof form. Single-family residences with gabled roofs are granted a maximum height of 40 feet and an average height of 30 feet. The average height is an average of measurements from a point halfway between the roof ridge and eave. The maximum height is measured from the highest point on a roof directly down to the existing grade or finished grade, whichever is more restrictive.

Staff: The primary roof form of the proposed structure is gabled and is therefore granted a maximum height of 40 feet and an average height of 35 feet. The applicant has indicated that the maximum height of the current proposed structure is 45.17 feet and has an average height of 28.46 feet (Sheet A-009 of the attached plan set). The CDC requires that height is demonstrated relative to both existing and proposed grade and that the most restrictive measurements be used to determine height. The applicant has not provided any information on heights as it relates to the proposed grade. The applicant should revise the drawings to demonstrate both existing and proposed grade for each height so staff can determine whether the true maximum and average height is being shown accurately.

The subdivision plat for Stonegate also includes a more restrictive plat note for building heights. The plat states that the overall building shall not exceed the USGS elevation of 10,135' and that chimneys shall not exceed 10,140', which the plan set indicates is being met for the home design.

Due to the extreme slope of the site (with slopes over 50% for much of the site), the applicant is requesting a variance to the maximum height of 5.17 feet over the allowable limits. The area of impact for the variance is limited to the main gable roof and the elevator shaft. The height variance is desired to allow for a habitable structure that fits the Mountain Village building vernacular, as the steep natural grade of the site and the no-build zone on the west side of the property limit the size of the building footprint and therefore the size of an individual story.

Figures 2-5 show the elevations as they relate to the natural grade of the proposed structure and Figure 6 shows the 40' parallel offset to show portions of the structure above the 40-foot threshold.



Figure 2: South Elevation

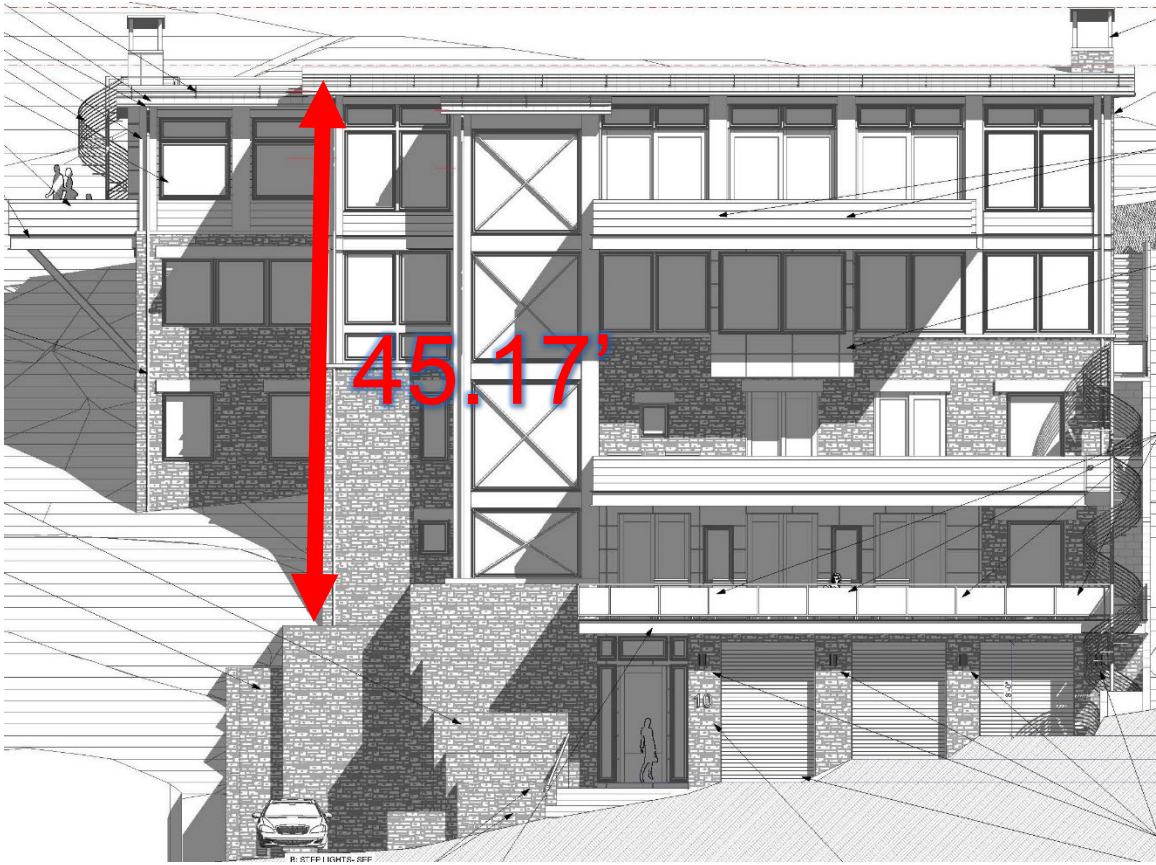


Figure 3: North Elevation

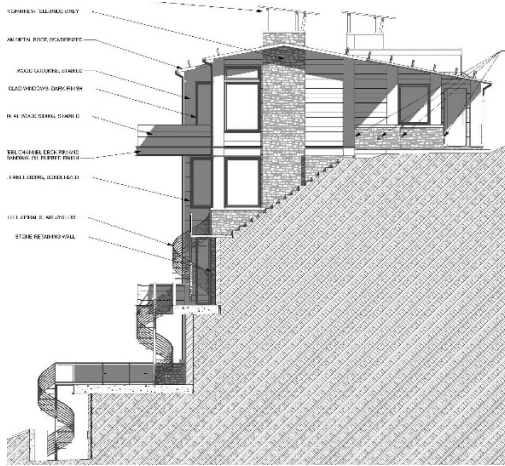


Figure 4: West Elevation

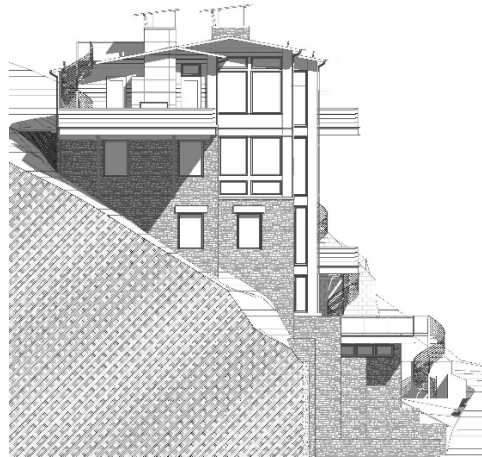


Figure 5: East Elevation

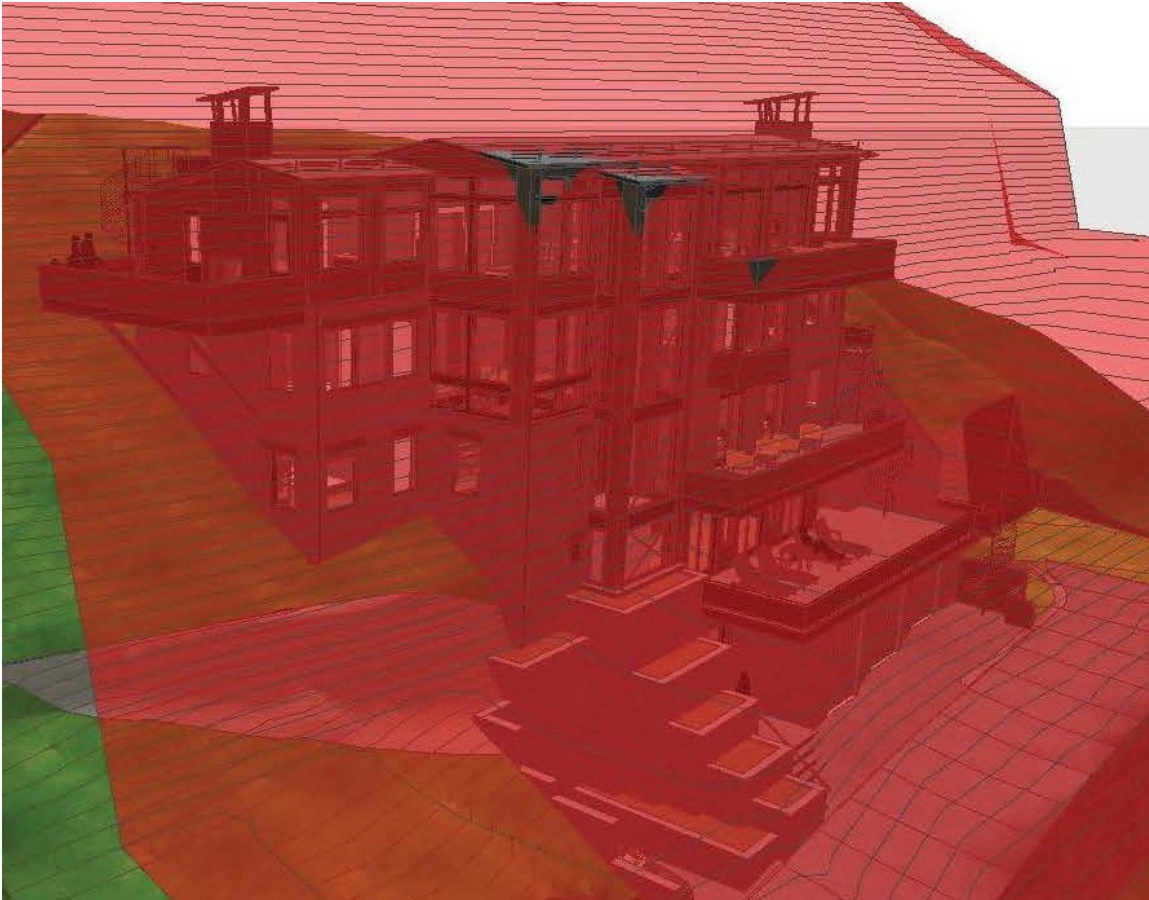


Figure 6: Height Analysis 3D Planar View with 40-foot offset

According to the CDC, the following criteria shall be met for the review authority to approve a variance:

a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions.

Staff: The entirety of the lot has significant slopes, with a majority of the site having a slope greater than 50%. The steep slopes, combined with the bisection of the lot by Stonegate Drive and the large no-build zone on the west side of the property appear to constitute special circumstances.

b. The variance can be granted without substantial detriment to the public health, safety and welfare;

Staff: This excess height poses no threat to public health, safety and welfare.

c. The variance can be granted without substantial impairment of the intent of the CDC;

Staff: Staff does not believe the granting of this variance represents a “substantial impairment of the intent of the CDC” as the proposed structure adheres to a majority of the design regulations if the CDC, as outlined throughout this memo.

d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;

Staff: The Town Council has approved height variances before due to unique site conditions related to the slope of a lot. Town Council members should discuss whether this variance represents the granting of special privilege in excess of that enjoyed by other property owners. The proposed design also incorporates traditional mining forms that drive much of the overall height, rather than stepping up the slope and staying beneath the 40-foot height threshold. The applicant has significantly modified the design from original plans to reduce the desired height variance through programming of the site, including the relocation of the elevator shaft. The Town Council should discuss whether these design elements could constitute special circumstances.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

Staff: The proposed development and associated height variance request allows the lot to be used in a manner similar to that of other sites within the Stonegate subdivision and throughout Mountain Village. However, the Town Council should discuss whether the variance being requested is the minimum necessary to allow for reasonable use. The applicant has stepped the design of the structure to significantly reduce the variance requested.

f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;

g. The variance is not solely based on economic hardship alone; and

h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Staff: Staff believes the criteria for f-h are all being met.

Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.

DRB Recommendation: The DRB (by a vote of 7-0) recommended approval to the Town Council regarding the height variance application for Lot 166AR2-10 with conditions found in the proposed motion at their regular meeting on May 2, 2024.

Staff Recommendation: For this Height Variance request, Staff has provided a motion for both approval and denial depending on the findings of the Town Council.

If the Town Council chooses to **approve** of the **variance**, staff would suggest the following motion:

I move to approve a Resolution Approving a Height Variance allowing a maximum height of 6 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family residence located at Lot 166AR2-10, TBD Stonegate Drive based on the evidence provided in the staff record of memo dated May 6, 2024, and the findings of this meeting and with the following conditions:

1. *The approved height variance is valid only with the design presented for Initial DRB review on May 2, 2024, and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.*
2. *The height variance is specific to the area described in the staff memo in Figure 6, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.*

If the Town Council chooses to **deny** the **variance** then staff suggests the following motion:

I move to deny a Resolution Approving a Height Variance at Lot 166AR2-10, TBD Stonegate Drive based on the evidence provided in the staff record of memo dated May 6, 2024 and the findings of this meeting.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VARIANCE OF THE MAXIMUM HEIGHT LIMITATIONS OF
THE MOUNTAIN VILLAGE MUNICIPAL CODE TO LOT 166AR2-10**

RESOLUTION NO. _____

WHEREAS, Shavano Investments, LLC (the "Owner") is the owner of certain real property described as Lot 166AR2-10, Mountain Village, Colorado, Assessor Parcel No. 477910102010, and commonly known as TBD Stonegate Drive (the "Property"); and

WHEREAS, Jack Wesson of Wesson Architects (the "Applicant"), with the Owner's consent, has submitted a request to the Town of Mountain Village (the "Town") for a variance to the maximum height limitations (the "Variance Request") found in the Town's Community Development Code ("CDC") for the purpose of developing a single-family residence on the Property; and

WHEREAS, the Variance Request consists of the materials submitted to the Town, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on May 2, 2024, to consider the Variance Request and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Variance Request; and

WHEREAS, the Town Council held a public hearing on May 16, 2024, to consider the Variance Request, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted _____ to approve this Resolution ("Variance Approval"); and

WHEREAS, the public hearings and meetings to consider the Variance Request were duly noticed and held in accordance with the CDC; and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.16 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution set forth below:

1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
2. The variance can be granted without substantial detriment to the public health, safety and welfare;
3. The variance can be granted without substantial impairment of the intent of the CDC;
4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
5. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
7. The variance is not solely based on economic hardship alone; and

8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

WHEREAS, the Town Council now desires to approve the Variance Request, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Approval. The Town Council hereby approves a variance of 6 feet above the allowable maximum height as outlined in the CDC for portions of a new single-family residence to be constructed on the Property, as described in the Variance Request.

Section 3. Conditions. The Variance Approval is subject to the following terms and conditions:

- 3.1. The approved height variance is valid only with the design presented for Initial DRB review on May 2, 2024, and is valid only for the 18 month period of that design approval. Upon request by the Applicant, Town staff, in its discretion, may approve a 6-month extension of the original design review approval.
- 3.2. The height variance is specific to the area described in the staff memo in Figure 6 and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on May 16, 2024.

TOWN OF MOUNTAIN VILLAGE,
COLORADO

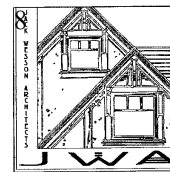
By: _____
Marti Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney



NARRATIVE

4-17-24

To: Amy Ward, Claire Perez, Drew Nelson
Town of Mountain Village Planners
Community Development Department
Town Council
Design Review Board
Mountain Village, CO

From: Jack Wesson
Jack Wesson Architects, Inc.
109 E. Colorado Ave. #2, Telluride CO
P.O. Box 2051
Telluride, CO 81435
(970) 519.1551
jwesson@me.com.com

Re: Variance Design Review Submission
for a Single Family Residence
Lot166AR2-10 (Stonegate), Mountain Village

The applicant is requesting a height variance for two roof areas which are delineated on a special exhibit page. The two gable ends are approximately a maximum of 3' and 8' above the maximum height but for a limited area.

D. *Criteria for Decision.*

1. The following criteria shall be met for the review authority to approve a variance:
 - a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
As discussed the small building site is exposed bedrock and extremely steep. All excavation is primarily removing bedrock, so it will either require blasting or hammer drilling, thus the design has attempted to limit the amount of excavation to a minimum, although less so than the previous submission. The vertical site and small footprint require a vertical building, in fact the garage is five levels below the kitchen. This revised design has significantly reduced the height of variance requested to just 3'-5' in three separate but small areas.
 - b. The variance can be granted without substantial detriment to the public health, safety and welfare;

The extra height will not impact the public health, safety and welfare. It will not impact the adjacent homes view.

c. The variance can be granted without substantial impairment of the intent of the CDC;

The variance will not compromise or impair the intent of the CDC.

d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;

The Stonegate subdivision in general likely has the steepest topography of any within the Mountain Village, and this is likely the steepest building site in Stonegate. The applicant is aware that several Stonegate houses have requested variances in height, one of at least 11.5', although the applicant has not verified the approval outcome of each variance request. This application would not limit other properties from requesting a variance.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

The elevator is a necessity on this site, a prerequisite for reasonable use. The applicant is attempting to position the elevator to minimize overall impacts (including construction) and allow for reasonable use by the developer (i.e. minimized costs) although this latest application less so than the previous in this regard.

f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;

The applicant is unaware of any violations of Town regulations or State Statues by the creation of the lot.

g. The variance is not solely based on economic hardship alone; and

The variance trades height with construction impacts.

h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

The applicant is requesting the height variance in accordance with the variance process.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the variance review criteria.

The applicant has addressed all of the Criteria for Decision per the above narrative and with the associated 'complete documents required to be submitted

Sincerely,

Jack Wesson



JACK WESSON
 ARCHITECTS INC.
 109 E. Colorado #2
 P.O. Box 2081
 TELLURIDE, CO 81425
 TEL: 970.728.9755
 jack@wessonarch.com
 www.jackwessonarchitects.com

STONEGATE 10

NOT FOR CONSTRUCTION

MARK	REV.	DATE	DESCRIPTION
4-11-24			REDESIGN OPT.
3-6-24			DRB HEIGHT CALCS
3-15-24			DRB APPLICATION
12-8-23			PRE-DRB MATERIAL CALC
11-30-23			PRE-DRB SITE PLANS
7-13-23			SCHEMATIC DESIGN 2
6-21-23			SCHEMATIC DESIGN 1

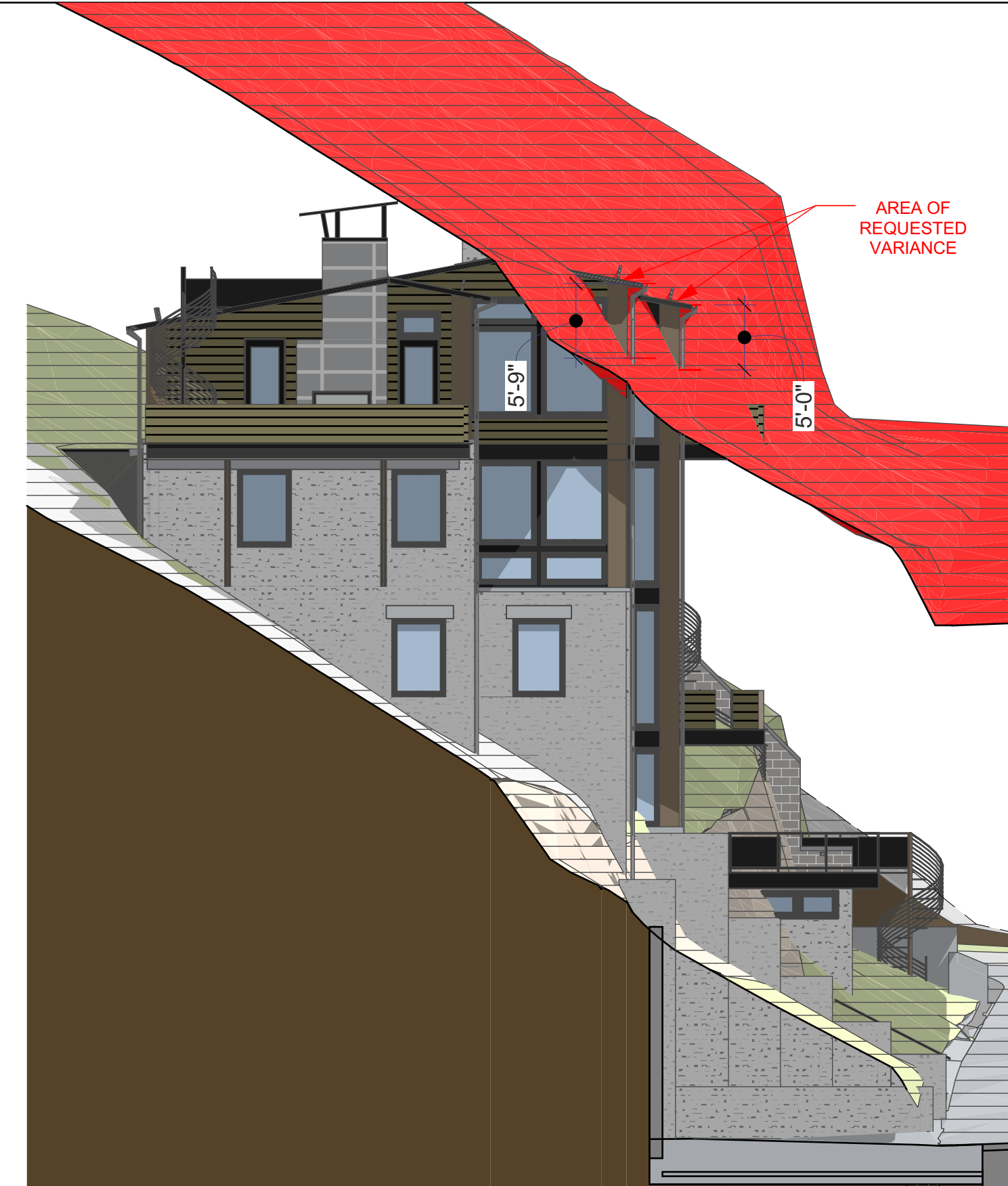
PROJECT NAME:
 SINGLE FAMILY
 LOT 10, STONEGATE
 MOUNTAIN VILLAGE, CO

PROJECT MANAGER:
 DRAWN BY:
 REVIEWED BY:
 2023 JWA

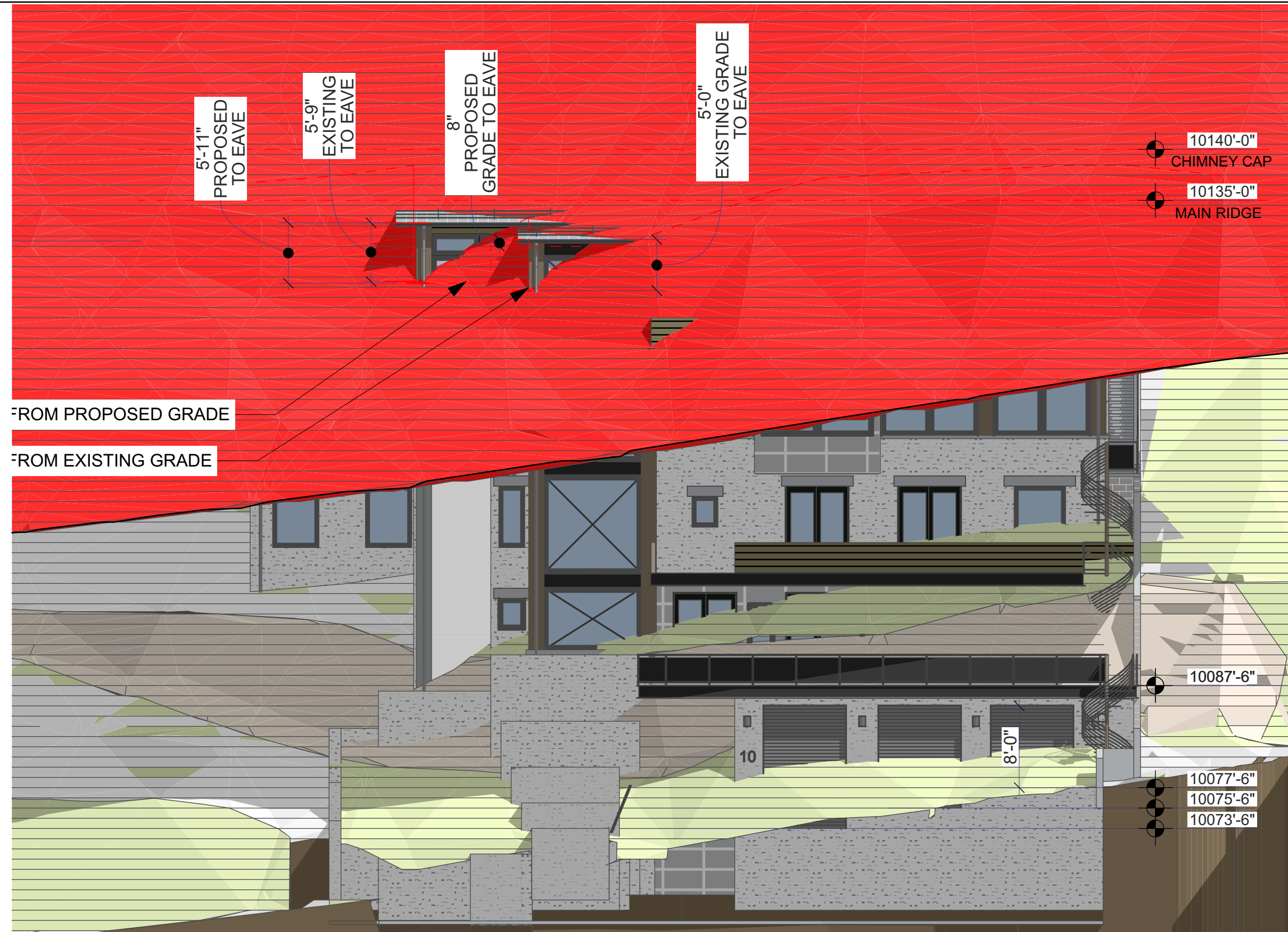
ARCHITECT'S STAMP

SHEET DESCRIPTION:
 HEIGHT CALCS

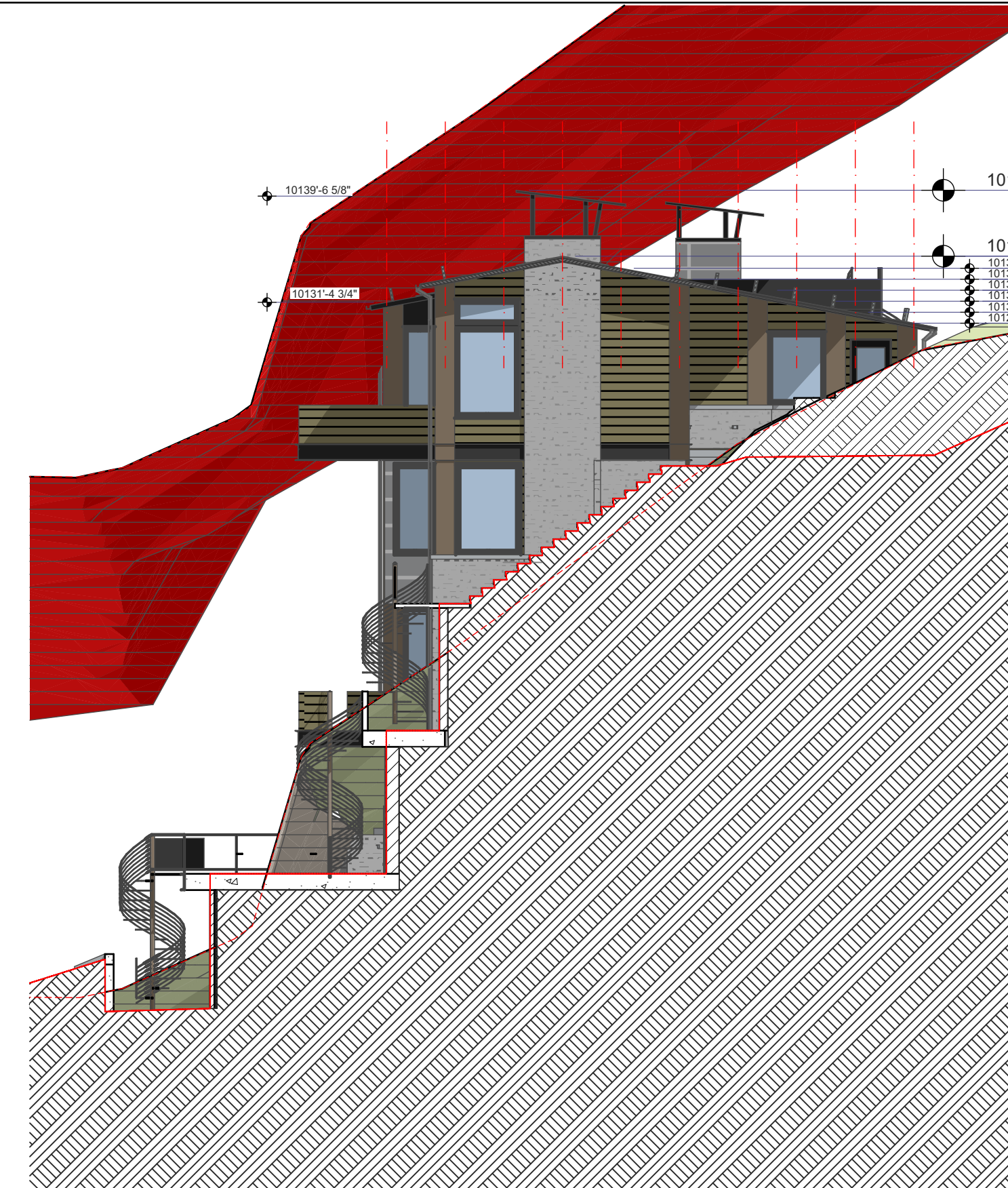
SHEET NUMBER:
 A-009



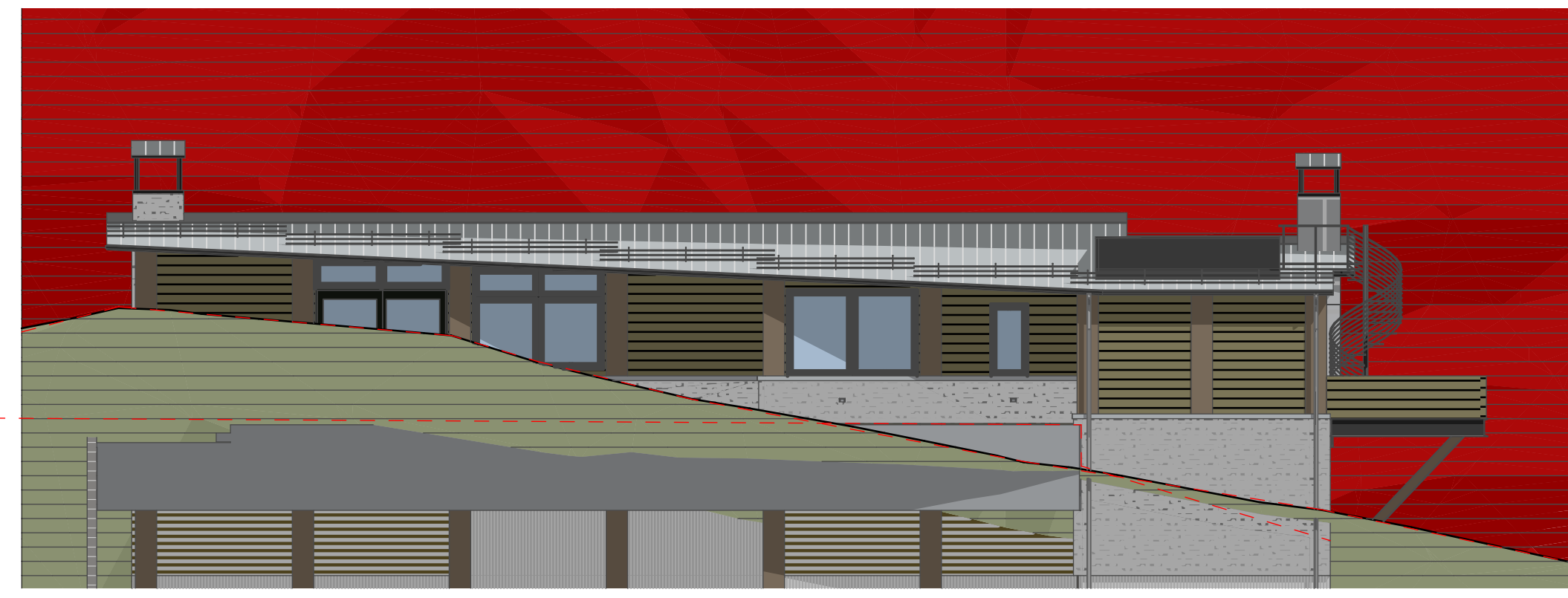
4 East Elevation
 SCALE: 1" = 10'



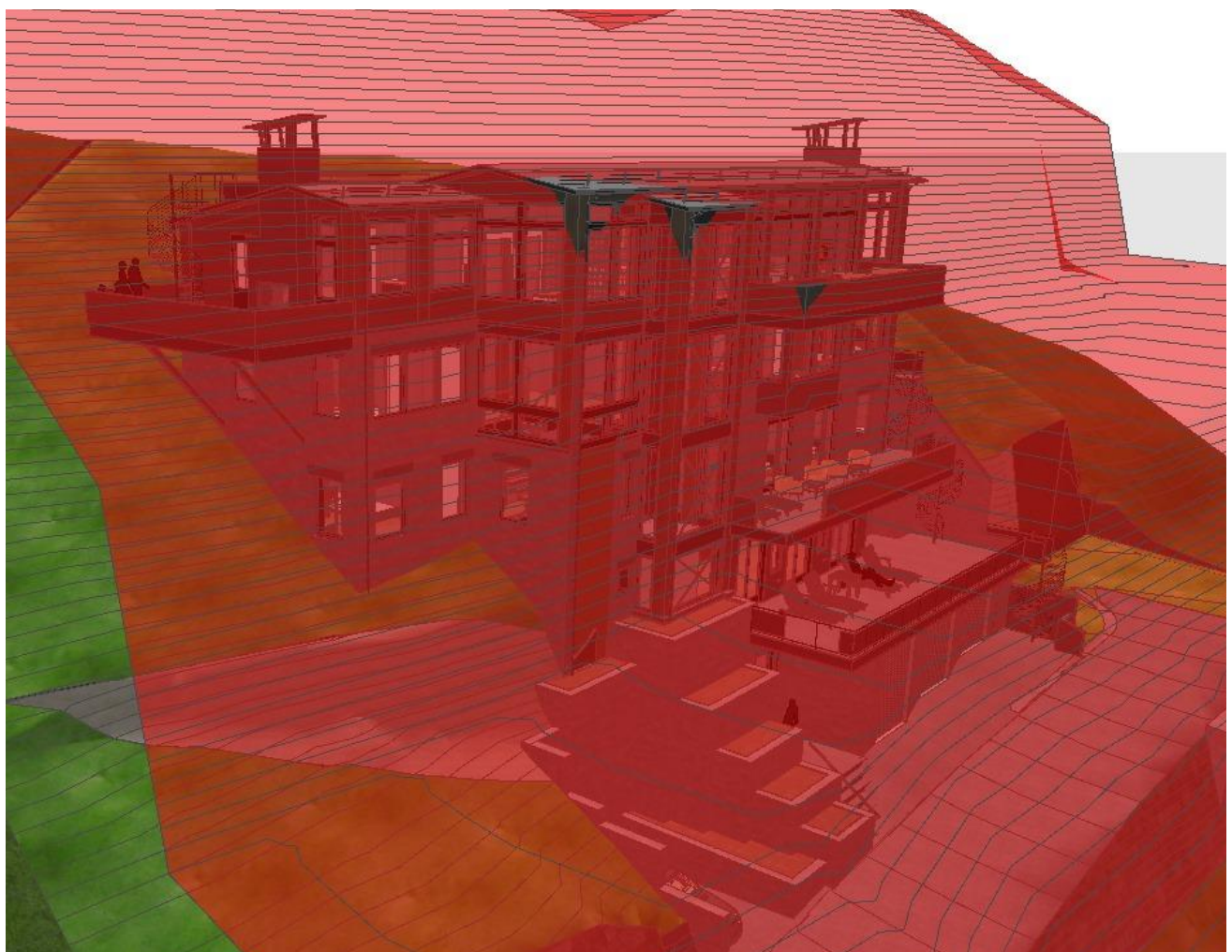
3 North Elevation
 SCALE: 1" = 10'



2 West Elevation
 SCALE: 1" = 10'

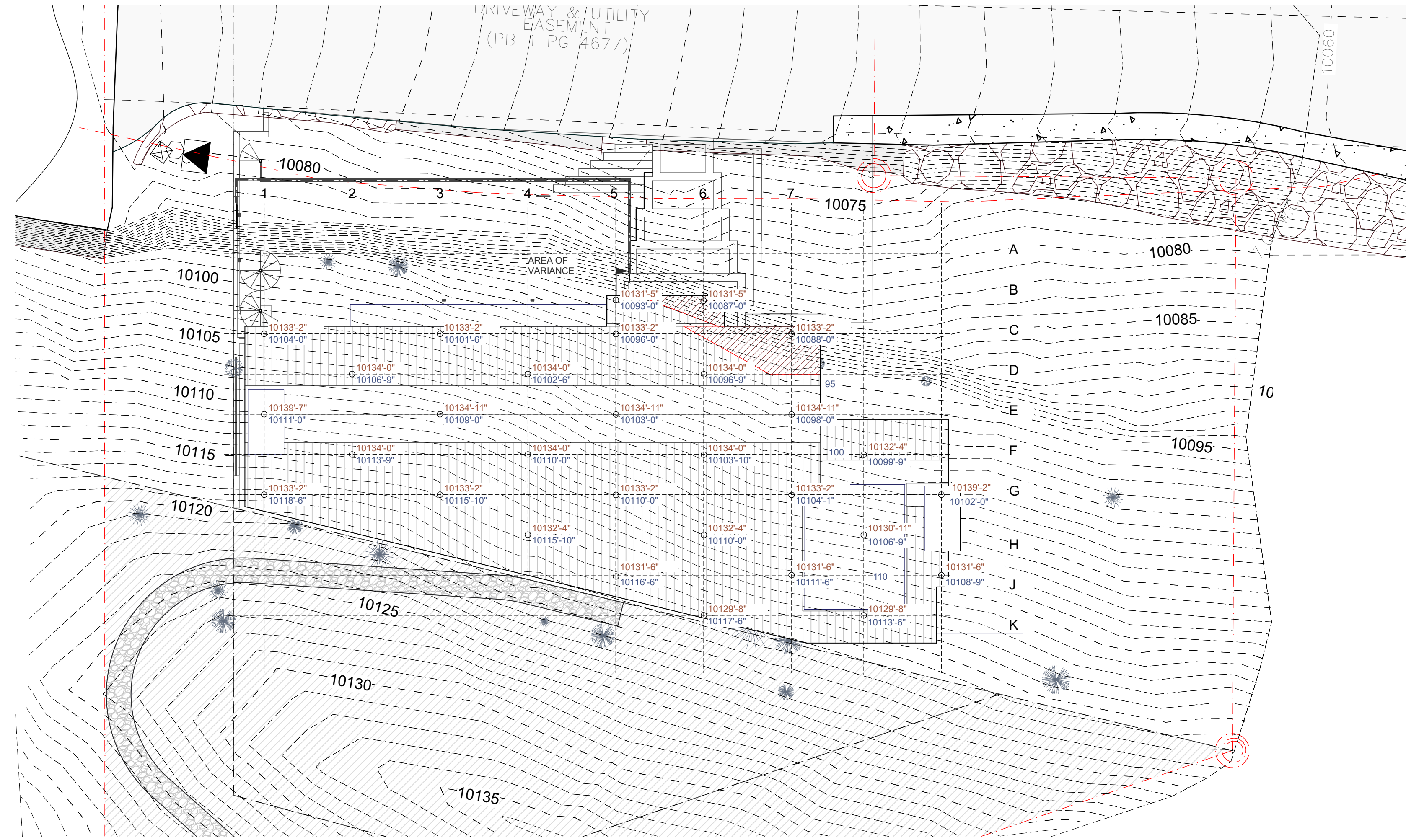


5 South Elevation
 SCALE: 1" = 10'



6 40' Shell
 SCALE: 1:896.77

STONEGATE ROOF HEIGHT CALCS (in FT)			
POINT	ROOF ELEVATION	EXISTING GRADE	HEIGHT
A5	0.00	0.00	0.00
A6	0.00	0.00	0.00
B5	131.50	93.00	38.50
B6	131.50	87.00	44.50
C1	133.17	104.00	29.17
C3	133.17	101.50	31.67
C5	133.17	96.00	37.17
C7	133.17	88.00	45.17
D2	134.00	106.75	27.25
D4	134.00	102.50	31.50
D6	134.00	96.75	37.25
E1	139.65	111.00	28.65
E3	134.90	109.00	25.90
E5	134.90	103.00	31.90
E7	134.90	98.00	36.90
F2	134.00	113.75	20.25
F4	134.00	110.00	24.00
F6	134.00	103.83	30.17
F8	132.33	99.75	32.58
G1	133.17	118.75	14.42
G3	133.17	116.00	17.17
G5	133.17	110.17	23.00
G7	133.17	104.50	28.67
G9	139.17	102.00	37.17
H4	132.33	115.83	16.50
H6	132.33	111.50	20.83
H8	130.90	106.75	24.15
J5	131.50	116.50	15.00
J7	131.50	111.75	19.75
J9	131.50	108.75	22.75
K6	129.67	117.50	12.17
K8	129.67	113.50	16.17
AVERAGE			24.86



1 Height Calcs Plan
 SCALE: 1" = 10'

D:\WORK\STONEGATE LOT 10\DRAWINGS\STONEGATE 2 4-9-24.pln



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STONEGATE 10

NOT FOR CONSTRUCTION

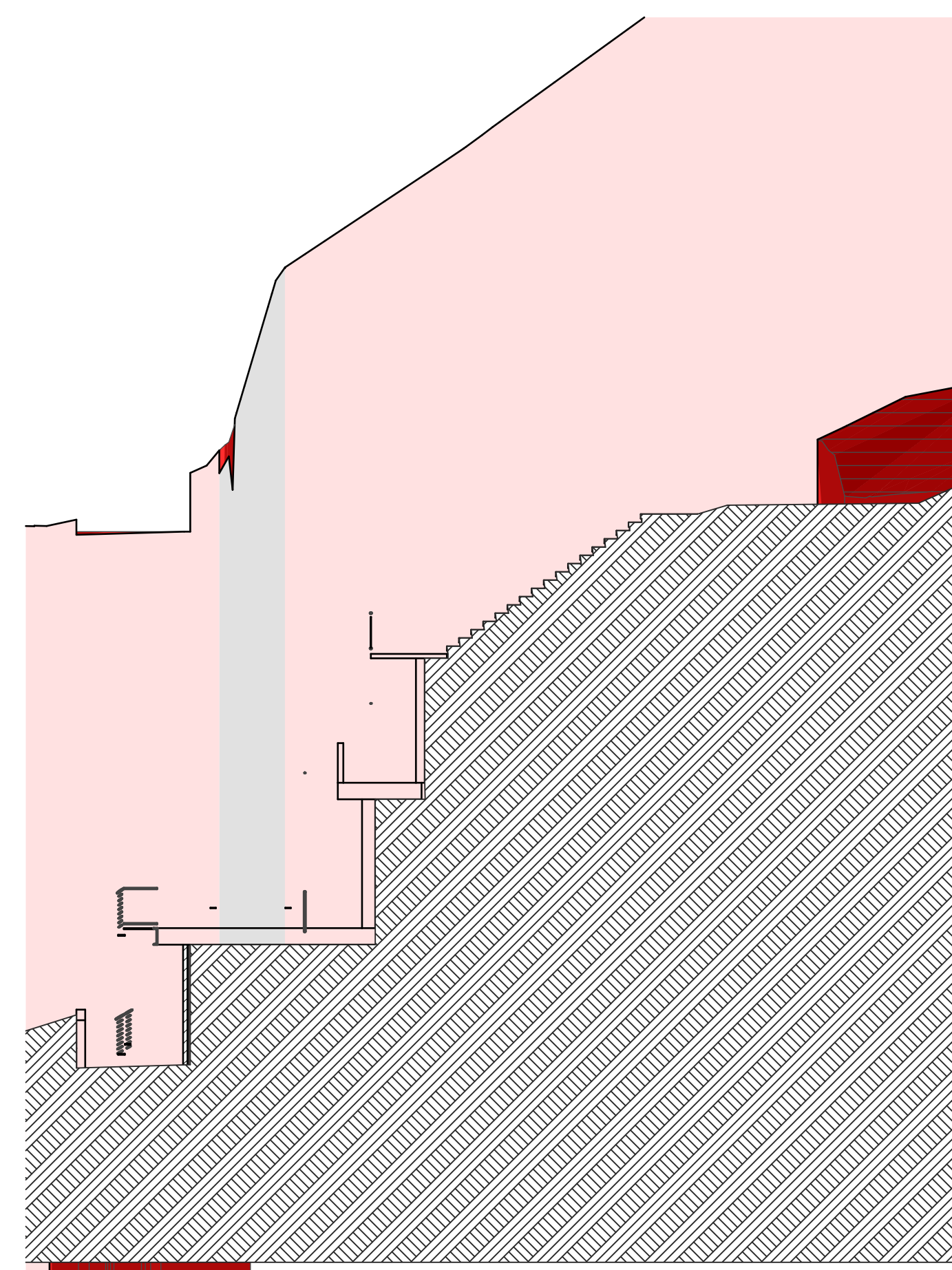
MARK	REV. DATE	DESCRIPTION

PROJECT NAME:
 PROJECT MANAGER:
 DRAWN BY:
 REVIEWED BY:
 © 2023 JWA

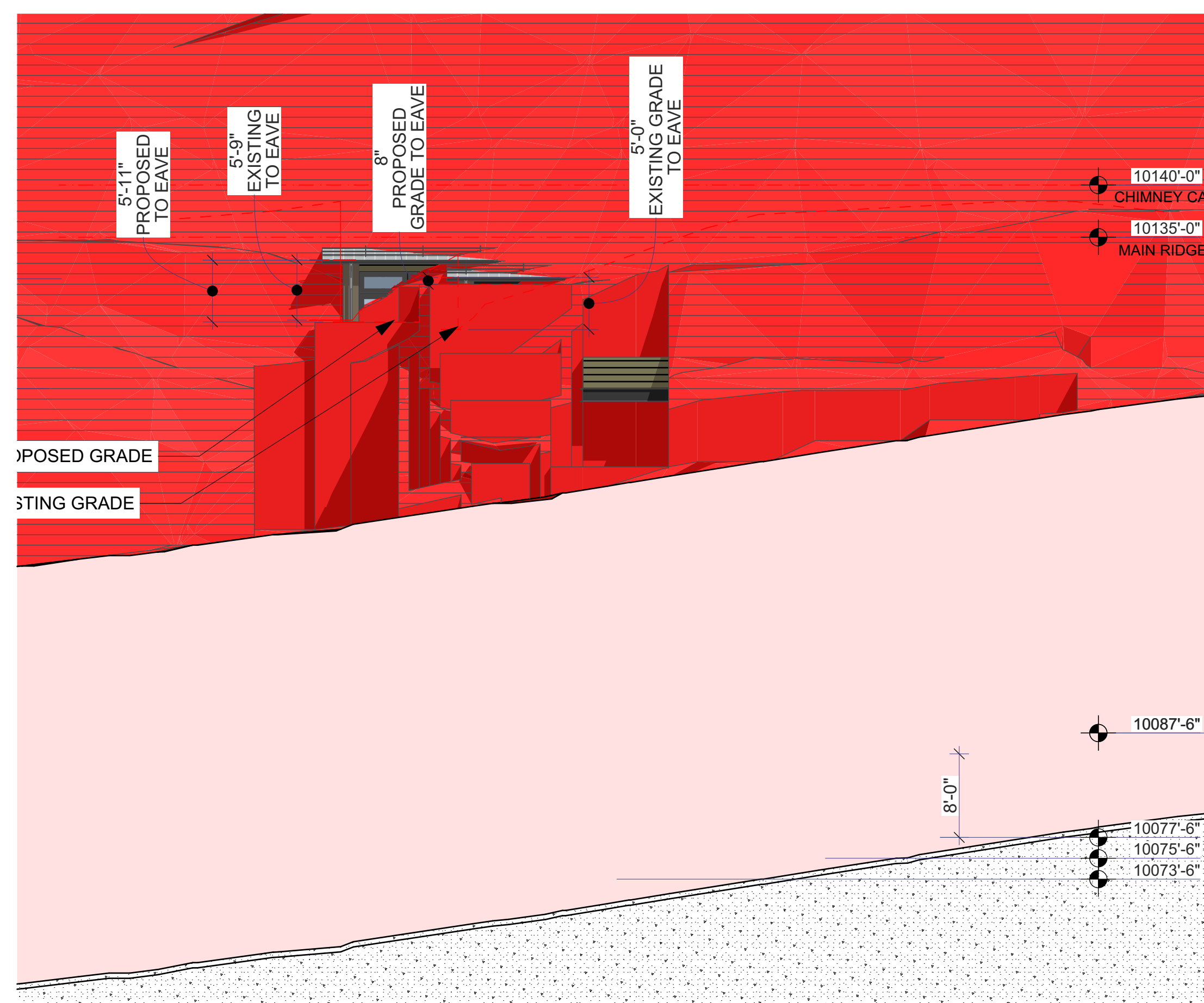
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 SINGLE FAMILY
 LOT 10, STONEGATE
 MOUNTAIN VILLAGE, CO

SHEET DESCRIPTION:
 HEIGHT CALCS-
 PROPOSED

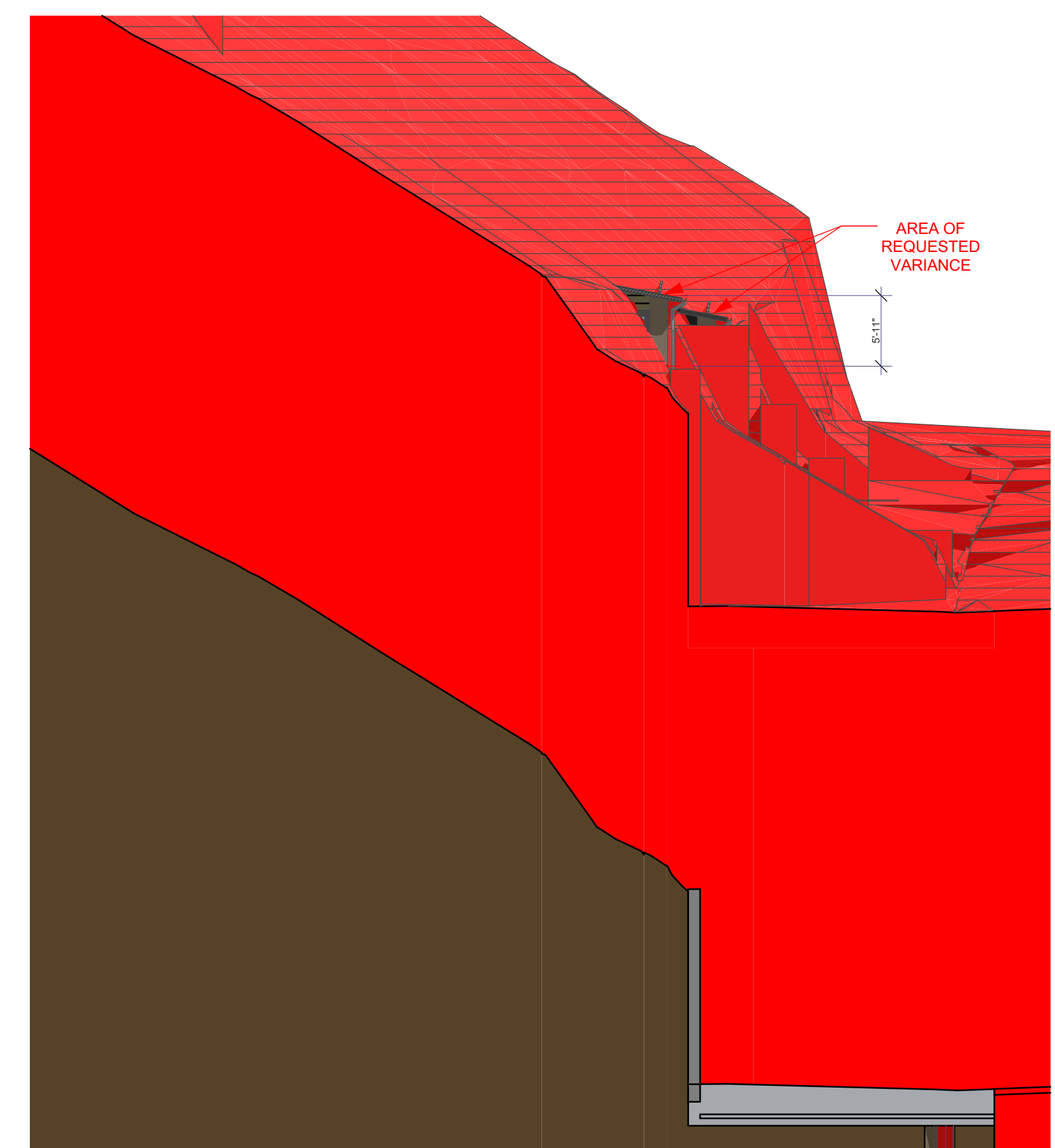
SHEET NUMBER:
 A-010



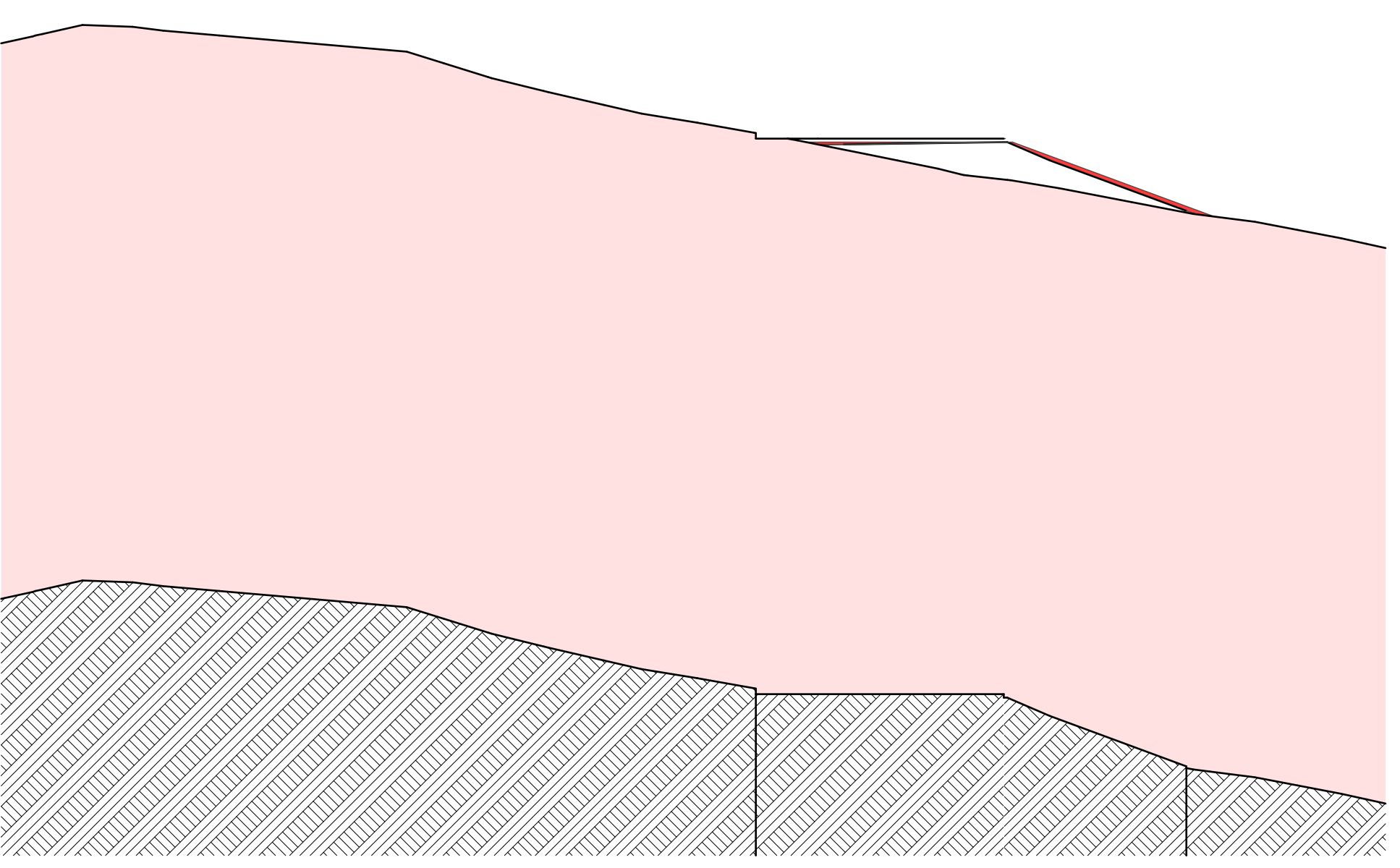
3 West Elevation



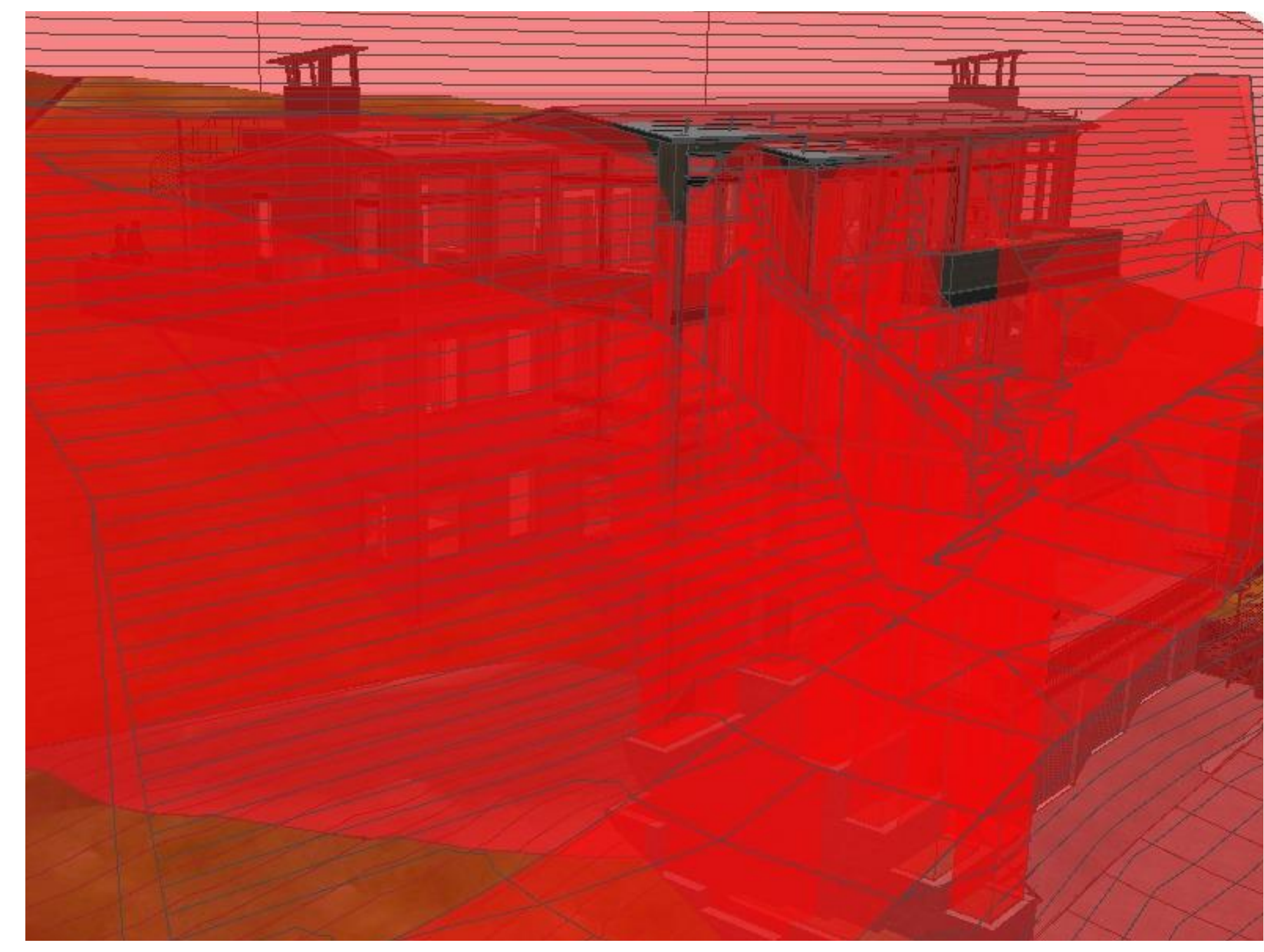
2 North Elevation



2 East Elevation



2 South Elevation



1 Proposed 35' Shell Perspective

D:\WORK\STONEGATE LOT 10\DRAWINGS\STONEGATE 2 4-9-24.pln

Date: May 7, 2024

To: Town Council
Town of Mountain Village, CO

From: David R. Mack
Homeowner
11 Stonegate Drive
Mountain Village, CO

RE: Height variance for Lot 166AR2-10, TBD Stonegate Dr.

Dear Council,

Section 17.3.11 B (1) of the CDC specifies the measurement of building height as follows:

“The Building Height shall be measured from the highest point on the rooftop, roof ridge, parapet, or topmost portion of the structure (including but not limited to the roofing membrane) to the natural grade or finished grade, whichever is more restrictive, located directly below the highest point of the structure.”

Section 17.3.12 further specifies a maximum height of 35 feet, or 40 feet for a building with a gable roof (except on ridgeline lots). We therefore agree that the proposed home has a maximum building height restriction of 40 feet.

As drawn, the proposed home height measures 65 feet from the finished grade, a variance of 25 feet (see attached Exhibit A). This variance creates an 8,780 GSF home that if built would be a conspicuous 5-story anomaly in the Stonegate subdivision and substantially diminish the elevations of the surrounding homes.

Although we recognize the difficulty of building on this lot due to its steep topography, as adjacent homeowners we believe that per CDC guidelines, such a tall and imposing structure would constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, by allowing a building height much greater than surrounding homes (25 feet in this case), in violation of CDC section 17.4.16 D (1) (d). Even if the Design Review Board or Town Council were to consider a lessor or even least restrictive reference for height measurement (i.e. from the existing grade rather than finished grade, or somewhere in between), the building would still create the visual impression of a very tall structure that is out of character with the existing residential vernacular of the Stonegate development and of Mountain Village in general.

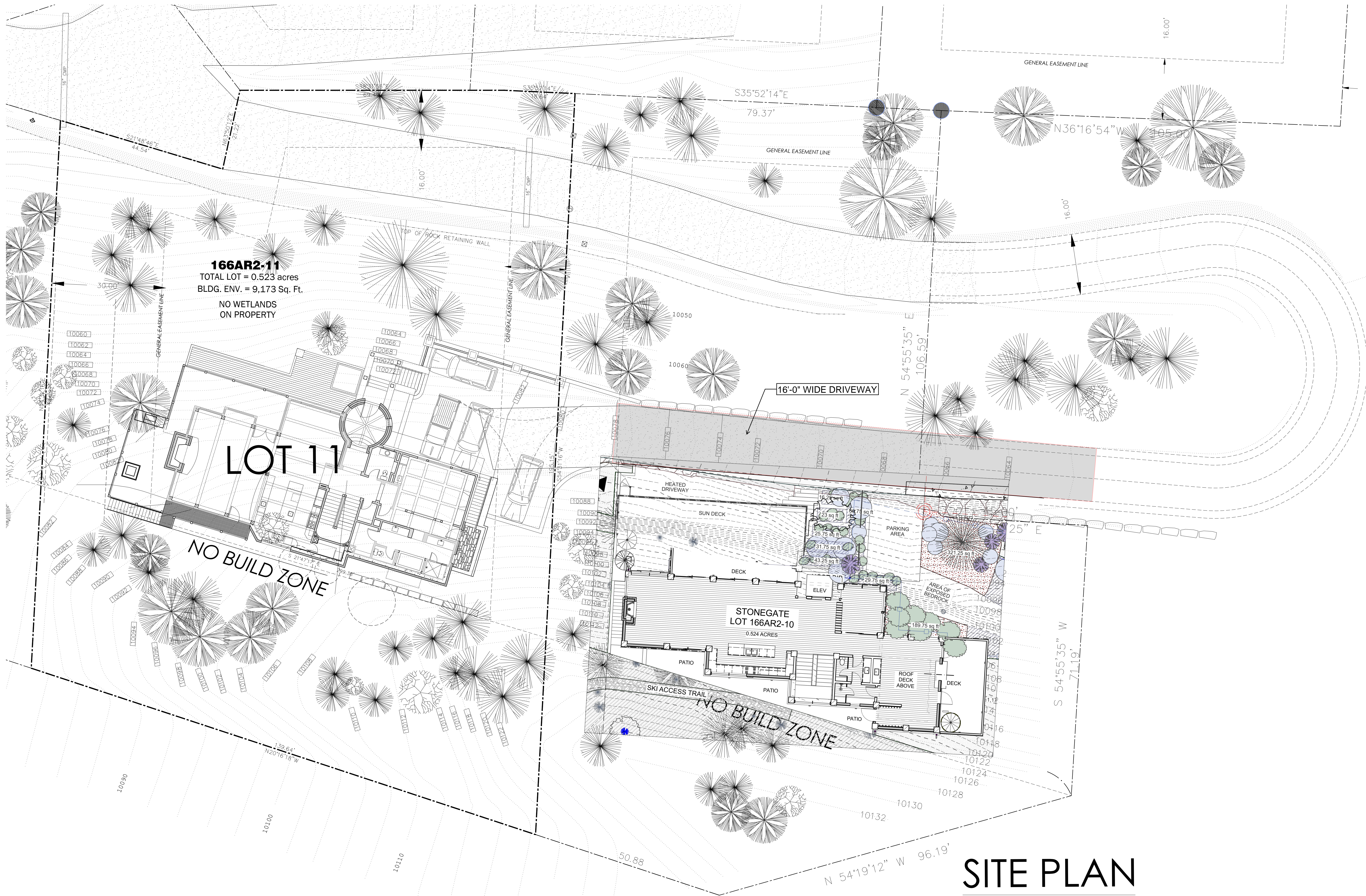
We attended the DRB meetings on March 7 (in person) and May 2 (via Zoom), and appreciate the board's deliberations. However, in light of the Town's stated intent per the CDC that variances be granted "only under extraordinary circumstances", we respectfully request that the Town Council reconsider the DRB's recommendation and deny the applicant's request for height variance.

Sincerely,



David R. Mack

(832) 723-1141 (mobile)
davidrmack@gmail.com



166AR2-11
 TOTAL LOT = 0.523 acres
 BLDG. ENV. = 9,173 Sq. Ft.
 NO WETLANDS
 ON PROPERTY

LOT 11

NO BUILD ZONE

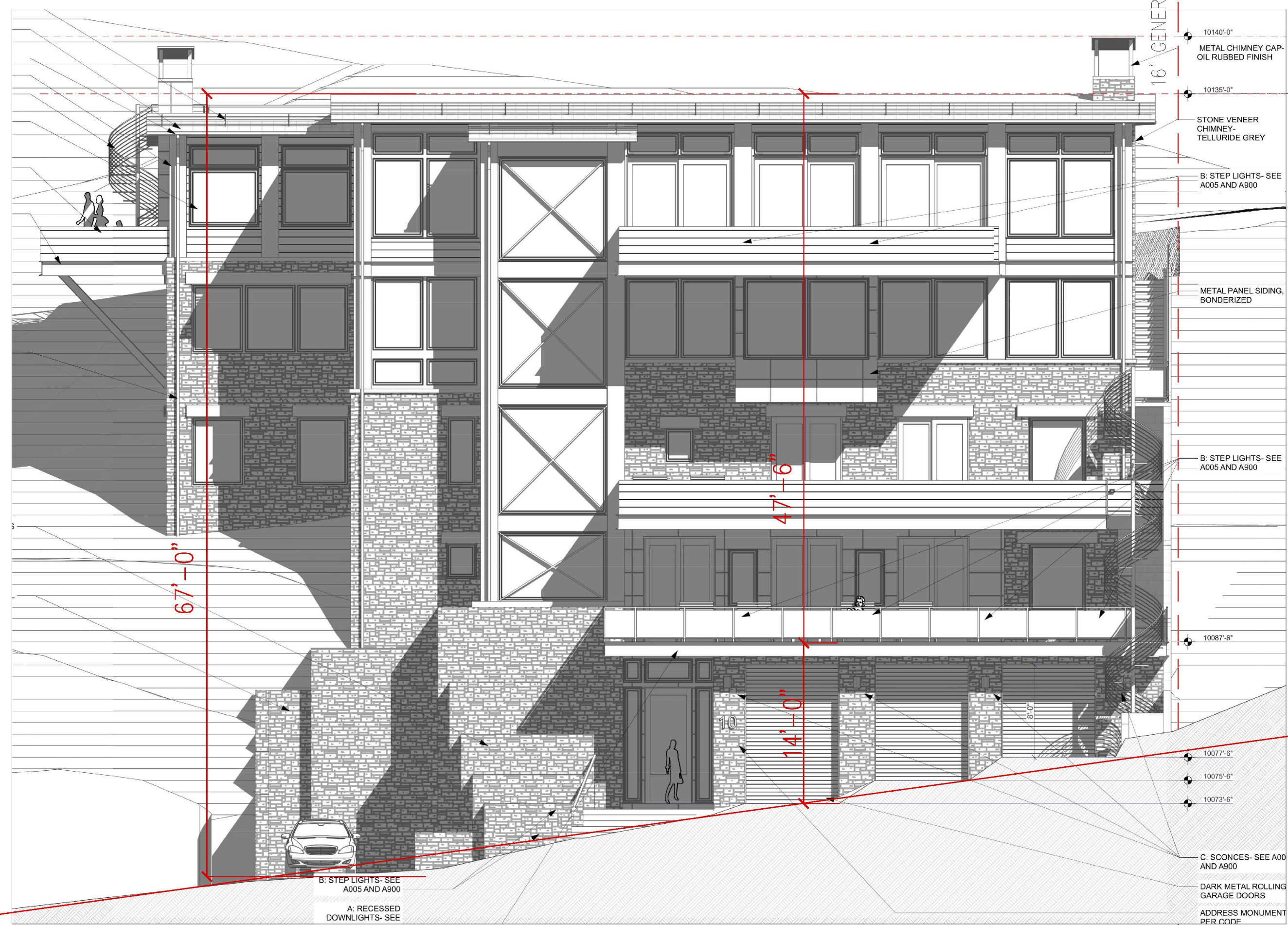
16'-0" WIDE DRIVEWAY

**STONEGATE
 LOT 166AR2-10**
 0.524 ACRES

NO BUILD ZONE

SITE PLAN

SCALE: 3/32" = 1'-0"



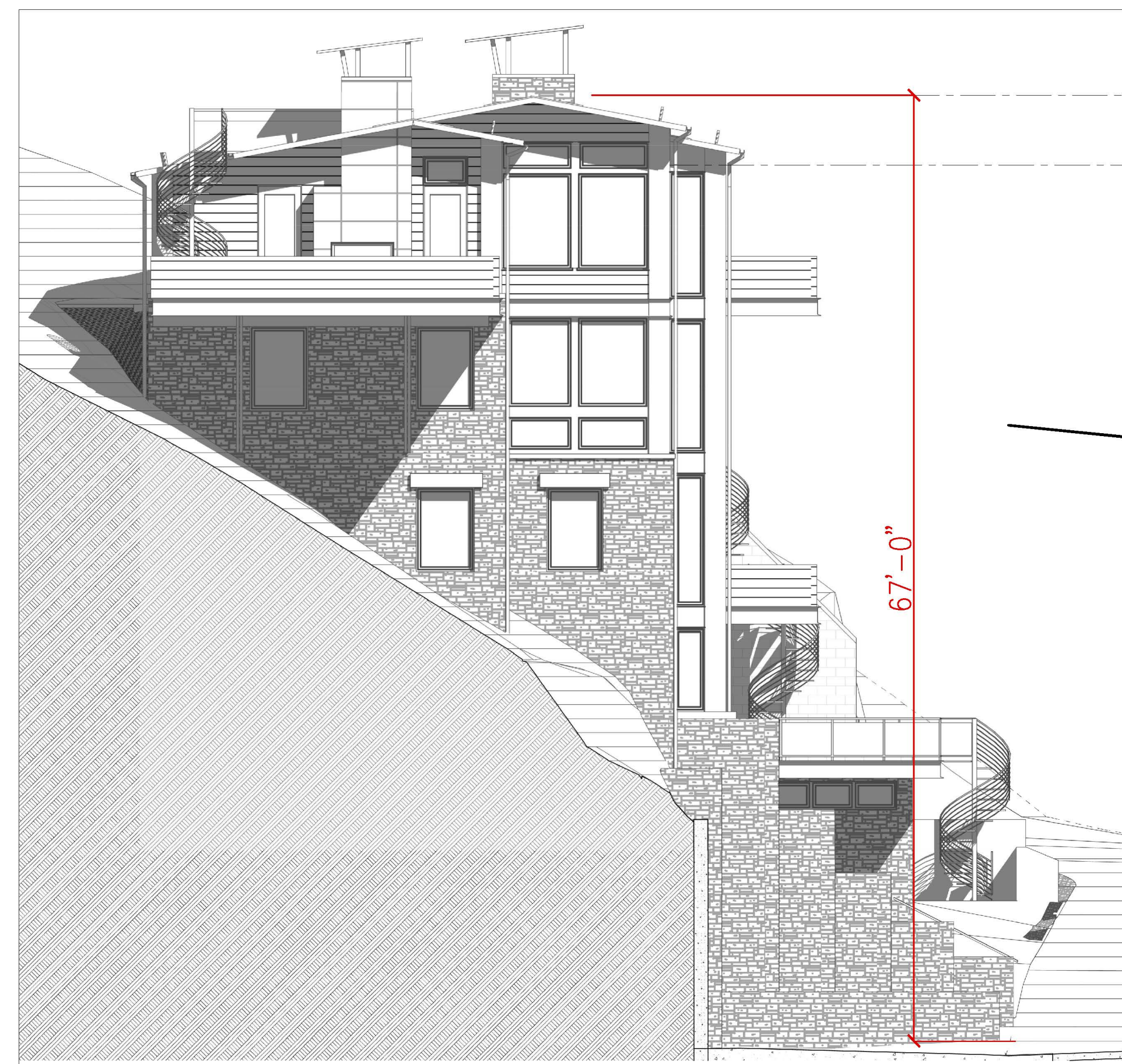
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

LOT 10



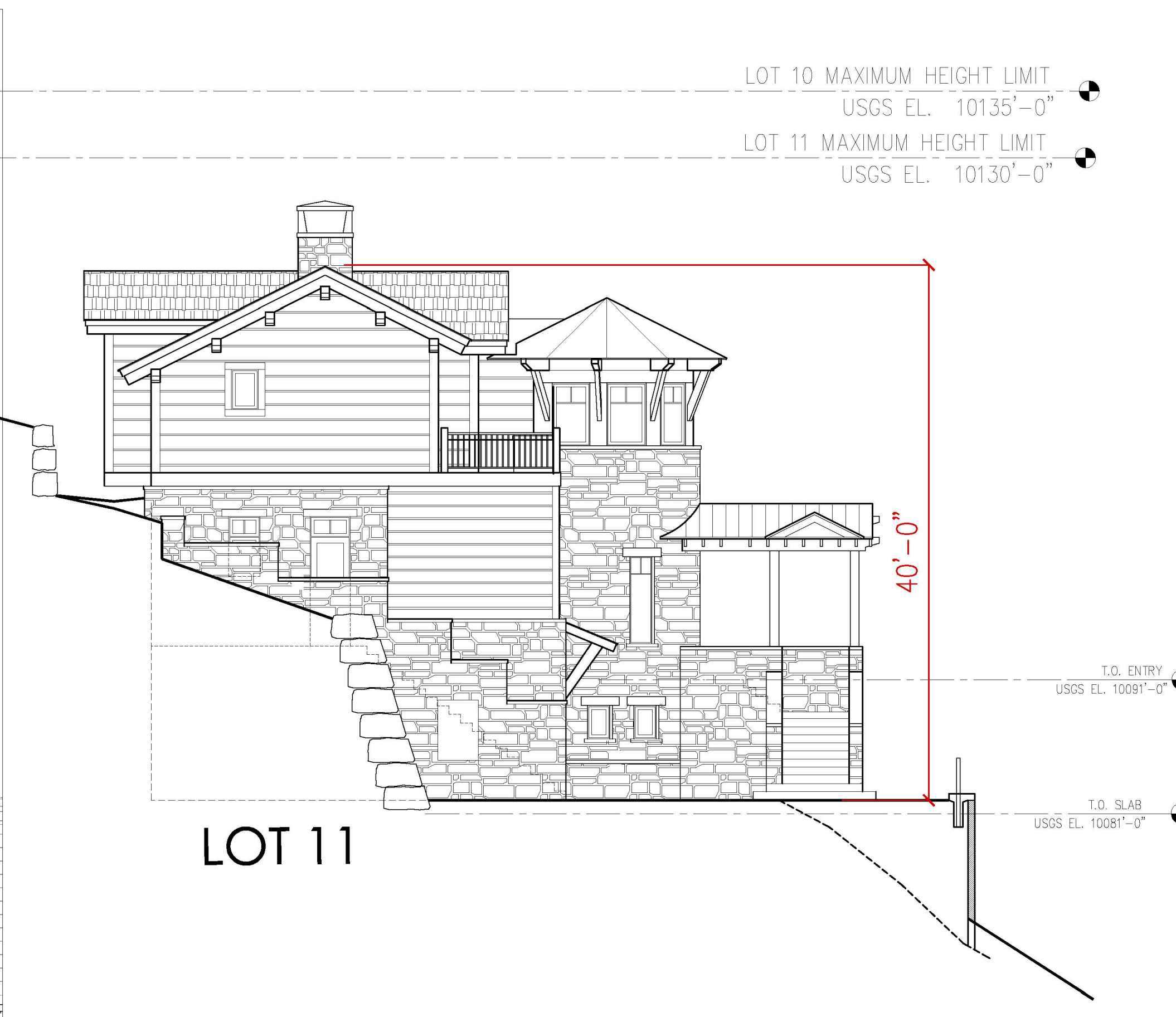
LOT 11



EAST ELEVATION

SCALE: 1/8" = 1'-0"

LOT 10



LOT 11

Height Variance Request for Lot 166AR2-10, TBD Stonegate Drive

Drew Nelson, Senior Planner

Town Council Meeting – May 16, 2024



Case Summary

Applicant

- Jack Wesson Architects, Inc

Owner

- Shavano Investments, LLC

Proposed Use

- Single-Family Residence

Zoning

- Single-Family

Square Footage of Primary Home

- 8,780 Gross Sf

Lot Size

- .5239 Acres



Adjacent Land Uses:

North: Single-Family Residence

South: Active Open Space – Ski Area

West: Active Open Space – Ski Area

East: Single-Family Residence

Applicable CDC Requirements Analysis

Development Review Standards

- **Community Development Code** – CDC Sections 17.3.11-12 – Maximum Building Height and Maximum Average Building Height Limits

CDC Provision	Requirement	Proposed
Maximum Building Height		
Avg. Building Height		

Variance

- 1) Height Variance – 6' over the Maximum Allowable Height



Elevations



Height Variance:

- 6' Variance
- Plat note limits roof height to 10,135' in elevation and 10,140' for chimneys

BUILDING HEIGHT RESTRICTIONS:

The below ("Building Height Restrictions"), consisting of the Building Height Limits and the Chimney Height Limits, apply to the following Lots:

Lot Designation	Building Height Limit	Chimney Height Limits
Lot 166AR2-10	10,135	10,140
Lot 166AR2-11	10,130	10,135
Lot 166AR2-12	10,085	10,090
Lot 166AR2-13	10,063	10,068
Lot 166AR2-14	10,035	10,040
Lot 166AR2-15	10,025	10,030

* Height Limits are established as horizontal planes. All elevations are based upon an established elevation of 9979.00' at the point specified and described on the Replat.

"Building Height Limits":

Except allowed Chimney Structures (as defined below), no portion of any building or other improvement constructed on any of the designated lots shall protrude or extend above the horizontal plane of the Building Height Limit designated herein for the particular Lot. Nothing herein shall extend or enlarge heights allowed by the Town of Mountain Village and the more restrictive of the provisions of this restriction or the Town of Mountain Village Land Use Ordinance and Design Guidelines shall control. The Building Height Limits do not burden or restrict development on the remainder of the Lots.

Elevations

Height Variance:

- 45.17' proposed from existing grade
- 6' Variance requested

Is this the minimum necessary?



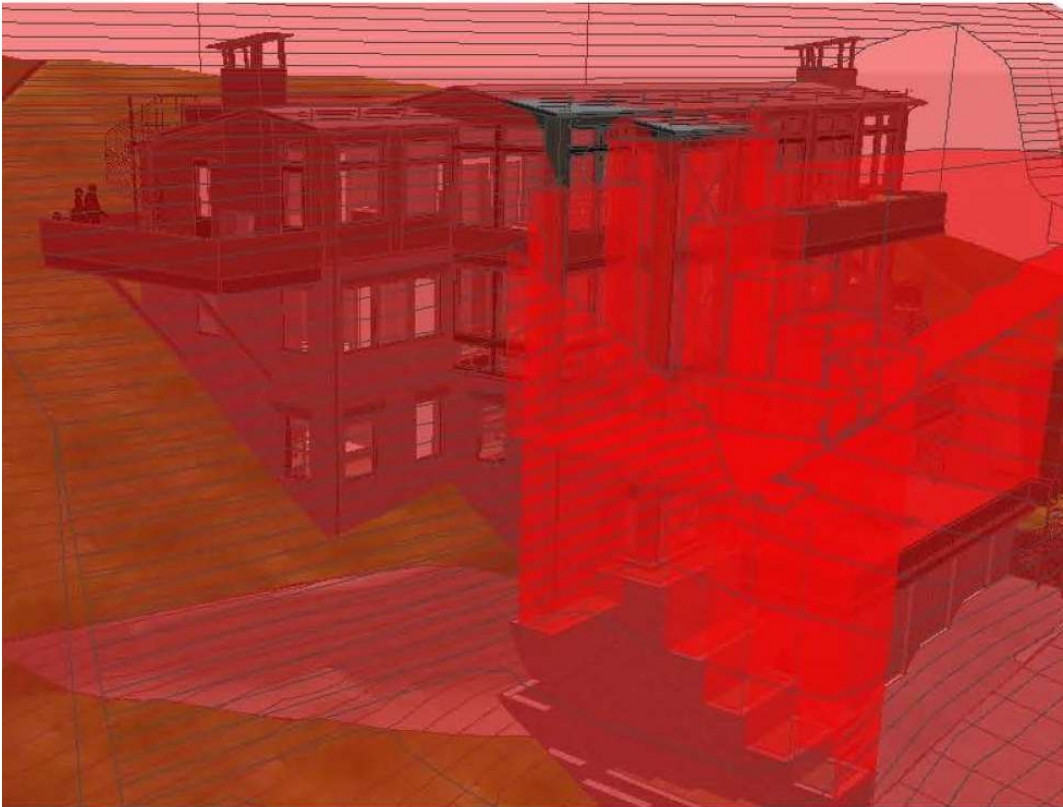
① East Elevation

Variance Area

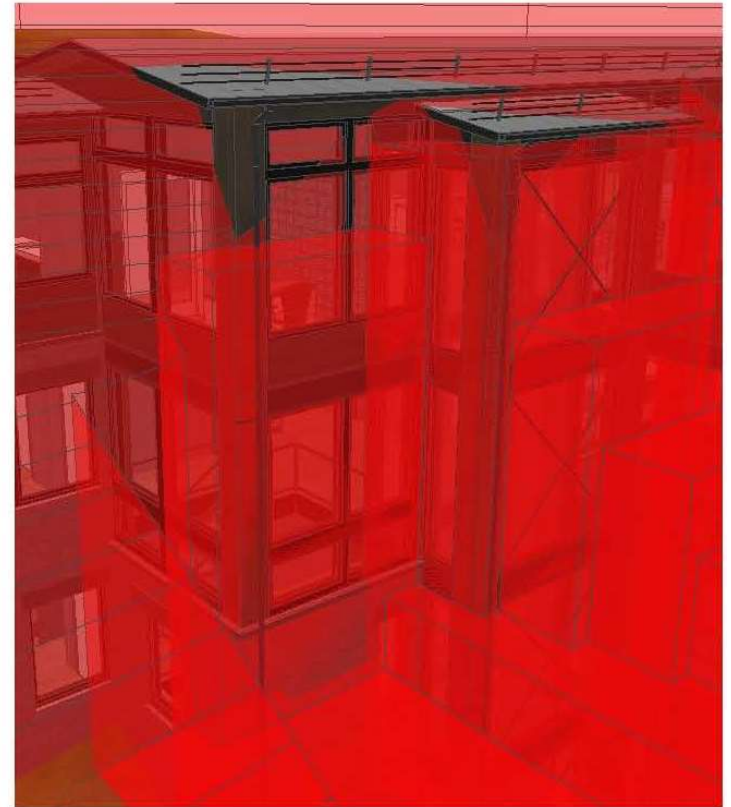


2 North Elevation

Variance Area



5 Proposed 40' Shell Perspective



6 Enlarged 3D View of 40' Finish Grade
SCALE: 1/450

Variance Criteria

Development Review Standards

- **Community Development Code** – CDC Sections 17.4.16 – Variance Process
 - a. **Strict application of the CDC regulations would result in hardship due to special circumstances of the lot such as size, shape, topography, or other physical conditions**
 - b. Variance can be granted without substantial detriment to the public health, safety, and welfare
 - c. Variance can be granted without substantial impairment of the CDC
 - d. Variance does not constitute a grant of special privilege in excess of that enjoyed by other owners in the same zone district
 - e. **Reasonable use of the property is not otherwise available without a variance, and the variance is the minimum necessary for reasonable use**
 - f. Lot for the variance was not created in violation of Town regulations/state statutes
 - g. Variance is not based on economic hardship alone
 - h. Variance meets all other applicable Town standards and regulations



Recommendation

DRB Recommendation – May 2, 2024:

Design Review Board recommended approval of the variance by a vote of 7-0, with conditions

Town Staff Recommendation:

Town staff recommends approval with the findings of fact in the staff memo with conditions



Recommended Motion

"I move to approve a Resolution Approving a Height Variance allowing a maximum height of 6 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family residence located at Lot 166AR2-10, TBD Stonegate Drive based on the evidence provided in the staff record of memo dated May 6, 2024, and the findings of this meeting and with the following conditions:

1. The approved height variance is valid only with the design presented for Initial DRB review on May 2, 2024, and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.
2. The height variance is specific to the area described in the staff memo in Figure 6, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described."

QUESTIONS

