

# Smith Residence Setback Variance



**KRUEGER ARCHITECTURE**

**MPG**  
Mauriello Planning Group



## Property Location

Location: 895 Red Sandstone Circle / Lot 2, Vail Village Filing 9

Zoning: Two-Family Residential (R)

Owner: Peter Smith

Applicant: Pavan Krueger, Krueger Architecture and Design





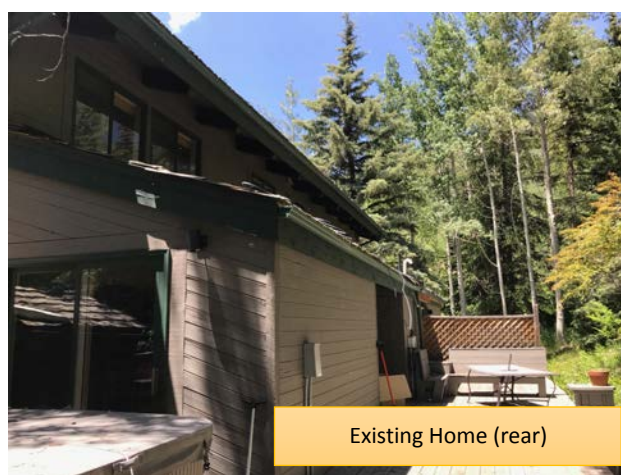
## Background and Overview

The Vail Village Filing 9 subdivision was approved by the Town of Vail and recorded with Eagle County in 1972. The residence at 895 Red Sandstone Circle was approved by the Town of Vail and constructed in 1975. At that time, the required side and rear setbacks were 10' in the Two-Family Residential (R) Zone District. The home was constructed 14' – 4 1/2" from the east property line, and 9'-10 5/16" from the north property line (as measured in a topographic survey). Subsequent to the construction of the home, Ordinance No. 50, Series 1978, increased the required side and rear setbacks in the R Zone District to 15'. This ordinance increased setback requirements in all residential zone districts existing at that time thus making this structure legal nonconforming just three years after it was constructed.

The applicant is requesting a variance from Section 12-6C-6: Setbacks, to allow for an addition in the rear setback and an addition in the side setback. In both cases, the additions are above existing encroachments into the setbacks.

The property is generally rectangular in shape and slopes moderately from back to front. The property is not located in any hazard zones. The duplex is located at the rear of the property with a large shared yard at the front. The duplex shares a gravel parking area at the southeast side of the property that accommodates 8 cars. There is not currently paved parking or a garage.

To the north of the property is Vail Potato Patch Tract C, which is zoned Natural Area Preservation and owned by the Town of Vail. As a result, any impacts related to reduced setbacks to residences are mitigated by this condition. This open space property measures approximately 145' between 895 Red Sandstone Circle and the nearest residential property to the north. All properties along Red Sandstone Circle are zoned R and most of the homes were constructed in the 1970s.



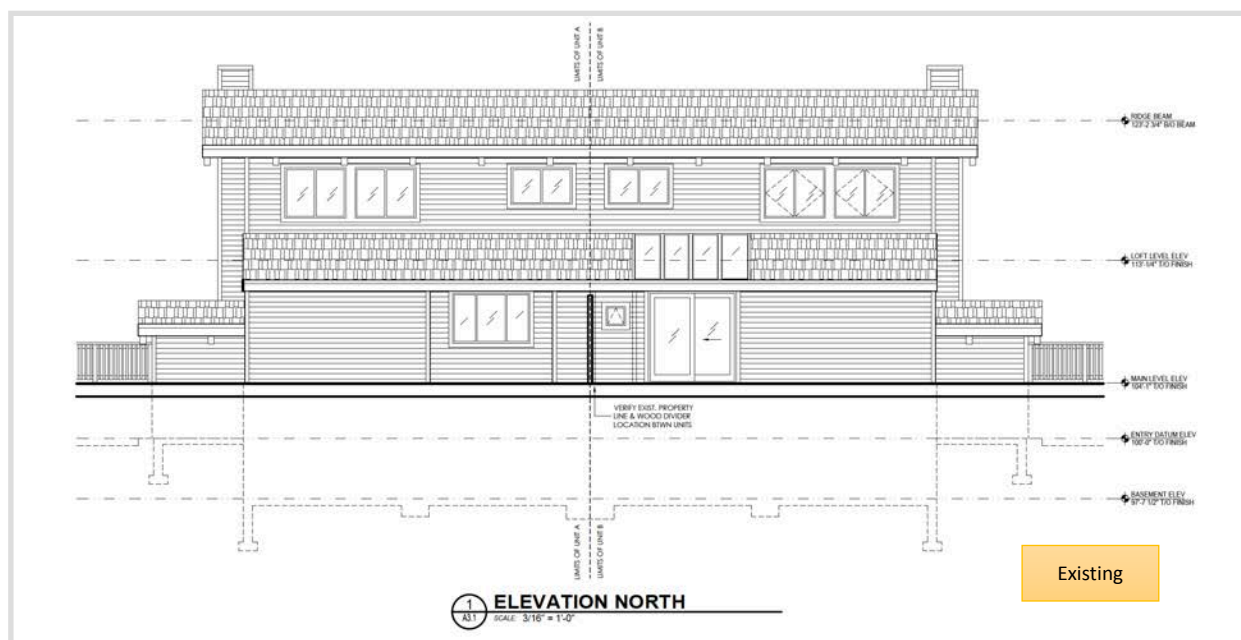
## Proposed Smith Residence

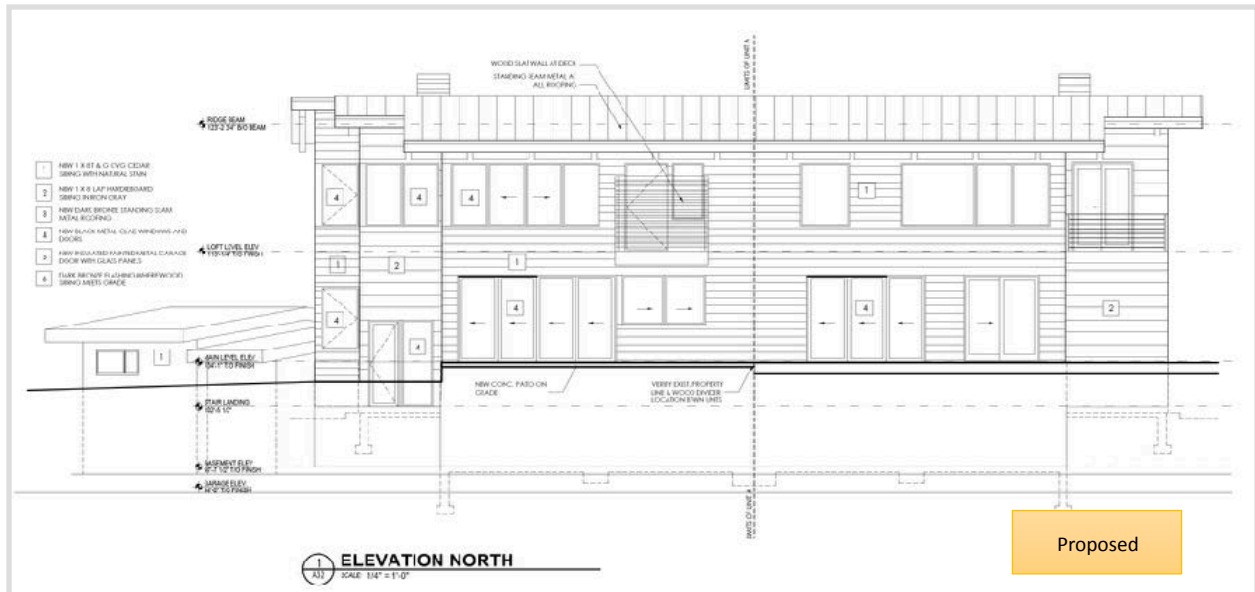
The Smith duplex remains largely as it was constructed in 1975. The previous owner of Unit B recently completed an interior remodel and replaced windows, prior to selling to the owner of Unit A, Peter Smith, who currently owns both sides of the duplex. Peter Smith is proposing to renovate both halves concurrently to create a cohesive more modern residence. In order to bring the residence in line with current house sizes, he plans to increase the size of the loft level in both units. At Unit B, the area of the loft addition is partially in the setback encroachment, on the second floor of the existing home. The proposed addition is not increasing the encroachment distance, but only adding floor area above the existing footprint, increasing the height in this area from 7'-6" to 18'-0". In general, the home will remain well under allowable building height, with the highest roof elevation remaining at 25'-11 ¾".

At the east property line, the addition will occur on the second floor above the existing 7 ½" encroachment, also not increasing or expanding the encroachment. The roof height over the addition will match the existing roof height.

More simply, the home is being expanded on the second level adhering to the existing footprint of the building. The proposed renovation also includes the following:

- new windows for both units;
- the addition of two one-car garages (no garages exist today),
- connected to unit A by a new entry;
- new shared asphalt driveway with reduced size curb cut;
- new metal roofing in place of existing wood shake roofing;
- new heated patios and partially recessed hot tubs;
- new entry patios;
- new exterior siding.



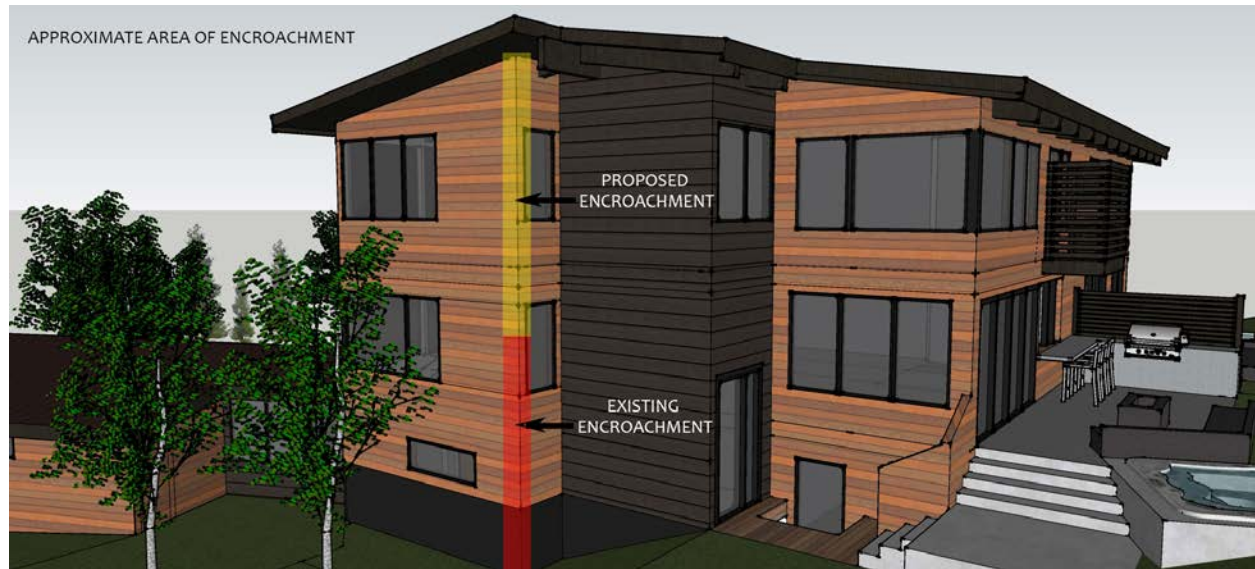


The proposed renovation is in keeping with the Town of Vail’s goal that “The quality of development should be maintained and upgraded whenever possible.”

The new garage additions are being done within the site coverage requirements. The proposed garage allows for each unit to have one enclosed parking space and adequate surface space for additional cars, eliminating the existing limited parking area. The owner had hoped to add a mud room of approximately 300 sq. ft. but this mud room addition would have put the home over on site coverage so the addition was revised to eliminate the mud room and maintain compliance with site coverage.







## Property Analysis

Location: 895 Red Sandstone Circle / Vail Village Filing 9, Lot 2

Zoning: Two-family Residential (R)

Land Use Designation: Low Density Residential

Geological Hazards: None

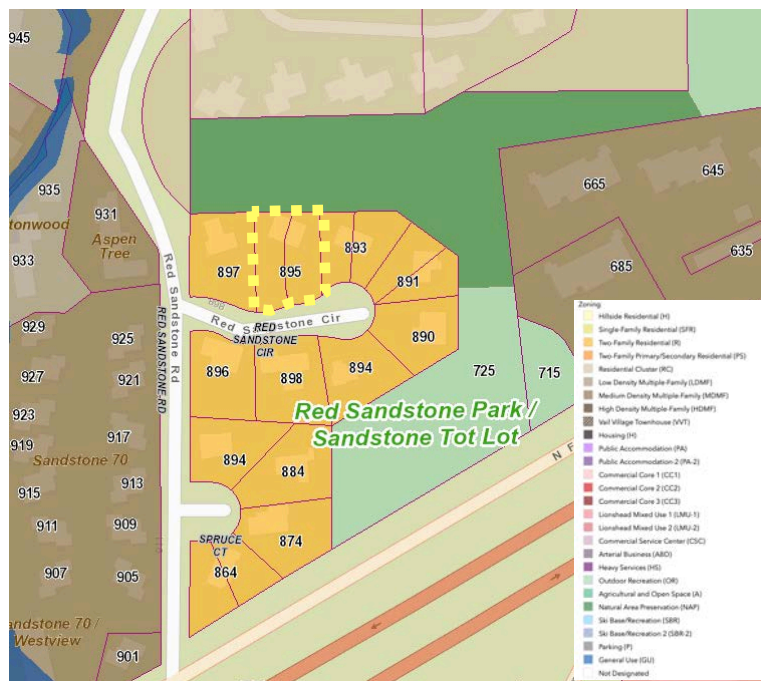
Surrounding land use and zoning:

East: Two Family Residential

West: Single family home on Two Family Residential

North: Natural Area Preservation District (Town-owned)

Standard	Allowed/Required	Existing	Proposed
GRFA:	6262 sq. ft.	3490 sq. ft.	4646 sq. ft.
Site Coverage:	2875 sq. ft.	1982 sq. ft.	2864 sq. ft.
Building height:	33'	25'-11 ¾"	25'-11 ¾"
Parking:	5 spaces	4 spaces	5 spaces
Setbacks:	Front: 20'	84'-6"	37'-0 ¼"
	Rear: 15'	9'-10 5/16"	No change
	East Side: 15'	14'-4 ½"	No change
	West Side: 15'	21'-3"	18'-0 ½"



## Criteria for Review: Variance

Section 12-17-1: *Purpose*, provides the reasons for seeking variances from the Zoning Regulations. It states:

*Reasons for Seeking Variance: In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this title as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from other physical limitations, street locations or conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*

Because the existing site coverage is being completely used by the addition of the garage and associated entry connector and storage, the only option to increase GRFA on this property is to expand upward on the existing footprint. The PEC has held in other similar applications that an existing nonconforming structure presents a hardship in allowing a practical ability to renovate a home, a similar condition that exists with this home.

The criteria for review for a variance refers to the criteria provided in Section 12-17-6; Criteria and Necessary Findings. The following section provides an analysis of the proposed variance under these criteria:

### **1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity.**

Applicant Analysis: The Smith Residence is located within a residential neighborhood bordered on the east and west by a single-family home, a two-family home to the east, and on the north by open space. The proposed addition would occur on the upper loft level, extending the existing upper level roof without exceeding the overall building height allowance. The addition is designed to blend seamlessly into the existing structure architecturally and will have little effect on the building's perceived mass and scale. The proposal will not negatively affect other existing or proposed uses and structures within the vicinity.







**2. The degree to which relief from the strict and literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity or to attain the objectives of this title without a grant of special privilege.**

Applicant Analysis: The original home was constructed within the Town of Vail in 1975 under the R Zone District regulations which at that time required a 10-foot side and rear setback that the building design and construction complied with. The home subsequently was made legal nonconforming in 1978 when the side and rear setbacks were increased in the Two-family Residential (R) Zone District to 15 feet. Property owners in the vicinity whose original homes were built prior to 1978, but meeting the 1978 15-foot setback regulation, are able to pursue building additions utilizing the existing built-to line. Unlike other properties in the vicinity, a



Existing Home (rear)

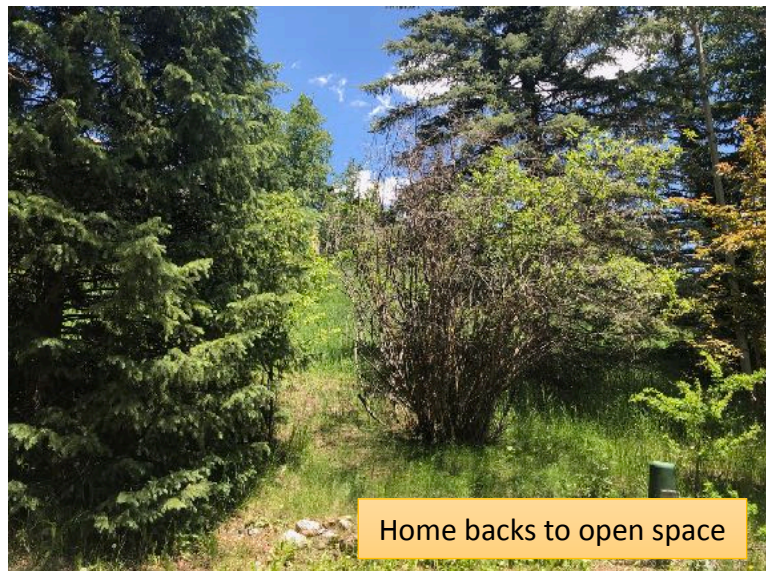
variance is necessary to pursue similar building improvements on the subject property. The applicant is proposing to build upon the existing footprint which encroaches 7' 1/2" into the required 15' east side setback and 5'-1 11/16" into the rear setback. The proposed addition will improve the functionality, appearance and value of the home, an upgrade supported by Land Use Plan Goal 1. 3. which states: *"The quality of development should be maintained and upgraded whenever possible."* The proposed new footprint for garage and entry construction will adhere to the current 15' required side setback and 20' front setback. Because of the change in the regulations and the presence of the existing home, the variance is required to allow uniformity of treatment among sites within the vicinity. There is no grant of special privilege since the variance allows for this uniformity of treatment.

Similar Variances have been granted by the Town of Vail:

- 2785 Bald Mountain Road / Lot 3, Block 1, Vail Village Filing 13 received a similar variance in 2014
- 874 Spruce Court / Lot 11, Vail Village Filing 9 received a similar variance in 1976
- 898 Red Sandstone Circle / Lot 7, Vail Village Filing 9 received a similar variance in 1990

**3. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, and public safety.**

Applicant Analysis: The proposed variance will facilitate an addition in the side and rear setback area that will not alter population; will not affect any existing transportation or traffic facilities, public facilities, or utilities; and will not affect public safety in comparison to existing conditions. Light and air impacts are similar to other homes in the area as the home does not exceed building height requirements. Properties to the north are separated by 145' of open space, and are well uphill of the addition. From the street, the garage addition will be single story, with a height of 13', which is modest in height for a garage. The proposal conforms with this criterion.



**4. Such other factors and criteria as the commission deems applicable to the proposed variance.**

Applicant Analysis: Any additional factors can be addressed by the applicant as they are identified.