



**To:** Town of Vail – Planning and Environmental Commission  
Care of Town Planner: Erik Gates  
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**From:** John G. Martin, Architect, LLC  
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Phone: 970-328-0592

**Date:** July 17, 2019

**Re:** 2930 Snowberry Drive – Undeveloped Lot in Vail, Colorado

**Subj:** Town of Vail PEC - Variance Request

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**Address:** 2930 Snowberry Drive (Vail Intermountain Dev Sub Block 9, Lot 20)

**Zone District:** (PS) Two-Family Primary/Secondary Residential District

**Lot Area** = 43,207 sq. ft. 9919 acres x 43,560 sq. ft.  
**Buildable Area** = 32,617 sq. ft. (due to slopes in excess of 40%)

**A. Owner:**  
Dave Hilb  
2930 Snowberry Drive LLC  
PO Box 2054  
Vail, CO 81658  
Email: [davehilb@gmail.com](mailto:davehilb@gmail.com)  
Phone: (970) 376-2742

**Owner Representative:**  
John G. Martin, Architect  
Martin Manley Architects  
PO Box 4701  
Eagle, CO 81631  
Email: [john@martinmanleyarchitects.com](mailto:john@martinmanleyarchitects.com)  
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**B. Project Description:**

The owner must determine the development potential of the undeveloped lot on Snowberry Drive. Unfortunately a restriction buried in the Town Code under Hazard Regulations 12-21-12: Restrictions in Specific Zones on Excessive Slopes, severely restrict the development potential on this particular lot. The owner seeks to have the restriction removed in order to develop the lot to it's full potential and to the same zoning limitations of any other lot in the PS Zone District.

**C. Description of the variance requested:**

The property owner is respectfully requesting a variance from one restriction in the Town Code Chapter 21: Hazard Regulations, 12-21-12: Restrictions in Specific Zones on Excessive Slopes:

E. Site coverage as it pertains to this chapter, as permitted by sections [12-6A-9](#), 12-6B-9, 12-6C-9 and [12-6D-9](#) of this title, is amended as follows:

1. Not more than ten percent (10%) of the total site area may be covered by driveways and surface parking.

The owner is specifically asking for variance that removes the restriction described in Town of Vail code 12-21-12 E.

### **Physical Hardship:**

This particular lot has obvious physical hardships:

- There are grades in excess of 40% slope for the entire 290 feet of street frontage due to the cut and fill created during the construction of Snowberry Drive. This creates an access hardship.
- 25% of the lot has slopes exceeding 40%.
- 69% of the lot has slopes exceeding 30%.
- The most buildable areas of the site are up high, off the road, and must be accessed from a driveway of significant length.

### **Non-Physical Hardship:**

The steep lot site coverage restriction from 12-21-12 E creates a zoning hardship:

- To simply access the only portion of lot with grades less than 30% will require a driveway which starts at the high-point of Snowberry Drive on the East side of the lot and climbs back to the west. The 10% driveway restriction severely limits the length of that driveway that can be achieved to this area and creates an unfair loss of development potential.

### **Argument for considering the variance:**

The owner is burdened with the steep grades and the access difficulties but can prove that a proper access road to the most developable areas higher up on the property can be attained by a variance to the steep lot site coverage restriction. By eliminating the rather arbitrary restriction, the owner can develop the lot within the normal zoning restrictions of the PS Zoning District.

### **Further arguments:**

It is not hard to comprehend why the steep lot restrictions were added to the Town Code at some point in time. It's basically an effort to restrict development on the steepest portions of a property, an incentive to build in the tamer portions of a property. However, when an entire property is steep and coupled with access issues due to feeder road cut-and-fill, the restrictions become too much of a hardship in simply developing the property, let alone in developing it to its full potential. The property at 2930 Snowberry Drive is a perfect example of a property that needs a variance from the strict interpretation of 12-21-12 E.

### **PEC Considerations:**

- **A Description of the relationship of the requested variance to other existing or potential uses and structures in the vicinity:**  
The variance would let the owner develop the property to the same PS Zoning limitations as all the other properties in the neighborhood and including adjacent neighbors.
- **The degree to which relief from the strict or 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 grant of special privilege.**  
The variance would let the owner develop the property to the same PS Zoning limitations as all the other properties in the neighborhood and including adjacent neighbors.
- **The effect of the variance on light air, distribution of population, transportation, traffic facilities, utilities and public safety.**  
The variance would not effect any of the items listed beyond the normal PS Zoning Limitations.

- **How the request complies with the adopted Town of Vail planning policies and development objectives.**

The variance would comply with planning policies and development objectives.

- D. Site Plans:** See the attached exhibits. Note, the exhibits display a lot-split which divides the large parcel into two smaller parcels that still meet the minimum requirements for the PS Zoning District. Therefore a Primary/Secondary Duplex could potentially be built on both lots making the total density 4 dwelling units. The Lot Split is not being asked for at this time. A variance from the 10% driveway restriction must be in place before the Lot Split can be fully developed.

**EXHIBIT A: DEVELOPMENT POTENTIAL:** This exhibit shows the full developable potential of the property. This includes a lot split into two separate properties sharing a driveway to two Primary/Secondary Duplexes. The full developable potential can meet all the zoning standards of the PS Zone District without any further variances.

**EXHIBIT B: LOT SPLIT BUILDABLE AREA:** This exhibit proves that the lot can be divided into 2 separate lots that meet the minimum standards of the PS Zone District.

**EXHIBIT C: LOT SPLIT 60% LANDSCAPE AREA:** This exhibit shows that the full developable potential of the property can meet the 60% landscape area requirements.

**EXHIBIT D: PROPOSAL ZONING SUMMARIES:** This exhibit shows that the full developable potential of the property can meet the GRFA and Site Coverage requirements.

**EXHIBIT E: DRIVEWAY STANDARDS:** This exhibit shows that with minor adjustments, the driveway layout can meet the driveway engineering standards for access to more than 3 dwelling footprints.

**EXHIBIT F: 10% DRIVEWAY AREAS:** This exhibit shows the total distance that can be achieved by a road driveway under the 10% restrictions. It is obvious that more driveway is needed just to get to any potential garage locations further up on the property.

**EXHIBIT G: STREET LOADED DESIGN:** The exhibit seeks to graphically represent the development potential if the 10% driveway restriction is in place (if the variance is not granted). The developer would be forced to develop the duplex designs along the street with short driveways to buried garages. The Section A on the East Parcel would require an excavation height of nearly 30 feet. The Section B on the West Parcel would require an excavation height of 24 feet. These make the development potential unrealistic.

**E. Additional Materials:**

- \* Topographic Survey
- \* Title Report

**F. List of Adjacent Property Owners:**

2860 Basingdale Blvd A (Vail Intermountain Dev Sub Block 9, Lot A)  
Parcel Number 2103-143-01-088

**Donald & Ellen Gury**  
1765 Alpine Drive Unit B  
Vail, CO 81657-4392

2864 Snowberry Drive (Vail Intermountain Dev Sub Block 9, Lot 19A)  
Parcel Number 2103-143-01-050

**Robert McClain**  
PO Box 1372  
Vail, CO 81658-1372

2940 Basingdale Blvd (Eagle County Sub Dome Main Condo)  
Parcel Number 2103-143-02-004

**Katalin Companies Inc.**  
PO Box 7025  
Colorado Springs, CO 80933-7025

**United States of America**  
C/O US Forest Service  
PO Box 948  
Glenwood Springs, CO 81602-0948

## Adjacent Properties Map:

