

Ouray Planning Commission Regular
Meeting
Tuesday, August 8, 2023 4:00 PM

Ouray Community Center
320 6th Ave
Ouray, CO 81427

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING - Application for Variance for a Single-family Home Smaller Than the Minimum Floor Area Requirements and That Encroaches by 3 Feet on the Front Setback at 215 9th Avenue, Ouray CO (Sec. 31; T44N; R7W)
4. APPROVE MINUTES - May 23, 2023
5. CITIZENS COMMUNICATION
6. ACTION ITEM - Application for Variance for a Single-family Home Smaller Than the Minimum Floor Area Requirements and That Encroaches by 3 Feet on the Front Setback at 215 9th Avenue, Ouray CO (Sec. 31; T44N; R7W)
7. ADJOURNMENT

320 6th Avenue
PO Box 468
Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
www.cityofouray.com

TO: Ames (Amor) Risch
FROM: Stan Connors, On-Call Planner
DATE: August 8, 2023
SUBJECT: Risch 24 x 28 house - Variance

APPLICATION & PROPERTY SUMMARY

Application Summary:	Request for a variance for a single family home smaller than the minimum floor area requirements and that encroaches by 3 feet on the front setback.
Address:	215 9 th Avenue, Ouray, CO 81427
Legal Description:	Sec.31; T44N; R7W
Parcel #	451531204002
Applicant/Agent:	Ames (Amor) Risch
Property Owner:	Ames (Amor) Risch
Zoning:	R-2 Residential High Density
Existing Use:	Vacant Lot
Proposed Use:	Single Family Residence
Site Size:	7,112 sqft
Adjacent Land Uses	
North:	Residential
South:	Residential
East:	Commercial
West:	Residential
Located Within National or Local Historic District Boundary	Yes
Located Within Commercial Historic Boundary	No

ZONE DISTRICT DIMENSIONAL REQUIREMENTS

Requirement	Required	Proposed
Minimum Lot Area	7,100 SF	7,112 sf
Maximum Density	2,370 sf/DU 790 sf/LU	n/a
Setbacks		
Front	15ft.	12 ft
Rear	5ft.	7 ft
Side	5ft.	5 ft
Side	5ft.	~82 ft
Roof Eaves	Max 1ft. into setback	Complies
Building-to-Building	10ft.	Complies
Minimum Floor Area	24ft x 32ft	24ft x 28ft
Maximum Floor Area	4,260SF	n/a
Maximum Height	35ft.	35 ft
Off-Street Parking	2 Per/DU	Private carport

BACKGROUND

The applicant has requested consideration for two variances for a single family residence located at 215 9th Ave. The applicant has requested a variance for a 24' x 28' (1,380 sqft) dwelling to be built. The house will have a footprint smaller than the required 24' x 32' as set forth in OLuc Sec. 7-5.E.4.d.iii.1.

The applicant has also requested a variance from the 15' minimum front setback as required by OLuc Sec. 7-5.D. The proposed development will have a porch that is 12' from the property line.

CRITERIA FOR DECISION (LUD Sec. 7-5.G):

- 1. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLuc.**

The grant of variance will be consistent with Goal H-1 of Ouray's Community Plan which states the importance of supporting, encouraging diverse and permanent attainable housing throughout the community for local residents and employees. This can be achieved by allowing smaller homes with a higher density on smaller lots. A smaller home will be more financially viable for the applicant and therefore create less of a cost burden on the home occupant. Additionally, because the streets in the area are narrow and unpaved, higher density housing is consistent with Goal H-3 which is striving to promote good design practices that fit within the character and context of the city.

- 2. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.**

The proposed construction of a single-family home smaller than the footprint requirements prescribed by the land development code is a reasonable use of the parcel. This is because there are other houses in the vicinity of the subject parcel that also have a similar footprint size. It should

also be noted that this portion of 9th Avenue is a narrower street that is unpaved. These conditions would be more compatible with a smaller house.

The proposed development consists of a small entry porch that is 12' from the front lot line; the minimum front setback is 15' from the front lot line. The principal building, however, is still in compliance with the 15' minimum front setback. Because the principal building is in compliance with setback regulations and only the entry porch is encroaching the setback, this appears to be a reasonable use of the parcel.

- 3. Literal interpretation and enforcement of the terms and provisions of the OLUC would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be deprived, the Planning Commission shall consider whether either of the following conditions apply:**

- A. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or**

Staff was unable to find special conditions or circumstances that are unique to the subject parcel. It should be noted that the property is located in the Local & National Historic District boundary and the land use goals in this District as stated in the Ouray Community Plan emphasize the desire for small houses and dwellings with an emphasis on high density.

- B. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC to other parcels, buildings or structures, in the same zone district.**

Granting this variance will not create special privilege to the applicant. This is because there are homes in the vicinity that have a similar floor area as the single family residence being proposed by the applicant. Denying this variance would create an unnecessary hardship on the applicant as existing homes in this area are at or below the minimum square footage requirements set forth in the land development code.

- 4. The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations which the board determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the Applicant and interested parties, in writing, as part of the decision.**
- 5. No variance shall be granted with less than four (4) concurring votes of the Planning Commission.**
- 6. The Planning Commission shall announce its decision within 35 days of the completion of the hearing. Any decision on a variance application shall be in writing by Resolution. The decision of the board with respect to an application for a variance shall be final, subject only to review by certiorari in the courts. The City shall also have the right to appeal any such decision to the courts. Upon the filing of an appeal**

or request for review in the courts, the City shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review shall pay the City the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

STAFF ANALYSIS

Based on the submitted documents and the applicant's reasoning for the variance request, staff has found that the proposed development aligns with the City's Community Plan by providing an affordable, high-density and walkable dwelling close to commercial amenities. However, staff was unable to determine that literal interpretation of the provisions of the code would result in any undue and unnecessary hardships. Although granting the variance would be consistent with the vision of the Ouray Community Plan and the proposed development closely resembles nearby homes, staff was unable to find special conditions and circumstances that are unique to the parcel. Staff is aware that the proposed development matches the goals of Ouray and that similar floor areas of nearby homes on 9th Avenue would allow this development to fit cohesively into the context of the block and not create inconsistencies in the area.

While the proposed development does not appear to be harmful to the surrounding area, staff was unable to find that the literal interpretation of the code would result in unnecessary and undue hardships on the applicant and because of these findings staff recommends a neutral stance on the request and will defer the final decision to the Planning Commission.

PUBLIC NOTICE

A public hearing to consider the application for a variance shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior to the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. Applicant shall bear the cost of publication.

OPTIONS FOR THE CITY COUNCIL

Based on the specific findings, the Planning Commission may approve, approve with conditions or deny the application, continue the public hearing, or remand it to the Applicant with instructions for modification or additional information or action.

Staff recommends a neutral stance on the Risch House Variance and will defer the final decision to the Planning Commission with the following findings and conditions:

Findings:

1. The variance application has been found to be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLUC. (OLUC 7-5-G-1-f-i)
2. The variance application has been found to be the minimum variance that will make possible the reasonable use of the parcel, building or structure. (OLUC 7-5-G-1-f-ii)
3. The variance application has not shown that there are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant. (OLUC 7-5-G-1-f-iii-1.)
4. The variance application has not shown that granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC

to other parcels, buildings or structures, in the same zone district. (OLUC 7-5-G-1-f-iii-2.)

Conditions:

N/A

Community Development Department

320 6th Avenue | P.O. Box 468 Ouray, CO 81427
 buildinginspector@cityofouray.com | 970-325-7063



MASTER LAND USE APPLICATION FORM

Please submit the completed Master Land Use Application, any required submittals, and required fee to the Community Development Department for review.

APPLICATION SELECTION		
<i>Please select (✓) which type(s) of application you are applying for and reference the corresponding application fee.</i>		
LAND USE APPLICATION TYPE	OURAY MUNICIPAL CODE REFERENCE	REQUIRED FEE
<input type="checkbox"/> Site Development Permit (SDP)	§7-4	<i>Fee based on City's Adopted Fee Schedule</i>
<input type="checkbox"/> Conditional Use Permit	§7-5-F	
<input checked="" type="checkbox"/> Variance Request	§7-5-G	
<input type="checkbox"/> Rezone	§7-5-I	
<input type="checkbox"/> Planned Unit Development (PUD) <i>via subdivision</i>	§7-8	
<input type="checkbox"/> Condominiumization <i>via subdivision</i>	§7-10	
<input type="checkbox"/> Subdivision – Sketch Plan	§7-7-C-2	
<input type="checkbox"/> Subdivision – Preliminary Plat	§7-7-C-3	
<input type="checkbox"/> Subdivision – Final Plat	§7-7-C-4	
<input type="checkbox"/> Lot Split	§7-7-C-5	
<input type="checkbox"/> Replat	§7-7-C-6	
<input type="checkbox"/> Plat Amendment	§7-7-C-7	
<input type="checkbox"/> Minor Subdivision	§7-7-C-8	
<input type="checkbox"/> Mobile Home/RV Park	§7-5-J-3	
<input type="checkbox"/> Other:		

CONTACT INFORMATION	
Applicant Name: <u>Ames (Amor) Risch</u>	
Address: <u>220 9th Avenue (PO Box 111)</u> City/State/ZIP: <u>Ouray, CO 81427</u>	
Phone: <u>415-596-6293</u>	Email: <u>arisch@muleteam.com</u>
Property Owner(s): <u>Ames (Amor) Risch</u>	
Address: <u>220 9th Avenue (PO Box 111)</u> City/State/ZIP: <u>Ouray, CO 81427</u>	
Phone: <u>415-596-6293</u>	Email: <u>arisch@muleteam.com</u>
Contact (if different than Applicant): _____	
Address: _____ City/State/ZIP: _____	
Phone: _____	Email: _____



PROJECT INFORMATION	
Project Title: <u>Risch - 24x28 house</u>	
Site Address: <u>215 9th Avenue</u>	
Parcel Number(s): <u>451531204002</u>	
Zoning District: <input checked="" type="checkbox"/> One <input type="checkbox"/> R-1 <input checked="" type="checkbox"/> R-2 <input type="checkbox"/> C-1 <input type="checkbox"/> C-2	
Proposed Use: <u>1 small house - personal dwelling</u>	Existing Use: <u>Vacant lot</u>
Proposed Site Area (combined sq. ft.): <u>7112 sq ft</u>	

(Continued on back)

Existing Building sq. ft.: 0	Proposed Building sq. ft.: 1380
# of Existing Lots: 2	# of Proposed Lots: 2
Project Description (brief): <u>Build a single family house for owner</u>	
Is the property subject to natural/geologic hazards? (e.g. flooding, landslides, rockfall, debris flow) () Yes (x) No (✓) One	
If yes, briefly describe:	

SUBMITTAL REQUIREMENTS*	
Required for ALL Land Use Application types.	
	Completed Land Use Application (herein)
	Appropriate fees (outlined above; checks paid to the City of Ouray)
	Detailed Site Plan(s): 1) Electronic copy/PDF(s) submitted via email/flash drive to Community Development Department 2) 24"x 36" hard copies submitted to Community Development Department (only if requested/required)
	Project Narrative including purpose, goals, end-result, current conditions, etc. of proposed land use application (via electronic or hard copy submitted to Community Development Department)
	Any required information, material(s), and/or report(s). See referenced Ouray Municipal Code section(s), above, for additional/supplemental required information and processes. (via electronic or hard copy submitted to Community Development Department)
	Evidence of ownership or written notarized consent of legal owner(s). Corporations or similar entities must provide written documentation on who is authorized to represent and act on behalf of the organization. (via electronic or hard copy submitted to Community Development Department)
* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED	

Per Ouray Municipal Code Section 7-3-B, Fees: The applicant is responsible for all costs incurred by the City which may include legal fees, postage, notice and publication costs, other professional services or charges by outside agencies for the review and processing of the applicant's request. The Applicant will be invoiced of such charges for payment within 30 days of mailing. Invoices not paid prior to the final decision meeting or action as requested, may cause the matter to be delayed to a subsequent date/time or the application could be denied. Please review the full statement in the Code regarding payment of fees.

CERTIFICATION	
By affixing my signature hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge and that I am the owner of the premises where the work is to be performed or am acting as the owner's authorized agent. I further agree to hold harmless the City of Ouray as to any claim (including costs, expenses and attorney's fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Ouray, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application.	
Applicant's Signature: (Required) 	Date: July 1, 2023
Property Owner's Signature: (Required) 	Date: July 1, 2023
Agent's Signature: (If you are acting as an owner's agent, you must provide Authorization of Agent form)	Date:

INDEX OF DRAWINGS

- 1 SITE PLAN / FLOOR PLANS / GENERAL NOTES
- 2 SECTIONS A and B / EXTERIOR ELEVATIONS
- 3 ROOF and FLOOR FRAMING PLANS / FRAMING NOTES / DETAILS 1 and 2
- 4 ELECTRICAL PLANS and NOTES / DOOR and WINDOW SCHEDULES

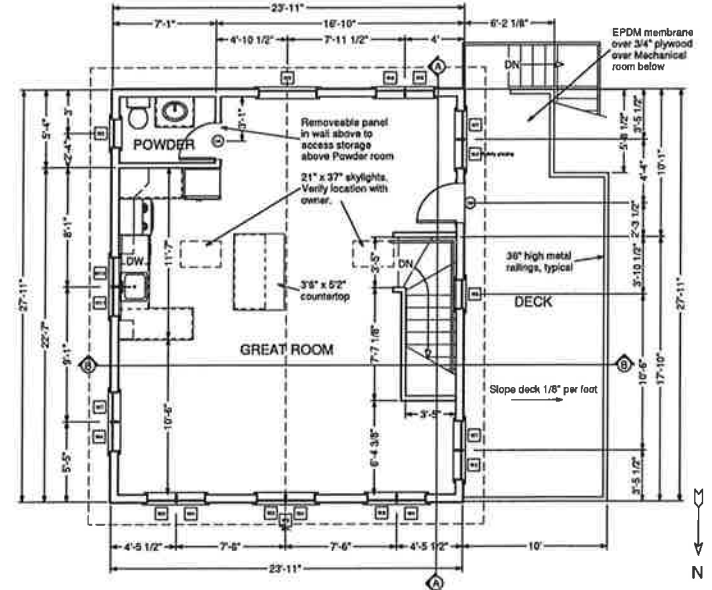
PROJECT DATA

Applicable codes: City of Ouray Municipal Code, 2018 International Residential Code, 2018 International Energy Conservation Code, the currently adopted versions of the Colorado Plumbing Code and the National Electrical Code.

Ground snow load: 65 PSF
 Zoning: R2
 Allowed building height: 1,112 SF
 Lot size: 108 SF
 Building size: First floor 672 SF
 Second floor 210 SF
 Capport 72 SF
 Covered porch 12 SF

GENERAL NOTES

1. Construction methods, practices, and installed materials shall meet all county, state, and federal codes.
2. Install housewrap over exterior wall sheathing.
3. All windows with glass less than 16" above a floor and all glass in doors and panels within 24" of a door shall comply with Chapter R305 of the 2018 IRC and Chapter R402 of the 2018 IECC (climate zone 6-8) with a U-factor of 0.35.
4. Dimensions are to face of stud and face of foundation or to center of window/door, unless noted otherwise.
5. Install 4" PVC radon vent pipe in locations shown. Extend the vent horizontally under the slab-on-grade as shown on the foundation plan using perforated pipe. Vent is to extend up through the wall and between the roof joists to a point that ridge to act as a passive radon vent. Install insect screen in pipe at roof termination.
6. Roof insulation to be R 7.5 per inch, closed cell spray foam, min. 6-1/2" thick (R 41). All exterior walls to have min. 3-1/2" (R 26) closed cell foam insulation in the cavity. Mechanical room in an unconditioned space. Provide R15 insulation in the three exterior 2x4 walls and ceiling of the Mechanical room. The wall between the Mechanical room and the Bath to have R 26 in the cavity.
7. Post house numbers on north side of house.
8. The walls at the bathroom to have ceramic tile over cement board or equal. All other walls and ceilings to be painted drywall, unless specified otherwise by owner.
9. House will be heated and cooled with a ductless mini-split system. Hot water heater to be electric.
10. Installation of underground utilities to be coordinated with City.

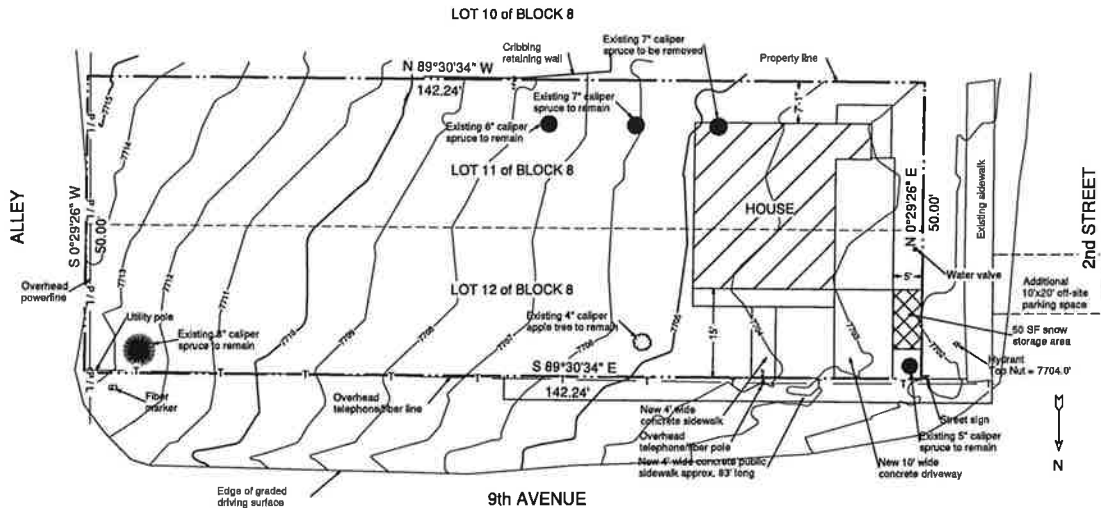


SECOND FLOOR PLAN

Scale: 1/4" = 1'

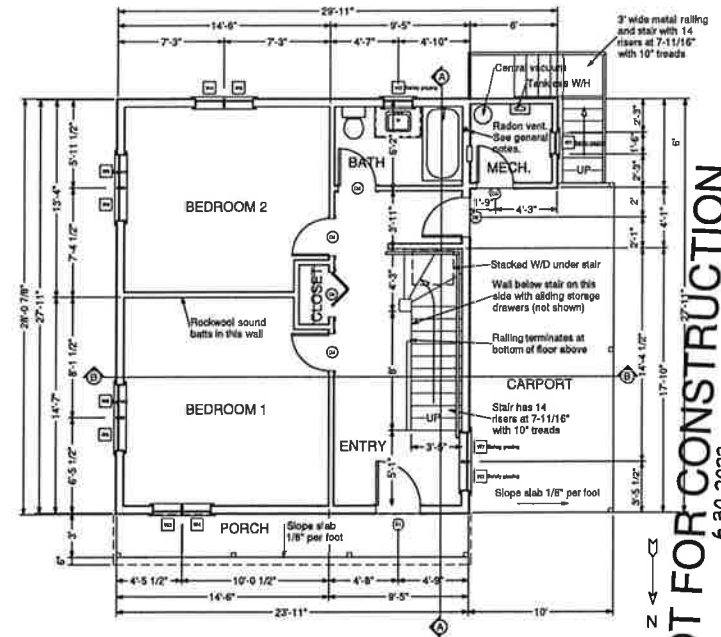
NOTE: Five trees exist on the site, with the caliper noted in inches. Only 4 are required. One will be removed as noted on the site plan. None of these trees will require watering to survive. All areas of the property which are not covered by the house or paving will be landscaped with the site's natural rock and flora and will not require watering.

Existing contour elevations are shown. The elevation of the first floor will be determined by the owner and contractor. Only the contours around the house will be changed to slope away from the foundation, so there should be no additional run-off from the project in excess of what takes place currently.



SITE PLAN

Scale: 1" = 10'



FIRST FLOOR PLAN

Scale: 1/4" = 1'

NOT FOR CONSTRUCTION
6-30-2023

RISCH RESIDENCE
TBD 9th AVENUE, OURAY, CO

DATE:
REVISIONS:
SHEET
1
OF 4

BUDKOW ENGINEERS & ARCHITECTS LLC
PHONE: 970.427.1147 FAX: 970.427.1148

Project Overview

Project Name: Risch - 24x28 house

Site Address: 215 9th Avenue

Property Owner: Ames Risch

The proposed project is to build a single house for the owner near 2nd Street. This house will have a foot print smaller than the required 24x32 and will face North onto 9th Avenue.

This house is smaller than the minimum single family home size but larger than the current ADU size. It will be a 2 story house 24 x 28 with 2 bedrooms and a full bath on the ground floor, and 1/2 bath and open kitchen and living space on the top floor. There is a deck covering a carport to provide off street parking for the house.

The house will front onto 9th Avenue and is sized to be proportionate to the smaller historic cabin across the street. Similar to that cabin it will be set closer to 9th Avenue which is also a narrower street. I believe this small home is in keeping with the Community Plan vision of a sustainable city with higher density, smaller lot sizes, frontages and setbacks. Like the vision in the Community Plan, it will favor reduced car use given the location in the walkable city area.

Variations requested:

- House sizes - House is 24x28, 2 story - 1380 sq ft of living space
- Setbacks - From 9th Avenue - 12' to small entry porch, 15' to main house

ACCOUNT # R000674
 PARCEL # 451531204002
 TAX DISTRICT: 101

PROPERTY TAX NOTICE
 2021 TAXES DUE IN 2022

JILL MIHELICH
 OURAY COUNTY TREASURER
 BOX 149
 OURAY, CO 81427-0149

TAX AUTHORITY	TAX LEVY	TEMP TAX CREDIT	GENERAL TAX	VALUATION	ACTUAL	ASSESSED
OURAY COUNTY (GENERAL FUN	9.09300	0.00000	342.90	LAND	\$130,030	\$37,710
OURAY COUNTY (ROAD & BRID	1.50300	0.00000	56.68	IMPROVMENTS	\$0	\$0
OURAY COUNTY (SOCIAL SERV	0.55300	0.00000	20.85	PERSONAL PROPERTY	\$0	\$0
OURAY LIBRARY DISTRICT	1.50000	0.00000	56.57	TOTAL	\$130,030	\$37,710
SCHOOL DISTRICT R-1 (OURA	20.43200	0.00000	770.49	EXEMPTION	\$0	\$0
SCHOOL DISTRICT R-1 BOND	2.70100	0.00000	101.86	NET TOTAL	\$130,030	\$37,710
CITY OF OURAY	16.06500	0.00000	605.81	MESSAGES		
CEDAR HILL CEMETERY DISTR	0.33100	0.00000	12.48	Ouray County Treasurer 970 / 325-4487		
COLORADO RIVER DISTRICT	0.50100	0.00000	18.89	If your property taxes are being paid through an Escrow Account with your mortgage payment, you will still receive a tax bill. Colorado law requires that each owner of record be sent a notice, even if a mortgage company pays your taxes. If you are unsure if your taxes are being escrowed, please check with your mortgage company BEFORE paying your taxes. Overpayments will be refunded to the payor.		
REGIONAL SERVICE AUTHORIT	0.37500	0.00000	14.14	Please see reverse side of this form for additional information.		
OURAY COUNTY (EMS FUND)	2.00400	0.00000	75.57			
SCHOOL DISTRICT R-1 SALAR	6.96300	0.00000	262.58			
TOTAL	NET LEVY	62.02100	\$2,338.82			
S B 25- In absence of State Legislative Funding, Your School General Fund mill levy would have been	40.2210					
	GRAND TOTAL		\$2,338.82			
LEGAL DESCRIPTION OF PROPERTY				Unpaid prior year taxes:		
Subd: CITY OF OURAY Lot: 11 Block: 8 Subd: CITY OF OURAY Lot: 12 Block: 8 S: 31 T: 44 R: 7				No Contact Treasurer's Office immediately if a number appears above.		
				PAYMENT	DUE DATE	AMOUNT
				FIRST HALF	FEBRUARY 28, 2022	\$1,169.41
				SECOND HALF	JUNE 15, 2022	\$1,169.41
				FULL PAYMENT	APRIL 30, 2022	\$2,338.82
SITUS ADDRESS: TBD 9TH AVE Ouray						

RISCH AMOR M
 PO BOX 111
 OURAY, CO 81427-0111

Make Checks Payable To:

OURAY COUNTY TREASURER

POST DATED CHECKS OR PARTIAL PAYMENTS ARE NOT ACCEPTED.

PLEASE INCLUDE SELF ADDRESSED STAMPED ENVELOPE FOR RECEIPT.

DO NOT PAY THIS BILL IF YOUR MORTGAGE COMPANY WILL MAKE THIS PAYMENT.

RETAIN TOP PORTION FOR YOUR RECORDS

Ouray Planning Commission Regular Meeting

Tuesday, May 23, 2023 4:00 PM

Massard Auditorium | Zoom: <https://zoom.us/j/96355554822> Password: 881162, 320 6th Ave, Ouray, CO 81427

CALL TO ORDER

Chairman Jeff Skoloda called the meeting to order at 6:00 pm.

ROLL CALL

Planning Commissioners present for roll call were Chairman Skoloda, Vice Chair J. Gary Dunn, Commissioner Mike Fedel, Commissioner Glenn Boyd and Commissioner Jenny Hart.

Present on behalf of the City of Ouray were Director of Community Development Lily Oswald, City Administrator Silas Clarke and Deputy Clerk/Treasurer Beverly Martensen.

APPOINTMENT OF CHAIRMAN

Commissioner Boyd moved and Vice Chair Dunn seconded the motion to nominate Jeff Skoloda to remain as Chairman. The motion passed on unanimous vote.

Chairman Skoloda moved and Commissioner Fedel seconded the motion to nominate J. Gary Dunn to remain as Vice Chairman. The motion passed on unanimous vote.

MINUTES

Commissioner Fedel moved and Commissioner Dunn seconded the motion to approve the minutes of the March 21st Special Planning Commission meeting with the correction to Vice Chair Dunn's name. The motion passed on unanimous vote.

CITIZENS COMMUNICATION

None.

PUBLIC HEARINGS

Waterview PUD Preliminary Plat Application for property legally described as: Subd: Ouray Waterview Subdivision Lot 2 Lot Split Lot: 2A S: 25 T: 44 R: 8; and Subd: Ouray Waterview Subdivision Lot 2 Lot Split Lot: 2B S: 25 T: 44 R: 8; commonly referred to as the "Waterview PUD" at 250 Uncompahgre Street; Parcel Numbers 451725113001 and 451725113002

Director of Community Development Lily Oswald presented the Staff memo for the Waterview PUD Preliminary Plat project, noting that the project density falls well below the allowed

number of 113 residential units for this area in the C-2 zone. Oswald reminded the commission that the Sketch PUD plan for the project was approved on March 21st, 2023. She also stated that a DOLA grant has been awarded funding the infrastructure, and that this grant must be used by April 2024. Requested PUD variations are:

- Some units proposed are at 16 feet width.
- Middle triplex units have only 1 parking space.
- Minimum lot size averages 3,833 sq ft.
- Minimum side setback of 5' will not be met in duplex and triplex dwelling units.

Staff finds that all required data for Preliminary PUD submission has been met.

Paul Majer, Rural Homes, affordable housing non-profit developer, presented for the applicant. He described their process, which includes lending assistance to the buyers. He described the modular construction that is used in their process, which being factory-built removes all the variables in construction. He described the timeline with land development beginning in June of 2023, with phase 1 showing homes being set into place by October 2023, and the lottery process occurring in October 2023. Major described deed restrictions as

- Household income (60-120% AMI)
- Working households
- Owner Occupied
- Re-sale appreciation cap of 3%
- 100 year term

At 6:50 pm, Chairman Skoloda opened the hearing to public comment.

- Ben Tisdell, County Rd 14 – Spoke in support of the project, stating the project is exceptionally well put together. Urges for approval.

Hearing no additional comment, Chairman Skoloda closed the hearing to public comment at 6:52 pm on a unanimous roll call vote.

Commissioner Boyd spoke in favor of the project. Urges approval.

Commissioner Hart spoke in favor of the project. Feels it will greatly benefit the community.

Vice Chair Dunn spoke in favor of the project, stating it is very well planned.

Commissioner Fedel spoke in favor of the project.

Chairman Skoloda spoke in favor of the project, with mention of the conditions of Waterview Street being a City Street.

Commissioner Fedel moved and Commissioner Boyd seconded the motion to recommend approval of the Waterview PUD preliminary plat with variations and Staff suggestion in Exhibit B. The motion passed on unanimous roll call vote.

DISCUSSION ITEMS

Director of Community Development Oswald announced her resignation with her final date being Friday, May 25, 2023.

Chairman Skoloda thanked Oswald for her professionalism and contribution.

ADJOURNMENT

At 7:01 pm Commissioner Boyd moved, and Commissioner Fedel seconded the motion to adjourn. The motion passed on unanimous vote.

Jeff Skoloda, Chairman

ATTEST:

Beverly Martensen, Deputy City Clerk

CERTIFICATION

I, Beverly Martensen, do hereby certify that I am the Deputy City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray Planning Commission held on Tuesday, May 23, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Tuesday, May 23, 2023.



Beverly Martensen, Deputy City Clerk

320 6th Avenue
 PO Box 468
 Ouray, Colorado 81427



970.325.7211
 Fax 970.325.7212
 www.cityofouray.com

TO: Ames (Amor) Risch
 FROM: Stan Connors, On-Call Planner
 DATE: August 8, 2023
 SUBJECT: Risch 24 x 28 house - Variance

APPLICATION & PROPERTY SUMMARY

Application Summary:	Request for a variance for a single family home smaller than the minimum floor area requirements and that encroaches by 3 feet on the front setback.
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Legal Description:	Sec.31; T44N; R7W
Parcel #	451531204002
Applicant/Agent:	Ames (Amor) Risch
Property Owner:	Ames (Amor) Risch
Zoning:	R-2 Residential High Density
Existing Use:	Vacant Lot
Proposed Use:	Single Family Residence
Site Size:	7,112 sqft
Adjacent Land Uses	
North:	Residential
South:	Residential
East:	Commercial
West:	Residential
Located Within National or Local Historic District Boundary	Yes
Located Within Commercial Historic Boundary	No

ZONE DISTRICT DIMENSIONAL REQUIREMENTS

Requirement	Required	Proposed
Minimum Lot Area	7,100 SF	7,112 sf
Maximum Density	2,370 sf/DU 790 sf/LU	n/a
Setbacks		
Front	15ft.	12 ft
Rear	5ft.	7 ft
Side	5ft.	5 ft
Side	5ft.	~82 ft
Roof Eaves	Max 1ft. into setback	Complies
Building-to-Building	10ft.	Complies
Minimum Floor Area	24ft x 32ft	24ft x 28ft
Maximum Floor Area	4,260SF	n/a
Maximum Height	35ft.	35 ft
Off-Street Parking	2 Per/DU	Private carport

BACKGROUND

The applicant has requested consideration for two variances for a single family residence located at 215 9th Ave. The applicant has requested a variance for a 24' x 28' (1,380 sqft) dwelling to be built. The house will have a footprint smaller than the required 24' x 32' as set forth in OLuc Sec. 7-5.E.4.d.iii.1.

The applicant has also requested a variance from the 15' minimum front setback as required by OLuc Sec. 7-5.D. The proposed development will have a porch that is 12' from the property line.

CRITERIA FOR DECISION (LUD Sec. 7-5.G):

- 1. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLuc.**

The grant of variance will be consistent with Goal H-1 of Ouray's Community Plan which states the importance of supporting, encouraging diverse and permanent attainable housing throughout the community for local residents and employees. This can be achieved by allowing smaller homes with a higher density on smaller lots. A smaller home will be more financially viable for the applicant and therefore create less of a cost burden on the home occupant. Additionally, because the streets in the area are narrow and unpaved, higher density housing is consistent with Goal H-3 which is striving to promote good design practices that fit within the character and context of the city.

- 2. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.**

The proposed construction of a single-family home smaller than the footprint requirements prescribed by the land development code is a reasonable use of the parcel. This is because there are other houses in the vicinity of the subject parcel that also have a similar footprint size. It should

also be noted that this portion of 9th Avenue is a narrower street that is unpaved. These conditions would be more compatible with a smaller house.

The proposed development consists of a small entry porch that is 12' from the front lot line; the minimum front setback is 15' from the front lot line. The principal building, however, is still in compliance with the 15' minimum front setback. Because the principal building is in compliance with setback regulations and only the entry porch is encroaching the setback, this appears to be a reasonable use of the parcel.

- 3. Literal interpretation and enforcement of the terms and provisions of the OLUC would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be deprived, the Planning Commission shall consider whether either of the following conditions apply:**

- A. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or**

Staff was unable to find special conditions or circumstances that are unique to the subject parcel. It should be noted that the property is located in the Local & National Historic District boundary and the land use goals in this District as stated in the Ouray Community Plan emphasize the desire for small houses and dwellings with an emphasis on high density.

- B. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC to other parcels, buildings or structures, in the same zone district.**

Granting this variance will not create special privilege to the applicant. This is because there are homes in the vicinity that have a similar floor area as the single family residence being proposed by the applicant. Denying this variance would create an unnecessary hardship on the applicant as existing homes in this area are at or below the minimum square footage requirements set forth in the land development code.

- 4. The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations which the board determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the Applicant and interested parties, in writing, as part of the decision.**
- 5. No variance shall be granted with less than four (4) concurring votes of the Planning Commission.**
- 6. The Planning Commission shall announce its decision within 35 days of the completion of the hearing. Any decision on a variance application shall be in writing by Resolution. The decision of the board with respect to an application for a variance shall be final, subject only to review by certiorari in the courts. The City shall also have the right to appeal any such decision to the courts. Upon the filing of an appeal**

or request for review in the courts, the City shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review shall pay the City the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

STAFF ANALYSIS

Based on the submitted documents and the applicant's reasoning for the variance request, staff has found that the proposed development aligns with the City's Community Plan by providing an affordable, high-density and walkable dwelling close to commercial amenities. However, staff was unable to determine that literal interpretation of the provisions of the code would result in any undue and unnecessary hardships. Although granting the variance would be consistent with the vision of the Ouray Community Plan and the proposed development closely resembles nearby homes, staff was unable to find special conditions and circumstances that are unique to the parcel. Staff is aware that the proposed development matches the goals of Ouray and that similar floor areas of nearby homes on 9th Avenue would allow this development to fit cohesively into the context of the block and not create inconsistencies in the area.

While the proposed development does not appear to be harmful to the surrounding area, staff was unable to find that the literal interpretation of the code would result in unnecessary and undue hardships on the applicant and because of these findings staff recommends a neutral stance on the request and will defer the final decision to the Planning Commission.

PUBLIC NOTICE

A public hearing to consider the application for a variance shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior to the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. Applicant shall bear the cost of publication.

OPTIONS FOR THE CITY COUNCIL

Based on the specific findings, the Planning Commission may approve, approve with conditions or deny the application, continue the public hearing, or remand it to the Applicant with instructions for modification or additional information or action.

Staff recommends a neutral stance on the Risch House Variance and will defer the final decision to the Planning Commission with the following findings and conditions:

Findings:

1. The variance application has been found to be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLUC. (OLUC 7-5-G-1-f-i)
2. The variance application has been found to be the minimum variance that will make possible the reasonable use of the parcel, building or structure. (OLUC 7-5-G-1-f-ii)
3. The variance application has not shown that there are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant. (OLUC 7-5-G-1-f-iii-1.)
4. The variance application has not shown that granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC

to other parcels, buildings or structures, in the same zone district. (OLUC 7-5-G-1-f-iii-2.)

Conditions:

N/A

Community Development Department

320 6th Avenue | P.O. Box 468 Ouray, CO 81427
 buildinginspector@cityofouray.com | 970-325-7063



MASTER LAND USE APPLICATION FORM

Please submit the completed Master Land Use Application, any required submittals, and required fee to the Community Development Department for review.

APPLICATION SELECTION		
<i>Please select (✓) which type(s) of application you are applying for and reference the corresponding application fee.</i>		
LAND USE APPLICATION TYPE	OURAY MUNICIPAL CODE REFERENCE	REQUIRED FEE
<input type="checkbox"/> Site Development Permit (SDP)	§7-4	<i>Fee based on City's Adopted Fee Schedule</i>
<input type="checkbox"/> Conditional Use Permit	§7-5-F	
<input checked="" type="checkbox"/> Variance Request	§7-5-G	
<input type="checkbox"/> Rezone	§7-5-I	
<input type="checkbox"/> Planned Unit Development (PUD) <i>via subdivision</i>	§7-8	
<input type="checkbox"/> Condominiumization <i>via subdivision</i>	§7-10	
<input type="checkbox"/> Subdivision – Sketch Plan	§7-7-C-2	
<input type="checkbox"/> Subdivision – Preliminary Plat	§7-7-C-3	
<input type="checkbox"/> Subdivision – Final Plat	§7-7-C-4	
<input type="checkbox"/> Lot Split	§7-7-C-5	
<input type="checkbox"/> Replat	§7-7-C-6	
<input type="checkbox"/> Plat Amendment	§7-7-C-7	
<input type="checkbox"/> Minor Subdivision	§7-7-C-8	
<input type="checkbox"/> Mobile Home/RV Park	§7-5-J-3	
<input type="checkbox"/> Other:		

CONTACT INFORMATION	
Applicant Name: <u>Ames (Amor) Risch</u>	
Address: <u>220 9th Avenue (PO Box 111)</u> City/State/ZIP: <u>Ouray, CO 81427</u>	
Phone: <u>415-596-6293</u>	Email: <u>arisch@muleteam.com</u>
Property Owner(s): <u>Ames (Amor) Risch</u>	
Address: <u>220 9th Avenue (PO Box 111)</u> City/State/ZIP: <u>Ouray, CO 81427</u>	
Phone: <u>415-596-6293</u>	Email: <u>arisch@muleteam.com</u>
Contact (if different than Applicant): _____	
Address: _____ City/State/ZIP: _____	
Phone: _____	Email: _____



PROJECT INFORMATION	
Project Title: <u>Risch - 24x28 house</u>	
Site Address: <u>215 9th Avenue</u>	
Parcel Number(s): <u>451531204002</u>	
Zoning District: <input checked="" type="checkbox"/> One <input type="checkbox"/> R-1 <input checked="" type="checkbox"/> R-2 <input type="checkbox"/> C-1 <input type="checkbox"/> C-2	
Proposed Use: <u>1 small house - personal dwelling</u>	Existing Use: <u>Vacant lot</u>
Proposed Site Area (combined sq. ft.): <u>7112 sq ft</u>	

(Continued on back)

Existing Building sq. ft.: 0	Proposed Building sq. ft.: 1380
# of Existing Lots: 2	# of Proposed Lots: 2
Project Description (brief): <u>Build a single family house for owner</u>	
Is the property subject to natural/geologic hazards? (e.g. flooding, landslides, rockfall, debris flow) () Yes (x) No (✓) One	
If yes, briefly describe:	

SUBMITTAL REQUIREMENTS*	
<i>Required for ALL Land Use Application types.</i>	
	Completed Land Use Application (herein)
	Appropriate fees (outlined above; checks paid to the City of Ouray)
	Detailed Site Plan(s): 1) Electronic copy/PDF(s) submitted via email/flash drive to Community Development Department 2) 24"x 36" hard copies submitted to Community Development Department (<i>only if requested/required</i>)
	Project Narrative including purpose, goals, end-result, current conditions, etc. of proposed land use application (via electronic or hard copy submitted to Community Development Department)
	Any required information , material(s), and/or report(s). <i>See referenced Ouray Municipal Code section(s), above, for additional/supplemental required information and processes.</i> (via electronic or hard copy submitted to Community Development Department)
	Evidence of ownership or written notarized consent of legal owner(s). <i>Corporations or similar entities must provide written documentation on who is authorized to represent and act on behalf of the organization.</i> (via electronic or hard copy submitted to Community Development Department)
* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED	

Per Ouray Municipal Code Section 7-3-B, Fees: The applicant is responsible for all costs incurred by the City which may include legal fees, postage, notice and publication costs, other professional services or charges by outside agencies for the review and processing of the applicant's request. The Applicant will be invoiced of such charges for payment within 30 days of mailing. Invoices not paid prior to the final decision meeting or action as requested, may cause the matter to be delayed to a subsequent date/time or the application could be denied. Please review the full statement in the Code regarding payment of fees.

CERTIFICATION	
By affixing my signature hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge and that I am the owner of the premises where the work is to be performed or am acting as the owner's authorized agent. I further agree to hold harmless the City of Ouray as to any claim (including costs, expenses and attorney's fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Ouray, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application.	
Applicant's Signature: (Required) 	Date: July 1, 2023
Property Owner's Signature: (Required) 	Date: July 1, 2023
Agent's Signature: (If you are acting as an owner's agent, you must provide Authorization of Agent form)	Date:

INDEX OF DRAWINGS

- 1 SITE PLAN / FLOOR PLANS / GENERAL NOTES
- 2 SECTIONS A and B / EXTERIOR ELEVATIONS
- 3 ROOF and FLOOR FRAMING PLANS / FRAMING NOTES / DETAILS 1 and 2
- 4 ELECTRICAL PLANS and NOTES / DOOR and WINDOW SCHEDULES

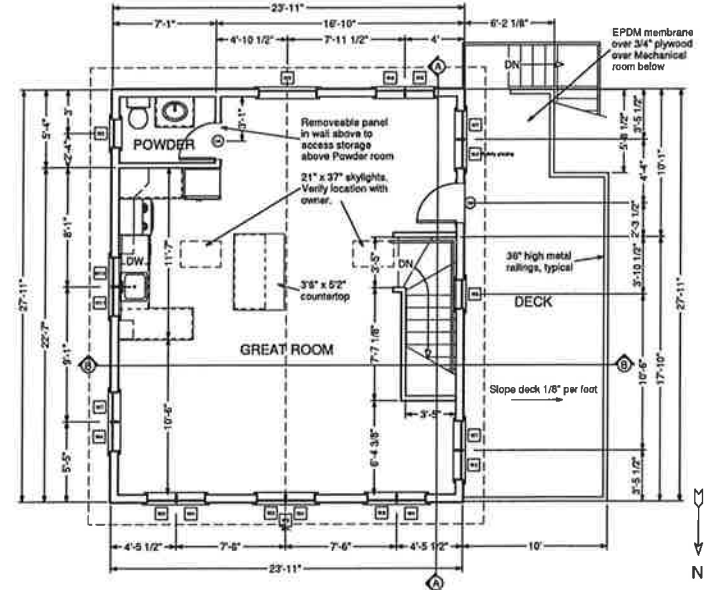
PROJECT DATA

Applicable codes: City of Ouray Municipal Code, 2018 International Residential Code, 2018 International Energy Conservation Code, the currently adopted versions of the Colorado Plumbing Code and the National Electrical Code.

Ground snow load: 65 PSF
 Zoning: R2
 Allowed building height: 1,112 SF
 Lot size: 108 SF
 Building size: First floor 672 SF
 Second floor 210 SF
 Capport 72 SF
 Covered porch 12 SF

GENERAL NOTES

1. Construction methods, practices, and installed materials shall meet all county, state, and federal codes.
2. Install housewrap over exterior wall sheathing.
3. All windows with glass less than 16" above a floor and all glass in doors and panels within 24" of a door shall comply with Chapter R305 of the 2018 IRC and Chapter R402 of the 2018 IECC (climate zone 6-8) with a U-factor of 0.35.
4. Dimensions are to face of stud and face of foundation or to center of window/door, unless noted otherwise.
5. Install 4" PVC radon vent pipe in locations shown. Extend the vent horizontally under the slab-on-grade as shown on the foundation plan using perforated pipe. Vent is to extend up through the wall and between the roof joists to a point that ridge to act as a passive radon vent. Install insect screen in pipe at roof termination.
6. Roof insulation to be R 7.5 per inch, closed cell spray foam, min. 6-1/2" thick (R 41). All exterior walls to have min. 3-1/2" (R 26) closed cell foam insulation in the cavity. Mechanical room in an unconditioned space. Provide R15 insulation in the three exterior 2x4 walls and ceiling of the Mechanical room. The wall between the Mechanical room and the Bath to have R 26 in the cavity.
7. Post house numbers on north side of house.
8. The walls at the bathroom to have ceramic tile over cement board or equal. All other walls and ceilings to be painted drywall, unless specified otherwise by owner.
9. House will be heated and cooled with a ductless mini-split system. Hot water heater to be electric.
10. Installation of underground utilities to be coordinated with City.

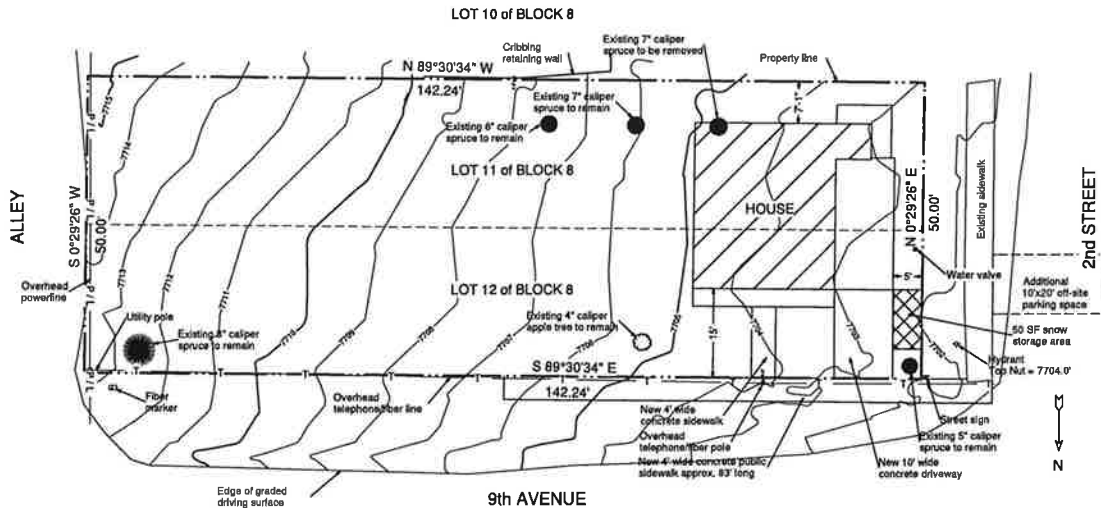


SECOND FLOOR PLAN

Scale: 1/4" = 1'

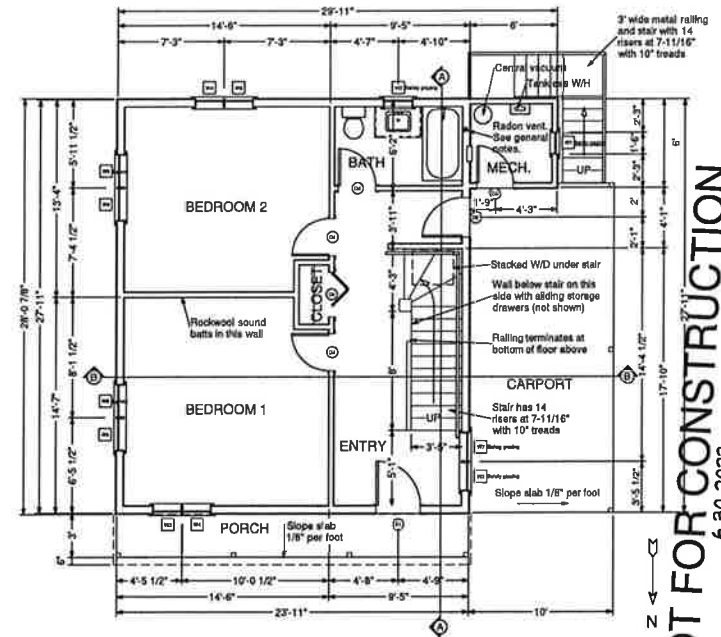
NOTE: Five trees exist on the site, with the caliper noted in inches. Only 4 are required. One will be removed as noted on the site plan. None of these trees will require watering to survive. All areas of the property which are not covered by the house or paving will be landscaped with the site's natural rock and flora and will not require watering.

Existing contour elevations are shown. The elevation of the first floor will be determined by the owner and contractor. Only the contours around the house will be changed to slope away from the foundation, so there should be no additional run-off from the project in excess of what takes place currently.



SITE PLAN

Scale: 1" = 10'



FIRST FLOOR PLAN

Scale: 1/4" = 1'

NOT FOR CONSTRUCTION
6-30-2023

RISCH RESIDENCE
TBD 9th AVENUE, OURAY, CO

DATE:
REVISIONS:

SHEET
1
OF 4

BUDKOW ENGINEERS & ARCHITECTS LLC
PHONE: 970.427.1127 FAX: 970.427.1128

Project Overview

Project Name: Risch - 24x28 house

Site Address: 215 9th Avenue

Property Owner: Ames Risch

The proposed project is to build a single house for the owner near 2nd Street. This house will have a foot print smaller than the required 24x32 and will face North onto 9th Avenue.

This house is smaller than the minimum single family home size but larger than the current ADU size. It will be a 2 story house 24 x 28 with 2 bedrooms and a full bath on the ground floor, and 1/2 bath and open kitchen and living space on the top floor. There is a deck covering a carport to provide off street parking for the house.

The house will front onto 9th Avenue and is sized to be proportionate to the smaller historic cabin across the street. Similar to that cabin it will be set closer to 9th Avenue which is also a narrower street. I believe this small home is in keeping with the Community Plan vision of a sustainable city with higher density, smaller lot sizes, frontages and setbacks. Like the vision in the Community Plan, it will favor reduced car use given the location in the walkable city area.

Variations requested:

- House sizes - House is 24x28, 2 story - 1380 sq ft of living space
- Setbacks - From 9th Avenue - 12' to small entry porch, 15' to main house

ACCOUNT # R000674
 PARCEL # 451531204002
 TAX DISTRICT: 101

PROPERTY TAX NOTICE
 2021 TAXES DUE IN 2022

JILL MIHELICH
 OURAY COUNTY TREASURER
 BOX 149
 OURAY, CO 81427-0149

TAX AUTHORITY	TAX LEVY	TEMP TAX CREDIT	GENERAL TAX	VALUATION	ACTUAL	ASSESSED
OURAY COUNTY (GENERAL FUN	9.09300	0.00000	342.90	LAND	\$130,030	\$37,710
OURAY COUNTY (ROAD & BRID	1.50300	0.00000	56.68	IMPROVMENTS	\$0	\$0
OURAY COUNTY (SOCIAL SERV	0.55300	0.00000	20.85	PERSONAL PROPERTY	\$0	\$0
OURAY LIBRARY DISTRICT	1.50000	0.00000	56.57	TOTAL	\$130,030	\$37,710
SCHOOL DISTRICT R-1 (OURA	20.43200	0.00000	770.49	EXEMPTION	\$0	\$0
SCHOOL DISTRICT R-1 BOND	2.70100	0.00000	101.86	NET TOTAL	\$130,030	\$37,710
CITY OF OURAY	16.06500	0.00000	605.81	MESSAGES		
CEDAR HILL CEMETERY DISTR	0.33100	0.00000	12.48	Ouray County Treasurer 970 / 325-4487		
COLORADO RIVER DISTRICT	0.50100	0.00000	18.89	If your property taxes are being paid through an Escrow Account with your mortgage payment, you will still receive a tax bill. Colorado law requires that each owner of record be sent a notice, even if a mortgage company pays your taxes. If you are unsure if your taxes are being escrowed, please check with your mortgage company BEFORE paying your taxes. Overpayments will be refunded to the payor.		
REGIONAL SERVICE AUTHORIT	0.37500	0.00000	14.14	Please see reverse side of this form for additional information.		
OURAY COUNTY (EMS FUND)	2.00400	0.00000	75.57			
SCHOOL DISTRICT R-1 SALAR	6.96300	0.00000	262.58			
TOTAL	NET LEVY	62.02100	\$2,338.82			
S B 25- In absence of State Legislative Funding, Your School General Fund mill levy would have been	40.2210					
	GRAND TOTAL		\$2,338.82			
LEGAL DESCRIPTION OF PROPERTY				Unpaid prior year taxes:		
Subd: CITY OF OURAY Lot: 11 Block: 8 Subd: CITY OF OURAY Lot: 12 Block: 8 S: 31 T: 44 R: 7				No Contact Treasurer's Office immediately if a number appears above.		
				PAYMENT	DUE DATE	AMOUNT
				FIRST HALF	FEBRUARY 28, 2022	\$1,169.41
				SECOND HALF	JUNE 15, 2022	\$1,169.41
				FULL PAYMENT	APRIL 30, 2022	\$2,338.82
SITUS ADDRESS: TBD 9TH AVE Ouray						

RISCH AMOR M
 PO BOX 111
 OURAY, CO 81427-0111

Make Checks Payable To:

OURAY COUNTY TREASURER

POST DATED CHECKS OR PARTIAL PAYMENTS ARE NOT ACCEPTED.

PLEASE INCLUDE SELF ADDRESSED STAMPED ENVELOPE FOR RECEIPT.

DO NOT PAY THIS BILL IF YOUR MORTGAGE COMPANY WILL MAKE THIS PAYMENT.

RETAIN TOP PORTION FOR YOUR RECORDS