

The regular meeting of the Hayden Board of Adjustment was called to order by Chairman Dal Leck at 6:01 p.m. Other members present were Steve Dunn and Bill Irvine. Absent were Tim Frentress and Jim Lewis. Town Manager, David Torgler, Contract Planner, Tim Katers, and Town Clerk, Susan Irvine, were also in attendance.

Consideration of Minutes **Bill Irvine moved to approve the minutes for the regular meeting held on August 26, 2010 as written. Steve Dunn seconded. Voice vote. All ayes. Motion carried unanimously.**

Public Comments **None.**

Old Business **None.**

New Business

Appeal for Variance from Town of Hayden Land Use Code Section 16.03.030.D.4 Regarding Maximum Floor Area of Accessory Dwelling Unit in the Residential Low Density Zone District **Chairman Leck opened the Public Hearing at 6:03 p.m. Tim Katers entered Exhibit A – Proof of Publication, Exhibit B – Proof of Mailing, Exhibit C – Citizen Responses and Affidavit of Proof of Posting into the record. He advised that Brian Waugh is asking for a variance for renovations completed at 129 Harvest Drive. He renovated 1,324 square feet of the basement with a kitchen, bedrooms and a bathroom. The limitation for an accessory dwelling is 800 square feet. The reason behind this restriction is to avoid changing the density from Residential Low Density to Residential Medium/High density.**

Tim Katers advised that the Land Use Code, which was revised in 2005, provides clear direction regarding the criteria to either approve or deny a variance request. This was discussed extensively during the Land Use Code revisions, is very restrictive and makes granting of a variance difficult. The Code criteria for any Board of Adjustment decision are very strict and have not been met in this instance. Therefore, the staff recommendation is to deny this request.

Brian Waugh, PO Box 452, Saratoga, Wyoming, thanked the Board of Adjustment for their time and consideration. He stated that he finished the basement to allow for his mother-on-law to reside in the basement with full separate living quarters. The basement finish was partially funded by his mother-in-law, although she never resided in the basement due to family circumstances. The basement was completed in 2008 and the main part of the house was completed in 2004. The permit was originally issued through Routt County and the inspector from the Routt County Building Department (RCBD) throughout most of the project was from Hayden. **Mr. Waugh** provided copies of corrections he was required to make by the RCBD. The walls downstairs and much of the mechanical and electrical were completed before his certificate of occupancy was

issued. **Mr. Waugh** advised that there are 13 lots in Yampa View Estates, his house was the second one constructed and he was president of the homeowner's association for some time. The covenants for the homeowner's association did not address size limitations on secondary living units in the basement and he relied on these in finishing the basement. The basement walls mirror the main level walls which is the reason the size is 1,324 square feet. **Mr. Waugh** advised that he spoke with **Rondi Bowlin**, a neighboring property who filed a letter of opposition to the variance request, and her main concerns were with parking, fire access and noise. He advised that he has parking for six vehicles and there is still ample room for fire access. He also stated that when he was the homeowner's association president, there were issues with fifth-wheel trailer storage in the subdivision and he felt that was why **Mr. Matt** had filed a protest letter. **Dal Leck** advised that he went to the site and it is somewhat congested and would create problems during an emergency. **Dal's** concern was that this was in violation of Town Code and that **Mr. Waugh** was not aware of this. **Mr. Waugh** did not feel that the information was readily available. The Board of Adjustment asked what remedies were available to **Mr. Waugh** if the variance was not granted and **Tim Katers** advised that the living area would have to be 800 square feet or less. **Dal** stated that the two electrical meters makes it appear that there are two separate residences. **Steve Dunn** stated that this was like a duplex and he was not in favor of granting a variance. He felt that there were options for the owner to come in to compliance with the Code. **Mr. Waugh** advised that the government has a relocation process and they will just appraise the top portion of the house and make an offer based on that appraisal. **Chairman Leck closed the Public Hearing at 6:40 p.m.**

Steve Dunn moved to deny the request by Mr. Brian Waugh for a variance to Section 16.03.040.D.4 of the Hayden Land Use Code. Bill Irvine seconded. Voice vote. All ayes. Motion carried unanimously.

Adjournment

Chairman Leck adjourned the meeting at 6:41 p.m.