

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-73

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING TOK24-012, A Class 4 Variance for a proposed single-family
residence located at 0236 Razor Drive, Lot 38, Loveland Pass Village Subdivision,
to allow a 20' front yard setback (a 5' front yard variance), and a 15' rear yard
setback (a 10' rear yard variance), zoned R-2. Applicant: Bobby Craig, Arapahoe
Architects**

WHEREAS, the applicants have applied to the Town Council for a variance from the 25' front setback and from the 25' rear setback to allow for a single-family residence to be located 20 feet from the front property line, and 15 feet from the rear property line; on Lot 38, Loveland Pass Village, a 0.11 acre parcel zoned R-2, and;

WHEREAS, the Town Council reviewed the application at a public hearing on December 10, 2024, with public notice as required by law and considered the evidence and testimony presented at the hearing; and;

WHEREAS, the Town Council finds that the variance request with the evidence presented at the hearing meets the variance criteria as set forth in Section 12503.01 of the Town Land Use Code as set forth below.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council finds and determines as follows:

1. The strict application of the Town's zoning regulations would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship upon the property owner in the development of the single-family home on the property, because the small lot size relative to the R-2 setbacks necessitates a reasonable sized home as proposed, to encroach into the required setbacks.

2. The variance can be granted without substantial impairment to the public health, safety, and welfare as there are no public safety concerns associated with the proposed home.

3. The variance can be granted without substantial impairment to the intent of the Town's Zoning Regulations because the proposed single-family home is a compatible use with the R-2 residential neighborhood and is not located in an environmental hazard zone.

4. Granting the variance would not constitute a grant of special privilege since there have been numerous setback variances approved in Loveland Pass Village Subdivision, including for homes with footprint areas of up to 1,200 square feet.

5. Granting the variance would constitute the minimum necessary allowance for the reasonable use of a single-family home with a footprint area of approximately 1,000 square feet; and such reasonable use would not otherwise be available without granting of the variance.

6. The parcel for which the variance is being granted was not created in violation of Town zoning or subdivision regulations or in violation of Colorado State Statutes because the subject property was legally created via the plat for Loveland Pass Village Subdivision, recorded under Reception Number 91804 in 1960, prior to the adoption of the Town’s zoning regulations in 2024.

Section 2. A request for a variance from the 25’ front setback and from the 25’ rear setback to allow a single-family residence to be located 20 feet from the front property line, and 15 feet from the rear property line; on Lot 38, Loveland Pass Village, a 0.11 acre parcel zoned R-2, is hereby approved. The Town Council imposes a condition on the approval of the variance related to criteria number 5. The condition of approval is that only the garage/storage structure and the main floor deck, which is constructed on the roof of the garage/storage structure are permitted in the 5’ front setback variance. No other structures may be constructed in the 5’ front setback variance area. The Applicant verbally agreed to this condition of approval at the December 10, 2024, public hearing.

Section 3. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of 6 in favor and 1 against, this 10th day of December, 2024.

Signed by:
E Kenneth D. Riley
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Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

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E Madeleine Sielw
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TOWN Clerk

Signed by:
By Jennifer Madsen
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TOWN Attorney