



**MEMO TO:** Chairperson Wolter and Planning Commissioners  
**FROM:** Catherine E. Trotter, AICP, Town Planner  
**DATE:** August 22, 2018  
**SUBJECT:** 837 Quail Drive – Variance request

Back in 2012, the Town Board adopted Ordinance #401 which amended the Fraser Municipal Code and Zoning regulations to restructure the Board of Adjustment (BOA) and have the Planning Commission take on the responsibilities of the BOA. The BOA shall consist of five (5) voting members and two (2) alternates. The Mayor and the Trustee appointed to the Planning Commission (PC) by the Mayor shall serve as alternate members of the BOA. **The Mayor and Trustee Quinn are alternates and will both have to act because two regular members will be absent.**

**The concurring vote of four (4) members of the BOA shall be required to grant an application for a variance.**

**MATTER BEFORE THE PLANNING COMMISSION/BOA:**

We are in receipt of a variance application submitted by Nathan and Stacey Peterson (applicants).

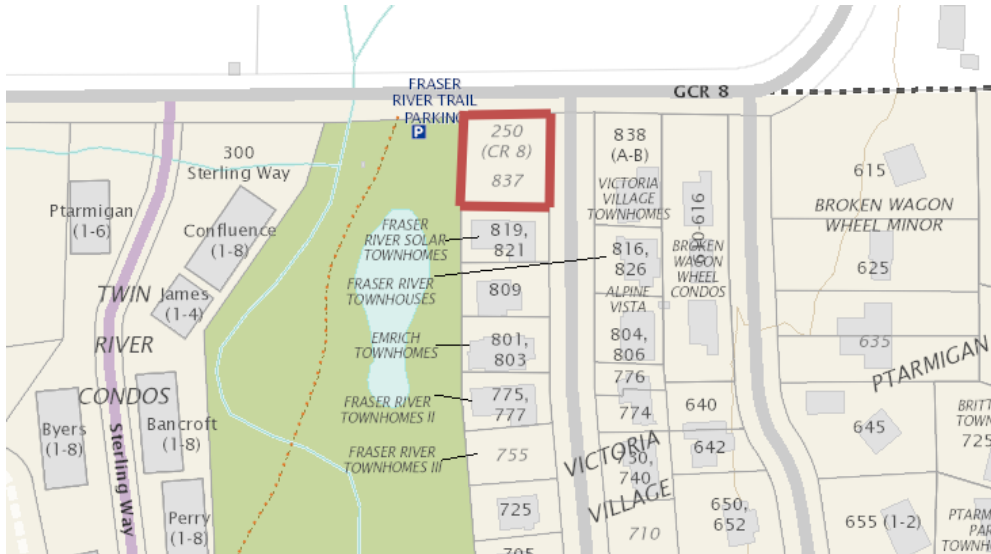
The applicants are the owners of subject property which is located at 837 Quail Drive in the MDMF: Medium Density Multi-Family zoning district (Lot 1, Block M, Victoria Village). Link to Fraser Land Development Code:

[https://library.municode.com/co/fraser/codes/municipal\\_code?nodeId=CH19LADECO\\_ART2ZO\\_DIV2ZODI\\_S19-2-240MEDEMUMIREDI&showChanges=true](https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART2ZO_DIV2ZODI_S19-2-240MEDEMUMIREDI&showChanges=true)

The applicants would like to split the lot north-south to allow a single-family attached dwelling to be constructed without creating a townhome and/or condo product. This type of dwelling unit was discussed frequently during our code overhaul process and was encouraged by the Town as an opportunity to provide additional housing options throughout Fraser. The western unit would have access from CR 8 and the eastern unit would have access from Quail Drive, which further complicates the setbacks.

This variance request is to allow a 3' encroachment into the 10' rear setback resulting in a 7' rear setback instead of 10' (on the western lot). This particular lot is also riddled with existing easements.

See vicinity and aerial maps below:



**ACTION REQUESTED/EXECUTIVE SUMMARY:**

The applicant is requesting approval of the variance as detailed in the variance application.

**BACKGROUND:**

The BOA shall have the power to grant variances from the provisions of the Zoning Code. Link to Fraser Land Development Code:

[https://library.municode.com/co/fraser/codes/municipal\\_code?nodeId=CH19LADECO\\_ART1GEPR\\_DIV3BOARD&showChanges=true](https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART1GEPR_DIV3BOARD&showChanges=true)

The BOA may grant a variance only if it finds all of the following conditions are present:

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of lot;
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located;
3. The unique physical circumstances or other conditions, or any other hardship complained of, have not been created by the applicant;
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter;
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property;
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter of the Town Comprehensive Plan.
7. The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

The Code states that no grant of a variance shall be complete or effective unless and until the BOA has adopted a written resolution approving the variance, which resolution shall identify the property for which the variance is granted, specify the terms of the variance and any conditions approved by the Board. A copy of the resolution shall be recorded in the office of the Grand County Clerk and Recorder.

A draft resolution is in the packet for your review and consideration.

Please contact me with questions and/or comments. [ctrotter@town.fraser.co.us](mailto:ctrotter@town.fraser.co.us).  
Thanks.

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