



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT PERMIT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW <input type="checkbox"/> Special Use Permit <input checked="" type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations	DEVELOPMENT REVIEW <input type="checkbox"/> Minor Development Review <input type="checkbox"/> Major Development Review	SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW <input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> P.U.D. Zoning Plan
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PROJECT NAME 435 Eby Creek Apartments

PRESENT ZONE DISTRICT RMF **PROPOSED ZONE DISTRICT** _____
(if applicable)

LOCATION

STREET ADDRESS 435 Eby Creek Road

PROPERTY DESCRIPTION

SUBDIVISION Perry Subdivision **LOT(S)** 3 **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE Zoning variance for height restriction based on the exceptional topography of the project site.

APPLICANT NAME Son Ray LLC **PHONE** 970-328-7751

ADDRESS PO Box 4556, Eagle, CO 81631 **EMAIL** ryan@pcivilail.com

OWNER OF RECORD (see Applicant) **PHONE** _____

ADDRESS _____ **EMAIL** _____

REPRESENTATIVE (see applicant) **PHONE** _____

ADDRESS _____ **EMAIL** _____

The above information is correct and accurate to the best of my knowledge.

Signature

7/8/22

Date

In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.

FOR OFFICE USE ONLY		
DATE RECEIVED	BY	FILE NUMBER
REVIEW FEE	DATE PAID	RECEIVED BY
DATE CERTIFIED COMPLETE	BY	
P&Z HEARING DATE	DECISION	
TBOT HEARING DATE	DECISION	

SON RAY LLC

Chad Phillips, Town Planner
Town of Eagle
P.O. Box 609
Eagle, Colorado 81631

Subject: 435 Eby Creek Apartments Request for Zoning Variance

Chad,

The Town of Eagle Municipal Code Section 4.07.040.2 defines the method for calculating the maximum building height for structures with either a flat or shed roof. While we find that the method provided is agreeable for the vast majority of building sites within the Town (which are predominantly flat), this particular site features an exceptional topography (approx.. 50% of the site has a slope greater than 30%) that most of the other sites in similarly zoned districts do not. This particular method for roof height limitations is vastly more restrictive to buildings on steep sites because the change in existing elevation can vary greatly from one side of the building to another (in the case of this site it changes by 14 feet from west to east). By restricting the building height to the downhill grade, much of the uphill side of the lot becomes unusable for its intended purpose when using a pitched roof, and a flat roof becomes the only practical way to meet the height restrictions.

In light of this, and in an effort to keep the building form in line with the general character of the buildings in the North Interchange Area, the Owner is requesting a Zoning Variance for the Project in accordance with Town of Eagle Municipal Code Section 4.05.020. The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

- a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; *We feel that this variance will cause no detriment to the public good, and is in line with the intent of the Town's regulations, goals, policies and plan. The variance will allow the Owner to maintain the gable roof on the building, which is more in line with the general character of the adjacent properties than a flat roof would be.*

and

- b. That the variance granted is the minimum necessary to alleviate the hardship; *This variance is the minimum variance to the code necessary to alleviate this hardship.*

and

That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; *This site has approx. 50% of the area with a slope greater than 30%. The position of the building on the site has been pushed as far to the East as possible (where the slope is not as drastic) and moving it any further cannot be achieved due to the requirements for adequate parking, vehicle*

SON RAY LLC

circulation, and fire protection. This is resulting in exceptional practical difficulties to the Owner and their goals for the property of exercising their developable rights while maintaining a building form that is in line with the general character of the other buildings in the North Interchange Area

or

- c. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district. [Not Applicable](#)

We respectfully request that you grant this zoning variance based on the above information.

Thank you,

Rick Patriacca