

**AGENDA**  
**OURAY COUNTY VISUAL IMPACT REVIEW COMMITTEE**  
**REGULAR MEETING**

September 30, 2020 1:00 – 2:00 p.m. (appx)

Meeting to be held at the Land Use/Road & Bridge Offices, Conference Room  
111 Mall Road, Ridgway, Colorado. You may also attend virtually by visiting zoom.us,  
and then using this log-in info:

Meeting ID: 954 2342 5103

Password: Not Required

Phone Number: 1-346-248-7799 (audio only)

*If all agenda items are not covered in this time frame they may be continued until the next regular meeting. **\*Times are approximate and subject to change\***. If an item is finished early the Visual Impact Review Committee will move directly to the next agenda item. If not a Public Hearing, public comment may or may not be taken during the meeting. Action may be taken at the conclusion of public hearings.*

**I. Call to Order – Meeting of the Ouray County Visual Impact Review Committee  
(1:00 p.m.)**

**1. Continued Hearing from 9/9/2020 (1:00 p.m.)**

Project: Application for Variance from Section 9  
Address: Lot 2, Eagle Hill Ranch, Filing #1  
Owner: Belinda and Tim Chisholm

Application for variance from the standards of section 9.3C (Visual Impact Regulations - Skyline Break), for Lot 2, Eagle Hill Ranch, Filing #1. The application is made under the provisions set forth in Section 13 of the Ouray County Land Use Code.

**2. Recess to allow preparation of minutes & resolution**

**3. Approval of Minutes**

**II. Adjourn**

Copies of land use applications or workshop materials can be obtained at the Land Use Office at 111 Mall Road, Ridgway, CO; by calling 970.626.9775 or e-mailing [mcastrodale@ouraycountyco.gov](mailto:mcastrodale@ouraycountyco.gov). Comments on the agenda items may be sent to Mark Castrodale, County Planner, P.O. Box 28, Ridgway, CO 81432.



**LAND USE DEPARTMENT**  
**STAFF REPORT - ADDENDUM**  
**September 30, 2020**

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|-----------------------------|---|
| <b>Application:</b>         | Variance – Skyline Break                |
| <b>Request By:</b>          | Belinda and Tim Chisholm                |
| <b>Address of Property:</b> | Lot 2 of Eagle Hill Ranch, Filing No. 1 |
| <b>Property Size:</b>       | 2.4 Acres                               |
| <b>Authorized Agent(s):</b> | Doug Macfarlane Architect, LLC          |
| <b>Zoning:</b>              | Valley                                  |
| <b>Case Manager:</b>        | Bryan Sampson                           |

### **Request**

The Applicant is requesting variance from Section 9.3(C) (skyline break), to construct a one-story, 3,410 square foot home on Lot 1 filing 1 of the Dallas Meadows subdivision. The Visual Impact Review Committee (VIRC) reviewed the initial application on September 9, 2020, and continued the hearing to September 30, 2020, in order to allow the applicant time to address the concerns of the VIRC.

The Applicants have revised their proposal which can be seen in the attachments to this addendum.

### **Land Use Code Section 19.7(E) Review Requirements**

**This language was in the initial Staff Report, but it's worth repeating here:**

- Section 13.17(D) (Visual Impact Review Committee) states, in part, that:

*“Appeals to the VIRC may be taken by any person aggrieved by the inability to obtain a permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of Section 9 of this Code.”*

- Section 13.17(D)(2) states, in part, that:

*“Where, by reason of exceptional narrowness, shallowness, shape, or other characteristic of a specific piece of property or by reason of exceptional topographic conditions or by reason of*

*exceptional wildlife and or wildfire impact or other extraordinary and exceptional situation or condition impacting such piece of property, the strict application of Section 9 of this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the VIRC shall recommend to the Board of County Commissioners the disposition of an appeal, so as to relieve such difficulties or hardship, based on criteria such as:*

- (a) Reflecting immediate natural forms in building mass.*
- (b) Use of natural materials to imitate the immediate surrounding area.*
- (c) Minimize long frontages on visible sides.*
- (d) Recessing and/or shading windows.*
- (e) Multiple roof lines.*

*Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of this Code.”*

#### **Staff Conclusion:**

The Applicant has made several revisions to the proposal that, in Staff’s opinion, significantly reduce the visual impact of the structure. Staff’s opinion remains unchanged from the initial Staff Report, and if the Visual Impact Review Committee chooses to recommend approval of the application to the Board of Adjustment, Staff would recommend that the following condition be included:

- 1) This variance shall expire three years from the date of approval, unless the ADU has been constructed.

## **Exhibit List**

Exhibit A-2 – Revised Proposal from Applicant

Exhibit B-2 – Lowered Story Pole Photos

Exhibit C-2 – Public Comments Received (if any)

**Exhibit A-2 – Revised Proposal from Applicant**

9-21-20

**Chisholm Residence**

**758 Golden Eagle Trail**

**Lot 2 Eagle Hill Ranch, Filing 1**

**Variance Request- Section 9 (continued hearing- updated narrative)**

After receiving input at the 9-9-20 VIRC hearing requesting we look at possibilities for a reduction in amount of skyline breakage we made a combination of changes which we feel makes a major impact. We lowered the roof pitches from 8/12 to 6/12, dropped the floor level 1 foot and moved the house 8 feet north and 5 feet east.

The combined result of the changes is shown on the attached photo overlays on existing story pole images. Original story poles show up in photos as a reference, along with a shaded representation of original roofline. We feel that the changes represent a significant reduction in the impact of the house from the prescribed viewpoints at the center of County Road 5. Views 06 and 07 have been used since they represent the area where the house is most visible. Further to the south house has background ridges, and from north and northeast there are trees that provide screening. There is less than 400ft of road where the house does not have background ridges or foreground trees for screening representing only a very small percentage of the 1.5 mile corridor.

Net reduction in height is 4'-6" at west LR gable pole, 3'-7" at north end of main ridge, and 2'-8" from south end of main ridge (all measured from existing grades). The effect of moving the house NE also lowers the profile by changing the view angle from the road centerline.

The criteria for granting the variance are as discussed at the 9-9-20 meeting and the underlying parameters are unchanged.

Excerpts from our original narrative are in blue

Due to the exceptional narrowness of site, location very close to and elevated above road below, and combined with the fact that there is no backdrop other than the trees on the site itself to mitigate skyline breakage the strict application of Section 9 of this code would result in peculiar and exceptional practical difficulties and exceptional hardship in the strict application of the code.

We feel that the proposed house does meet the intent of the code. Pursuant to Criteria of Section 13,17,D (2) we feel that the proposed house-

- (a) Reflects immediate natural forms in building mass by integrating with tree line and presenting an irregular silhouette.
- (b) Uses natural materials (wood, stone and rusted metal) to imitate and blend with the immediate surrounding area.
- (c) Presents primarily the gable end to visible side to minimize long frontage

- (d) Uses deep porch roof overhang to provide shading at visible side
- (e) Use of multiple rooflines, with end gable plus shed at south side

Additionally, house is only visible for a very short section of road along the corridor from directly below and southeast. From the northeast there are trees that mitigate skyline breaks.

With the reduced height and shifted location the screening from the north and northeast is even more effective.

We feel that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of the Land Use Code. There are numerous precedents for similar projects being granted variances (including some with 2 story home designs) due to the same lack of backdrop and proximity to road in Eagle Hill Ranch, Dallas Meadows and Pleasant Valley.

This site has a relatively small lot size for the Valley zone (just over 2 acres) yet has a 50ft setback. Due to the shape of the lot (tapered to north and south) and combined with the effect of the setbacks this means the best available building site is in the middle of the lot where the house is proposed to be sited. The ground is also much steeper and more difficult to access in the areas at the north and south tapered ends of the lot. We are proposing the house site on the more level center section where it is accessible from Golden Eagle Trail with a logical driveway routing that would not require extensive grading. This is in keeping with the stated HOA goal of preserving natural vegetation to the extent possible during the construction process.

House is proposed to be one story, and is cut into grade at the south end of the house, presenting a lowered profile. At the hearing we will present additional photos and information to support our position that the building with natural siding and roofing materials will be in compliance both with the criteria set forth in Section 13,17,D (2) and with the overall spirit and intent of the purpose statement in Section 9.1.

We feel that since there is no skyline backdrop (due to how close the site is to the road creating a steep upward angle of view) and because we are proposing a single story house design on the only reasonable building site on the lot, that this is a perfect candidate for relief through a variance.

With blending materials as proposed, shading with deep covered porches at west (road) side and varied rooflines that the house will blend in well.

Here are variance criteria from Land Use Code, highlighting is ours.

VARIANCE CRITERIA- 13-17-D (2) (note, 12.5.A (4) is similar)

D. Appeals to the Visual Impact Review Committee:

12.5.A (2) Variances: Where, by reason of exceptional narrowness, shallowness, shape, or other characteristic of a specific piece of property or by reason of exceptional topographic conditions or by

reason of exceptional wildlife and or wildfire impact or other extraordinary and exceptional situation or condition impacting such piece of property, the strict application of Section 9 of this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the VIRC shall recommend to the Board of Adjustment the disposition of an appeal, so as to relieve such difficulties or hardship, based on criteria such as: (a) Reflecting immediate natural forms in building mass. (b) Use of natural materials to imitate the immediate surrounding area. (c) Minimize long frontages on visible sides. (d) Recessing and/or shading windows. (e) Multiple roof lines. Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of this Code.

After receiving input at the 9-9-20 hearing we gave careful thought and consideration to a range of possible options.

After looking at various possibilities the house has been moved to east and north far enough to have a significant impact on visibility, but moving farther to east pinches driveway further and would require removal of additional trees and more disturbance for grading. Moving farther to north the grade continues to drop away more quickly into the drainage path and creates grading issues.

We feel that the proposed revisions provide a reasonable compromise in keeping with the criteria for variance relief. This is a single story home design on a lot that is in close proximity to the road and which presents significant dimensional and topographic challenges.

Sincerely,,

Doug Macfarlane Architect LLC

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## Doug Macfarlane Architect LLC

9-20-20

Chisholm Photo Overlays



Original story pole picture 06, with original roofline fit to poles (shaded)  
New house shown relative to original location with lower pitch, floor level and moved to NE



Original story pole picture 07, with original roofline fit to poles (shaded)  
New house shown relative to original location with lower pitch, floor level and moved to NE

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NOTE- original poles are visible in both overlay pictures (to align images) and provide reference. House is lowered, and effect of moving to NE is to change angle and pull the house back from slope break, also lowering profile.

NEW FOOTPRINT  
SHOWN SOLID GRAY

PREVIOUS FOOTPRINT  
SHOWN DASHED,  
CROSS-HATCHED

DRIVEWAY

50' - 0"

50' - 0"

50' - 0"

50' SETBACK

SNEFFELS VIEW

CORBETT PEAK

N

Chisholm- Site Plan relocated house (with background)





50' SETBACK

NEW FOOTPRINT  
SHOWN SOLID GRAY

50' - 0"

N

50' - 0"

PREVIOUS FOOTPRINT  
SHOWN DASHED,  
CROSS-HATCHED

DRIVEWAY

50' - 0"

SNEFFELS VIEW

CORBETT PEAK

50' SETBACK

Chisholm- Site Plan relocated house (with background) - full lot

**NEW FOOTPRINT  
SHOWN SOLID GRAY**

**PREVIOUS FOOTPRINT  
SHOWN DASHED,  
CROSS-HATCHED**

**DRIVEWAY**

50' - 0"

50' - 0"

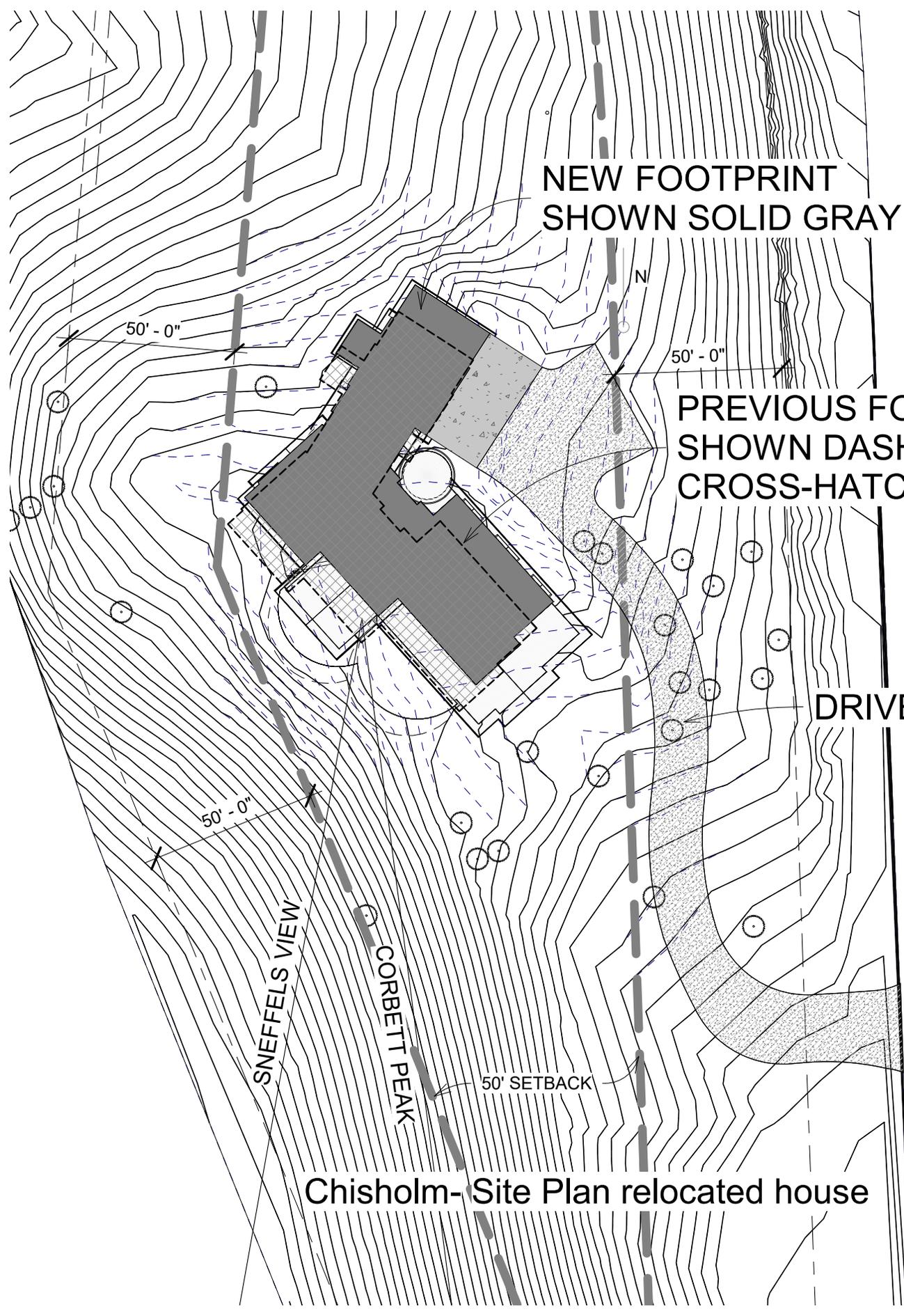
50' - 0"

50' SETBACK

SNEFFELS VIEW

CORBETT PEAK

**Chisholm- Site Plan relocated house**



**Exhibit B-2 – Lowered Story Pole Photos**

















**Exhibit C – Public Comments Received (if any)**

## Bryan Sampson

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**From:** MtNGrL <jlymtngrl@gmail.com>  
**Sent:** Monday, September 14, 2020 11:42 AM  
**To:** Bryan Sampson  
**Subject:** Re: FW: Chisholm Variance Packet

Thank you for the information packet. We appreciate that Lot 2 presents challenges for building siting and understand the need for a variance in this case. On the other hand, our concern is that casual issuing of variances could put our county back to square one on visual impact. Our Eagle Hill Ranch is experiencing an increase in proposed construction on lots & we notice more construction in other parts of the county. We urge the land use committee to use utmost caution when variances are requested. Thank you, Bill & Judy Yeo

On Wed, Sep 9, 2020 at 12:11 PM Bryan Sampson <[bsampson@ouraycountyco.gov](mailto:bsampson@ouraycountyco.gov)> wrote:

Tamara asked me to send this over to you.

Bryan Sampson

Associate Planner

Ouray County Land Use

970.626.9775

[www.ouraycountyco.gov](http://www.ouraycountyco.gov)

*Please note that I am generally in the office every Monday, Tuesday, and Wednesday. Email is the best method of contact, but you may also try calling my cell phone at 970.596.4387. I will return your email or message as quickly as I can.*

Physical address: 111 Mall Road Ridgway, CO 81432 Mailing address: Post Office Box 28 Ridgway, CO 81432 Hours of operation: Monday - Thursday 8 am to 4:30 pm

**COVID STATUS:** The Land Use Office / Road & Bridge Facility is now open to the public. The reception area is limited to a maximum of 3 persons at a time. Please avoid entering the facility if you have a cough or fever. Non-medical face covering over the nose and mouth is required in the facility as well as maintaining a minimum of 6-foot distance from others.

