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# BOARD OF ADJUSTMENT AGENDA

**April 13, 2026**  
**6:00 PM**

Agendas are subject to change up to 24 hours before the start of the meeting. To ensure you have the most up-to-date information, please check the agenda within 24 hours of its start time.

Board of Adjustment meetings are open to the public unless otherwise noted. All meetings will be held in the Routt County Historic Courthouse - Hearing Room, 522 Lincoln Avenue, 3rd Floor, Steamboat Springs - or as otherwise noted.

Join via [ZOOM](#)

Meeting ID 868 4304 0700    Passcode 12345

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## 1. CALL TO ORDER

## 2. PUBLIC COMMENT

Members of the public may address the Board of Adjustment on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

## 3. APPROVAL OF MINUTES

### A. MINUTES FROM OCTOBER 13, 2025

Documents:

[101325-boa-corrected.pdf](#)

## 4. SUNSHINE RESOLUTION

Documents:

[BOA Sunshine Resolution.pdf](#)

## 5. ITEMS FOR CONSIDERATION

### A. HOFSCHULTE'S BARN'S ADJUSTMENT; PL20260004

Activity #: PL20260004  
Applicant: MICHAEL & LESSICA HOFSCHULTE C/O YAMPA VALLEY ENGINEERING  
Petition: ADJUSTMENT TO LOCATE TWO EXISTING BARNS WITHIN THE 80-FOOT ROAD CENTERLINE SETBACK  
Legal: PT OF N2 TR 41 SEC 4-5-85 TOTAL: 39.63 AC  
Location: 1 MILE FROM INTERSECTION COUNTY ROAD 33 AND COUNTY ROAD 43 ON COUNTY ROAD 43

Documents:

[PL20260004 Staff Report with Attachments.pdf](#)

## **6. ADMINISTRATOR'S REPORT**

Administrator's Report may include the reading of future Board of Adjustments agendas.

## **7. ADJOURNMENT**

Routt County operates all programs, services, and activities in compliance with the Americans with Disabilities Act. If you need special accommodation due to a disability, please call the Commissioners' Office at (970) 879-0108 to ensure we can meet your needs. Please notify us of your request as soon as possible before the scheduled event.

*Routt County is committed to providing equitable access to our services to everyone. Our ongoing accessibility goals align with the Web Content Accessibility Guidelines (WCAG) version 2.1, level AA criteria. This agenda includes links to information provided by a third party over which we cannot guarantee accessibility. If the format of any material on this agenda interferes with your ability to access information, please contact us. Additional ways to provide feedback regarding accessibility are available online ([www.co.routt.co.us/994/Website-Accessibility](http://www.co.routt.co.us/994/Website-Accessibility)).*

**ROUTT COUNTY BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 13, 2025**

The Routt County Board of Adjustment meeting was called to order at 6:00 p.m. with the following members participating: Chairman Don Prowant, Brian Fitzgerald, Jerry Albers, Lyle Krug, and Planning Commissioner Todd Pedersen. Planning Director Kristy Winser and staff planner Michael Fitz were also present. Sarah Katherman prepared the minutes.

**PUBLIC COMMENT**

There was no public comment.

**MINUTES – August 11, 2025**

Mr. Fitzgerald moved to approve the above cited minutes, as written. Mr. Albers seconded the motion. **The motion carried unanimously.**

**ACTIVITY:** PL20240040  
**APPELLANT:** Graham Custom Homes, LLC (Josh Graham)  
**REQUEST:** Adjustment to exceed the maximum allowed height  
Required maximum allowed height: 40'  
Requested height: 47' 6"  
**LOCATION:** Tree Haus Subdivision Filing 1, Lot 75; a lot on the east side of Tree Haus Dr, approximately 610 feet north of its intersection with William William

Mr. Josh Graham stated that he is the designer and builder of the home. He said he had worked extensively with the Tree Haus Homeowners' Association (HOA) and had reached an agreement to increase the side setbacks, which also had the effect of slightly reducing the roof height by a couple of inches. He added that he had also reached an agreement with the HOA on the proposed height of the structure. Mr. Graham stated that this lot is extremely challenging. He presented a diagram of the slope and noted that from the edge of the asphalt at the road the hillside falls off 23 ft. vertically to the entrance of the proposed garage. He stated that the garage would have a 10% grade and only about half of the structure would rise above the level of the road. He said that there is no shared driveway or easement that would allow the driveway to enter the lot at an angle. Mr. Graham stated that the average grade across the lot is 35%. Under current regulations this lot would not be allowed to be platted. He stated that only a height variance is being requested as the plans are in conformance with the County's setback requirements. Mr. Graham explained that the overall height of the building is driven by the garage, which has been designed to accommodate two average-sized cars and have a sloping roof. The garage roof is the highest point of the proposed structure. He stated that a residence could not be constructed on the site without a height variance and indicated on an elevation

drawing how the County measures height, which is from the highest point of the structure to the lowest point where the structure meets the existing grade. Mr. Graham noted that the other concern that had been expressed at the hearing in August of 2024 was the view from across the valley. He said that the lower portion of the lot is heavily wooded with trees that are 40' – 50' tall. The trees will not be removed and will serve to screen 90% of the structure from the mountain side of the valley.

Mr. Fitz stated that the petition had originally been heard on August 12, 2024 and had been tabled. He reviewed the history of the Tree Haus subdivision, which was platted in 1971 shortly after subdivision regulations were adopted by Routt County. He said that the regulations at the time were minimal. He stated that this lot would not have been allowed even a year later when additional standards were added to the zoning and subdivision regulations. Mr. Fitz reviewed the history of variances in Tree Haus, which included a blanket variance for the entire subdivision between 1972 and 1989, during which time lot owners were generally allowed to site their homes wherever they wanted, with the consent of the Building Official. After the blanket variance was rescinded in 1989, 30 more variances were granted for lots in Tree Haus. Mr. Fitz presented a plat map of the subdivision to indicate all lots that had received height and/or setback variances. He added that 34 lots in the subdivision also needed to be accessed via shared driveways or easements through adjacent lots that allow for angled driveways. Mr. Fitz stated that there are 13 lots in the subdivision that have not been built on.

Mr. Fitz confirmed that the lot is extremely steep, with overall grades over 30% and up to 100% in some areas. He said that only a small portion of the lot is buildable. Mr. Fitz noted that the lot is also quite narrow, which prevents a shallow, wide house from being possible. He said that the lot is among the smallest 1/3 of lots in the subdivision. He stated that except for the maximum height, the proposed house meets all other zoning standards, including property line setbacks and driveway slope. Mr. Fitz stated that the maximum allowed height is 40 ft. and the applicant is requesting a variance of 7 ft. 6 in. for a total height of 47 ft. 6 in. He presented a site plan and elevations of the proposed house. He explained how the County measures overall height, which is from the highest point of the house to the lowest, even if the house is on a slope, making the maximum of 40 ft. difficult to comply with on steep slopes, even if the house does not appear very tall from the street view. He said that the method used by the County to determine overall height had changed over time, and that many of the existing houses in Tree Haus would not meet the current regulations. He presented a diagram to demonstrate how either a setback variance or a height variance would be needed to allow for structure on this steep of a lot. Mr. Fitz noted that the County requires two parking spaces, so either a parking area or a garage is needed. He added that the design of the house includes livable space under the garage. Mr. Fitz presented photos of the site. He also presented copies

of the approval letters from the HOA. He stated that staff is recommending approval of the variance.

Mr. Krug asked for a clarification regarding the size of the proposed home. Mr. Fitz stated that including the garage and the basement areas, the home would be approximately 4500 square feet. He added that because of the basement areas, the home would appear to be about the same size as a home of 3100 square feet. In response to a question from Mr. Krug, Mr. Fitz stated that reducing the size of the home would not reduce the need for a variance because the overall height is driven by the highest point, which is the garage roof not the height of the residence. Ms. Winser demonstrated that even if the rear portion the house were removed, the elevation difference would require a variance because it is measured from the existing grade where the house meets the ground.

In response to a question from Mr. Pederson, Ms. Winser confirmed that if the lower elevation of the existing grade were 7 ft. higher at the point where the structure meets the ground, no variance would be needed for the house being proposed.

Mr. Krug asked about a rendering of the proposed home showing a truck in front of it. Mr. Graham stated that this was only to demonstrate the scale and to show what would be visible from the street. Mr. Krug asked if the HOA had approved the current drawings. Mr. Fitz stated that they had, and that the maximum height cited in the letter is different because the HOA measures height differently than the County. Mr. Graham clarified that the HOA had agreed to move forward with a formal approval.

Mr. Krug asked if the meeting had been re-noticed with the new drawings. Mr. Fitz confirmed that it had, and that all property owners within 200 ft. of the subject property had been notified.

Mr. Pederson asked if all options had been considered to reduce the overall height. Mr. Fitz stated that a property owner is not allowed to add fill material to reduce the slope in order to meet the requirements; the overall height is measured from the existing slope.

### **Public Comment**

Mr. Matt Lavington, a resident of Tree Haus stated that the HOA has a maximum height requirement of 35' and had approved a variance for 39' overall height, not the 47' 6" height being requested here. He questioned staff's statement that many height variances had been granted and asked which lots they pertained to. He stated that Mr. Graham had purchased the lot in 2022 knowing its limitations and challenges.

Mr. John Shillingburg, an adjacent property owner, stated that believed that an angled driveway cut across the slope could be built in order to lower the overall

height and allow for the garage to be located in a different spot. He said that a home could be designed for the lot that meets all of the requirements. He questioned the expertise of staff.

Seeing no further comments, Chair Prowant closed public comment.

Mr. Fitz said that he did not know if a longer, curving driveway would be possible because the lot is very narrow, but that if it were, it would have the effect of moving the house further down the hill, which is only steeper. This change would not eliminate the need for a height variance. Ms. Winser stated that the County evaluates the plans that are submitted; it does not propose specific design changes.

Mr. Pederson offered that this lot is very narrow and very steep, which is not different than many lots in the subdivision that have been granted variances.

Mr. Krug stated that he could not support the petition and noted that objections had been made from four different Tree Haus neighbors.

#### **MOTION**

Mr. Fitzgerald moved to approve item PL20240040, a variance of 7' 6" from the maximum height allowed of 40" for a total overall height of 47' 6", with the following findings of fact:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Resolution are strictly enforced because the lot is exceptionally steep, and relatively narrow but deep, rendering the construction of any home impossible under the current Zoning and Subdivision regulations.
2. Circumstances creating the hardship were created subsequently through no fault of the appellant because the present nonconformity was created by the original subdivision, as platted in December 1971.
3. The property for which a variance is requested possesses an extraordinary and exceptional situation or condition which does not occur generally in other property in the same Zone District, in that the site has a physical constraint of exceptional slope. Such a lot would not be allowed to be platted today.
4. The variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood because the main impact of additional height is on the back side of the home, which is far away from other properties and shielded with vegetation.
5. The variance is not directly contrary to the intent and purpose of this Resolution or the Routt County Master Plan as there are no apparent conflicts with RCZR standards or RCMP policies. The configuration, size,

and use of the structure is generally in conformity with the adjacent properties, neighborhood, and zone district.

This approval is subject to the following conditions:

1. If construction of the building does not commence within 3 years, this variance shall be subject to another review with full submittal.
2. This approval is specific to the plans submitted in the application. Any change in footprint, size, height or site location that increases the level of non-conformance will be subject to a new application. Minor variations that do not increase the level of nonconformance can be approved administratively, without notice.
3. A foundation only building permit will initially be signed off on by Planning. Prior to Planning signing off on the full building permit, a certified survey of the location of the foundation forms must be submitted.
4. Best Management Practices (BMP's) shall be utilized during construction to prevent erosion and drainage flow onto adjacent properties, drainage to the east of the parcel and the county road right of way.

Mr. Albers seconded the motion.

### **Discussion**

Mr. Krug stated that he is inclined to listen to the neighbors and deny the variance. He said that the regulations and the limitation on height were put in place for a reason and that it would be wrong for the County to go against the regulations for the convenience of one landowner. Mr. Krug added that if the variance is approved, he would like a condition added that would prevent the trees below the house from being removed, noting that the Tree Haus neighborhood is very visible from across the valley. Following discussion, there was consensus that a condition regarding the trees was unnecessary.

**The motion carried 4 – 1, with Mr. Krug dissenting.**

Mr. Krug's reasons for dissent are detailed in the discussion.

Mr. Albers and Mr. Pederson expressed their appreciation for staff's thorough analysis and presentation.

### **ADMINISTRATOR'S REPORT**

Ms. Winser stated that there would not be a BOA in November.

**The meeting was adjourned at 7:15 p.m.**

**A RESOLUTION DESIGNATING PLACE FOR POSTING OF NOTICES OF  
MEETINGS OF THE ROUTT COUNTY BOARD OF ADJUSTMENT IN  
ACCORDANCE WITH C.R.S. § 24-6-402.**

Recitals

1. The Routt County Board of Adjustment is or may be a "local public body" subject to the requirements of C.R.S. § 24-6-402; and
2. C.R.S. § 24-6-402 (2) (c) requires each public body to designate the public place or places where notices of meetings of the local public body will be posted annually at its first regular meeting of the year; and
3. The first regular meeting of the Routt County Board of Adjustment in 2026 took place on April 13, 2026.

**NOW, THEREFORE, BE IT RESOLVED** by the Routt County Board of Adjustment that the following places are hereby designated as the public places where all notices of meetings of the Routt County Board of Adjustment required by C.R.S. § 24-6-402 are to be posted during the calendar year 2026:

- A. On a website, social media account, or other official online presence of the Routt County Board of Adjustment.
- B. In the absence of a website, social media account, or other official online presence of the Routt County Board of Adjustment, notice may be posted at the following designated public places.
  - i. The bulletin board located outside the Clerk and Recorder's Office, located in the Routt County Courthouse, 522 Lincoln Avenue, Steamboat Springs, Colorado.
  - ii. The bulletin board located outside the Commissioners' Office, located on the second floor of the Routt County Courthouse, 522 Lincoln Avenue, Steamboat Springs, Colorado.

**ADOPTED** this 13 day of April, 2026.

**BY THE ROUTT COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Member

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# Hofschulte's Barns Adjustment

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**ACTIVITY****PL20260004****BOARD OF ADJUSTMENT  
HEARING****4/13/2026 at 6:00 pm**

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**PETITIONER:**

Michael &amp; Jessica Hofschulte c/o Yampa Valley Engineering

**PETITION:**

Adjustment to locate two existing barns within the 80-foot road centerline setback

**LEGAL:**

PT OF N2 TR 41 SEC 4-5-85 TOTAL: 39.63 AC

**LOCATION:**

1 mile from intersection County Road 33 and County Road 43 on County Road 43

**ZONE DISTRICT:**

Agriculture/Forestry (AF)

**AREA OF PARCEL:**

39.63 acres

**PROPOSED (SETBACK)  
ADJUSTMENT**

Required: 80' from centerline of CR43

Proposed:

1. 66.3' Framed Pole Barn (Northern barn, built in 2000)
2. 65.8' Framed Barn (Southern barn, originally built in 1910 with an addition in 2000)

**STAFF CONTACT:**

Greg Jaeger – gjaeger@co.routt.co.us

**ATTACHEMENTS:**

- Applicant Narrative
  - Existing Conditions/ Site Plan
  - Exhibit of Ancient Creek Overlay
  - Exhibit of LIDAR Overlay
  - Photos and Maps from the Applicant
  - Site Photos
  - Public Comment
-

**History:**

Prior to 1985, most of the land in this area was owned in common by a single owner. Then, in 1985, the owner of Tracts 41 and 42 divided the land into smaller 35-acre parcels, including this parcel. The current owner bought this property in 2017.

The original south barn on the property was built around 1910; an addition to the barn was built in 2000; the addition encroached into the setback. A chicken coop was built in 2017. A frame house was built on the parcel in 1999 under C-98-184, and finally, a pole barn was built in 2000. The pole barn structure mirrored the entrance of the original barn and was also placed within the required setback from the centerline of the roadway. The barns and coop were built and expanded under the Agricultural Building permit exemption, so they do not have building permits.

In late 2025, a building permit application (PRAU251567) was submitted to add a secondary dwelling unit on the parcel. The structure is unrelated to the barns included in this application; however, upon review of the site plan, it was discovered that these barns are located within the required setback from the centerline of the roadway. Research indicated that no adjustments had been granted, and based on the history of the barns, it was determined that they were not legal nonconforming. Therefore, the County could not issue the building permit for the secondary unit until the barns were brought into compliance, which is the reason for this application.

**Site Description:**

The land is a 39-acre, triangular-shaped parcel. The western edge of the parcel contains the full width of County Road 43, making the barns 88 feet and 89 feet from the western property line. An intermittent seasonal stream runs south to north through the property, parallel with County Road 43 about 200 feet to the east. This stream is defined as a waterbody by the UDC, and is subject to waterbody setbacks. Due to the location of the stream and the location of County Road 43, the property's developable area is limited to the space between them. The area beyond the stream to the east is agricultural range land, mostly made up of grasses and sagebrush. This land is very steep and unsuitable for building.

**Project Description:**

The applicant is seeking an Adjustment to the minimum setbacks from the centerline of County Road 43 in the Agriculture Forestry zone district to allow for 2 existing barn structures to remain where they are. The barns comply with the required 50 ft. property line setbacks but do not meet setbacks from the centerline of a public road. In the AF zone district, structures must be at least 80 feet from the centerline of any public road. The pole barn constructed in 2000 is 66.3 feet from the centerline, and the 1910 barn with an addition from 2000 is 65.8 feet from the centerline.

**Staff Recommendation:**

Staff recommends that the application be APPROVED.

**\*\*\*Issues for Discussion\*\*\***

Would you approve/consider this adjustment if it were new construction?

**Setbacks for AF District**

Property Line Setback for the Pole Barn	Proposed	Required	Adjustment
North	406'	50'	No
South	497'	50'	No
East	1,432'	50'	No
West	92.6'	50'	No
Center of CR43	66.3'	80'	<b>YES</b>

Property Line Setback for the Barn	Proposed	Required	Adjustment
North	555'	50'	No
South	398''	50'	No
East	956'	50'	No
West	89.2'	50'	No
Center of CR43	65.8'	80'	<b>YES</b>

**Section 4.72.C Standards for Adjustments**

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this UDC are strictly enforced.

*Petitioner Comments: The rules should not be applied so rigidly that it creates an unfair burden such as tearing down both barns that were built before the current owners purchased the property. The owner currently uses the barns for allowed use. The southernmost barn was built before the land was subdivided and setbacks were applied. The Northern most barn was built to be near the existing barn for ease of access. Tearing the barns down would be a hardship for the current owners. These barns fit very well with the neighboring properties and offer great character for the agricultural community.*

**Staff Comments: Supportable. It would be a hardship to require the current owner of the property to move both barns, as they have already been**

constructed. It is unnecessary and unreasonable to strictly enforce these setback standards when the barns have been in their current location for over 26 years, including one barn being in existence for 116 years, albeit in a smaller size. These barns have been used for agricultural purposes through the years and have generated no complaints.

The property is also objectively difficult to build on because the buildable area is limited to the space between the road and the setback from the stream. The area on the other side of stream is very steep. Crossing the stream to gain access to the other side would also require a waterbody setback permit for a stream crossing, further creating a hardship for the applicant. This makes it unreasonable to expect that the uses could be accommodated in a small buildable area without some sort of relief.

2. The requested Adjustment is the minimum deviation necessary to enable reasonable use of the property.

*Petitioner Comments: By granting this adjustment represents the smallest departure from the UDC needed to allow reasonable use of the property. The South Barn was built there due to a small creek East of the barn. During large snow runoffs they did not want the animals or equipment going through the creek due to safety. The North barn was built also because of the small creek that existed at the time the barn was built.*

**Staff Comments: Supportable.** This property is not platted, and the structures meet all property line setbacks. The AF zone district also requires road centerline setbacks due to irregular property lines in agricultural areas. The barn is 65' from the centerline of the roadway, and the pole barn is 66' from the centerline of the roadway. A typical platted County roadway easement is 60'. The current location of the structures is sufficient for snow storage and is not an egregious encroachment along County Road 43.

3. The Adjustment is necessary to provide the property with comparable use rights and privileges permitted to other properties in the vicinity and in the applicable zone district.

*Petitioner Comments: This adjustment will allow the property to be used in equity with the other properties in the vicinity. A secondary dwelling unit is a use by right in the AF zoning district. This would allow the owners mother-in-law to live on the property and be close to the family. If the variance is not permitted, they will not be able to build the SDU. There are many SDUs in the County. The small creek played a major role in the placement of the barns.*

**Staff Comments: Supportable.** The applicant is not seeking to exceed the typical use rights of other agricultural properties. The original barn was built in 1910. The existence of the stream and the location of the road played a role in determining the barn's placement at that time. The site constraints that dictated the original location of the barn and subsequent additions are the same

**constraints that justify the Adjustments today. With current setback requirements, the Adjustments are necessary to allow the property owner to continue to use the property for agriculture and to allow for typical, reasonable agriculture structures. Since no complaints have been received and because these structures have a historic agricultural use, they appear to be contextually appropriate on the property in the AF zone district.**

The Adjustment, if granted, will not confer a personal convenience or special privilege to the applicant.

*Petitioner Comments: By granting this adjustment will not give the owner any advantage or special privilege than other surrounding property owners have.*

**Staff Comments: Supportable. The owners wish to use the property as any other agricultural property, with typical agricultural buildings such as these barns.**

4. Circumstances creating the hardship were in existence on the effective date of the regulations from which an adjustment is requested, or were created subsequently through no fault of the applicant.

*Petitioner Comments: The hardship was created by no fault of the current owner and the barn to the south was built in the early 1900s. The applicant did not intentionally or negligently create this hardship. The hardship is that the barn was built on one parcel with no setback requirements and was conforming to the regulations in effect at that time.*

**Staff Comments: Supportable. The applicants did not construct these barns. Because there were no permitting requirements when the barn was built in 2000, the owners were likely unaware of the setback requirements for such structures. The prior owners did not inform the current owners of this, and the current owners, upon purchasing this property in 2017, had no reason to suspect that the barns had been placed there illegally.**

5. The property for which an Adjustment is requested possesses a site-specific constraint, such as exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zone district.

*Petitioner Comments: Hofschulte\_Site\_Survey\_Variance\_4.pdf shows the Existing Conditions at the Property.*

*According to the County Records J.T. Kelton owned all of tracts 41 & 42 in 1959. The dividing line between Tract 41 & 42 is near the County Road so he owned both sides of the road. The original south barn was built in about 1910 on one piece of property with no setbacks. The location of the original south barn may have been influenced by a*

*small creek east of the barn. Exhibits "Ancient Creek 1 & 2" show the location of the creek before it was relocated.*

*The location of the creek made it necessary to move the barn westerly to allow for ranch equipment access and hay storage.*

*Kelton sold most of the land off in 1985. We have attached a picture of the barn from 1969.*

*At the time of construction of the North barn in about 2000, it was considered an AG building which did not need a permit for AG storage. It is open on one side and has no utilities. The barn was built parallel to the old barn for functionality and to keep it a reasonable distance from the small creek which still existed at the time. Exhibits "Ancient Creek 1 & 2" show the location of the creek before it was relocated. There is a small depression in the existing driveway east of the North barn that may be subsidence indicating the location of the ancient creek. Exhibit - "LIDAR OVERLAY" shows the depression.*

*The Site Survey for Variance includes a 1969 USGS Quad Map showing the location of the ancient intermittent creek that has been filled in over the years. It is probable that the rancher who built the old barn located it away from the creek and toward the road.*

*The new owner bought the property in 2017 and will build the ADU to all UDC standards. These barns were built by prior owners with no knowledge of the UDC and setback requirements. It appears that surrounding property owners have similar issues.*

**Staff Comments: Supportable.** The applicants' property is a 39-acre triangle-shaped property. The western edge of the parcel contains the full width of County Road 43, making the barns 88 feet and 89 feet from the western property line. The encroachment into the setback is caused by the requirement that the structures must be 80 feet from the centerline of the roadway. The structures are 65 and 66 feet from the centerline rather than 80 feet. On the east side of the barns there are intermittent streams and wetlands, located approximately 60 feet away from the closest edge of the barns. Steep slopes on the opposite side of the stream prevent further development past the stream. Also, when the original barn was constructed, there was potentially even more constraint on the developable land, with an ancient streambed lying closer than the current stream is now. The size of the area between the road and the stream that runs through the western area of the property limits where the property owners could build. Generally, sites might have limitations in one of these aspects, but having both close together, along with the only access on this side to the property, makes this property unusual compared to other properties in the same zone district.

6. The Adjustment, if granted, will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood.

*Petitioner Comments: The barns give agricultural and architectural value and character to the surrounding properties. There have been no complaints on the barns and the neighbors across the road support the variance and hope it is approved.*

**Staff Comments: Supportable. The barns have been in this location for over 26 years and have not caused any issues with access, plowing, or unwanted visual impacts. No complaints have been received regarding these structures.**

7. The Adjustment, if granted, will not be directly contrary to the intent and purpose of this UDC or the Master Plan.

*Petitioner Comments: The adjustment does not conflict with the long-term planning vision for this neighborhood. The property is supporting the goals of the zone district. The existing barns cooperate with the visual, productive, and cultural values for agricultural lifestyles. The adjustment is consistent with the intent of the UDC and does not conflict with the goals or policies of the master Plan.*

**Staff Comments: Supportable. The Adjustment is consistent with the intent of the UDC and does not conflict with the goals or policies of the Master Plan. The Master Plan supports the continued viability of agriculture. Historically, it was common to locate agricultural structures close to the roadway to facilitate the loading and unloading of animals and agricultural products, as well as plowing. These barns do not create any impacts that would justify the strict enforcement of setbacks in this location.**

### **Board of Adjustment Options:**

**Approve** the adjustment if the above noted criteria are met.

**Approve conditionally** if the above noted criteria are met or can be met by the application of certain conditions, or if certain conditions are necessary to mitigate concerns.

**Table** for specific reasons: e.g. more information, site review, etc.

**Deny** the adjustment if it does not meet the criteria stated above or if the variance would create a health or safety hazard or would negatively impact public welfare.

### **STAFF RECOMMENDATION**

Staff recommends approving the Adjustment as requested with conditions of approval, based on the following findings of fact.

**FINDINGS OF FACT** that may be appropriate if the adjustment is **APPROVED**:

1. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this UDC are strictly enforced because the barns are already built, and it would be exceptionally difficult for the current owners to move them today.

2. The requested Adjustment is the minimum deviation necessary to enable reasonable use of the property, because the barns' locations provide sufficient space for any foreseeable needs of adjacent properties or the public as a whole to utilize County Road 43.
3. The Adjustment is necessary to provide the property with comparable use rights and privileges permitted to other properties in the vicinity and in the applicable zone district because it is common and customary for agricultural properties to have barns of this size and use in this zone district.
4. The Adjustment, if granted, will not confer a personal convenience or special privilege to the applicants, as they are only seeking to legalize barns that have been continuously used for by-right agricultural purposes since their construction.
5. Circumstances creating the hardship were in existence on the effective date of the regulations from which an adjustment is requested, or were created subsequently through no fault of the applicant because the applicants did not build these structures.
6. The property for which an Adjustment is requested possesses a site-specific constraint, such as exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zone district because this particular property has a stream running north and south in close proximity with the County Road 43, making the developable area exceptionally narrow.
7. The Adjustment, if granted, will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood because the barns are already constructed and do not encroach upon any adjacent dwellings, structures, or properties, and do not impair the use of or passage onto County Road 43.
8. The Adjustment, if granted, will not be directly contrary to the intent and purpose of this UDC or the Master Plan because the UDC and Master Plan are intended to facilitate by-right uses such as agriculture, and cannot anticipate every situation in which a reduced setback is beneficial without creating negative impacts.

**TERMS OF APPROVAL** include the following:

1. The barns that are subject to this Adjustment are considered agriculture buildings under the building code for Agriculture Building Permit Exemptions. If these barns were to be used for something other than agriculture buildings, then building permits would be required. Therefore, the property owner needs to review the allowed uses and allowed storage of items inside the agriculture barns, and provide a letter to the building department stating that they understand and agree not to use the agriculture barns for personal storage of residential items that do not align with the building department's definition of an agriculture building, and also state they agree to make future buyers of this property aware of the minimal uses allowed in terms of items that are allowed to be stored in these agriculture barns.

2. This approval is specific to the plans submitted in the application. Any change in footprint, size, height, or site location that increases the level of non-conformance will be subject to a new application. Minor changes that do not increase the level of non-conformance can be approved administratively, without notice.
3. All development associated with this Adjustment, including lighting, signage, utilities, stormwater, access, parking, landscaping/revegetation, and snow storage, shall comply with the applicable standards in Chapter 3 of the UDC.



Ellen Slobodnik Design and Drafting  
2901 Westend Avenue, Steamboat Springs, CO 80487  
Cell: 970-819-5090 | email: erapoportc@yahoo.com

Planning Department

March 18, 2026

136 6<sup>TH</sup> Street

Steamboat Springs, CO 80487

Attn: Greg Jaeger, Planner 1

PS25-118

Dear Alan Goldich,

The applicant Michael Hofschulte has been denied a building permit for an ADU for his mother-in-law because his existing barns do not meet the setback requirements from the road. When they bought this property in 2017 this information was never disclosed that the barns were too close to the road and that they are on a non-conforming piece of property. The ADU is being built for their mother-in-law Lola Schlapkohl who lost her husband Scott (who was an owner at ACE hardware for 30 years) suddenly and unexpectedly to cancer this past July. After experiencing their family tragedy this past year, it really brings into perspective how valuable life is and how unexpected it can be. They want to have their mother-in-law closer so their three children can continue to build connection with their grandma and that she can be closer to the family as she ages. The applicants both grew up here in what once was called old town Steamboat. They are a working family who both own businesses here and would really like to continue to raise their next generation in Routt County while being close to family.

We are seeking an adjustment for a minimum front setback. The lot created was accepted by Routt County and was considered conforming to the regulations in effect at the time of creation.

#### **4.71. Adjustments**

1. Peculiar and exceptional practical difficulties or unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this UDC are strictly enforced.

*The rules should not be applied so rigidly that it creates an unfair burden such as tearing down both barns that were built before the current owners purchased the property. The*

*owner currently uses the barns for allowed use. The southernmost barn was built before the land was subdivided and setbacks were applied. The Northern most barn was built to be near the existing barn for ease of access. Tearing the barns down would be a hardship for the current owners. These barns fit very well with the neighboring properties and offer great character for the agricultural community.*

2. The requested Adjustment is the minimum deviation necessary to enable reasonable use of the property.

*By granting this adjustment represents the smallest departure from the UDC needed to allow reasonable use of the property. The South Barn was built there due to a small creek East of the barn. During large snow runoffs they did not want the animals or equipment going through the creek due to safety. The North barn was built also because of the small creek that existed at the time the barn was built.*

3. The Adjustment is necessary to provide the property with comparable use rights and privileges permitted to other properties in the vicinity and in the applicable zone district.

*This adjustment will allow the property to be used in equity with the other properties in the vicinity. A secondary dwelling unit is a use by right in the AF zoning district. This would allow the owners mother-in-law to live on the property and be close to the family. If the variance is not permitted, they will not be able to build the SDU. There are many SDUs in the County. The small creek played a major role in the placement of the barns.*

4. The Adjustment, if granted, will not confer personal convenience or special privilege to the applicant.

*By granting this adjustment will not give the owner any advantage or special privilege than other surrounding property owners have.*

5. Circumstances creating the hardship were in existence on the effective date of the regulations from which an adjustment is requested or were created subsequently through no fault of the applicant.

*The hardship was created by no fault of the current owner and the barn to the south was built in the early 1900s. The applicant did not intentionally or negligently create this hardship. The hardship is that the barn was built on one parcel with no setback requirements and was conforming to the regulations in effect at that time.*

6. The property for which an Adjustment is requested possesses a site-specific constraint, such as exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zone district.

*Hofschulte\_Site\_Survey\_Variance\_4.pdf shows the Existing Conditions at the Property.*

*According to the County Records J.T. Kelton owned all of tracts 41 & 42 in 1959. The dividing line between Tract 41 & 42 is near the County Road so he owned both sides of the road. The original south barn was built in about 1910 on one piece of property with no setbacks. The location of the original south barn may have been influenced by a small creek east of the barn. Exhibits "Ancient Creek 1 & 2" show the location of the creek before it was relocated.*

*The location of the creek made it necessary to move the barn westerly to allow for ranch equipment access and hay storage.*

*Kelton sold most of the land off in 1985. We have attached a picture of the barn from 1969.*

*At the time of construction of the North barn in about 2000, it was considered an AG building which did not need a permit for AG storage. It is open on one side and has no utilities. The barn was built parallel to the old barn for functionality and to keep it a reasonable distance from the small creek which still existed at the time. Exhibits "Ancient Creek 1 & 2" show the location of the creek before it was relocated. There is a small depression in the existing driveway east of the North barn that may be subsidence indicating the location of the ancient creek. Exhibit - "LIDAR OVERLAY" shows the depression.*

*The Site Survey for Variance includes a 1969 USGS Quad Map showing the location of the ancient intermittent creek that has been filled in over the years. It is probable that the rancher who built the old barn located it away from the creek and toward the road.*

*The new owner bought the property in 2017 and will build the ADU to all UDC standards. These barns were built by prior owners with no knowledge of the UDC and setback requirements. It appears that surrounding property owners have similar issues.*

7. The Adjustment, if granted, will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air, and open space in the neighborhood, nor change the character of the neighborhood.

*The barns give agricultural and architectural value and character to the surrounding properties. There have been no complaints on the barns and the neighbors across the road support the variance and hope it is approved.*

8. The Adjustment, if granted, will not be directly contrary to the intent and purpose of this UDC or the Master Plan.

*The adjustment does not conflict with the long-term planning vision for this neighborhood. The property is supporting the goals of the zone district. The existing barns cooperate with the visual, productive, and cultural values for agricultural lifestyles. The adjustment is consistent with the intent of the UDC and does not conflict with the goals or policies of the master Plan.*

If you have any questions or comments, please contact me.

Sincerely,

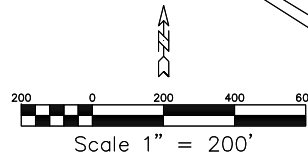
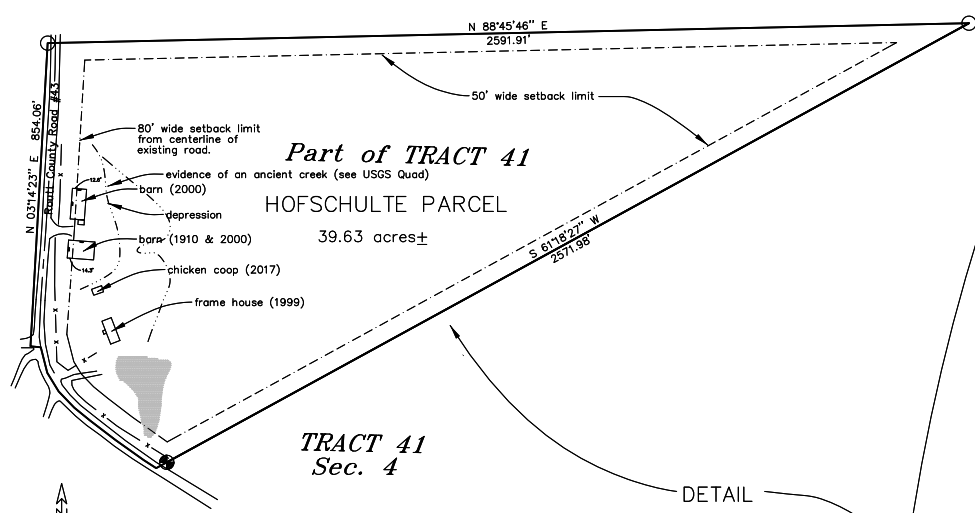
***E. Slobodnik*** \_\_\_\_\_

Ellen Slobodnik. (Design and Drafting)

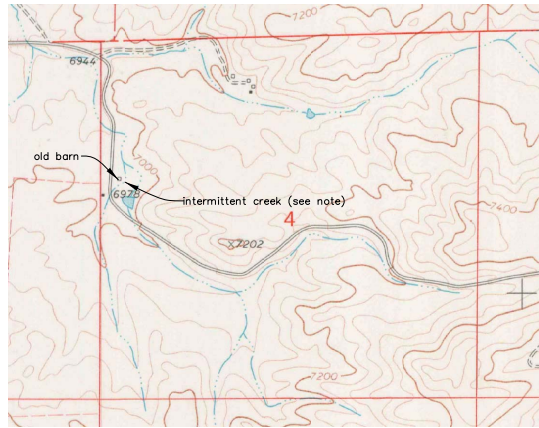
# Site Survey for Variance Application

TRACT 39

TRACT 42



USGS QUAD



### LEGEND

- Indicates a property corner consisting of a capped #5 rebar marked LS 24318 found and accepted unless otherwise noted.
- Indicates an appropriately marked GLO brass cap monument.
- Sewer --- Indicates a proposed underground sewer line.
- W --- Indicates a proposed underground water line.
- ELEC --- Indicates a proposed underground electric line.
- GAS --- Indicates a proposed underground propane line.
- X --- Indicates an existing fence.
- --- Indicates existing overhead power lines.
- --- Indicates existing underground sewer lines.
- --- Indicates existing underground water lines.
- ELEC --- Indicates an existing underground electric line.
- GAS --- Indicates an existing underground natural gas line.

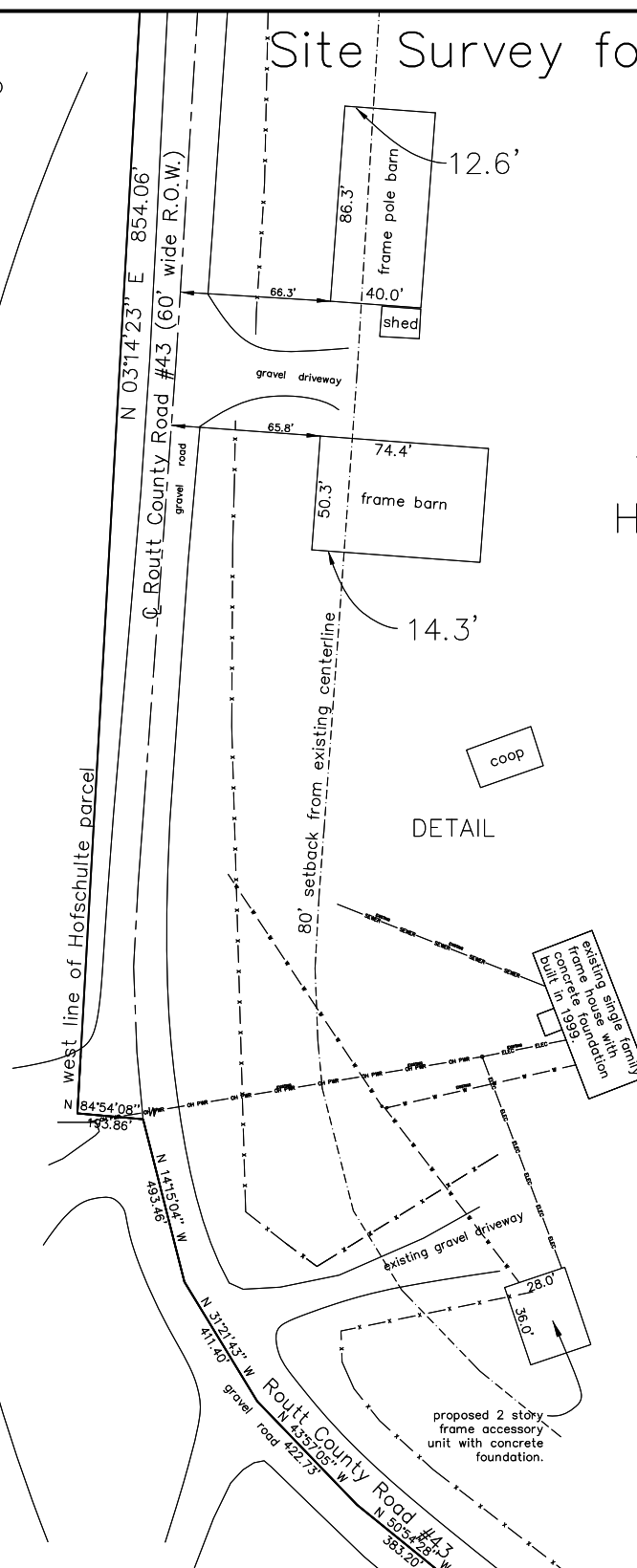
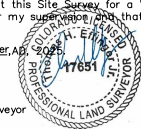
To determine ownership or easements of record. For all information regarding easements, rights-of-way or title of record, E&F Associates relied upon - Routt County records.

### NOTES

- The centerline of RCR 43 and its Right-of-Way was determined by field measurements of the edges of the gravel surface.
- The 1969 USGS Quad Map shows an intermittent creek behind the old barn that has been filled in over the years. This creek existed when the barn was built and probably caused the rancher to build the barn away from the creek toward the road.

### LAND SURVEYOR'S CERTIFICATE

I, Thomas H. Effinger Jr., being a Registered Land Surveyor in the State of Colorado, do hereby certify that this Site Survey for a Variance was prepared by me and under my supervision and that it is correct to the best of my knowledge.  
 Dated this 29th day of December, A.D. 2025.  
 Thomas H. Effinger Jr.  
 Colorado Professional Land Surveyor  
 No. 17651

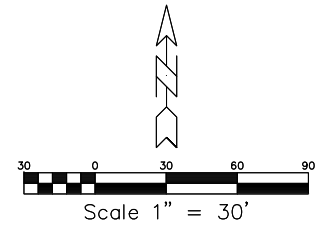


## Part of TRACT 41 HOFSCHULTE PARCEL

39.63 acres±

### LEGAL DESCRIPTION

Legal Description of a tract of land located in part of Tract 41, Section 4, Township 6 North, Range 85 West, of the 6th, PM, Routt County, Colorado, and more particularly described as follows, Beginning at Angle Point Number 2 of said Tract 41, thence along the north line of said Tract 41 North 88° 45' 46" East a distance of 2591.91 feet; thence South 61° 18' 27" West a distance of 2571.98 feet; thence South 61° 18' 27" West a distance of 34.10 feet to the center line of Routt County Road Number 43; thence along the said center line North 57° 04' 35" West a distance of 41.43 feet; thence continuing along the said center line North 54° 34' 44" West a distance of 97.90 feet; thence continuing along the said center line North 52° 33' 43" West a distance of 89.44 feet; thence continuing along the said center line North 50° 54' 28" West a distance of 57.45 feet; thence continuing along the said center line North 43° 57' 05" West a distance of 63.41 feet; thence continuing along the said center line North 31° 21' 43" West a distance of 61.71 feet; thence continuing along the said center line North 14° 15' 04" West a distance of 74.02 feet; thence continuing along the said center line North 84° 54' 08" West a distance of 29.08 feet to the west line of said Tract 41; thence along said west line of Tract 41, North 03° 14' 23" East a distance of 854.06 feet to the Point of Beginning. Containing 39.63 acres more or less.



NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

<b>E&amp;F Associates</b> P.O. Box 771965 Steamboat Springs, CO 80477 Surveyors	
<b>Site Survey for Variance</b>	
Parcel in Tract 41, Section 4, T.5 N., R.85 W. of the 6th P.M., Routt County, Colorado.	
Client: Michael Hofschulte	
Drawing name: Hof_Var	
Drawn by: TE	Date: 12-29-25 Revised: 1-16-26 2-14-26 3-18-26

N 03°14'23" E 854.06

Routt County Road

# EXHIBIT — ANCIENT CREEK —1

80' wide setback limit from centerline of existing road.

evidence of an ancient creek

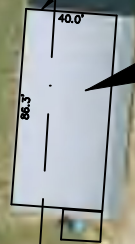
barn (2000)

depression

barn (1910 & 2000)

chicken coop (2017)

frame house (1999)



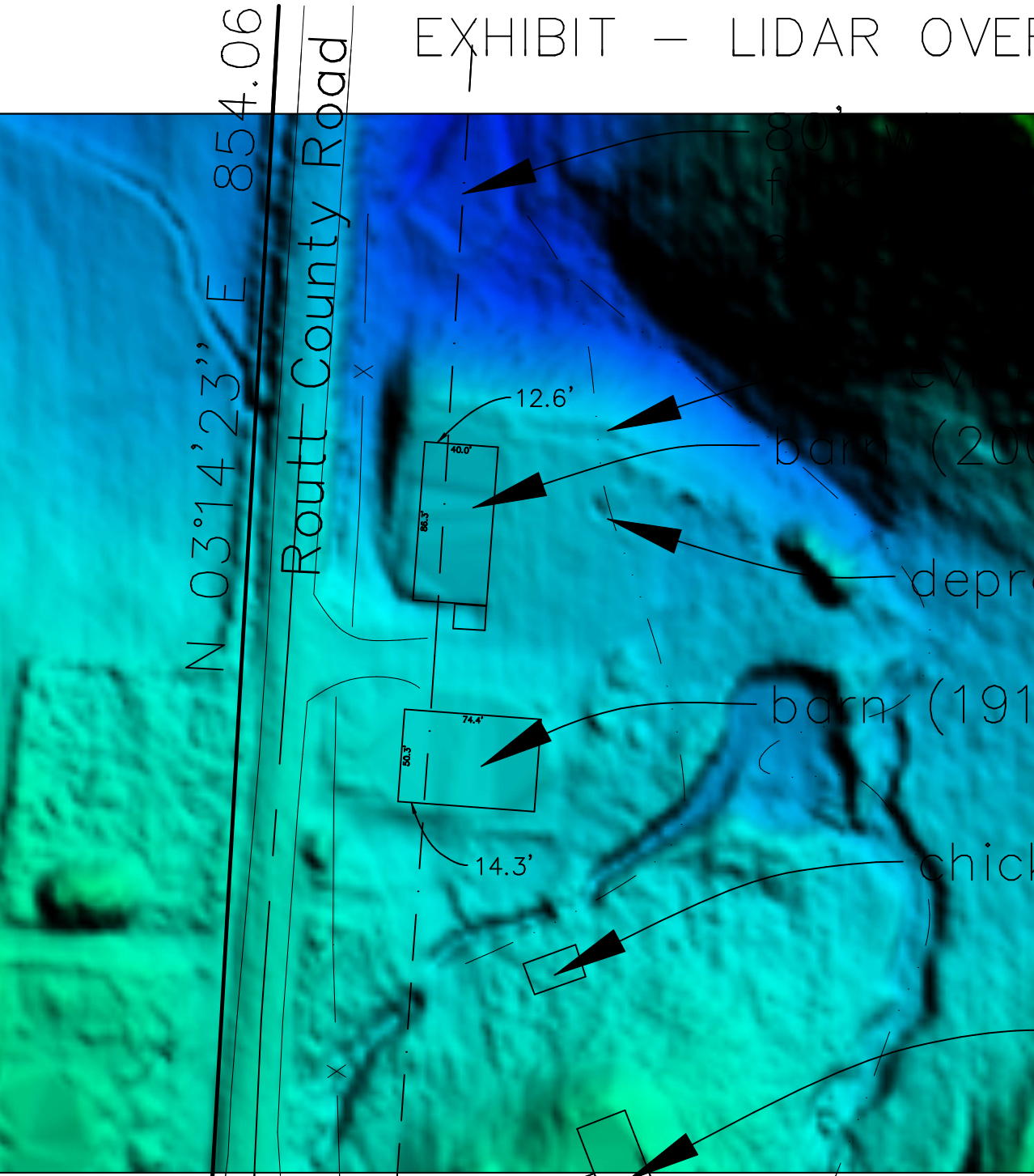
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HOF S

# EXHIBIT - LIDAR OVERLAY



80' setback limit  
from centerline of  
road.

evidence of an ancient creek  
barn (2000)

depression

barn (1910 & 2000)

chicken coop (2017)

frame house (1999)

*Pai*

HOF5



NORTH ELEVATION



SOUTHEAST ELEVATION



SOUTH BARN INTERIOR



SOUTH BARN INTERIOR



SOUTH BARN INTERIOR



SOUTH BARN INTERIOR



Ellen Sloboskin Design and Drafting  
 2901 Westend Avenue, Steamboat Springs, CO 80487  
 Cell: 970-819-5090 | email: erapoptoc@yahoo.com

PLANS FOR:  
**MICHAEL HOFSCHULTE**

25990 CR 43  
 ROUTT COUNTY, COLORADO

JOB NO.: 26-002  
 DRAWN: ECS  
 DATE: 02-16-26

REVISIONS		
NO.	DATE	DRAWN
△	XX-XX-XX	XXX

SHEET NUMBER

**A-1**



SOUTHEAST ELEVATION



NORTHEAST ELEVATION



NORTHEAST ELEVATION



NORTH BARN INTERIOR



NORTH BARN INTERIOR



NORTH BARN INTERIOR



NORTH BARN INTERIOR

THE NORTH BARN HAS NO UTILITIES ONLY A GENERATOR



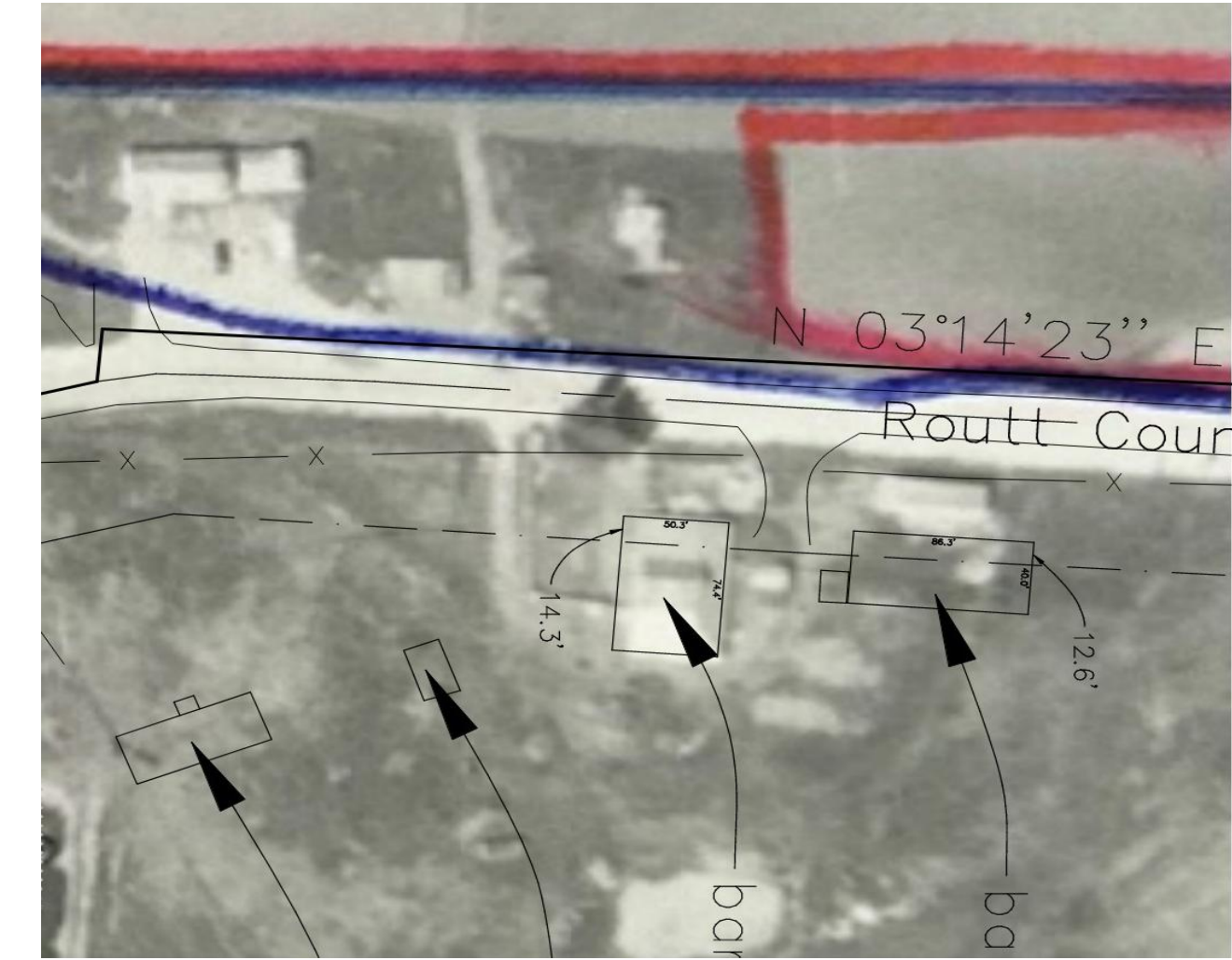
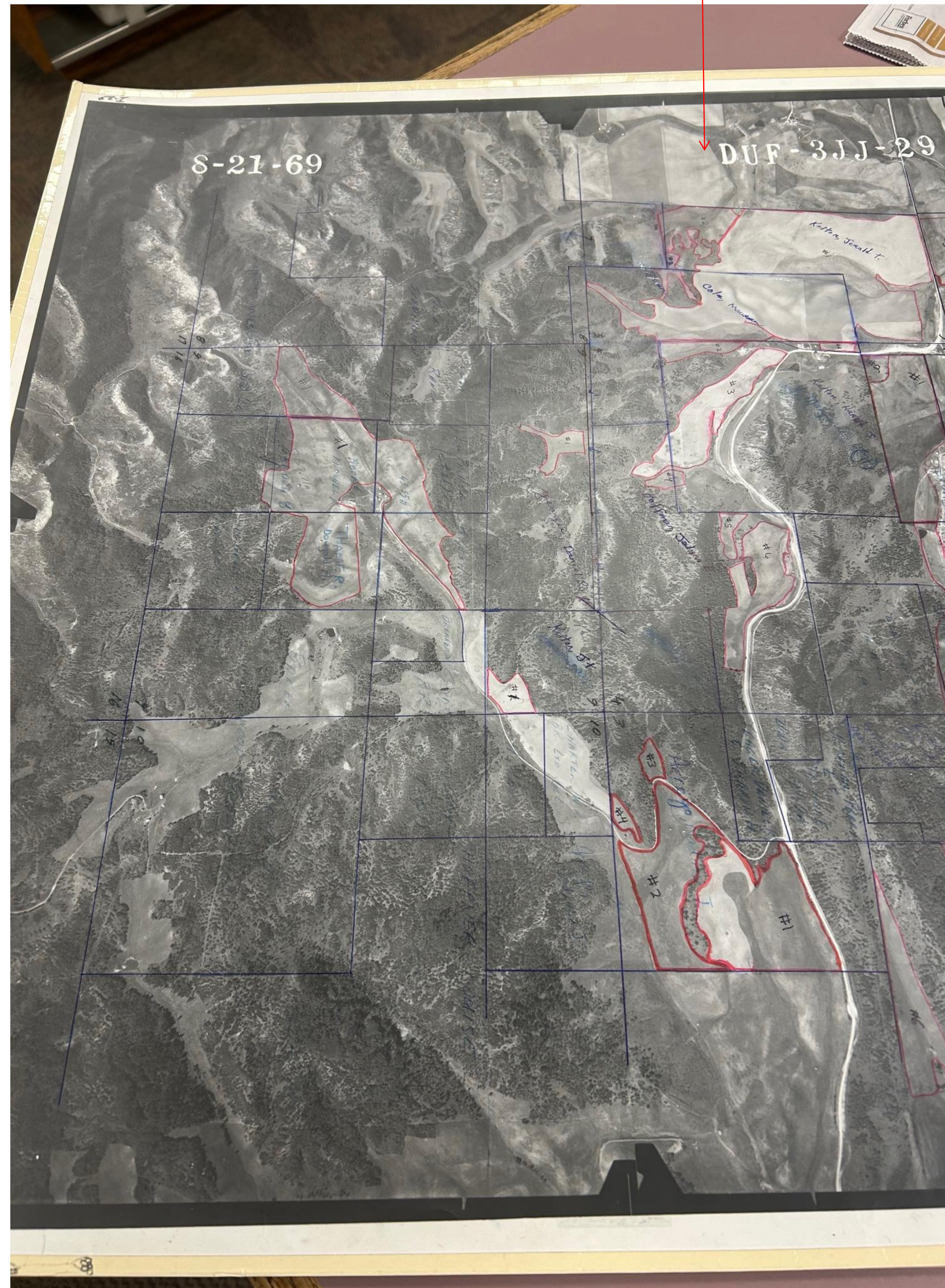
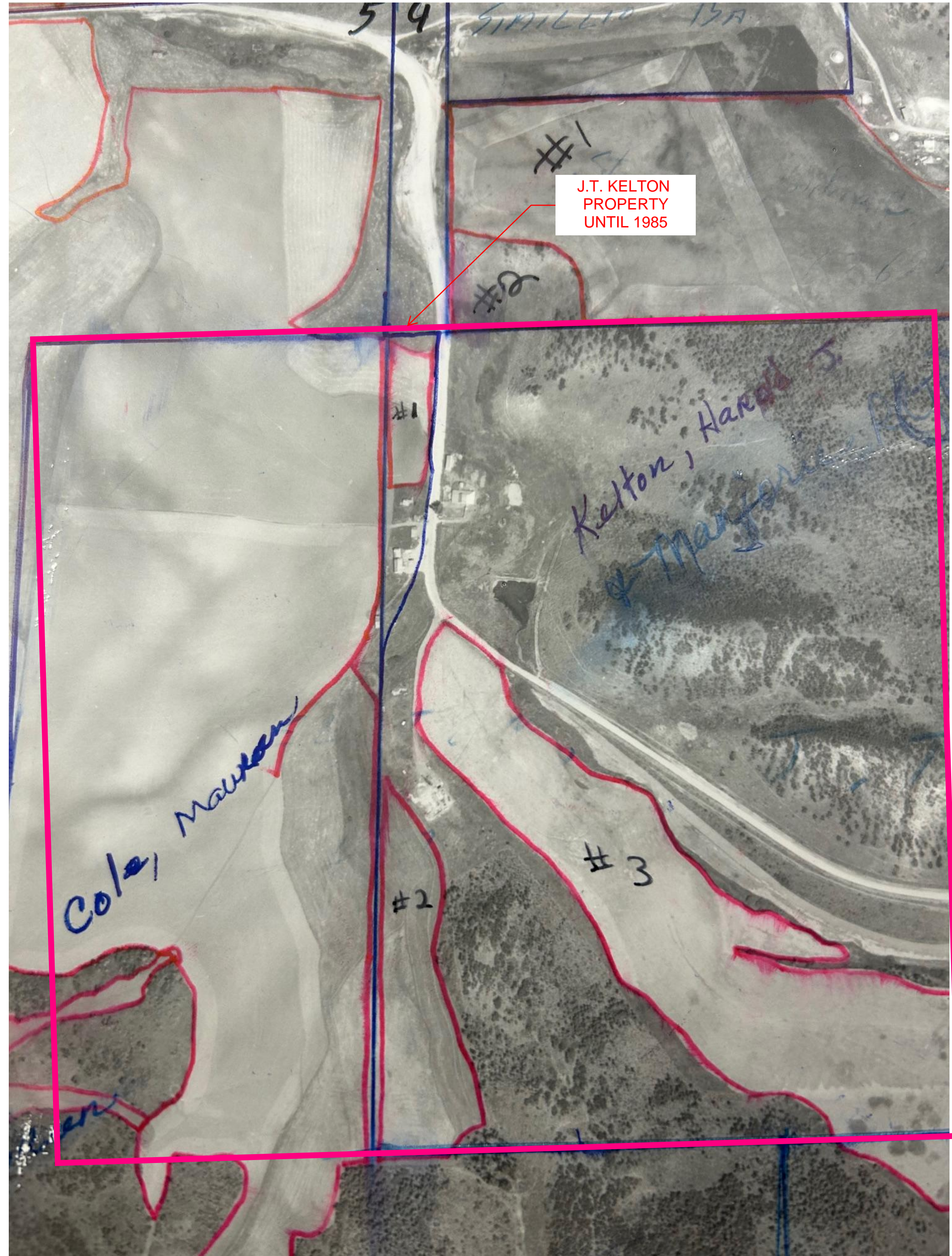
Ellen Slobonik Design and Drafting  
2901 Westland Avenue, Steamboat Springs, CO 80487  
Cell: 970-819-5090 | email: erslopotc@yahoo.com

PLANS FOR:  
**MICHAEL HOFSCHULTE**  
25990 CR 43  
ROUTT COUNTY, COLORADO

JOB NO.: 26-002  
DRAWN: ECS  
DATE: 02-16-26

REVISIONS		
NO.	DATE	DRAWN
△	XX-XX-XX	XXX

SHEET NUMBER  
**A-2**



OVERLAY OF EXISTING 1969 BARN PICTURE



Ellen Slobodnik Design and Drafting  
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Cell: 970-819-5090 | email: ersp@outlook.com

PLANS FOR:  
**MICHAEL HOFSCHULTE**  
25990 CR 43  
ROUTT COUNTY, COLORADO

JOB NO.: 26-002  
DRAWN: ECS  
DATE: 02-16-26

REVISIONS		
NO.	DATE	DRAWN
△	XX-XX-XX	XXX

SHEET NUMBER  
**A-3**



EXHIBIT ANCIENT CREEK #1

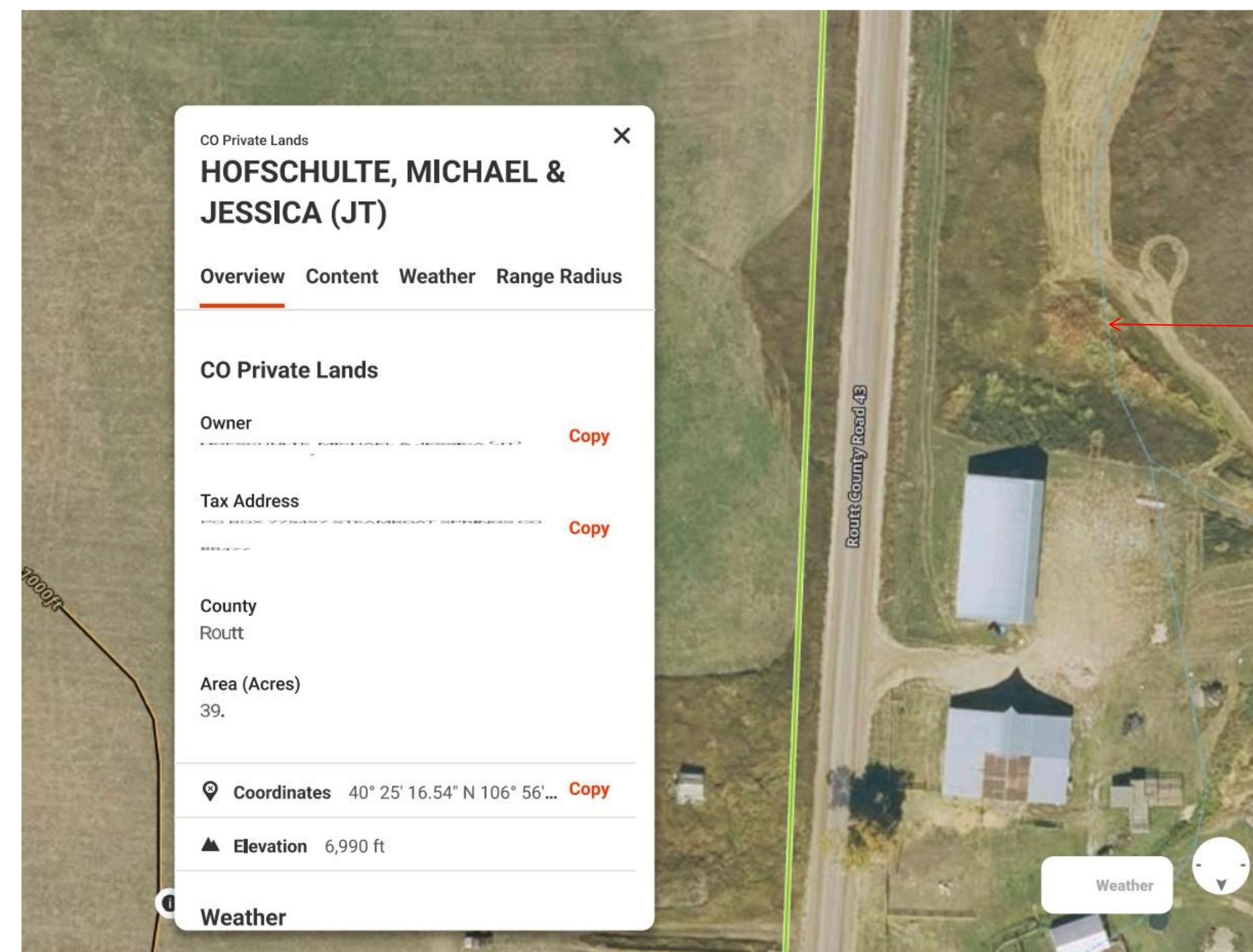


EXHIBIT ANCIENT CREEK #2

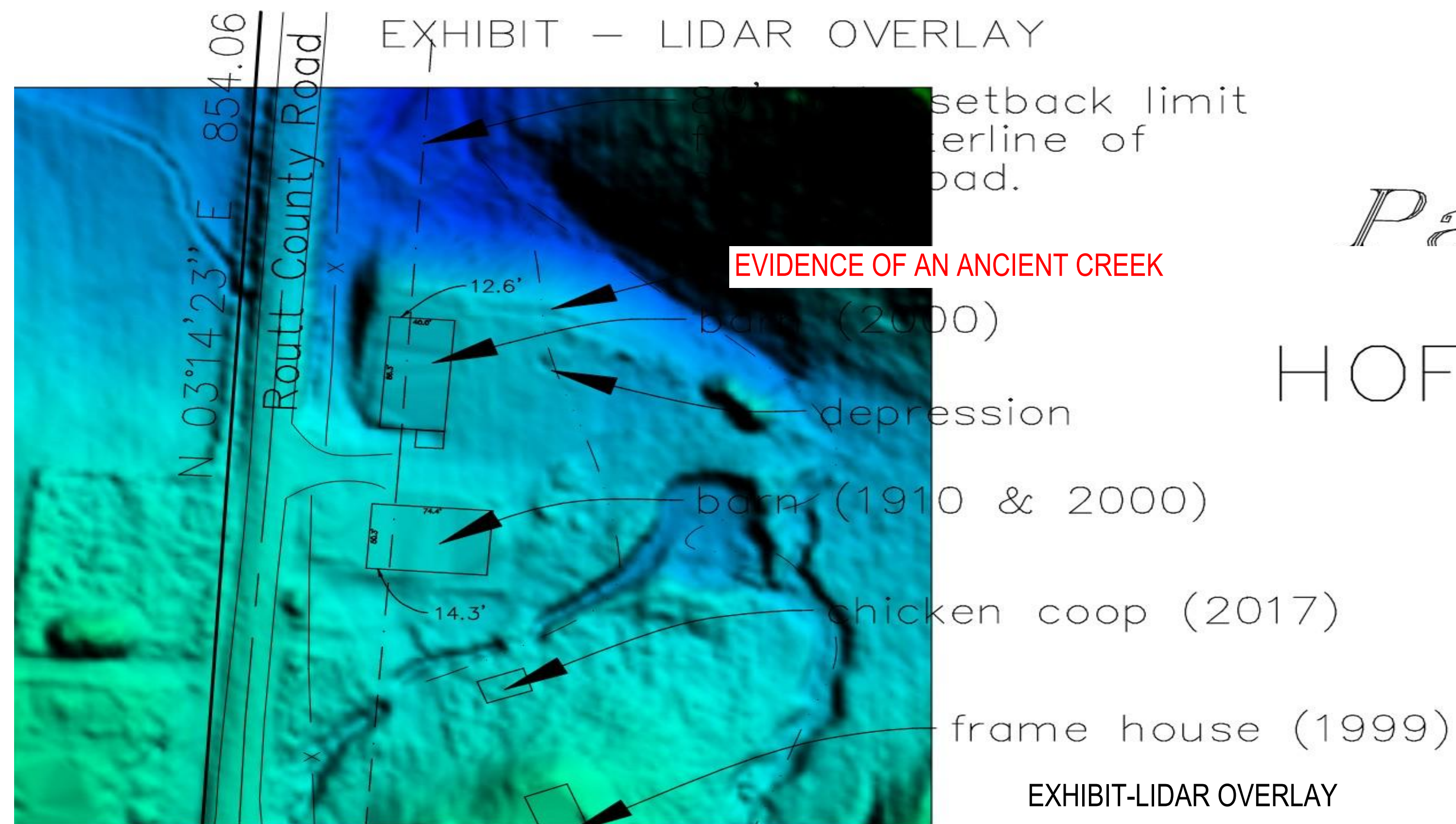


EXHIBIT-LIDAR OVERLAY



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2901 Westend Avenue, Steamboat Springs, CO 80487  
Cell: 970-819-5090 | email: erapopotc@yahoo.com

PLANS FOR:  
**MICHAEL HOFSCHULTE**  
25990 CR 43  
ROUTT COUNTY, COLORADO

JOB NO.: 26-002  
DRAWN: ECS  
DATE: 02-16-26

REVISIONS		
NO.	DATE	DRAWN
△	XX-XX-XX	XXX

SHEET NUMBER  
**A-4**

Site Photos PL20260004



1. County Road 43 looking at the barns



2. CR43 on the other side of barns on the edge of the road



3. Showing the steep terrain behind the stream on the property



4. Again showing the same area but showing the full fence line



5. Looking at the barn built in 1910 with the addition in 2000



6. Edge of property looking at a small pond next to CR43



7. Looking at the stream that runs near the barns



8. Looking at the other side of the stream that runs near the barns

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [PlanningDept](#)  
**Subject:** Online Form Submittal: Planning Department Feedback Form  
**Date:** Friday, March 6, 2026 12:52:49 PM

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## Planning Department Feedback Form

First Name	Wesley
Last Name	Fisbeck
City	Steamboat Springs
State	CO
Zip	80487
Email	<a href="mailto:wesley.fisbeck@ppofco.com">wesley.fisbeck@ppofco.com</a>
Routt County Residency	Full time resident
Planning Application Number:	PL20260004- Hofschulte Adjustment Sign #CO30

Please provide comments on the application that you specified:

This email is in regard to the variance request information I received in the mail as an adjacent property owner. We own two parcels directly across County Road 43 from the subject property: parcel #326700001 and parcel #326700002.

Please accept this email as my support for the variance to be granted. I have issues with this in the UDC, and I do not believe that the ability to construct an SDU (or any other accessory structure) that meets current planning requirements should be hindered by existing buildings located within a setback. It is an unnecessary hardship to require moving or removing existing buildings in order to obtain new building permits.

Additionally, there are numerous examples of the Planning Department signing off on new building permits while allowing existing buildings within the setbacks to remain, simply because someone in the Planning Department deemed an encroaching building a "legal, non-conforming building" in their system at some point in time. In my opinion, Routt County Planning has done a poor job of consistently enforcing the policy of requiring existing structures within setbacks to be moved or removed as a condition for new permits, and this policy should be removed from the UDC.

Thank you,

Wesley Fisbeck  
(970) 290-3773

---

Upload accessible  
document/file:

*Field not completed.*

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Email not displaying correctly? [View it in your browser.](#)