

# FORUM PHI | Zoning Analysis

## 1650 MCLAIN FLATS

### ZONING

Municipality: Pitkin County  
Subdivision: White Horse Springs  
Zone District: RS-20  
Lot Size: 21.38 acres  
Parcel ID: 2733-271-00-002

### SETBACKS

Front Yard Setbacks: 100'  
Rear Yard Setback: 50'  
Side Yard Setback: 50'  
Stream Setback: 100'  
Height Limit: 28' Principal | 20' Accessory

### EXISTING FLOOR AREA = ALLOWABLE FLOOR AREA

**Main House**  
Main Level: 5,761 SF  
Garden Level Basement: 2,161 SF  
Unfinished Basement Area: 290 SF

Gross Interior Area: 8,212 SF

Finished Garage: 1,494 SF  
Enclosed Porch: 176 SF  
Open Porch: 260 SF  
Wood Balcony: 439 SF  
Wood Deck: 1,977 SF

**Combined Gross Interior Area: 9,882 SF**

**Athletic Facility**  
**Gross Interior Area:** 13,370 SF

**Caretaker Dwelling Unit - Deed Restricted**  
Main Level: 1,392 SF  
Garage Built into Basement: 492 SF  
Car Port: 713 SF  
Wood Deck: 300 SF

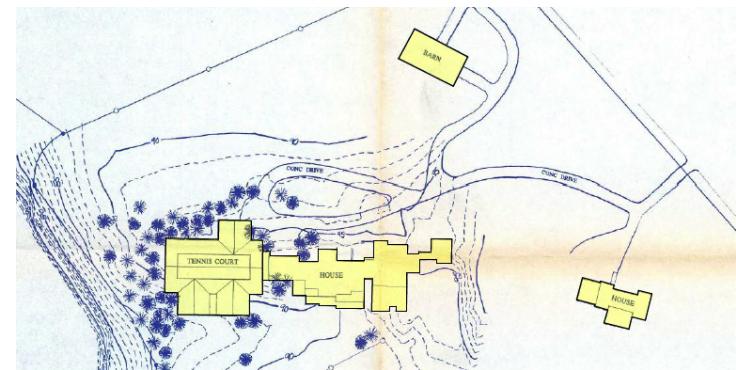
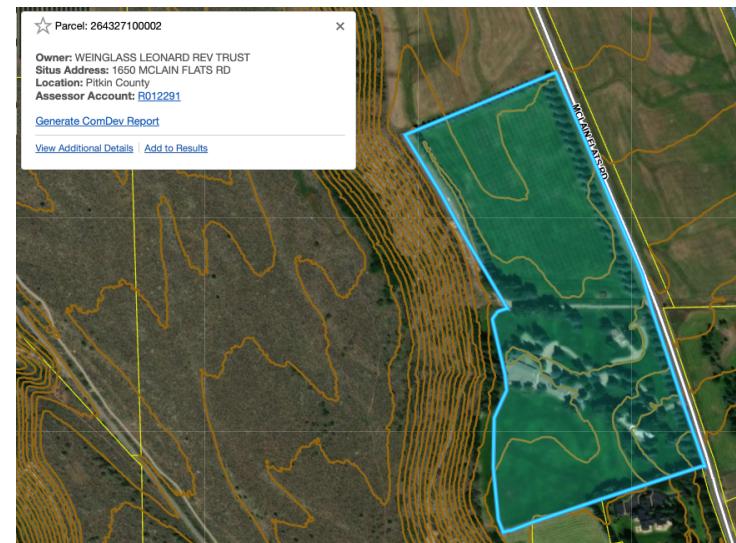
**Gross Interior Area:** 1,884 SF

**Barn**  
**Gross Interior Area:** 5,830 SF (as listed in Cert. of Occ.)

**Gross Interior Area of All Structures: 30,966 SF** (approx. interior gross floor area)

### SITE CONSTRAINTS

Wildfire: Low  
Wildlife: Elk Winter  
Scenic View Protection: Yes



### EXISTING FLOOR AREA COMPARED

	Assessor	Prev. App.	Cert. of Occ.
<b>Main House</b>	9,882 SF	9,983 SF	8,660 SF
<b>Athletic Facility</b>	13,370 SF	14,861 SF	15,341 SF
<b>EDU</b>	1,884 SF	1,500 SF	N/A
<b>Barn</b>	N/A	N/A	5,830 SF
<b>Total</b>	30,966 SF	32,174 SF	31,331 SF

### ARCHITECT'S COMMENTS AND EXPLANATION

This property contains four legally created structures that exceed the maximum allowable floor area of 9,250 SF making the site non-conforming. The site includes the original free-market residential structure that is now a deed-restricted CDU, a single-family residence that was constructed in 1987 and added on to in 1991, a barn that was constructed in 1987, and an athletic facility that was constructed in 1998. Each of the structures, apart from the CDU, has a recorded Certificate of Occupancy. The CDU was approved in 1986 and deed-restricted in 1996 when a request for development over 15,000 SF was approved. The floor area on the property has all been legally constructed as evidenced by the Certificates of Occupancy and existing approvals.

According to Pitkin County Land Use Code Section 9-50-20, the existing structures may be expanded, repaired, restored, reconstructed, replaced, or remodeled as long as the activity does not increase the non-conformity. However, with recent changes to the Pitkin County Land Use Code, the County's interpretation of this code section may be more restrictive. It is not guaranteed that the County will approve certain redevelopment options that propose to maintain development rights to the 30,000 SF of non-conforming floor area.

A remodel of any existing structure(s) that does not alter the building footprint is most likely to receive approval from the County for a Site Plan Review Exemption. A Site Plan Review Exemption avoids the normal and lengthy land use process and would allow the existing structure(s) to maintain its development rights for square footage.

A redevelopment that alters the site's total floor area (aside from exempt agricultural structures) and/or alters a building's footprint would be subject to a full Site Plan Review. This also means there is no guarantee the County would allow redevelopment to maintain the approximately 30,000 SF of non-conforming floor area. Floor area allowance would likely revert to 5,750 SF up to 9,250 SF with TDRs, as was recently implemented by the County.

There is an existing 5,830 SF barn that contains 1,740 SF of exempt floor area. In addition to the barn, other exempt agricultural structures may be added to the property: hay storage building up to 224 SF (at 30' in height) and 336 (at 20' in height), unlimited loafing sheds up to 300 SF each, an agricultural equipment storage building up to 990 SF and a greenhouse up to 1,300 SF.

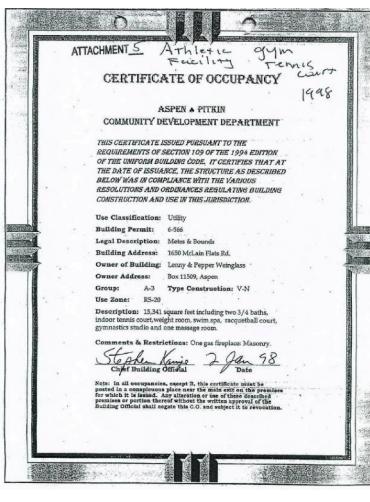
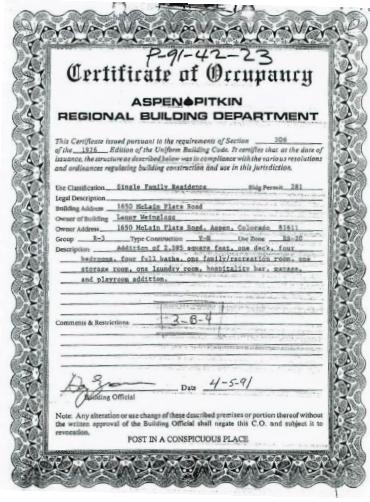
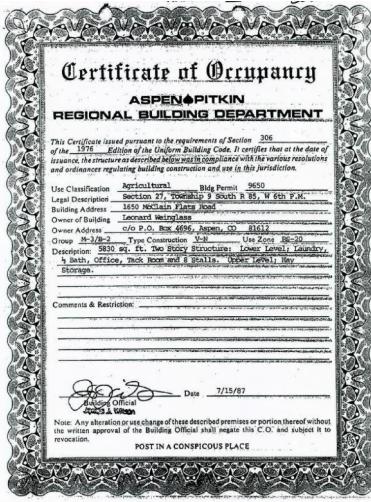
Also note that due to Pitkin County updated energy requirements, removal of the existing pool, and other qualifying energy uses like existing snowmelt, could reset the associated Renewable Energy Mitigation Program (REMP) fees and restrictions.



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### CERTIFICATES OF OCCUPANCY AND PREVIOUS APPROVALS



### CODE SECTION 9-50-20: NON-CONFORMING STRUCTURES

#### (c) Restoration, Repair, Reconstruction, Replacement, Remodel, and Additions to Legal Non-conforming Structures

A legal non-conforming structure may be expanded, repaired, restored, reconstructed, replaced, or remodeled as long as the activity does not increase the non-conformity. Prohibited enlargement of the non-conformity shall include, but not be limited to: expansion of the gross floor area where the floor area for the zone district has been exceeded and expansion of the structure in to the setbacks, including an increase in the mass of the existing structure within the setbacks; expansion of the structure into any other area where the development standards or the building codes prohibit development. Expansion of the structure into the setbacks, including an increase in the mass of the existing structure within the setbacks is prohibited, except in riparian/wetland setbacks, in which height and bulk may be added to an existing residential structure with no change to the existing footprint of the structure, subject to compliance with the following criteria:

