

Mt. Crested Butte should reconsider zoning decision

What's the difference between four feet and six one-hundredths of a foot? A lot, from the viewpoint of the Mt. Crested Butte Town Council. Nothing, from my perspective on the case of Perry Larson's request for variances for improper setbacks of his house.

The Council had earlier wisely expressed a reluctance to grant any variance at all. The tough and legally strict approach would have been to make the builder or owner move the building to the place

indicated on the maps and plats approved by the Town. The Planning Commission had failed to see any particular or special hardships which would justify the variances and had recommended denial.

The Council had also felt itself and unwitting victim in an unfortunate situation which should never have occurred.

But the Council did not want to impose a severe hardship on owner Perry Larson, himself and unwitting victim of

builder Gene Mason's mistake. So, when the whole mess was first presented to Council it informally agreed approve the variances on the condition that Larson satisfied his neighbors.

But after Larson accomplished that a significant personal expense, the Council refused one of the three variances and required the additional work of replatting.

Did they break a promise? Probably. Should they have approve

all three variances? I think so.

The real problem was not the degree of variances, but the issuance of variances at all in a case where the only hardship was caused by a private party's mistake. Attorney Rod Landwehr had already told the Council that the situation might not meet the necessary conditions for a variance spelled out in the zoning law. He advised a public hearing to determine why the variances do meet the conditions, but the

Council took no such input Tuesday.

If they're going to bend the law for two sides of the lot, why not the third? Replatting the one lot line was convenient to the Town and made the situation look a bit cleaner. But it still issued two variances, thus possibly bending the law. The replatting requirement just adds to Larson's burden and slaps his good faith effort in the face.

The long-term policy implications of the

decision may be great. How lenient will the Town be with future builders' mistakes? How much of a burden can the Town place on builders and people wanting to invest in local property? When does it apply the law strictly and when should it be lenient? What of the Council's basic integrity in making problems?

The Council should consider these implications and reconsider its zoning decision.

--Gary Sprung