

**A RESOLUTION OF THE
BOARD OF ADJUSTMENT OF OURAY COUNTY, COLORADO
TO APPROVE A VARIANCE FOR A SINGLE FAMILY DWELLING LOCATED ON LOT
34 OF THE IDLEWILD SUBDIVISION, FILING #2**

WHEREAS, Larry Coulter (*Owner*) has filed an application for a variance to construct a single family dwelling on Lot 34 of Idlewild Estates, Filing #2 (AKA 170 Suzanne Lane) (subject property); and

WHEREAS, the Owner seeks a variance from the required fifty-foot (50') setback from the southern property line; and

WHEREAS, the subject property is approximately 2.20 acres in size; and

WHEREAS, the subject property does not otherwise qualify for reduced setbacks set forth in Section 3 of the Ouray County Land Use Code, because it is greater than two (2) acres in size; and

WHEREAS, the application for variance was reviewed by the Land Use Staff, and found to be complete on June 11, 2014; and

WHEREAS, public notice was properly published in the Ouray County Plaindealer and posted on site, at least 10 days prior to the hearing held on July 8, 2014; and

WHEREAS, the Board of County Commissioners, sitting as the Board of Adjustment, of Ouray County, Colorado, reviewed all materials regarding the subject variance including the Staff report and recommendation, all materials submitted by the applicant, public comment provided by neighbors, and a presentation given by Staff at the hearing; and

WHEREAS, at the hearing before the Ouray County Board of Adjustment, Land Use Staff provided the Board of Adjustment with their analysis regarding the justification for the variance, including:

- The relatively small size of the parcel for the Valley Zone (exceptional shape of specific piece of property); and
- That existing grades significantly limit alternative locations to construct a walkout basement (exceptional topographic conditions); and
- That the flood plain encumbers 5% of the subject property (extraordinary and exceptional situation, and exceptional topographic conditions); and
- That the fifty-foot (50') setbacks affecting the subject property result in a smaller buildable area than what would be allowed on a smaller parcel (2 acres or less) with reduced setbacks; and

WHEREAS, the Board called for public comment at the hearing and there were no comments presented at the hearing, but written comments were provided by neighbors; and

WHEREAS, following the public hearing, the Board of Adjustment voted unanimously to approve the subject variance;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners, sitting as the Board of Adjustment, of Ouray County, Colorado, approves the subject application for variance, to reduce the southern setback to eleven feet (11'), with the following conditions, as recommended by Staff:

1. The Applicant shall not construct the proposed structure closer than eleven (11') to the southern property line
2. All future construction, with the exception of the single family dwelling described in this application, is subject to the standard setbacks, set forth in the Ouray County Land Use Code.

APPROVED AND ADOPTED THIS 22 DAY OF JULY, 2014.

Voting for: Commissioners Padgett, Fedel and Batchelder
Voting against: None

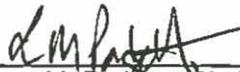
BOARD OF COUNTY COMMISSIONERS, SITTING
AS THE BOARD OF ADJUSTMENT OF OURAY
COUNTY, COLORADO SITTING AS THE BOARD OF
ADJUSTMENT

Attest:



The seal of Ouray County, Colorado, is circular with a dotted border. The words "OURAY COUNTY" are written along the top inner edge, and "COLORADO" is written along the bottom inner edge. In the center, the word "SEAL" is written vertically. A blue ink signature is written across the seal.

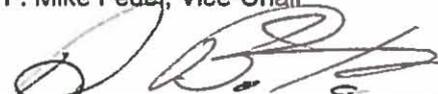
Michelle Nauert, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board



Lynn M. Padgett, Chair



F. Mike Fedel, Vice-Chair



Don Batchelder, Member