TOWN OF MINTURN, COLORADO
RESOLUTION NO. 09 – SERIES 2009

A RESOLUTION APPROVING LAND USE APPLICATION
VAR 09-01

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30 ; and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, on March 25, 2009, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and recommended denial of the application; and

WHEREAS, on April 15, 2009, the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.220; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.230, the Town Council makes the following findings:

- There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
- That the granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:

THAT the application for a Variance for File No. VAR 09-01, be approved subject to the following conditions:

- The applicant will indemnify and hold harmless the Town against any hazards that result due to this project;
- The applicant will submit retaining wall plans from a civil engineer prior to the issuance of a building permit;
- No more than 27% of the portion of the property that is sloped in excess of 30% can be disturbed.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 15th day of April, 2009.

TOWN OF MINTURN

By: Hawkeye Flaherty
Mayor

TOWN OF MINTURN, COLORADO SEAL 1904

ATTEST:

Town Clerk