

**TOWN OF MINTURN, COLORADO  
RESOLUTION 22 – SERIES 2009**

**A RESOLUTION APPROVING VARIANCE APPLICATION VAR 09-02**

**WHEREAS**, Tom Sullivan has submitted a land use application for setback variances for a mixed-use building at 115 Nelson Street; and

**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 August 26, 2009, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and recommended approval of the application to the Minturn Town Council; and

**WHEREAS**, on September 2, 2009, the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; 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;

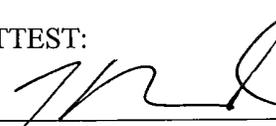
**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:**

**THAT** land use application VAR 09-02 be approved with the following setbacks: 3' 6" along the northern property boundary – excluding the awning; 0' on the southern property boundary; 3' 6" along the eastern boundary – excluding the awning and dormer; and 1' along the western property boundary.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 2<sup>nd</sup> day of September, 2009.

TOWN OF MINTURN

ATTEST:

  
Town Clerk



  
Mayor