

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 – SERIES 2018**

**A RESOLUTION APPROVING LAND USE APPLICATION
VARIANCE 18-01**

WHEREAS, on or about June 1, 2018 Tom Warzecha (hereinafter, the “Applicant”) properly applied for the review of a variance from setback and building lot coverage standards pursuant to the Minturn Municipal Code (hereinafter, the “Code”), Section 16-21-690, Variances; and,

WHEREAS, the Applicant requests relief from side- and rear-yard setbacks to create a zero (0’) foot side-yard setback along the northern property boundary and a two and one half (2.5’) foot setback along the rear or western property boundary, and to allow for up to fifty-four (54%) percent building lot coverage on a pre-existing non-conforming lot located within the Old Town Character Area Mixed-Use Zone District; and,

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Town of Minturn Planning Commission (hereinafter, the “Commission”), acting as the Town of Minturn Zoning Board of Appeals, on July 11, 2018 to consider the variance requests; and,

WHEREAS, at their regular meeting of July 11, 2018, the Commission, acting as the design review board, also reviewed proposed building plans for an addition and carport to be constructed on the subject property; and,

WHEREAS, at the regular meeting on July 18, 2018, the Minturn Town Council (hereinafter, the “Council”) acting as the Zoning Board of Appeals, held a public hearing on the application and to consider the Commission’s recommendation, pursuant to the Code, Section 16-21-690(e); and,

WHEREAS, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-4; and,

WHEREAS, at the regular meeting on July 18, 2018, the Council, acting as the Zoning Board of Appeals, voted to confirm the action of the Commission; and,

WHEREAS, pursuant to the Minturn Municipal Code Section 16-1-20, the most appropriate use of the subject property is allowed via the granting of a variance; and,

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-690(d), Finding Required, the Council makes the following findings:

- (1) 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;

- (2) 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;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
- (4) There is no substantial impairment to the public that would result from the granting of the variance.

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 221 Main Street, BOOCO Subdivision, Block F, Lot 4 and Part of Lot 5, File No. VAR 18-01, for relief from rear- and side-yard setbacks, and from maximum allowable building lot coverage, be approved subject to the following conditions:

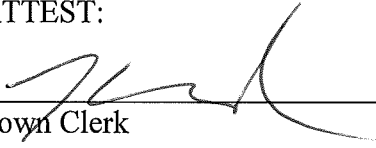
- (1) The Applicant shall provide final grading and drainage details, including an updated survey showing spot elevations, for review by the Town Planner and Town Engineer prior to applying for a building permit; and,
- (2) The Applicant shall revise the site plan to show how snow storage will be accommodated on-site and/or how snow will be treated (snowmelt) if storage is not feasible on the subject property.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 19th DAY OF SEPTEMBER, 2018.

TOWN OF MINTURN:

By: 
Mayor

ATTEST:


Town Clerk

