

**A RESOLUTION OF THE OURAY COUNTY BOARD OF ZONING ADJUSTMENT  
TO APPROVE A FRONT SETBACK VARIANCE  
FOR JERRY D. JOHNSON**

**WHEREAS**, Jerry D. Johnson, ("Applicant") has filed an application to allow a variance from the setback requirements described in Section 3.4 A (5) of the Ouray County Land Use Code ("LUC") for the property known as Lot 421A, Elk Meadows Estates, more particularly located in Section 5, Township 44 N, Range 8 W, NMPM, Ouray County, Colorado ("Application"); and

**WHEREAS**, notice of a Public Hearing on such Application was published on May 5, 2006 in the Ouray Plaindealer and on May 10, 2006 in the Ridgway Sun and the Board of County Commissioners of Ouray County, Colorado sitting as the Board of Zoning Adjustment ("Board") held a public hearing on the Application on May 22, 2006 at 10:30 a.m.; and

**WHEREAS**, on May 22, 2006 the Board reviewed the Application and supporting materials and heard comments on the Application; and

**WHEREAS**, based upon the Application, supporting materials, Staff Report and comments on the Application, the Board has determined that "exceptional topographic conditions" exist on the Applicant's property that would result in exceptional practical difficulties for the Applicant to construct a garage on the property and that granting the variance will not result in substantial impairment of the intent or purpose of the LUC, as described in Section 19.7.D (3) of the LUC;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, SITTING AS THE BOARD OF ZONING ADJUSTMENT AS FOLLOWS:**

1. The application for a variance to the minimum setback requirements set forth in Section 3.4 A (5) of the LUC is granted. The Applicant shall be required to comply with the requirements set forth in the Ouray County Road Standards for construction of the driveway and obtain approval from the Road and Bridge Department for the final location and configuration of the driveway to the proposed garage.

2. As provided by Section 19.7.D (3) of the LUC, this variance shall expire one year from the date it is granted unless the use for which it has been requested has occurred.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS SITTING AS THE BOARD OF ZONING ADJUSTMENT ON THE 22<sup>nd</sup> day of MAY 2006. THE ACTION IS HEREBY RATIFIED AND RESOLUTION 2006-041 IS HEREBY ADOPTED THIS 5<sup>th</sup> DAY OF JUNE, 2006.

Board of County Commissioners of Ouray County,  
Colorado, sitting as the Board of Zoning Adjustment

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Heidi M. Albritton, Chair

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Don Batchelder

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Kristi R. Westfall

ATTEST:

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Michelle Nauer  
Ouray County Clerk and Recorder  
By: Linda Munson-Haley,  
Deputy Clerk of the Board