

**A RESOLUTION OF THE
OURAY COUNTY BOARD OF ZONING ADJUSTMENT
TO APPROVE A SIDE YARD SETBACK VARIANCE FOR EDMUND von DELDEN**

WHEREAS, Edmund von Delden, ("Applicant") has filed an application to allow a variance from the setback requirements described in Section 3.4 F. (5) of the Ouray County Land Use Code ("LUC") for the property known as Lot 7, Log Hill Village Unit IV, more particularly located 782 Pine Drive ("Application"); and

WHEREAS, notice of a Public Hearing on such Application was published on August 11, 2006 and August 18, 2006 in the Ouray Plaindealer and on August 16, 2006 and August 23, 2006 in the Ridgway Sun and the Board of County Commissioners of Ouray County, Colorado ("Board") held a public hearing on the Application on August 28, 2006 at 11:00 a.m.; and

WHEREAS, on August 28, 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 solar panel array 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, AS FOLLOWS:

1. The application for a variance to the minimum setback requirements set forth in Section 3.4 F. (5) of the LUC is granted.
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 AND ADOPTED THIS 11TH DAY OF SEPTEMBER 2006, RATIFYING ACTION TAKEN ON AUGUST 28, 2006.

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

Attest:

Heidi M. Albritton, Chair

Don Batchelder, Vice Chair

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

Kristi R. Westfall, Member