

**A RESOLUTION OF THE OURAY COUNTY BOARD OF ZONING ADJUSTMENT
TO APPROVE A VARIANCE FOR
MARK C. AND DIANA RODGERS AND THE RODGERS FAMILY TRUST**

WHEREAS, Mark C. Rodgers and Diana Rodgers (“Applicant”) filed an application to allow a variance from the setback requirements described in Section 3.4 H(5) of the Ouray County Land Use Code (“LUC”) for the property known as Lot 24 as shown on the Lot Boundary Adjustment Survey of U.S. Government Lots 23 and 24 in the NW ¼ NW ¼, Section 13, Township 44 North, Range 8 West, N.M.P.M. recorded July 16, 1996 as Reception No. 162218, County of Ouray, Colorado (“Application”); and

WHEREAS, notice of a Public Hearing on such Application was published on November 10 and 17, 2006 in the Ouray Plaindealer and on November 15, 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 November 27, 2006 at 10:30 a.m.; and

WHEREAS, the Board reviewed the Application and supporting materials, including a letter of support from the adjoining property owner to the west, the Staff Report and heard statements from the Applicant, Diana Rodgers and the public; and

WHEREAS, based upon the statements in the record, the Application, supporting materials and Staff Report, the Board has determined that the ditches that exist on the property and the resulting seasonal flooding present exceptional difficulties and characteristics on the Applicant’s property that would result in exceptional practical difficulties for the Applicant to construct improvements 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 Board of Zoning Adjustment approves a variance to the minimum setback requirements set forth in Section 3.4 H (5) of the LUC for the North and West property lines of the property. Specifically, a minimum setback of twenty-feet is approved for the North and West property lines of the property described in the Application rather than the required fifty-foot setback.
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 4th DAY OF DECEMBER, 2006 ratifying the action taken by the Board on November 27, 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