

**A RESOLUTION OF THE OURAY COUNTY BOARD OF ZONING ADJUSTMENT TO
APPROVE A
VARIANCE FOR POINTE ESCAPE, LLC**

WHEREAS, on September 11, 2006 the Board of County Commissioners of Ouray County, Colorado (“BOCC”) approved a site plan for Pointe Escape, LLC (“Applicant”) for Lot 54, Loghill Village Unit 4, Ouray County, Colorado (“Property”) with a condition that the Applicant provide emergency access; apply for a variance for the length of the cul-de-sac serving the nine units on Lot 54 or redesign the site plan to allow for a cul-de-sac in conformance with the LUC; and

WHEREAS, the Applicant **filed** an application to allow a variance from the maximum length for a cul-de-sac set forth in Section 23.2 C (5) of the Ouray County Land Use Code (“LUC”) (“Application”) for the Property; and

WHEREAS, notice of a Public Hearing on such Application was published on November 10 and November 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 December 4, 2006 at 11:30 a.m.; and

WHEREAS, the Board reviewed the Application and supporting materials, the Staff Report and heard statements from the Applicant’s agent, John Peters and Applicant’s attorney, Mike Hockersmith as well as Rodney Cobb, representing the Applicant; and

WHEREAS, based upon the statements in the record, the Application, supporting materials and Staff Report, the Board has determined that a requirement for the Applicant to create an emergency access is an exceptional practical difficulty and would create a hardship for the Applicant because of the location of the property and the need to clear a significant amount of trees from such access and that the geography of the property is such that an emergency access would not be practical and could not be used by the owners of Pointe Escape;

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 approved a variance to the maximum length of a cul-de-sac as set forth in the Code and approved the cul-de-sac for Pointe Escape as proposed, with the condition that the final site plan for Pointe Escape show an easement from the end of the cul-de-sac to allow possible future access to Tract 1, Loghill Crest, and that the existing road on Lot 54 that ties to Lot 50 and the open space to the west of the Applicant’s property be shown on the site plan with appropriate notes that such road may not ever be blocked or eliminated.
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 ____ DAY OF DECEMBER, 2006 ratifying the action taken by the Board on December 4, 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