

**A RESOLUTION OF THE  
OURAY COUNTY BOARD OF ZONING ADJUSTMENT  
TO APPROVE A VARIANCE FOR CHAD E. SWENKA AND AMANDA S. HAMMOND**

**WHEREAS**, Chad E. Swenka and Amanda S. Hammond (“Applicant”) are the owners of property described as Lot 5, The Ridge Subdivision also known as 500 Ridge Road, Ridgway, Colorado (“Property”); and

**WHEREAS**, Applicant has filed an application to allow a variance from the requirements described in Section 3.4.H(5) of the Ouray County Land Use Code (“LUC”) for setbacks, requesting a reduction in the setbacks from fifty (50) feet to twenty-five (25) feet for the Property (“Application”); and

**WHEREAS**, the Applicant states that the Property is subject to steep slopes as well as multiple intersecting drainages; and

**WHEREAS**, notice of a Public Hearing on such Application was published on April 17, 2009 in the Ouray County Plaindealer 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 April 27, 2009 at 10:15 a.m.; and

**WHEREAS**, on April 27, 2009 the Board reviewed the Application and supporting materials, the Staff Report, and heard statements from the Applicant, the Applicant’s contractor, Scott Bridger, and the Ouray County Planner; and

**WHEREAS**, it appears that the drainage that bisects the Property as well as the moderate to steep slopes affecting the Property result in an extraordinary and exceptional circumstance and the strict application of the setback requirements would result in exceptional practical difficulties for the Applicant and 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; and

**WHEREAS**, based upon the statements in the record, the Application, supporting materials and Staff Report, the Board has determined that the Application falls within the definition for a variance set forth at Section 19.7.D(3) and a variance is supported by the record;

**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 property lines of Lot 5, The Ridge Subdivision, Ouray County, Colorado. Specifically, a minimum setback of twenty-five feet from the property lines is approved rather than the required fifty-foot setback. No portion of any structure, overhang or deck may be constructed or located within such twenty-five foot setback. This variance is subject to the following conditions:
  - a. The Applicant shall not commence construction without an approved building permit and the Building Official is authorized to issue a building permit prior to adoption of a formal resolution ratifying the Board’s action on April 27, 2009.

- b. The Applicant agrees to comply with all regulations regarding Visual Impact as detailed in Section 9 of the Ouray County Land Use Code.
- 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 MAY, 2009 RATIFYING THE ACTION TAKEN BY THE BOARD ON APRIL 27, 2009.

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

Attest:

\_\_\_\_\_  
Heidi M. Albritton, Member

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K. Keith Meinert, Member

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

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Lynn M. Padgett, Member