

**RESOLUTION No. 2010-039**

**A RESOLUTION OF THE  
OURAY COUNTY BOARD OF ZONING ADJUSTMENT  
TO GRANT A VARIANCE FOR TODD AND MAYA HAYNES**

**WHEREAS**, Todd and Maya Haynes ("Applicant") are the owners of property described as 2390 Mariposa Drive, Montrose, CO 81401 ("Property"); and

**WHEREAS**, Applicant has filed an application to allow a variance from the requirements described in Section 3.4 A (6) of the Ouray County Land Use Code ("LUC") for maximum building or structure height, requesting an increase to structure height from thirty-five (35) feet to fifty (50) feet for a wind turbine on the property; and

**WHEREAS**, Applicant states that the Property is subject to steep slopes; and

**WHEREAS**, Applicant states that the alternative location, next to the residence, would cause a decrease in efficiency of the turbine; and

**WHEREAS**, notice of a Public Hearing on such application was published on August 27, 2010 in the Ouray County Plaindealer and on September 1, 2010 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 September 13, 2010 at 1:30 p.m.; and;

**WHEREAS**, on September 13, 2010 the Board reviewed the Application and supporting materials, the Staff Report, and heard statements from the Applicant and the Ouray County Planner; and

**WHEREAS**, the exceptional topographic conditions affecting the Property result in an extraordinary and exceptional circumstance and the strict application of the building and structure height requirements would result in exceptional practical difficulties for the Applicant; and

**WHEREAS**, the effectiveness of the wind tower at thirty-five feet would be significantly decreased due to the dense vegetation on the property; and

**WHEREAS**, to require the Applicant to relocate the structure would result in an exceptional and undue hardship in the Applicant's ability to make the wind tower functional and viable; 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.

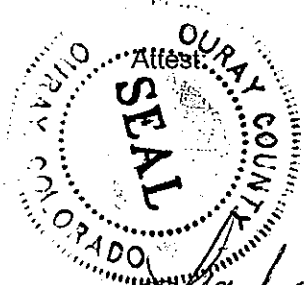
**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, SITTING AS THE BOARD OF ZONING ADJUSTMENT, AS FOLLOWS:**


1. The Board of Zoning Adjustment approves a variance to the maximum building or structure height requirements set forth in Section 3.4.C (6) of the LUC for the wind turbine structure at 2390 Mariposa Drive, Ouray County, Colorado. Specifically a maximum structure height of fifty feet is approved for the wind turbine structure rather than the required thirty-five feet. This variance is subject to the following conditions:

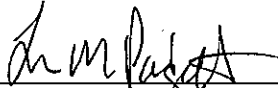
- a. Applicant shall obtain a building permit and pay all associated fees within 30-days from the date of the approved resolution.
2. As provided by Section 19.7.D (3) of the Code, the variance shall expire one year from the date it is granted unless the use for which it has been requested has occurred.

APPROVED AND ADOPTED THIS 4<sup>th</sup> DAY OF OCTOBER, 2010 RATIFYING THE ACTION TAKEN BY THE BOARD ON SEPTEMBER 13, 2010.

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



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

  
Lynn M. Padgett, Chair

  
K. Keith Meinert, Vice-Chair

  
Heidi M. Albritton, Member