

**BOARD OF ADJUSTMENT
SUMMARY OF MOTIONS**

January 20th, 2010

COMMISSION MEMBERS PRESENT: Travis Beck, Gail Culp, George Resseguie, Mark Sabatini

STAFF PRESENT: Brad LaRochelle, Lindsay Hirsh

George Resseguie, Vice-Chairman, called the meeting of the Board of Adjustment to order at 5:35pm

Approval of Summary of Motions: The Summary of Motions of November 18th, 2009 was approved as submitted.

REGULAR AGENDA:

PLN09-114 Lot 34, Loveland Pass Village

A setback variance for Lot 34, Loveland Pass Village, for a single family residence and garage, resulting in a 11-foot east side setback, a 10-foot west side setback, and a 10-foot rear setback, on .136 acres in the R-2 zoning district; Lot 34 Loveland Pass Village Sub.

MOTION: Commissioner Culp made a motion to approve planning case 09-114, a setback variance for Lot 34, Loveland Pass Village, with the following findings.

Findings:

1. The strict application of the County's Zoning Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner in the development of the property because of the size, shape and topography of the subject property. The property is 5,662 square feet (0.136 acre), which is much less than the 20,000 square foot minimum lot size for the R-2 Zoning District. The exceptionally small size of the parcel can be viewed as creating practical difficulties and undue hardship when applying the setbacks for the R-2 zoning district.
2. The variance can be granted without substantial detriment to the public health, safety and welfare. There are no known natural or environmental hazards on the site that pose a threat to the public health, safety or welfare.
3. The variance can be granted without substantial impairment of the intent of the County's Zoning Regulations. The applicant will be required to comply with all of the zoning requirements for the R-2 Zoning District with the exception of minimum lot size and the setbacks.
4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district because the BOA has previously approved similar setback variances in the Loveland Pass Village Subdivision.
5. Reasonable use of the property is not otherwise available without granting of a variance and the variance being granted is the minimum necessary to allow for reasonable use. The size of the proposed building footprint is consistent with what has been considered the minimum area necessary for reasonable use of the property.
6. The parcel for which the variance is being granted was not created in violation of County zoning or subdivision regulations or in violation of Colorado State Statutes because the property was legally created prior to June 2, 1969, the date of the adoption of County Zoning Regulations.

Commissioner Beck seconded the motion, which was approved on a unanimous vote of 4-0.

DISCUSSION ITEMS

The planning commission interviewed Stan Katz and is recommending that the he be appointed to the Board of Adjustment.

ADJOURNMENT

The meeting was adjourned at 6:10pm

Respectfully submitted,

Brad LaRochelle
Planner II