

RESOLUTION NO. A17-02

A RESOLUTION REGARDING A REQUEST OF VARIANCE FOR AN ENCROACHMENT INTO THE REAR YARD SETBACK AT 2259 COTTONWOOD PLACE, ERIE, COLORADO, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE VARIANCE.

WHEREAS, the Board of Adjustment of the Town of Erie, Colorado, considered at a Public Hearing the request for a Variance for an encroachment in the rear yard setback for a covered deck for a maximum of 10-feet into the 25-foot rear yard setback, on the application of Chad and Lori Scates, 2259 Cottonwood Place, Erie, Colorado, for the following real property; to wit:

LOT 9 BLOCK 4, ORCHARD GLEN FILING NO. 1, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with the Title 10, of the Town of Erie Municipal Code.
2. The requested Variance is in general conformance with the requirements contained in the Title 10, Section 7.10 B.9.a. as follows,
 - i. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property;
 - ii. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;
 - iii. Such physical circumstance or conditions were not created by the applicant;
 - iv. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provision of this Code;
 - v. The Variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and,
 - vi. The Variance, if granted, is the minimum Variance that will afford relief and is the least modification possible of the provisions of this Code which are in question.

Section 2. Conclusions and Order Approving the Variance.

1. The requested Variance for a covered deck to encroach a maximum of 10-feet into the twenty-five foot rear yard setback as required by the SR-Suburban Residential zone district

of Title 10, of the Town of Erie Municipal Code is hereby approved for 2259 Cottonwood Place.

INTRODUCED, READ, SIGNED AND APPROVED this April 27, 2017.

Mike Farr, Chairman

ATTEST:

Hallie S. Sawyer, Secretary