

RESOLUTION NO. A17-04

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF ERIE, COLORADO GRANTING A VARIANCE FOR A PERIMETER FENCE FOR THE ORCHARD GLEN FILING NO. 1 AT MEADOW SWEET FARM SUBDIVISION, ERIE, COLORADO; AND, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE VARIANCE.

WHEREAS, the Board of Adjustment of the Town of Erie, Colorado, following a public hearing on the proposed variance held on July 20, 2017, pursuant to written, published, and posted notice of the hearing in accordance with subsection 7.2.F of Title 10 of the Town of Erie Municipal Code, considered the application for a Variance for a perimeter fence for the Orchard Glen Filing No. 1 at Meadow Sweet Farm subdivision, on the application of the Orchard Glen Homeowner's Association, Erie, Colorado, for the following real property; to wit:

ORCHARD GLEN FILING NO. 1 AT MEADOW SWEET FARM,
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 ("Code").
2. The requested variance is in general conformance with the requirements contained in the Title 10, Section 7.9.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 to Section 10.6.2.D.2.a.ii of the Code, allowing a 6 foot solid wood perimeter fence that has 6 ½ foot tall brick columns adjacent to Erie Parkway is hereby approved; and
2. The requested Variance to Section 10.6.4.D9.b.iii. of the Code, allowing the existing brick column placement of approximately 100 feet apart on the property corner to remain without adding additional columns; and,
3. The requested Variance to Section 10.6.4.D.9.b.vii of the Code, allowing a continuous fence plane in excess of one-hundred fifty (150) feet in length is hereby approved; and
4. The requested Variance to Section 10.6.4.D.9.b.viii of the Code, allowing a 6 foot solid wood perimeter fence that has 6 ½ foot tall brick columns is hereby approved.

**INTRODUCED, READ, AND APPROVED BY THE BOARD OF
ADJUSTMENT OF THE TOWN OF ERIE, COLORADO THIS 20th DAY OF
JULY, 2017.**

Board of Adjustment of the Town of Erie, Colorado

By: _____
M.A. Farr, Chairman

ATTEST:

By: _____
Melinda Helmer, Secretary