

RESOLUTION NO. 2004-10-3

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, COLORADO MOUNTAIN RESORTS INVESTORS LLC, Colorado limited liability company, represented by James Donahue (hereinafter referred to as the “APPLICANT”) filed an application requesting a 20-ft variance from Grand County’s Forestry and Open Zone District maximum height (Section VI, Forestry and Open District, in order to construct a 55- room lodge at a 60- ft building height, with chimney on the following described property:

A tract of land, containing a portion of the SE1/4 of Section 9, the SW1/4 of Section 10, the NW1/4 of Section 15, and the NE1/4 of Section 16, Township 1 South, Range 75 West of the 6th P.M., Grand County, Colorado, 3530 Grand County Road 83, County of Grand, State of Colorado.

WHEREAS, as public hearing was held by the Grand County Board of Adjustment on October 20, 2004; and

WHEREAS, based on the evidence, testimony of residents in the area of the applicant’s path, and exhibits, comments of the Grand County Department of Planning and Zoning, comments of public officials, and agencies, and comments from all interested parties, this Board finds as follows:

1. That propose posting and public notice of this hearing were provided as required by law.
2. That the hearing before this Board was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at said hearing.
3. That the Applicant has demonstrated that strict application of the Zoning Resolution will result in peculiar and exceptional practical difficulties or exceptional and undue hardship by reason or exceptional topographic condition of the property.
4. That such variance should not result in substantial detriment to the public good and would not substantially impart the intent and purpose of the Zoning Resolution.

WHEREAS, the Applicant has requested a height variance for the two level, 55- room, 74,000 s.f. lodge to be constructed in the footprint the existing lodge that is composed of two wings and a center ‘head’ building in a design similar to the historically significant Mount Hood Lodge; and,

WHEREAS, the lodge will be located on the 3,700 acre Devil’s Thumb Ranch, owned by the Applicant, Colorado Mountain Resort Investors LLC, and Grand County Ranches as LLC, in Grand County bordering U.S.F.S land just west of the Continental Divide.

WHEREAS, the area has been historically known and operated as the ‘Devil’s Thumb Ranch. Devil’s Thumb Ranch is a year-round, corporate and leisure resort, offering conferencing and banquet facilities for day use visitors, and 250 overnight guests; and,

WHEREAS, the resort promotes a variety of recreational activities, full service rustic lodging, and dining. The Special Use Permit sets the maximum occupancy limit at 925, based on design capacity of the Waste Water Treatment Facility; it cannot be exceeded unless the Applicant amends the special use permit and 1041 Permit.

WHEREAS, the Applicant was granted a special use permit for the Devil’s Thumb Ranch by the Board of County Commissioners, July 8, 2003 (Resolution No. 2003-3-17); and,

WHEREAS, the Permit was renewed by the Board of County Commissioners on August 10, 2004 (Resolution No. 2004-9-25), through June 1, 2008; and,

WHEREAS, the Special Use Permit allows mixed use development that is consistent with the goal of the Grand County Master Plan to protect the county's rural character, existing ranching economy and culture while enhancing and maintaining the general county economy.

WHEREAS, Certified mailings were sent to all property owners located within 500 ft of the property and all interested parties; and,

WHEREAS, staff has submitted all public comment received both in opposition and support of the project as part of the public hearing file; and,

WHEREAS, the request is being submitted because the current Grand County Zoning Regulations have a height limit of 35 ft.; or a 40-ft. height limit is allowed if there is a 5 ft grade difference across the structure; and,

WHEREAS, the applicant believes that the Grand County height criterion is not applicable, and creates a practical difficulty and unnecessary hardship in providing ADA access to all guest rooms and common areas in north wing; and,

WHEREAS, the proposed development supports the Grand County Master Plan goal to improve the quality of new development and minimize its impact to the natural environment; and,

WHEREAS, the applicant has established a rustic architectural design guideline for Devil's Thumb Ranch, so as to incorporate National Park Service design ethic through the use of building mass, articulated form, indigenous materials and natural color scheme; and,

WHEREAS, the proposed lodge would be designed to preserve the natural environment, minimize the impact on the visual landscape of the Devil's Thumb Ranch, minimize the structure's impact on the setting (meadows, trees, and mountains), through emulating National Park Service design ethic to include overscaled structures that avoid being unreasonably underscaled by their surroundings.

WHEREAS, the Board of Adjustment shall allow variances to the height of building, where, by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these regulations; and,

WHEREAS, the Applicant has requested that the Board of Adjustment authorize a variance to the County's building height pursuant to Section XVI, Board of Adjustment, of the Grand County Zoning Regulations to allow a structure 60' in height in the Forestry and Open Zone District, instead of the normal 35' maximum height stipulated in the Forestry and Open Zone District; and,

WHEREAS, based on the evidence, testimony, and exhibits, comments of public officials, and agencies, and comments from all interested parties, this Board finds as follows.

WHEREAS, by the Grand County Board of Adjustment that the above variance to approve variance from Grand County's Forestry and Open District for a twenty foot (20') variance from the required thirty-five foot (35') height in the event of less than five foot (5') grade change and twenty-five foot (25') height variance from the minimum forty foot (40') for conditions where there is a five foot (5') grade change for constructing a lodge, shown on the drawing attached as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED, by the Grand County Board of Adjustment that the above variance request be approved.

APPROVED AND ADOPTED this 20th day of October, 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary