

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2007-3-1

A RESOLUTION RECOMMENDING DENIAL OF THE REQUEST FOR A VARIANCE OF 23 FT. TO ALLOW CONSTRUCTION OF A RECREATIONAL TOWER CONSTRUCTED AT A HEIGHT OF 58 FT. IN HEIGHT INSTEAD OF THE NORMAL 35 FT. MAXIMUM HEIGHT.

WHEREAS, Young Life/Crooked Creek received approval of the original SUP the Grand County Board of County Commissioners (BOCC) under SUP No. 1997-1-8; and,

WHEREAS, The Applicant operates a camp and lodge(s) as allowed in the Forestry and Open Zone District under Special Use Permit (SUP) No. 2004-9- 16; and,

WHEREAS, the SUP allows for a total maximum occupancy of 560 persons and a maximum of 25 buildings/structures; and,

WHEREAS, the proposed “tower”, to be constructed if this variance is approved, is to be part of the recreational program and there is no change to the existing permitted structures; the tower will be constructed on an existing structure, serving as a foundation; and,

WHEREAS, the Applicant is requesting a variance of twenty-three (23) ft. to allow a fifty-eight (58) ft. high recreation tower structure instead of the normal 35 ft. maximum height. The tower will support a swing and water slide adjacent to the outdoor swimming pool; and,

WHEREAS, on the strict application of a swimming pool, slide and swing, all are considered a “use by right” in the Forestry and Open Zone District (Section VI, 6.1(4); and,

Parks and Playgrounds: Outdoor recreational areas and incidental facilities provide all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building, and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration.

WHEREAS, public notice was published in one time each in the Wednesday February 28, 2007 edition of the Winter Park Manifest, and Thursday, March 1, 2007 edition of the Sky-Hi News; and,

WHEREAS, certified mailings of the public notice were sent to all properties located within a 500- ft. radius of the Young Life/Crooke Creek parcel, interested parties, and all utility companies; and,

WHEREAS, Public Hearing was held by the Grand County Board of Adjustment on March 21, 2007; and,

WHEREAS, based on the evidence, testimony, 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 proposed posting and public notice of this hearing was 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 impact the intent and purpose of the Zoning Resolution.

WHEREAS, the Board of Adjustment shall allow a variance to the minimum area of lot, width, front yard, side yard, rear yard, 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.

WHEREAS, based on the evidence, testimony, and exhibits, comments of public officials and agencies, and comments from all interested parties, this Board finds that the application does not meet the requirements under Section 16.2. and recommends denial of the request of a 23 ft. variance to allow construction of a recreational tower constructed at a height of 58 ft. in height instead of the normal 35 ft. maximum height based on the hardship and practical difficulties presented.

NOW, THEREFORE, BE IT RESOLVED, the Grand County Board of Adjustment denied the variance request of a 23 ft. variance to allow construction of a recreational tower constructed at a height of 58 ft. in height instead of the normal 35 ft. maximum height based on the hardship and practical difficulties presented.

BE IT FURTHER RESOLVED THAT THE VARIANCE REQUEST IS VALID FOR ONE YEAR, UNLESS THE APPLICANT REQUESTS AND IS GRANTED AN EXTENSION FROM THE BOARD OF ADJUSTMENT.

APPROVED AND ADOPTED this 21st day of March 2007, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Tim Mooreland, Chairman

Attest:
Secretary