

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 51 – SERIES 2024**

**A RESOLUTION APPROVING LAND USE APPLICATION
VARIANCE 2024-01 FOR 161 MAIN STREET AND 161 NELSON AVENUE**

WHEREAS, on or about July 11, 2024 Stefanie and Spence Neubauer (hereinafter, the “Applicants”) properly applied for the review of a variance from the rear setback standards pursuant to the Minturn Municipal Code (hereinafter, the “Code”), Section 16-21-690, Variances; and,

WHEREAS, the Applicants request relief from the strict interpretation of Section 16-2-40 of the Code to allow the reduction of the rear setback from thirty feet (30’) to ten feet (10’) for the first floor of the building measured to a fourteen foot (14’) eave height and a reduction of the setback from thirty feet (30’) to twenty feet (20’) for the second floor of the building measured to a twenty foot (20’) eave height on two lots located within the Old Town Character Area 100 Block A Zone District; and,

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Town of Minturn Planning Commission (hereinafter, the “Commission”) on August 28, 2024 to consider the variance request; and,

WHEREAS, at their regular meeting of August 28, 2024, the Commission acted to recommend approval with conditions of the variance request to the Minturn Town Council;

WHEREAS, at the regular meeting on September 3, 2024, the Minturn Town Council (hereinafter, the “Council”) acting as the Zoning Board of Appeals, held a public hearing on the variance application and to consider the Commission’s recommendation, pursuant to the Code, Section 16-21-690(e); and,

WHEREAS, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-30; and,

WHEREAS, at the regular meeting on September 3, 2024, the Council, acting as the Zoning Board of Appeals, voted to confirm the action of the Commission; and,

WHEREAS, pursuant to the Minturn Municipal Code Section 16-1-20, the most appropriate use of the subject property is allowed via the granting of a variance; and,

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-690(d), Findings Required, the Council makes the following findings:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;

- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
- (4) There is no substantial impairment to the public that would result from the granting of the variance.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

THAT, the variance application for 161 Main Street and 161 Nelson Avenue, MACKEDON & RATHBURNS Subdivision, Block C, Lots 1 and 2, File No. VAR 2024-01, for relief from the rear setback from thirty feet (30') to ten feet (10') for the first floor of the building measured to a fourteen foot (14') eave height and relief from the rear setback from thirty feet (30') to twenty feet (20') for the second floor of the building measured to a twenty foot (20') eave height, be approved with the following conditions:

1. The Applicants shall apply for and successfully complete a formal Design Review Board application; and
2. The Applicants shall apply for and successfully complete a Conditional Use Permit application; and
3. The Applicants shall apply for and successfully complete an administrative subdivision process to eliminate the common lot line between the two lots and to combine the lots into one lot.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 3rd DAY OF SEPTEMBER, 2024.

TOWN OF MINTURN, COLORADO:

By: _____
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk