

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. BOA 2009-01

**A RESOLUTION OF THE BOARD OF ADJUSTMETNS
OF THE CITY OF STEAMBOAT SPRINGS, COLORADO,
DENYING THE VARIANCE FOR SKI TRAILS SUBDIVISION, FILING 4, LOT 2
APPLICATION NO. VAR-08-11**

WHEREAS, the applicant, Longwood Investments, LLC, submitted an application for a Variance on December 23, 2008, to permit the placement of a roof on an existing structure surrounding a mechanical boiler within 2 feet of the side property line (hereafter referred to as “Development Application”); and

WHEREAS, public hearing notices were mailed to adjacent property owners, posted on the subject property, and published in the Steamboat Pilot, consistent with the requirements of Section 26-51 of the Steamboat Springs Community Development Code (“CDC”); and

WHEREAS, the City of Steamboat Springs Board of Adjustments held a public hearing on the Development Application, on April 16, 2009, at which time the applicant and interested persons had an opportunity to submit evidence and to testify either in support or opposition to the proposal, consistent with the requirements the CDC; and

WHEREAS, the City of Steamboat Springs Board of Adjustments has jurisdiction and authority pursuant to Section 26-46 of the CDC to recommend approval or conditional approval, to deny, or to table development applications;

WHEREAS, any vote of denial by the Steamboat Springs Board of Adjustments shall be considered a final decision unless appealed to the Steamboat Springs City Council, or unless a City Council member calls the matter up for a hearing before the City Council;

NOW, THEREFORE, THE BOARD OF ADJUSTMENTS OF THE CITY OF STEAMBOAT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings of Fact.

The Ski Trails Subdivision, Filing 4, Lot 2 Variance, # VAR-08-11 reviewed under CDC Section 26-70(d) of the CDC is not consistent with the required findings for approval; areas of non-conformance with the required findings include but are not limited to the following:

1. CDC – Section 26-70(d)(4): *Hardship not Self-imposed*. The special circumstances of the subject property are not the result of the actions of the applicant.
2. CDC – Section 26-70(d)(6): *Minimum Relief*. The request is the least possible.
3. CDC – Section 26-70(d)(9): *Consistent with CDC, Policies and Plans*. The variance is consistent with this CDC.

Section 2. Application Denial. Based upon the findings as adopted by the Board of Adjustments immediately above, a Variance application to permit the placement of a roof on an existing structure surrounding a mechanical boiler within 2 feet of the side property line application number VAR-08-11 is hereby denied.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 4. Effective Date. This resolution shall be effective immediately upon passage by the City of Steamboat Springs Board of Adjustments.

Section 5. Appeals. The denial of the Development Application shall not be deemed final until the appeal period has expired. Denial of an application by the Board of Adjustments may be appealed to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days after the date of the denial.

DULY AND REGULARLY ADOPTED BY THE BOARD OF ADJUSTMENTS OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THIS 12th DAY OF MARCH, 2009, BY A VOTE OF:

AYES: ____ NAYES: ____ ABSENT: ____ ABSTAIN: ____.

CITY OF STEAMBOAT SPRINGS
BOARD OF ADJUSTMENTS

CHAIR, JIM MOYLAN

ATTEST:

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, TOM LEESON

APPROVED AS TO FORM:

CITY ATTORNEY, ANTHONY B. LETTUNICH

FILED WITH THE CITY CLERK:

RESOLUTION NO. _____