

**ARCHULETA COUNTY, COLORADO
RESOLUTION 2019-03 BOA**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT APPROVING VARIANCE
FROM THE ARCHULETA COUNTY LAND USE REGULATIONS
FOR CLIFFORD ON LOT 9X BLOCK 16 PAGOSA IN THE PINES**

WHEREAS, the Board of County Commissioners has adopted the *Archuleta County Land Use Regulations*, pursuant to C.R.S. §30-28-101, *et. seq.*, C.R.S. §24-64.1-101 *et. seq.*; C.R.S. §24-67-101 *et. seq.*; and C.R.S. §29-20-101 *et. seq.*; and

WHEREAS, Terry D. Clifford applied for Variance from the *Archuleta County Land Use Regulations*, to build less than 30' from the front lot line and less than 50' from the golf course boundary in the Planned Unit Development (PUD R-1-90) zone (PLN19-161); and

WHEREAS, Terry D. Clifford is the owner(s) of record of the subject property, Lot 9X Block 16 Pagosa in the Pines, at 128 Divot Pl., Pagosa Springs, CO; and

WHEREAS, the property is zoned Planned Unit Development (PUD), R-1-90 land use with a Rear Yard Setback Requirement including “*In no event shall any building or structure be located less than fifty (50) feet from the high-water line or the golf course boundary of any lot continuous to a lake or golf course*”; and

WHEREAS, the Pagosa Lakes Property Owners Association (PLPOA) has approved the proposal; and

WHEREAS, the Board of County Commissioners sits as the Board of Adjustment, as provided by Section 1.2.4.2 of the *Archuleta County Land Use Regulations*; and

WHEREAS, the Board of Adjustment opened a public hearing on the request on May 21, 2019; and

WHEREAS, public notice of the hearing was given by publication in a newspaper of general circulation in the County, posted on site and mailed to adjacent property owners, at least twenty-one (21) days prior to the public hearing, as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*; and

WHEREAS, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

WHEREAS, the Board of Adjustment considered in full the requirements of Section 2.4.3.2 of the *Archuleta County Land Use Regulations* as to Standards for the Grant or Denial of Variances; and

WHEREAS, the Board of Adjustment voted 3-0 to approve the request for Variance from the front setback; and

WHEREAS, the Board of Adjustment voted 3-0 to approve the request for Variance from the golf course setback.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:

Section 1. Findings.

Regarding the Variance from the Front Setback, the Board of Adjustment finds that:

- a. The application meets each of the standards for a grant of variance in Section 2.4 of the *Archuleta County Land Use Regulations*, and
- b. Variance is granted for the specific plans proposed by Applicant; and

Regarding the Variance from the Golf Course Setback, the Board of Adjustment finds that:

- c. The application meets each of the standards for a grant of variance in Section 2.4 of the *Archuleta County Land Use Regulations*, and
- d. Variance is granted for the specific plans proposed by Applicant; and

Section 2. Conditions.

The Board of Adjustment approves the **Clifford Front Variance**, Lot 9X Block 16 Pagosa in the Pines, at 128 Divot Pl., with one condition:

- 1. The Front Setback shall be no less than 22’.

AND

The Board of Adjustment approves the **Clifford Golf Course Variance**, Lot 9X Block 16 Pagosa in the Pines, at 128 Divot Pl., with one condition:

- 2. The Rear Setback shall be no less than 37’.

APPROVED AND ADOPTED this _____ day of _____, 2019, in Pagosa Springs, Archuleta County, Colorado.

BOARD OF ADJUSTMENT
OF ARCHULETA COUNTY, COLORADO

Ronnie Maez, Chairman

ATTEST:

Clerk and Recorder

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