

**ARCHULETA COUNTY, COLORADO
RESOLUTION 2019-04 BOA**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT APPROVING VARIANCE
FROM THE ARCHULETA COUNTY LAND USE REGULATIONS
FOR WESTERN REFINING RETAIL, LLC, ON TR 1 VILLAGE CENTER**

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, Allen Industries of Clearwater, FL, represented by San Juan Signs of Farmington, NM, applied for Variance from the *Archuleta County Land Use Regulations*, for an existing nonconforming monument sign to remain with a new sign permit to rebrand as a Speedway gas station in the Commercial (C) zone (PLN19-273); and

WHEREAS, Western Refining Retail, LLC, of San Antonio, TX is the owner(s) of record of the subject property, pt. Tr. 1 Village Center north of US Highway 160, at 25 N. Pagosa Blvd, Pagosa Springs, CO; and

WHEREAS, the property is zoned Commercial (C) with a Corner Sight Triangle of 70' measured along the property line (Sec. 5.4.7 of the *Archuleta County Land Use Regulations* and Sec 27.1.6.3 of the *Archuleta County Road & Bridge Standards*); and

WHEREAS, Sec. 7.2.1.3 of the *Archuleta County Land Use Regulations* states that Nonconforming signs shall be removed or brought into conformance with the Regulations when there is a change in the business name; 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 July 16, 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.

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 2.4.3.2 of the *Archuleta County Land Use Regulations*, and
- b. Variance is granted for the specific plans proposed by Applicant; and

Section 2. Conditions.

The Board of Adjustment approves Western Refining request for Speedway Sign Variance, pt. Tr. 1 Village Center, at 25 N. Pagosa Blvd., with no conditions.

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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