



Resolution No. 2014-02

APPROVING A VARIANCE

WHEREAS, Avery Augur (“Applicant”) has requested a Variance from the City of Creede (“City”) in accordance with Sec. 4-8 of the Creede Land Use Code to allow a reduction in the side yard setback requirement at his residence located at 113 W. Fifth Street, lots 11, Block 17, South Creede (“Property”); and;

WHEREAS, the Property faces Fifth Street and the west side of the house sits back between approximately sixteen (16) and five (5) feet from the property line along Rio Grande Avenue as it’s at an angle conforming to the old railroad right-of-way; and

WHEREAS, the City’s current Land Use Code requires a side yard setback of five (5) feet, with special provisions requiring all sides of a lot with street frontage needing to meet the front yard setback requirement of fifteen (15) feet.

WHEREAS, the Applicant would like to build an addition on the west side of his home that would sit back approximately two (2) foot from the property line; and

WHEREAS, the City is currently working on plans to develop this portion of the old railroad right-of-way and vacate Rio Grande Avenue between Third and Fifth Street. Per provisions of State statute C.R.S. § 43-2-302(c) the City will and convey the eastern twenty-five (25) foot of Rio Grande Avenue to adjacent property owners which includes the Applicant; and

WHEREAS, Once the City’s development of this portion of the old railroad right-of-way is completed, the side yard setback requirements will be in compliance.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENTS OF THE CITY OF CREEDE, A COLORADO TOWN, THAT:

The Board of Adjustments hereby grants a Variance to Avery Augur for a two (2) foot side yard setback on the west side of his residence at 113 W. Fifth Street with the following conditions;

1. This Variance applies to the plans for this structure only.
2. The Applicant agrees to comply with all building and land use regulations otherwise associated with this structure and property.
3. The Applicant will reimburse the City for legal and recording expenses associated with this Variance.



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Eryn K Wintz
Mineral County Clerk

**APPROVED AND ADOPTED BY THE BOARD OF ADJUSTMENTS THIS 4th
DAY OF FEBRUARY, 2014**

CITY OF CREEDE:

ATTEST:



Mayor,
Eric Grossman

2/4/14
Date



City Clerk
Randi Snead

2/4/14
Date



VARIANCE

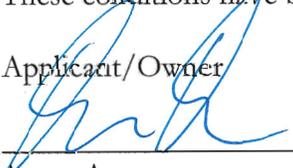
Avery Augur asked the City of Creede for a variance in the side yard setback requirements for the west side of his property located at 113 W. Fifth Street. The legal description of this property is lot 11, Block 17, South Creede.).

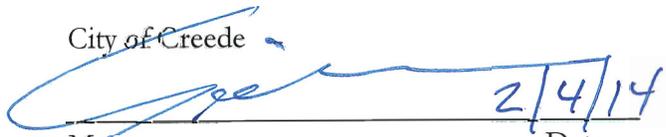
The Board of Adjustments held a Public Hearing and considered the request at the regularly scheduled meeting of the Board of Trustees on February 5, 2013. Furthermore the Board of Adjustments approved the request with Resolution No. 2014-02.

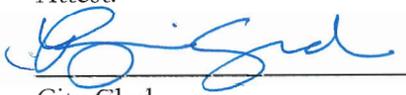
The City of Creede through it's Board of Adjustments granted Avery Augur a two (2) foot side yard set back on the west side of his property with Resolution No. 2014-02. The following conditions apply to this Variance:

1. This Variance applies to the plans for this structure only.
2. The Applicant agrees to comply with all building and land use regulations otherwise associated with this structure and property.
3. The Applicant will reimburse the City for legal and recording expenses associated with this Variance.

These conditions have been read, understood and agreed to by both parties.

Applicant/Owner

 Avery Augur _____ Date 2/5/14

City of Creede

 Mayor,
 Eric, Grossman _____ Date 2/4/14

Attest:

 City Clerk,
 Randi Snead _____ Date 2/4/14