

**RESOLUTION APPROVING A VARIANCE TO THE COMMUNITY DEVELOPMENT CODE  
SECTION 17.8 REQUIREMENTS FOR LOT 42B, UNITS 22A, 22B AND 22C TO ALLOW  
FOR DEVIATIONS TO THE LODGE UNIT ZONING DESIGNATION DEFINITION**

**Resolution No. 2019-1212-29**

- A. Justin and Julie Peeler (“**Owner**”) are the owners of record of real property described as Lot 42B, Units 22A, 22B and 22C (“**Property**”).
- B. The Owner has submitted a Class 4 application for a Variance to allow for deviation to the lodge unit zoning designation definition for Units 22ABC (**Application**).
- C. The Application was submitted in compliance with the provisions of section 17.4.16 of the Community Development Code (“**CDC**”).
- D. The Design Review Board (“**DRB**”) considered the Application, along with evidence and testimony, at a public meeting held on December 5, 2019. Upon concluding their review, the DRB recommended unanimous approval of the Application to the Town Council.
- E. The Town Council considered and approved the Application, along with evidence and testimony, at a public hearing on December 12, 2019.
- F. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates and/or dates from which such hearings were continued on the Town website, and by mailing of public notice to property owners within four hundred feet (400’) of the Property, as required by the public hearing noticing requirements of the CDC.
- G. After the public hearings referred to above, the DRB and the Town Council each individually considered the Applications’ submittal materials, and all other relevant materials, public letters, and public testimony, and approved the Application with conditions as set forth in this Resolution.
- H. The Owner has addressed or agreed to address, all conditions of approval of the Applications imposed by Town Council and Design Review Board.
- I. The Town Council finds the Applications meets the variance criteria for decision contained in CDC Section 17.4.16(D) as follows:

Variance Findings:

- 1. The variance can be granted without substantial detriment to the public health, safety and welfare due to visual mitigation, and will actually help protect the public health, safety and welfare by ensuring the provision of critically needed employee housing;
- 2. The variance can be granted without substantial impairment of the intent of the CDC, with the proposed use meeting the provisions for employee housing;
- 3. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district;
- 4. Reasonable use of the property for additional employee housing is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

5. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
6. The variance is not solely based on economic hardship alone; and
7. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A VARIANCE TO THE COMMUNITY DEVELOPMENT SECTION 17.8 REQUIREMENTS FOR LOT 42B, UNITS 22A, 22B AND 22C TO ALLOW FOR DEVIATIONS TO THE LODGE UNIT ZONING DESIGNATION DEFINITION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION.**

**Be It Further Resolved** that Lot 42B, Units 22A, 22B and 22C may be developed as submitted in accordance with Resolution NO. 2019-1212-29.

#### **Section 1. Resolution Effect**

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

#### **Section 2. Severability**

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

#### **Section 3. Effective Date**

This Resolution shall become effective on December 12, 2019 (the "Effective Date") as herein referenced throughout this Resolution.

#### **Section 4. Public Hearing**

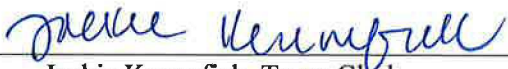
A public meeting on this Resolution was held on the 12<sup>th</sup> day of December 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public hearing held on December 12, 2019.

**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

**Approved as to Form:**

  
Jim Mahoney, Town Attorney