

RESOLUTION NO.2
Series of 1995

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF ASPEN GRANTING A VARIANCE WITH CONDITIONS IN CASE NUMBER 95-11 RELATING TO PROPERTY IN THE CITY OF ASPEN WITH AN ADDRESS OF 119 East Cooper Avenue, ASPEN, COLORADO.

WHEREAS, Winfield Arms Condominium Association through counsel, Douglas Allen, has made application, dated September 8, 1995 to the Board of Adjustment for a variance from the dimensional requirements of Chapter 24 of the Aspen Municipal Code; and

WHEREAS, this matter came on for hearing before the Board of Adjustment on this date and after full deliberations and consideration of the evidence and testimony presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF ASPEN, COLORADO:

Section 1. Findings of Fact.

The Board of Adjustment makes the following findings of fact:

1. A development application for a variance was initiated by: Winfield Arms Condominium Association through counsel, Law Offices of Douglas Allen on: September 8, 1995 for property with a street address of: 119 East Cooper Avenue and legal description of: Block 70, Lots D, E, F and G Original Aspen Townsite, Aspen, Colorado.
2. Notice of the proposed variance has been provided to surrounding property owners in accordance with Section 24-6-205(E)(4)b) of the Aspen Municipal Code. Evidence of such notice is appended hereto as Exhibit "A" (posting of notice) and Exhibit "B"

(mailing of notice).

3. The grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the Aspen Area Comprehensive Plan and Chapter 24 of the Aspen Municipal Code.
4. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.
5. The literal interpretation and enforcement of the terms of Chapter 24 of the Aspen Municipal Code would deprive the applicant of rights commonly enjoyed by other parcels in the same zone district, and would cause the applicant unnecessary hardship or practical difficulty. In determining that the applicant's rights would be deprived absent a variance, the Board considered certain special conditions and circumstances which are unique to the parcel, building or structure, which are not applicable to other parcels, structures or buildings in the same zone district and which do not result from the actions of the applicant; to wit:

Section 2. Variance Granted.

The Board of Adjustment does hereby grant the applicant the following variance from the terms of Chapter 24 of the Aspen Municipal Code:

A FAR variance of 102 square feet to build a bikeshed.

as per plans submitted.

Section 3. Conditions Upon Which Variance is Granted.

The variance granted by Section 2, above, is specifically conditioned upon and subject to the following conditions:

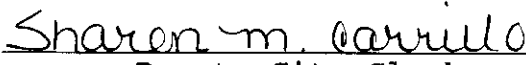
1. Unless vested as part of a development plan pursuant to Section 24-6-207 of the Aspen Municipal Code, the variance granted herein shall automatically expire after twelve (12) months from the date of approval unless development has been commenced as evidenced by the issuance of a building permit, or an extension granted by the Board in which case the variance shall expire at the end of the extension.
2. Applicant shall, prior to filing an application for a building permit, cause to be recorded with the Clerk and Recorder's Office of Pitkin County a copy of this resolution.
3. Condition that shed be used ONLY for bicycle storage.

INTRODUCED, READ AND ADOPTED by the Board of Adjustment of the City of Aspen on the 2 day of Nov, 1995.



Chairperson

I, the undersigned duly appointed and acting Deputy City Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the Board of Adjustment of the City of Aspen, Colorado, at a meeting held on the day hereinabove stated.



Deputy City Clerk

bdofadj.res