



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2021 - 45

**A RESOLUTION APPROVING THE APPLICATION AMENDING THE PROTECTIVE
COVENANTS OF FOXTROT SUBDIVISION
LUC-21-00063
FOXTROT ABL, LLC**

WHEREAS, Foxtrot ABL, LLC, proposes to amend the protective covenants of the Foxtrot Subdivision, as described in the attached in Exhibit A and amend the building envelope of Lot 1 as shown in the attached Exhibit B. Foxtrot Subdivision was approved by Gunnison County and the plat is recorded at Reception No. 641741 in the office of the Gunnison County Clerk and Recorder.

WHEREAS, the proposed covenant amendment allows for the development of one single-family residence up to 6,000 square feet in size on Lot 1 only.

WHEREAS, Section 13-105: D.2. *Maximum Building Size and Maximum Aggregate of All Structures* of the Gunnison County *Land Use Resolution* (LUR) was amended in 2021 and allows a maximum building size of 5,000 square feet and a maximum aggregate size of all structures of 7,000 square feet.

WHEREAS, although the proposed amendment does not comport with the specific requirements of the current LUR, the applicant has represented to Gunnison County's attorney that the property owners in Foxtrot Subdivision initiated the amendment within the subdivision in 2020, prior to any County consideration of an amendment to the LUR.

WHEREAS, the applicant has represented to Gunnison County that it has expended time and resources working to get all parties to agree and approve the amendment.

WHEREAS, the Applicant proposes that the Board approve the amendment but recognize that the amendment does not exempt the property owners of Lot 1 from compliance with the LUR.

NOW, THEREFORE, the Board hereby approves the covenant amendment and building envelope adjustment, with these findings and conditions:

1. The proposed amendment exceeds the maximum building size allowed in Section 13-105: D.2. *Maximum Building Size and Maximum Aggregate of All Structures* and Section 13-105: G. *Impact Classification and Required Findings For Coverage Exceeding Standard* of the Gunnison County *Land Use Resolution*.
2. The proposed building envelope adjustment complies with all setback requirements.
3. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.



NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado approves the Foxtrot Subdivision application, LUC-21-00063 with the following conditions:

1. All structures on Lot 1, Foxtrot Subdivision shall comply with the standards of Section 13-105: D.2. *Maximum Building Size and Maximum Aggregate of All Structures* and Section 13-105: G. *Impact Classification and Required Findings For Coverage Exceeding Standard* of the Gunnison County *Land Use Resolution*.
2. Approval of the subject covenant amendment shall not constitute approval of a structure(s) exceeding the sizes allowed in Section 13-105: D.2 or 13-105: G. of the LUR. Any structure exceeding the maximum size allowances shall be subject to the standards and process described in Section 13-105: *Residential Building Sizes and Lot Coverages*.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
4. Amendment or termination of the protective covenants is subject to approval by Gunnison County.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
8. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Mason, seconded by Commissioner Houck, and adopted on this 21st day of December, 2021.

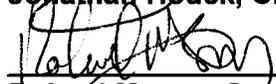
BOARD OF COUNTY COMMISSIONERS



OF GUNNISON COUNTY, COLORADO



Jonathan Houck, Chairperson



Roland Mason, Commissioner

Elizabeth Smith, Commissioner

ATTEST:



Gunnison County Clerk and Recorder
Deputy

