

**Town of Basalt, Colorado
Ordinance No. 7
Series of 2010**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING A SPECIAL REVIEW APPROVAL AND A MINOR SUBDIVISION APPROVAL AND APPROVING A LOT LINE ADJUSTMENT / MINOR PLAT AMENDMENT TO ALLOW FOR MINOR VARIATIONS TO REFLECT THE BUILT CONDITIONS FOR A PROPERTY KNOWN AS 179 WEST HOMESTEAD DRIVE

4/1/2010

RECITALS

A. Bel and Emily Carpenter ("Applicant") received approval in 2007 for a rezoning from R-3 to R-3TN, Special Review to develop on slopes greater than 30% and inclusion of areas with 30% slopes in the developable area of the lot, Special Review for reduction in front yard setbacks and Minor Subdivision pursuant to Ordinance No. 2, Series of 2007 for their property ("Property") described as Lot 1, Lucksinger Minor Subdivision.

B. The Applicants have filed an Application to grant an Amendment to their Special Review and Minor Subdivision approval pursuant to Ordinance No. 2, Series of 2007 and grant a Lot Line Adjustment/Minor Plat Amendment to reflect minor variations to the established setbacks to Lot B, Lot 1 of the Lucksinger Subdivision to reflect the "as built" condition on the property.

C. On March 2, 2010, the Planning and Zoning Commission authorized the modifications to the approved site plan without a public hearing pursuant to Special Review, Section 16-46 of the Town Code.

D. The Town's Technical Review Committee ("TRC") has considered whether formal public notice is required for the request for an amendment to Minor Subdivision approval pursuant to Section 17-83 (a)(1), Town Code, and has determined that the Town Council may consider the request at a public hearing without the requirement of a formal public notice.

E. At a public meeting on March 9, 2010, the Basalt Town Council approved this ordinance on first reading and scheduled a public hearing and second reading for March 23, 2010, at meeting for a meeting beginning no earlier than 6:00 PM at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

F. At a public hearing and second reading on March 23, 2010, the Town Council heard evidence and testimony from the Applicants, Town Staff, and members of the public.

G. The Town Council finds and determines that that the request is unsubstantial and will not modify the use, character, or density of the property. The Town Council further determines this Ordinance is reasonable and consistent with the Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, that the Town Council finds and concludes as follows:

A. FINDINGS

1. The Town Council hereby incorporates by reference and conclusively makes the above recitals, the representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.
2. The Town Council finds that the Applicant request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions indentified in this Ordinance.
3. Based on the evidence, testimony, exhibits, and comments from the public, the Applicants, and Town Staff, Town Council finds and determines in accordance with Sections 17-83, Town Code, that the Application complies with the Town regulations regarding Minor Subdivision and Minor Amendments thereof subject to the conditions contained in this ordinance.
4. Section 16-46, Town Code addresses procedures for Town approval of minor variations to a approved special review application and site plan for the location of structures, improvements or open areas caused by engineering or other unforeseen difficulties provided the use, character, or density of an approved special review application or site plan are not modified.
5. Section 16-27, Town Code allows for the setbacks granted in this ordinance subject to the conditions contained in this ordinance.
6. The Town Council finds that the Applicant's requests are consistent with the applicable portions of the Town Code and Master Plan provided the Applicant adheres to the conditions contained in this ordinance.

B. CONDITIONS

1. Based on the Application, testimony and comments from the public, the Applicants and Town Staff, the Town Council hereby grants and Amendments to the Special Review approval and Lot Line Adjustment / Minor Plat Amendment to allow for minor modifications to the setbacks of the built residence subject to the following conditions:

(a) The Applicants shall comply with all material representations made by the Applicants in the Application and in hearings before the Town Council and the Planning and Zoning Commission.

(b) The plat shall be modified to include all required certificates, legal requirements, and amendments to the building envelope pursuant to this approval and those left unchanged pursuant to Ordinance No. 2 of 2007 subject to review and approval by the Town Planner and Town Attorney.

(c) The front yard setback to the living area of the single family structure shall be reduced to 9 feet to comply with the existing built condition. The front yard setback to the front porch awning shall be reduced to 4 feet and 4 inches to comply with the existing built condition. The front yard setback for the first floor to the garage is reduced to 19 feet and 9 inches to comply with the existing built condition and the front yard setback for the second story overhang shall comply with the reduced 9 foot setback established for living areas. Rear yard setback shall be reduced (by approximately 3 inches) to comply with the existing built condition.

(d) The property line that divides Lot A and Lot B shall be shifted approximately 3 inches to the west to allow Lot B to comply with the required side yard setback for the R3-TN zone district.

2. The Mayor and Town Clerk are hereby authorized to execute the Minor Subdivision Amendment for the Property on behalf of the Town after approval of such plats and maps by the Town Attorney.

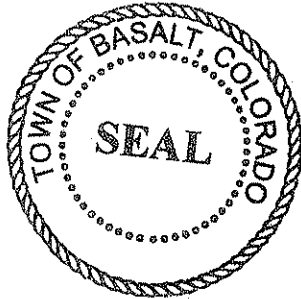
C. MISCELLANEOUS.

1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.
2. This Ordinance, after fully executed, shall be recorded in the office of the County Clerk and Recorder.

3. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON March 23, 2010, by a vote of 7 to 0 on March 9, 2010.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on March 23, 2010.



TOWN OF BASALT

By: Leroy Duroux
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling
Pamela Schilling, Town Clerk

Ord07 Carpenter Special Review Lot Adjust

First Publication Date: March 18, 2010
Second Publication Date: April 1, 2010
Effective Date: April 15, 2010