

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE,
MOUNTAIN VILLAGE, COLORADO
GRANTING A VARIANCE TO THE APPLICATION OF THE COONSKIN RIDGE
VIEW PLANE EXHIBIT TO UNIT 12, LOT 161A-4, THE RIDGE AT TELLURIDE, A
PLANNED UNIT COMMUNITY FOUND AT CDC SECTION 17.5.16.B.4**

Resolution No. 2021-1216-29

WHEREAS, Jonathan H. And Tiffany L. Horton Living Trust (the “Owner”) is the owner of record of real property described as UNIT 12 THE RIDGE AT TELLURIDE A PLANNED COMMUNITY LOT 161A4 ACC TO PLAT REC 04 05 2004 BK 1 PG 3262 3265 AND ACC TO 6TH SUPPLEMENTAL AND AMENDED PLANNED COMMUNITY PLAT PHASES 1 THRU 7 REC 07 02 2010 PLAT BK 1 PG 4349 4353 AND 6TH SUPPLEMENT & AMENDMENT TO DECS AT 413135 A 5.55 PER INT IN UNIT 4 LOT 161A 1R BLDG LOT 161 D1 OPEN SPACE TRACTS ROS 1A 2C 4B 5A 6A 7A LOT 161A 4 OPEN SPACE TRACTS ROS 1B 2B 3A 4A AND LOT 161A R3 OPEN SPACE TRACT ROS 5B COMMON ELEMENTS, Town of Mountain Village (the “Property”); and

WHEREAS, these Owner has, through its Applicant and Agent, John Horn (the “Applicant”), requested a Variance to CDC Section 17.5.16.B.4 as the Coonskin Ridge View Plane Exhibit limits Unit 12, in its proposed location to 20 feet in building height for a majority of the building and 35 feet to a small portion of the building; and

WHEREAS, the Applicant submitted a Class 4, Variance Process application;

WHEREAS, the Applicant also requested that the Variance application include an allowance for the building to be constructed up to 35 feet plus five (5) feet for chimneys, flues, vents and similar structures.

WHEREAS, the Applicant filed the application can be for a Variance to the specific CDC code section understanding any action taken by the Town with respect to the variance does not in any way amend the Town and County Settlement Agreement nor limit the Town’s right to consider other provisions of the CDC as it relates to any future application regarding the Property;

WHEREAS, the Design Review Board and Town Council considered this application jointly, along with evidence and testimony, at a special public meeting on December 16, 2021.

Now, Therefore, Be It Resolved that the Town Council hereby approves the Variance for Unit 12, Lot 161A-4, The Ridge at Telluride, A Planned Unit Community, and authorizes the Mayor to sign the Resolution subject to the following findings and conditions:

- 1) The application meets the Variance criteria found at CDC Section 17.4.16.D.1 a-h
- 2) The Applicant demonstrated that the proposed development [request] substantially comply with the variance review criteria pursuant to CDC Section 17.4.16.D.2
- 3) The Variance is based upon the specific relocated building envelope represented in this application which location for Lot 12 and will not further be relocated.

And the following conditions:

- 1) The Variance application allows for a building up to 35 feet plus 5 feet for chimneys, flues, vents and similar structures but otherwise subject to the design and heights approved by the Design Review Board when applying the regulations of the CDC, inclusive of design regulations.
- 2) Consistent with the Ridge Covenants, building height allows for a maximum height, per the applicant's request, of 35 feet plus 5 feet for chimneys, flues and similar structures, for a maximum height calculation from finished grade with no average height requirement. The maximum height is measured from the lowest finished grade located directly below the highest point of the structure.
- 3) The Applicant must demonstrate the associated parking requirements are met consistent with the 161CR and Ridge Settlement Agreement when a Class 3 design review application is submitted to the Town.
- 4) The Applicant must submit a condominium map amendment for the relocation of the building site prior to issuance of a certificate of occupancy.
- 5) Owners shall indemnify, defend and hold harmless Town, its members, affiliates, officers, directors, partners, employees, and agents from and against all claims, damages, losses and expenses, including but not limited to reasonable attorney's fees, arising out of the approval of the variance granted hereunder.

Be It Further Resolved that Unit 12, Lot 161A-4, The Ridge at Telluride, A Planned Community may be developed as submitted in accordance with Resolution No. 2021-1216-29, and the variance approved hereunder shall expire eighteen (18 months from the date hereof, on June 16, 2023, unless a building permit is issued in advance of such date or a Renewals Process application extends the approval for an additional six (6) months.

Approved by the Town Council at a public meeting December 16, 2021.

Town of Mountain Village, Town Council

By: _____

Laila Benitez
Laila Benitez, Mayor

Attest:

By: _____

Susan Johnston
Susan Johnston, Town Clerk

Approved as to form:

By: _____

Paul Wisor
Paul Wisor, Town Attorney

Agreed and Acknowledged:

Jonathan H. And Tiffany L. Horton Living Trust

By: _____

Its: _____

STATE OF COLORADO)

)

COUNTY OF SAN MIGUEL)

Signed before me on _____, 2022, by _____ as Trustee for the
Jonathan H. And Tiffany L. Horton Living Trust.

Witness my hand and official seal:

Notary Public

My commission expires: _____