CORTEZ CITY COUNCIL
RESOLUTION NO. 9, SERIES 2025

A Resolution approving an exception to the strict application of the Cortez Land Use Code concerning the construction of a fence

WHEREAS, Jeremy and Kara Linch, owners and Applicants (the "Applicants") have submitted a Deviation/Exception Request (the "Application"), which is attached hereto and incorporated herein as Exhibit A, seeking an exception to the strict application of the Cortez Land Use Code (LUC) located at 26 East Driscoll, Cortez, Colorado and more particularly described as (the "Property"):

MONTVIEW ADDITION Tract: E B 256 P 209 B 290 P 201, City of Cortez, Montezuma County, Colorado

WHEREAS, pursuant to Section 5.01.2(B) of the LUC, the City Council has the authority to approve less restrictive minor deviations or exceptions to the strict application of the provisions of the Site Development Standards in Chapter 5 of the LUC in circumstances in which the City Council determines involve unique characteristics of a particular property, of a particular proposed use, inconsistency with surrounding property, or other circumstances that make the strict application of the provisions of the LUC inequitable, physically impractical or contrary to the public good; and

WHEREAS, pursuant to Section 5 of the LUC, maximum fence and wall heights for any combination of fence materials with the City is four (4) feet within the front setback; and

WHEREAS, pursuant to Section 3 of the LUC, the minimum front setback in Residential Single-Family District (R-1) is fifteen (15) feet; and

WHEREAS, the Application contains the Applicants' proposed reasoning for the requested approval by Council of the minor deviation or exception to the strict application of the LUC requirements regarding construction of a four (4) foot fence in a portion of the front setback of 26 Driscoll Street;

NOW, THERFORE, BE IT RESOLVED BY THE CORTEZ CITY COUNCIL:

THAT, this Cortez City Council Resolution No. 9, Series 2025, establishes the circumstances in which the Council has determined involve unique characteristics of the Property and the surrounding uses that warrant an approval of the Application and an exception to construction standards for a fence at 26 Driscoll Street; and

THAT, the Application is hereby approved, subject to the conditions below to ensure compliance with all otherwise applicable requirements of the LUC and the Applicants shall be allowed to construct a six (6) foot fence in a portion of the required setback of 26 Driscoll Street:

1. The unimproved portion of the front setback shall maintain all requirements of the adopted Land use Code regarding fences.
2. The approved section of fence shall meet all vision clearance standards per the Land Use Code.

MOVED, SECONDED, AND ADOPTED THIS 12ND DAY OF AUGUST, 2025

Rachel B. Medina, Mayor

ATTEST:

Cheryl Lindquist, Deputy City Clerk