

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY,  
COLORADO, GRANTING THE LAZY GLEN MAJOR PLAT AMENDMENT**

**Resolution No. 044-2008**

**Recitals**

1. The Lazy Glen Homeowners Association "Applicant", has applied to the Pitkin County Board of County Commissioners, "BOCC", for Subdivision Exemption for a Major Plat Amendment to increase the principal building height limitation for lots located both within and outside the 100 year floodplain and to permit garages.
2. The Subdivision is located off Hwy 82, 1 mile north of the intersection of Hwy 82 and Snowmass Creek Road.
3. The Planning and Zoning Commission heard this application at their regularly scheduled public meeting on August 1, 2006, at which time they recommended approval by a vote of 3-0.
4. The Board heard the request at regularly scheduled and duly noticed public hearings on September 27, 2006, November 15, 2006, and May 14, 2008 at which time evidence and testimony were presented with respect to this application.
5. The Board finds that this application is consistent with the applicable Sections of the Pitkin County Land Use Code.

**NOW THEREFORE BE IT RESOLVED** by the Pitkin County Board of County Commissioners that it hereby grants approval to the Lazy Glen Subdivision to allow garages and amend certain conditions and Covenants and to increase principal residential building height subject to the following conditions, which shall run with the land and be binding on all successors in interest:

1. The Applicant shall adhere to all material representations made in the current or prior applications or in public meetings or hearings and shall consider those representations to be conditions of approval, unless amended by other conditions.
2. The Applicant shall comply with the provisions of BOCC Resolution Nos. 98-168 and 137-2001, and Lazy Glen Declaration of Protective Covenants, Conditions, and Restrictions (Rec. No. 465135) unless otherwise replaced or amended by the conditions of this approval.
3. Rescind Condition 21(A)(2) of BOCC Resolution No. 98-168 and replace it with the following: *"Carports up to 300 square feet in size are exempt from floor area. Any area in excess of 300 square feet will be included in floor area calculations. Garages are permitted and are included in the total allowable floor area calculation. Both carports and garages must meet sideyard setback requirements. If carports are converted into garages, the new garage shall meet sideyard setback requirements."*
4. Rescind Article VI, Section 3(a), Condition #2 of the Lazy Glen Declaration of Protective Covenants, Conditions, and Restrictions and replace it with the following: *"Carports up to 300 square feet in size are exempt from floor area. Any area in excess of 300 square feet will be included in floor area calculations. Garages are permitted and are included in the total allowable floor area calculation. Both carports and garages must meet sideyard setback requirements. If carports are converted into garages, the new garage shall meet sideyard setback requirements."*

Resolution No. ~~044~~-2008  
Page 2

5. Condition #21(B)(1) of BOCC Resolution 98-168, which limits building height, shall be rescinded and replaced with the following language: *"Principal building height limitations are as follows: Lots in the floodplain shall be limited to 20 feet for flat roofs and 24 feet for peak roofs, Lots outside the floodplain shall be limited to 18 feet for flat roofs and 22 feet for peaked roofs."*
6. Rescind Article VI: Design Standards, Section 3(b) of the Amended Declaration of Protective Covenants for the Lazy Glen Subdivision and replace it with the following language: *"Principal building height limitations are as follows: Lots in the floodplain shall be limited to 20 feet for flat roofs and 24 feet for peak roofs, Lots outside the floodplain shall be limited to 18 feet for flat roofs and 22 feet for peaked roofs. Building heights shall be measured pursuant to the Pitkin County Land Use Code's definition of building height in effect at the time of building permit issuance."*
7. Condition #2 of BOCC Resolution 137-2001, which regulates setbacks for Lazy Glen, shall be rescinded.
8. Any application for approval of construction of a second story addition must meet a side-yard setback requirement of 10 feet measured from the property line, without regard to the setback on the adjoining lots.
9. Any application for approval of construction of an addition to a single story residence or construction of a new single story residence must meet a side-yard setback requirement of 5 feet measured from the property line without regard to the setback on the adjoining lots.
10. Water shall be provided utilizing the existing six-inch water system.
11. Lazy Glen HOA shall install fire hydrants at 600 foot intervals within 3 years of this approval.
12. Lazy Glen HOA shall amend its covenants to provide that the District has access over all Lazy Glen property as reasonably necessary to provide emergency services.
13. Lazy Glen shall, within 3 years of the date of approval of its application by Pitkin County, complete installation of a 60,000 gallon water supply tank on the property.
14. Lazy Glen shall, within 3 years of the date of approval of its application by Pitkin County, install a pump system meeting the specifications identified by the District Fire Marshall, including NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, with technical modifications approved by the Fire Marshal.
15. Lazy Glen shall, within 12 months of approval of its application by Pitkin County, build a dry hydrant with a capacity of 1,000 gallons per minute, the location to be agreed upon. This shall be designed by a civil engineer and approved by the Fire Marshall.
16. Lazy Glen HOA shall enter into a contract with the District or another qualified operator, which provides for maintenance of the tank, pump, wet-barred hydrant, and dry hydrant. The contract shall include provisions for annual testing, inspection, and record keeping. This contract shall be entered into one (1) month after completion of the dry hydrant. Annual reports shall be submitted to the County, for review and approval, that document the completion of the required fire improvements and the results of annual testing and inspection. This report shall be submitted annually on the anniversary of this approval.

Resolution No. 049-2008  
Page 3

17. There is no requirement for a Lot owner to construct a two story residence, however if a two story residence is constructed, a minimum of 25% of the floor area built with a maximum of 50% must be applied to the 2<sup>nd</sup> story of the residence.
18. The Lazy Glen HOA shall review and approve a proposal for 2<sup>nd</sup> story construction prior to submitting for a building permit.
19. This Resolution shall not be effective until the Lazy Glen HOA has demonstrated to the Community Development Department that a HOA vote has been taken on the covenant amendments as stated herein and that fifty-one (51) eligible votes have been cast in favor of the amendment.
20. The Applicant shall provide financial security to the County for the fire protection improvements. This security shall be in place prior to submission of any future building permits for 2<sup>nd</sup> floors. The form and amount of the security shall be submitted for review and approval by the Community Development Director and the County Attorney. There shall be no issuance of permits for 2<sup>nd</sup> floors thereafter if the required fire improvements are not completed within 3 years.
21. The Applicant shall identify all the Lots that will not be able to construct a 2<sup>nd</sup> floor due to the location of overhead utility lines.
22. The Basalt and Rural Fire District shall review all new construction permit applications.
23. Failure to comply with these conditions of approval may result in revocation of this permit or any subsequent permits related to this property or vested rights associated with this property.

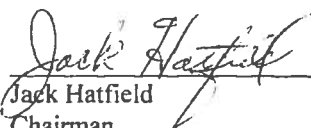
**NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES on the 24th day of February, 2008.**

**APPROVED AND ADOPTED** at the public hearing on the 14<sup>th</sup> day of May, 2008.

ATTEST:

  
Jeanette Jones  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO


  
Jack Hatfield  
Chairman

Date: 6/17/08

APPROVED AS TO FORM:

  
John Ely,  
County Attorney

APPROVED AS TO CONTENT:

  
Cindy Houben,  
Community Development Director