

**RESOLUTION NO. 14
 SERIES 2022**

**INTRODUCED BY: KATY BROWN
 SECONDED BY: RANDY WEIL**

**A RESOLUTION OF THE CITY COUNCIL
 OF THE CITY OF CHERRY HILLS VILLAGE
 APPROVING A FLOODPLAIN VARIANCE
 PERTAINING TO PROPERTY
 LOCATED AT 7 RANDOM ROAD**

WHEREAS, Anton Fredrik Klaveness (the "Applicant") is the record property owner of a certain parcel of land being approximately 2.32 acres in size, located at 7 Random Road, and more particularly described in **Exhibit A**, attached hereto and incorporated herein; and

WHEREAS, the Applicant submitted an application for a Floodplain Variance dated February 25, 2021 ("Application"); and

WHEREAS, the Planning and Zoning Commission ("P&Z") held a duly noticed public hearing on May 10, 2022, to consider the Application and following the conclusion of the public hearing voted to recommend approval of the Application to City Council subject to three conditions, based on the evidence and testimony presented at such hearing; and

WHEREAS, pursuant to the Cherry Hills Village Municipal Code ("Code"), the City provided notice of a City Council hearing to be held on June 21, 2022; and

WHEREAS, on June 21, 2022, the City Council thereafter held such duly-noticed public hearing on the Application, at which time evidence and testimony were presented to the City Council; and

WHEREAS, the City Council determines that testimony and other evidence in the record supports findings that the Floodplain Variance meets the criteria outlined in Section 16-5-210, Section 16-5-220(c), and (d), Section 16-5-240(b), Section 16-7-530(c) and (f), Section 16-7-360(c), and Section 16-7-360(e) of the Code, as more fully discussed in the staff memorandum prepared for the June 21, 2022, public hearing and all other applicable provisions of the Code and does so find.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Floodplain Variance Approved. The Floodplain Variance sought by the Application is hereby approved, subject to the conditions set forth in Section 3 below.

Section 3. Conditions Imposed. The Floodplain Variance herein approved is subject to the following conditions:

1. Prior to the final inspection for the proposed building the applicant shall provide the City with "as built" drawings, including an "Elevation Certificate", to ensure that construction of the garage was consistent with the approved plans.
2. The applicant and subsequent owners of the subject property may not install any electrical, heating, ventilation, plumbing, or air conditioning equipment, interior walls or insulation, or other service facilities without prior written approval of the City and proof from the applicant that they have been designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Any storage of chemicals, including but not limited to: oil, gas, fertilizer, and anti-freeze, or other hazardous materials, must be two (2) feet above the proposed concrete slab of the garage.

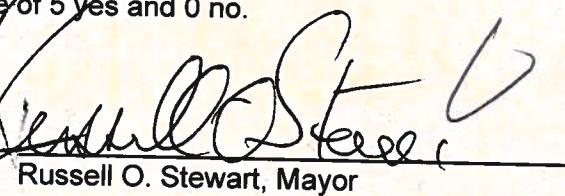
Section 4. Effective Date. This Resolution shall be effective immediately upon its adoption.

Section 5. Repealer. All resolutions or parts thereof in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution or revive any resolution.

Section 6. Severability. If any provision of this resolution is found by a court of competent jurisdiction to be invalid, the remaining provisions of this resolution will remain valid, it being the intent of the City that the provisions of this resolution are severable.

Introduced, passed and adopted at a regular meeting of City Council this 21st day of June, 2022, by a vote of 5 yes and 0 no.

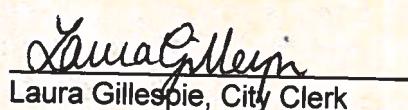
(SEAL)



Russell O. Stewart

Russell O. Stewart, Mayor

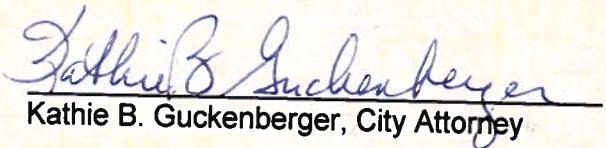
ATTEST:



Laura Gillespie

Laura Gillespie, City Clerk

APPROVED AS TO FORM:



Kathie B. Guckenberger

Kathie B. Guckenberger, City Attorney

Exhibit A
Legal Description

Plot 7 Polichio Subdivision