

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE  
APPROVING A FLOODPLAIN VARIANCE AT 1975 E. CHENANGO COURT**

**WHEREAS**, Dwyer Gunn (the "Applicant") is the record property owner of a certain parcel of land being approximately .62 acres in size, located at 1975 E. Chenango Court, and more particularly described in **Exhibit A**, attached hereto and incorporated herein ("Property"); and

**WHEREAS**, the Applicant submitted an application for a Floodplain Variance for the Property dated August 17, 2022 ("Application"); and

**WHEREAS**, the Planning and Zoning Commission ("P&Z") held a duly noticed public hearing on March 14, 2023, to consider the Application, and following the conclusion of the public hearing, P&Z voted to recommend approval of the Application to City Council subject to the condition set forth below, 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 public hearing to be held on April 4, 2023; and

**WHEREAS**, the City Council thereafter held such duly-noticed public hearing on the Application, where 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 16-7-530(f), and Section 16-7-360(e) of the Code and all other applicable provisions of the Code and desires to approve the Application subject to the condition set forth below.

**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 referenced herein is hereby approved, subject to the condition set forth in Section 3 below.

**Section 3.** Condition Imposed. The Floodplain Variance herein approved is subject to the following condition:

1. At the conclusion of the project the applicant shall provide "as built" drawings to ensure that construction was consistent with the approved plans.

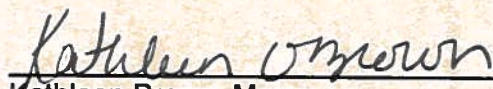
**Section 4.** Effective Date. This Resolution shall be effective immediately upon its adoption.

**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 4<sup>th</sup> day  
of April, 2023, by a vote of 5 yes and 0 no.

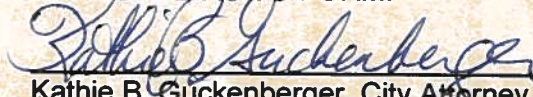
(SEAL)

  
Kathleen Brown, Mayor

ATTEST:

  
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

  
Kathie B. Guckenberger, City Attorney

**Exhibit A**  
**Legal Description**

Lot 8, Block 1, Cherry Vale Meadows Subdivision

