

**FRASER BOARD OF ADJUSTMENT  
RESOLUTION NO. 2025-02-02**

A RESOLUTION **APPROVING/DENYING** A VARIANCE REQUEST FROM SECTION 19-2-255(g)(1) TO REDUCE THE MINIMUM DEPTH OF REQUIRED GROUND FLOOR COMMERCIAL USES ALONG CLAYTON COURT FROM TWENTY (20) FEET AS REQUIRED IN THE RIVERWALK (RW) ZONE DISTRICT TO ZERO (0) FEET FOR PROPERTY LOCATED NORTH OF CLAYTON AVENUE AND WEST OF CLAYTON COURT, ON PROPERTY LEGALLY DESCRIBED AS LOT 8A, ACCORDING TO THE CORRECTION PLAT OF A SUBDIVISION OF LOT 8, RECORDED FEBRUARY 8, 1991 UNDER RECEIPTION NO. 291300 OF A RESUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION, RECORDED OCTOBER 24, 1986 UNDER RECEIPTION NO. 249237 AND CORRECTION PLAT RECORD APRIL 5, 1994 UNDER RECEIPTION NO. 94003832, TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO

WHEREAS, on January 30, 2025, Kevin Rifkin, as a representative of Outwest Investments, acting on behalf of Fraser Downtown, LLC, a Colorado limited liability company, submitted a land use application requesting approval of a variance from the commercial uses depth requirement for properties with frontage on Highway 40 (Zerex Street) or Clayton Court ahead of a proposed mixed-use development located at 150 Clayton Court; and

WHEREAS, Fraser Downtown, LLC, a Colorado limited liability company, is the current owner of 150 Clayton Court, and Outwest Investments is authorized to act on behalf of the property owner with regards to this application; and

WHEREAS, on February 26, 2025 the Board of Adjustment reviewed a proposed variance request for the above described parcel in accordance with Section 19-1-330 of the Fraser Land Development Code; and

WHEREAS, per Sec. 19-1-330, the Board of Adjustment may grant a variance only to the extent it finds certain conditions, where relevant to the subject property and adjacent neighborhood or district are present; and

WHEREAS, the Board found, based on the criteria presented below, the variance request **meets/does not meet** the conditions necessary for granting a variance;

- (1) The property possesses physical circumstances or other conditions peculiar to the affected property: **Met/Not Met**
- (2) The physical condition is unique to the identified property or is not common through the surrounding district: **Met/Not Met**
- (3) The condition or circumstance for which variance is sought was not created by the applicant: **Met/Not Met**
- (4) The property cannot be reasonably developed in conformity with the Land Development Code without a variance: **Met/Not Met**

- (5) The essential character of the neighborhood or district in which the property is located will not be altered, nor will the appropriate use of adjacent property be substantially or permanently impaired by the variance: **Met/Not Met**
- (6) The variance is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan: **Met/Not Met**
- (7) The variance is needed to provide a reasonable accommodation to a person or persons with a disability: Not applicable.

NOW THEREFORE BE IT RESOLVED that the Fraser Board of Adjustment has voted to **APPROVE/DENY** this variance request with the following conditions:

1. Ground floor commercial uses may be reduced in depth from the required twenty (20) feet to as low as zero (0) feet for portions of the subject property where the depth of the lot is less than seventy (70) feet. The applicant shall still be required to accommodate the intent of the ground floor commercial depth requirement in the Riverwalk district for remaining building areas to the maximum extent feasible by including street level activation by other means such as inclusion of storefront windows and commercial uses at reduced depths, utilization of commercial or residential outdoor patio space, or other means as mutually agreed upon through the land use application review process.
2. The Variance approval is valid for one (1) year, to expire on February 26, 2026 unless a Major Site Plan application is submitted and deemed complete within this time period, in which case the variance shall remain valid up until one (1) year from the date the Board of Trustees provide any final approval on such land use application per Sec. 19-1-245. In the event of an expiration, the Applicant shall submit a Variance Application anew for subsequent review and determination.

APPROVED AND ADOPTED THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025.

FRASER BOARD OF ADJUSTMENT

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Chairperson

ATTEST:

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Town Clerk