

**GRAND COUNTY BOARD OF ADJUSTMENT
Meeting Minutes**

April 12th, 2018

MEMBERS PRESENT: Tim Moreland Marcus Davis
 George Davis

STAFF PRESENT: Thomas Leatherwood Robert Franek
 Alex Taft Carolyn Derby

The April 12th, 2018 meeting of the Grand County Board of Adjustment was called to order at 5:30 P.M. by Chairman Tim Moreland.

Board of Adjustment members voted to retain Tim Moreland as Chairman. Motion was made by George Davis, 2nd motion by Marcus Davis. Ally "aye" motion carried.

Approval of May 2017 Board of Adjustment Meeting Minutes. Motion to approve May 2017 minutes by Marcus Davis, 2nd motion by George Davis. All "aye" motion carried.

**Ruth Ann Hostetler, Gary and Catherine Brewer, and David and Sheryl Greenbury
minimum lot area and lot width variance**

Robert Franek, County Attorney, set the public record:

- A. Letter of Application dated: November 22nd, 2018
- B. Public Notice – Middle Park Times, March 23rd, 2018
- C. Proof of Publication – Middle Park Times, March 29th, 2018
- D. Vicinity Map depicting the 750' Notification buffer as established by the Grand County GIS System
- E. Certified Mailings to all adjacent property owners, as established by the Grand County GIS System
- F. Public Review Sheet (no names)
- G. Letter from Department of Community development to applicants notifying them of meeting date and time: dated March 26th, 2018
- H. Staff Report: dated April 12th, 2018
- I. Site Map
- J. Power Point Presentation with accompanying maps

Chairman Moreland introduced the variance proposal and turned the floor over to County Planner Alex Taft

History:

The applicants are Gary and Catherine Brewer and David and Sheryl Greenbury, owners of Lot 74, and Ruth Ann Hostetler owner of Lot 73. These properties are located 8.3 miles north of the Town of Granby and 7.4 miles south of the Town of Grand Lake. The owners of Lot 74 found encroachment of their existing house and shed which prompted the application for amended final plat. The property is within the Forest and Open District. The minimum lot size for this district without public water and sewer is 5 acres.

Access to the lot is by way of County Road 41 at its intersection at US 34.

Project Description:

The Applicant proposed an amended final plat to cure encroachment. Under advisement of Planning Commission staff was notified of the required variance. A minimum lot area and lot width variance is required for this application.

Proper public notice was placed in the Middle Park Times on March 29th, 2018 as required and adjacent property owners were notified by Certified mail. Staff has received no specific objections to this variance request.

STAFF RECOMMENDATION

Staff recommends approval of the variance for Lot 73 to allow the minimum lot area to .86 acres and width to 139.81'. Staff recommends approval of the variance for Lot 74 minimum lot area to 1.341 acres, to continue this application for Board of County Commissioners approval.

DISCUSSION

Andrew Moore, Attorney from Whitmer Law firm, is here to represent the applicants and answer any questions or comments the board may have.

Marcus Davis – The Amended Final Plat was done contingent upon this variance being approved? The minimum lot size of lot 73a is .86 acres.

Alex Taft – Confirmed the approval and the minimum lots size as being .86 acres.

George Davis – No Comments

Tim Moreland – No Comments

Marcus Davis made the motioned to approve The Hostetler, Brewer, and Greenbury variance as presented. Board member George Davis seconded the motion. All members voted "Aye". Motion carried.

Clark Newman minimum lot width, minimum lot area, read and side setback variance

Robert Franek, County Attorney, set the public record:

- A. Letter of Application dated March 19th, 2018
- B. Public Notice – Middle Park Times, March 23rd, 2018
- C. Proof of Publication – Middle Park Times, March 29th, 2018
- D. Vicinity Map depicting the 750' Notification buffer as established by the Grand County GIS System
- E. Certified Mailings to all adjacent property owners, as established by the Grand County GIS System
- F. Public Review Sheet (no names)
- G. Letter from Department of Community development to applicants notifying them of meeting date and time: dated March 26th, 2018
- H. Staff Report: dated March 14th 2018
- I. Vicinity Map
- J. Narrative from applicant, Clark Newman with supporting photos

Chairman Moreland introduced the variance proposal and turned the floor over to County Planner Alex Taft

History:

Clark Newman's residence is located 8 miles north of the Town of Granby and 5 miles south of the Town of Grand Lake. The property owner will remove an existing mobile home that has been on the property since 1970. The property is within the Tourist District.

Access to the lot is by way of County Road 6405 (also known as Roundup Ave) from US 34. Adjacent to the north of the lot lies Mountaineer Mobile Home Park.

Project Description:

The Applicant is proposing a side and rear yard setback variance to reduce the standard rear setback from 20' to 5', side setback from 10' to 5' construct a new single family home and deck. Staff also found no documentation of a variance granted in 1972 so a front setback variance of 25.8' is included in this application. Staff recommends a lot area and lot width variance to this pre-existing, non-conforming lot.

Proper public notice was placed in the Middle Park Times on March 29th, 2018 as required and adjacent property owners were notified by Certified mail. Staff has received no specific objections to this variance request.

STAFF RECOMMENDATION

Staff recommends approval of the variance to allow the requested 5' side and rear yard setback, with the additional conditions to allow the construction of a single family dwelling by Clark Newman.

DISCUSSION

Clark Newman – Applicant

George Davis – the pictures we are looking at are they taken in the middle of the lot and providing at 360 degree look at the property? Are there any pictures of the garage?

Clark Newman – It is a 360 degree look of the lot and not there are not any pictures of the garage. Questions regarding the setback survey that is required for the foundation before the permitting process. When does that need to be done?

Marcus Davis – The intent is to the keep the garage, remove the mobile home, then construct a single family dwelling that is 46' wide across the back which brings in the side setbacks and the rear down to 5'. What is behind this property? Has the US Forest Service been contacted? If so, do we have a letter from them in our files? What did the Forest Service have to say? What is the trail on the property? The trees in the West side of the property - who owns then? They provide a good screen. Is the boat yard property zoned tourist as well? So there is a 15' separation there if they build up against their setbacks. Setting the house wide on the lot, if you remove the garage and change the orientation of house you would have more options but you want to keep the garage. What is the hardship here? This would leave you with 36' x 40' with the actual setbacks. I am not seeing a hardship here I am seeing a desire to want something that doesn't fit on the lot.

Alex Taft – Behind the property there is meadow and adjacent to the property is US Forest Service land. The US Forest service didn't have an issue with this because there wasn't any easements or anything. The trail is just a trail there isn't a dedicated easement that was noted. Yes it is zoned tourist as well. We justified the variances as a practical difficulties, as the total buildable site is maybe 1500'.

Clark Newman – We didn't purchase this property it's been in the family for many years. We would like to continue to keep it in the family. We would like to be able to keep the garage and build a more permanent home. It would be a financial hardship on us if we had to remove the garage.

Bob Franek – There are two types of variances - one being a hardship and the other being a practical difficulty. It doesn't have to be both.

Tim Moreland- The front yard setback is already pre-existing, nonconforming. I understand the practical difficulties so I don't feel there is a need to tear down the garage if you don't have to. When was the lot platted, before building regulations? Are you just adding the lot size variance to be in compliance?

Alex Taft – I believe it was platted around 1953.

Marcus Davis- Was there a valid building permit on the garage when it was erected?

Alex Taft- Not aware of a building permit

George Davis – What year was the garage built?

Clark Newman – It was built around 1982 but nothing official was found.

Marcus Davis –To the East how far away is that home? Is it a mobile as well?

Alex Taft – The home to the East is maybe 50' and it is a fixed home.

Marcus Davis made the motioned to approve the Clark Newman lot size, lot width, sides, rear, and front yard setback variances. George Davis seconded the motion. All members voted "Aye". Motion carried.

Meeting Adjourned by Chairman Moreland at 5:48 P.M.