

**GRAND COUNTY BOARD OF ADJUSTMENT  
Meeting Minutes**

**July 11, 2018**

<b>MEMBERS PRESENT:</b>	Tim Moreland George Davis	Marcus Davis
<b>STAFF PRESENT:</b>	Robert Davis Carolyn Derby Robert Franek	Alex Taft Richard Hubler Maxine LaBarre-Krostue

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The July 11, 2018 meeting of the Grand County Board of Adjustment was called to order at 5:30 P.M. by Chairman Tim Moreland.

Minutes from March 2018 were presented. Motion to approve by Marcus Davis, seconded by Tim Moreland. All in favor, George Davis abstaining, motion passed.

Minutes from May 2018 were presented. Motion to approve by George Davis, seconded by Marcus Davis. All in favor, motion passed.

**318 GCR 8300 (aka Sunset Blvd) Front Yard Setback Variance**

Record set by County Attorney Bob Franek

**LIST OF EXHIBITS  
BOARD OF ADJUSTMENTS**

**APPLICANTS: Michael Vanderwoud  
July 11, 2018**

- A. Grand County Development Application – Dated Jun 8, 2018
- B. Public Notice –Dated June 8, 2018
- C. Proof of Publication in Middle Park Times, June 14, 2018
- D. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS system
- E. Certified Mailings to all property owners within 500 feet as established by the Grand County GIS system
- F. Public Review Sheets with and without signatures
- G. Staff Certificate with attachments – Dated July 11, 2018

Presented by Alex Taft, Planner, Represented by Dave Robb of Robb Studio Architecture

Project Description:

The Applicant proposes a variance of ten feet (10') from the minimum front yard standard setback from thirty feet (30') to twenty feet (20') for a detached garage. The variance would significantly reduce the grade for driveway access to the site (from 14% to approximately 6%. This also greatly reduces the need of fill that would otherwise be necessary. The 319' deep lot has a grade change of 57' or approximately 17% from front to rear. The variance would reduce the slope of the driveway access from 14% to approximately 6%, thereby avoiding the need for a variance from the Road and Bridge Department and creating safer conditions for ingress and egress.

Public notice was placed in the Middle Park Times on June 14, 2018 as required, and adjacent property owners were notified by Certified mail. Staff has received no response from neighbors.

**Compliance with Zoning Regulations**

**I. Zoning – Section 4, Residential District**

**4.1 Use:** A new Single family residential building is permitted by right in this district.

**4.2 Minimum Lot Area** Existing area is 43,995 ft<sup>2</sup> (1.01 acres). Required minimum is 30,000 ft<sup>2</sup> (0.68 acres)

**4.3 Minimum Lot Width** Narrowest existing width is one hundred thirty five feet (135'). Required minimum is one hundred twenty feet (120')

**4.4 Minimum Front Yard** Proposed building is at twenty feet (20'), thirty feet (30') is required. ✓**PROPOSED VARIANCE**

**4.5 Minimum Side Yard** Five feet (5') is required.

**4.6 Minimum Rear Yard** Twenty feet (20') is required.

**4.7 Maximum Building Height** Forty feet (40') is permitted, as there is a grade change of greater than five feet (5').

**4.8 Water Quality Setback** Setback from the edge of a waterbody shall be a minimum of 30 feet.

## II. Zoning – Section 16.1, Board of Adjustment

16.1 (1). *To hear and decide appeals taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these regulations. Provided however, no appeal shall be allowed for building use violations that may be prosecuted pursuant to Section 19.1(2) of these regulations. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse a decision made by an administrative officer or agency.*

The Applicant's proposed detached garage is within the required minimum front yard setback.

Staff has discussed possible scenarios with the Applicant. The original proposal showing the structure within the standard setbacks would not have been compliant with Road and Bridge standards. The driveway would have had a slope of 14% that presented potential safety issues and requiring a driveway variance. The placement of the garage closer to the front of the lot and to the county road greatly reduces the need for fill and removal of vegetation on the site.

16.1 (2). *To authorize, upon appeal in specific cases, variances to the:*

- a. *minimum area of lot;*
- b. *minimum lot width;*
- c. *minimum front yard;*
- d. *minimum side yard;*
- e. *minimum rear yard;*
- f. *maximum height of buildings;*

*regulations where, by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these regulations.*

Construction of a single family home on the site, which is allowed by right in the Residential District, is difficult to achieve within the required setbacks and poses a hardship for the applicant. The Applicant's proposed residence is located within the required minimum front yard setback, but the ideal solution to challenges presented by the topography requires the garage to be located ten feet (10') closer to the front property line and would require a variance.

The requested variance makes possible an alternate approach that resolves the hardship for the applicant by providing a safer and more environmentally sensitive approach for the site. As indicated above, the variance would reduce the steep approach grade from 14% to 6%.

16.1(3). *Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any provisions of this regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment, upon an appeal relating to said property, may grant a variance from the strict application of these regulations so as to relieve such difficulties or hardships if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and these regulations.*

This request is warranted because the lots in the Sunset Ridge Subdivision were platted prior to adoption of setback requirements in the existing county regulations. The orientation of the lot in relation to the existing grade and road alignment causes a practical difficulty for the applicant in his right to develop the land. Staff believes that this variance will not substantially impair the intent and purpose of these regulations, and in fact provides a safer and more environmentally sound approach to the terrain and vegetation.

The plan originally proposed – placing the residence and detached garage within the setbacks – resulted in a 14% slope for the driveway access and would have required a variance to road and Bridge standards (RBS Section 4.13). Staff worked with the applicant's architect to create the more desirable option of a 6%-7% slope for the driveway access - with a variance to the setback requirements instead.

*16.1(4). Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district.*

Granting of this variance would not result in allowing a non-permitted use by these regulations. Single family dwellings are a use by right in the Residential District.

### **Recommendation**

Staff recommends approval of the variance to allow a twenty feet (20') front yard setback front yard setback.

1. The Applicant is required to pay all fees associated with the public notice prior to a Resolution being recorded.
2. Pursuant to Sections 16.3(5) "Unless otherwise stated in the Board of Adjustment minutes, all variance permits shall be issued within one (1) year from the time such variance is granted by the Board, after which time, if the variance permit has not been obtained, the Applicant can request a one (1) year extension from the Board of Adjustment, or it shall become null and void."
3. A surveyed setback verification shall be required prior to the foundation inspection.
4. A Building Permit shall be obtained for the proposed single family dwelling.

Comments by Dave Robb restating the practical difficulty, especially regarding the road slope necessary with strict interpretation of the regulations.

### **Commissioner Comments**

Marcus Davis- Regarding the road slope and a potential variance from Road & Bridge standards, is the Road & Bridge department okay with 6% grade?

Alex Taft- Road & Bridge allows 5-7% slope without a variance, but would not allow the 14%.

George Davis- None

Tim Moreland- Do you have approval from the HOA?

Dave Robb- Yes, Alex has a letter from them.

Marcus- This meets the side setbacks as required by zoning regulations.

### **Public Comments**

No Public Comments

Motion was made by George Davis to approve the Vanderwoud 20' front yard setback as presented by staff. Motion was seconded by Marcus Davis. All in favor "aye", motion carried.

Meeting was adjourned by Chairman Tim Moreland at 5:42 P.M.