

LEGAL DESCRIPTION: Lot 21, Block 10 Columbine Lake, According to the Plat thereof recorded May 2, 1969 at Reception No. 110970, Grand County Colorado.

LOCATION: 491 GCR 494, Columbine Drive

ZONE DISTRICT: R - Residential District

AREA: 10,018.8 ft² (.23 acres)

STAFF CONTACT: Alexander Taft, LEED Green Associate

ATTACHMENTS:

- 1) Vicinity Map
- 2) Variance request letter and application
- 3) Public Notice
- 4) Proof of Publication
- 5) Memorandum to interested parties
- 6) Proposed building plans and elevations
- 7) Zoning Review

Background

History :

Columbine Lake Subdivision was recorded in May 1969 at Reception No. 110970 and consists of an approximately 500 lot subdivision on approximately 200 acres. The uses within the subdivision include residential and outdoor recreation. Water and sanitary service are by well and septic. Access is by way of Grand County Road 494 Columbine Dr. Columbine Lake is a covenant controlled community with a very active Home Owners Association (HOA).

The Applicant was granted a building permit in 2018 for the construction of a new single family dwelling

The property, a .23 acre parcel within the Columbine Lake Subdivision is a residential parcel located approximately 0.5 miles west of the Junction of GCR 49 and US Highway 34.

Project Description :

The subject single family dwelling was proposed to a height of forty one and nine tenths feet (41.9'). Staff did analysis in review of the building permit to find a way to make the building fit within the allowable building height. Building heights in all districts is 35' or 40' as described in Section XX (20) Definition (10 a - b) of the Grand County Zoning Regulations. Accordingly, the Applicant is proposing a height variance to increase the allowable maximum height of the existing constructed building from forty feet (40') to forty-four and twenty-four hundredths (44.24').

Proper Public Notice was placed in the Middle Park Times on December 26, 2019 as required and adjacent property owners were notified by Certified and First Class mail. Staff has received several calls including some objections to this variance request.

Compliance with Zoning Regulations

I. Zoning - Section 4, Residential District

- 4.1 Use: A new single family dwelling, allowed as a use by right;
- 4.2 Minimum Lot Area 10,018.8 ft² (.23 Acres); required minimum is 7000 ft² (.16 acres);
- 4.3 Minimum Lot Width 64.88'; required minimum is 60';
- 4.4 Minimum Front Yard 30' is required, new construction complies;
- 4.5 Minimum Side Yard 5' is required, new construction complies;
- 4.6 Minimum Rear Yard 20' is required, new construction complies;
- 4.7 Maximum Building Height 40' feet is permitted Definition (10 a - b). The proposed building is forty-four and twenty-four hundredths (44.24');
✓ **PROPOSED VARIANCE**
- 4.8 Water Quality Setback 30' is required, new construction complies.

II. Zoning - Section 16, Board of Adjustment

- A. 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 is requesting a variance to forty-four and twenty-four hundredths feet (44.24') because the completed structure exceeded the height when measured by a licensed land surveyor who found this height exceeded our standards. Based on drawings submitted with the building permit, the height was within three feet (3'), which triggered the need for verification. Staff discovered that the height exceeded the maximum allowable by four and twenty-four hundredths feet (4.24').

- B. 16.1 (2). To authorize, upon appeal in specific cases, variances to the:
 - minimum area of lot;
 - minimum lot width;
 - minimum front yard;
 - minimum side yard;
 - minimum rear yard;
 - 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.

A practical difficulty relates to a combination of change in grade and the offset distance required to calculate the building height of forty-four and twenty-four hundredths feet (44.24') when height calculations are performed. The plans accounted for a higher finished grade but did not account for wetlands at that point and therefore the natural grade drops the additional four and twenty-four hundredths feet (4.24'). For the height to be compliant with the 40' limit, the applicant is presented with a practical difficulty and unnecessary hardship.

C. 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.

Staff believes that this "reason of exceptional topographic conditions or other extraordinary and exceptional situation," constitutes the need for the request. The identified wetlands on the property were not identified on the plans and have not been tracked by Community Development causing this to be built to the specific plans as submitted. The relief from our height requirement will allow the Applicant to proceed with closing out the building permit and acquiring a clear Letter of Occupancy. Therefore, it is Staff's opinion that relief from these standards shall not be of substantial detriment to the public good and do not impair the intent and purpose of these regulations.

D. 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 a non-permitted use under these regulations. The single family dwelling is a use by right.

E. Conclusion

In applying a balancing test, Staff finds the request is sensitive to ecological impacts and the request is of less detriment to the character of the neighborhood. There are no alternative means to obviate the property owner's predicament without a variance.

Recommendation

Staff recommends approval of the variance to allow a forty-four and twenty-four hundredths (44.24') height requested by 491 Columbine, LLC represented by Michael McAtee. The building height will have negligible impacts on the adjacent properties.

1. The Applicant is required to pay all fees associated with the Public Notice prior to a Resolution being recorded.

An email from John Griffin, dated February 7, 2020, Lot 21, Block 10 Columbine Lake resident was presented to the Commissioners.

Dan Fairbanks, Bighorn Builders, General Contractor, representing the applicant and was available to answer questions for the Commissioners. Mr. Fairbanks stated that there were no concerns regarding the Certificate. The height of the building is exactly as drawn. The differences is in the retaining wall in the wetlands. 'We had to work around some large trees which pushed the project into an area where we ended up with a height of 44 feet', he said. 'Jeff Elliott from the Army Corp of Engineers was on the property and he staked out where the wetlands were and he added waddles for erosion and also a snow fence, with instructions not to build past this area because it is a wetlands and water storage area for drainage in the spring. The natural landscape was trying to be saved also, so we had to work around some larger trees', he added.

George asked in regards to the retaining wall, were they measuring from the wetlands, even though the retaining wall was up?

Mr. Fairbanks replied yes, the retaining wall had to go around a tree that pushed the build out further.

Alex showed a drawing of the deck measuring 10 feet out so the Commissioners could see the topography drop off on the north side of the property.

Mr. Fairbanks noted that they used stones from the property for the retaining walls to keep the look natural and esthetically pleasing from both the lake and the road. When Jeff Elliott came to stake the property for the wetlands, it was different then what the original surveyor had stated for the wetland area.

Shaun asked Mr. Fairbanks if the height issue was entirely caused by the retaining wall.

Mr. Fairbanks replied yes.

Marcus stated that Columbine Lake Subdivision has some different Architectural Committee requirements, the letter the Commissioners received indicated that this was not within specifications for Columbine Lake. Do we have a letter from the Home Owners Association (HOA)?

Alex replied that the Home Owners Association (HOA) had approved the plan and then the plan changed.

Marcus asked if the Home Owners Association (HOA) understand that the applicant has come to the County for a variance.

Alex replied we do not have a specific letter for the variance from the Home Owners Association (HOA).

Marcus stated that we need to have letters from Home Owners Association (HOA) in all cases if they are active.

Alex stated that we had the approval, and made an incorrect assumption that the home was allowed to be constructed.

Marcus stated he would like to add a condition (if this variance is approved) that we need a letter from the Home Owners Association (HOA) and be attached to the Final Resolution.

Alex replied sure. The Home Owners Association (HOA) approved the design in 2017, then a garage was added to the plans in 2018 and was approved. We sent notice to the Home Owners Association (HOA) and there was no contact made from the (HOA) with staff. We will reach back out and be more specific about the HOA's thoughts on the variance.

Mr. Fairbanks added that they did meet with the manager, Dave, after the house was built and was told that the house looked beautiful and stated the Home Owners Association likes to do a final walk through (after all the snow melts). The purpose of the walk through is to make sure all trash has been picked up. They hold a substantial deposit for trash pickup. Mr. Fairbanks is confident he can get a letter from Dave.

Marcus stated the committee likes to have the letters in front of them from active Home Owners Association (HOA). At the end of the day, HOA's fall under different rules than what the County falls under. The HOA can deny this variance even if the Board of Adjustment approves it tonight. From the Board of Adjustment perspective, it is nice to know that the HOA has taken a look at the variance and we are not creating a conflict moving forward. If the HOA says no and the Board of Adjustment say yes, the HOA trumps as it is the more stringent of the rules.

Mr. Fairbanks stated that the HOA does not want to disturb anything else at this point. The only other option was to go back with large equipment and try to raise the retaining wall, by pushing it out into the wetlands which was not a good option.

Marcus stated that all Commissioners have brought up the question - from the deck to where the retaining wall drops off, what is that distance?

Alex responded we do not have an exact measurement, approximately 5-7 feet.

Marcus Davis asked for a motion. George Davis made a recommendation to approve the height variance for Lot 21, Block 10 Columbine Lake - Height Variance with staff recommendations and a Home Owners Association (HOA) letter of recommendation. Seconded by Shaun Mullahey. All in Favor "aye" Any opposed. None. Motion carries.

Marcus Davis asked for a motion to close the public hearing. Shaun Mullahey seconded the motion. All in favor. Motion carries.

Maxine LaBarre-Krostue, set the record for the Lot 10 & 11B, Block 1, Cairn's Shadow Mountain Subdivision Front, Rear Yard and Water Quality Variance

LOT 10 & 11B, BLOCK 1, CAIRN'S SHADOW MOUNTAIN SUBDIVISION
FRONT, REAR YARD AND WATER QUALITY VARIANCE

Presented by: Alexander Taft, Planner LEED Green Associate

Lots 10 & 11B, Cairn's Shadow Mountain

Minimum Front Yard and Water Quality Setback Variance

APPLICATION:	VARIANCE Pursuant to Section XVI (16) of Grand County Zoning Regulations
HEARING DATES :	Board of Adjustment - 12 February 2020 at 5:30 pm
APPLICANT:	Stephen Ann Wall
REQUEST:	A variance to allow front yard of ten feet (10'), rear yard and water quality setback thirteen feet (13').
LEGAL DESCRIPTION:	Lots 10 & 11B, Cairn's Shadow Mountain Subdivision
LOCATION:	12692 US Highway 34
ZONE DISTRICT:	T - Tourist District
AREA:	.11 acres (4,791.6 ft ²)
STAFF CONTACT:	Alexander Taft, LEED Green Associate
ATTACHMENTS:	A. Grand County Development Application B. Application Letter C. Site Plan D. Amended Final Plat Reception No. 287415 E. Photographs F. Vicinity Map G. List of Adjacent Property Owners as determined by GIS H. Public Notice dated January 24, 2020 I. Proof of Publication in January 30, 2020 issue of Middle Park Times

Background:

Stephen Ann Wall, herein referred to as the “Applicant,” has maintained some form of ownership of Lots 10 and 11B in Cairn’s Shadow Mountain Subdivision, since 1988. Lots 10 and 11B described as one lot that is split by a road. A single family dwelling exist on the northern part while the subject sheds exists on the southernmost part of the lot (see map below). The subdivision is located approximately 1.5 miles south of the Town of Grand Lake and between U.S. Highway 34 and Shadow Mountain Lake.

In 1983, a variance was granted on Lot 11, to allow variances from the front yard to allow fifteen feet (15’) and water quality setback to allow thirteen feet (13’) which was approved via Board of Adjustment via Resolution 1983-11-2. An Amended Final Plat was created in 1990 at Reception No. 287415 which split Lot 11 into Lot 11A and 11B. The lot was already pre-existing, non-conforming and this plat increased the non-conformity. Staff would interpret that the variance would not carry forward to a new lot, and cannot find that variance in the records of Grand County Clerk and Recorder. A reference note on the Plat states: “10 and 11B are never to be sold, mortgaged or transferred separately.”

The Applicant was contacted by the Community Development Department after Staff was made aware of the violation of placing the sheds on the property. Staff and the applicant explored moving the sheds into the rear yard of the northernmost property, but the topography of the site is such that the idea was not practical. The Applicant inquired whether a variance on the southernmost lot could bring the property into compliance.

The first notification of the violation began in October 2018 but an application for the variance request wasn’t received until January 2020. The intention of the application is a step to remedy the issue and keep the sheds on the property.

Variance Request:

The property lies within the Tourist District (GZCR § IV) which requires a minimum front yard of thirty feet (30’), minimum rear yard of twenty feet (20’) and water quality setback thirty feet (30’). The Applicant is proposing a variance to the required front yard and rear yard from the required thirty feet (30’) and twenty feet (20’) respectively, granting a front yard of ten feet (10’) and rear yard of thirteen feet (13’) for the existing and proposed accessory structures.

The more intensive request is a water quality setback encroachment of seventeen feet (17’) leaving thirteen feet (13’) for the existing accessory structures.

Proper public notice was placed in the Middle Park Times on January 30, 2020 as required and adjacent property owners were notified by Certified Mail. Staff has received several calls asking questions about the application.

Compliance with Zoning Regulations

I. Zoning - Section 8, Tourist District

8.1 Uses Permitted:

The proposed use is for accessory structures. This is a use allowed by right.

8.2 Minimum Area of Lot	.11 acres (4,791.6 ft ²) is the existing size of this lot. Required minimum is 1 acre (43,560 ft ²) this lot is pre-existing, non-conforming.
8.3 Minimum Lot Width	169.44' wide; 150' is required.
8.4 Minimum Front Yard VARIANCE	10' is requested: 30' is required. ✓ PROPOSED
8.5 Minimum Side Yard	10' is required.
8.6 Minimum Rear Yard	13' is requested; 20' is required ✓ PROPOSED VARIANCE
8.7 Maximum Building Height	35' is required.
8.8 Water Quality Setback VARIANCE	13' is requested: 30' is required ✓ PROPOSED

II. Zoning - Section 16, Board of Adjustment

- A. 16.2 (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 has constructed sheds on the property which violates the zoning regulations. Staff has sent violation notices concerning this as they cause encroachment into required setbacks and violate a Plat note. The Applicant has requested a variance to the required for the front yard, rear yard and water quality setbacks to allow the existing sheds and additional structures to be located there. If approved, this will be the first step in an approval to allow those structure to remain in place on the property.

- B. 16.2 (2). *To authorize, upon appeal in specific cases, variances to the:*

*minimum area of lot;
minimum lot width;
minimum front yard;
minimum side yard;
minimum rear yard;
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.

Applicant is requesting a variance to the minimum front yard from thirty feet (30') to ten feet (10'), minimum rear yard from twenty feet (20') to thirteen feet (13') and minimum water quality setback from thirty feet (30') to thirteen feet (13') to cure encroachment of the existing accessory structure. Other remedies required by strict enforcement of Grand County Zoning Regulations would allegedly result in unnecessary hardship on the Applicant.

- C. 16.2 (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.*

By the strict application of these regulations Staff has determined that the sheds on the property are in violation of the Grand County Zoning Regulations. The southernmost part of the property is relatively flat and clear of vegetation and rocks, the size of the property is one tenth the size required as the minimum area of a lot in this district. Staff believes this information was noted in 1997 with the creation of the Amended Final Plat which created the lot. The property is, therefore, too small to have any construction without creating encroachment. The site does provide access to the Shadow Mountain Reservoir.

- D. 16.2 (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 a non-permitted use under these regulations.

E. *Conclusion*

There is no apparent hardship or practical difficulty which Staff can identify and the Applicant has been given several options for how to remedy this violation. The water quality setbacks adjacent to Shadow Mountain Reservoir (Lake) and (Lake) Granby Reservoir are to prevent harmful substances from washing into the lake deteriorating water quality in a recreational water body. In 1997, Planning and Zoning identified issues concerning the total width of the lot and the possibility of encroachment into setbacks. At that time, it was determined the best solution was to establish a non-disturbance zone on the Plat which Bob Wall agreed with at that time.

Recommendation

Staff recommends denial of the variance to allow minimum front yard from thirty feet (30') to ten feet (10'), minimum rear yard from twenty feet (20') to thirteen feet (13') and minimum water quality setback from thirty feet (30') to thirteen feet (13') as there is no apparent hardship or practical difficulty which Staff can identify.

The applicant, Stephen Ann Wall was present and available to answer questions for the Commissioners.

Marcus asked Ms. Wall if she had reviewed the Certificate.

Ms. Wall stated that her name was misspelled on the Certificate and question the size of her lot as noted in the Certificate. Ms. Wall continued that she would like to give a history of her property. Her Mom and Dad have lived in Grand Lake since the mid 1950's and operated a business there. In the 1970's her family bought Lot 10 and in the 1980's they purchased Lot 11. During this time frame Lot 10 and 11 had a forest. During the beetle epidemic that affected the lodge pole pines, Ms. Wall's property lost over 100 trees. In the 1990's her family finished building on Lot 10. Due to finance issues, they subdivided Lot 11 and sold a section off. In 2017 she called Grand County Building Department and talked with a Bill Grey, Director about looking at leveling the lot due to the loss of trees. This lot is very steep. Mr. Grey then informed her that she did not need a permit to level the lot. She explained to Mr. Grey that she wanted to build some structures on her property. The buildings on her property are 2 sheds, one will be used for storage/greenhouse. The other as a cabana. Mr. Grey informed her if the buildings are under 120 square feet no permit is required. He did not mention anything about setbacks on the property. Ms. Wall is trying to make her property Americans with Disabilities Act (ADA) compliant to ease the burden of her 24 year old son who has Muscular Dystrophy and has elderly parents living with her. The hardship is, with Muscular Dystrophy soon her son will have to start using a wheelchair and her elderly parents have a hard time getting around the property. The shed structures are not permanent, there is no permanent foundation, and it is located on packed rocks which supports good drainage. Jeff Elliott, Army Corp of Engineers, has been on her property and says he has no issues with her shed structures. She also contacted the US Forestry office, but they have declined to be involved. Looking for approval of not only the existing sheds but to add other structures to the property. Discussed adding a boat house and was surprised to hear that could be approved.

Marcus asked Alex to help the Commissioners understand the reason for the violation regarding a structure that does not require a building permit that would normally not have any concern being in a setback, you are saying it is because of the water quality setback.

Alex stated the reason for the violation, the lot is narrow and any buildable area is eliminated by the front setback and the water quality setback. In Section 18, where violations are discussed, anything that would encroach or go over a property line is not permitted by the Zoning Regulations. In addition, the 1997 Plat established a non-build area, non-disturbance zone and staff enforces this regulation, when noted on the plat. If the variance where to be approved, the applicant would have another step to get the non-disturbance zone removed on the plat, in conjunction with the adjusted setbacks.

George asked about Ms. Wall's statement of being told she could have a boathouse on the property, is this correct?

Julie stated the plat note does not allow for anything that requires a building permit to be built on the property. A boathouse would require a building permit and the property is in a non-disturbance area.

Marcus asked if the non-disturbance zone have a plat note and what does it state.

Ms. Wall replied that it states no building can be built or maintained that requires a building permit. Because the sheds do not require a building permit it can be interpreted that the sheds are allowable. Regarding the boathouse, it would have to be processed as an amended plat and have the non-disturbance language removed.

Shaun inquired if there is another section of the lot that the sheds could be moved to where it would not cause any issues, compliance wise.

Alex replied not on Lot 11B. There is a section of the code that states, accessory structures, where connected to principle structures may be located in the rear yard. The sheds could be moved to Lot 10 where the residence is.

Shaun stated he was unclear if the regulations would apply to a non-permanent structure like these sheds. If they had wheels on the sheds would they still be in violation because now it is a trailer?

Alex replied that this has been discussed, but the jury is still out on that.

Marcus interjected that at looking at Plat Note N

umber 9, "the area on this plat designated as a non-disturbance zone is an area in which no structure which requires a building permit may be built or maintained."

Shaun asked if we verified if the structures are underneath the building permit threshold, so they do indeed not require a permit.

Alex stated they staff has not gone out and physically verified. We have verified that the sheds are 14 x 7.5 and 12 x 8.

George added that he is concerned with the building permit issue - what is the next move?

Alex replied that you cannot put any structures on Lot 11B and this is how staff has interpreted it. The sheds can be moved to the other lot or removed completely.

George asked about future plans of other buildings on the property - can they exist?

Alex replied yes, the non-disturbance zone can create confusion.

Shaun asked if that is a uniform exemption for the disturbance zone.

Marcus replied that he has a problem with looking for a variance to the setbacks yet we still have a non-disturbance zone that states by the plat that it cannot be built but agrees this is not a building that requires a building permit. The definition in the zoning regulations is a disturbance is any modification to a natural land forming, including contouring, excavation and the removal of vegetative cover. We have already violated the plat, by removing trees and changing the contour of the property. We have to look at this as a replat and re-identify what is going on. Unfortunately it is non-buildable to begin with based on the setbacks as shown in the Certificate. The front yard and the water quality setback completely negate any buildable area. This was known at time of transfer. This is a zoning violation and the variance would not clean up the zoning violation. Not sure how to approve a variance on something that would create another zoning violation. Staff needs to make a determination that any building that does not require a building permit that's allowed in the setbacks or not or is there a different set of rules for the water quality setback?

Alex replied that we would prefer that we not violate the water quality setback, but the problem still lies that the sheds are in a non-disturbance zone.

Shaun stated we are asking if these sheds violate the non-disturbance zone by requiring a permit, zoning issue aside. They are not permanent structures they can be picked up and moved. How does this factor into their hardship.

Marcus stated for our purposes hardship is defined as: based on inability to obtain a building permit or by decision of administrative offices or agencies based upon or made in the course of administrative or enforcement of these regulations. Item 4 in Section 16.2 under no circumstances

can 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. The concern is this is a non-build area by plat, non-disturbance zone, it has already been disturbed and already in violation of the plat. The hardships or practical difficulties, they have another property across the road, it is more of convenience than hardship. Asking the County Attorney if a variance can even be offered when the plat itself does not give provisions for anything buildable in the area. It is a non-disturbance zone.

Maxine answered, the way she looks at it, it is not the plat that we are looking at, it is rather - does the placement of the sheds in the setback violate the zoning code that has setback requirements for property. Under Staff's reading and Maxine's reading, it does violate the Zoning Code because the sheds are in the setbacks and those structures are not allowed in the setbacks whether they need a building permit or not.

Marcus asked in this case due to setbacks there are no buildable spots on this piece of property to begin with.

Maxine replied correct, we presume that is why it was designated a non-disturbance zone.

Shaun asked if the regulations differentiate between permanent and temporary structures.

Maxine replied it does not.

Marcus Davis asked for a motion. George Davis made a motion to deny Lot 10 & 11B, Block 1, Cairns Shadow Mountain Subdivision – front, rear yard and water quality variance. Seconded by Shaun Mullahey. All in Favor “aye” Any opposed. Motion carries. (Variance Denied)

Marcus Davis asked for a motion to close the public hearing. George Davis seconded the motion. All in favor “aye” Any Apposed, Motion carries.

Marcus Davis made a motion to adjourn the January 15th, 2020 Board of Adjustment meeting. George approved, Shaun seconded. All in favor “aye” Any Apposed. Meeting adjourned.

Meeting adjourned at 6:33 pm.
