

GRAND COUNTY BOARD OF ADJUSTMENT  
MEETING MINUTES

Wednesday, April 10th, 2019

MEMBERS PRESENT:	George Davis Loreta Silverio	Marcus Davis Shaun Mullahey (Alternate)
MEMBERS ABSENT:	None	
STAFF PRESENT:	Robert Davis Patty Kemper Maxine LaBarre-Krostue	Alex Taft Joan Lyons Christopher Leahy

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The meeting was called to order by Chairman Marcus Davis at 5:32 PM. Roll call was taken.

George Davis recommended Marcus Davis as Chairman, Loreta second the motion. George recommended Loreta for Co-Chairman and Marcus Seconded. 2019 Chairman Marcus Davos, Co-Chair Loreta Silverio. All in Favor.

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**LOT 5, BLOCK 12, COLUMBINE LAKE SUBDIVISION, FRONT SETBACK, JANA MILLER AND MARTIN RUBLE**

Presented by: Alexander Taft, LEED Green Associate

**BACKGROUND:**

**History and Background:**

The property is located within the Columbine Lake Subdivision approximately 0.5 miles west of the Junction of GCR 49 and US Highway 34.

Columbine Lake Subdivision was recorded in May 1969 at Reception No. 110970. The uses within the subdivision include residential and outdoor recreation. Columbine Lake is a covenant controlled community with a very active Home Owners Association (HOA).

The residence is currently served by both public water and sewer. Lots within the Columbine Lake Subdivision are served by Columbine Lake Water District and Three Lakes Sanitation District. The original residence was constructed under Building Permit # B91-440 between 1991 and 1993.

Access to the lot is by way of County Road 494, also known as Columbine Drive.

The Applicant proposes to construct an addition to the single family dwelling. The contractor's proposed siting of the structures on the lot would mitigate impacts on the land.

**Project Description:**

The Applicant proposes a variance of two feet (2') from the minimum front yard standard setback from thirty feet (30') to twenty feet (28') for an addition to the existing single family dwelling. The variance would significantly reduce the need to bring in fill to complete a proposed addition to the existing residence. While not directly adjacent, these lots are near a drainage leading into Columbine Lake. This variance will decrease the chance of erosion seeping into the lake or blocking natural drainage and damaging roads.

Public notice was placed in the Middle Park Times on February 15, 2019 as required, and adjacent property owners were notified by Certified mail. Staff has received responses from two neighbors, neither expressed concern following discussion with Staff.

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## Compliance with Zoning Regulations

### I. Zoning - Section 4, Residential District

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|-----------------------------|--|
| 4.1 Use:                    | Single family residential building addition as permitted by right in this District.  |
| 4.2 Minimum Lot Area        | Existing area is 23,566 ft <sup>2</sup> (0.541 acres). This lot is served by both public water and sewer required minimum is 7,000 ft <sup>2</sup> (0.16 acres)          |
| 4.3 Minimum Lot Width       | Narrowest existing width is fifty-four and fifty five hundredths feet (54.55'). Required minimum is sixty feet (60') <b>this is a pre-existing, non-conforming lot</b> . |
| 4.4 Minimum Front Yard      | Proposed building is at twenty eight feet (28'), thirty feet (30') is required. ✓ <b>PROPOSED VARIANCE</b>   |
| 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') across the building foot print.   |
| 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 addition is within the required minimum front yard setback. Staff has walked the lot with the Applicant's contractor prior to accepting this application. An alternative proposal showing the structure within the standard setbacks would have required significant amount of fill adjacent to a drainage leading into Columbine Lake. Currently, the lower floor is entirely concrete foundation wall.

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.

The Applicant's lot has an exceptional shape and topography that limit the buildable area of the lot. The Applicant's existing residence is located within the required setbacks. The current placement of the cabin structure is as close as possible to the side setback because of a change in topography in excess of ten foot 10'. The ideal solution to challenges presented by the topography requires the addition to be located two feet (2') closer to the front property line and would require a variance.

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 Columbine Lake Subdivision were platted prior to adoption of the subdivision and zoning regulations. The exceptional shape 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 for a single family dwelling. 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.

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 eight foot (28') 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 addition to the single family dwelling.**

Mr. Martin Ruble was present and is the applicant. Martin stated the Columbine Architectural Community has unanimously approved this project. Him and his wife are new to the community and have an invested interest is staying. He has a good contractor in Peter Cross.

George has no comments.

Loreta stated the plat is unusual and feels the due diligence has been done, happy they are redoing the foundation and feels the Ruble's do have an undue hardship.

Marcus asked if the applicant had more than one lot.

Martin answered that they have a second lot that is not combined.

Alex reiterated that this was correct.

*George proposed to approve the Lot 5, Block 12, Columbine Lake Subdivision, Front Setback as presented with the 4 staff recommendations, Loreta seconded. All in favor "aye", none opposed, motion carried.*

George Davis made a motion to adjourn the meeting, seconded by Loreta Silverio. No Discussion. All in favor "aye", none opposed, motion passed.

Meeting adjourned at 5:44 pm.

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