

Project Name	Lot 4, Block 3, Sunset Ridge Subdivision Filing No. 2, Front Yard Variance
APPLICATION	Variance Pursuant to Section XVI (16) of Grand County Zoning Regulations
Applicant	Michael Vanderwoud represented by David Robb, Robb Studio Architecture
Request	A variance to allow a front yard of twenty feet (20').
Location	318 County Road 8300 (aka Sunset Blvd)
Zoning	Residential District (R)
Applicable Regulations	Grand County Zoning Regulations, Section XVI (16) Board of Adjustment
Attachments	A. Variance request letter and application B. Vicinity Map C. Proposed residence plans and elevations D. Chapter 4- Driveway design Road and Bridge standards E. Site photos F. Letter from Sunset Ridge HOA
Staff Planner	Alexander Taft, LEED Green Associate

Background

The property is located within the Sunset Ridge Subdivision Filing No. 2 approximately 1.25 miles west of the Junction of CR 83 and Highway 40.

Sunset Ridge Subdivision Filing No. 2 was recorded in November 1971 at Reception No. 120143.

The residence will be served by a well and Onsite Wastewater Treatment System (OWTS).

Access to the lot is by way of County Road 8300, also known as Sunset Blvd.

The Applicant proposes to construct one single family dwelling with a detached garage. The architect's proposed siting of the structures on the lot would mitigate impacts on the land.

In 2018, this same proposal was brought forward. After the application was reviewed and appropriate notice provided, it was presented to the Grand County Board of Adjustment in July 2018. Approval of the variance was granted, a resolution recorded but no building permit issued. The single family construction project was delayed for undescribed reasons. As early as April 2020, David Robb, the Applicant's representative, had been in touch with the Community Development Department about the status of the variance and if it was still valid. The applicant initially requested an extension of the variance but since the variance approval occurred over a year ago, the variance expired. After Staff review, it was deemed necessary to re-present the application following the required notice procedure.

Variance Request:

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 25, 2020 as required and adjacent property owners were notified by Certified mail. Staff has received one response from a neighbor.

Compliance with Zoning Regulations

I. Zoning - Section 4, Residential District

4.1 Uses Permitted:	A proposed single family dwelling is anticipated should this variance be granted. This is a use are allowed by right.
4.2 Minimum Area of Lot	Existing area is 43,995 ft ² (1.01 acres). Required minimum is 30,000 ft ² (0.68 acres) when served by well and septic.
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	5' is required.
4.6 Minimum Rear Yard	20' is required.
4.7 Maximum Building Height	35' is required, unless the criteria outlined in Section XX (20) subsection.
4.8 Water Quality Setback	Setback from the edge of a waterbody shall be a minimum of 30 feet.

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's proposed detached garage is located within the required minimum front yard as set by Grand County Zoning Regulations.

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.

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.

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 an undue hardship for the applicant. The Applicant's proposed residence is located within the required minimum front yard setback. 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%.

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.

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.

- 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.

The request is for variances to the front yard, rear yard and water quality setback, therefore granting of this variance would not result in a non-permitted use under these regulations.

Conclusion

In applying a balancing test, Staff finds the request would not substantially harm the character of the neighborhood, and such as that 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 twenty feet (20') front yard setback front yard setback with the following additional conditions:

1. The Applicant is required to pay all fees associated with the public notice prior to a Resolution being recorded.
2. Surveyed setback verification shall be required to be submitted and approved by the Planning and Zoning section prior to the foundation inspection.
3. A Building Permit shall be obtained for the proposed single family dwelling.

Marcus asked if the applicant was available and if they had reviewed and agreed with the Staff Certificate. David Robb, Architect, representing the applicant Michael Vanderwoud, was on the call and available to answer questions.

Marcus asked if any of the public on the call was here for the Vanderwoud Variance.

No response from the public.

Loreta stated she liked the light construction and that they were using the grade already present. A fourteen degree slope is steep, likes that the garage is closer would leave it a six percent slope that sounds safer all around. She did not see any issues with the ten foot encroachment.

George stated he remembered this project and has no further comments. He feels the review was complete the first time around and no new questions or comments.

Marcus asked staff if anything had changes from the first review by the Board of Adjustment.

Alex replied, this is word for word the exact same proposal.

Marcus asked if staff had any communication from the Home Owners Association (HOA), for the reapplication.

Alex replied that David Robb and he had discussed this today. We knew how important the contact with the (HOA) was and through the grapevine, one of the members of the (HOA) had heard about this project and called me asking why they had not been contacted directly. David Robb had contacted the previous letter approver to go through the approval process again.

Marcus added, currently we do not have (HOA) approval?

Alex stated we do have (HOA) approval, as of the twenty fifth of June.

Marcus asked if anyone from the public had any comment or question.

Public did not respond.

Marcus Davis asked for a motion. Loreta Silverio made a recommendation to approve Lot 4, Block 3, Sunset Ridge Subdivision Filing No. 2 Front Yard Variance with three conditions. Seconded by George Davis. Any further Discussion. All in Favor "aye" Any opposed. None. Motion carries.

Motion to close the hearing on Lot 4, Block 3, Sunset Ridge Subdivision Filing No. 2 Front Yard Variance. Loreta approved, George seconded. All in favor "aye" Any opposed. None. Motion closed.

Maxine LaBarre-Krostue set the record for Lot 12A, South Shore Place, Amended Final Plat.

**LOT 12A, SOUTH SHORE PLACE, AMENDED FINAL PLAT CHANNING &
KATHY GIBSON**

Presented by: Alexander Taft, Planner LEED Green Associate

CERTIFICATE OF RECOMMENDATION

BOARD OF ADJUSTMENT JULY 8, 2020

Project Name	Lot 12A South Shore Place Amended Final Plat, Front Yard, Rear Yard and Water Quality Setback Variance
APPLICATION	Variance Pursuant to Section XVI (16) of Grand County Zoning Regulations
Applicant	Channing Gibson and Kathy O'Donnell-Gibson
Request	A variance to allow a front yard of zero feet (0'), a rear yard of thirteen feet (13') and water quality setback of twenty feet (20').
Location	Approximately 570 GCR 697 aka Jericho Road
Zoning	Residential District (R)
Applicable Regulations	Grand County Zoning Regulations, Section XVI (16) Board of Adjustment
Attachments	G. Grand County Development Application H. Application Letter I. Photographs J. Site Plan K. Vicinity Map
Staff Planner	Alexander Taft, LEED Green Associate

Background

Channing Gibson and Kathy O'Donnell-Gibson, herein referred to as the "Applicant," are under contract to purchase a vacant lot in South Shore Place Subdivision, which is located on the south shore of Grand Lake as the subdivision name suggest and is directly opposite the Town of Grand Lake. The Applicant has family who owns property in the area and is familiar with the challenges of property surrounding Grand Lake.

The lot is benefited by public sanitation but will have a well. This helps in avoiding conflicts with installing well and septic system that require more space usage of the lot. Lots 12 and 13 South Shore Place were combined in 2016 to allow for additional buildable area on these pre-existing non-conforming lots.

Lot 12A is an amended lot which was originally part of the South Shore Place Subdivision recorded in October 14, 1949 under Reception # 69501. All lots within this subdivision are sandwiched between Jericho Road, which in places, occupies a narrow, twenty five foot (25') easement, and the shore of Grand Lake. The platted lots in this subdivision vary in size from approximately .25 acres to .05 acres and are considered pre-existing, non-conforming. Being on the shore of a glacial mountain lake, the majority of the lots directly on the shore are often steep, rocky, and narrow.

Variance Request:

The property lies within the Residential District (GZCR § IV) which requires a minimum front yard of thirty feet (30'), a 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 from the required thirty feet (30') to reflect an encroachment of up to thirty feet (30'), granting a front yard of zero feet (0') for the anticipated retaining walls necessary to stabilize the garage and driveway, the proposed dwelling is anticipated to setback four feet (4'). The rear yard

from the required twenty feet (20') to reflect an encroachment of up to seven feet (7'), granting a rear yard of thirteen feet (13').

A more intensive request is a maximum of water quality encroachment of thirteen feet (13'), for the house and deck, leaving a water quality setback of seventeen feet (17').

Proper public notice was placed in the Middle Park Times on June 25, 2020 as required and adjacent property owners were notified by Certified Mail.

Compliance with Zoning Regulations

I. Zoning - Section 4, Residential District

4.1 Uses Permitted:	A proposed single family dwelling is anticipated should this variance be granted. This is a use are allowed by right.
4.2 Minimum Area of Lot	.14 acre (27,258.82 ft ²) is the existing size of this lot. Required minimum is 7000 ft ² (served by well and sewer)
4.3 Minimum Lot Width	217.58' wide; 60' is required.
4.4 Minimum Front Yard	0' is requested ; 30' is required.
4.5 Minimum Side Yard	5' is required.
4.6 Minimum Rear Yard	12' is requested; 20' is required.
4.7 Maximum Building Height	35' is required, unless the criteria outlined in Section XX (20) subsection.
4.8 Water Quality Setback	17' is requested ; 30' is required

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 is under contract to purchase the property and has intentions to begin construction of a new single family dwelling on the currently vacant lot. Without an approved variance no building permit would be granted because of the encroachment into Front Yard, Rear Yard and the Water Quality Setback.

Staff supports the variance requests as the variances have minimal impacts on adjacent property or the character of the neighborhood.

E. 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 zero feet (0'); minimum rear yard from twenty feet (20') to thirteen feet (13') and to the water quality setback from thirty feet (30') to seventeen feet (17') to cure encroachment of the proposed single family dwelling, where other remedies required by strict enforcement of Grand County Zoning Regulations would result in unnecessary hardship.

F. 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.

Staff is supportive of a variance to the minimum front yard and water quality setback because the lot, being pre-existing, non-conforming is extraordinarily narrow being fifty five feet (55') deep on the western boundary and thirty five feet (35') on the eastern boundary. This narrow lot is then encumbered by County Regulations of the thirty feet (30') water quality setback and thirty feet (30') required front yard which would render the lot unbuildable. This variance will not substantially impair the intent and purpose of these regulations.

- G. 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.

The request is for variances to the front yard, rear yard and water quality setback, therefore granting of this variance would not result in a non-permitted use under these regulations.

Conclusion

In applying a balancing test, Staff finds the request would not substantially harm the adjacent waters or the character of the neighborhood, and such as that 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 reduction in the minimum required front yard to zero feet (0'), minimum required rear yard to thirteen feet (13') and water quality setback to seventeen feet (17') with the additional conditions:

1. The Applicant is required to pay all fees associated with the public notice prior to a Resolution being recorded.
2. Best Management Practices to control erosion and debris as identified in Section 7.3 of Grand County Road and Bridge Standards shall be submitted with a building and implemented during construction to prevent erosion that would disturb the waters of Grand Lake.

Marcus asked if the applicants were present and if they had reviewed and agreed with the Staff Certificate. He also noted that we had a couple members of the public on the WebEx.

Kathy and Channing Gibson were both present and available for questions and they had reviewed the Certificate and had no comments.

David Wise, Architect for the Gibson's is on the WebEx and available for questions.

Richard Campbell property owner and neighbor, 584 Jericho Road is on the call. Richard has written a letter, as has his cousin Don, to Alexander Taft, expressing their concern and wants to make sure the letter is entered into the minutes of the meeting.

Marcus asked if these letters are part of the exhibits.

Alex replied yes and they are also included in the Drop Box.

Maxine stated that the e-mail and letter from Don and Richard Campbell were not part of the record. If the Board is going to consider this information, they have to be part of the record.

Alex stated that Don's email will be Exhibit "S" and the letter from Richard is Exhibit "T".

Maxine inquired as to the dates for the e-mail and letter.

Alex replied Richard's letter is dated July 7th, 2020 and the e-mail from Don's was sent on July 8th, 2020.

The Commissioners reviewed the letter and e-mail from the Campbell's.

Alex summarized the letter from Richard:

- Richard and his family have been Grand Lake property owners for some time
- Concern for violating the thirty foot water quality setback requirements, across the county several similar request have been denied
- Widening the road, Alex feels this is not part of the setback requirement but it merits potential conditions on how to mitigate impacts if the road is widened.

Marcus added what we are talking about is the property boundaries in this meeting.

Alex added that the third point illustrates construction on the lot causing erosion and deterioration into the lake. Staff has added as a recommendation to do BMP's for erosion control, this is a valid concern and something worth discussing. If the house is constructed closer to the lake what are the potential erosion and sedimentation into the lake. Richard makes a point to really look into the regulations to approve a water quality setback variance would be a deterrent to the public good.

Canton O'Donnell, the trustee of the trust that owns Lot 11 and the improvements there on. This would be an improvement to Lots 12 and 13, now known as 12A. Lot 12A is in deplorable condition, has had no improvement made upon it in twenty years. It has two, hundred foot long dead trees that are a serious risk to people. Anything that is an improvement to the property is desirable. We are the lot immediately to the west. He has been around the Grand Lake area longer than anyone still alive. When the Campbell's talk about being here a while, they are beginners.

Commissioners read the e-mail from Don Campbell.

Alex summarized the e-mail from Don. Don is agreeing with the letter that Richard provided. The objection to any relaxations of the water quality setback.

Richard added that Don brought ups some concerns from a fire protection perspective and suggested a consultation with the Grand Lake Fire Department.

Alex added in the interest of fire access or EMS access and safety he feels this would be an appropriate condition. Any expansion to the road shall be done so in conjunction with the Grand Lake Fire District Department.

George stated he was confused with the road expansion. Is this included on the lots presentation of the property? We are looking at setback, correct?

Marcus replied, this board is only looking at setbacks this evening.

George continued, the concern he had is parking and snow removal. The retaining wall will be right up against the road and then is the county responsible for snow removal.

Alex replied, the drawing does show that the proposed parking is directly adjacent to the front of the proposed dwelling, next to the three foot widening strip.

George stated he does not see this set up working so well in the winter. Can someone please explain how this can be improved?

Will O'Donnell, Kathy O'Donnell-Gibson's brother and a Real Estates Broker in Grand Lake added, Jericho Road is a non-county maintained road. There is an association of homeowners on Jericho Road that pay to have the road maintained and plowed. This last year, a contractor from the Winter Park area removed the snow with a blower. Jericho Road last winter was better and more passable in the winter, than even the summer, because of the blowing. He feels comfortable with this process because there is a steep forty seven percent grade off the driven surface and there is lots of room on the former Lot 13, which is to the east of the building site which is owned by the applicant. There is lots of drop off from the driven surface where they can blow or blade snow. The spring on the property is right on the property line on the pin between lot twelve and lot eleven and it drains naturally and would be undisturbed with the building footprint.

Loreta asked about the driveway and the garage having no setback from the road, she was concerned about a hazard pulling out to oncoming traffic, there is not much leeway for visibility and turning especially since the road curves there.

Alex showed photos and stated that this is a known concerns all along Jericho Road. It is a concern to this proposal. People who drive Jericho Road drive very slowly because of this known issue.

Kathy added that the photo being shown is an extreme example of a parking issue. This is not what our requested configuration will look like. There would be more room for parking and it would not block Jericho Road. As far as the garage issue, I think there is enough real estate on either the east and west side to accommodate pulling in and out. We can move the garage but we are trying to keep it as much as we can out of the water quality setback. There will be no cars parked on the vacant lot by the lake.

David Wise clarified that the distance from the garage door to Jericho Road varies from six feet nine inches to seven feet nine inches which is not at all an apron but enough space for the hood of most vehicles to extend out from the garage and for the driver to be able to see up and down Jericho Road.

Loreta asked since the applicant also owns lot thirteen, and amended to one lot, is there not a possibility of a detached garage, on that lot. That would allow for more space and less encroachment on the front yard setbacks?

Kathy replied that she has not done that calculation, but she does not think that it is a very friendly lot solution because you would have more structure on even a more shallow lot.

Davis Wise added that the garage would be much closer to the water's edge also.

Will O'Donnell argued having a garage is to get cars off the driven surface. It may not be perfect but it is better than half the houses off Jericho Road. He views a garage as a relief for the congestion. Also sees the backflow of the driven surface to the house as an enhancement to the possibility for emergency vehicles along Jericho Road, or when two vehicles meet from the opposite direction there would be a safe way for them to pass, without driving on the shoulder of the road which cause erosion.

Marcus added one of the points of order to the Board of Adjustment is, we are supposed to take every application independently. Jericho Road is a very unique situation. As close as we can get to the road as

possible, the key primary responsibility for us is the water quality on Grand Lake. A big key here is, the separation from the road to the edge of the property is of critical concern in this case. This is an access to a home and we want to make sure we have that ability to do so. The property line is set back substantially from the roadway. This helps with access and agree on the two car garage. If all we were talking about is a front yard setback, this would be an appropriate variance request. However, there is a major problem restricting the water quality setback. Looking at the buildable area, there is four feet one inch from the edge of the property line on the front, to where things could be moved even closer to the road, which could provide 21.4 feet for the water quality setback.

That may be worth considering. The item that was not addressed is, water quality setback is a huge issue in Grand Lake, (not the town but the water). We are looking at water clarity, this is a consumptive water source that gets pumped to the Front Range. It is under incredible scrutiny from northern water and local provisions and EPA, etc. What is the space left if you do a zero foot front setback to the water quality line? Twenty/twenty one foot deep at the shallowest? The majority of the encroachment is with the deck. A deck in not a necessary structure when we are talking about water quality in this case. Looking at the corner of the house and the corner of the garage and moving those straight forward to the zero foot setback on the property, you would still have to expand the road to get in, but we are not sacrificing so much of the water quality, what does this bring?

Alex replied five feet approximately from the garage to the property line. The back edge of the house could maybe be at a twenty four/five foot water quality setback.

Marcus continued that he would be much more apt for a zero foot front setback versus encroaching at all into the water quality setback. This looks achievable. I believe the water quality is first and foremost in Grand County. Whether you are looking at the Master Plan or the requirements of our 1041 Permits or Three Lakes Design Review area. Keep in mind, originally the regulations called out one hundred and fifty feet setbacks on the lakes. Later it changed to fifty and now it is at thirty feet.

Kathy asked what is the concern with water quality? Is it plumbing or erosion, or a combination of the two?

Marcus responded, the primary problem with homes on water quality is the run off from the home itself. Any type of impurity. It has been deemed that the thirty feet allows enough ground filtration before it gets to the water body to be OK. Every house on Jericho Road really has to follow those mitigation plans because, putting up waddle and things for construction because we don't want to cause any clarity issues or any disturbance. I cannot approve this with that type of water quality infringement.

Loreta asked a question of Mr. Wise. Will there be deck piers used for this deck or wall brace, how will this deck be held up?

David Wise replied, they are piers and they are noted on our plans.

Loreta asked how far back from the water will the piers be?

David Wise replied twenty five feet.

George asked, will the cantilevers will be twenty five feet out?

David Wise replied yes, it will be engineered. The house and the piers will be twenty five feet back from the water's edge.

Marcus added but not from the garage?

David Wise replied twenty four feet eight inches from the garage.

Marcus asked is the closet point the tip of the garage.

David Wise replied yes, his measurements are twenty four feet, eight inches. Which indicates we can achieve twenty five feet for construction. The garage from the property line in the front is four feet back.

Marcus asked if you rotated and made the garage flat on the front property line, pulled everything to the front property line for a zero set back.

David Wise replied it would be twenty eight to twenty nine feet.

Marcus continued as the plat is proposed you are saying it is achievable to come back with a proposal that shows we are not infringing more than a couple feet on the water quality setback.

David Wise replied he could review this proposal with Kathy and Channing Gibson. Physically we can get to twenty eight feet which makes pulling out of the garage a little less safe.

Marcus added we do not want to down play the safety issues of the location of the garage to the road. We have approved zero setbacks on Jericho Road. Marcus is asking to see another iteration that preserves the water quality.

George asked if the agenda item can be tabled.

Marcus replied that this would be up to staff to ask the Board of Adjustment to do so.

David Wise added that his clients deal will expire...

Kathy interrupted David Wise to state she would like to talk with staff privately. She believes that some parties present do not need to know her details. We have not taken the water quality issues lightly, we are trying to be responsible with our design.

Marcus agreed and is not discounting the work that has been put into this plat. He just believes that with these discussions and feedback that he is hearing there is some room to wiggle things around. Let's make it the best that it can be, if that is in the purview of the applicant.

George is requesting that the Board receives elevations, because of the deck cantilevering far out which brought the foundation closer.

Marcus asked what the applicant would like to do, if the Board of Adjustment denies this proposal, their only course of action is through the court system.

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Kathy would like a copy of the objection letter/email from the Campbell's. She would also like to know what timeframe she is looking at if they bring back their proposal to the Board.

Alex stated, understanding that the applicant has some timelines that they have to work within. Tabling the item until August would give staff the opportunity to review additional information and make some changes. Although we would be asking if there is a possibility that the Board of Adjustment would consider meeting for a second time in July.

Marcus replied, he appreciated Alex advocating for the applicant. Right now what we are talking about is, does the applicant and staff feel like they would like the Board to vote or would they feel like they would like to circle back on these issues?

Kathy replied circle back, but unsure of the Commissioner's schedules. At some point, this all becomes mute because she does not have the flexibility to move this discussion to August. If we could discuss more or answer any questions that would be ideal or possibly another July meeting.

Marcus stated that public notice requirements have to be met.

Alex added if it is tabled or continued to a certain date, notice would not be an issue.

Marcus added that staff has the ability to call a meeting at any time and there is an alternate Commissioners if one Commissioner cannot attend a meeting.

Alex proposed if the hearing can be continued until July 22 at 5:30PM.

George added that this new date and time will work for him.

Loreta added that the date and time work for her as well.

Marcus stated he was available.

Maxine LaBarre-Krostue stated that she would not be available but hopefully Christopher Leahy (County Attorney) would be available.

Kathy stated that the new date and time work for her.

Marcus asked Maxine if we leave the hearing open.

Maxine replied yes.

Marcus stated that Alex is making a request to the Board to continue this agenda item until July twenty second at 5:30PM. The Board does not need to vote on this.

Meeting adjourned at 6:42 pm.
