

GRAND COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

Wednesday, July 22nd, 2020

MEMBERS PRESENT: George Davis Marcus Davis
 Loreta Silverio

MEMBERS ABSENT: Shaun Mullahey (Alternate)

STAFF PRESENT: Robert Davis Alexander Taft
 Patty Kemper Taylor Schlueter
 Chris Leahy

The meeting was called to order by Chairman Marcus Davis at 5:49 PM. Roll call was taken.

There were 4 people present at the WebEx Board of Adjustment Meeting.

Chris Leahy, set the record for Addendum to Lot 4, Block 3, Sunset Ridge Subdivision Filing No. 2 Front Yard Variance.

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

Presented by: Alexander Taft, Planner LEED Green Associate

ADDENDUM TO CERTIFICATE OF RECOMMENDATION

BOARD OF ADJUSTMENT JULY 8, 2020 CONTINUATION JULY 22, 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	A. Grand County Development Application B. Application Letter C. Photographs D. Site Plan E. 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.

Additional information :

Staff has further investigated some items related to discussions during the July 8, 2020 which relate to roads, water quality and how they are connected to minimizing the impact to Grand Lake.

- Roads

Adjacent to the South Shore Subdivision, Grand County Road 697, known as Jericho Road, occupies an easement with a total width of easement is thirty feet (30'). This easement was granted by Rocky Mountain Nature Association, Inc. or Rocky Mountain Conservancy. The Rocky Mountain Conservancy is a nonprofit corporation who provides support for communities near and connected to public lands. Staff at this time cannot find reference to the history of the grant of easement, but could surmise that the road existed and had continued use for decades requiring the need to formally document as it existed on public lands without an easement creating potential liability. Staff confirmed that because this portion of Jericho road is in an easement and privately managed by owners along the road, Grand County Road and Bridge does not approve construction of any expansion or alteration to this road, although they could be consulted for best practices.

- Water quality

The 2012 208 plan created as a joint effort of Northwest Council of Governments (NWCOG) and Grand County outlines all surface waters in and around Grand County. In section 3, there is specific detail to potential threats to water quality. Those factors include run-off from urban lawns and gardens, run-off carrying sediment from roads, snow storage and melt. All these factors have the potential to carry pollutants such as fertilizers and chemicals which impact health of waters.

5 CCR 1002-31 commonly referred to as Regulation 31 is the state classification and regulation of surface waters. These regulations standardize three recreational classifications. The refer to certain standards of surface water used for swimming, kayaking, water skiing, tubing and similar activities where users would interact with the water and could potentially ingest small quantities. Water quality from this aspect requires the water to have certain parameters of dissolved oxygen, PH and low pollution. Dissolved oxygen being a key indicator to lake health, it is important to keep at stable levels for all life forms to maintain the natural maintenance systems within the lake.

The protection of slopes around and prevention of sedimentation spilling into the lake achieves higher water quality because of the prevention of pollution and unwanted growth within the lake. Grand Lake is a unique glacial lake surrounded by crystalline rock not having significant depth top soil. Therefore, top soil for the purpose of keeping plants is important. A best management practice for construction surrounding the lake would be to stock piling of soil, especially rich top soil, off site then bringing it back in to plant willow, currants, wax flower and other native plant species.

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 twelve feet (12') from the rim joist of the deck and water quality setback to twenty four feet four inches (24' 4") for the deck piers and eighteen feet one inch (18' 1") from the rim joist of the deck 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.
3. A Building Permit shall be obtained for the proposed single family dwelling.

Marcus Davis asked if the applicants had any concerns/questions with the Addendum Certificate.

Ms. Kathy O'Donnell-Gibson replied she had no concerns but wanted to point out a large boulder off of Jericho Road that is five foot by ten foot that they cannot move when considering this proposal tonight.

George Davis asked about the garage, are we just looking at the twenty four by nine, and is that the overhang of the garage?

Alex responded that there is a dining/living room area at the west end of the house that extends twenty four feet from the water line.

David Wise, architect added, the garage is at twenty four feet, nine inches. The configuration of the foundation below the garage really has not been addressed in any definitive way. It is not noted on the plan.

George asked how much are you planning on bringing the foundation back in from the twenty four nine. Is there an overhang there?

David replied correct, it was not developed with any particular strategy in mind. It did not become part of the plan that was submitted for review. I do not believe it is part of any particular setback that has been requested. It is on a future detail list, depending on other factors.

George continued, if we approve this, what would be your choice? Go with the twenty four nine for the garage foundation?

David replied yes, that is the language and information that we intended to present for consideration.

Loreta Silverio asked, the deck piers, what depth below ground do they extend too?

David replied, ultimately that is an engineering question, but feels it is safe to say that we will have a minimum of three feet below grade. If the engineering depth proves to be adequate that would be as deep as we would want to go.

Loreta continued, do you know how far you can go before you hit the water table in Grand Lake?

David replied that would be an engineer question. Whatever the water condition is the foundation can be designed to carry the deck, whether it is extremely wet or not.

Loreta continued that we know you have reached out to water quality expert about the willows, which is one way to prevent sediment and erosion. Is there anything else you have planned to mitigate with this sediment and erosion issue?

Kathy replied that with regard to the water table, not sure if this will be helpful, but Lemon Lodge (across the lake) which is a flat shoreline, that water table is at about four feet. Our property has a different topography, but possibly can be used as a baseline. Her husband, Channing has an Accredited Professional (AP) designation and uses responsible building practices. We have been chatting regarding materials that would be more beneficial, assuaging everyone's concerns about erosion. Between husband's expertise and brother (Realtor) expertise and their desire to minimize impact, we feel we are on target.

Loreta continued, at the last meeting we threw around zero front yard setback and having the garage against the road that might be an issue with getting in and out. She has driven on Jericho Road and there are several garages right up against the road. Is there a better image that would show why it would be an issue?

David replied look on Plan "A", all plans now have a radius table at the nineteen radius that would be a turning radius of a Jeep Grand Cherokee, the largest vehicle we have seen in Grand Lake. Using this turning radius, they are still running off the road a little. With Plan "A", it is very tight backing out of the garage.

Marcus asked, Plan "A" is the best compromise as far as the proposal goes, how does this compare to the original request? Marcus found both certificates to compare. The original certificate was the property line to the deck edge was thirteen feet and the addendum proposal would be eighteen. The two certificates are not using the same measurements and he is trying to understand what was gained by the new proposal. He is seeing that piers are at the same twenty foot rear property line setback. It appears to be the same plan. Four feet one inch from the road.

Alex replied by shifting it over, the western portion of the house is sitting about a foot and a half further back from the water's edge.

Marcus stated you moved it a foot west and you are right up against the five yard side setback and five foot five/six. So it was moved one inch closer on the left and a foot to the left and we really did not gain anything from the water quality side. The piers are still at the twenty foot property line setback. Assuming the back wall of the garage and the water's edge are parallel, guessing we have not gained more than a few inches there.

Kathy interjected, we tried to be mindful of the water quality, and we tried Plan "A" to see if it would buy us anything, we did get a little bit on the west edge. We are still trying to be mindful that we were not asking for something that was different from what had been approved before.

Marcus injected that nothing had been approved.

Kathy continued, no not with regard to this property, we tried to look at precedent in the guidelines. The physical nature of this lot just doesn't give us a lot of flexibility which is why we are before this board. I believe we have asked for a couple feet less in this variance than was approved with neighbors in their variance.

Marcus injected that this board cannot take into account any other decisions, we have to look at each individual proposal one to one. What he is trying to understand is Plan "A", the argument is we are talking about the garage and entry and exit from the garage, but we are not gaining anything from the previous meeting.

Kathy asked for the picture of the boulder to be shared with the Commissioners. Moving the garage to the west is not doable due to the large boulder.

Alex added that the argument to move the garage closer to the road creates potential site issues, we understand the traffic on Jericho Road is already relatively slow (around ten miles per hour) but to get in and out of the garage, moving it that much closer is potentially putting the property owner at risk.

Marcus added at the end of the day he has no concerns with the piers on the deck. Disturbances like water shedding off the roof, the property is in the Three Lakes Design Review area, and regulations insist that you are not supposed to be altering natural landforms. The property is obviously in a weird spot, it was platted, you bought it, and buyer beware. Frankly at the end of the day, the corner of a garage being close to the water quality are not really the biggest concern. The majority of the house is back twenty four feet, four inches in Plan "A". Plan "B" is the middle of the road and Plan "C" is too far forward. Plan "B" is a nice in-between, it puts you at twenty eight feet for both the garage and the dining/living area. I understand what you are talking about with the turning radius of your vehicle. My concern is Plan "A" does not really gain much from our last discussion. Plan "B" seems to be a much nicer compromise, we are showing a turning radius which does not start within the garage, (a two car garage). Plan "B", edge of road to the house is eight foot six inches. Plan "A" edge of road surface to house is twelve feet four inches, gives you a much more valid ability to not even complete the two point turn, just back out and utilize your front property extension from the road. The purposed parking is much more applicable for moving around and turning vehicles. Plan "C", you are down to eight feet three inches. The other concern is for Plan "B" which gets you eight and half feet of proposed parking. We like to see ten foot parking space that would jump from eight foot six inches in Plan "B" to a twelve foot four inch in Plan "A". Plus you have a unique water line. There is a tremendous amount of filtration that goes with the vegetation that is there. Agree with Katherine Morris (Water Quality Expert) that some of the existing landscaping helps with both the view corridor as well of the water quality. There will not be huge wakes

because of the natural vegetation that will break up that wake. There is not much of a disturbance. Maybe there is another compromise here between Plan "A" and Plan "B".

George added by bringing it out another two foot, then you would get a ten foot parking spot.

Marcus added, even it is ten and half feet we are going to gain ten foot four inches, now you are at twenty feet on your water quality, instead of eighteen feet. Look at picture of boulder again.

Kathy asked to interject on something we had not touched on yet. One of the biggest concerns with water quality is erosion and stabilization on the hill side and stabilization of Jericho Road. By adding a structure on the hill side, isn't that by its very nature contributing to the stabilization and lack of erosion.

Marcus responded, that you gain on one end, but you have to make sure you are routing the water coming in off your roof and the snow shed off your roof.

Kathy answered that they can do that.

Marcus continued that snow shed is a little more difficult, guttering for the water is one thing, snow shed is a little different, and part of the reasoning is you are going to get natural shedding from your home, activities on your deck. These are things that you want to make sure that you have substantial filtration for. Grand Lake is a stagnant body of water. Water comes in off of Shadow Mountain at a rate that causes a delta to come in and then you are sucking out of the bottom and we mess up the inversions in the lake. It is a stagnant body of water so there are not a lot of opportunities for the water to rush from your property either. When there is large movement of water, the fluvial basin actually flows outside of what you see. In Grand Lake, it is stagnant water, it is not moving. We have a lot better opportunity to win here with water quality even compared to Lake Granby, which that water is moving in and out year round as the lake rises and settles, plus there is not much on the shoreline to break up your wake. The erosion in Lake Granby is huge whereas the erosion in Grand Lake is very stagnant.

Alex stated, while we are on the topic of rocks around the lake, Kathy and Alex discussed this issue. Grand Lake is a glacial lake and it is primarily surrounded by crystalline rock. Sedimentation is likely the biggest concern outside of the impacts from blow from Shadow Mountain and the transmountain diversions. We would propose an additional condition "any dirt removed from the site be stocked piled offsite to prevent back sedimentation".

Marcus added no matter what because you are in Three Lakes Design and you are on a body of water you have to use the Grand County soil and sedimentation control regulations. There is a lot of visibility to any building that goes on around Grand Lake. Ask to see photo of water's edge. The property is on the water's edge which is relatively flat so you will not get a lot of direct drop. How flat is this area?

Alex replied there is a good ten foot slot at least if not twenty.

Marcus continued, by the time we start looking at piers, overhangs of decks and back of house we are at twenty four feet nine inches to water's edge. Eighteen feet one inch to the edge of the deck. Twenty four feet six inches to pier so we are almost to twenty five everywhere. We are off by five and a half feet. The situation is very unique, you have a good opportunity for the land to naturally take care of any problem for water quality. Grand Lake is a drinking water lake now. We want to make sure that we are taking the best care of our water ways. Katherine Morris (Water Quality Expert) has reviewed these plans and was she satisfied?

Alex stated that Katherine Morris acknowledged her background and knowledge is not related to the impacts of construction on water quality. It is more stream and organisms (biology), to maintain stream health. As we are discussing ways to mitigate the impact, she was strongly supportive of the ideas.

Loreta stated she liked what was said about having a parking area that was ten feet that would allow for a car to maneuver in and out of the garage which grants us two more feet from the water line. That is definitely something that should be explored. Especially since we see there is a compromise between the two plans.

George stated he agrees with Loreta, that we can move it in two feet.

Marcus added that his thought was it does not have to be the full two feet, I am just saying there is two feet to play with in the parking area.

George stated he would take it as far as they can and two feet seems like that would be a good size.

Marcus added Plan "B", eight foot six inches that is four feet one way and split the difference, would bring the water quality setback to twenty six feet four inches. Is that doable? Find a compromise between Plan "A" and Plan "B" that can be approved. We could even go twenty six feet if the other Commissioners agree.

Loreta and George both agreed.

Marcus added that is the water quality side. Right off the edge of the dining/living room.

Alex interjected, that he is curious to put the applicants back on to see if they think this is a reasonable compromise. There is still more design work to be done to figure out if this new proposal will work.

David, added that yes it is, we can work with this and create a plan. If we get approval tonight we can adjust the plans accordingly. Is that what you are asking?

Alex replied, yes.

Marcus added if you look at twenty six foot water quality that is one foot eight inches, the zero yard front setback, I think everyone is fine, no matter what you do you are going to have a zero foot front yard setback. Then the rear yard setback would adjust by one foot eight inches as well.

Loreta added that nineteen feet nine inches is what the rear yard setback would be.

Kathy added she feels like that is something they can live with.

Marcus continued he does not see a lot of change to the proposed Plan "A" that they looked at a couple weeks ago, but thinks that Plan "B" takes it too far. He is worried about a safety concern on the corner of the garage. This proposal will give you ten and half feet maybe even eleven feet in the front parking area which is very substantial.

Channing & Kathy Gibson, stated this will work.

Alex stated standard parking spaces are ten feet by twenty feet. We are now working with a water quality setback of twenty six feet, rear setback of nineteen foot nine inches, and front yard setback of zero feet.

Marcus concurred.

Will O'Donnell, Kathy's brother, wanted to ask, will the deck overhangs and the piers be allowed to move accordingly?

Marcus replied yes, that is something we are not really talking about at this meeting. Our regulations are not as clear as they might be as far as overhangs, etc. We really lean towards foundations, things that are in the ground. So the piers being backed to the same twenty six feet, really anything can be in that twenty six feet. You might even gain with your piers as the house is moved back. Technically, we have looked at "x" being to the edge of the deck, because someone always wants to add a staircase with a landing, they want their piers all the way at the corner post of the deck and the way you have this cantilevered, it buys you a significant amount of grace. What you are putting in the ground (the footings) and just cantilevering them out is fine. It is not to say you get to cantilever down to a walkout onto your boathouse. Then you have created a structure that is now counted as a combined structure. This really is something that we want to mitigate, that visual impact along the lake. The argument would be, are we looking at an eighteen one plus one foot eight inches and a nineteen foot nine inches for your water quality setback to the edge of the deck. Or are we looking at a twenty six foot setback to the edge of your foundation and footers?

Kathy replied foundation and footers.

Alex stated we should phrase this as twenty six feet to the pier and/or foundation wall of the house. We have the other regulation that states that overhangs can extend up to three feet into the setback.

Marcus agreed, it is regulation 14.2(2)

Alex stated that he thinks this is caution enough.

Marcus asked if the deck went further than the three feet past its piers. It probably does. It is eight feet.

David interjected that it is nearly eight feet.

Alex added maybe the room joist of the deck extending as close as nineteen foot six inches.

Marcus added if we track everything the way we were, it would be nineteen feet nine inches. Alex take a look at this before you write the resolution. Fourteen feet three inches, if we could add that as a condition. In the resolution the applicant has made every effort to keep any ground disturbance at the twenty six feet. I want to make sure that there is not any kick back later. The proposal at hand is, twenty six foot water quality setback, nineteen foot nine inches rear yard setback, zero feet front yard setback and consideration of 14.2 (3) in the Grand County Zoning Regulations for the deck.

Motion to recommend approval by George Davis for Addendum for Lots 12A, South Shore Place, Amended Final Plat with modified regulation and the additional condition as noted.

Recommendation of approval for a twenty six foot water quality setback, nineteen foot nine inches rear setback and a zero foot front setback and consideration of fourteen point two three. Seconded by Loreta Silverio. No further discussion. All in favor "aye", none opposed. Motion carries.

Motion to adjourn at 6:44pm by Loreta Silverio. Seconded by George Davis. All in favor "aye", none opposed. Motion carries.

Meeting adjourned at 6:44 pm.
