

**RESOLUTION NO. 2003-11-1**

**THE GRAND COUNTY BOARD OF ADJUSTMENT**

**WHEREAS**, Richard C. Campbell (hereinafter referred to as the “APPLICANT”) filed an application requesting a variance from Grand County’s Residential Zone District for a front yard set back of Thirty (30) foot, to a Zero (0) foot front yard set back for the purposes of constructing a single family dwelling and carport, in order to erect a rock retaining wall to sustain the existing sidewall of Jericho Road. The applicant is also asking for a variance of twenty-five the thirty (30) foot front yard setback to (25) feet, thus creating a five (5) foot front yard setback, in order to construct a single family dwelling on the following described property:

A tract of land, containing Lots 11-13, South Shore Place, Section 8, Township 3N, Range 75W, of the 6<sup>th</sup> P.M. County of Grand, State of Colorado.

**WHEREAS**, as public hearing was held by the Grand County Board of Adjustment on November 12, 2003; and

**WHEREAS**, based on the evidence, testimony, and exhibits, comments of the Grand County Department of Planning and Zoning, comments of public officials, and agencies, and comments from all interested parties, this Board finds as follows:

1. That propose posting and public notice of this hearing were provided as required by law.
2. That the hearing before this Board was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at said hearing.
3. That the Applicant has demonstrated that strict application of the Zoning Resolution will result in peculiar and exceptional practical difficulties or exceptional and undue hardship by reason or exceptional topographic condition of the property.
4. That such variance should not result in substantial detriment to the public good and would not substantially impart the intent and purpose of the Zoning Resolution.

**WHEREAS**, the property is located on Grand Lake and is accessed via Jericho Road and has been in the Campbell family for over one hundred years and Mr. Campbell wishes to protect his home from possible damage of Jericho Road sliding because of the unstable sides; and

**WHEREAS**, this will also add safety for others using the road and the lots in this area are small and most have older homes on them that do not meet present day zoning regulations; and

**WHEREAS**, lots 11-13 are long and narrow which creates issues in terms of placing a structure on them. The widest spot on these three (3) lots is seventy-eight (78) feet which is at the far end of lot 11; and

**WHEREAS**, with the present county setbacks required there is a buildable space of eighteen (18) feet.

**WHEREAS**, the applicant is proposing to stabilize the property line which adjoins Jericho Road by building a rock retaining wall and since the wall will be over four (4) feet in height, it is considered a structure, thus necessitating a variance of Zero feet for a front yard setback; and

WHEREAS, the applicant is also wishing to build a 1,250 square foot single family dwelling which pertains to the twenty-five (25) foot variance from the front yard setback of thirty (30) feet.

**WHEREAS**, Lot 13 is un-buildable but was included in the request. There will be an easement given for access across Lot 13 to the structures built on Lot 11 and 12.

**NOW, THEREFORE, BE IT RESOLVED**, by the Grand County Board of Adjustment that the above variance request be approved, and that the Applicant is given notice the following will be required before a building permit is issued:

1. The plans for the retaining wall be approved by Grand County Road and Bridge Department Staff recommends approval a zero front yard set back for only the allowance of a retaining wall on Lots 11-13, South Shore Place based on the criteria of 16.1, (2) and (3), Grand County Zoning Regulations.
2. The plans for the retaining wall be approved by Grand County Road and Bridge Department and stamped by a licensed engineer.
3. An easement across Lot 13 be provided for access to Lots 11 and 12. A copy of the recorded easement shall be provided in the permit process.

**APPROVED AND ADOPTED** this 19<sup>th</sup> day of November, 2003, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

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Chairman

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Attest:  
Secretary