

RESOLUTION NO. 2003-12-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, Joseph E. and J. Darlene Martinez (hereinafter referred to as the “Applicants”) filed an application requesting a variance from Grand County’s required lot size of Two (2) Acre lot size in the Forestry and Open Zone District in order to complete the Outright Exemption process to clear a Senate Bill 35 violation.

A tract of land, located in the NE ¼ of Section 21, Township 1N, Range 75 West of the 6th P.M. , also known as the “Fair Tracts” of an unrecorded Subdivision, on C.R. 84, approximately 5.2 miles north from U.S. Highway 40.

WHEREAS, as public hearing was held by the Grand County Board of Adjustment on December 17, 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.

and;

WHEREAS, the Applicant is the current owner of a parcel of land that is .99 acres in size and;

WHEREAS, the property is located on the ‘Fair Tracts’ Subdivision and is accessed from U.S. Highway 40 via C.R. 84;

WHEREAS, this parcel was created in 1974 when Marguerite E. Fair transferred ownership to Melvin F. and Patricia Porterfield at Reception No. 135828;

WHEREAS, the Portersfield's then proceeded to sell the property to Joseph and Darlene Martinez and Victor and Phyllis Cardona (Darlene's parents) as tenants-in-common in October 1980;

WHEREAS, in 1998 Victor and Phyllis transferred sole ownership to the Martinez's;

WHEREAS, when Senate Bill 35 became law in 1972, it stated that a parcel smaller than 35 acres cannot be disjoined without going through the subdivision process first;

WHEREAS, the Applicant was not aware of this law until they became sole owners of the parcel in 1998;

WHEREAS, they applied to Grand County for an Outright Exemption and have taken the process through the Grand County Planning Commission and now require a variance on the .99 acre size lot from Grand County's required 2 acre size lot in the Forestry and Open Zone District before they can obtain approval from the Board of County Commissioners for the Outright Exemption.

NOW, THEREFORE, BE IT RESOLVED, by the Grand County Board of Adjustment that the above variance request be approved.

APPROVED AND ADOPTED this 17th day of December 2003, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary