

RESOLUTION NO. 2004-8-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, John and Anita Gimple, Represented by Jeffrey Herren (hereinafter referred to as the "APPLICANTS") are requesting a variance from Grand County's Zoning Regulations for approval from the minimum lot size to create a 1.14 acre parcel in the Forestry and Open Zone specifically,

On a parcel located on Gore Lake Subdivision, Unit 2, Lot 25, Section 25, Township 1 North, Range 76 West of the 6th P.M., Grand County, Colorado

WHEREAS, as Public Hearing was held by the Grand County Board of Adjustment on August 18, 2004; 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 shares its eastern border with Grand River Ranch and the question in dispute is the correct property line between the Applicant's land and Grand River Ranch; and,

WHEREAS, the 1.4 acre wedge lies between the platted property line of Lot 25, Unit 2 of the Gore Lake Subdivision and an existing barbed wire fence, and,

WHEREAS, this wedge of land, between the two properties has been held by the Applicant in the open and notorious manner necessary to make a claim of adverse possession; and,

WHEREAS, this request for a variance is part of a solution to settle a boundary dispute between the applicant and Grand River Ranch; and,

WHEREAS, the Applicant and the owner of Grand River Ranch have entered into a settlement recognizing the Applicant's historic right to the land; and,

WHEREAS, this request is being made in conjunction with an outright exemption application that is being processed concurrently by Grand County; and,

WHEREAS, the Grand County Planning Commission recommended approval of the outright exemption in 2003, Resolution No. 2003-7-6, and stipulated that the applicant obtain a variance to allow for the creation of a parcel of land smaller than the minimum lot size due to the requirement of the Grand County Zoning regulations that a minimum area lot in Forestry and Open is two acres; and,

WHEREAS, the new 1.4 acre lot be combined forever with Lot 25, Unit 2 never to be sold, mortgaged, or transferred separately; and,

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

APPROVED AND ADOPTED this 18^h day of August 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary