

# GRAND COUNTY BOARD OF ADJUSTMENT

## RESOLUTION NO. 2004-9-1

**WHEREAS**, Bradley L. and Leah Y. Bendixen (hereinafter referred to as the "Applicant") are requesting a variance from the Grand County Zoning Regulations for a variance from the normal front yard setback pursuant to Section XVI, Board of Adjustment, of the Grand County Zoning Regulations to allow a front yard setback of thirteen (13) feet instead of the normal 30' front yard setback on a parcel to wit:

*located on Tract 16, Mesa Tracts Subdivision, County of Grand, State of Colorado.*

**WHEREAS**, a Public Hearing was held by the Grand County Board of Adjustment on September 15, 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**, Tract 16, Mesa Tracts Subdivision, is approximately 0.289 acres in size and rectangular in shape, and is fairly level throughout the parcel,

**WHEREAS**, the Applicant is requesting a front yard setback of thirteen (13) feet instead of the required 30 feet to facilitate the proposed garage;

**WHEREAS**, the proposed garage, which measures twenty-four (24) feet by twenty-four (24) feet, was given to the Applicants and will be moved to their lot if the variance is granted; and,

**WHEREAS**, the area of buildable space is limited on the parcel since the home is located laced on center of the lot, making it impossible to fit the mobile garage within the required setbacks; and,

**WHEREAS**, the neighbors on either side and across the street from the Applicants have signed a letter stating they have no objections to the variance; and,

**WHEREAS**, the Board of Adjustment shall allow a variances to the minimum area of lot, width, front yard, side yard, rear yard, height of building, 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; and,

**WHEREAS**, the Applicant has requested that the Board of Adjustment authorize a variance to the County's minimum front yard setback of 30 feet, for purposes of facilitating the construction of a modest sized garage, 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:

**NOW, THEREFORE, BE IT RESOLVED**, by the Grand County Board of Adjustment that the above variance to approve variance from Grand County's Forestry and Open Zone District for a thirteen (13) foot variance from Grand County's required minimum thirty (30) foot front yard setback for the purpose of constructing a garage.

**APPROVED AND ADOPTED** this 15th day of September 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

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Chairman

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Attest:  
Secretary