

RESOLUTION NO. 2004-10-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, David Skinner, Represented by Morris King (Proposed Buyer) (hereinafter referred to as the "Applicant") are requesting a five (5) foot variance from Grand County's minimum ten (10) foot side yard setback for the purpose of constructing a single family dwelling in a parcel located in the Tourist District ("T") specifically,

On a parcel located on A Tract, in the NE1/4 SW1/4, S 13, T 3N, R 76W, of the 6<sup>th</sup> P.M., Grand County, Colorado, Commonly known as the Spitzmiller Tracts

WHEREAS, as Public Hearing was held by the Grand County Board of Adjustment on October 20, 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 Applicant is the current owner of said lot and is represented by Mr. King, who is a prospective buyer; and,

WHEREAS, this Lot is approximately 0.11 acres, rectangular shape, and slopes downward towards Shadow Mountain Lake; and,

WHEREAS, the Applicant is requesting a side yard setback of five (5) feet instead of the required ten (10) feet to facilitate a small home since the lot is thirty-five (35) feet wide by one hundred (100) feet long; and,

WHEREAS, the proposed home will be approximately eleven hundred square feet in size and replaces an existing mobile home; and,

WHEREAS, the Applicant and their neighbors were wishing to rezone the entire six lots of the Spitzmiller Tracts to residential, but the effort was stymied when the owners of the lot closest to the neighboring subdivision, Shadow Lake Villas, refused to be rezoned; and,

WHEREAS, the applicant was left to pursue a variance as the only recourse for a buildable lot; and,

WHEREAS, Staff perceives the home will not impact the area if the proposed setback variance is granted since the entire area is residential in character and in reality, this area should have been zoned Residential when Grand County Zoning Regulations were created.

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.

WHEREAS, the Applicant has requested that the Board of Adjustment authorize a variance to the County's minimum side yard setback of 10 feet, for purposes of facilitating the construction of a modest sized house, and;

WHEREAS, based on the evidence, testimony, and exhibits, 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 Tourist District for a five (5) foot variance from Grand County's required minimum ten (10) foot side yard setback for the purpose of constructing a house.

APPROVED AND ADOPTED this 20th day of October 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

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Chairman

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Attest:  
Secretary