

RESOLUTION NO. 2004-11-2

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, Dona Pardi, (herein referred to as the ‘Applicant’) Applicant requests a variance to continue a privacy fence, seven (7) feet high, sixty-three (63) feet in length, along the rear property line of the property located on the property described as:

Lots 12 and 13, Block 2, and Riveracres 2nd Addition to Mountain Meadows and a 0.02 acre parcel described in Reception No. 2000 000744 less 0.028 acres described in Reception No. 2000 91965 the Grand County Clerk and Records Records, Grand County, Colorado

WHEREAS, as public hearing was held by the Grand County Board of Adjustment on November 17, 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 perspective owner of the Lots 12 and 13, Block 2, and Riveracres 2nd Addition to Mountain Meadows acre parcel located in the Mobile (“M”) District; and,

WHEREAS, the applicant has requested a variance to continue a solid wood privacy fence, seven (7) feet high, sixty-three (63) feet in length, along the rear property line of the property located on the property; and,

WHEREAS, the applicant has requested this extension to screen her property from an adjoining neighbor, of whom which the applicant and the neighbor have reciprocating Restraining Orders filed against each other; and,

WHEREAS, the property is located within the Three Lakes Design Review Area, where privacy fencing is allowed, but not for considerable lengths, or constructed in such a manner that it appears ‘solid’; and,

WHEREAS, the Division of Wildlife has been contacted and do not support fencing of any kind, and requires that it does not interrupt the wildlife migration patterns installed in compliance with their regulations “Fencing with Wildlife in Mind” and,

WHEREAS, staff has several letter in opposition of the proposed variance due to its impact on the overall viewshed; and,

WHEREAS, staff has reviewed the on-site conditions and given the requirements by the Colorado Division of Wildlife recommends the variance only if the side fence is brought into compliance with “Fencing with Wildlife in Mind” as determined by the Colorado Department of Wildlife to encourage migration of animals; and,

WHEREAS, the applicant does not want to accept this amendment to the variance; and,

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

APPROVED AND ADOPTED this 17th day of November, 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary