

RESOLUTION NO. 2005-5-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, Wade Payne, (hereinafter referred to as the 'Applicant') is requesting two variances; a five (5) foot variance from Grand County's required minimum thirty foot (30') front yard setback; and a five (5) foot variance from the minimum twenty foot rear setback for the purpose of constructing a single family home on a parcel located in the Tourist Zone District ('T') specifically, on a tract of land located on:

Lot 13, Block 4, Lake Forest Subdivision, SE 1/4 of Section 26, and SW 1/4 SW 1/4 of Section 25 all in T3N, R76W, of the 6th P.M., Grand Colorado, more commonly known as 916 County Road 64, Grand County, Colorado.

WHEREAS, Public Hearing was held by the Grand County Board of Adjustment on May 18, 2005; and,

WHEREAS, based on the evidence, testimony, 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 proposed posting and public notice of this hearing was 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 impact the intent and purpose of the Zoning Resolution.

WHEREAS, the Applicant is the current owner of said lot on Parcel No. 119126442009 Lot 13, Block 4, Lake Forest Subdivision

WHEREAS, this small lot is .12 acres and is shaped like a trapezoid; and,

WHEREAS, the applicants requests the variance so they can square off their home with the front lot line in order to build a two-story, single-family home (1,350 s.f. footprint) with a garage; and,

WHEREAS, the setbacks in the Tourist zone are 30 foot front and 20 foot rear; and,

WHEREAS, the applicant is requesting a five (5) foot variance on both the front and rear;

WHEREAS, the rear lot line abuts the Shadow Mountain Recreation Area, and that the high water mark for the Reservoir is more than 30 feet from the applicant's proposed building to there will be no variance required from the 30' water quality setback; and,

WHEREAS, the applicant approached the Grand County Planning and Zoning staff to request a variance of the rear yard setback from the Board of Adjustment; and,

WHEREAS, the variance should not adversely affect any valuable viewshed, as the views from the properties in this area are toward the lake when investigated by staff due to concern received from the neighbors, Mr. and Mrs. Darrell D. Dugger, owners of Lots 11-12, Block 4 of Lake Forest Subdivision First Filing; and,

WHEREAS, this setback variance should not adversely affect the recreation area as there appears to be more than 100 feet between the rear lot line and the high water mark for the lake and there are no wetland impacts; and,

WHEREAS, notice of the Public Hearing was advertised in the Sky-Hi News and public notice was mailed to all parcels located within 500 feet of Lot 13, Block 4, Lake Forest Subdivision, and to the public utilizes; and,

WHEREAS, the Board of Adjustment shall allow a variance 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, 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, the Grand County Board of Adjustment to approve the variance from the Grand County Zoning Regulations for minimum thirty (30) foot front yard setback to allow a five (5) foot variance for a twenty-five (25) foot front yard setback; and a variance from the minimum of twenty foot (20') rear yard setback to allow a five(5) foot variance for a fifteen foot (15') rear yard setback for the purpose of constructing a single family home.

APPROVED AND ADOPTED this 18th day of May 2005, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary