

**RESOLUTION NO. 2005-5-2**

**THE GRAND COUNTY BOARD OF ADJUSTMENT**

WHEREAS, Bridget Robinson, (hereinafter referred to as the 'Applicant') are requesting a one (1) foot variance from Grand County's Zoning Regulations required minimum twenty foot (20') rear setback for the purpose of constructing a single family home on a parcel located in the Residential District ('R') specifically,

A tract of land located in the Shorewood Subdivision, Block 4, Lots 1 and 2, Section 13, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., Grand Colorado, more commonly known as 141 County Road 4661 (Dellwood Lane), 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. 119112111006, Shorewood Subdivision, Block 4, Lots 1 and 2; and,

WHEREAS, the lot is an elongated triangular shape of approximately 0.26 acres; and,

WHEREAS, the applicant recently constructed the 1,800 s.f. home and that the Improvement Location Survey completed by the applicant indicates that the southwest corner of the house encroaches one (1) foot into the rear setback; and,

WHEREAS, the builder, Three Brothers Construction, did not use a surveyor to establish the building layout, rather they relied on their staff; and,

WHEREAS, the Grand County Planning and Zoning approved the original staking and site plan as part of the zoning approval at which time then it was found that the improvements would be located within all the minimum setbacks; 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, notice of the Public Hearing was advertised in the Sky-Hi News on April 28, 2005, and public notice was mailed to all parcels located within 500 feet of Lots 1 and 2, Block 4, Shorewood 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 required minimum rear yard setback of twenty foot (20') to allow a one foot (1') variance for a nineteen foot (19') 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**

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Chairman

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Attest:  
Secretary