

RESOLUTION NO. 2005-7-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, on July 20, 2005, Mr. Michael Schurer (herein after referred to as the 'Applicant') requested approval for a variance of fifteen feet (15') from Grand County Zoning Regulations minimum thirty foot (30') front yard setback to allow a fifteen foot (15') front yard setback for a pre-existing nonconforming single family dwelling on a parcel located in the Mobile Home Zone District ('M') specifically:

On a tract of land located in a part of the SW4SW4 of Section 13, Township 3 North, Range 76 West of the 6th P.M., County of Grand, State of Colorado.

WHEREAS, Public Hearing was held by the Grand County Board of Adjustment on July 20, 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 the pre-existing nonconforming structures on this parcel.
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 owns Parcel 1191113300013, which is 1.96 acres and is proposed to become the M.A.S. Subdivision Exemption; and

WHEREAS, the lot is a triangle shaped lot, at the intersection of Grand County Road 46 and U.S. Highway 34 and is subject to the Three Lakes Design Review Area 150' setback from Highway 34; and,

WHEREAS, the Applicant is requesting a fifteen foot (15') variance to the minimum front yard setback due to the hardship that the residence on the parcel is a pre-existing nonconforming structure which has been on the property since 1949; and

WHEREAS, the Applicant proposes to record a subdivision exemption plat for the M.A.S. Subdivision Exemption which shows a building envelope equal to the footprint of the pre-existing nonconforming structure so that no future structure could be built to increase the nonconformity and,

WHEREAS, the structure is served by a public sanitary sewer system, operated and maintained by the Three Lakes Water and Sanitation District; and,

WHEREAS, the application was reviewed by the Three Lakes Water and Sanitation (TLWS) District and the Town of Grand Lake and no objections were received; and,

WHEREAS, the application was evaluated under the Grand County Zoning Regulations, Section VII, Mobile Home Zone District, that requires a minimum front setback of thirty feet (30'); and,

WHEREAS, a single family dwelling unit is an allowed use in the Mobile Home Zone District, and that if this variance is granted by the Board of Adjustment, it will not allow a use that is not permissible under the terms of the Grand County Zoning Regulations within the Mobile Home Zone District or any use expressly or by implication prohibited by their terms; and,

WHEREAS, the Applicant is requesting approval of a variance of fifteen feet (15') for a fifteen foot (15') front yard setback; and

WHEREAS, Staff believes that by reason of the exceptional size and placement of the pre-existing nonconforming structure on the lot, a practical difficulty would result from a strict enforcement of these regulations; and

WHEREAS, notice of the Public Hearing of the proposed application was published in the June 23, 2005 issue of the Sky Hi News, and copies of that notice were sent to owners of all parcels located within 500 feet of Parcel 1191113300013; 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; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE GRAND COUNTY BOARD OF ADJUSTMENT approve the M.A.S. (Schurer) variance request from the Grand County Zoning Regulations required minimum front yard setback of thirty feet (30') to allow a fifteen foot (15') variance for an fifteen foot (15') front yard setback for the purpose of allowing a pre-existing nonconforming single family home at on the proposed Tract 1, M.A.S. Subdivision Exemption.

APPROVED AND ADOPTED this 20th day of July 2005, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Gary Salberg, Acting Chairman

Attest:

Secretary