

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2006-5-2

WHEREAS, Collie E. Norman (hereinafter referred to as the 'Applicant') is requesting a variance to allow for a seven and one half (7 1/2) foot setback from the north property side lot line and a seven (7) foot setback from the south property side lot line, replacing the minimum Grand County side property setback of ten (10) feet in the Tourist Zone area, for the purpose of building a new residence in the Warner's First Subdivision, Lot 3, Side Yard Setback Variances located in the Tourist Zone District on:

A tract of land located in the Warner's First Subdivision, Lot 3, Section 6, Township 3 North, Range 75 West of the 6th P.M., Grand Colorado, more commonly known as 391 County Road 693, Grand County, Colorado.

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 Regulation 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 Regulations.

WHEREAS, the Applicant is the owner of Lot 3, Warner's First Subdivision, a lot situated between CR 693 on the east and Colorado Highway 34 on the west; and

WHEREAS, this pre-existing lot is 100 feet deep and 50 feet wide, so enforcement of the 150 foot Three Lakes Design Review Area setback from Highway 34 would make it unbuildable; and

WHEREAS, normal setback requirements for this lot reduce the buildable area to 30 by 50 feet; and

WHEREAS, the majority of the lots in this subdivision are located within the boundary of the Town of Grand Lake, but this lot remains in unincorporated Grand County; and

WHEREAS, the existing residence is a mobile home encased by a wooden structure and will be demolished in order to construct a new 30 by 40 foot house with a drive under garage and a 10 foot deck facing Shadow Mountain Reservoir to the east; and

WHEREAS, the initial request submitted by the applicant was for a 20 foot setback off CR 693 and 5 foot setbacks off each of the side lot lines; and

WHEREAS, to accommodate concerns expressed by the neighbors, the applicant has agreed to move the proposed construction 30 feet from the County road, making it the front lot line and shifting the house slightly in order to increase the setbacks from the side lot lines; and

WHEREAS, on May 9th the applicant amended the application by requesting a seven and one-half (7 ½) foot setback from the north property line and a seven (7) foot setback from the south side lot line; and

WHEREAS, no variance from the front or rear property lines will be necessary based on the revised site plan of which these setbacks are consistent with residential zoning, the primary use of the surrounding lots; and

WHEREAS, if approved, the reduction in setbacks will allow for the construction of a single family dwelling which will replace the existing building which violates setbacks and encroaches onto the Highway 34 right-of-way; and

WHEREAS, the neighbors most impacted by this request, immediately north and south of this site have provided letters supporting this request; and

WHEREAS, the notice of the public hearing was advertised in the Sky-Hi News on April 27, 2006, which this notice was for a ten foot front yard variance and 5 foot side yard variances; however, the revised request is for lesser variances than what was published; and

WHEREAS, all parcels located within 500 feet of Lot 3, Warner's Subdivision were notified as well as all public utilities and the Grand County Road and Bridge Department; and

WHEREAS, two letters in support and two letters of opposition of the variance have been received; and

WHEREAS, Staff recommends approval of the Variance request, based on the circumstances stated above, for a seven and one half foot side yard setback from the north side lot line and a seven foot side yard setback from the south side lot line in place of the County's minimum side yard setback of ten (10) feet, for purposes of allowing a new residence to be constructed on Lot 3, Warner's Subdivision; and

WHEREAS, the Applicant is encouraged to have a licensed land surveyor locate the precise location of the proposed building; 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

WHEREAS, based on the evidence, testimony and exhibits, comments of public officials and agencies and comments from all interested parties, this Board finds that the request complies with the powers, duties and criteria of the Grand County Zoning Regulations, Section 16.2.

NOW, THEREFORE, BE IT RESOLVED, that the Grand County Board of Adjustment approve the variance request, based on the circumstances stated above, to allow for a seven and one half (7 1/2) foot setback from the north property side lot line, and a seven (7) foot setback from the south property side lot line, replacing the minimum Grand County side property setback of ten (10) feet in the Tourist Zone area, for the purpose of building a new residence in the Warner's First Subdivision, Lot 3, Side Yard Setback Variances located in the Tourist Zone District.

APPROVED AND ADOPTED this 17th day of March 2006, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

**Chairman, Timothy Moreland
May 17, 2006**

ATTEST:

Secretary