

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2006-6-2

WHEREAS, Michael Fichter (hereinafter referred to as the 'Applicant') is requesting a variance of six (6) feet resulting in a twenty-four (24) foot setback from the front property line for the purpose of building a garage to replace the Grand County zoning regulation of a minimum setback of thirty (30) feet from the front property line in the Forestry and Open Zone, in the Alpine Acres Subdivision Lots 60 and 61 Block 1, Front Setback Variance, specifically for a tract of land located in the Alpine Acres Subdivision, Lots 60 and 61, located on:

Block 1, Section 33, Township North Range 76 West of the 6th P.M., Grand County, Colorado, more commonly known as 354 County Road 5212, Grand County, Colorado.

WHEREAS, the Applicant is the current owner of Lots 60 and 61, Block 1, Alpine Acres Subdivision, Parcel Number 145133306025; 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 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 one single family dwelling, with no garage, exists on the property; and,

WHEREAS, there is an existing septic system tank and leach field that prevents the applicant from placing the proposed structure within existing setbacks; and,

WHEREAS, the property is serviced by County 5212, and the proposed structure will be more than 40 feet from the edge of the roadbed; and,

WHEREAS, the structure would be sitting at an angle to fit in between leach field and septic tank, creating the physical limitations create the need for one corner of the garage to encroach upon setbacks; and,

WHEREAS, the majority of the proposed garage sits within setback regulations; and,

WHEREAS, at one time, the applicant had a building which has recently been removed to allow for the building of a garage more suited to his needs (see survey map showing block building); and,

WHEREAS, the structure was less than 19 feet from the front property line, and the proposed new structure would be 24 feet (at one corner) from that same property line; and,

WHEREAS, notice of the public hearing was advertised in the Sky-Hi News on May 25, 2006; and,

WHEREAS, all property owners within a 500 ft. radius of Lots 60 and 61, Block 1, of the Alpine Acres Subdivision were notified by certified mail, as well as all relevant public utilities; and,

WHEREAS, seven signatures of Alpine Acres property owners in support of this variance have been provided, and none have been provided in opposition to this action; 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, the variance approval is good for one (1) year from the date of this public hearing, and an extension will be considered only after the applicant provides a written request to the Department of Planning and Zoning; 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; and,

WHEREAS, Grand County Board of Adjustment approve the variance for a six (6) feet variance from the required thirty (30) feet front setback, based on the circumstances stated above for Lots 60 and 61, Block 1, Alpine Acres Subdivision for the purpose of construction of a garage; and,

NOW, THEREFORE, BE IT RESOLVED, that the Grand County Board of Adjustment approved a six (6) feet variance from the required thirty (30) foot front setback, based on the circumstances stated above for Lots 60 and 61, Block 1, Alpine Acres Subdivision for the purpose of construction of a garage.

APPROVED AND ADOPTED this 21st day of June 2006, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

**Chairman, Timothy Moreland
June 21, 2006**

ATTEST:

Secretary