

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2006-6-1

WHEREAS, Stephen Vogt (hereinafter referred to as the 'Applicant'), is requesting a variance to allow for a twenty (20) foot set back from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet for the purpose of building a new residence Villa Harbor Subdivision, Block 2, Lot 7, Front Setback Variance, zoned Residential, on a parcel specifically located on:

A tract of land located in the Villa Harbor Subdivision, Block 2, Lot 7, Section 6, Township 3 North, Range 75 West of the 6th P.M., Grand Colorado, more commonly known as 105 County Road 475, 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 current owner of Lot 7, Block 2, Villa Harbor Subdivision, parcel number 119306305036; and,

WHEREAS, the lot is approximately 86' wide by 125' deep with a significant uphill slope on the rear of the property; and,

WHEREAS, the lot was excavated many years ago to provide a level building site and possibly to use the excavated material elsewhere; and,

WHEREAS, Mr. Vogt has obtained a building permit to construct a new residence with attached garage on this parcel of land; and,

WHEREAS, during the preliminary site excavation it was discovered that the hillside will become very unstable if it is disturbed and will require a significant retaining wall to protect the proposed improvements if the 30' front yard setback is enforced; and,

WHEREAS, the property is serviced by County Road 475, a 30 foot wide privately maintained road which dead-ends just beyond this small filing of the Villa Harbor subdivision; and,

WHEREAS, there are approximately 7 lots which utilize that portion of the road which accesses Lot 7; and,

WHEREAS, the proposed improvements will contain enclosed parking for 3 vehicles as well as additional on site parking and snow storage so there should be no interference with traffic on the road; and,

WHEREAS, if approved, the reduction to a twenty (20) foot front setback will eliminate the need for an extensive retaining wall which has the potential to impact the visual quality that the Three Lakes Design Review regulations strive to protect; and,

WHEREAS, the adjoining property owners have signed a letter of support and there should be not adverse effect of the access road; and,

WHEREAS, notice of the public hearing was advertised in the Sky-Hi News on May 25, 2006. All parcels locates within 500 ft. of Lot 7, Block 2, Villa Harbor Subdivision were notified; and,

WHEREAS, all public utilizes, and the Grand County Road and Bridge Department were notified, and letters of support or opposition of the variance have been received; 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, the Board of Adjustment voted to approve a twenty (20) foot set back from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet for the purpose of building a new residence; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Adjustment approved a twenty (20) foot setback from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet for the purpose of building a new residence.

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

Grand County Board of Adjustment
Vogt Front Setback Variance
June 21, 2006