

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2007-1-2

**A RESOLUTION RECOMMENDING APPROVAL
OF THE VARIANCE OF TWENTY-SIX (26) FEET FROM THE MINIMUM FRONT
SETBACK OF THIRTY (30) FEET, RESULTING IN A FOUR (4) FOOT SETBACK
FROM THE FRONT PROPERTY LINE AND REPLACING THE MINIMUM THIRTY
(30) FEET FRONT YARD SETBACK FOR THE PURPOSE OF BUILDING AN
EIGHT-HUNDRED (800) SQUARE FOOT ADDITION FOR A GARAGE, MODIFIED
ENTRY AND BEDROOM ON A PARCEL OF LAND LOCATED IN THE VILLA
HARBOR SUBDIVISION, LOT 10, BLOCK 1, MORE COMMONLY KNOWN AS 226
GRAND COUNTY ROAD 691, GRAND COUNTY, COLORADO**

WHEREAS, Bonnie Severson, representing the Harry Bigham Living Trust, (hereafter known as the Applicant requesting a variance of twenty-six (26) feet from the minimum front setback of thirty (30) feet, resulting in a four (4) foot setback from the front property line for the purpose of building an eight-hundred (800) square foot addition, replacing the Grand County zoning regulation of a minimum setback of thirty (30) feet from the front property line; and,

WHEREAS, Public Hearing was held by the Grand County Board of Adjustment on January 17, 2007; 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 currently living at Lot 10, Block 1, of the Villa Harbor Subdivision and is acting as representative of the Harry Bigham Living Trust; and,

WHEREAS, A 2,580 square foot single family dwelling with no garage currently exists on the 0.305 acre lot which has access from County Road 691, which is maintained by the Grand County Road and Bridge Department; and,

WHEREAS, the Applicant has made this her primary residence, and is requesting the variance to construct a nine-hundred (900) square foot addition that includes a two car garage, bedroom, foyer and stairs; and,

WHEREAS, this provides a place to park vehicles off of the county road, and a safer, convenient access to the dwelling, which due to certain hardships, the garage cannot be built within the Grand County Zoning Regulations; and,

WHEREAS, one such hardship is the topography of the lot since the property slopes dramatically from the road to the footprint of the existing dwelling; and,

WHEREAS, the shallowness of the lot would not allow for a five percent grade for the first fifty (50) feet, as is required by current driveway standards; and,

WHEREAS, the 2,580 S.F. residential structure is a pre-existing, non-conforming structure that does not comply with the water quality setback defined in the Grand County Zoning Regulations, which requires a minimum of a thirty (30) foot setback (Article VIII 8.8) or up to one-hundred and fifty (150) foot setback (Section XIV, Section 14.5), and the proposed addition will not increase the degree of non-conformity with the location and bulk regulations of these regulations (Section XV, 15.7); and,

WHEREAS, the addition will enlarge the overall structure by approximately eight-hundred (800) square feet, or thirty-five (35) percent of the existing floor area and the enlargement of a non-conforming building is allowed if it is less than fifty (50) percent of the total floor area; 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 approve the variance of twenty-six (26) feet from the minimum front setback of thirty (30) feet, resulting in a four (4) foot setback from the front property line for the purpose of building an eight-hundred (800) square foot addition, replacing the Grand County zoning regulation of a minimum setback of thirty (30) feet from the front property line.

BE IT FURTHER RESOLVED THAT THE VARIANCE REQUEST IS VALID FOR ONE YEAR, UNLESS THE APPLICANT REQUESTS AND IS GRANTED AN EXTENSION FROM THE BOARD OF ADJUSTMENT.

APPROVED AND ADOPTED this 21st day of January 21, 2007, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Gary Salberg, Acting Chairman

Attest:
Secretary