

RESOLUTION NO. 2007-11-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, Dennis and Bonnie Havlik (hereinafter referred to as the “Applicants”) filed an application appealing the decision of the Grand County Planning and Zoning Department denying a building permit application for the construction of a thirty foot by thirty two foot (30’x32’) boathouse; and

WHEREAS, as public hearing was held by the Grand County Board of Adjustment on November 28, 2007; and

WHEREAS, based on the evidence, testimony, and 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 the proposed posting and public notice of this hearing were 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.

WHEREAS, Parcel A was recorded on July 14, 1999 as Unamended Fletcher Thomas Outright Exemption, a parcel of land in Lot 3 of Section 8, Township 3 North, Range 75 West of the 6th P.M., Grand County, Colorado, Reception No. 99007332; and

WHEREAS, the Applicant purchased Parcel A, Unamended Fletcher Thomas Outright Exemption property on June 6, 2003, from Highland Properties 2102, a Colorado Limited Liability Company by Warranty Deed recorded at Reception No. 2003-007483, of the Grand County Records; and

WHEREAS, Parcel A, Unamended Fletcher Thomas Outright Exemption is also known as 956 Jericho Road; and

WHEREAS, on June 26, 2007, the Applicants submitted a building permit to construct a thirty foot by thirty two foot (30’x32’) boathouse on Grand Lake; and

WHEREAS, Section XX (5), Grand County Zoning Regulations limits Boathouses to one (1) per single-family dwelling; and

WHEREAS, Section 14-5 (D) (d) states that boathouses and boat docks are not permitted to extend more than 35 feet beyond the natural shoreline; and

WHEREAS, Boat docks are limited to no more than 600 square feet of a water body surface as determined by the exterior dimension of docks and/or boats; and

WHEREAS, the board finds a boathouse is a covered boat dock; and

WHEREAS, the applicants have not provided any evidence that they own the land on which the boathouse is to be located; and

WHEREAS, the submitted site plan showed a new boathouse as well as an existing 41’x40’ pre-existing-non-conforming boat dock; and

WHEREAS, the building permit was denied due to the 960 square foot boathouse requested on the building permit which is above the 600 square foot limit stated in the Grand County Zoning Regulations; and

WHEREAS, the recorded plat of the Unamended Fletcher Thomas Outright Exemption shows an existing boathouse on Parcel A, where the building permit site plan shows a boat dock; and

WHEREAS, the Applicants contest that there is an existing boat dock on the property, and should be allowed to construct a boathouse.

NOW, THEREFORE, BE IT RESOLVED, by the Grand County Board of Adjustment that the above appeal request is denied by a vote of 2 to 1.

APPROVED AND ADOPTED this 28th day of November, 2007, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Secretary