

**GRAND COUNTY BOARD OF ADJUSTMENT  
RESOLUTION NO. 2008-10-1**

A RESOLUTION GRANTING A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENT AND GRANTING A VARIANCE TO THE MAXIMUM HEIGHT REQUIREMENT IN THE FORESTRY AND OPEN ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

4.38 Acres located in Section 4, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M.,  
Grand County, Colorado

At the regular meeting of the Grand County Board of Adjustment held on October 15, 2008, Ashlie Beringer, representing herself and Marcus Middleton, was present requesting a variance from the front yard setback requirement and the maximum building height requirement in the Forestry and Open Zone District.

WHEREAS, the property is narrow and steep, and crossed by Grand County Road 841; and

WHEREAS, the applicants are requesting the variances to accommodate construction of a stepped single family dwelling consisting of a garage and an enclosed stairway to get to the main two tiered residence; and

WHEREAS, Grand County Zoning Regulations define the front lot line as "the property line dividing a lot from a street" and therefore the front yard setback requirement will be applied from the edge of Grand County Road 841 right-of-way; and

WHEREAS, the Grand County Zoning Regulations require a minimum front yard setback of thirty feet (30') and allow a maximum building height of thirty five feet (35') or forty feet (40') with a five foot (5') or more change in grade in the Forestry and Open Zone District; and

WHEREAS, the applicants have requested a variance from the minimum front yard setback along Grand County Road 841 in the amount of twenty four feet (24'), which would allow a six foot (6') front yard setback instead of the thirty feet (30') normally required; and

WHEREAS, the applicants have requested a variance from the maximum building height requirement in the amount of twenty eight feet (28'), which would allow maximum building height of sixty eight feet (68') instead of the maximum of forty feet (40') normally allowed; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the October 15, 2008, Board of Adjustment meeting; and

WHEREAS, all property owners within 500' from property as established by Grand County GIS system were sent notification fourteen (14) days prior to the October 15, 2008, Board of Adjustment meeting by certified mail, return receipt; and

WHEREAS, the applicants have stated the necessity of the variances is due to the exceptional topographic characteristics and width of the property as allowed by the Grand County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that the Grand County Board of Adjustment has voted to grant a variance to the minimum front yard setback, reducing the minimum thirty (30) foot front yard setback to six (6) feet and to grant a variance to the maximum building height requirement, increasing the maximum forty foot (40') building height to sixty eight feet (68'), for the purpose of constructing a single family residence on 4.38 Acres located in Section 4, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., Grand County, Colorado, with the following condition:

- Grand County shall not be held responsible for any damages to any structures as a result of summer and winter maintenance on County Road 841.

BE IT FURTHER RESOLVED that this variance will run with this property and is only good for one (1) year from date of approval.

APPROVED AND ADOPTED THIS 15<sup>th</sup> DAY OF OCTOBER, 2008.

GRAND COUNTY BOARD OF ADJUSTMENT

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Timothy Moreland, Chairman

ATTEST:

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Secretary

common-boa-resolutions-2008-Beringer-Middleton Variance