

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2011-6-1

A RESOLUTION GRANTING A VARIANCE TO THE MINIMUM FRONT YARD SETBACK, IN THE RESIDENTIAL ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

Wildacres 2nd Amended 2nd Filing, Block 5, Lot 3,
Grand County, Colorado.

At the regular meeting of the Grand County Board of Adjustment held on June 8, 2011, Pamela Adams and Will O'Donnell, were present requesting a variance from the minimum front yard setback in the Residential Zone District.

WHEREAS, Pamela L. Adams is the owner of Wildacres 2nd Amended 2nd Filing, Block 5, Lot 3, Grand County, Colorado; and

WHEREAS, the lot is currently vacant and does not have a driveway accessing the property; and

WHEREAS, due to the steep slope of the lot, it is not possible to construct a driveway per Grand County Road and Bridge Standards; and

WHEREAS, the Grand County Board of County Commissioners granted two variances to the Road and Bridge Standards to allow the driveway to be constructed at a 5% grade for the first 20' instead of the normally required 50' and to allow for a 45 degree skew angle instead of the normally required 25 degree skew angle for the first 20' of driveway; and

WHEREAS, the proposed driveway plan includes a retaining wall; and

WHEREAS, the Grand County Zoning Regulations stipulate a minimum front yard setback of thirty (30) feet in the Residential Zone District; and

WHEREAS, Pamela L. Adams has requested a variance to allow a zero (0) foot front yard setback, instead of the normally required thirty (30) foot front yard setback, to accommodate construction of a retaining wall; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the June 8, 2011 Board of Adjustment meeting; and

WHEREAS, all adjacent property owners as established by the Grand County GIS System were sent notification fourteen (14) days prior to the June 8, 2011 Board of Adjustment meeting by certified mail, return receipt; and

WHEREAS, the applicant has stated the necessity of the variance is to allow for construction of a retaining wall, no more than 16' in height, to aid with driveway construction; and

WHEREAS, all representations of the applicant are deemed conditions of approval; and

WHEREAS, the Board of Adjustment believes that it would be a hardship for the owner of this property to comply with the minimum front yard setback requirement, and that granting this variance would not be substantially detrimental to the public good, nor would it substantially impair the intent and purpose of the Residential Zone District.

NOW THEREFORE BE IT RESOLVED that the Grand County Board of Adjustment has voted to grant a variance to the minimum front yard setback requirement for the Residential Zone District, to allow a zero foot front yard setback, instead of the normally required thirty foot front yard setback, on Wildacres 2nd Amended 2nd Filing, Block 5, Lot 3, with the following conditions:

1. This request is contingent upon the Resolution of approval by the Board of County Commissioners for the variances to the Road and Bridge Standards being recorded.
2. This variance is specific to a retaining wall as depicted on the Driveway Plan and Profile provided by Vision Land Consultants. No other structures are allowed to be constructed in the setbacks.
3. No portion of the retaining wall contained within the setbacks shall exceed 16 feet in height.

4. If concrete, the retaining shall be of a color that blends with the natural surroundings, such as tan. Otherwise rock or similar type natural material shall be used.
5. The required building permit and engineering for the wall shall be provided.
6. An improvement location certificate shall be provided once the wall is installed to ensure it is located on the applicant's property, and not within the road right-of-way. The ILC shall also verify the 10 foot clearance required Mountain Parks Electric is maintained. Staff strongly suggests that the applicant survey the area prior to installation of any retaining wall.
7. All representations of the applicant are deemed conditions of approval.

BE IT FURTHER RESOLVED, that this variance is specific to the retaining wall depicted on the attached Driveway Plan and Profile (Exhibit "A"), attached hereto and incorporated by reference as if set forth in full herein.

BE IT FURTHER RESOLVED that this variance runs with the property and is only valid for one year from date of approval.

APPROVED AND ADOPTED THIS 8th DAY OF JUNE, 2011.

GRAND COUNTY BOARD OF ADJUSTMENT

Timothy Moreland, Chairman

ATTEST:

Secretary

common-boa-resolutions-2011-Adams Variance