

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2012-12-2

A RESOLUTION GRANTING AN ELEVEN INCH (11") VARIANCE TO THE FIVE FOOT (5') MINIMUM SIDE YARD SETBACK IN THE RESIDENTIAL ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

A tract of land approximately 50 x 120 feet in the NW ¼ NW ¼ Section 8, Township 3 North, Range 75 West of the 6th P.M., described in Book 134 at Page 236, Grand County, Colorado. AKA 498 GCR 697 Jericho Road

At the regular meeting of the Grand County Board of Adjustment held on December 12, 2012, Bell Lake Properties, LLC, represented by Judy Burke, requested a variance from the minimum side yard setback in the Residential Zone District.

WHEREAS, Bell Lake Properties is the current owner of a metes and bounds parcel of property by Quitclaim Deed recorded at Reception No. 2005-012516; and

WHEREAS, the lot is an elongated rectangular shape, approximately 50 feet by 120 feet and consists of 0.138 acres; and

WHEREAS, the applicant has requested a variance to allow a four feet one inch (4'1") side yard setback to allow for an existing chimney on the home; and

WHEREAS, the Grand County Zoning Regulations stipulate a minimum side yard setback of five (5') feet in the Residential Zone District; and

WHEREAS, this property was the subject of a previous variance in 2007 which approved a zero (0) foot front yard setback to accommodate a pre-existing, non-conforming garage; and

WHEREAS, the 2007 surveyed site plan depicted all structures on the property, and the side yard setback was calculated at six feet six inches (6'6"), complying with county regulations; and

WHEREAS, in 2012 the applicant had a Improvement Survey Plat done by Catlett Engineering, LLC; and

WHEREAS, this survey showed the east side yard setback was four feet one inch (4'1") instead of the required five feet (5'), which is a zoning violation; and

WHEREAS, a notice of public hearing was published in the local newspaper at least fifteen (14) days prior to the December 12, 2012 Board of Adjustment meeting; and

WHEREAS, all adjacent property owners as established by the Grand County GIS System were sent notification at least fifteen (14) days prior to the December 12, 2012 Board of Adjustment meeting by certified mail, return receipt required; and

WHEREAS, the hardship identified that allows for this variance request is that the survey prepared in 2007 did not show the structure to be within the setback, while the 2012 survey shows an encroachment; 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 side yard setback requirements, 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 eleven inch (11") side yard variance allowing a four foot one inch (4'1") setback for the encroachment of the existing chimney, with the following conditions:

1. Applicant shall pay all fees associated with the public notice and certified mailings prior to a Resolution of approval being recorded.
2. This variance is specific to allow for the existing portion of the single family residence located on the lot, specifically a chimney, as depicted on the Improvement Survey Plat prepared by Catlett Engineering services, L.L.C., and dated November 15, 2012. No other structures are allowed to be constructed in the setbacks.

APPROVED AND ADOPTED THIS 12th DAY OF DECEMBER, 2012.

GRAND COUNTY BOARD OF ADJUSTMENT

Gary Salberg, Acting Chairman

ATTEST:

Secretary

common-boa-resolutions-2012-Bell Chimney