

**GRAND COUNTY BOARD OF ADJUSTMENT**

**RESOLUTION NO. 2013-7-1**

A RESOLUTION GRANTING A VARIANCE TO ALLOW FOR A THREE FOOT FOUR INCH (3'4") FRONT YARD SETBACK, AN EIGHT FOOT (8') REAR YARD SETBACK AND A SEVEN FOOT (7') SIDE YARD SETBACK FOR LOTS 22 & 23, PERRY L MILLER TRACTS, LOCATED IN THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M.

At the regular meeting of the Grand County Board of Adjustment held on July 10, 2013, Justin M. Stevens, Michelle A. Stevens, & Joseph J. Mahoney (Applicant), requested a variance to the side yard, front yard and rear yard setbacks in the Tourist Zone District.

WHEREAS, the Applicant is requesting approval of a variance to Section VIII of the Grand County Zoning Regulations in order to cure a zoning violation created by unauthorized additions to the pre-existing / non-conforming structure built in 1960; and

WHEREAS, the Applicant removed the existing deck and completed the addition of a larger roof and deck without the proper permitting and in violation of the zoning setbacks; and

WHEREAS, the original foot print of the structure was 320 square feet; and

WHEREAS, the individual platted lots in the Perry L. Miller Tracts, recorded in 1954 at Reception No. 78856, are considered unbuildable due to setback requirements in Grand County Zoning Regulations; and

WHEREAS, notice of this public hearing was published in the local newspaper at least fifteen (14) days prior to the July 10, 2013 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 July 10, 2013 Board of Adjustment meeting by certified mail, return receipt requested; and

WHEREAS, all representations of the applicant are deemed conditions of approval.

NOW THEREFORE BE IT RESOLVED that the Grand County Board of Adjustment has voted to grant a variance to allow for a three foot four inch (3'4") front yard setback, an 8 foot (8') rear yard setback and a 7 foot (7') side yard setback for Lots 22 & 23, Perry L Miller Tracts, with the following conditions:

1. A combination deed would be required to legally combine Lots 22 and 23 as the new stairway leading up to the deck crosses over the adjoining lot line.
2. Applicants must get building permits for both additions to bring the structure into compliance.
3. Applicants will pay double for any building permit costs.
4. Applicants will be responsible for all inspection fees, which could involve structural engineers, etc. to verify compliance with County Building Codes.

APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF JULY 10, 2013.

GRAND COUNTY BOARD OF ADJUSTMENT

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Tim Moreland, Chairman

ATTEST:

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Secretary