

RESOLUTION NO. 2004-12-1

THE GRAND COUNTY BOARD OF ADJUSTMENT

WHEREAS, Tex Divine, (hereinafter referred to as the "Applicant") are requesting a nine (9) foot variance from Grand County's required minimum thirty (30) foot front yard setback for the purpose of constructing a garage on a parcel located in the Tourist District ('T') specifically,

On a parcel located on a portion of the N1/2 of lot 4A, Block 8, redivision of Pine Beach Subdivision, Section 13, Township 3 North, Range 76 West of the 6th P.M, Grand County, Colorado, more commonly know as 342 County Road 4651.

WHEREAS, as Public Hearing was held by the Grand County Board of Adjustment on December 15, 2004; 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 propose 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.
3. That the Applicant has demonstrated that strict application of the Zoning Resolution will result in peculiar and exceptional practical difficulties or exceptional and undue hardship by reason or exceptional topographic condition of the property.
4. That such variance should not result in substantial detriment to the public good and would not substantially impart the intent and purpose of the Zoning Resolution.

WHEREAS, the Applicant is the current owner of said lot; and,

WHEREAS, this Lot is approximately 0.28 acres, elongated rectangular shape, and slopes downward from CR 4651 and,

WHEREAS, the Applicant is requesting a front yard setback of twenty-one (21) feet instead of the required thirty (30) feet to construct a garage and to facilitate passive solar light into the existing house; and, WHEREAS, the proposed home will be approximately eleven hundred square feet in size and replaces an existing mobile home; and,

WHEREAS, Staff perceives the home will not impact the area if the proposed setback variance is granted since the entire area is residential in character and in reality, this area should have been zoned Residential when Grand County Zoning Regulations were created.

WHEREAS, a garage is an approved "incidental building" allowed in the Tourist Zone Distinct (Section VIII 8.1 (7) under the Grand County Zoning Regulations; and,

WHEREAS, the Board of Adjustment shall allow a variances to the minimum area of lot, width, front yard, side yard, rear yard, height of building, where, by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a
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strict enforcement of these regulations.

WHEREAS, the Applicant has requested that the Board of Adjustment authorize a variance to the County's minimum front yard setback of thirty (30) feet, for purposes of facilitating the construction of a garage, and;

WHEREAS, based on the evidence, testimony, and exhibits, comments of public officials, and agencies, and comments from all interested parties, this Board finds as follows

NOW, THEREFORE, BE IT RESOLVED, by the Grand County Board of Adjustment that the above variance to approve variance from Grand County's Tourist District for variance of nine (9) feet to allow a twenty-one foot (21) front yard setback from Grand County's required minimum thirty (30) foot front yard setback for the purpose of constructing a garage.

APPROVED AND ADOPTED this 15th day of December 2004, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Chairman

Attest:
Secretary