

# THE GRAND COUNTY BOARD OF ADJUSTMENT

## RESOLUTION NO. 2005-7-2

**WHEREAS**, on July 20, 2005, Eugene P. Zachman (hereinafter referred to as the 'Applicant') requested approval for a variance of a thirty foot (30') front yard setback from Grand County Zoning Regulations minimum thirty foot (30') front yard setback to allow a zero foot (0') front setback for the re-construction of a retaining wall for off-site parking on a parcel located in the Residential Zone District ('R') specifically:

On a tract of land located in the Tract I O'Donnell Outright Exemption, Section 8, T3N, R75W, of the 6th P.M. Grand County, Colorado.

**WHEREAS**, Public Hearing was held by the Grand County Board of Adjustment on July 20, 2005; and,

**WHEREAS**, based on the evidence, testimony, 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 proposed posting and public notice of this hearing was 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 impact the intent and purpose of the Zoning Resolution.

**WHEREAS**, the Applicant owns Parcel No. 119308105001; and,

**WHEREAS**, there is a pre-existing, nonconforming retaining wall constructed on this and the adjacent property on the Adams 1<sup>st</sup> Addition to Grand Lake Lot Nos. 1 and 2 that has deteriorated and failed in several places; and,

**WHEREAS**, the Board of Adjustment approved a variance for the property on the Adams 1<sup>st</sup> Addition to Grand Lake Lot Nos. 1 and 2 under Resolution No. 2005-6-1; and,

**WHEREAS**, the applicant plans to re-construct the retaining wall with reinforced concrete as part of a joint project to complete a three lot retaining wall; and,

**WHEREAS**, the hardship for the variance request to the minimum front yard setback in the Residential Zone District is based on the reason of exceptional narrowness and topography of the lot which makes it a practical difficulty from a strict enforcement of the Grand County Zoning Regulations; and,

**WHEREAS**, the lot is located on Grand Lake, between the lake and Jericho Road, a dead end road located along the north shoreline of Grand Lake, seasonally maintained road by Grand County Road & Bridge within a dedicated twenty (20') foot right-of-way along its entire length; and,

**WHEREAS**, the Grand County Zoning Regulations, under Section 14.4b: Off-Site Parking allow parking to be set back a minimum of fifteen (15') feet from the right-of-way; and,

**WHEREAS**, the reconstructed retaining wall will create a parking area 21-23' wide, with parking to be 6-8 feet off the right-of-way; and,

**WHEREAS**, the house will be served by a public sanitary sewer system, operated and maintained by the Three Lakes Water and Sanitation District; and,

**WHEREAS**, the application was reviewed by the Three Lakes Water and Sanitation (TLWS) District who have brought forth a concern as part of their reviewing agency comments, *' Please be advised that there is an Easement Agreement of record, Book 359 at Pages 362 thru 364 that allows the District to have a sewer main and grind pump facilities on said property, and that the requested variance may require removing the grinder pump to a different location on the property of which will be the financial responsibility of the Applicant, Mr. Sherwood; and,*

**WHEREAS**, notice of the Public Hearing of the proposed application was published in the June 30, 2005 issue of the Sky Hi News; and,

**WHEREAS**, the Board of Adjustment shall allow a variance 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 strict enforcement of these regulations; 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, THAT THE GRAND COUNTY BOARD OF ADJUSTMENT** approve of a variance from the Grand County Zoning Regulations required minimum front yard setback of thirty feet (30') to allow a zero foot (0') variance for a zero foot (0') front yard setback for the purpose of re-constructing a retaining wall and parking at tract of land located in the Tract I O'Donnell Outright Exemption, Section 8, T3N, R75W, of the 6th P.M. Grand County, Colorado with one (1) condition:

- (1) The Owner will relocate the grinder pump station and associated piping at his expense if there is a conflict with the proposed structure and the Three Lakes Water and Sanitation District's facilities.

APPROVED AND ADOPTED this 20th day of July 2005, in Hot Sulphur Springs, Grand County, Colorado.

**GRAND COUNTY BOARD OF ADJUSTMENT  
July 20, 2005**

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**Gary Salberg, Acting Chairman**

**ATTEST:**

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**Secretary**

Zachman Variance  
July 20, 2005  
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