

## THE GRAND COUNTY BOARD OF ADJUSTMENT

### RESOLUTION NO. 2006-1-2

**WHEREAS**, Phil R. Parker (hereinafter referred to as the 'Applicant') requesting a variance to allow for a nineteen (19) foot set back from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet, for the purpose of correcting the setback encroachment created when the house was built in 1996 and the proposed construction of a new second story deck and covered entry way located in:

A tract of land located in the Innsbruck-Val Moritz Subdivision, Block 16, Lot 44, Section 17, Township 1 North, Range 76 West of the 6<sup>th</sup> P.M., Grand County, Colorado, more commonly known as 706 County Road 899 (Overlook Drive).

**WHEREAS**, Public Hearing was held by the Grand County Board of Adjustment on January 18, 2006, 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 Regulation 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 Regulations.

**WHEREAS**, the Applicant is the co-owner of Lot 44, Block 16, Innsbruck-Val Moritz Subdivision, Parcel No. 145117208034; and

**WHEREAS**, the residence on the property was constructed in 1996 with two means of egress, one at-grade garage level walkout and another, off the second story through a deck/staircase entry; and

**WHEREAS**, the utility easement along the side of the house was vacated and a variance per Resolution No. 1999-11-1 for the side yard setback was obtained at that time; However, the survey did not address that the stairs and a portion of the house encroached into the 30 foot front yard setback by approximately five (5) feet; and

**WHEREAS**, the Applicant would like to correct this encroachment at the same time requesting a new variance for the construction of a 7 ½ foot deep second story covered deck to provide another exit through the main living area of the house as an emergency exit as well as to improve the exterior appearance of the structure; and

**WHEREAS**, in 1999 it was discovered that the stairs leading from the existing second story deck encroached into the ten (10) foot utility easement and the five (5) foot side yard setback; and

**WHEREAS**, this entrance will provide an emergency exit from the living area of the house, provide cover for the main entrance and improve the architectural appearance; and

**WHEREAS**, the addition will not interfere with parking, snow storage, and utilities; there is adequate off-street parking on the site; and

**WHEREAS**, notice of the public hearing was advertised in the Sky-Hi News on December 29, 2005; and

**WHEREAS**, certified mailings were sent to all public utilities, Grand County Road & Bridge and parcels located within 500 feet of Lot 44, Block 16, Innsbruck-Val Moritz Subdivision; and

**WHEREAS**, two letters in support and no letters of opposition of the variance have been received; and

**WHEREAS**, the SilverCreek Architectural Control Committee has provided a letter indicating conceptual support of the request; 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 that the request complies with the powers, duties and criteria of the Grand County Zoning Regulations, Section 16.2.

**NOW, THEREFORE, BE IT RESOLVED**, that the Grand County Board of Adjustment approve the variance request, based on the circumstances stated above, for an eleven (11) foot variance from the required thirty (30) foot front setback, for the purpose of correcting a setback encroachment from the placement of the house during the original 1996 construction and allow for construction of a new deck and covered entry on Lot 44, Block 16, Innsbruck-Val Moritz Subdivision.

**APPROVED AND ADOPTED this 18th day of January 2006, in Hot Sulphur Springs, Grand County, Colorado.**

**GRAND COUNTY BOARD OF ADJUSTMENT**

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**Chairman, Timothy Moreland**  
**January 18, 2006**

**ATTEST:**

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**Secretary**

Grand County Board of Adjustment  
Phil R. Parker Variance  
January 18, 2006  
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