

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2006-3-1

WHEREAS, Anthony J. Mango (hereinafter referred to as the 'Applicant') is requesting a nineteen (19) foot variance to allow for a one (1) foot setback from the rear property line, replacing the minimum Grand County rear property setback of twenty (20) feet for the purpose of reconciliation of a previously constructed home located in:

A tract of land located in the Winter Park Highlands Subdivision, Unit 1, Lot 116, Sections 27 and 34, Township 1 North, Range 76 West of the 6th P.M., Grand Colorado, more commonly known as 145 County Road 8662 (Lynx Lane), Grand County, Colorado

WHEREAS, Public Hearing was held by the Grand County Board of Adjustment on March 22, 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 current owner of a home on parcel no. 145134205053, Winter Park Highlands Subdivision, Unit 1, Lot 116; and,

WHEREAS, the lot is an irregular shape of approximately 1.86 acres; and,

WHEREAS, the applicant hired a contractor to build his home in 1999, and based on the Improvement Location Survey (ILC) completed for the construction lender in 2000 it indicated that the house was constructed less than two (2) feet from the rear property line and in the 10 foot utility easement located along said rear lot line; and,

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WHEREAS, the applicant was not provided with a copy of the ILC and the lender did not advise him of the encroachment, and it was after construction of the house was completed a neighbor questioned the location of the house and the well

WHEREAS, it was determined that the well was drilled on the adjoining lot, and the house located in the setback and within the easement; and,

WHEREAS, Grand County building or zoning does not require a site plan prepared by a licensed surveyor or that an ILC should be provided prior to the completion of a project; and,

WHEREAS, Pre-Application meetings held with building permit applicants was initiated in May 2004 which require a review of the staked property boundaries, setbacks, and house foundation; and,

WHEREAS, the applicant has resolved the error with the incorrect placement of the well, and is now requesting approval to correct what appears to have been an 'honest mistake'; and,

WHEREAS, the applicant has requested and received approval for a vacation of the utility easement along the rear property line from the Planning Commission; and,

WHEREAS, if this request is approved the applicant will then schedule a public hearing with the BOCC to finalize the utility vacate; and,

WHEREAS, Notice of the public hearing was advertised in the Winter Park Manifest on February 22, 2006 and the Sky Hi News on February 23, 2006; and,

WHEREAS, notification was provided to all parcels locates within 500 ft. of Lot 116, Winter Park Highlands Subdivision, Unit 1, all public utilizes, and the Grand County Road and Bridge Department; and,

WHEREAS, three (3) letters of support of the variance have been received; 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 nineteen (19) foot variance to allow for a one (1) foot setback from the rear property line, replacing the minimum Grand County rear property setback of twenty (20) feet for the purpose of reconciliation of a previously constructed home located in a tract of land located in the Winter Park Highlands Subdivision, Unit 1, Lot 116.

APPROVED AND ADOPTED this 22th day of March 2006, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

**Chairman, Timothy Moreland
March 22, 2006**

ATTEST:

Secretary

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