

**THE GRAND COUNTY BOARD OF ADJUSTMENT**

**RESOLUTION NO. 2006-5-1**

**A RESOLUTION RECOMMENDING APPROVAL OF THE GRANBY  
SANITATION DISTRICT VARIANCE REQUEST LOCATED IN THE FORESTRY  
AND OPEN ZONE DISTRICT IN THE SW ¼ SW¼ OF SECTION 31, T2N,  
R76W OF THE 6<sup>TH</sup> PM, COUNTY OF GRAND COLORADO, LOCATED AT  
3493 GRAND COUNTY ROAD 57**

**WHEREAS**, Granby Sanitation District, represented by Tammy Granger and Jacobson–Helgoth Consultants (Mike Emming) and Diamondback Engineering and Surveying, Inc. (John Enochs) are requesting approval of a variance of twelve (12) feet for an eighteen (18) foot setback from the normal thirty (30) foot front yard setback on a parcel located in the Forestry and Open Zone District, described as:

*SW ¼ SW¼ of Section 31, T2N, R76W of the 6<sup>th</sup> PM, County of Grand Colorado,  
located at 3493 Grand County Road 57*

**WHEREAS**, Public Hearing was held by the Grand County Board of Adjustment to review the request for a variance of twelve (12) feet for an eighteen (18) foot setback from the normal thirty (30) foot front yard setback; 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**, Granby Sanitation District (District) plans to modify their existing wastewater treatment facility due to inefficiencies of the secondary clarifiers, organic loading to the plant and projected growth within their service boundary; and

**WHEREAS**, this proactive approach will allow the District to expand and enhance their treatment capabilities in a timely, cost-effective manner; and

**WHEREAS**, the decision to initiate expansion was made due to the condition (age and/or operational capabilities) of certain treatment plant components, inefficiencies in the settling provided by the secondary clarifiers, organic loadings currently experienced, and the projected growth within the District's service area boundary; and

**WHEREAS**, the interesting aspect of the District's application is not necessarily the expansion to the plant since the processes proposed are well similar to what the plant is currently uses, and are well established methods but is the uniqueness of the method in which the District has initiated design and will move forward with construction, a hybrid of the contemporary design/build process that the District refers to as "construction management"; and

**WHEREAS**, the project schedule is to move forward on five (5) distinct packages or modules to sequence construction in series to minimize the overall impact to the District's on-going treatment process; and

**WHEREAS**, the longest construction phase will be the new headwork's building; and

**WHEREAS**, final construction drawings are not available at this time; however, the District's Engineer has preceded far enough into design to determine that they will require a variance of twelve (12) feet, for an eighteen foot setback from the normal thirty (30) foot front yard setback to allow construction of a new headwork's building based on conceptual design; and

**WHEREAS**, the Applicant has applied for a 1041 permit which was reviewed and approved by the Grand County Planning Commission under Chapter 4, Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest at their May 10, 2006 meeting; and

**WHEREAS**, Staff recommended that the Applicant pursue the variance request as part of the 1041 permit process to ensure that the Board of Adjustment's decision would be presented as part of 1041 Public Hearing; and

**WHEREAS**, the public hearing with the Board of County Commissioners is scheduled on May 22, 2006, at 1:30 pm in the Commissioners Meeting Room, Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado; and

**WHEREAS**, notice of the public hearing was advertised in the Sky-Hi News on April 27, 2006; and

**WHEREAS**, all utilities and property owners within 500 feet of the SW ¼ SW¼ of Section 31, T2N, R76W of the 6<sup>th</sup> PM, County of Grand, Colorado, located at 3493 Grand County Road 57 were notified; and

**WHEREAS**, one letter in support and no letters of opposition 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 from the Grand County Zoning Regulations for a request made by the Granby Sanitation District for a variance of twelve (12) feet, for an eighteen foot front yard setback from the normal thirty (30) feet, to allow construction of the new headwork's building.

**APPROVED AND ADOPTED this 17<sup>th</sup> day of May 2006, in Hot Sulphur Springs, Grand County, Colorado.**

**GRAND COUNTY BOARD OF ADJUSTMENT**

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**Chairman, Timothy Moreland**  
**May 17, 2006**

**ATTEST:**

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**Secretary**