

# THE GRAND COUNTY BOARD OF ADJUSTMENT

## RESOLUTION NO. 2006- 7 - 1

**WHEREAS**, Merv M. Glasoe and Janet R. Glasoe, (hereinafter referred to as the 'Applicant'), is requesting a variance of six (6) feet resulting in a twenty-four (24) ft. front setback, from the normal thirty (30) ft front setback setback to correct the encroachment of an existing single family residence Lot 41, Block 12, Innsbruck-Val Moritz Subdivision, specifically,

on a tract of land, known as 217 CR 8952 (Forrest Drive), located in Sections 8 and 17, T1N, R76W, of the 6<sup>th</sup> P.M. Grand County, Colorado.

**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**, Merv M. Glasoe and Janet R. Glasoe are the owners of Lot 41, Block 12, Innsbruck-Val Moritz Subdivision, parcel #145108307034, Grand County Colorado.; and,

**WHEREAS**, the Applicants purchased this lot in 2001 and then, acting as their own general contractor, constructed a residence on the property; and,

**WHEREAS**, an incorrect survey marker along the rear line was used as a point of reference for staking the foundation that was reviewed and inspected by the SilverCreek HOA reviewed; and,

**WHEREAS**, the Silver Creek HOA approved the proposed building site believing, as did the applicants, that the house would be thirty (30) ft. from the west property line; and,

**WHEREAS**, the process for an 'on-site meeting' that is currently in place prior to submittal of a building permit had not yet been implemented by Grand County, and no survey was required or obtained during the construction process; and,

**WHEREAS**, during construction of a home began on the lot to the west (Lot 42) and their surveyor discovered two errors, encroachment of the applicant's house into the side setback utility easement, and the encroachment into the front setback; and,

**WHEREAS**, the house is six (6) feet from the side lot line so it does not violate County setback requirements of five (5) feet in a residential zone; however, it encroaches into a utility easement; and,

WHEREAS, the applicant has submitted and been approved for a utility vacation by both the Grand County Planning Commission (June 14, 2006) and the Board of County Commissioners (July 11, 2006); and,

**WHEREAS**, notice of the public hearing was advertised in the Sky-Hi News on June 22, 2006, by certified mailings to all parcels located within 500 ft. and to all utility companies; 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**, the variance approval is good for one (1) year from the date of this public hearing, and an extension will be considered only after the applicant provides a written request to the Department of Planning and Zoning; 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; and,

**WHEREAS**, the Board of Adjustment voted to approve a twenty-four (24) foot setback from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet for the purpose of correcting the encroachment of recently constructed residence; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Adjustment approved a twenty-four (24) foot setback from the front property line, replacing the minimum Grand County front property setback of thirty (30) feet for the purpose of correcting the encroachment of a recently constructed residence.

**APPROVED AND ADOPTED this 19<sup>th</sup> day of July 2006, in Hot Sulphur Springs, Grand County, Colorado.**

**GRAND COUNTY BOARD OF ADJUSTMENT**

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**Chairman, Timothy Moreland  
July 19, 2006, 2006**

**ATTEST:**

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**Secretary**