

**THE GRAND COUNTY BOARD OF ADJUSTMENT**

**RESOLUTION NO. 2007-1-1**

**A RESOLUTION RECOMMENDING APPROVAL  
OF THE REQUEST FOR A TWENTY (20) FOOT VARIANCE FROM THE EXISTING  
THIRTY (30) FOOT FRONT SETBACK. THE GRANTING OF THIS REQUEST  
WOULD RESULT IN A TEN (10) FOOT FRONT SETBACK FOR THE  
CONSTRUCTION OF AN ENGINEERED RETAINING WALL ON A TRACT OF LAND  
LOCATED IN THE SCANLOCH SUBDIVISION, LOT 6, BLOCK 11, COUNTY OF  
GRAND, STATE OF COLORADO**

**WHEREAS, Mr. John Schiechl** (Herein referred to as the “Applicant”), has requested a twenty (20) foot variance from the existing thirty (30) foot front setback that would result in a  
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a ten (10) foot front setback for the purpose of this request is to allow for the construction of an engineered retaining wall; and,

**WHEREAS,** the Applicant is owner of the tract of land located in the Scanloch Subdivision, Lot 6, Block 11, more commonly known as 67 Grand County Road 4057, Grand County, Colorado, specifically parcel no. 132910404046 in the records of the Grand County Assessor; and,

**WHEREAS,** the Applicant constructed a single family dwelling on the lot located in the Residential Zone District; and,

**WHEREAS,** due to the extreme topography, an engineered retaining wall is required to stabilize the slope and prevent any sloughing of the land that could potential damage the house and septic system; and,

**WHEREAS,** a retaining wall was not considered at the time a building permit application was made; and,

**WHEREAS,** there are few options for the homeowner to protect the septic system from potential damage as a result of soil erosion except for the construction of a retaining wall; and,

**WHEREAS,** the need for a variance is required to stabilize the slope and to prevent unstable slope conditions that could be a risk to the septic system.

**WHEREAS,** the engineered wall will be constructed of an architectural masonry stone material of a natural stone color to minimize impact to the view shed of the property; and,

**WHEREAS,** a site specific soils report was not provided with the building permit since the Scanloch Subdivision pre-dates contemporary land use regulations that require a site specific geotechnical report with design recommendations for foundations, driveways, and utilities; and,

**WHEREAS,** Grand CR 4057 was not built to Grand County Road and Bridge Department Standards, and it is not maintained by Grand County, and the placement of the retaining wall ten feet from the property line should not interfere with any road improvements or maintenance; and,

**WHEREAS,** staff has analyzed the request believe that the hardship of the extreme topography would relieve a practical difficulty related to slope stabilization on Lot 6, Block 11, Scanloch Subdivision; and,

**WHEREAS,** Public Hearing was held by the Grand County Board of Adjustment on January 17, 2007; 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 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.

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**, the Grand County Board of Adjustment approval The requesting for a twenty (20) foot variance from the existing thirty (30) foot front setback that would result in a ten (10) foot front setback for the purpose of the construction of an engineered retaining wall.

**BE IT FURTHER RESOLVED THAT THE VARIANCE REQUEST IS VALID FOR ONE YEAR, UNLESS THE APPLICANT REQUESTS AND IS GRANTED AN EXTENSION FROM THE BOARD OF ADJUSTMENT.**

APPROVED AND ADOPTED this 17th day of January, 2007, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

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Gary Salberg, Acting Chairman

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Attest:  
Secretary