

THE GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2007-1-3

**A RESOLUTION RECOMMENDING APPROVAL
OF THE REQUEST FOR A THIRTY (30) FT. VARIANCE FROM THE FRONT
SETBACK OF THIRTY (30) FT. RESULTING IN A ZERO (0) FT. FRONT SETBACK,
AND A THREE (3) FT. VARIANCE FROM THE EAST SIDE SETBACK RESULTING
IN A TWO (2) FT. SIDE SETBACK FOR CONSTRUCTION OF AN ARCHITECTURAL
MASONRY STONE RETAINING WALL LOT 4, SHORES OF SHADOW MOUNTAIN
SUBDIVISION, COMMONLY KNOWN AS 720 GRAND COUNTY ROAD 66**

WHEREAS, Mary Turner, represented by Alan Carter, Architect (hereby known as the Applicant) is requesting approval of a thirty (30) ft. variance from the front setback of thirty (30) ft. resulting in a zero (0) ft. front setback, and a three (3) ft. variance from the east side setback resulting in a two (2) ft. side setback for construction of an architectural masonry stone retaining wall; and,

WHEREAS, the Applicant is the owner of Lot 4, Shores of Shadow Mountain Subdivision (Parcel No. 119124119004) addressed as 720 Grand County Road 66; and,

WHEREAS, Lot 4 is a 0.37 acre, rectangular in shape, zoned residential, is located between CR 66, and Shadow Mountain Lake; and,

WHEREAS, CR 66 is a major connector, providing access to the U.S.F.S. public access point on Shadow Mountain Lake.

WHEREAS, Rocky Mountain Contractor's are currently constructing a 5,300 square ft. house and 785 square ft. attached garage at this site for the Applicant; and,

WHEREAS, the construction includes a residential structure and attached garage which connects to CR 66 by a 140 ft. long driveway; and,

WHEREAS, the Department of Planning and Zoning approved a driveway design without a retaining wall, at approximately the same length and a 14-ft. wide, with one switchback between CR 66 and the attached garage as part of the Building Permit Pre Application Process; and,

WHEREAS, the Applicant submitted and was approved for a building permit No. B05-0604.

WHEREAS, the Applicant is requesting the approval of a variance due to hardships related to site topography and soil condition, and other constraints, such as a required common access, limited building area, and the required water quality setback further exacerbated the limited site options available for the house construction; and,

WHEREAS, the applicant is requesting the variance to construct an architectural masonry stone retaining wall used to stabilize the driveway embankment, and to prevent long-term damage to both CR 66 and the driveway

WHEREAS, the applicant has already constructed the retaining wall prior to requesting a building permits "plan change"; and,

WHEREAS, the Applicant has stated a hardship and practical difficult to meet the Grand County Zoning regulations due to a platted common access to Lots 3 and 4, the amount of slope of 30% or greater on Lot 4, the location of the slope in excess of 30% along the entire south property line, differing site soil conditions encountered during construction prevented the

driveway design to be constructed as proposed due to embankment stability, siting issues related to comply with the Three Lakes Design Review Area,

WHEREAS, the Applicant has provided support of the hardship, variance request, wall design, materials, and the construction methods of the wall from the Shores of Shadow Mountain Architectural Review Committee and Homeowners Association; and,

WHEREAS, the Applicant will be required to vacate both the front and side utility easement; and,

WHEREAS, Grand County is dedicated a sixty (60) ft. road right of way adjacent to this parcel and the requested variance would allow essentially no snow storage along the north CR 66 right-of-way; and,

WHEREAS, Staff is concerned that this could create several issues, including liability issue in regards to public safety (i.e. limited clear zone from the driving surface), snow removal and snow storage; 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 applicant is the owner of Lot 4, in the Shores of Shadow Mountain Subdivision, commonly known as 720 Grand County Road 66; and,

WHEREAS, the need for a variance is required to construct a retaining wall to stabilize the slope and to prevent unstable slope conditions along the driveway; and,

WHEREAS, the retaining wall material and color was selected to blend into the surrounding natural material, and to minimize impact to the view shed of the property; 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.

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 of a requesting of a thirty (30) ft. variance from the front setback of thirty (30) ft. resulting in a zero (0) ft. front setback, and a three (3) ft. variance from the east side setback resulting in a two (2) ft. side setback for construction of an architectural masonry stone retaining wall; and,

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 21st day of January 2007, in Hot Sulphur Springs, Grand County, Colorado.

GRAND COUNTY BOARD OF ADJUSTMENT

Gary Salberg, Acting Chairman

Attest:
Secretary