

**GRAND COUNTY BOARD OF ADJUSTMENT  
RESOLUTION NO. 2009-1-1**

A RESOLUTION GRANTING A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENT, THE SIDE YARD SETBACK REQUIREMENT AND THE SIDE YARD DRIVEWAY SETBACK REQUIREMENT IN THE RESIDENTIAL ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

Lot 8, Block 8, Columbine Lake Subdivision,  
Grand County, Colorado

At the regular meeting of the Grand County Board of Adjustment held on January 21, 2009, a request for a variance from the front yard setback requirement; a variance from the side yard setback requirement; and a variance from the side yard driveway setback requirement, in the Residential Zone District, was requested by Paul and Carolyn Jennings.

WHEREAS, the Grand County Zoning Regulations require a minimum front yard setback of thirty feet (30'), a minimum side yard setback of five feet (5'), and a minimum side yard driveway setback of five feet (5') in the Residential Zone District; and

WHEREAS, the applicants have requested a variance from the minimum front yard setback in the amount of fifteen feet (15'), which would allow a fifteen foot (15') front yard setback; and

WHEREAS, the applicants have requested a variance from the minimum side yard setback in the amount of five feet (5'), which would allow a zero foot (0') side yard setback; and

WHEREAS, the applicants have requested a variance from the minimum side yard driveway setback in the amount of five feet (5'), which would allow a zero foot (0') side yard driveway setback; and

WHEREAS, the requested variances would legalize an existing retaining wall located on the property; and

WHEREAS, staff confirmed with Joy Miller that Paul and Carolyn Jennings would need to access onto her property in order to remove portions of the wall; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the January 21, 2009, Board of Adjustment meeting; and

WHEREAS, all adjacent property owners as established by Grand County GIS system were sent notification fourteen (14) days prior to the January 21, 2009, Board of Adjustment meeting by certified mail, return receipt; and

NOW THEREFORE BE IT RESOLVED that the Grand County Board of Adjustment has voted to grant a fifteen foot (15') front yard setback rather than the normally required thirty foot (30') front yard setback; a zero foot (0') side yard setback rather than the normally required five foot (5') side yard setback; a zero foot (0') side yard driveway setback rather than the normally required five foot (5') side yard driveway setback, to accommodate a retaining wall, on Lot 8, Block 8, Columbine Lake Subdivision, with the following conditions:

- The Applicants shall remove all rocks that are encroaching on the neighboring property or obtain an easement which will allow for the rocks.
- If an easement is not granted, the Applicants shall provide an updated ILC showing the removal of the encroaching retaining wall.
- The Applicants shall obtain a building permit for the retaining wall because the wall is over four feet (4') tall.
- Upon removal of the encroaching portion of the retaining wall, a sign off by a structural engineer for the remaining retaining wall shall be required.
- The encroaching portion of the retaining wall shall be removed no later than June 1, 2009. If the encroaching portion of the retaining wall is not removed by June 1, 2009, a zoning violation shall be retroactively placed on the property with a start date of January 21, 2009, with fines of \$100.00 per day, totaling \$19,000 or more.

BE IT FURTHER RESOLVED that these variances run with the property and are only valid for one year from date of approval.

APPROVED AND ADOPTED THIS 21<sup>st</sup> DAY OF JANUARY, 2009.

GRAND COUNTY BOARD OF ADJUSTMENT

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Timothy Moreland, Chairman

ATTEST:

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Secretary  
common-boa-resolutions-2009-Jannings Variance