

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2009-8-2

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

Lot 3, Block 8, Pine Beach Subdivision
Grand County, Colorado

At the regular meeting of the Grand County Board of Adjustment held on August 26, 2009, a request for a variance from the side yard setback requirement in the Tourist Zone District was requested by Willard R. Bryant.

WHEREAS, the Grand County Zoning Regulations require a minimum side yard setback of ten (10) feet in the Tourist Zone District; and

WHEREAS, a home was constructed on this lot in 2000, which encroaches into the side yard setback; and

WHEREAS, a deck was added to the home later on, which encroaches into the side yard setback and across the property line; and

WHEREAS, when Mr. Bryant purchased the property in 2007, a survey was not required by the title company, and therefore he was unaware of the encroachments; and

WHEREAS, the applicant wants to legalize the encroachments; and

WHEREAS, the applicant plans to remove the portion of the deck that trespasses across the property line; and

WHEREAS, Grand County Road and Bridge has indicated that they are not concerned with the side yard variance as long as the encroaching deck is removed; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the August 26, 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 August 26, 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 variance in the amount of ten (10) feet from the side yard setback, which will allow a zero (0) foot side yard setback rather than the normally required ten (10) foot side yard setback to legalize the existing home and deck with the following condition:

- The encroaching deck has to be removed from the County Road right-of-way prior to the sale of the property or by June 1, 2010, whichever comes first.
- The applicant shall contact the Grand County Building Department to find out if a permit is required for removal of the deck.
- That an Improvement Location Certificate is provided to staff after the encroaching portion of the deck has been removed.

BE IT FURTHER RESOLVED that this variance runs with the property and is only valid for one year from date of approval.

APPROVED AND ADOPTED THIS 26th DAY OF AUGUST, 2009.

GRAND COUNTY BOARD OF ADJUSTMENT

Timothy Moreland, Chairman

ATTEST:

Secretary

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