

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2009-9-2

A RESOLUTION GRANTING A VARIANCE TO THE SIDE YARD SETBACK AND REAR YARD SETBACK REQUIREMENTS IN THE MOBILE ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

West ½ of Lot 49, Block 5, Moraine Park Subdivision
Grand County, Colorado

At the regular meeting of the Grand County Board of Adjustment held on September 16, 2009, a request for a variance from the side yard setback requirement and the rear yard setback in the Mobile Zone District was requested by James and Diane Hugley.

WHEREAS, the Grand County Zoning Regulations require a minimum side yard setback of five (5) feet in the Mobile Zone District; and

WHEREAS, the Grand County Zoning Regulations require a minimum rear yard setback of twenty (20) feet in the Mobile Zone District; and

WHEREAS, in 2006, James and Diane Hugley, who own the West ½ of Lot 49, Block 5, Moraine Park Subdivision, entered into a private easement agreement with Theodore and Katherine O'Neill, who own the East ½ of Lot 49, Block 5, Moraine Park Subdivision, which allowed for encroachments over the property line; and

WHEREAS, a shed, porch and fence have been constructed which all encroach over the property line; and

WHEREAS, the Board of County Commissioners passed a resolution officially recognizing the division of Lot 49, Block 5, Moraine Park Subdivision on April 7, 2009; and

WHEREAS, the applicant wants to legalize the encroachments; and

WHEREAS, the Board of Adjustment can grant a variance from the strict application of the Zoning Regulations so as to relieve the practical difficulties because of the narrowness of the lot and the exceptional situation in that the structures have been there for years, and were acknowledged by the neighbors through private easement agreements; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the September 16, 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 September 16, 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 five (5) feet from the side yard setback, which will allow a zero (0) foot side yard setback rather than the normally required five (5) foot side yard setback, and a variance in the amount of eighteen (18) feet from the rear yard setback, which will allow a two (2) foot rear yard setback rather than the normally required twenty (20) foot rear yard setback, to legalize the encroachment of the shed, porch and fence with the following condition:

- Prior to recording any resolution, a building permit shall be obtained through the Grand County Building Department for the existing shed.

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 16th DAY OF SEPTEMBER, 2009.

GRAND COUNTY BOARD OF ADJUSTMENT

Timothy Moreland, Chairman

ATTEST:

Secretary

common-boa-resolutions-2009_9-Hugley Variance