

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2011-6-2

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

Tract 2, Parsons Outright Exemption, Sunnyside Addition to Grand Lake, Lots 80, 81 and part of 82, Block 3, and an adjacent metes and bounds parcel located in a portion of Section 4, Township 3 North, Range 75 West of the 7th P.M., Grand County, Colorado.

At the regular meeting of the Grand County Board of Adjustment held on June 8, 2011, Ladd Barber and Scott Munn were present requesting a variance from the minimum side yard setback in the Residential Zone District.

WHEREAS, the Ladd K. Barber Revocable Declaration of Trust dated 3/2/95 is the owner of Tract 2, Parsons Outright Exemption, Sunnyside Addition to Grand Lake, Lots 80, 81 and part of 82, Block 3, and an adjacent metes and bounds parcel located in a portion of Section 4, Township 3 North, Range 75 West of the 7th P.M., Grand County, Colorado. Said property is approximately 1.4 acres in size; and

WHEREAS, there is an existing home with attached garage on the property, that was constructed in 1941; and

WHEREAS, the structure does not comply with the applicable setbacks, but was constructed prior to the enactment of Grand County Regulations, so is considered to be pre-existing, non-conforming; and

WHEREAS, due to the slope of the lot, water drains directly into the garage causing erosion and mildew issues; and

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

WHEREAS, Ladd Barber has requested a variance to allow a zero (0) foot side yard setback from the southeast side property line, to accommodate construction of a retaining wall; and

WHEREAS, a notice of public hearing was published in the local newspaper fourteen (14) days prior to the June 8, 2011 Board of Adjustment meeting; and

WHEREAS, all adjacent property owners as established by the Grand County GIS System were sent notification fourteen (14) days prior to the June 8, 2011 Board of Adjustment meeting by certified mail, return receipt; and

WHEREAS, the applicant has stated the necessity of the variance is to allow for construction of a retaining wall, no more than 12' in height, to eliminate drainage from entering into the garage; and

WHEREAS, all representations of the applicant are deemed conditions of approval; and

WHEREAS, the Board of Adjustment believes that it would be a hardship for the owner of this property to comply with the minimum side yard setback requirement, and that granting this variance would not be substantially detrimental to the public good, nor would it substantially impair the intent and purpose of the Residential Zone District.

NOW THEREFORE BE IT RESOLVED that the Grand County Board of Adjustment has voted to grant a variance to the minimum side yard setback requirement for the Residential Zone District, to allow a zero foot side yard setback, instead of the normally required five foot side yard setback, on Tract 2, Parsons Outright Exemption, Sunnyside Addition to Grand Lake, Lots 80, 81 and part of 82, Block 3, and an adjacent metes and bounds parcel located in a portion of Section 4, Township 3 North, Range 75 West of the 7th P.M., Grand County, Colorado, with the following conditions:

1. Applicant shall pay all fees associated with the public notice and certified mailings prior to a Resolution of approval being recorded.

2. This variance is specific to a retaining wall as depicted on the Improvement Location Certificate submitted by J. Scott Munn, which is attached to this resolution of approval. No other structures are allowed to be constructed in the setbacks.
3. No portion of the retaining wall contained within the setbacks shall exceed 12 feet in height.
4. The retaining wall shall be of a color that blends in with the natural surrounds, such as tan, or constructed of other natural type material such as rock or stone.
5. The required building permit and engineering for the wall shall be provided.
6. An improvement location certificate shall be provided once the wall is installed to ensure it is located on the applicant's property. Staff strongly suggests that the applicant survey the area prior to installation.
7. Written confirmation from Mountain Parks Electric stating that the retaining wall complies with their clearance requirements shall be provided after construction.
8. All representations of the applicant are deemed conditions of approval.

BE IT FURTHER RESOLVED, that this variance is specific to the retaining wall depicted on the attached Improvement Location Certificate (Exhibit "A"), attached hereto and incorporated by reference as if set forth in full herein.

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 8th DAY OF JUNE, 2011.

GRAND COUNTY BOARD OF ADJUSTMENT

Timothy Moreland, Chairman

ATTEST:

Secretary

common-boa-resolutions-2011-Barber Variance