

GRAND COUNTY BOARD OF ADJUSTMENT

RESOLUTION NO. 2012-9-1

A RESOLUTION GRANTING A TWO (2') FOOT VARIANCE TO THE THIRTY (30') FOOT MINIMUM FRONT YARD SETBACK AND A TWO AND ONE HALF (2'6") FOOT WATER QUALITY SETBACK OF THIRTY (30') FEET, IN THE RESIDENTIAL ZONE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

1092 Jericho Road, located at Lot D, Newby Subdivision Exemption, according to the Plat thereof filed May 14, 1985, at Reception No. 229475

At the regular meeting of the Grand County Board of Adjustment held on September 12, 2012, Jim and Ann Johnson, requested a variance from the minimum front yard setback and minimum water quality setback in the Residential Zone District.

WHEREAS, Jim and Ann Johnson are the owners of approximately 3.394 acres in the NE ¼ NW ¼ of Section 8, Township 3 North, Range 75 West of the 6th P.M., Lot D, Replat of the Newby Subdivision Exemption recorded at Reception No. 229475; and

WHEREAS, the applicants have requested a variance to allow a thirteen (13') foot front setback to allow for a detached garage; and

WHEREAS, the applicants are also requesting a variance to allow for two (2') foot front and two and one half (2'6") foot water quality setback encroachment of the existing residential home and deck; and

WHEREAS, the Grand County Zoning Regulations stipulate a minimum front yard setback of thirty (30) feet in the Residential Zone District; and

WHEREAS, the Grand County Zoning Regulations stipulate a minimum thirty (30') foot water quality setback; and

WHEREAS, a notice of public hearing was published in the local newspaper at least fifteen (14) days prior to the August 23, 2012 Board of Adjustment meeting; and

WHEREAS, all adjacent property owners as established by the Grand County GIS System were sent notification at least fifteen (14) days prior to the September 12, 2012 Board of Adjustment meeting by certified mail, return receipt required; and

WHEREAS, the applicant has stated the necessity of the variance to allow for the building of a garage is due to the topography of the lot; and

WHEREAS, the applicant has stated the property was purchased in March of 2012 and a survey showed the house encroaching into the front and water quality setback requirements; and

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

WHEREAS, the Board of Adjustment has voted to table the front yard setback variance for the construction of a garage until additional information is provided; and

WHEREAS, the Board of Adjustment believes that it would be a hardship for the owner of this property to comply with the minimum front yard and water quality setback requirements, 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 two (2') foot front yard variance allowing a twenty eight (28') foot setback and two and one half (2'6") foot water quality setback allowing a twenty seven and one half (27'6") foot variance for the encroachment of the existing home and deck; and to table the request for a variance to allow a thirteen (13') foot front setback to allow for a detached garage.

APPROVED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 2012.

GRAND COUNTY BOARD OF ADJUSTMENT

Gary Salberg, Acting Chairman

ATTEST:

Secretary

common-boa-resolutions-2012-Johnson Variance