



CERTIFICATE OF RECOMMENDATION

TO: Grand County Board of Adjustment

FROM: Department of Planning and Zoning

DATE: March 12, 2014

RE: Wilson Front Yard Setback Variance Request

APPLICANT: Leslie Wilson-Surma

LOCATION: Lot 3 of the Batson Tracts Unrecorded Subdivision located in Section 4, Township 1 South, Range 75 West of the 6th P.M., aka 2406 County Road 841 (Hamilton Creek).

ZONING: Forestry and Open

APPLICABLE SECTION OF CODE: Grand County Zoning Regulations

EXHIBITS: Letter of Application including Supporting Documentation and Aerial Map.

STAFF CONTACT: Kristen Manguso

REQUEST: The Applicant is requesting a variance to Section 6.5 of the Grand County Zoning Regulations to allow for an eight (8) foot front yard setback instead of the required thirty (30) foot setback.

DISCUSSION

Leslie Wilson-Surma is the current owner of Lot 3, Baton Tracts Unrecorded Subdivision by Bargain and Sale Deed recorded at Reception No. 2012008206 of the Grand County records. This request is to allow for an eight (8) foot front yard setback instead of the required thirty (30) foot front setback to accommodate a garage.

The property is improved, containing a single family residence constructed in 1952. This home is located on the southeast side of County Road 841, and is located within the setback although it is considered pre-existing non-conforming as it was built prior to zoning regulations. The site plan as submitted, shows the proposed garage would be constructed 8 feet from the property line on the other (north) side of County Road 841.

GRAND COUNTY ZONING REGULATIONS

The property is zoned Forestry and Open according to the Grand County Zoning Map. The setbacks for this zone district are thirty (30) foot front, twenty (20) foot rear, and ten (10) foot side.

According to the zoning regulations, The Board of Adjustment shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate development of the area. A variance is allowed for consideration and approval under the following criteria:

- 1. To hear and decide appeals taken by any person aggrieved by the Grand County Zoning Regulations:**
- 2. To authorize upon appeal in specific cases, variances to the:**
 - a. Minimum area of lot**
 - b. Minimum lot width**
 - c. Minimum front yard**
 - d. Minimum side yard**
 - e. Minimum rear yard**
 - f. Maximum height of building**

Regulations where, by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these regulations.

3. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of these regulations or by reason of exceptional situation or condition of such piece of property, the strict application of any provisions of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment, upon an appeal relating to said property, may grant a variance from the strict application of these regulations so as to relieve such difficulties or hardships if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and these regulations.

4. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district .

This property is rectangular in shape, with County Road 841 splitting the lot. The home is sited on the southern portion of the lot, and this request is to allow a garage across the

road on the northern side of County Road 841. This northern portion of the lot is fairly level close to County Road 841, then becomes progressively steeper.

Aerial photography of the neighboring lots show all improvements to be within setbacks due to the steep terrain and Hamilton Creek, making this request in character with the surrounding properties. Further, there have been previous variances granted in this area due to the topography.

This request has been sent to the Grand County Road and Bridge Department for comment. They responded via email, stating they do not see any area of concern regarding this request.

PUBLIC NOTICE

Public notice was made in the Middle Park Times on February 20, 2014 as required. In addition, all adjacent property owners have been notified by certified mailing, return receipt requested. One neighbor has contacted staff to voice their support of this request.

STAFF RECOMMENDATION

Considering the topography, support from road and bridge and a neighbor, staff recommends that the Grand County Board of Adjustment grant the requested variance to allow for an eight (8) foot front yard setback as presented.