



DEPARTMENT OF PLANNING AND ZONING

308 Byers Ave • P.O. Box 239 • Hot Sulphur Springs • Colorado • 80451
970-725-3347 Ext 140 or Fax 970-725-3303

CERTIFICATE OF RECOMMENDATION

TO: GRAND COUNTY BOARD OF ADJUSTMENT

FROM: Grand County Department of Planning & Zoning

DATE: June 11, 2014

RE: Sawyer Front Yard Setback Variance Request for Stairs

APPLICANT: Sawyer Family Trust

LOCATION: 53 County Road 822, Tabernash, Colorado

LEGAL DESCRIPTION: Lots 2 and 3, Block 2, Town of Tabernash, Colorado together with the west one-half of 2nd Street and that portion of Circle Street lying contiguous to Lots 2 and 3, Block 2, as vacated by Resolution No. 1998-7-23, recorded July 29, 1009 at Reception No. 98008036, Grand County, Colorado

ZONING: B - Business

APPLICABLE REGULATIONS: Grand County Zoning Regulations

EXHIBITS: Application Packet; Vicinity Map

STAFF CONTACT: Kristen Manguso

REQUEST: The applicant is requesting a variance to Section 9.4 of the Grand County Zoning Regulations to allow for a 26.4 foot front setback instead of the required 30 foot setback to accommodate a stairway and landing.

DISCUSSION:

The Sawyer Family Trust is the current owner of Lots 2 and 3, Block 2, Town of Tabernash, together with the west one-half of 2nd Street and that portion of Circle Street lying contiguous to Lots 2 and 3, Block 2, as vacated by Resolution No. 1998-7-23, recorded July 29, 1009 at Reception No. 98008036 by Quitclaim Deeds recorded at Reception No. 2003-002719 and 2012005580.

This request is to allow for a front yard setback reduction from 30 feet to 26.4 feet to accommodate a stairway and landing for access to the upper floor of the warehouse building.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS:

The property is zoned B- Business according to Grand County Zoning Regulations. The setbacks for this zone district are thirty (30) foot front, twenty (20) foot rear, and zero (0) feet side except when adjacent to residential use, public rights-of-way, and/or when roof drainage is to side yard.

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.*

The Applicant is requesting this variance to allow for 15 steps and a 4 foot landing which will allow separate access to the upper apartment and office within the existing warehouse. This seems to be a reasonable request, and will eliminate requiring entrance into the warehouse area to access the upstairs facilities.

The warehouse itself was constructed in 1997, by building permit number B97-686. An addition for an office was made in 2001 under permit number B01-0166 and the well was changed to commercial uses at that time. (well permit no. 217023). There is an additional building permit in 2003, however, the building department is unable to locate the permit at this time. It is my understanding that this was for the apartment. ✓The Applicant must provide proof that adequate sewer taps have been paid for the apartment and office. ✓If it is found that the apartment was not legally permitted, a building permit shall be required.

STAFF COMMENTS:

Proper public notice was originally placed in the Middle Park Times on May 22, 2014 as required. All adjacent property owners were notified by certified mail, return receipt requested. Staff did not receive any comments.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as presented with the following conditions:

1. A building permit is required for all improvements. If it is found that the apartment was not permitted in 2003, the applicant agrees to obtain such permit.
2. Proof that the appropriate sewer taps have been paid shall be provided.
3. Any resolution of approval shall have an attached site plan that shows the stairs and landing that have been approved by this Board. No other encroachments shall be permitted.