

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 09-2023**

**A RESOLUTION RECOMMENDING GRANTING A VARIANCE TO RETAINING
WALL HEIGHT REGULATIONS FOR 1204 WEST PORTAL ROAD**

WHEREAS, Cynthia A. Bierdorfer and Keith Nichols (collectively the “Applicant”) are the property owners of 1204 West Portal Drive, Grand Lake, Colorado (hereinafter referred to as the “Property”); and

WHEREAS, the Town of Grand Lake (the “Town”) received a request for a variance (the “Application”) from the Applicants as required by Section 11-2-4(D)(9)(b) of the Grand Lake Municipal Code (the “Code”) which requires all retaining walls “exceeding six (6) feet” to obtain a variance; and

WHEREAS, the Applicants constructed a retaining wall in excess of six feet which were not in the initial plans, but during the spring runoff, after fire damage from the East Troublesome Fire, mud slides and flooding occurred and ran into the Applicant’s home and the Applicant was force to quickly build the walls to prevent further damage to their home; and

WHEREAS, a Public Hearing was properly noticed and all notices required by the Code were timely sent and the Town received no responses against the Applicants Application; and

WHEREAS, the Applicants submitted all appropriate fees and deposits and other code requirements as well as a letter explaining the hardships for considerations associated with the variance request; and,

WHEREAS, the Planning Commission has reviewed the Application pursuant to the standards set forth in the variance procedures of Town Code section 11-2-11(D)(1-5):

1. That 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;
2. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

WHEREAS, the Planning Commission has reviewed the Application, considered Staff's recommendation as well as public comments and finds the elements required to approve a variance set forth above have been satisfied and the Application shall be recommended to the Grand Lake Board of Trustees for approval.

NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Commission hereby forwards a favorable recommendation onto the Town Board of Trustees to grant the Application for a variance to the six (6) foot retaining wall height requirements required by Town Code Section 11-2-4(D)(9)(b) with the following recommended conditions of approval:

- a. Payment by Applicant of all legal, engineering and administrative fees incurred by the Town in connection with review, processing, consideration and approval of the Application.
- b. Compliance by the Applicant with all representations made to the Planning Commission during all public hearings or meetings related to the Application

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 16TH DAY OF AUGUST, 2023.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey
Planning Commission Chairman