



PLANNING COMMISSION STAFF MEMORANDUM

DATE: January 8, 2025
TO: Chairman Shockey and Planning Commissioners
FROM: Josh Olhava, AICP, Contract Staff - Planning Department
SUBJECT: **QUASI JUDICIAL (PUBLIC HEARING)** – Resolution 02-2025 - Consideration of a Variance Request to the Setback Requirements on Lot 12, Block 12 Grand Lake Subdivision, More Commonly Referred to as 825 Lake Avenue.

Town of Grand Lake Planning Commission Public Hearing Process

Public hearings are typically conducted as follows:

1. The Chair opens the Public Hearing
2. Staff present the request and staff's analysis
3. The applicant addresses the Commission
4. The Chair invites public comment
5. The Commission discusses the request and asks questions of staff and the applicant
6. The Chair closes the Public Hearing
7. The Commission makes a motion and votes on their recommendation to the Town Board of Trustees

Overview

- **Property Owner and Applicant:** 7500, LLC (dba Spirit Lake Condos, LLC)
- **Applicant's Representative:** Jim Kreutzer
- **Consultant:** Gabe Bellow, MA Studios
- **Project Location:** 825 Lake Avenue



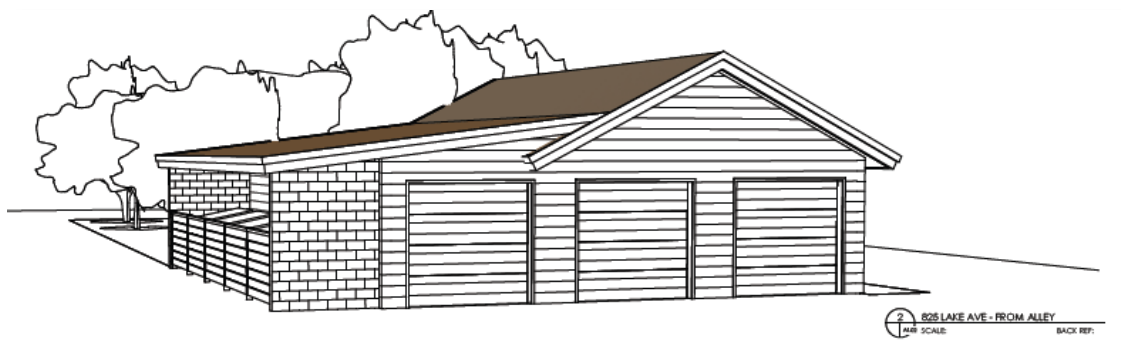
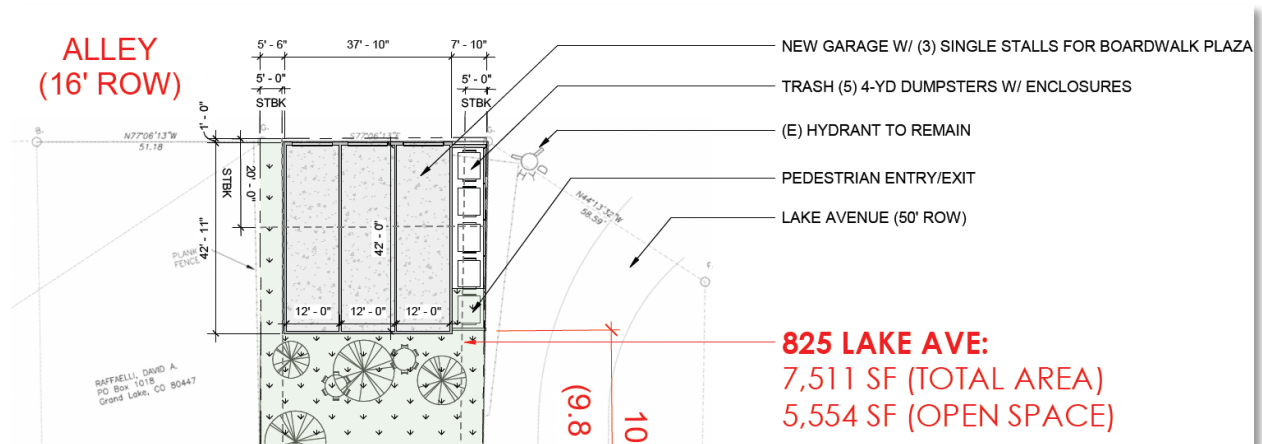


- **Project Zoning:** Commercial Transitional Zone District (CT)
- **Attachments:**
 - Variance Request Packet
 - Application, Request and Explanation of Hardship, Statement of Authority
 - Preliminary Site Layout Drawing (excerpt from Leatherwood packet)

The applicant/property owner is looking to construct a covered/secure garage structure in the location of existing surface parking on the northern end of the lot, adjacent to the alleyway. In addition, the applicant will be extending the roof to partially enclose the existing trash and recycling dumpsters located on the lot. The attached site layout, except below, shows the intended design and layout of the structure on the lot.

The applicant is requesting the following variance, which is derived from the applicant's request application and form including variance requests for the next agenda item. Municipal Code citations and language applicable to the variance request are included.

- **Variance (applicant request #2):** To allow the construction of a garage and refuse enclosure structure within the 20-foot rear setback along the alleyway.
 - *Commercial Transitional (CT) District Regulations.*
 - *Sec. 12-2-17(C). Minimum Setbacks: 5-foot front setback, 5-foot side setback, and a 20-foot rear setback.*





Staff Analysis

Public notices were completed following Municipal Code requirements for Variance applications. Notices included both the Planning Commission and Board of Trustees meeting details.

Note: based on the design and placement of the structure, the request also needs to include relief from the 5-foot side setback along Lake Avenue to the east to accommodate the structure enclosing the trash and recycling dumpsters. This addition is reflected in the resolution for consideration by the Planning Commission.

The property is located on a unique lot with three sides of public right-of-way frontage, including Lake Avenue on the south and east, and the public alleyway to the north. The proposed use and layout for the lot seem reasonable based on the proximity adjacent to the Commercial zone district (across the public alleyway) where there are no front, side, or rear setback requirements. There are other properties along the alleyway with structures adjacent to the alleyway within the Commercial zone district to the north and east. Lastly, the layout and design promote a reasonable transition from the Commercial district into the adjacent residential district to the south, which achieves the intent of the Commercial Transitional district.

Planning Commission Discussion and Determination

The Planning Commission should discuss the request amongst themselves, with consideration of staff analysis, public comments, and the findings of fact from the code, in order to make a decision/recommendation.

Under Municipal Code Section 12-2-27(B)3., the following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:

- (a) The compatibility of the proposed action with the surrounding area; and
- (b) Whether the proposed action is in harmony with the character of the neighborhood; and
- (c) The need for the proposed action; and
- (d) The effect of the proposed action upon future development in the area; and
- (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
- (f) Whether alternative designs are possible; and
- (g) With due consideration for the Town's Comprehensive Plan.

Sample Planning Commission Motions

Approval with or without conditions

I move to approve Planning Commission Resolution 02-2025, a resolution recommending approval of a variance request to allow the encroachment into the side and rear setbacks on Lot 12, Block 12 Grand Lake Subdivision, More Commonly Referred to as 825 Lake Avenue.

... with the following conditions:

-
-

Denial *(Using the evaluation factors of Sec. 12-2-27(B)3. of the Municipal Code for findings of fact)*



I move to approve Planning Commission Resolution 02-2025, a resolution recommending denial of a variance request to allow the encroachment into the side and rear setbacks on Lot 12, Block 12 Grand Lake Subdivision, More Commonly Referred to as 825 Lake Avenue, based on the following findings of fact:

-
-