

**TOWN OF GRAND LAKE  
PLANNING COMMISSION  
RESOLUTION NO. 05-2023**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ACCESSORY USE AND A  
VARIANCE PURSUANT TO SECTION 12-2-27 OF THE GRAND LAKE MUNICIPAL  
CODE TO ALLOW THE A STRUCTURE LESS THAN THE MINIMUM REQUIRED  
SQUARE FOOTAGE AT LOTS 5-8, BLOCK 20, TOWN OF GRAND LAKE  
(612 Grand Avenue)**

**WHEREAS**, Gary Bien (the “Applicant”) is the owner of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 5-8, Block 20, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 612 Grand Avenue, Grand Lake, Colorado 80447 (the “Property”); and

**WHEREAS**, lot 8 is not consolidated with the lots 5,6, and 7; and

**WHEREAS**, Municipal Code Section 12-2-18(A)(6) allows for uses permitted by right including an “[a]ccessory building or use (not involving open storage), when located on the same lot”; and

**WHEREAS**, the Applicant requested to construct an accessory structure to provide employee housing for employees of the commercial use on the Property; and

**WHEREAS**, the Town passed Resolution 21-2021 declaring a workforce housing emergency and specifically encouraging “Governments, businesses, and other employers in Grand Lake must thoroughly explore and implement all viable strategies to mitigate the current workforce housing crisis” (emphasis added); and

**WHEREAS**, the Town Board of Trustees (the “Board”) also amended the definition of Accessory Dwelling Unit in Section 12-2-6 by passing Ordinance 02-2023, allowing an Accessory Dwelling Unit to include units which attached or detached from the principal structure; and

**WHEREAS**, the proposed employee housing is located on the back end of the lot which is adjacent to other existing residential uses; and

**WHEREAS**, the Planning Commission finds the Applicant’s accessory use is promoting both the purpose of the Accessory Dwelling Unit and the solution to the Workforce Housing Crisis set forth in Resolution 21-2021; and

**WHEREAS**, Municipal Code Section 12-2-18(C) [Regulations for Commercial District–C] Area Regulations establishes the required setbacks for the Property as follows:

- (4.) Minimum Floor Area  
400 sq. ft. per dwelling unit

**WHEREAS**, the Town received a zoning variance request application (the “Application”) from the Applicants on March 31<sup>st</sup>, 2023, requesting a variance to the minimum floor area standards as provided in Section 12-2-27 to allow for summer-only employee housing; and

**WHEREAS**, Municipal Code Section 12-2-27 (B) – [Variance Request Procedure] states in pertinent part as follows:

- (1) Town staff shall schedule the Public Hearing for the next available Planning Commission meeting, dependent on the availability on the Planning Commission's agenda.
- (2) The Town Board of Trustees shall hear the variance application, with Planning Commission recommendation, at their next regularly scheduled meeting.

**WHEREAS**, on May 3<sup>rd</sup>, 2023, the Planning Commission reviewed the Applicants’ zoning variance request at a Public Hearing; and,

**WHEREAS**, based on the Application, the representations of the Applicants to the Planning Commission and the comments of the public, the Planning Commission has considered the following factors set forth in the Grand Lake Municipal Code Section 12-2-27 (2)(B)(3):

1. The compatibility of the proposed action with the surrounding area; and
2. Whether the proposed action is in harmony with the character of the neighborhood; and
3. The need for the proposed action; and
4. The effect of the proposed action upon future development in the area; and
5. The size, shape, topography, slope, soils, vegetation, and other physical characteristics; and
6. Whether alternative designs are possible; and
7. With due consideration for the Town’s Comprehensive Plan.

**WHEREAS**, upon a thorough consideration of the factors of Section 12-2-27 (2)(B)(3) of the Grand Lake Municipal Code, the Planning Commission finds such factors weigh in favor of approval of the Application.

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

1. The Planning Commission finds the Applicant’s proposed accessory use of employee is promoting both the purpose of the Accessory Dwelling Unit and the solution to the Workforce Housing Crisis set forth in Resolution 21-2021, and recommends approval of this use by the Board of Trustees.
2. The Planning Commission recommends that the Application for variance also be approved by the Board of Trustees subject to the conditions set forth in Section 2, below.
3. The Planning Commission’s recommendation for approval is based on the Applicant satisfying the following conditions. Unless specified otherwise, such conditions should be satisfied before the matter is considered by the Board of Trustees:
  - a. The proposed Accessory Dwelling Unit be used only for employee housing.

- b. 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.
  - c. Compliance by the Applicant with all representations made to the Planning Commission during all public hearings or meetings related to the Application.
  - d. The Applicant execute a Lot Consolidation Agreement for Lots 5-8, Block 20; and,
  - e. The Applicant complies with all other federal, state, and local regulations, including but not limited to, obtaining building permits, business regulations, and right of way permits.
  - f. In granting this Request the Commission is not obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests.
  - g. This authorization shall run with the transfer of the Property from the Applicant to their successors, heirs, or grantees.
4. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
5. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 3<sup>rd</sup> DAY OF MAY.**

( S E A L )

Votes Approving:  
 Votes Opposed:  
 Absent:  
 Abstained:

ATTEST:

TOWN OF GRAND LAKE

\_\_\_\_\_  
 Alayna Carrell  
 Town Clerk

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 James Shockey,  
 Planning Commission Chairman