



July 6<sup>th</sup>, 2022

To: Chairman Shockey and Commissioners

From: Kimberly White, Town Planner

RE: Consideration to authorize an expansion to a non-conforming property located at Lots 9 & 10, Block 33, Town of Grand Lake; more commonly referred to as 301 Park Avenue

*Attachments: Request from Applicant  
Site Plan & Location Map  
Draft Resolution 08 -2022  
Suggested Motions*

### **Purpose**

The Town received a building permit application from Roger Jameson, for building a 1520 sf two-story addition with a 493 sf deck onto the existing primary structure located at 301 Park Ave. During the Planning and Zoning review, a survey showed the existing structure was built into the lots front and side setback. Therefore, the structure is considered non-conforming and any request to increase a non-conformance requires Planning Commission review and Board approval. The additional living space is proposed within the setback, but the deck will protrude as an angle with a maximum of 2.5 ft into the front setback. The applicant is the property owner.

### **Background Information**

According to the Grand County assessor, the structure was built in 1968.

The Town has received one phone call from 300 Mountain stating that they received the certified letter from the Town and did not have any problems with the owner building this addition as shown in the attached plan, and that they would not be able to attend the meeting. An email was received from the neighbor at 320 Mountain for clarification on the details of the project, but did not have any complaints (attached).

### **Municipal Code**

Municipal Code 12-2-12 Definitions states:

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*Regulations for Single Family Residential – High Density – RSH*

*(A) Uses Permitted by Right*

*1. Single Family and Accessory Dwelling Units (ADUs).*

*(C) Zoning Standards: Except as provided in Section 12-2-27, the area regulations are as follows:*

*Minimum Setback*

*Front 25'*

*Side 10'*

*Rear 10'*

Municipal Code 12-2-27 Supplemental Regulations for Setback, Height and Area states:

*(A) The following are supplemental regulations for setbacks, height and area. These regulations will apply to all applicable projects and applications, in all applicable zoning districts no matter the land use action taken.*

*2. Additional Area Regulations - The following additional area regulations shall apply to all zone districts as set forth in this Article.*

*(d) A structure presently encroaching into a setback shall not be allowed to make additions onto the structure within the boundary line measured from the lot line to the edge of the existing encroachment without seeking a variance from the Board of Trustees.*

*4. Variances for these supplemental regulations to supplemental setback, area and height regulations may be granted by the Town Board of Trustees with recommendation from the Planning Commission unless otherwise stated.*

*(B) Variance Request Procedure -*

*Applicants must submit the Request for Variance from Zoning Regulations, with the required attachments and applicable fees, to Town Staff. The Planning Commission will hold a Public Hearing within 45 days from Town receipt of the application. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, location of the Public Hearing, as well as the variance request. In addition, certified letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property. The Planning Commission shall forward a recommendation to the Town Board of Trustees.*

*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. The Board of Trustees may elect to hold a Public Hearing regarding the variance application. The*

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*Board of Trustees shall grant or deny the variance within 45 days of receipt from the Planning Commission.*

*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.*

#### **Staff Comments**

If the Commissioners recommend approval of the variance request, Staff recommends the Commission to adopt Resolution 08 -2022 with the following conditions:

1. The Applicant execute a Lot Consolidation Agreement for Lots 9 & 10; and,
2. 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; and,
3. 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.
4. This authorization shall run with the transfer of the Property from the Applicant to their successors, heirs, or grantees.

#### **Commission Discussion**

The Commission should discuss the non-conformance expansion request.

#### **Commission Action**

The Commission has several options to consider including:

1. Grant the request by adopting the resolution as presented.
2. Grant the request with certain conditions by adopting the resolution with other conditions; or
3. Not grant the request.

Suggested Motions for Lathers non-conforming request:

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1. I move to adopt resolution 08 -2022, A Resolution Recommending Approval Of A Variance Pursuant To Section 12-2-27 Of The Grand Lake Municipal Code To Allow The Expansion Of A Non-Conforming Structure Into Additional Areas Of Required Setback, With Conditions, More Commonly Referred To As 301 Park Avenue, as presented.

Or

2. I move to adopt resolution 08 -2022, A Resolution Recommending Approval Of A Variance Pursuant To Section 12-2-27 Of The Grand Lake Municipal Code To Allow The Expansion Of A Non-Conforming Structure Into Additional Areas Of Required Setback, With Conditions, More Commonly Referred To As 301 Park; with the following modifications \_\_\_\_\_.

Or

3. I move to deny the request as presented.