

**TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
RESOLUTION NO. \_\_\_\_– 2022**

**A RESOLUTION GRANTING CERTAIN VARIANCES TO MUNICIPAL CODE 11-2-6 STREET  
DEVELOPMENT POLICIES, STANDARDS, AND SPECIFICATIONS  
LOCATED AT LOTS 9-11, BLOCK 36 TOWN OF GRAND LAKE**

**WHEREAS**, Thomas Jenkins (the “Applicant”) is the owner of certain real property within the Town of Grand Lake (the “Town”), specifically, lots 9, 10, and 11, Block 36 of the Town of Grand Lake (collectively the “Property”); and

**WHEREAS**, the Town received a Variance Request Application (the “Application”) on June 27<sup>th</sup>, 2022; and,

**WHEREAS**, the Applicant is requesting vehicular access to vacant parcels described as Lots 9-11, Block 36 (the “Property”); and

**WHEREAS**, the Town has previously adopted Municipal Code 11-2-6 Street Development Policies, Standards, and Specifications (the “Road Standards”); and

**WHEREAS**, the Town Planning Commission (the “Commission”) adopted Resolution 05-2005 which granted certain variance to the Town Municipal Code; and

**WHEREAS**, the Applicant is requesting several variances to the Road Standards as depicted in their Application; and

**WHEREAS**, the Municipal Code 11-2-11(C) states:

*Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees; and*

**WHEREAS**, the Commission reviewed the Application at a Public Hearing on June 1<sup>st</sup>, 2016; and

**WHEREAS**, the Commission continued review until the Applicant could revise their Application; and

**WHEREAS**, the Applicant revised their Application to conduct the improvement in the form of a “design build” which requires construction of the roads and driveways to be built in the field and without detailed construction plans (the “Revised Application”); and

**WHEREAS**, the Commission reviewed the Revised Application at a Public Hearing on August 17<sup>th</sup> 2016; and

**WHEREAS**, the Commission continued review until the Applicant could revise their Application; and

**WHEREAS**, the Commission reviewed the Revised Application at a Public Hearing on October 5<sup>th</sup>, 2016; and

**WHEREAS**, the Commission motioned to approve the Revised Application with plans dated September 23<sup>rd</sup>, 2016 with the following conditions:

1. A maximum 15% grade for the frontage road.
2. The frontage road servicing a maximum of four (4) residential lots.

3. The frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet.
4. Full plans be developed and approved by Staff before going to the Board of Trustees;
5. Drainage easements and grading easements shall be obtained prior to Board of Trustee review.
6. Any other standards be met in order for a Right of Way Permit to be issued.; and,

**WHEREAS**, the Board of Trustees approved the 2016 Revised application on November 7, 2016 subject to the conditions set forth by the Planning Commission; and

**WHEREAS**, the Applicant delayed completion and fulfillment of the conditions of the Revised Application and resubmitted the Revised Application to Town Staff for consideration and approval; and

**WHEREAS**, the Commission reviewed the Application for a Variance to Street Development Policies, Standards, and Specifications at a Properly Noticed Public Hearing on July 20<sup>th</sup>, 2022; and

**WHEREAS**, the Commission continued the review of the Revised Application to its August 17, 2020 meeting.

**WHEREAS**, after a public hearing, the Commission unanimously approved recommending a favorable approval of the Application subject to conditions to the Board of Trustees.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO AS FOLLOWS:**

1. The Board of Trustees has reviewed the recommendation of the Planning Commission as well as the Application and determined that all five (5) hardships as required by 11-2-11(d) of the Town Code have been met by the Applicant.
2. The Applicant will submit required, executed, and recorded drainage and grading easements from the 2016 Variance prior to proceeding with the construction of the Lake Ave. "Service" Road and Access to Lots 9-11, Block 36, Town of Grand Lake.
3. The Board of Trustees hereby grants certain variance requested by the Applicant in the Application to the Road Standards subject to the following conditions and requirements:
  1. A shared driveway is permitted for access to Lots 9-11, Block 36. The location of the driveway shall approved by the Public Works Director prior to construction.
  2. Access radius must be shown on plan and not be less than 10% for inner radius
  3. A maximum driveway grade of 10% may be used for Lots 9-11, Block 36 for single family residential uses only.
  4. The use of driveway entrance grades exceeding 4% within the first 25 ft while maintaining a low point.
  5. Ditch grade of 2:1 is permitted subject to approved erosion control and revegetation plan by Staff and Public Works.
  6. Driveway access through side yards for lots 9-11, Block 36, Town of Grand Lake.
  7. Dead-end driveway at lot 11 acceptable, subject to approval by Grand Lake Fire Department, and any dwelling constructed on lots 9, 10, or 11 shall have internal fire suppression equipment, such as sprinklers, acceptable to the Town Planner.
  8. The applicant complies with all other federal, state, and local regulations including but not limited to obtaining an approved right of way permit and/or grading permit.
  9. Full plans be developed and approved by Staff before going to the Board of Trustees;
  10. Town Manager may, at his sole discretion may stop the project and require roadway and driveway plans and profiles to be reviewed and approved by a Colorado Registered Professional Engineer selected by the Town at Applicants expense.

11. At the completion of the improvements the Applicant provide the Town with As-Built Drawings to the Town.
  12. Using **Exhibit A** as a guide, the Public Works Director, at his sole discretion, may approve the As-Built Drawings.
  13. In recommending these variances, the Planning Commission reserves its right, however shall not be required under any circumstances, to approve acceptance of maintenance for the Lake Avenue right of way adjacent to Block 36 as well as the Walden Street right of way adjacent to Lot 14, Block 43 as outlined in Municipal Code 11-2-9 Acceptance Procedures and Requirements.
4. The Board of Trustees understands field adjustments may be required to meet the above conditions and Municipal Code.
  5. The Applicant shall have two (2) years to complete construction of the approved Application, and must return to Planning Commission for approval of additional time to complete the project.
  6. prior to commencing work on the Application, the Applicants shall provide security in a form acceptable to the Town for the cost of 115% of the total cost of the project.
  7. The Applicant must obtain and record with the Clerk and Recorder of Grand County, Colorado a Variance Acknowledgment form, Drainage Easement, Access Easement, and Temporary Construction Easement acceptable to the Town of Grand Lake Planner, and executed by the owner of Lots 9, 10, 11, and 12.
  8. The Applicant will increase the erosion control by use of geogrid system to stabilize the 2:1 slope and revegetate the same.
  9. The Applicant will provide the Town Planner with an updated survey of the improvements to show existing conditions of any area affected by any variance requested in conjunction with the property or access to the property.

**DULY MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THIS 12<sup>th</sup> Day OF SEPTEMBER, 2022.**

( S E A L )

Votes Approving:  
Votes Opposed:  
Votes Abstained:  
Votes Absent:

ATTEST:

TOWN OF GRAND LAKE

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Alayna Carrell,  
Town Clerk

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Steve Kudron,  
Mayor