



July 3<sup>rd</sup>, 2024

To: Chairman Shockey and Planning Commissioners  
From: Kim White, Community Development Director

RE: Quasi-judicial (Public Hearing) Resolution 12-2024 and 13-2024 Conditional Use Permit and Lake setback variance for an inclined elevator (Tram) at 1532 Grand Ave. also known as Block 3, lot 37-38, Sunnyside Addition to Grand Lake



**Attachments:**

- A) construction plans
- B) view from water
- C) examples of trams
- D) resolution 12-2024 Resolution 13-2024

**Public Hearing Process**

The public hearing should be conducted as follows:

1. Open the Public Hearing
2. Allow staff to present the matter
3. Allow the applicant to address the Commission
4. Take all public comment
5. Close the Public Hearing
6. Have Commission discuss amongst themselves
7. Commission make a motion



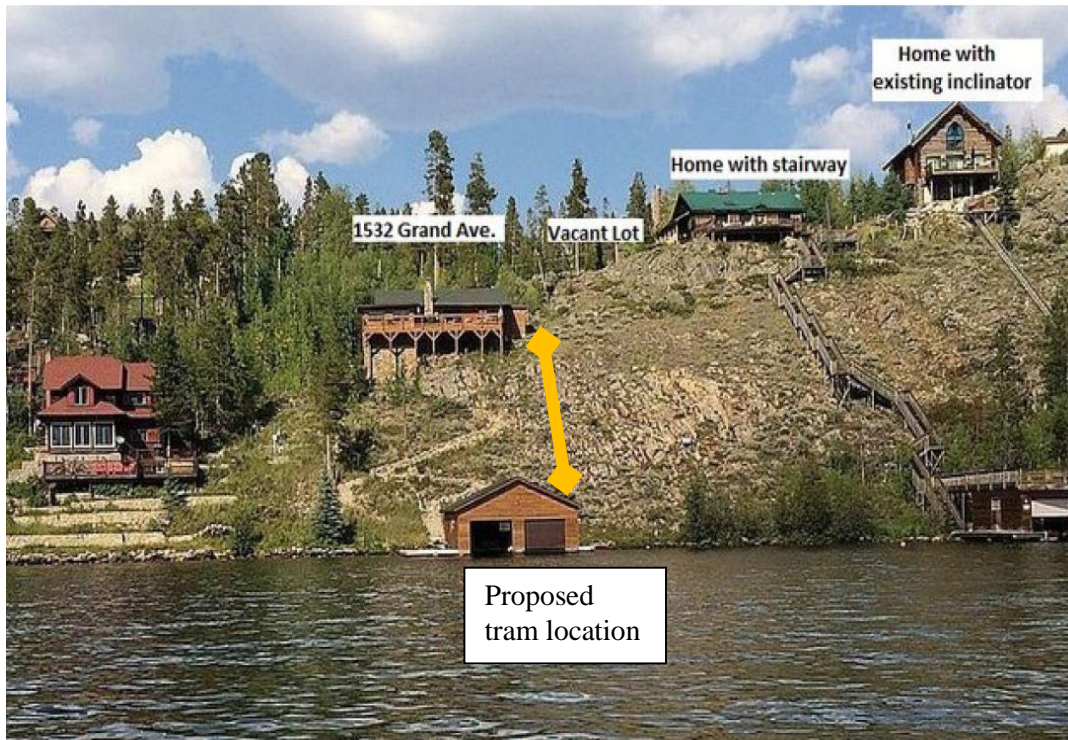
### Purpose

To request for an exception to Stream and Lake Setbacks and Conditional Use permit for Sunnyside Addition to Grand Lake Lot: 37-38 Block: 3, more commonly referred to as 1532 Grand Ave. by the owners: Peter and Brenda Ployshay

### Background

The applicant is proposing an inclined elevator (Tram) to be built with the lower tram platform foundation to be dug into in the 30' stream setbacks. The railing is assembled on-site. Cement piers will be installed into the ground to hold the track/rail in place. The proposed Tram would run on a track system. The rail width is 3 feet. When activities are proposed in the 30' setback, a variance may be requested from the Planning Commission with Board of Trustees final approval. Also, since Trams are not a permitted use in the Single Family Residential, High-Density, zoned area, a conditional use permit is required.

The Tram is to be used for transportation from the existing house to the proposed boathouse. The applicants request is due to the distance and steepness of grade from the main house to the boathouse. The applicants would like improved accessibility to reach the shore from their home. Currently the drop in grade is about 45 feet for about 85 feet in distance and the total length of the property is approximately 255'.



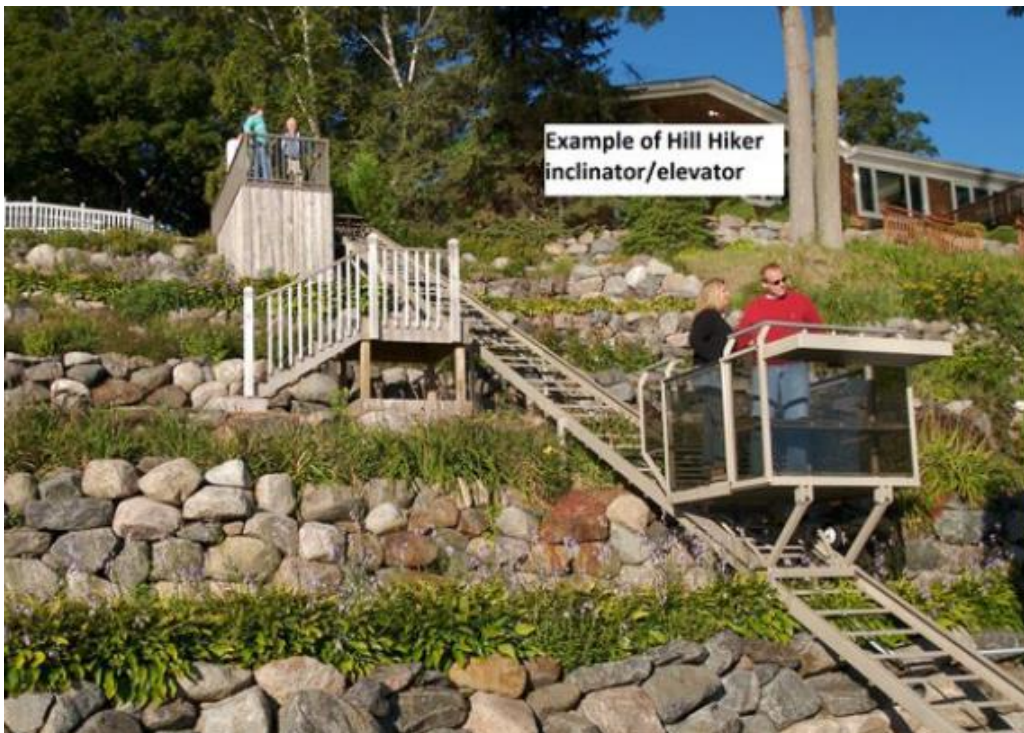
Per the applicant, the following facts have been submitted:

- The applicant asked that the following video be shown to briefly explain the many reasons they wish to make this improvement to their property: <https://www.youtube.com/watch?v=brDGJvM9KFI>
- The car frame will be powder coated to match the cabin and boat house, by the manufacturer. The rails are dipped, galvanized steel, which the manufacturer recommends over powdered because it wears much



better. We will provide samples of the car frame and rail so you can see the color, etc. Our landscaping plan is to leave the area in its natural state with native plants, which include shrubs and wildflowers. The hillside is solid granite, so it is not advisable to introduce new vegetation. Also, according to Hill Hiker, this is the perfect location as taller vegetation interferes with the track, yet the current vegetation is a perfect height to blend in with the track.

- Please see the attached diagram showing the cart structure. The materials will be a brown shade of Trex and then solid, transparent polycarbonate on the tram loading side for safety (so hands don't get caught). The gate will be framed to match the car. The railings will primarily use 10ft long steel beams that will be welded and bolted together. The specifics of which are outlined in the attached stamped engineering plans.
- It has an electric motor which powers a winding drum drive.
- There are 5 steps at the top (appx 4') and 7 steps at the bottom (appx 5'). The 5 steps at the top are so the loading deck itself is low profile and not sticking up like a rollercoaster. Hillhiker advised this approach as hitting the deck perfectly may not be possible and would require the entire structure to go much higher. Down by the lake lowering the platform would require a hole and sump pump. We wish to keep the footprint of the entire project as small as possible. The cabin itself was built in the 30s and requires stairs to access it. The goal of this design is to prevent falls by making the climb and descent to the lake MUCH easier than the existing path. However, we believe we can procure a removable ramp that could be used on these stairs and stored in the boat house until the need arose.
- The slope of the rail is approximately 34.5 degrees.
- The length of the rail is approximately 103 feet in length.





**Municipal Code Procedure for Conditional Use permit 12-2-31(B)(3)(a):**

3. After taking evidence in relation to said Condition Use application, the Planning Commission shall formulate a recommendation, including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees.

(A)The Planning Commission shall take the following factors into consideration prior to making recommendation to the Town Board of Trustees:

(i)Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences.

(ii)Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood.

(iii)Such other factors and criteria as the Commission deems applicable to the proposed Conditional Use including but not limited to: hours of operation; signage; specific businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance.

**Municipal Code Procedure for Lake Setback Variance 12-2-29(A):**

**12-2-29 Shoreline and Surface Water Regulations.**

(A) *Stream and Lake Setbacks.*

1. In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high-water mark shall be maintained for ... other improvements to a site. The setback applies to ...lake, pond, wetland, or any other body of water.
2. When activities are proposed within the thirty (30) foot setback, a variance may be requested by an Applicant. As scheduled by Town Staff and based on agenda availability, The Planning Commission shall review the request at a Public Hearing and make a recommendation to the Town Board of Trustees, who shall make the final determination. ...

During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one (1) or more of the exceptions set in Section 12-3-5(A)4(a) through (e).

- (a) At a minimum, a variance request shall include the following information:
  1. A site map that includes locations of all streams, wetlands, floodplain boundaries, slope, topography, and other natural features, as determined by field survey.
  2. A description of the size, shape, soils, vegetation and other physical characteristics of the property.
  3. A detailed site plan that shows the locations of all existing and proposed disturbances, both inside and outside the setback. The exact area of buffer to be affected shall be accurately and clearly indicated.
  4. Documentation of unusual hardship should the setback be maintained. (Refer to Section 12-3-5(A)4(a) through (e))
  5. At least one (1) alternative plan, which does not include a setback intrusion, or an explanation of why such a plan is not possible.
  6. A calculation of the total area and length of the proposed intrusion.
  7. An erosion and sedimentation control plan.



8. A stormwater control plan, if applicable.
9. Proposed mitigation, if any, for the intrusion.
- (b) The following factors will be considered in determining whether to issue a variance:
  1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
  2. The locations of all bodies of water on the property, including along property boundaries.
  3. The location and extent of the proposed setback intrusion.
  4. Whether alternative designs are possible which require less intrusion or no intrusion.
  5. Sensitivity of the body of water and affected critical habitats.
  6. Intensity of land use adjacent to the body of water proposed to intrusion.
  7. Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain)
- (c) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
3. A setback of greater than thirty (30) feet may be required if one (1) of the following is present on the site:
  - (a) Slope equals or exceeds thirty percent (30%);
  - (b) Highly erodible soils are present;
  - (c) The proposed use of the property presents a special hazard to water quality (e.g., storage or handling of hazardous or toxic materials);
  - (d) Floodplains or floodways;
  - (e) Riparian vegetation within a designated habitat;
  - (f) Wetlands are present.

The increased setback to be required in such cases shall be determined by the Board of Trustees upon recommendation of the Planning Commission. In these cases, a setback of greater than thirty feet (30') may be required in order to protect the public health, safety and welfare.

Should this increased minimum setback, in combination with other setbacks outlined in the various zone districts, cause a previously platted lot or parcel to become unbuildable, the Planning Commission and Town Board of Trustees may allow encroachments into this or other setbacks in order to relieve the hardship without requiring a variance proceeding before the Board of Adjustment. The priority of encroachments allowed will be lot setbacks first and stream and lake setbacks second in order to relieve the hardship. Provisions for channeling runoff to retention areas will need to be provided in any drainage plans for the development.

4. The first five (5) feet of this setback shall be a non-disturbance zone, except in the cases of ... walkways and stairways less than four (4) feet in width leading directly from the shoreline to the principal structure.
5. In addition to these required stream and lake setbacks, properties contiguous to any stream, creek, river, irrigation ditch, lake, pond, or wetland area, shall be required to abide by the Erosion and Sediment Control Regulations as then in effect for Grand County, for construction projects involving ground disturbance. This requirement applies to single family...and all other construction involving ground disturbance.

### **Staff Comments:**

The decision to hold a Public Hearing is at the discretion of the Planning Commission. At the May 15<sup>th</sup>, 2024 planning commission meeting, the commission voted to have staff notice a public hearing for the conditional use permit and the shoreline variance. Ten (10) public notices were mailed to the surrounding neighbors. Six (6) have been received, one (1) was returned unopened, and three (3) are not yet received. It was also properly noticed in the local newspaper, with no responses for or against the request. The previous tram approval was passed with an



additional covenant and agreement which required that the tram be maintained properly. This should be recorded with the resolution, if it is passed.

**Resolution 12-2024 Suggested Motions:**

1. **I motion to approve Resolution 12-2024 to recommend the Board of Trustees approve the condition use permit allowing the use of an inclined elevator on the single-family residential zoned private property at 1532 Grand Ave.**

**OR**

2. **I motion to approve Resolution 12-2024 to recommend the Board of Trustees approve the condition use permit allowing the use of an inclined elevator on the single-family residential zoned private property at 1532 Grand Ave. with the following conditions.**

**OR**

3. **I motion to deny Resolution 12-2024.**

**Resolution 13-2024 Suggested Motions:**

1. **I motion to approve Resolution 13-2024 to recommend the Board of Trustees approve the shoreline variance to allow the footers and rails to be placed in the 30' lakefront setback for property at 1532 Grand Ave.**

**OR**

2. **I motion to approve Resolution 13-2024 to recommend the Board of Trustees approve the shoreline variance to allow the footers and rails to be placed in the 30' lakefront setback for property at 1532 Grand Ave.**

3. **with the following conditions.**

**OR**

4. **I motion to deny Resolution 13-2024.**