

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 41- 2025**

**A RESOLUTION APPROVING A SHORELINE SETBACK VARIANCE FOR A
BOATHOUSE TO BE LOCATED AT 377 LAKE KOVE DR., ALSO REFERRED TO AS
LAKE KOVE SUBDIVISION, LOT 5, TOWN OF GRAND LAKE, COLORADO**

WHEREAS, the Board of Trustees of the Town of Grand Lake, Colorado, pursuant to Colorado statute and the Town of Grand Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado; and

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

377 Lake Kove Dr., more particularly described as LAKE KOVE SUBDIVISION Lot: 5
LESS ROW, Town of Grand Lake, State of Colorado

(“the Property”); and

WHEREAS, the Applicant has submitted an application for a shoreline variance, seeking permission to place a single unit boathouse within the thirty (30) foot water quality setback (the Application”); and

WHEREAS, Section 12-2-29 (A) of the Grand Lake Municipal Code (the “Code”) establishes regulations for allowing activities within the thirty (30) foot water quality setback, also referred to in the Code as the stream and lake setback, including the following consideration factors:

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); and

WHEREAS, Section 12-2-29 (A) of the Code requires the Applicant to establish the proposed activity conforms to one (1) or more of the exception set in Section 12-3-5-(A)(4); and

WHEREAS, on August 20, 2025, the Planning Commission reviewed the Application at a public hearing; and

WHEREAS, the Planning Commission found the Applicant to have satisfactorily addressed the factors in Section 12-2-29 (A) of the Code; and

WHEREAS, the Planning Commission found the Application satisfies one or more of exceptions ‘a’ through ‘e’ set in Section 12-3-5-(A)(4); and

WHEREAS, based on the Application and the representations of the Applicant to the Planning Commission, and the comments of the public, the Planning Commission adopted Resolution No. 11-2025 recommending approval of the Application, subject to conditions; and

WHEREAS, the Board of Trustees (the “Board”) reviewed the Application at its regularly scheduled meeting on September 8, 2025; and

WHEREAS, based on the Application, the representations of the Applicant to the Board of Trustees, the comments of the public, and the recommendation of the Planning Commission the Board finds:

1. the Applicant has satisfactorily addressed the factors in Section 12-2-29 (A) of the Code; and
2. the Application satisfies one or more of exceptions ‘a’ through ‘e’ set in Section 12-3-5-(A)(4), specifically:

[BOT to insert one or more of exceptions a through e that it concludes apply]

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

1. The Application for a shoreline setback variance for a proposed boathouse is hereby granted, subject to the conditions set forth in Section 2., below.
2. Board of Trustee’s approval is subject to the following conditions:
 - a. Payment by the Applicant of all legal, engineering, and administrative fees incurred by the Town in connection with the review, processing, consideration, and action on the Application prior to issuance of a building permit related to the Application; and
 - b. Compliance by the Applicant with all representations made to the Planning Commission or Board of Trustees during all public hearings or meetings related to the Application; and
 - c. Compliance by the Applicant with all other federal, state, and local regulations or requirements that apply to the Property or the construction of a boathouse on in connection with the Property.
3. By approving the Application, the Board of Trustees is not obligated to approve any requests the Town receives from other applicants in the future. Nor does the Board’s approval of this Application set a precedent for any future applications.

4. The variance granted by this Resolution shall run with the Property and may be transferred by the Applicant to their successors, heirs, assigns, or grantees.

5. 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 Board 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.

6. 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 APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THIS 8th DAY OF SEPTEMBER 2025.

Votes Approving:

Votes Opposing:

Votes Abstaining:

Absent:

(SEAL)

ATTEST:

Alayna Carrell, Town Clerk

Christina Bergquist, Town Mayor

