

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 04-2023**

**A RESOLUTION GRANTING A VARIANCE PURSUANT TO SECTION 12-2-27 OF THE
GRAND LAKE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A STRUCTURE
INTO REQUIRED SETBACK
(52 Mad Moose Lane)**

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

Lot 3, Block 3, The Ridge at Elk Creek Subdivision, Grand Lake, Colorado Also known as: 52 Mad Moose Lane, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, Municipal Code section 12-2-11(C) [Regulations for Single Family Residential – Medium Density –RSM] Area Regulations establishes the required setbacks for the Property as follows:

(4.) Minimum Front Yard

Measured from the front property line there shall be a front yard of not less than Twenty-Five Feet (25') for all structures.

WHEREAS, the Town received a zoning variance request application (the “Application”) from the Applicants on October 25th, 2022, requesting a variance to the front yard setback as provided in Section 12-2-27 to allow the encroachment of a structure within the front setback; and

WHEREAS, the proposed encroachment will be five (5) feet into the into the 25 ft front yard setback; and

WHEREAS, Municipal Code Section 12-2-27 – [Supplemental Regulations for Setback, Height and Area] states in pertinent part as follows:

(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.; and,

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.

WHEREAS, on December 7th, 2022, 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 found:

1. The proposed variance of the front yard setback is compatible with the surrounding area because the addition will be of similar material as the existing.
2. The proposed variance is in harmony with the character of the neighborhood because the addition is minimal.
3. The proposed variance is needed in the proposed location and other alternatives are unavailable.
4. The effect of the proposed variance upon future development in the area will be minimal to non-existent.
5. The size, shape, topography, slope, soils, vegetation, and other physical characteristics support granting the proposed variance because although the rear yard is very steep.
6. Alternative designs have been addressed with the current design change.
7. The proposed variance is consistent with the Town's Comprehensive Plan because it helps ensure the quality of life for its residents per the Town vision.

WHEREAS, the Planning Commission recommended that the Application be approved by the Board of Trustees; and

WHEREAS, the Board of Trustees (the "Board") reviewed the Application, the recommendation of the Planning Commission, and the public testimony presented at a regularly scheduled meeting on January 23, 2023.

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

1. The Board hereby approves the application to allow the variance to Municipal Code 12-2-27 for the expansion of the non-conforming structure into areas of the setback subject to the conditions set forth in Section A. below:

- A. The Board of Trustees approval is expressly based on the Applicant satisfying the following conditions:
 1. 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.

2. Compliance by the Applicant with all representations made to the Board of Trustees and Planning Commission during all public hearings or meetings related to the Application.
3. 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,

2. In granting this request, the Trustees are not obligated to grant similar requests in the future, nor does granting this Request set precedent for any future requests.

3. 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 Board of Trustees 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 BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THIS 23rd, DAY OF JANUARY, 2023.

(S E A L)

Votes Approving:	0
Votes Opposed:	0
Absent:	0
Abstained:	0

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell (Town Clerk)

Mayor Kudron