

Date: August 17th, 2022

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

RE: **Public Hearing Continued from 7/20/2022-** Recommendation to Allow a Variance to Street Development Policies, Standards, and Specifications 11-2-6 for Access to Lots 9-11, Block 36, Town of Grand Lake



The Commission should conduct the Public Hearing 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. Allow for Commission discussion
7. Take action as appropriate

Purpose:

Continued Public Hearing from July 20th, 2022 to request certain variances to Driveway standards to permit access to lots 9-11, BL 36, Town of Grand Lake. The Applicant has asked to create a driveway off the “service” road that was approved with conditions on November 7th, 2016. The driveway does not meet all of the requirements of the Town Code and thus a variance has been requested for this item:

- Private driveway for 3 lots which exceeds the maximum allowed of two (2) single family residences

- Access radius not shown on plan
- Private driveway to be at 10% max grade which exceeds that allowable first 25' of drive at 4% and remainder of drive to be at 10%
- Grade of ditch at 2:1, which exceeds the max of 3:1
- Driveway to access through side yards, which is against the 25' separation required by the code, unless lot conditions make it impossible.
- 150' long drive requires an emergency vehicle turn around. The topography does not allow for this.

Background:

June 23, 2017- Letter of intent to build the Lake avenue "service" road was sent to Town of Grand Lake Planning office stating that the "service" road was approved in 2016 and plans for the construction of the road and future log homes.

Spring 2017- construction began on the road, utilities were installed. It was noted during construction that the grade was too steep from the "service" road to enter the lots 9 & 10 from the south.

October 18, 2017 – Planning Commission directed staff to discuss best way to proceed with the applicant in order to access lots 9-11, Bl 36. The applicant requested the 2016 variance to be changed to allow access from Walden St.

Sept, 13th, 2019 – Planner Shull emailed Mr. Jenkins and stated that Mr. Jenkins chose to put off construction of Lake Ave in lieu of working on the Gateway Inn, and that he had not had discussions with Mr. Jenkins on alternatives to the 2016 plans.

July 20th, 2022 – Planning Commission discussed the current status of the 2016 variance and tabled the motion until August 17th, 2022 to determine the status. The Commission requested that the applicants prepare the following items:

- **Update the signatures on the variance and easement documents for the Lots 9-12, Bl 36, ToGL.**
- **The applicants agree to provide a new survey of the road (centerline and up through the lots)**
- **Provide existing condition photos.**
- **They will provide an updated timeline for completion.**

Per the Town Attorney, as long as the original conditions of the 2016 Variance are met, the Town will consider the 2016 variance executed.

July 20th, 2022- Public Hearing for a variance request to allow certain driveway parameters. Motion to table the vote until August 17th, 2022 when applicant could update the following:

- **Driveway access easement agreement to be drafted for recording (ie. Lot 9 gives permission for lot 10 and 11 to access, and lot 10 gives lot 11 access)**
- **Update the resolution to equip structures with fire suppression systems.**
- **Include requirement for improved erosion control, geogrid system to stabilize the 2:1 slope and revegetate.**

The draft resolution 10-2022 from 7/20/2022 has been updated to include the items required by the 2016 variance and the requests by the PC for the driveway variance.

Municipal Code:

11-2-6 - Private Drives, Emergency Access Requirements, and Criteria.

(A) Criteria for Access Onto Town of Grand Lake Roadways.

1. General.

(a) The term driveway or access are interchangeable terms and refer to the specific locations granted to properties adjacent to Town ROW for the purpose of accessing the property.

(b) Accesses for all purposes shall conform to the requirements in this Section.

(c) A driveway is defined as serving no more than one (1) single-family residence or one (1) multi-family unit (not to exceed a four-plex).

1. Shared driveways are encouraged for no greater than two (2) single-family residences, upon permission by the Planning Commission.

(B) Basic Principles for Driveways.

10. Minimum Design Standards.

3. Driveways must use a minimum of four (4) inches of road base and eight (8) inches of pit run, but a pavement design may be required.

4. Culvert size must be a minimum of eighteen (18) inches and have a minimum cover of twelve (12) inches.

5. **Access radii shall be ten (10) feet or fifteen (15) feet for driveways** designed for emergency access (See Figure 10 and Figure 11)

6. **An access** shall not exceed a four percent (4.0%) grade for the first twenty-five (25) feet, measured from the edge of the nearest drive lane. (See Figure 12.)

(b) Access Point Location.

3. Driveways must maintain a minimum of twenty-five (25) feet separation (measured from the closest edge) unless existing driveways or lot conditions do not make this possible.

(c) Access Roadways for Fire Apparatus.

1. All driveways that are further than one hundred fifty (150) feet from a road in the public right-of-way will be required to meet the design standards depicted in Figure 3 and are required to install a **fire department turn around**. (Grand County Road and Bridge Standards, Figure 1)

11-2-4 (D) (2) Horizontal Alignment.

(f) Broken Back Curves. Broken back curves consisting of two (2) curves in the same direction joined by a tangent less than fifty (50) feet shall not be used in the Town of Grand Lake, except on local streets with prior approval from the Town Staff.

(c) Side Slopes. Side slopes shall not exceed 3:1, unless otherwise approved by the Town Staff or based upon a slope stability analysis provided by a Colorado Certified Geotechnical Engineer. Where slopes equal

to or greater than 3:1 are used, **special provisions for erosion control and re-vegetation shall be made.** Any proposal to deviate from a maximum 3:1 slope shall be accompanied by a soils study that addresses the slope protection being proposed.

(D) Steep Surface Slopes.

2. Any proposed retaining structures shall be designed in detail.

6. A revegetation plan shall be submitted for all cut and fill slopes in excess of one (1) foot vertical to three feet horizontal.

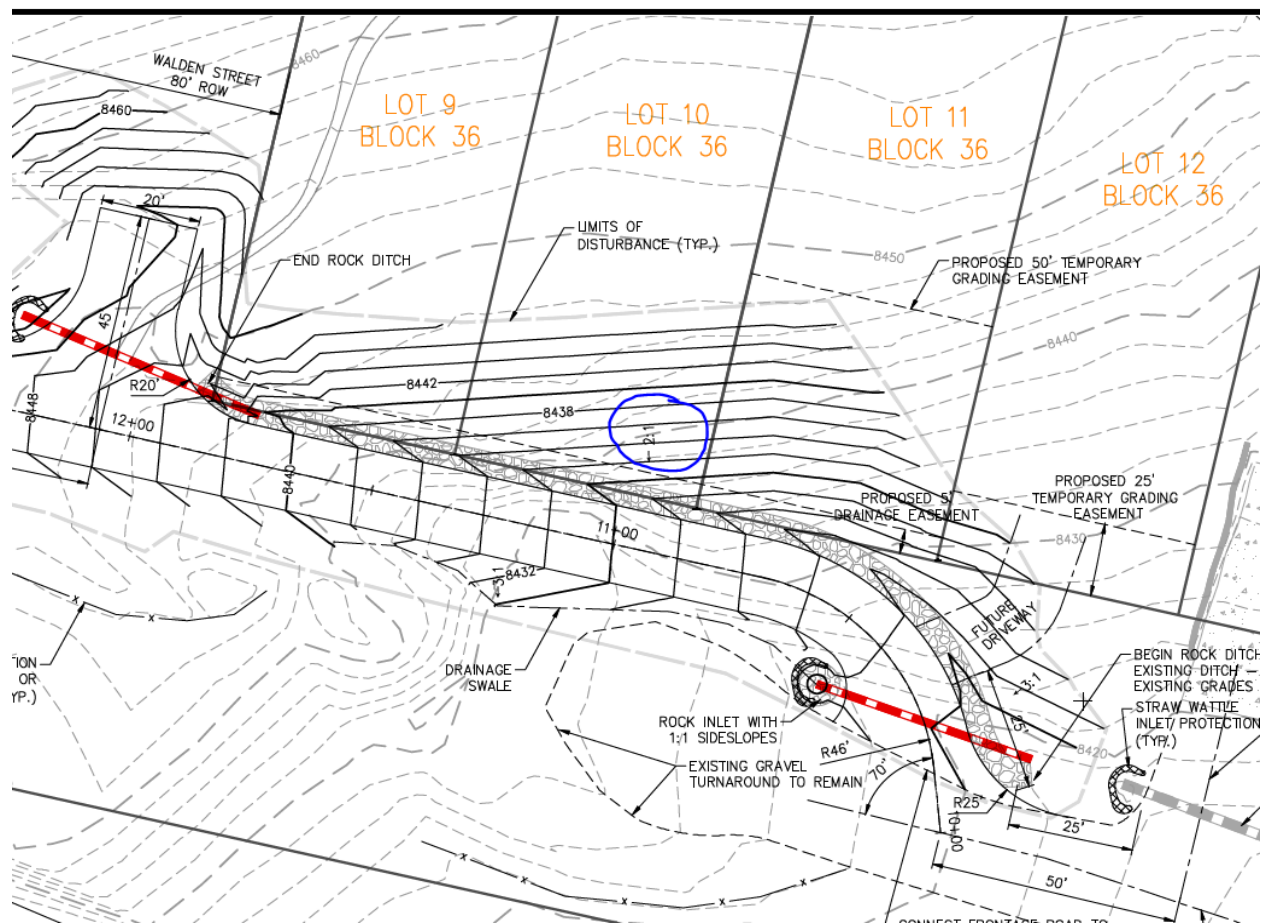
(a) Such plan shall use native or similar plants and include a cost estimate.

(b) The revegetation plan shall be implemented concurrently with street construction.

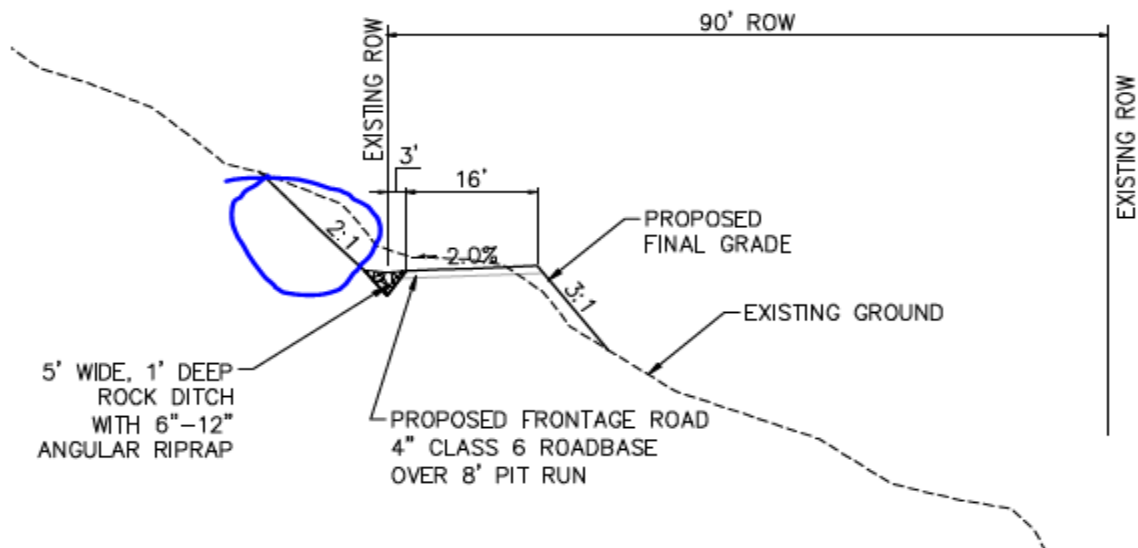
7. Steep Slopes.

(a) Any slopes 3:1 or greater shall receive, in addition to all requirements listed above, proper slope protection, approved by the Town Staff.

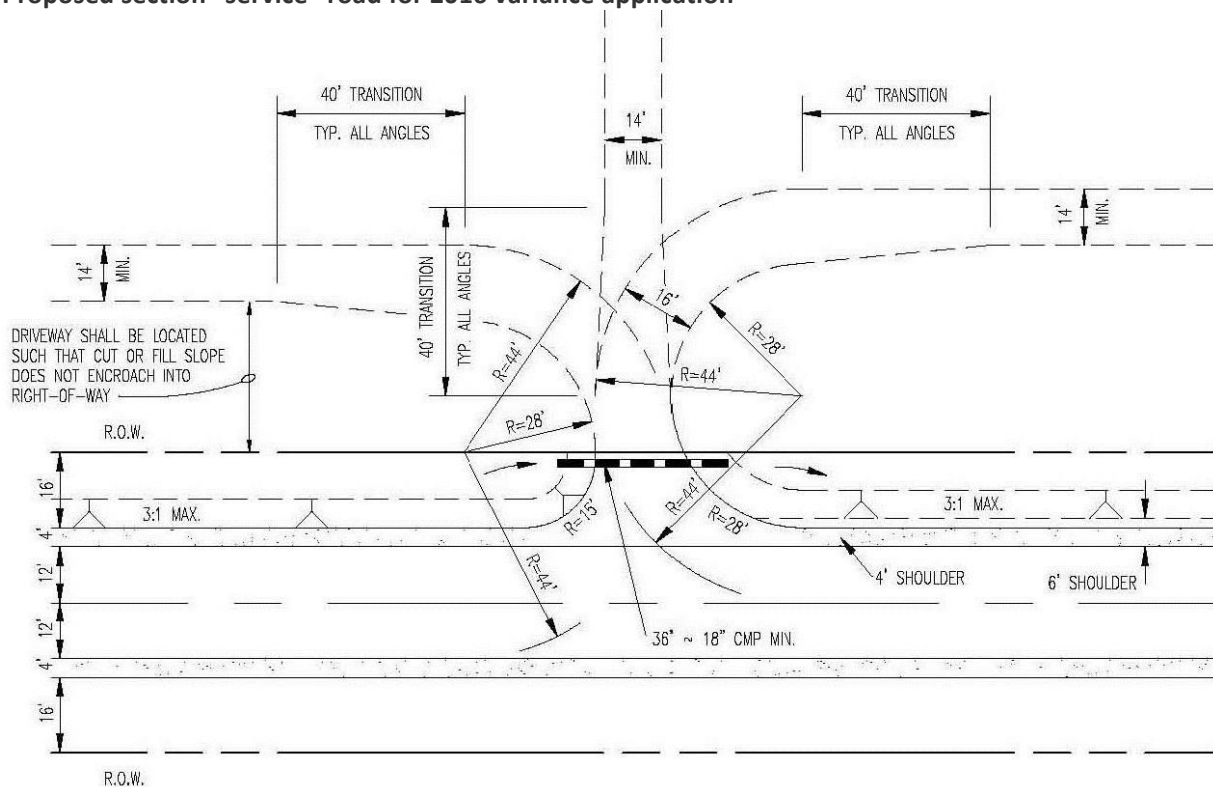
(b) Slopes greater than 3:1 require specific engineering design and are subject to approval by the Town.



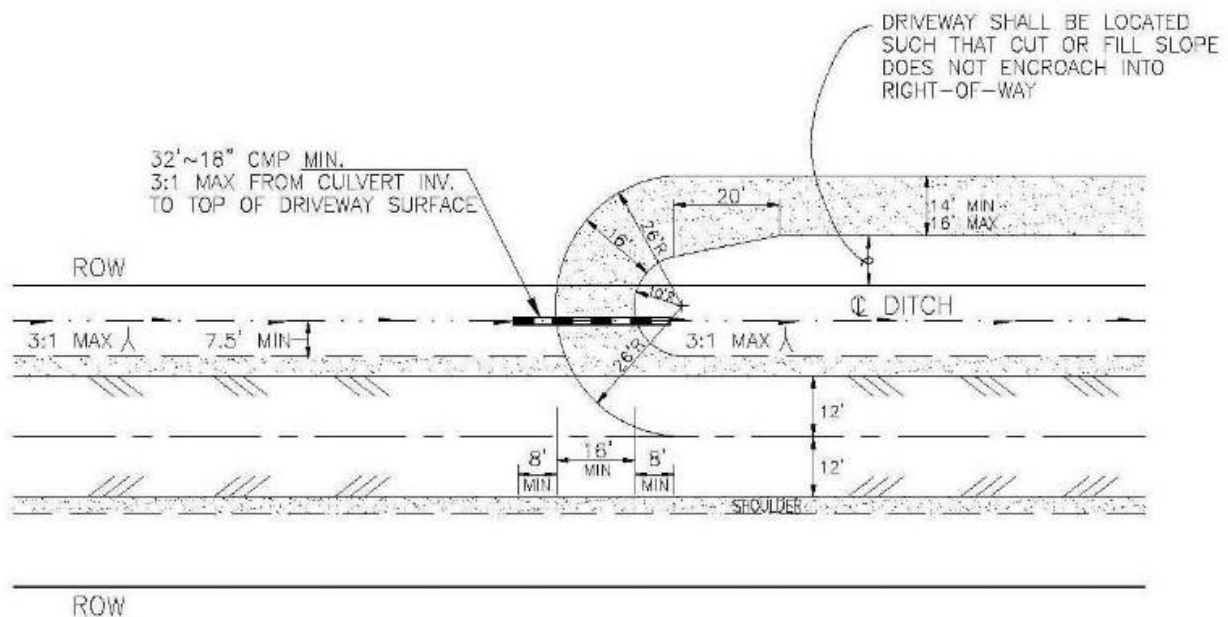
Proposed "service" road for 2016 variance application



Proposed section "service" road for 2016 variance application



ToGL M.C. Fig 10. Residence Requiring Emergency Access (Greater than 150 feet of public road)
Nearest public road is Lake Ave at 200' away.



DRIVEWAYS BETWEEN 0° to 51°

(Residence within 150 feet of public road)

Staff Comments:

- The applicant has addressed all 5 hardship items:
 - There is major hardship for the topography of these lots as per access to the lots.
 - The literal interpretation of the code will deprive the applicant of rights commonly enjoyed by others, specifically access to the lots 9-11, Bl 36.
 - If future landowners propose to gain access to other lots in this area, similar access questions would be reviewed.
 - Granting the variance does not substantially impair the intent and purpose of the Zone plan, however it is unknown if it poses a detriment to the public good, due to the shoulder grade of 2:1.
- The applicant has previously been granted a variance to build a “service” road adjacent to the southern edge of his lots 9-11, Bl 36, but it did not include these driveways. The 2016 variance required drainage easement and construction easement documents to be signed and recorded.
- The applicant has agreed to equip structures with fire suppression systems.
- The applicant has agreed to provide improved erosion control, geogrid system to stabilize the 2:1 slope and revegetate.
- The applicant has agreed to provide a new survey of the road (centerline and up through the lots)
- The applicant has agreed to provide existing condition photos.
- The applicant has agreed to provide an updated timeline for completion.
- The retaining walls proposed on the southern edge of the continuous driveway is stated to not be greater than 4', which is allowed by code.
- The private driveway code stated that the drives are recommended to allow access to no

more than 2 properties. An easement agreement should be required to run with the land for future landowners to understand the shared driveway.

- The applicant has agreed to have access easement agreements to be drafted for recording (ie. Lot 9 gives permission for lot 10 and 11 to access, and lot 10 gives lot 11 access)

Commissioner Discussion:

Municipal Code 11-2-11 [Street Development Policies, Standards, and Specifications Variance Request] Hardships for Consideration states:

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

(C) The Board of Trustees shall grant no variance without first receiving a recommendation from the Planning Commission...

(D) Variance requests will only be granted if the applicant can demonstrate all of the following:

- 1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;**
- 2. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.**
- 3. That the special conditions and circumstances do not result from the actions of the applicant;**
- 4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;**
- 5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.**

Suggested Action:

1. Recommend granting the variance as presented by adopting the resolution; or
2. Recommend granting the variance with certain conditions, by adopting the resolution with modifications.
3. Recommend denial of the variance request; or,
4. Continue to a date certain for the applicant to revise their application.