

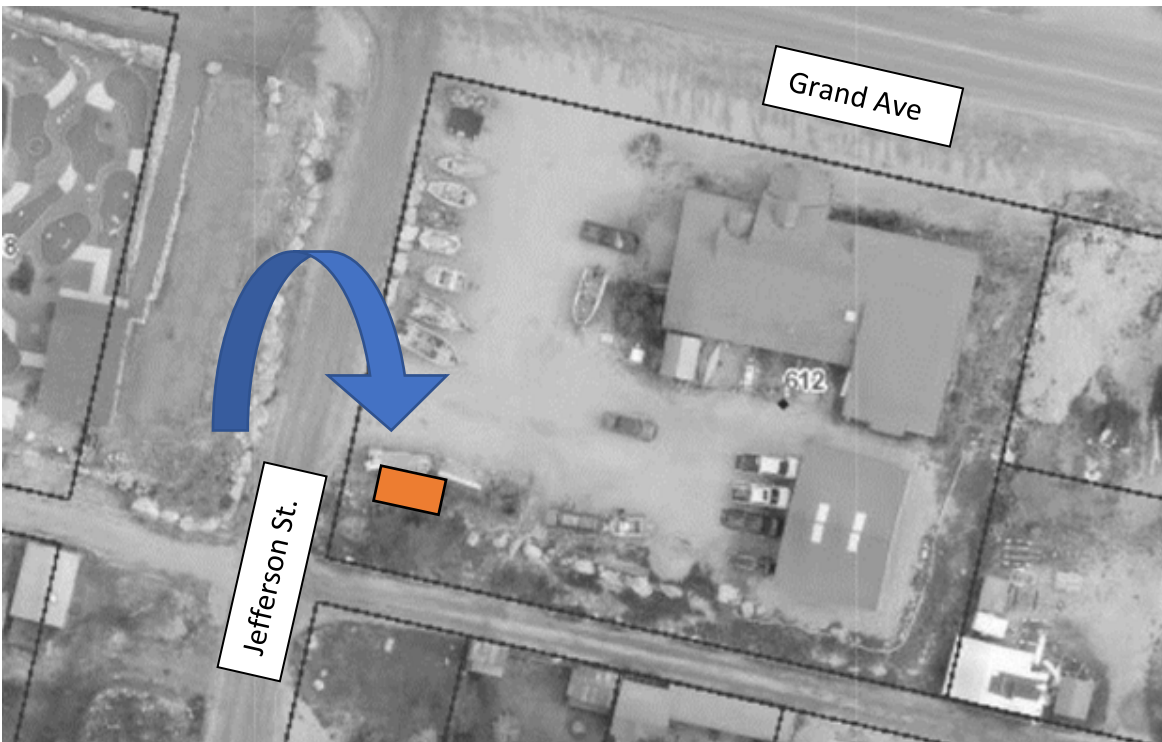


Date: 05/08/2023

To: Mayor Kudron and the Trustees

From: Kimberly White, Community Development Director

Re: **PUBLIC HEARING- Quasi-Judicial:** Resolution 14-2023; Motion to Approve a Variance from Zoning Regulations of Minimum Dwelling Unit Size for Employee Housing at Lots 5-8, Block 20, Town of Grand Lake; more commonly referred to as 612 Grand Ave.



### Public Hearing Steps:

1. Open the Public Hearing
2. Allow Staff to present the matter
3. Allow for the Applicant to address the Board
4. Take all public comment
5. Close the Public Hearing
6. Allow for Board discussion
7. Take action as appropriate

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**Purpose:**

The Town has received a request from Gary Bien “Owner” of Commercially-zoned 612 Grand Avenue to build a small (200sf) summer only, employee, housing unit. Town of Grand Lake zoning regulations prohibit dwelling units under 275sf for hotel/motel/lodge, and under 400sf for residential dwelling units in this zoning district. A request for a variance from Zoning Regulations has been made due to the housing crisis in the Town of Grand Lake per resolution 21-2021 (attached). This request requires Planning Commission recommendation and Board review.

**Background:**

612 Grand Avenue is comprised of lots 5-8. The request is to allow an existing business on the lot to provide on-site employee housing for the business which will be a 200 sf structure on lot 8 (image in packet). The Town has passed a resolution declaring a housing emergency (Resolution 21-2021 attached). There is no record of a lot line agreement or of a consolidation plat for these lots, however there is a commercial structure located across lot lines 5, 6 and 7 as well as the parking lot on lot 8, unofficially binding the 4 lots into a single lot. The main structure on these 3 lots has a business on the main floor, and one apartment on the upper level. The secondary structure located in the back of the building is a garage which is accessory to the business and is located entirely on lot 5. In order to create a more conforming lot, the owner has agreed to apply for a lot consolidation of Lots 5-8. The applicant also understands that a separate sewer, water, and utility line will be required. On May 3<sup>rd</sup>, 2023, The Planning Commission heard the variance request and determined the need for such an accessory use to the business and has recommended 4:0:1 Planning Commission Resolution 05-2023 with the condition that lots 5-8 are combined.

**Staff Discussion:**

The applicant has provided all items required for an application as required by MC 12-2-27. Legal notice was placed in the local newspaper on April 3<sup>rd</sup>, 2023 and 18 certified letters were sent to all neighbors within 200 feet of the property; 8 of which have not been received to date. One written comment was received in favor of the small, employee housing. No comments were received against the request.

Upon review of the request, Staff has found:

- The applicant will be required to consolidate the lots to bring the property into compliance since the main structure is built across 3 lots and the 4<sup>th</sup> lot is being used in the calculation for the parking and snow storage.

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- Staff has reviewed Municipal code 12-6-8 (B) for consolidation of lots and the application meets the requirements to apply.
- Once the 4 lots are legally combined, the small, employee housing would be considered an accessory structure or use to the business, which is allowed by the 12-2-18 (A)(6) of the zoning code only if it remains accessory to the business.
- The applicant will need to provide a separate water, sewer and utility meter to the unit.
- The employee housing location is at the rear of the lot which backs up to residentially-zoned parcels.
- The Town's comprehensive plan has a section under the Healthy Economy theme for attainable housing to "lessen restrictions that create a disincentive for the development of ADU's and tiny homes."
- A portion of the 21-2021 resolution states: "...Governments, businesses, and other employers in Grand Lake must thoroughly explore and implement all viable strategies to mitigate the current workforce housing crisis..."

#### **Board Discussion:**

The Board must find the following factors in determining whether to issue a variance:

- (a) The compatibility of the proposed action with the surrounding area; and
- (b) Whether the proposed action is in harmony with the character of the neighborhood; and
- (c) The need for the proposed action; and
- (d) The effect of the proposed action upon future development in the area; and
- (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
- (f) Whether alternative designs are possible; and
- (g) With due consideration for the Town's Comprehensive Plan.

#### **Municipal Code:**

12-2-18 Regulations for Commercial District—C.

(A) *Uses Permit by Right.*

6. Accessory building or use (not involving open storage), when located on the same lot.

12-2-27 (B) *Variance Request Procedure.* Applicants must submit the Request for Variance from Zoning Regulations, with the required attachments and applicable fees, to Town Staff. The Planning Commission will hold a Public Hearing within forty-five (45) days from Town receipt of the application. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, location of the Public Hearing, as well as the variance request. In addition, certified letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property. The Planning Commission shall forward a recommendation to the Town Board of Trustees.

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1. Town staff shall schedule the Public Hearing for the next available Planning Commission meeting, dependent on the availability on the Planning Commission's agenda.
2. The Town Board of Trustees shall hear the variance application, with Planning Commission recommendation, at their next regularly scheduled meeting.
3. The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:
  - (a) The compatibility of the proposed action with the surrounding area; and
  - (b) Whether the proposed action is in harmony with the character of the neighborhood; and
  - (c) The need for the proposed action; and
  - (d) The effect of the proposed action upon future development in the area; and
  - (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
  - (f) Whether alternative designs are possible; and
  - (g) With due consideration for the Town's Comprehensive Plan.

### **Board Action:**

The Board has the following options:

1. Move to Approve Resolution 14-2023 with the requirement to consolidate lots 5-8, Block 20, Town of Grand Lake; or
2. Recommend Denial of the Resolution 14-2023 based on \_\_\_\_\_; or
3. Continue review of the request to a specific date \_\_\_\_\_.