

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 14-2023**

**A RESOLUTION APPROVING AN ACCESSORY USE AND A VARIANCE PURSUANT
TO SECTION 12-2-27 OF THE GRAND LAKE MUNICIPAL CODE TO ALLOW A
STRUCTURE LESS THAN THE MINIMUM REQUIRED SQUARE FOOTAGE AT
LOTS 5-8, BLOCK 20, TOWN OF GRAND LAKE
(612 Grand Avenue)**

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

Lot 5-8, Block 20, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 612 Grand Avenue, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, lot 8 is not currently consolidated with the lots 5,6, and 7, but all four lots have historically and continue to be utilized as a single lot under common ownership; and

WHEREAS, Municipal Code Section 12-2-18(A)(6) allows for uses permitted by right including an “[a]ccessory building or use (not involving open storage), when located on the same lot”; and

WHEREAS, the Applicant requested to construct an accessory structure to provide employee housing for employees of the commercial use on the Property; and

WHEREAS, the Town passed Resolution 21-2021 declaring a workforce housing emergency and specifically encouraging “Governments, businesses, and other employers in Grand Lake must thoroughly explore and implement all viable strategies to mitigate the current workforce housing crisis” (emphasis added); and

WHEREAS, the Town Board of Trustees (the “Board”) also amended the definition of Accessory Dwelling Unit in Section 12-2-6 by passing Ordinance 02-2023, allowing an Accessory Dwelling Unit to include units which are attached or detached from the principal structure; and

WHEREAS, the proposed employee housing will be located on the back end of the Property which is adjacent to other existing residential uses; and

WHEREAS, the Planning Commission reviewed the request for accessory use and variance at its regular meeting May 3, 2023, and recommended approval of the same subject to conditions in Planning Commission Resolution 05-2023; and

WHEREAS, the Board of Trustees reviewed the Planning Commission recommendation and Planning Commission Resolution 05-2023 and agrees with the Planning Commission’s recommendations contained therein; and

WHEREAS, the Board of Trustees finds the Applicant’s accessory use is promoting both the purpose of the Accessory Dwelling Unit and the solution to the Workforce Housing Crisis set forth in Resolution 21-2021; and

WHEREAS, Municipal Code Section 12-2-18(C) [Regulations for Commercial District–C] Area Regulations establishes the required setbacks for the Property as follows:

- (4.) Minimum Floor Area
400 sq. ft. per dwelling unit

WHEREAS, the Town received a zoning variance request application (the “Application”) from the Applicants on March 31st, 2023, requesting a variance to the minimum floor area standards as provided in Section 12-2-27 to allow for summer-only employee housing; and

WHEREAS, Municipal Code Section 12-2-27 (B) – [Variance Request Procedure] states in pertinent part as follows:

- (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.

WHEREAS, on May 3rd, 2023, 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 such factors weigh in favor of approval of the Application; and

WHEREAS, the Board of Trustees has reviewed the recommendation of the Planning Commission and is in agreement with the findings and recommendation.

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

1. The Board of Trustees finds the Applicant's proposed accessory use of employee housing is promoting both the purpose of the Accessory Dwelling Unit and the solution to the Workforce Housing Crisis set forth in Resolution 21-2021, and was recommend by the Planning Commission in Planning Commission Resolution 05-2023, and hereby approves of the accessory use of employee housing on the Property.
2. The Board of Trustees approves the Application for variance subject to the following conditions:
 - a. The proposed Accessory Dwelling Unit be used only for employee housing.
 - b. 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.
 - c. Compliance by the Applicant with all representations made to the Planning Commission and the Board of Trustees during all public hearings or meetings related to the Application.
 - d. The Applicant execute a Lot Consolidation Agreement for Lots 5-8, Block 20.
 - e. 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.
 - f. In granting this Request neither the Planning Commission nor the Board of Trustees is obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests.
 - g. This authorization shall run with the transfer of the Property from the Applicant to their successors, heirs, or grantees.
3. 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.
4. 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 8th DAY OF MAY.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

Steve Kudron,
Mayor