

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 26 – 2023**

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF A NON-CONFORMING
STRUCTURE (MOBILE HOME) LOCATED AT BLOCK 14, GRAND LAKE ESTATES 2ND
FILING TO THE TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 700
LAKE FRONT ROAD #23**

WHEREAS, Keith and Holly Stratman (the “Applicant”) are the property owner of Unit 23 located at Block 14, Grand Lake Estates 2nd Filing to the Town of Grand Lake (herein the “Property”); and

WHEREAS, the Property appears to be Non-Conforming (the “Non-Conforming Structure”) for a variety of reasons, including but not limited to, the following:

- Municipal Code 12-2-6 [Zoning] Definitions
- Municipal Code Use by Right for the Zoning District; and,

WHEREAS, the Town of Grand Lake (the “Town”) received a building permit application from the Applicant which was denied pursuant to Grand Lake Municipal Code (the “Code”) requirements; and

WHEREAS, subsequently, the Town received a Land Use Application from the Applicant requesting to replace an existing Non-Conforming Structure as shown on the Zoning Variance Request Application dated June 5th, 2023 (the “Application”); and,

WHEREAS, Municipal Code 12-2-32 Non-Conforming Uses and Structures states:

(A) Non-Conformance - Certain uses of land and buildings may be found to be in existence at the time of the passage of this Article which does not meet the requirements as set forth herein. It is the intent of this Article to allow the continuance of such non-conforming use.

1. *A building or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits or authorizations from the Town is considered nonconforming. The owner and/or operator of a nonconforming building or use shall be subject to actions and penalties allowed by this Code and all other applicable Town Ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code; and,*

WHEREAS, Municipal Code 12-2-32 Non-Conforming Uses and Structures states:

(B) Expansion or Enlargement

1. *A non-conforming building or use to be extended or enlarged shall conform with the provisions of this Article.*
 - (a) *Special Exceptions to Provisions on Expansion of Non-Conforming Uses*
3. *The Planning Commission may authorize, upon appeal in specific cases, an exception permitting an increase in a non-conforming use on a parcel when the parcel has similar non-conformances, subject to terms and conditions fixed by the Commission. No exception shall be authorized hereunder unless the Commission shall find that all the following conditions exist:*
 - (a) *The use is a non-conforming use as defined by this Article and is in full*

compliance with all requirements of this Article applicable to non-conforming uses;

- (b) That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding non-conforming uses will result in unnecessary hardship;*
- (c) That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same zone district or other zone districts;*
- (d) That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;*
- (e) That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;*
- (f) That the exception will be in harmony with the spirit and purposes of this Article.*
- (g) That the exception will not adversely affect the public health, safety, or welfare; and,*

WHEREAS, Block 14, Grand Lake Estates 2nd Filing is owned and operated by a Board of Directors (herein after “the Association”); and,

WHEREAS, in 2005 the Association submitted a Planned Development Application to the Town more commonly referred to as the Shadow Mountain Recreation Park (herein after the Planned Development Application); and,

WHEREAS, on October 2, 2007 the Commission reviewed the Planned Development recommending the Association move proceed with the Planned Development Application; and,

WHEREAS, the intent of the Planned Development Application was to resolve the non-conforming issues associated with Block 14, Grand Lake Estates 2nd Filing; and,

WHEREAS, the Planned Development Application has sat idle since 2007; and

WHEREAS, the Application requests removal of an existing non-conforming mobile home constructed in 1957 that is in need of substantial repair or replacement with a more modern manufacture home on a permanent chassis; and

WHEREAS, the existing mobile home size is no longer produced, however, the replacement manufactured home is approximately 40 square feet smaller, resulting in an overall lessened degree of non-conformity.

WHEREAS, following proper notice, the Application was presented to and considered by the Planning Commission at its Public Hearing on July 19th, 2023; and

WHEREAS, staff has recommended approval of the Application with conditions; and

WHEREAS, based on the Application, the representations of the Applicant to the Planning Commission, the Planning Commission found:

- (a) The use is a non-conforming use as defined by this Article and is in full compliance with all requirements of this Article applicable to non-conforming uses;*
- (b) That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding non-conforming uses will result in unnecessary hardship;*
- (c) That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same zone district or other zone districts;*
- (d) That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;*
- (e) That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;*
- (f) That the exception will be in harmony with the spirit and purposes of this Article.*
- (g) That the exception will not adversely affect the public health, safety, or welfare; and,*

WHEREAS, Planning Commission has recommended approval of the Application with conditions; and

WHEREAS, the Board of Trustees (the “Board”) reviewed the Application request at a regularly scheduled meeting.

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

THAT, The Board of Trustees approves the Application subject to the conditions set forth below:

1. The Applicant obtains an approved Building Permit for the Property; and,
2. The Applicant complies with all other federal, state, and local regulations; and,
3. In granting this Request the Board of Trustees is not obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests; and,
4. The Applicant has one (1) year to comply with all the conditions and requirements above or this authorization shall become null in void.

**DULY MOVED, SECONDED, AND APPROVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF GRAND LAKE, COLORADO, THIS 24th DAY OF JULY 2023 .**

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

Alayna Carrell
Town Clerk

TOWN OF GRAND LAKE

Stephan Kudron
Mayor