



Date: October 28, 2024

To: Mayor Kudron and Board of Trustees

From: Kimberly White, Community Development Director

RE: QUASI JUDICIAL– Resolution 69-2024 Consideration To Approve A Variance To Roadway Standards At Lot 8, Block 24, Town Of Grand Lake, More Commonly Referred To As 501 Mountain.

Location Map



Purpose

The Town has received a zoning variance request application from Nicholas Rosenbaum to reduce the distance of the required public improvements to access property located at 501 Mountain. This request requires Planning Commission review and Board Approval. On October 16, 2024, the Planning Commission reviewed the Owners' variance request at a properly noticed Public Hearing and forwarded a unanimous recommendation to the Board of Trustees to approve the variance request. The Board may opt to hold a Public Hearing before granting the variance or they can make a motion after reviewing and



finding the application meets all of the elements contained in Code Section 11-2-11(D)(1-5) to grant the variance.

Context

The property is located at 501 Mountain and is approximately 0.2 acres and zoned Single Family Residential High Density. The property is not currently developed and is located at the north end of Harmon at the vacated Mountain Avenue in Lenada homes HOA. The code requires that *“Where a new development impacts an existing road or drainage facility by accessing onto the road or increasing storm runoff onto or along the road, the developer(s) will be responsible for upgrading the roadway to the minimum standards required by these Street Standards. The construction of new roadways for the purpose of providing access to a development is the responsibility of the developer(s).”*

Municipal Code:

11-2-3 Roadway Design and Technical Criteria.

- (A) *General.*
1. *Streets shall be designed to bear a logical relationship to the topography and shall be paved with asphalt or concrete.*
 2. *All streets (does not include driveways) shall be designed by a Licensed Colorado Professional Engineer.*
 3. *Unless modified herein, all designs shall comply with the CDOT Design Guide, latest edition. Other manuals recommended for reference include A Policy on Geometric Design of Highways and Streets, latest edition and Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400). Deviation from the requirements of these criteria must be approved by Town Staff.*

11-2-4 - Roadway Specifications.

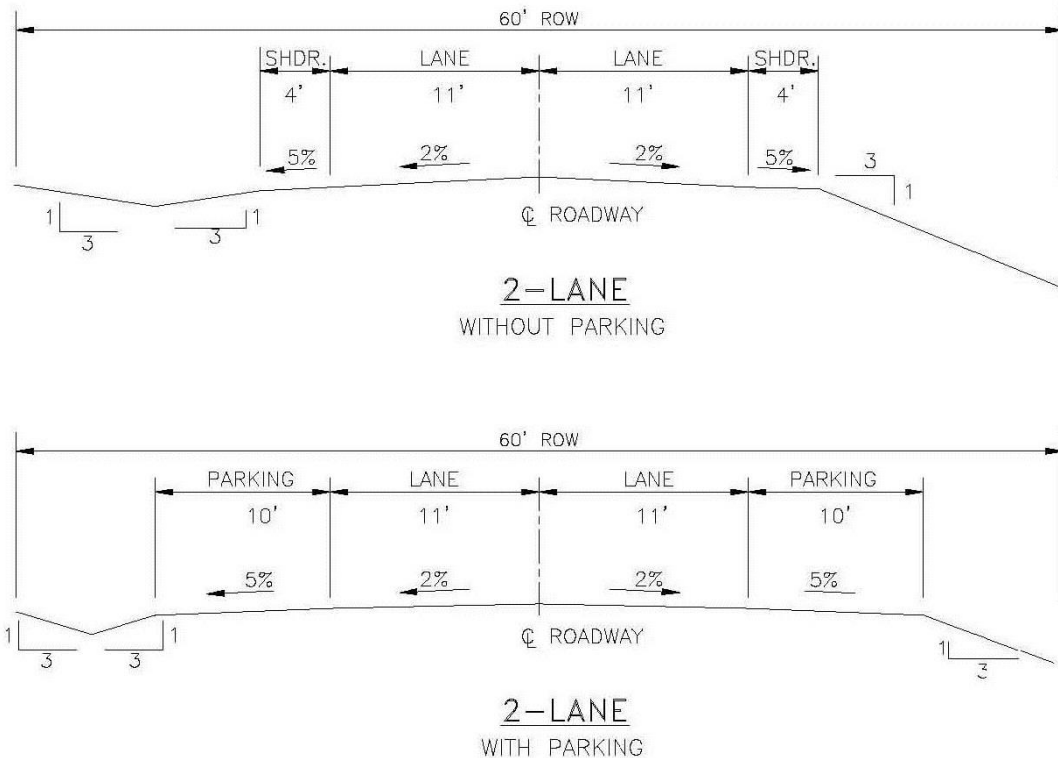
- (B) *Additional Guidelines for Private Streets.*
4. *Private streets shall afford abutting properties reasonably adequate access for entry by private and emergency vehicles and should be designed to standards at least equal to public streets.*

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.*



Figure 3: Road Templates—Local Street



11-2-9 Acceptance Procedures and Requirements.

(A) This Section sets forth the procedures related to acceptance of road improvements in the Town of Grand Lake. It is intended to maintain a uniform road development policy throughout the Town and to provide a clear statement of procedures for road acceptance.

(B) General Policies.

4. Where a new development impacts an existing road or drainage facility by accessing onto the road or increasing storm runoff onto or along the road, the developer(s) will be responsible for upgrading the roadway to the minimum standards required by these Street Standards. The construction of new roadways for the purpose of providing access to a development is the responsibility of the developer(s).

11-2-11 Variance Request and Procedure.

If an applicant responsible to the Town for public improvements desires to design and construct such improvements in variance to criteria in these standards, each variance shall be identified in the initial submittal.

(B) Planning Commission Review. Variances from the Street Development Policies, Standards, and Specifications shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.

1. Fifteen (15) days prior to the scheduled Public Hearing date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the Public Hearing.

2. 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.

(D) Hardships for Consideration. 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.*

Staff Comments

Staff sent out public notice of this meeting to Middle Park Times, as well as letters to all 11 property owners surrounding the subject property within 200'. Staff has not received any letters for or against this request.

Staff finds the drainage data has been submitted by the engineer to satisfy the drainage requirement of the code.

The applicants letter for the explanation of their variance request is attached in the variance application file.

The fire department response is contained within the attached variance application file.

Board Discussion

The Board should discuss the request amongst themselves, with consideration of staff, public comments, and the findings of fact from the code, in order to make a decision/recommendation. Board must review and find that every item above in M.C. 11-2-11 (D)(1-5) exists in order to approve said variance.

Suggested Board Motion

Motion to recommend Resolution 69-2024 Consideration To Approve A Variance To Roadway Standards At Lot 8, Block 24, Town Of Grand Lake, More Commonly Referred To As 501 Mountain.

OR

Motion to recommend Resolution 69-2024 Consideration To Approve A Variance To Roadway Standards At Lot 8, Block 24, Town Of Grand Lake, More Commonly Referred To As 501 Mountain with the following conditions: _____

OR

Motion to Deny the Request for Variance.

OR

Motion to request a public hearing for further information