

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 69 – 2024**

**A RESOLUTION APPROVING A VARIANCE TO STREET STANDARDS TO ACCESS LOT 8,
BLOCK 14, TOWN OF GRAND LAKE, MORE COMMONLY REFERRED TO AS 501
MOUNTAIN AVENUE SUBJECT TO CONDITIONS**

WHEREAS, the Board of Trustees (the “Board”) of the Town of Grand Lake, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado (the “Town”); and

WHEREAS, Nicholas and Kathryn Rosenbeck (collectively the “Owners”) are the owners of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 8, Block 14, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 501 Mountain Avenue, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, Grand Lake Municipal Code (the “Code”) Article 2 of Chapter 11 sets forth the street and roadway standards of the Town; and

WHEREAS, the Town received a zoning variance request application (the “Application”) from the Owners on August 26th, 2024, requesting a variance to the requirements set forth in Section 11-2-9(B)(4) of the Code as well as an explanation of the hardships required to grant such a variance found in Section 11-2-11(D) of the Code as presented by the Owner’s engineer, JVA Civil Engineering; and

WHEREAS, the Property is currently unimproved and several criteria found in Article 2 of Chapter 11 of the Code regulate access and the standards by which a party may construct vehicular access to their property, including, but not limited to 11-2-3, 11-2-4, 11-2-6 and 11-2-9; and

WHEREAS, the Owner, through their engineer, has proposed access to the Property via a private road; and

WHEREAS, Code Section 11-2-9, in relevant part, states as follows:

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).*

WHEREAS, Code Section 11-2-11 sets forth the variance procedure and requests as follows (emphasis added):

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.*

WHEREAS, on October 16, 2024, the Planning Commission reviewed the Owners' variance request at a Public Hearing and forwarded a recommendation to the Board of Trustees the Board approve the Application; and,

WHEREAS, the Board of Trustees must find all of the elements contained in Code Section 11-2-11(D)(1-5) to grant the variance; and

WHEREAS, upon a thorough consideration of the elements of Section 11-2-11(D)(1-5) of the Grand Lake Municipal Code, the Board of Trustees finds the Owners have met each and every element and recommend approval of the Application subject to the conditions set forth below.

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

1. The Board of Trustees hereby approves the Application subject to the conditions set forth in Section 2., below.
2. The Board of Trustee's approval is expressly conditioned upon the Applicant satisfying the following conditions.
 - a. 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.
 - b. Compliance by the Applicant with all representations made to the Planning Commission, the Board of Trustees, and Staff during all public hearings or meetings related to the Application.
 - c. 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; and,
 - d. 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.

- e. 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.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 28TH DAY OF OCTOBER, 2024.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

Alayna Carrell
Town Clerk

By:_____
Christina Bergquist
Mayor Pro-Tem