

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 67 – 2024**

**A RESOLUTION APPROVING A VARIANCE TO SETBACK STANDARDS AT LOT 2,
BLOCK 39, TOWN OF GRAND LAKE, MORE COMMONLY REFERRED TO AS 225
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, Daniel Eppich (the “Applicant”) is the owner of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 2, Block 38, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 225 Mountain Avenue, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, Municipal Code section 12-2-12(C) [Regulations for Single Family Residential – High Density –RSH] Area Regulations establishes the required setbacks for the Property as follows:

(4.) Minimum Front Yard

Measured from the front property line there shall be a front yard of not less than Twenty-Five Feet (25') for all structures.

(5.) Minimum Rear Yard

Measured from the rear property line every principal or accessory building shall have a rear yard of not less than Ten Feet (10').

(6.) Minimum Side Yard

Measured from the side property lines there shall be side yards of not less than Ten Feet (10') on each side of the lot.; and,

WHEREAS, the Town received a zoning variance request application (the “Application”) from the Applicants on August 30th, 2024, requesting a variance to the front and side yard setback as provided in Section 12-2-27 to allow the encroachment of a deck within the front and side setbacks; and

WHEREAS, the proposed encroachment will be one (1) feet into the into the 10 ft west side yard setback.

WHEREAS, the proposed encroachment will be one (1) feet into the into the 10 ft east side yard setback.

WHEREAS, the proposed encroachment will reduce the non-conformance and one (1) feet into the into the 10 ft side yard setback.

WHEREAS, Municipal Code Section 12-2-27 – [Supplemental Regulations for Setback,

Height and Area] states in pertinent part as follows:

(A) The following are supplemental regulations for setbacks, height and area. These regulations will apply to all applicable projects and applications, in all applicable zoning districts no matter the land use action taken.

2. Additional Area Regulations - The following additional area regulations shall apply to all zone districts as set forth in this Article.

(d) A structure presently encroaching into a setback shall not be allowed to make additions onto the structure within the boundary line measured from the lot line to the edge of the existing encroachment without seeking a variance from the Board of Trustees.; and,

4. Variances for these supplemental regulations to supplemental setback, area and height regulations may be granted by the Town Board of Trustees with recommendation from the Planning Commission unless otherwise stated.

WHEREAS, on October 16, 2024, the Planning Commission reviewed the Applicants' zoning variance request at a Public Hearing and forwarded a recommendation of approval with conditions to the Application; and,

WHEREAS, based on the Application, the representations of the Applicants to the Planning Commission and Board as well as the comments of the public, the Board 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 Board finds such factors weigh in favor of approval of the Application.

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 subject to the conditions set forth in Section 2., below.
2. The Board'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 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