



Date: 10-28-2024

To: Mayor Kudron and Board of Trustees

From: Kimberly White, Community Development Director

RE: Quasi-Judicial 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

Location Map



Purpose

The Town has received a zoning variance request application from Daniel Eppich to permit replacement and repair of deck and stairs within the required 10' side setbacks, 25' front setbacks of their property. This request requires Planning Commission review and Board Approval.

Background

On October 16, 2024, the Planning Commission reviewed the Applicants' zoning variance request at a properly noticed public hearing. Based on the application, the representations of the applicants to the Planning Commission, the comments of the public, the Planning Commission forwarded a unanimous recommendation of approval considering 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.

The Board of Trustees may elect to hold a Public Hearing or make a motion based on the Planning Commission Recommendation.

Context

The property is located at 225 Mountain and is approximately 0.2 acres and zoned Single Family Residential High Density. The property has three stairways that are located partially located in the front and side setbacks. See site plan detail. The decks and stairs need replaced due to their age and condition.

The western entrance has a landing outside of the door with a small landing. The Applicant would like to increase the landing to 3' deep which would increase the encroachment into the 10' western setback from 4' to 5.5'.

The replacement of the eastern stairway and deck reduces the encroachment from 2' to 1' in the side setback, also the stairs will be moved 90 degrees to reduce the stairs from 6' to 1' encroachment.

The south facing deck will be replaced as it is and it will remain approximately 2.5' into the front 25' setback.

Municipal Code:

Municipal Code 12-2-12(C) – [Zoning Standards]

Minimum Setback Front 25' Side 10' Rear 10' Shoreline 30'

Municipal Code 12-2-27 Supplemental Regulations for Setback, Height and Area.

(B) *Variance Request Procedure. Applicants must submit the Request for Variance from Zoning Regulations, with the required attachments and applicable fees, to Town Staff. The Planning Commission will hold a Public Hearing within forty-five (45) days from Town receipt of the application. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, location of the Public Hearing, as well as the variance request. 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. The Planning Commission shall forward a recommendation to the Town Board of Trustees.*

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. The Board of Trustees may elect to hold a Public Hearing regarding the variance application. The Board of Trustees shall grant or deny the variance within forty-five (45) days of receipt from the Planning Commission.*
3. *The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:*
 - (a) *The compatibility of the proposed action with the surrounding area; and*



- (b) Whether the proposed action is in harmony with the character of the neighborhood; and*
- (c) The need for the proposed action; and*
- (d) The effect of the proposed action upon future development in the area; and*
- (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and*
- (f) Whether alternative designs are possible; and*
- (g) With due consideration for the Town's Comprehensive Plan.*

Staff Comments

Staff sent out public notice of this meeting to Middle Park Times, as well as letters to all 9 property owners surrounding the subject property within 200'. Staff has not received letters against this application and has received one letter in favor of the request.

The applicants letter for the explanation of their variance request is attached. Staff agrees that the applicant meets all the requirements set forth in the code for the variance request.

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/motion. Board must review and find the majority of items in a-e of municipal code 12-2-27(B) exists in order to approve said variance.

Suggested Commission Motion

Motion to approve 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

OR

Motion to Deny the Request for Variance.

OR

Motion to request a public hearing for more information to render a decision