

**TOWN OF GRAND LAKE
RESOLUTION NO. 40- 2024**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR PETER AND
BRENDA PLOWSHAY TO CONSTRUCT AN INCLINED ELEVATOR AT 1532
GRAND AVENUE (AKA LOTS 37-38, BLOCK 3, SUNNYSIDE ADDITION THE TOWN
OF GRAND LAKE)**

WHEREAS, the Town received a Conditional Use Permit Application (the “Application”) from Peter and Brenda Plowshay (collectively the “Applicant”) to construct and operate, for residential purposes only, an inclined elevator system consisting of two track rails and cart at his property located at 1532 Grand Avenue (a/k/a Lots 37-38, Block 3, Sunnyside Addition to the Town of Grand Lake) (hereinafter the “Property”); and

WHEREAS, the Town of Grand Lake Planning Commission held a properly noticed public hearing on July 3, 2024 for the purposes of considering the Application and public comment regarding the same; and

WHEREAS, the Town of Grand Lake Planning Commission was favorable to the Conditional Use Permit request and made recommendation to the Town Board of Trustees to approve the Application; and

WHEREAS, the Town of Grand Lake Board of Trustees reviewed the Application as well as the recommendation of the Planning Commission, and held a Public Hearing on July 8, 2024

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

1. The Board of Trustees hereby approves the Application for the Conditional Use for the inclined elevator system of two track rails and cart at Lots 37-38, Block 3, Sunnyside Addition to the Town of Grand Lake (1532 Grand Avenue), with the following conditions:

- A) A maintenance agreement is drafted by Town Staff and approved by the Town Board to be recorded as a deed restriction on the Property and run with the land in perpetuity or until a time that the Conditional Use is removed (attached hereto as ‘Exhibit A’); and
- B) A construction plan was submitted and approved by the Board (attached hereto as ‘Exhibit B’); and
- C) That the carriage was made in accordance to the specifications of UBH103; and
- D) The color of the track and carriage is approved by Town Staff at the time of building permit review.

2. Severability: If any Article, 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.

3. Repeal: Existing Resolution 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, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Resolution hereby repealed prior to the taking effect of this Resolution.

DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 8TH DAY OF JULY, 2024.

Votes Approving:	0
Votes Opposing:	0
Votes Abstaining:	0
Absent:	0

ATTEST:

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

Alayna Carrell,
Town Clerk

Steve Kudron,
Mayor