

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 13 – 2022**

**A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE PURSUANT TO
SECTION 12-2-27 OF THE GRAND LAKE MUNICIPAL CODE TO ALLOW THE
CONSTRUCTION OF A STRUCTURE INTO REQUIRED SETBACK
(52 Mad Moose Lane)**

WHEREAS, Oliver Leineman (the “Applicant”) is the owner of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 3, Block 3, The Ridge at Elk Creek Subdivision, Grand Lake, Colorado, Also known as: 52 Mad Moose Lane, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, Municipal Code section 12-2-11(C) [Regulations for Single Family Residential – Medium Density –RSM] 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 October 25th, 2022, requesting a variance to the front yard setback as provided in Section 12-2-27 to allow the encroachment of a structure within the front setback; and

WHEREAS, the proposed encroachment will be five (5) feet into the into the 25 ft front 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 December 7th, 2022, the Planning Commission reviewed the Applicants' zoning variance request at a Public Hearing; and,

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

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

1. The Planning Commission recommends that the Application be approved by the Board of Trustees subject to the conditions set forth in Section 2., below.
2. The Planning Commission's recommendation for approval is based on the Applicant satisfying the following conditions. Unless specified otherwise, such conditions should be satisfied before the matter is considered by the Board of Trustees:
 - 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 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 Commission 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 Planning Commission 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.

**DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF
THE TOWN OF GRAND LAKE, COLORADO THIS 7th DAY OF DECEMBER.**

(S E A L)

Votes Approving:	0
Votes Opposed:	0
Absent:	0
Abstained:	0

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey,
Planning Commission Chairman