



Date: October 16th, 2024

To: Chairman Shockey and Commissioners

From: Kimberly White, Community Development Director

RE: **QUASI JUDICIAL (PUBLIC HEARING)** – Resolution 12-2024 Consideration To Recommend Approval Of A Variance To Setback Standards At Lots 2, Block 39, Town Of Grand Lake, More Commonly Referred To As 225 Mountain Avenue.

Public Hearing Process

The public hearing should be conducted as follows:

1. Open the Public Hearing
2. Allow staff to present the matter
3. Allow the applicant to address the commission
4. Take all public comment
5. Close the Public Hearing
6. Have Commission discuss amongst themselves
7. Commission make a motion

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.



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 received 6 confirmations of receipt, and 1 response to date. See attachment for neighbor support email.

The applicants letter for the explanation of their variance request is attached.

Commission Discussion

The Commissioners 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/recommendation. Commission must review and find that each item a-e of municipal code 12-2-27(B) exists in order to approve said variance.

Suggested Commission Motion

Motion to recommend resolution 12-2024 Consideration of Variance to Setbacks at Lots 2, Block 39, Town of Grand Lake, More Commonly Referred to as 225 Mountain Avenue.

OR

Motion to recommend resolution 12-2024 Consideration of Variance to Setbacks at Lots 2, Block 39, Town of Grand Lake, More Commonly Referred to as 225 Mountain Avenue, with the following conditions:_____

OR

Motion to Deny the Request for Variance.