

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 14 – 2024**

**A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE TO STREET
STANDARDS TO ACCESS LOT 8, BLOCK 14, TOWN OF GRAND LAKE, MORE
COMMONLY REFERRED TO AS 501 MOUNTAIN AVENUE.**

WHEREAS, Nicholas and Kathryn Rosenbeck (collectively the “Owners”) are the owners of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 8, Block 14, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 501 Mountain Avenue, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, Grand Lake Municipal Code (the “Code”) Article 2 of Chapter 11 sets forth the street and roadway standards of the Town; and

WHEREAS, the Town received a zoning variance request application (the “Application”) from the Owners on August 26th, 2024, requesting a variance to the requirements set forth in Section 11-2-9(B)(4) of the Code as well as an explanation of the hardships required to grant such a variance found in Section 11-2-11(D) of the Code as presented by the Owner’s engineer, JVA Civil Engineering; and

WHEREAS, the Property is currently unimproved and several criteria found in Article 2 of Chapter 11 of the Code regulate access and the standards by which a party may construct vehicular access to their property, including, but not limited to 11-2-3, 11-2-4, 11-2-6 and 11-2-9; and

WHEREAS, the Owner, through their engineer, has proposed access to the Property via a private road; and

WHEREAS, Code Section 11-2-9, in relevant part, states as follows:

11-2-9 Acceptance Procedures and Requirements.

(A) *This Section sets forth the procedures related to acceptance of road improvements in the Town of Grand Lake. It is intended to maintain a uniform road development policy throughout the Town and to provide a clear statement of procedures for road acceptance.*

(B) *General Policies.*

4. *Where a new development impacts an existing road or drainage facility by accessing onto the road or increasing storm runoff onto or along the road, the developer(s) will be responsible for upgrading the roadway to the minimum standards required by these Street Standards. The construction of new roadways for the purpose of providing access to a development is the responsibility of the developer(s).*

WHEREAS, Code Section 11-2-11 sets forth the variance procedure and requests as follows (emphasis added):

11-2-11 Variance Request and Procedure.

If an applicant responsible to the Town for public improvements desires to design and construct such improvements in variance to criteria in these standards, each variance shall be identified in the initial submittal.

(B) Planning Commission Review. Variances from the Street Development Policies, Standards, and Specifications shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.

1. Fifteen (15) days prior to the scheduled Public Hearing date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the Public Hearing.

2. 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.

(D) Hardships for Consideration. Variance requests will only be granted if the applicant can demonstrate all of the following:

1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;

2. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

WHEREAS, on October 16, 2024, the Planning Commission reviewed the Owners' variance request at a Public Hearing; and,

WHEREAS, the Planning Commission must find all of the elements contained in Code Section 11-2-11(D)(1-5) to grant the variance; and

WHEREAS, upon a thorough consideration of the elements of Section 11-2-11(D)(1-5) of the Grand Lake Municipal Code, the Planning Commission finds the Owners have met each and every element and recommend approval of the Application subject to the conditions set forth below.

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.
 - f. ANY ADDITIONAL CONDITIONS IF APPLICABLE.
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 16th DAY OF OCTOBER.

(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