



PLANNING COMMISSION STAFF MEMORANDUM

DATE: March 19, 2025
TO: Planning Commission
FROM: Steve Kudron, Town Manager
Angela Snyder, Contract Staff - Planning Department
SUBJECT: **QUASI-JUDICIAL (PUBLIC HEARING)** Resolution 05-2025 – Consideration of a Shoreline Variance on Lot 6, Shadow Pointe, More Commonly Referred to as 300 Lakeside Drive

Town of Grand Lake Planning Commission Public Hearing Process

Public hearings are typically conducted as follows:

1. The Chair opens the Public Hearing
2. Staff present the request and staff's analysis
3. The applicant addresses the Commission
4. The Chair invites public comment
5. The Commission discusses the request and asks questions of staff and the applicant
6. The Chair closes the Public Hearing
7. The Commission makes a motion and votes on their recommendation to the Town Board of Trustees

Overview

Property Owner and Applicant: Linda and Mark Chapdelaine

Location: 300 Lakeside Drive

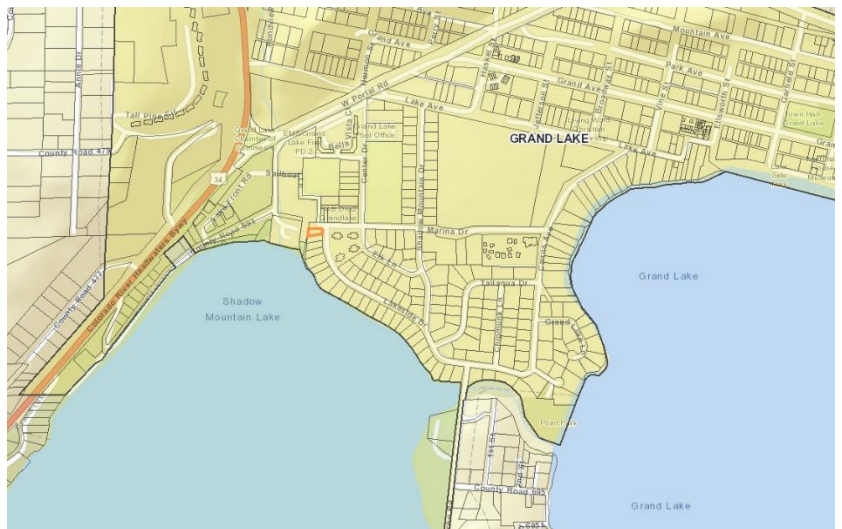
Legal Description: Lot 6, Shadow Pointe Subdivision, Town of Grand Lake, State of Colorado

Request: Encroachment into the 30' water quality setback for a cantilevered boat slip

Attachments:

- Application
- Shoreline Sketch
- Resolution

The applicants, Mark and Linda Chapdelaine, would like to place a cantilevered boat slip on their property along the shore of the passageway between Shadow Mountain Lake and the Grand Lake Estates Homeowners Association marina. The applicant has obtained Department of the Army, Corps of Engineers and U.S. Forest Service approval to place the boat slip in the configuration presented at this time, which is a modification of the original design.



Notice

Section 12-2-29 (A) (2) of the Grand Lake Municipal Code (the “Code”) provides instruction for activities proposed within the thirty (30) foot water quality setback, also referred to in the Code as the stream and lake setback. The code dictates Planning Commission to give a recommendation to the Board of Trustees. The Board of Trustees make the final decision. Notice was published on March 5, 2025, in the Middle Park Times and sent certified mail to all property owners within two hundred (200) feet of the property. An aerial image included with the mailed notice included the incorrect property circled (304 Lakeside Drive); however, the address and legal description were correct, making the notice valid.

Factors for Consideration

The following factors shall be considered in determining whether to issue a shoreline variance per Section 12-2-29 (A)(2)(b).

1. *The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.*

The passage is relatively narrow. Using a cantilevered slip will ensure the least amount of encroachment, as the slip will be 3.6 feet from the shoreline. The property currently has steps leading down to the water, but no obvious way to secure a boat. There is vegetation along the shoreline. The application includes a description of how the project will meet the Grand County Erosion and Sediment Control Regulations.



2. *The locations of all bodies of water on the property, including along property boundaries.*

The Chapdelaine property extends beyond the shoreline into the water of Shadow Mountain Lake on the west side. The property is bordered by Marina Drive to the north, Lakeside Drive to the east, and another residential property to the south.

3. *The location and extent of the proposed setback intrusion.*

The boat slip will be located entirely within the water quality setback. Uncovered boat docks are allowed to encroach 5 feet into the side setback per 12-2-29 (B) (2). The proposed design encroaches exactly 5

feet.

4. *Whether alternative designs are possible which require less intrusion or no intrusion.*

The applicant has considered an alternative design, included in the application. The U.S. Forest Service was not amenable to the design, which would have encroached into their property. The current design limits impact to the channel and to neighboring properties.

5. *Sensitivity of the body of water and affected critical habitats.*

The location of the slip is in a manufactured channel connecting a marina to Shadow Mountain Lake proper. Its purpose is for boat traffic, and therefore, less sensitive.

6. *Intensity of land use adjacent to the body of water proposed to intrusion.*

Adjacent land uses include single family residences, multi-family residences, a marina, and a mobile home park. The Shadow Mountain Yacht Club is also in the near vicinity.

7. *Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain)*

This does not apply to boat docks, which are located within the floodplain. Army Corps of Engineers, permission, required for encroachments into the floodplains of official waters of the U.S., has been granted, deeming the impact on the floodplain acceptable.

Documentation of Unusual Hardship

In most cases, the request for a variance carries the burden of establishing all conditions in 12-3-5 (A) (4). However, the Shoreline and Surface Water Regulations include the following requirement that only one condition be present to be granted the Shoreline Variance.

Section 12-2-29 (A) (2)

During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one (1) or more of the exceptions set in Section 12-3-5(A)4(a) through (e).

Since the burden of proof lies with the applicant, the applicants' own responses are given to each condition.

Section 12-3-5 (A) (4) (a – e)

- a. *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 Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations; and*

Due to the property's proximity to the water and our love for boating we would like to request a shoreline variance for the purpose of constructing a boat dock on our property.

- b. *Literal interpretation of the provisions of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code Sections Section 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations; and*

Zoning Regulations would deprive us of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code Sections Section 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations. Boat slips and docks are commonly enjoyed by other properties along and the shoreline in Grand Lake. Most of our neighbors that have properties on the water have boat slips and can

enjoy all that Grand Lake has to offer as a lakeside community.

- c. *The special conditions and circumstances do not result from the actions of the applicant; and*

No special conditions and/or circumstances have resulted from our actions.

- d. *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; and*

Granting this variance does not confer any special privileges to us, the applicant, that is denied by this ordinance to other lands, structures, or buildings in the same district; and

- e. *The granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations [Shoreline and Surface Water Regulations].*

Granting this variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29.

Staff Recommendation

The cantilevered dock meets municipal, county and federal requirements. The foundation is fully on the subject property, so shoreline impact is minimized. Staff recommends approval of the shoreline variance.

Sample Motions

Approval

I move to approve Resolution 05-2025, a resolution recommending approval of a Shoreline Variance for a boat dock as presented at 300 Lakeside Drive to the Board of Trustees.

Denial

I move to approve Resolution 05-2025, a resolution recommending denial of a Shoreline Variance for a boat dock as presented at 300 Lakeside Drive to the Board of Trustees.