

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 11 – 2025**

A RESOLUTION APPROVING ZONING REGULATION VARIANCES ON LOT 12, BLOCK 12 GRAND LAKE SUBDIVISION, MORE COMMONLY REFERRED TO AS 825 LAKE AVENUE, AND THE LEATHERWOOD DEVELOPMENT SITE LOCATED ON LOTS 4-6, BLOCK 5 GRAND LAKE SUBDIVISION AND LOTS 9-14, LEATHERWOOD INN BY THE LAKE SUBDIVISION, MORE COMMONLY REFERRED TO AS 1016 GRAND AVENUE AND 1001, 1005, AND 1007 LAKE AVENUE.

WHEREAS, Spirit Lake Condos LLC (the “Owner”) is the owner of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 12, Block 12, Grand Lake Subdivision, Grand Lake, Colorado, also known as: 825 Lake Avenue, Grand Lake, Colorado 80447 (the “Property”); and

Lots 4-6, Block 5, Grand Lake Subdivision, Grand Lake, Colorado, also known as: 1016 Grand Avenue, Grand Lake, Colorado 80447 (the “Property”); and

Lots 9-14, Leatherwood Inn by the Lake Subdivision, Grand Lake Colorado, also known as: 1001, 1005, and 1007 Lake Avenue, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, the Owner is preparing to redevelop the Property for a detached accessory structure and a new multistory mixed-use development known as the Leatherwood project; and

WHEREAS, the Town received a zoning variance application (the “Application”) from the Owner requesting relief from certain zoning regulations and consideration as follows:

1. To classify the Leatherwood project as Group III under the mixed-use open space land area requirements of Municipal Code Section 12-2-26(A)3., resulting in a 35% minimum open space land area requirement.
2. To allow encroachment into the side and rear setbacks for a standalone accessory structure at 825 Lake Avenue.
3. To allow an increase in the maximum square footage of an accessory structure at 825 Lake Avenue.
4. To allow the use of off-site open space at 825 Lake Avenue to be counted towards the total on-site open space requirements of the proposed Leatherwood project.
5. To allow a residential use to remain on the main floor within the front 50 feet of an existing nonconforming structure, commonly known as “The Lakehouse” along Lake Avenue within the proposed Leatherwood project.
6. To allow a maximum building height of up to 52 feet for Building 1 of the Leatherwood

project and over 40 feet for the proposed Events Center building, located along Lake Avenue within the Leatherwood project area.

WHEREAS, Grand Lake Municipal Code (the “Code”) establishes the following regulations related to the variance requests for the Town as follows:

12-2-26(A)4. – Regulations for Mixed Use Developments.

(A) *Mixed-Use Regulations for the CT, C and RST Districts.*

4. In all applicable districts, the developer shall submit a proposal for the Open Space Land Area Required for Mixed-Use projects. The Open Space Land Area Requirement is to be provided on-site, in accordance with the Section 12-2-6 Definitions.

12-2-6. – Definitions

Accessory Structures.

- (d) The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the Building Area of the property and the gross land area utilized by all accessory uses of all uses by right shall not exceed the gross land area utilized by all uses by right;

12-2-17 – Regulations for Commercial Transitional District - CT.

(C) *Zoning Standards.* Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement		
Minimum Setback	Front 5’	Side 5’	Rear 20’

12-2-18(A)10. – Regulations for Commercial District - C.

(A) *Uses Permit by Right.*

10. Residential units, herein defined as: Multi-family attached rental units, condominiums, townhouses, and condo/hotels with the following restrictions:
 - (a) The first story area measured from the frontages to fifty (50) feet into the lot shall be dedicated to commercial space.

12-2-6. – Definitions

Height, Building means the vertical distance measured from the original grade or finish grade whichever is more restrictive to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes, spires or similar items. If the footprint of the structure has an elevation difference of five (5) feet or greater an additional five (5) feet may be added to the lower elevation. The height of a stepped or terraced building is the maximum height of any segment of the building.

12-2-18(C) – Regulations for Commercial - C.

(D) *Zoning Standards.* Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement
Maximum Height	35'

12-2-26(A)3. – Regulations for Mixed Use Developments.

(A) *Mixed-Use Regulations for the CT, C and RST Districts.*

3. Mixed-Use projects shall conform to the following schedule of (Private) Open Space Land Area Requirements:

Group	Gross Square Footage of Floor Area Of Structure or Land Use Area	Land Use or Floor Area	Minimum Open Space Land Area Required
I.	75% - 99%	Commercial / Office	20%
	25% - 1%	Residential	
II.	50% - 75%	Commercial / Office	25%
	50% - 25%	Residential	
III.	25% - 50%	Commercial / Office	35%
	75% - 50%	Residential	
IV.	10% - 25%	Commercial / Office	45%
	90% - 75%	Residential	
V.	1% - 9%	Commercial / Office	50%
	99% - 91%	Residential	

WHEREAS, on January 8, 2025, the Planning Commission reviewed the Owners' variance request at a Public Hearing, continued final deliberations to February 5, 2025, to following discussions, passed tow Planning Commission Resolutions recommending approval and denial of specific variance requests; and,

WHEREAS, based on the Application, the representations of the Owner to the Planning Commission, and public comments, the Board of Trustees has considered the following factors set forth in the Grand Lake Municipal Codea:

Sec. 12-3-5(A)(4). Variances may only be granted if all of the following conditions are found to exist:

- (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 Zoning Regulations; and
- (b) Literal interpretation of the provisions of Municipal Code Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the

- same district under the terms of the Municipal Code; and
- (c) The special conditions and circumstances do not result from the actions of the applicant; and
- (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
- (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 Zoning Regulations.

Section 12-2-27 (2)(B)(3):

- (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 size, shape, 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.

WHEREAS, upon a thorough consideration of the factors of Section 12-3-5 (A)(4) and Section 12-2-27 (2)(B)(3) of the Grand Lake Municipal Code, the Board of Trustees finds such factors weigh in favor of approval of the Application.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO,

1. The Board of Trustees approves the Application. Unless specified otherwise, the Owner shall satisfy any outstanding items that may include:
 - a. Payment by Owner 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 Owner with all representations made to the Planning Commission, the Board of Trustees, and Staff during all public hearings or meetings related to the Application.
 - c. The Owner 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 Board of Trustees 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 Owner to their successors, heirs, or grantees.
 - f. ANY ADDITIONAL CONDITIONS, IF APPLICABLE
2. 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 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 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 BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THIS 10th DAY OF FEBRUARY 2025.

(S E A L)

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

Christina Bergquist,
Mayor Pro-Tem

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

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 11 – 2025**

A RESOLUTION DENYING ZONING REGULATION VARIANCES ON LOT 12, BLOCK 12 GRAND LAKE SUBDIVISION, MORE COMMONLY REFERRED TO AS 825 LAKE AVENUE, AND THE LEATHERWOOD DEVELOPMENT SITE LOCATED ON LOTS 4-6, BLOCK 5 GRAND LAKE SUBDIVISION AND LOTS 9-14, LEATHERWOOD INN BY THE LAKE SUBDIVISION, MORE COMMONLY REFERRED TO AS 1016 GRAND AVENUE AND 1001, 1005, AND 1007 LAKE AVENUE.

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	75% - 50%	Residential	
IV.	10% - 25%	Commercial / Office	45%
	90% - 75%	Residential	
V.	1% - 9%	Commercial / Office	50%
	99% - 91%	Residential	

WHEREAS, on January 8, 2025, the Planning Commission reviewed the Owners' variance request at a Public Hearing, continued final deliberations to February 5, 2025, to following discussions, passed tow Planning Commission Resolutions recommending approval and denial of specific variance requests; and,

WHEREAS, based on the Application, the representations of the Owner to the Planning Commission, and public comments, the Board of Trustees has considered the following factors set forth in the Grand Lake Municipal Codea:

Sec. 12-3-5(A)(4). Variances may only be granted if all of the following conditions are found to exist:

- (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 Zoning Regulations; and
- (b) Literal interpretation of the provisions of Municipal Code Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the

- same district under the terms of the Municipal Code; and
- (c) The special conditions and circumstances do not result from the actions of the applicant; and
 - (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
 - (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 Zoning Regulations.

Section 12-2-27 (2)(B)(3):

- (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 size, shape, 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.

WHEREAS, upon a thorough consideration of the factors of Section 12-3-5 (A)(4) and Section 12-2-27 (2)(B)(3) of the Grand Lake Municipal Code, the Board of Trustees finds such factors weigh in favor of approval of the Application.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO,

1. The Board of Trustees denies the Application based on the following findings of fact:
 - a.
2. Unless specified otherwise, the Owner shall satisfy any outstanding items that may include:
 - a. Payment by Owner of all legal, engineering and administrative fees incurred by the Town in connection with review, processing, consideration and approval of the Application.
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 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.

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 BOARD OF TRUSTEES OF
THE TOWN OF GRAND LAKE, COLORADO THIS 10th DAY OF FEBRUARY 2025.**

(S E A L)

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

Christina Bergquist,
Mayor Pro-Tem

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