



Grand Lake Planning Commission

Wednesday, December 07, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes: [11-02-2022](#)
4. Unscheduled Citizen Participation
This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.
5. Conflicts of Interest
6. Items for Discussion
 - A. Training Session for Planning Commissioners
7. Items of Business
 - B. **QUASI JUDICIAL (PUBLIC HEARING)** – Consideration to Recommend a Zoning Variance to Municipal Code 12-2-11(C) to Allow Construction of a Single-Family Home Within The Required 25' Front Setback on Property Located at Lots 3, Block 3, The Ridge at Elk Creek, More Commonly Referred to as 52 Mad Moose Lane.
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.
You will not be able to actively participate via the web streaming.



<https://zoom.us/j/96360206519?pwd=VHcwODFTNnQ2SWNOTDA1M2d5NFYwUT09>

You can also dial in using your phone. 1 (346) 248-7799

Meeting ID: 963 6020 6519

Access Code: 642153



Grand Lake Planning Commission

Wednesday, November 02, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order: Heather MacSllarrow called meeting to order at 6:31 PM
2. Roll Call

PRESENT

Vice Chairman Heather MacSllarrow via zoom
Commissioner John Murray
Commissioner Judy Burke
Commissioner Heather Bishop
Commissioner Greg Finch

ABSENT

Chairman James Shockey
Commissioner Christina Bergquist

Motion to excuse James Shockey for a parent/teacher conference made by Commissioner Bishop, seconded by John Murray. **Motion passed 5:0**, Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

Motion to excuse Commissioner Bergquist for commuting from Denver made by Commissioner Bishop, Seconded by Commissioner Burke. **Motion Passed 5:0**; Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

3. Consideration to approve Meeting Minutes

Motion to approve the minutes from **10-05-22** with the edit to include the motion to excise Greg Finch included. Motion made by Commissioner Murray, Seconded by Commissioner Burke. **Motion passed 3:0:2** Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke Voting Abstaining: Commissioner Bishop, Commissioner Finch

4. Unscheduled Citizen Participation: none
5. Conflicts of Interest: None: Voting Nay: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch
6. Items of Business: none

7. Items of Discussion

A. Discussion of ADU, Hotel/Motel Definitions in Municipal Code 12-2-6

Item of Discussion presented by Community Development Director Kim White regarding Hotel Motel Definition. Director White states that the definition for a hotel motel in the town code is very similar to other structures with less than 30 days occupancy. The main difference being that there is a centralized reservation office for a hotel/ motel, and the definition in the Grand Lake Code does not mention this. It is suggested that our definition be updated to include the mention of the centralized reservation.

Commissioner Murry asked for clarification if the centralized reservation system on site. Director White explained that the current proposed definition does not state that it needs to be on site.

Vice-chair MacSllarrow interjected that to identify a distinction between short term rental definition such as Airbnb's the definition should state 'on-site'. Commissioner Finch noted that if a person were to use a booking system such as Expedia the definition could become muddled fast. Vice-chair MacSllarrow remarked that though there may not be a centralized reservation system there is an individual or group managing the facility, suggesting that instead stating there is a centralized management system. Commissioner Finch agreed commenting that that section of the definition should be broader. Commissioner Burke interjected that there are hotels with out individuals managing, noting her personal experience. There was discussion regarding how to properly note the differences between a centralized revelation system and having management on site. Director White proposed that the planning commission moves to have the town attorney research the definition phrasing and bring it back at a future meeting. All were in favor.

Item of Discussion presented by Community Development Director Kim White regarding Accessory Dwelling Unit Definition. Director White stated that the definition proposed would remove the section requiring the ADU to be attached to the primary structure, stating that it can be attached or not attached. Commissioner Burke had comments regarding the ADU definition. She was concerned that people would not adhere to the current code requiring one driveway unless it is brought before the commission for a variance. Discussion continued including clarification on process for changing the ordinance.

Commissioner Finch inquired if all detached ADUs would be brought before the planning commission to confirm that they meet current codes. Director White added that there are already plenty of rules regarding attached ADUs the question at hand is what the difference between is a detached and attached ADU. Clarification was made that the detached ADU would still have to adhere to the current structural codes including setbacks and fire codes that are referenced into the town codes.

Vice-chair MacSllarrow agreed that there are many 'what ifs' but stated that since there are already so many guidelines for ADUs and structures already in place it would be wise to move forward with the change and then revisit as variance requests are made. Commissioner Burke agreed that there are too many questions, and the commission would not be able to answer all of them, but she would like to see answers to questions that we already have. There was questions regarding water and sewer, Director White clarified that they would need to be separate water tap and Three Lakes would be in charge of the sewer tie in.

Commissioner Burke directed attention to clarifying how many individuals would be living in one dwelling. Discussion was made amongst the commission members noting the how it was defined by other municipalities. Suggestions were made to go by number of rooms or square footage of room. Vice-chair MacSllarrow question why the town would implement a resident restriction on ADUs and not primary dwellings. Vice-chair MacSllarrow went on to note that the main concern would be an

individual building an apartment building style ADU, questioning the height and square footage maximums of an ADU. Director White did note that there are already maximums for all structures within the municipal code. Director White also noted that we already do not allow short term rentals in ADUs so that there is no need to review that. The conversation was then returned to the maximum number of people living in an ADU by Commissioner Burke. Vice-chair MacSllarrow stated that this is more of a question for first responders. Adding that she does not see it as an issue. Commissioner Finch cited that short term rentals are required to be inspected by the fire marshal and that would determine the occupancy. Suggesting that the same process be done for ADUs. Director White countered that this is not a process we would use for primary dwellings. Commissioner Finch agreed that it would be a use by right as with primary dwellings. It was suggested that each commission members sends their concerns to the Community Development Department so that it can be reviewed and discussed at a future meeting. Commissioner Burke stated that fireplaces were a concern as the County only allows one fireplace per dwelling. She also mentioned the use of ADUs as a Bed and Breakfast. Commissioner Burke continued that she is concerned that this is a 'solution for affordable housing' and whether it would be conditional use or not. Commissioner Murry interjected that this seems more slated for individuals to use for personal use due to costs and that there should not be a concern for a large influx in for-profit ADUs being erected. Commissioner Finch requested clarification on the use by right accessory structures and the difference between an ADU. Director White clarified that you can not live in an accessory structure, it does not have water and sewer.

Vice-chair MacSllarrow brought back the idea that the commission review the current code and send list of their concerns or ideas to Director White, which will then be reviewed at the next Planning Commission meeting on December 7th, 2022. That was agreed on by all. It was also agreed that the lists of concerns will be sent to Director White and the rest of the commission no later than December 2nd, 2022.

8. Future Agenda Items

Attorney Krob will be at the 12/7 PC meeting to go over planning commission rolls and responsibilities. The new public works director started on 10/28/22 and is Matt Reed.

Vice-chair MacSllarrow stated that she would like to add a future agenda item: To review the possibility and enact an ordinance regarding the replacement of removed trees in the town.

9. Adjourn Meeting

At 7:31pm motion made by Commissioner Murray, Seconded by Commissioner Finch **Motion passed**
5:0 Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

Attest

Clerk, Alayna Carrell

Chairman Shockey



Date: December 7th, 2022
To: Chairman Shockey and Commissioners
From: Kim White, Town Planner

RE: **QUASI JUDICIAL (PUBLIC HEARING)** – Consideration to Recommend a Zoning Variance to Municipal Code 12-2-11(C) to Allow Construction of a Single-Family Home Within The Required 25' Front Setback on Property Located at Lots 3, Block 3, The Ridge at Elk Creek, More Commonly Referred to as 52 Mad Moose Lane.

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 Oliver Leinemann to permit construction of a single-family home within the required 25' front setback of their property. This request requires Planning Commission review and Board Approval.



Context

The property is located at 52 Mad Moose Lane, off Foxy Lane and County Road 48 (Golf Course Rd). The property is approximately 0.2 acres and zoned Single Family Residential Medium Density.

Municipal Code:

Municipal Code 12-2-11(C) – [Zoning Standards]

Minimum Setback Front 25’ Side 10’ Rear 10’ Shoreline 30’

Municipal Code 12-2-29(A) – [Shoreline and Surface Water Regulations]

In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high-water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.

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 on, as well as letters to all 15 property owners surrounding the subject property within 200’ on November 17th, 2022. Staff has received 13 confirmations of receipt, and 0 responses to date.

The applicant has requested to build their porch and house into the front 25’ set back. The building itself would extent one (1) foot into the set back and then add a porch which would extend an additional four (4) feet- for a total of five (5) into the front 25’ setback. The applicant has stated the porch is being requested by their HOA. The remaining set back would be 20’, 10’ of which is a snow storage and utility easement, per the original development agreement. The garage will not intrude into the 25’ set back. The rear setback will be observed at 30’, due to the water running behind the home. In order to keep the rear setback at 30’, the applicant stated that they must encroach on the front setback.

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 12-3-5(A)4 exists in order to approve said variance.

Suggested Commission Motion

Motion to recommend a zoning variance to Municipal Code 12-2-12(C) allowing construction of a porch and house 5’ into the 25’ front setback on the property located at Lots 3, Block 3, The Ridge At Elk Creek, more commonly referred to as 52 Mad Moose Lane.

OR

Motion to recommend a zoning variance to Municipal Code 12-2-12(C) allowing construction of a porch and house 5’ into the 25’ front setback on the property located at Lots 3, Block 3, The Ridge At Elk Creek, more commonly referred to as 52 Mad Moose Lane, with the following conditions:

OR

Motion to Deny the Request for Variance.

Oliver Leinemann

2445 Chelmsford Drive, Crofton, MD 21114 | 443-623-3761 | oleinemann@aacps.org

November 7, 2022

Town of Grand Lake
Planning Department
P.O. Box 99
1026 Park Avenue
Grand Lake, CO 80447

Re: Zoning Variance Request Application – Explanation of Hardship

Dear Ms. White:

We respectfully request making modifications to the proposed structure at 52 Mad Moose Lane, which would put the front porch at 20’ setback instead of 25’ setback, due to lot topography and natural features. We purchased the building lot in February 2021 (utilities on site) and intend to build our second home in Grand Lake.

Due to the mean high water mark of the stream on the north rear of the lot, it is necessary for us to move the house forward 5’ to maintain the required 30’ distance from the mean high water mark. Our HOA has requested us to add a front porch in order to meet the aesthetics of the neighborhood, therefore unnecessary hardship would be placed on us if not granted a front foot setback variance of 20’ instead of the required 25’. We feel that due to the environmental considerations and the topography of the lot, it is of utmost importance to maintain the required 30’ from the stream.

We intend to meet the required 25’ setback for the garage in order to not interfere with the snow removal operations of Grand Lake. We have also decreased the depth of the front porch by 1’ so as to not further encroach in the setback.

Without variance to the 25’ setback, as well as the need to meet the HOA requirements (to include square footage) to construct a home consistent with the character of the neighborhood, we would be unable to build the home.

We certify that these special conditions are circumstances (stream, mean high water mark, topography, HOA considerations) do not result from our actions.

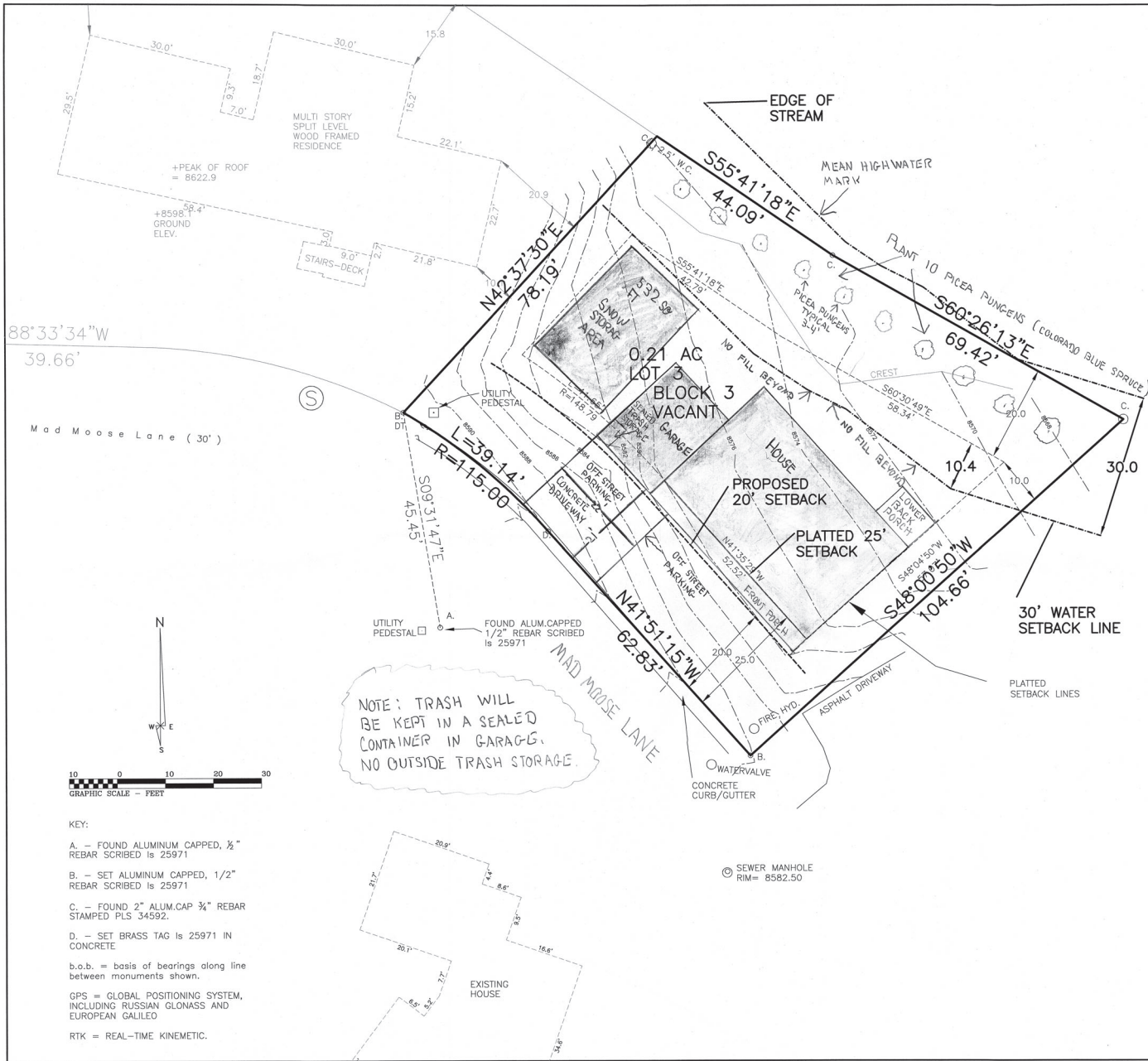
Further, granting the variance request will not confer on us any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Additionally, the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of local codes and regulations.

Thank you very much for consideration of this request.

Sincerely,

Oliver & Ann Marie Leinemann



SITE PLAN

THE RIDGE AT ELK CREEK
 BLOCK 3, LOT 3
 Grand County, Colorado
 sec. 6 T3N R75W, 6TH PM

NOTICE:

1. Buried utilities are not located or shown hereon.
 3. For title, reference to a title insurance policy is recommended.
 4. This document is certified as one, complete document. Any alteration, addition, change, or edit of any part of this document, as-is or after being transferred to other parties, supercedes and invalidates all previous information and certifications.
 5. Subject to applicable building setbacks and zoning restrictions duly enacted prior to, and/or added after the recording of this subdivision. Setbacks are not shown.
 6. A monument established by the first surveyor acting in good faith is a property corner. A boundary is the line on the ground where property rights change. Once established, property corners and boundaries do not move, but can possibly be vacated. Surveyors do not have jurisdiction to unilaterally vacate boundaries or make legal rulings over conflicting boundary evidence.
 7. This document is not correlated to GIS (Geographic Information System).
- This Site Plan shows the result of a field survey done by me or under my responsible charge, based on facts known to me. It complies with applicable statutes set forth by Title 38, Articles 50 and 51, CRS, and is not a warranty or guarantee, either expressed or implied.

w ward - surveyor



Azimuth Survey Company
 P.O.Box 653 Fraser, Colorado 80442
 800-725-2734 p970-531-1120

SITE PLAN
 THE RIDGE AT ELK CREEK
 BLOCK 3, LOT 3
 Grand County, Colorado
 sec. 6 T3N R75W, 6TH PM

DATE: 11-21-21, 09-25-22
 SCALE: 1 IN = 10 USFT BY: W JOB: ASO-54

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:49 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **oliver Leinemann** <leinemannoliver@gmail.com>
Date: Tue, Oct 18, 2022 at 8:21 PM
Subject: Re: Roads
To: Robert Miller <Robert.Miller@colliers.com>
CC: Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmondem@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John & Lisa Skinner <Familyskinner@msn.com>, Lee Lindeen <linddeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Mark Samuel <MSamuel@arrowtruck.com>, Robert Miller <Robert.Miller@colliers.com>, Seth & Mandy Tamisiea <sethpatrick21@yahoo.com> <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>

Good Evening Everyone,
As some of you know, We are in the process of attempting to get a permit to build our home on 52 Mad Moose Lane. We are very appreciative of all of the feedback we have received from our building committee and believe that working with all of you will make the house perfect for the neighborhood.
We have been informed that there is a small stream on the North Side of our lot (it is actually on the lot behind us) We must maintain a 30' distance from the mean high water mark of the stream. In order to make this happen we would like to have the building committee and all of our neighbors approval to have the front porch 5' into the 25' setback. The porch will be 20' back instead of 25' back.
We will adjust the garage to keep it at a 25' set back so we don't interfere with snow removal operations.
I have been informed by Kim White (Grand Lake Town Planner) that I would need a letter of support from the building committee to proceed with the request for this variance.
I appreciate your consideration and hope that we can get your approval. Please let me know if you have any questions. My Cell # is 443-623-3761.
Im sorry to sent this in the email chain for the Roads, but I figured that everyone was included in this e-mail.

Thank You, Oliver & Ann Marie

On Oct 11, 2022, at 11:37 PM, Mike Long <mlong351@yahoo.com> wrote:

I wanted to weigh in on the good news too. Thx for making that happen.

Mike

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: Robert Miller <Robert.Miller@colliers.com>
Date: Tue, Oct 18, 2022 at 10:00 PM
Subject: Re: Roads
To: oliver Leinemann <Leinemannoliver@gmail.com>
CC: Thomas Stanley <tstanexc@gmail.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmondem@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John & Lisa Skinner <Familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Mark Samuel <MSamuel@arrowtruck.com>, Seth & Mandy Tamsiea (sethpatrick21@yahoo.com) <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Mike Long <mlong351@yahoo.com>

I am also OK with it this Oliver.

Robert Miller, RPA

Principal | Vice President of Operations | Denver
Property Management

Robert.Miller@colliers.com

Main: +1 303 745 5800 | Direct: +1 303 283 4577 | Mobile: +1 303 356 5674
FAX: +1 303 745 5888 | Dir FAX: +1 303 309 6841
4643 S. Ulster St., Suite 1000 | Denver, CO 80237 | USA

On Oct 18, 2022, at 7:57 PM, oliver Leinemann <Leinemannoliver@gmail.com> wrote:

Thank you so much for your support!!

Oliver & Anne

On Oct 18, 2022, at 9:51 PM, Thomas Stanley <tstanexc@gmail.com> wrote:

I don't have any problem with changing the front set back to 20'.
Tom

On Tue, Oct 18, 2022, 7:47 PM oliver Leinemann <leinemannoliver@gmail.com> wrote:

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:51 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: Margaret Weisbrod <pdweisbrod@gmail.com>
Date: Thu, Oct 20, 2022 at 12:00 PM
Subject: Re: Roads
To: oliver Leinemann <leinemannoliver@gmail.com>
CC: Seth <sethpatrick21@yahoo.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John Skinner <familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Manderson <mandy6200@yahoo.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Samuel <msamuel@arrowtruck.com>, Mike Long <mlong351@yahoo.com>, Robert Miller <Robert.Miller@colliers.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, <mark@accuratewindow.net>

No problem for us. Good luck.
Peg and Denny Weisbrod

Sent from my iPad

On Oct 20, 2022, at 07:23, oliver Leinemann <leinemannoliver@gmail.com> wrote:

Thank you both so much!!

Oliver & Ann

On Thu, Oct 20, 2022 at 9:13 AM Seth <sethpatrick21@yahoo.com> wrote:
We are ok with this as well, best of luck with the rest of the process!

Seth and Mandy

Sent from my iPhone

On Oct 19, 2022, at 15:04, mark@accuratewindow.net wrote:

Oliver

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:51 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **Dave DiVesta** <d_divesta@centurylink.net>
Date: Thu, Oct 20, 2022 at 2:28 PM
Subject: Re: Roads
To: Mike Long <mlong351@yahoo.com>
CC: Margaret Weisbrod <pdweisbrod@gmail.com>, oliver Leinemann <leinemannoliver@gmail.com>, Seth <sethpatrick21@yahoo.com>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John Skinner <familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Manderson <mandy6200@yahoo.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Samuel <MSamuel@arrowtruck.com>, Robert Miller <Robert.Miller@colliers.com>, Shelly Miller <Shelly.Miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, <mark@accuratewindow.net>

We are good as well

D&B

On Oct 20, 2022, at 11:47 AM, Mike Long <mlong351@yahoo.com> wrote:

No issues for Mike Long either.

Sent from my iPhone

On Oct 20, 2022, at 10:00 AM, Margaret Weisbrod <pdweisbrod@gmail.com> wrote:

No problem for us. Good luck.
Peg and Denny Weisbrod

Sent from my iPad

On Oct 20, 2022, at 07:23, oliver Leinemann <leinemannoliver@gmail.com> wrote:

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:51 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: David Yoo <daveyoo@yahoo.com>
Date: Thu, Oct 20, 2022 at 9:57 AM
Subject: Re: Roads
To: mark@accuratewindow.net <mark@accuratewindow.net>, Seth <sethpatrick21@yahoo.com>
CC: oliver Leinemann <leinemannoliver@gmail.com>, Mark Samuel <msamuel@arrowtruck.com>, John Skinner <familyskinner@msn.com>, Robert Miller <robert.miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>, Manderson <mandy6200@yahoo.com>

Same here, we're good with it.

David Yoo & Kimberlee Karr
36 Mad Moose

On Thursday, October 20, 2022 at 07:13:27 AM MDT, Seth <sethpatrick21@yahoo.com> wrote:

We are ok with this as well, best of luck with the rest of the process!

Seth and Mandy

Sent from my iPhone

On Oct 19, 2022, at 15:04, mark@accuratewindow.net wrote:

Oliver

We all have to work around that ditch it is definitely ok with us.

Thanks Mark [92MadMoose]

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **Jason Monden** <jmonden@hotmail.com>
Date: Tue, Oct 18, 2022 at 10:54 PM
Subject: Re: Roads
To: oliver Leinemann <Leinemannoliver@gmail.com>
CC: Robert Miller <Robert.Miller@colliers.com>, Thomas Stanley <tstanexc@gmail.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John & Lisa Skinner <Familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Mark Samuel <MSamuel@arrowtruck.com>, Seth & Mandy Tamisiea (sethpatrick21@yahoo.com) <sethpatrick21@yahoo.com>, Shelly Miller <Shelly.Miller719@gmail.com>, Mike Long <mlong351@yahoo.com>

It's fine with us.

Jason & Kim

Sent from my iPhone

On Oct 18, 2022, at 7:20 PM, oliver Leinemann <Leinemannoliver@gmail.com> wrote:

Thank you Bob. We appreciate your quick response!!

Oliver & Ann

On Oct 18, 2022, at 10:00 PM, Robert Miller <Robert.Miller@colliers.com> wrote:

I am also OK with it this Oliver.

Robert Miller, RPA
Principal | Vice President of Operations | Denver
Property Management
Robert.Miller@colliers.com
Main: +1 303 745 5800 | Direct: +1 303 283 4577 | Mobile: +1 303 356 5674

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:49 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: John Skinner <familyskinner@msn.com>
Date: Tue, Oct 18, 2022 at 8:57 PM
Subject: Re: Roads
To: oliver Leinemann <leinemannoliver@gmail.com>
CC: Robert Miller <Robert.Miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, Lee Lindeen <lindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Mark Samuel <msamuel@arrowtruck.com>, Seth & Mandy Tamisiea <sethpatrick21@yahoo.com> <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>

Hi Oliver & Anne,

Lisa and I are not concerned at all if your porch has a 20' setback, while the garage will maintain the 25' setback. We are not on the board or the architectural committee just home owners but appreciate you updating us.

John & Lisa
45 Foxy Lane

On Oct 18, 2022, at 7:21 PM, oliver Leinemann <leinemannoliver@gmail.com> wrote:

Good Evening Everyone,

As some of you know, We are in the process of attempting to get a permit to build our home on 52 Mad Moose Lane. We are very appreciative of all of the feedback we have received from our building committee and believe that working with all of you will make the house perfect for the neighborhood. We have been informed that there is a small stream on the North Side of our lot (it is actually on the lot behind us) We must maintain a 30' distance from the mean high water mark of the stream. In order to make this happen we would like to have the building committee and all of our neighbors approval to have the front porch 5' into the 25' setback. The porch will be 20' back instead of 25' back. We will adjust the garage to keep it at a 25' set back so we don't interfere with snow removal operations.

I have been informed by Kim White (Grand Lake Town Planner) that I would need a letter of support from the building committee to proceed with the request for this variance.

I appreciate your consideration and hope that we can get your approval. Please let me know if you have any questions. My Cell # is 443-623-3761.

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:51 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----
From: Mark McLean <annmarkmclean@gmail.com>
Date: Thu, Oct 20, 2022 at 10:20 AM
Subject: Re: Roads
To: oliver Leinemann <leinemannoliver@gmail.com>

I'm fine with the porch setback change you want. FYI Tom is wrong about the stream. Having lived next to it for ten years I know it does not dry up in summer. You are wise to not contest it.

Get [Outlook for iOS](#)

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Tuesday, October 18, 2022 7:29:00 PM
To: John Skinner <Familyskinner@msn.com>
Cc: Robert Miller <Robert.Miller@colliers.com>; Margaret Weisbrod <pdweisbrod@gmail.com>; Dave & Barb DiVesta <d_divesta@centurylink.net>; David Nuechterlein <dnuechterlein@comcast.net>; David Yoo <daveyoo@yahoo.com>; Gino Petrino <pep4361@hotmail.com>; Jason Mondem <jmonden@hotmail.com>; John & Della Crone <johnanddella@coloradocrones.com>; Lee Lindeen <llindeen@providenceic.com>; Margie Higgins <Higginsmargie02@gmail.com>; Mark McLean <annmarkmclean@gmail.com>; Mark Richards <mark@accuratewindow.net>; Mark Samuel <msamuel@arrowtruck.com>; Seth & Mandy Tamisiea <sethpatrick21@yahoo.com> <sethpatrick21@yahoo.com>; Shelly Miller <shelly.miller719@gmail.com>; Tom Stanley <tstanexc@gmail.com>; Mike Long <mlong351@yahoo.com>
Subject: Re: Roads

John & Lisa, Thank you for your support!!

On Oct 18, 2022, at 8:57 PM, John Skinner <Familyskinner@msn.com> wrote:

Hi Oliver & Anne,

Lisa and I are not concerned at all if your porch has a 20' setback, while the garage will maintain the 25' setback. We are not on the board or the architectural committee just home owners but appreciate you updating us.

John & Lisa
45 Foxy Lane

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: <mark@accuratewindow.net>
Date: Wed, Oct 19, 2022 at 5:04 PM
Subject: RE: Roads

To: oliver Leinemann <leinemannoliver@gmail.com>, Mark Samuel <msamuel@arrowtruck.com>
CC: John Skinner <Familyskinner@msn.com>, Robert Miller <Robert.Miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Seth & Mandy Tamisiea <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>

Oliver

We all have to work around that ditch it is definitely ok with us.

Thanks Mark [92MadMoose]

Mark Richards

Accurate Window & Door Center

mark@accuratewindow.net

fax 303-806-9504

office 303-762-1515

cell 303-859-0237

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Wednesday, October 19, 2022 2:38 PM

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **Mark Samuel** <msamuel@arrowtruck.com>
Date: Tue, Oct 18, 2022 at 11:08 PM
Subject: Re: Roads

To: oliver Leinemann <Leinemannoliver@gmail.com>
CC: John Skinner <Familyskinner@msn.com>, Robert Miller <Robert.Miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, Lee Lindeen <lindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Seth & Mandy Tamisiea (sethpatrick21@yahoo.com) <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>

Hi Oliver Kim and I are both good with this.

Sent from my iPhone

On Oct 18, 2022, at 8:29 PM, oliver Leinemann <Leinemannoliver@gmail.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John & Lisa, Thank you for your support!!

On Oct 18, 2022, at 8:57 PM, John Skinner <Familyskinner@msn.com> wrote:

Hi Oliver & Anne,

Lisa and I are not concerned at all if your porch has a 20' setback, while the garage will maintain the 25' setback. We are not on the board or the architectural committee just home owners but appreciate you updating us.

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: Seth <sethpatrick21@yahoo.com>
Date: Thu, Oct 20, 2022 at 9:13 AM
Subject: Re: Roads
To: <mark@accuratewindow.net>
CC: oliver Leinemann <Leinemannoliver@gmail.com>, Mark Samuel <MSamuel@arrowtruck.com>, John Skinner <familyskinner@msn.com>, Robert Miller <Robert.Miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, Mike Long <mlong351@yahoo.com>, Manderson <mandy6200@yahoo.com>

We are ok with this as well, best of luck with the rest of the process!

Seth and Mandy

Sent from my iPhone

On Oct 19, 2022, at 15:04, mark@accuratewindow.net wrote:

Oliver

We all have to work around that ditch it is definitely ok with us.

Thanks Mark [92MadMoose]

Mark Richards

Accurate Window & Door Center

mark@accuratewindow.net

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:50 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **Thomas Stanley** <tstanexc@gmail.com>
Date: Tue, Oct 18, 2022 at 9:51 PM
Subject: Re: Roads
To: oliver Leinemann <leinemannoliver@gmail.com>
CC: Robert Miller <Robert.Miller@colliers.com>, Margaret Weisbrod <pdweisbrod@gmail.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John & Lisa Skinner <Familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Richards <mark@accuratewindow.net>, Mark Samuel <MSamuel@arrowtruck.com>, Seth & Mandy Tamisiea (sethpatrick21@yahoo.com) <sethpatrick21@yahoo.com>, Shelly Miller <shelly.miller719@gmail.com>, Mike Long <mlong351@yahoo.com>

I don't have any problem with changing the front set back to 20'.
Tom

On Tue, Oct 18, 2022, 7:47 PM oliver Leinemann <leinemannoliver@gmail.com> wrote:
Tom, I appreciate your response. I have had numerous conversations with the county and the surveyor has staked out the stream/drainage ditch. At this point, I am not in a position to argue with the county and would rather just comply with their request to maintain the 30' distance so that we can keep moving forward with building our home.

Respectfully,
Oliver

On Oct 18, 2022, at 9:12 PM, Thomas Stanley <tstanexc@gmail.com> wrote:

That stream Kim is referring to is inaccurate. For the past 25 years it has only been a drainage ditch that has drained out of the campground. Its no different than any other drainage ditch. It's dry in the summer and winter and only drains water out of the campground in the spring. There never has been a set back from ditches.
Tom Stanley

On Tue, Oct 18, 2022, 6:21 PM oliver Leinemann <leinemannoliver@gmail.com> wrote:
Good Evening Everyone,

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:51 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----

From: **Mike Long** <mlong351@yahoo.com>
Date: Thu, Oct 20, 2022 at 12:26 PM
Subject: Re: Roads
To: Margaret Weisbrod <pdweisbrod@gmail.com>
CC: oliver Leinemann <leinemannoliver@gmail.com>, Seth <sethpatrick21@yahoo.com>, Dave & Barb DiVesta <d_divesta@centurylink.net>, David Nuechterlein <dnuechterlein@comcast.net>, David Yoo <daveyoo@yahoo.com>, Gino Petrino <pep4361@hotmail.com>, Jason Mondem <jmonden@hotmail.com>, John & Della Crone <johnanddella@coloradocrones.com>, John Skinner <familyskinner@msn.com>, Lee Lindeen <llindeen@providenceic.com>, Manderson <mandy6200@yahoo.com>, Margie Higgins <Higginsmargie02@gmail.com>, Mark McLean <annmarkmclean@gmail.com>, Mark Samuel <MSamuel@arrowtruck.com>, Robert Miller <Robert.Miller@colliers.com>, Shelly Miller <shelly.miller719@gmail.com>, Tom Stanley <tstanexc@gmail.com>, <mark@accuratewindow.net>

No issues for Mike Long either.

Sent from my iPhone

On Oct 20, 2022, at 10:00 AM, Margaret Weisbrod <pdweisbrod@gmail.com> wrote:

No problem for us. Good luck.
Peg and Denny Weisbrod
Sent from my iPad

On Oct 20, 2022, at 07:23, oliver Leinemann <leinemannoliver@gmail.com> wrote:

Thank you both so much!!
Oliver & Ann

On Thu, Oct 20, 2022 at 9:13 AM Seth <sethpatrick21@yahoo.com> wrote:
We are ok with this as well, best of luck with the rest of the process!

Seth and Mandy
Sent from my iPhone

Leinemann, Ann Marie

From: oliver Leinemann <leinemannoliver@gmail.com>
Sent: Friday, October 21, 2022 9:52 AM
To: Leinemann, Ann Marie
Subject: [EXTERNAL] Fwd: Roads

----- Forwarded message -----
From: **Robert Miller** <Robert.Miller@colliers.com>
Date: Thu, Oct 20, 2022 at 7:33 PM
Subject: RE: Roads
To: oliver Leinemann <leinemannoliver@gmail.com>

Oliver,

You should be good to go to make you changes.

Best Regards,

Robert Miller, RPA

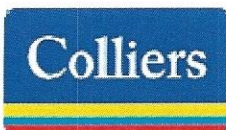
Principal | Vice President of Operations | Denver

Property Management

Robert.Miller@colliers.com

Main: +1 303 745 5800 | Direct: +1 303 283 4577 | Mobile: +1 303 356 5674

FAX: +1 303 745 5888 | Dir FAX: +1 303 309 6841
[4643 S. Ulster St., Suite 1000 | Denver, CO 80237 | USA](#)



This message and its contents are confidential. If you received this message in error, please inform the sender and then delete it.



Town of Grand Lake

Planning Department
• P.O. Box 99 • 1026 Park Avenue • Grand Lake, CO 80447
• Phone: 970-627-3435 • Fax: 970-627-9290
gplanning@townofgrandlake.com • www.townofgrandlake.com

ZONING VARIANCE REQUEST APPLICATION

PROPERTY LOCATION:
 Street Address: 52 MAD MOOSE LANE GRAND LAKE CO 80447
 Legal Description: Lot 3 Block 3 Subdivision THE RIDGE AT ELK CREEK

PROPERTY OWNER INFORMATION:
 Name: OLIVER LEINEMANN Email: oleinemann@gacps.org
 Mailing Address: 2445 CHELMSFORD DR Phone: 443-623-3761
 City: CROFTON State: MD Zip: 21114 Fax: N/A

APPLICANT INFORMATION: Is the Applicant the Property Owner? YES NO
 Name: OLIVER LEINEMANN Email: oleinemann@gacps.org
 Mailing Address: 2445 CHELMSFORD DR Phone: 443-623-3761
 City: CROFTON State: MD Zip: 21114 Fax: N/A

CONTACT INFORMATION: Is the Contact Person the Applicant? YES NO
 Contact Person (if not Applicant): _____ Email: _____
 Mailing Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____ Fax: _____

VARIANCE REQUEST (Brief Description): USING 20' FRONT SETBACK
INSTEAD OF 25'
PROPOSE MOVING HOUSE TO 21' FROM FRONT OF PROP

REQUIRED INFORMATION CHECKLIST:

- Site Plan (showing dimensions to existing and proposed features, locations of specific activities, proposed and existing signage, parking, ingress and egress points, traffic circulation, utilities, drainage features, and property lines)
- Explanation of Hardship (See Municipal Code for review criteria)
- Statement of Authority (If applicable. Required for representatives of entities and property owners.)
- Property Survey
- Agreement for Services Form
- Application Deposit (See Fee and Deposit schedule for amount)
- Additional Information (If applicable. Staff may require other helpful information for review.)

AFFIDAVIT:
 BY MY SIGNATURE, I attest that the information contained or attached to this application is true and correct to the best of my knowledge. I further understand that submission of false or misleading information shall be sufficient cause for the Special Use Permit to be revoked immediately without notice or hearing.
 Print Name: OLIVER LEINEMANN
 Signature: *Oliver Leinmann* Date: 10/3/22

STAFF USE ONLY
 Application Received By: _____ Date & Time: _____
 File Name: _____ Deposit: YES NO Amount: \$ _____
 Agreement for Services Form Signed? YES NO

Revised 4/2015

**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