

TOWN OF GRAND LAKE
ZONING BOARD OF ADJUSTMENT
SCHEDULED MEETING
February 2, 2012 6:00 P.M.

AGENDA

- A) Call to Order
- B) Appointment of Voting Members
- C) Approval of Minutes – None
- D) Items of Business
 - 1.) Consideration of a variance request to the Town of Grand Lake Shoreline and Surface Water Regulations Boathouse and Covered Docks Construction for a 4'6" variance to the Extension Beyond the Shoreline for a preexisting attached boat dock located at Lots 24-26, Cairns Addition to the Town of Grand Lake. The owner is Robert L. Kruse Trust; the applicant and representative is Geoffrey S. Elliot of Grand Environmental Services.
 - a.) Introduction of exhibits and letters – Town Planner.
 - b.) Presentation of request – Mr. Ralph Chiarella.
 - c.) Public comment from citizens and adjoining property owners.
 - d.) Discussion and decision by Board of Adjustment.
- E) Items of Discussion - None
- F) Adjournment



TOWN OF
GRAND LAKE

Date: January 26, 2012

To: Chairman Tom Weydert and Zoning Board of Adjustment Members
From: Abbi Jo Wittman, Town Planner

RE: Municipal Code 12-2-29 Stream and Lake Setback Variance Request
Attached: Site Location Map
Applicant Request (8 pages)
Building Permit No. B10-0035GL with Approved Plan (3 Pages)
Inspection Record
Planning Commission Resolution No. 14-2010 with Walkway Addition Plan
Walkway Addition Construction Photograph
Four Post-Construction Site Photographs
Code Violation Notice (dated January 4, 2012)
Public Comments (two pages)
Tollefson vs. Grand Lake Board of Adjustment

Application Request

The applicant's request is for a 4'6" variance to Municipal Code Section 12-2-29-2B: *Boathouse and Boat Dock Design Standards* which indicates: "No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure." Please read the applicant's request and review all corresponding attachments.

Applicable Project Information

On February 26, 2010 the Town of Grand Lake approved a building permit application for the repair and replacement of rotten crib timbers and decking for a boathouse located at Lots 24-26, Cairns Addition to the Town of Grand Lake (a/k/a 730 Lake Avenue); a site map has been attached for reference. As the attached building permit and approved plan indicates:

- the existing boathouse sat between six and nine feet from the shoreline; and
- the western side of the structure had a 9' wide, 9' long dock attached to the boathouse; and
- the western dock was depicted as existing; and
- the total length of the western side of the structure was depicted at 39'6" from the shoreline; and
- the eastern side of the structure had a 4' wide, 6' long dock attached to the boathouse; and
- the eastern dock, as depicted as existing, was not flush with the southern-most (lakeside) edge of the boathouse; and
- the eastern dock was not proposed to be expanded or enlarged to be flush with the southern-most (lakeside) edge of the boathouse; and
- Staff noted on the plans 'no enlargement/just replace existing'; and

- the total length of the eastern dock was depicted 36' from the shoreline. A total structure length on the eastern side of the structure was not depicted.

Staff conducted a preside inspection on February 26, 2010 and the building permit was issued on March 3, 2010. While staff does remember being onsite at various times to discuss construction debris in the water and to monitor cleanup activities, no other formal inspections were conducted by the Town. This is further noted on the building permit where the Town's Zoning Set Backs are checked (noted as required) as well as the Zoning Final (which has had 'N/A' written on it).

On August 30, 2010, the Town of Grand Lake received a Plan Change Request from the property owner's representative. The Planning Commission reviewed this matter in September, 2010 and approved Planning Commission Resolution No. 14-2010 which permitted the extension as depicted in the attached 'Walkway Addition Plan'. The approved plan created a new deck/walkway addition in the rear (shore side) of the boathouse (between the natural shoreline and the boathouse). Measuring approximately 28' in length, the (approximately – at its maximum) 9' walkway would create contiguity from the boathouse to the shoreline for the length of the structure. The Planning Commission's approval does not address any further protrusion into the lake and a walkway addition construction photo has been attached.

On December 31, 2010 the Town was notified by Grand County Department of Building and Sanitation the permit had been closed; staff determined the permit was closed without the consent with the Town of Grand Lake conducting a final Zoning Inspection. In the spring of 2011 Town staff conducted an annual shoreline improvement tour. At this time staff detected the extension of the eastern dock (attached to the eastern side of the boathouse); the dock was extended to be flush with the lakeside of the boathouse. Reviewing all building permit materials, staff determined that an extension to the eastern dock was not permitted. In an onsite inspection staff determined the unpermitted extension of the eastern attached boat dock created a 4'-6" projection beyond the Code requirement of a maximum of 35' beyond the shoreline.

A Zoning Code violation notice was sent to the property owner, return receipt requested, indicating the violation must come into compliance with the Municipal Zoning Code or the applicant may seek to obtain a variance from the Zoning Board of Adjustment.

Public Hearing Legal Requirements

Legal Notice No. 7428828 was published in the Middle Park Times on January 12, 2012. Additionally, 16 certified mailings were sent, return receipt requested, were sent to 16 property owners, including the property owner, within 200' of the subject parcel. To the date of memo development, 13 property owners have signed as having received the notice. Comments, as attached, were submitted by Lynda and Larry Lindsey (717 Lake Avenue) and Mary Beth Lagerborg (518 Cairns Avenue) indicating support for the approval of the variance.

Zoning Board Review and Action

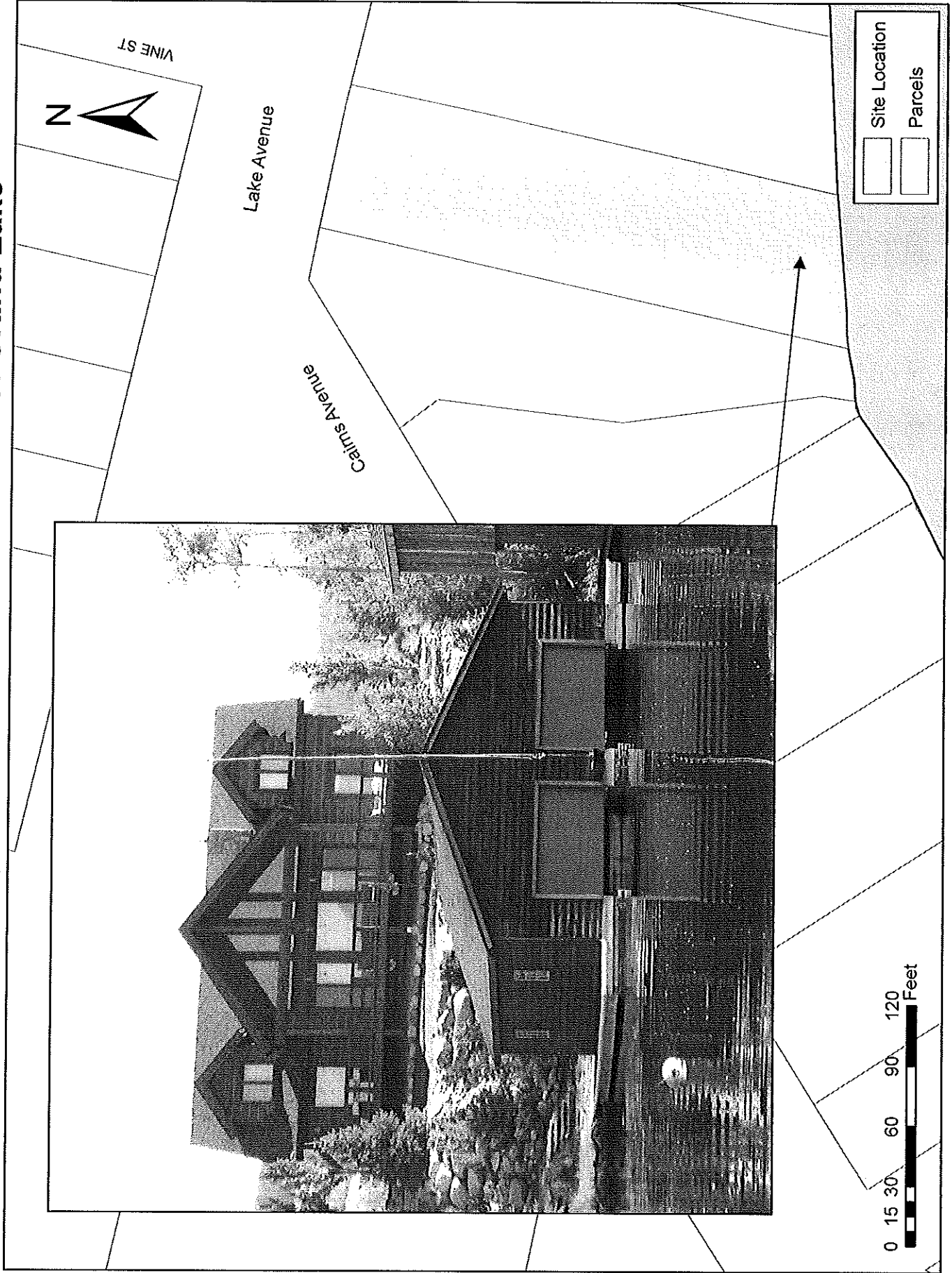
The Zoning Board of Adjustment must review the variance request in relationship to the five (5) hardships outlined in Municipal Code Section 12-3-5A-d: *Variances may only be granted if all of the following conditions are found to exist:*

- (1) 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 12-2-8 to 12-2-24 and 12-2-29 (if applicable) Zoning Regulations; and
- (2) literal interpretation of the provisions of Municipal Code 12-2-8 to 12-2-24 and 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 12-2-8 to 12-2-24 and 12-2-29 (if applicable) Zoning Regulations; and
- (3) the special conditions and circumstances do not result from the actions of the applicant; and
- (4) 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
- (5) 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 12-2-8 to 12-2-24 and 12-2-29 (if applicable) Zoning Regulations.

Additionally the Code indicates: *“No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.”*

The Zoning Board of Adjustment should open the Public Hearing and take public comment, including testimony from the applicant, if desired. Once all comments have received, the Board should turn the matter over Board discussion and action.

Site Location Lots 24-26, Cairns Addition to the Town of Grand Lake





January 9, 2012

Grand Lake Board of Adjustment
P.O. Box 99
Grand Lake, CO 80447-0099

RE: Updated Request Variance from
Zoning Regulations for Boathouse
Walkway, Kruse Property
730 Lake Avenue
Grand Lake, Colorado

Dear Chairman,

Dr. Robert Kruse asked Grand Environmental Services to evaluate and prepare this variance request for what we understand is a zoning violation where a subcontractor installed a walkway to enable restoration of the Kruse boathouse in 2010. The Grand Lake Planning Commission discussed this matter on 2Nov11. Depending upon where we measure from the shoreline, the walkway extends from 35.0 (east side of the walkway) to 39.5 feet (west side of the walkway, next to the boathouse), reflecting the irregular shore and pre-existing, non-conforming nature of the boathouse constructed in the 1940s.

Maps Attached Depict Site Layout

We originally visited the site with US Army Corps of Engineers Nick Mezei on 8Jun10 to confirm permitting path for maintenance activities including the walkway (Nationwide Permit #3 for *Maintenance*) and recommend Best Management Practices (BMPs) for water quality protection. Those observations and photos taken on 10July10 offer a base for estimating the pre-maintenance shoreline. We returned to the site on 23Nov11 to map the site with measuring tape and compass, using survey Best Practices for identification of ordinary high water (OHW per guidance from Public Land Surveyor Tim Shenk), then created Figure 1 (attached). Our evaluation is presented on Figure 2, with measurements confirmed in the field on 5Dec11. Figures 3-6 offer photo documentation.

Variance Requested

The attached Request for Variance from Zoning Regulations is supported by Hardship Explanations offered below following Town of Grand Lake Municipal Code Chapter 12, Article 3 Zoning Board of Adjustment, Section 5(A)(d).

1. The Kruse Property shoreline is highly irregular, with as much as five feet variation between a rocky point near the east side of the walkway and a shallow embayment near the middle of the boathouse (Figures 1, 3, and 4). This causes the pre-existing boathouse to extend from 35 to almost 40 feet from the shoreline OHW. During boathouse restoration in 2010 the carpenter subcontractor filled out the east-side walkway southward to be flush with the lakeside edge of the boathouse to facilitate

312 Park Avenue, PO Box 857, Grand Lake, CO 80447-0857
Phone: 970-627-5464 geoff@grandenvironmental.com

*Request Variance from Zoning Regulations for Boathouse Walkway
Kruse Property at 730 Lake Avenue, Grand Lake, Colorado*

maintenance. This inadvertently extended the structure from the shoreline 35 feet (where the contractor measured) to 39.5 feet (as measured by Town Staff, see Figures 2 and 5). Note that Grand Environmental and Town Staff measure to the first edge of permanent vegetation per survey Best Practices, but the distance to water's edge may be closer to 32 feet. Measuring foot by foot, Grand Environmental Services was able to define a ~4.5 foot² area of new walkway now extending beyond 35 feet from shoreline OHW but still within the outer perimeter of the boathouse (Figures 2 and 6).

The ~4.5 foot² area of new walkway is supported by structural 6X6 timbers extending underneath the restored boathouse wall (see Figure 6). Removing this part of the walkway could thus impact the structural integrity of the boathouse, causing an unnecessary hardship upon Dr. Kruse. In addition, the new walkway now offers important access for boathouse maintenance as well as for boaters, especially during strong southwest winds.

2. The walkway outer edge aligns with the pre-existing boathouse as well as neighboring boathouse walkways. Note the general alignment with neighboring boathouses to the west in Figure 6. Aerial-photo review of the general shoreline area reveals many boathouses with similar configurations; that is, boathouses with attached walkways extending to a common distance from shore to allow maintenance. This common configuration offers the landowner full access to the east side of the boathouse for maintenance as well as boating access, especially during strong east and southwest winds. Literal interpretation of the Municipal Code, measuring from the deepest part of the Kruse shoreline embayment, would thus deprive the applicant of boathouse use common in the area.
3. Walkway installation was performed during boathouse restoration by a well-meaning subcontractor while Dr. Kruse and landscape contractor Paul Harrington were out of town. The special conditions and circumstances of this walkway situation were thus not caused by actions of the applicant.
4. As presented above and in Figure 6, the Kruse boathouse walkway extends the full length of the boathouse but no farther, a common design on Grand Lake and thus not conferring upon the applicant any special privilege denied to others.
5. The ~4.5 foot² area of new walkway is between boathouses in line with pre-existing structures and would thus not block boater use boaters (kayak or canoe for instance) passing by (Figures 2 and 6). Motor boats tend to pass by farther out from shore. Granting our requested variance would therefore not pose a detriment to the public good nor substantially impair the intent and purpose of Municipal Code Zoning Regulations protecting public access, shoreline, or water quality. In fact, the walkway allows long-term maintenance consistent with municipal policy for landowners to maintain shoreline facilities in good condition.

*Request Variance from Zoning Regulations for Boathouse Walkway
Kruse Property at 730 Lake Avenue, Grand Lake, Colorado*

We hope this helps explain our variance request. Please do not hesitate to contact us for additional information or to arrange a site visit.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Elliott', with a long horizontal line extending to the right.

Geoffrey S. Elliott
Principal Earth Scientist

Distribution PDF via e-mail:

Grand Lake Board of Adjustments via Grand Lake Town Planner
Dr. Robert Kruse via Paul Harrington
Paul Harrington, Harrington Landscapes

Attached:

Updated Request for Variance from Zoning Regulations
Figures 1-6 dated 3Jan12

REQUEST FOR VARIANCE FROM ZONING REGULATIONS

TOWN OF GRAND LAKE
ZONING BOARD OF ADJUSTMENT
P.O. BOX 99
GRAND LAKE, CO 80447

Phone: 970.627.3435
Fax: 970.627.9290
Email: glplanning@townofgrandlake.com

PLEASE FILL OUT THE FOLLOWING INFORMATION.

Property Legal Description: Lots 24-26, Cairns Subdivision, Town of Grand Lake

Property Street Address: 730 Lake Avenue

Property Owner: Dr. Robert Kruse

Applicant's Name: Geoff Elliott for Dr. Kruse Day Phone: 970-509-0199

Applicant's Mailing Address:

Grand Environmental Services: Box 857 Grand Lake, CO 80447

Kruse: 22 Covington Drive, Cherry Hills Village, CO 80110 303-761-9093

Variance Requested: Allow dock walkway installed during 2010 to remain in place for maintenance and boater safety, extending to outer (lakeside) edge of pre-existing, non-conforming boathouse. Maximum apparent encroachment is 4.5 feet beyond 35 feet from shore (total 39.5 feet from shore); area of walkway greater than 35 feet from shore is ~4.5 feet².

Additional Information: Letter report attached with plot plans 1 inch = 10 feet. Grand Environmental Services has performed site analysis to clarify situation and request for variance.

Required Attachments:

- a) Hardship Explanations (As identified in Municipal Code); and
- b) Plot Plan: Scale of ¼" per foot is preferred; 1/8" per foot is acceptable; and
- c) Any additional documents you feel are necessary or helpful for a Board decision; and
- d) Application Deposit: By law we are required to notify all adjacent property owners by certified mail and make public notice of the meeting. To cover these costs and processing of your application, a \$135.00 deposit (payable to: Town of Grand Lake) must accompany this application. Funds not utilized will be remitted to the applicant; if the Town requires additional funding, additional deposits may be required.

Additional questions may be addressed to the Town Planner at the above contact information.

The Public Hearing regarding your request will be held between 15 and 45 days after receipt of your request. You will be contacted to schedule a mutually convenient date.

Shoreline Investigation for Kruse Boathouse on Grand Lake
Harrington Landscapes

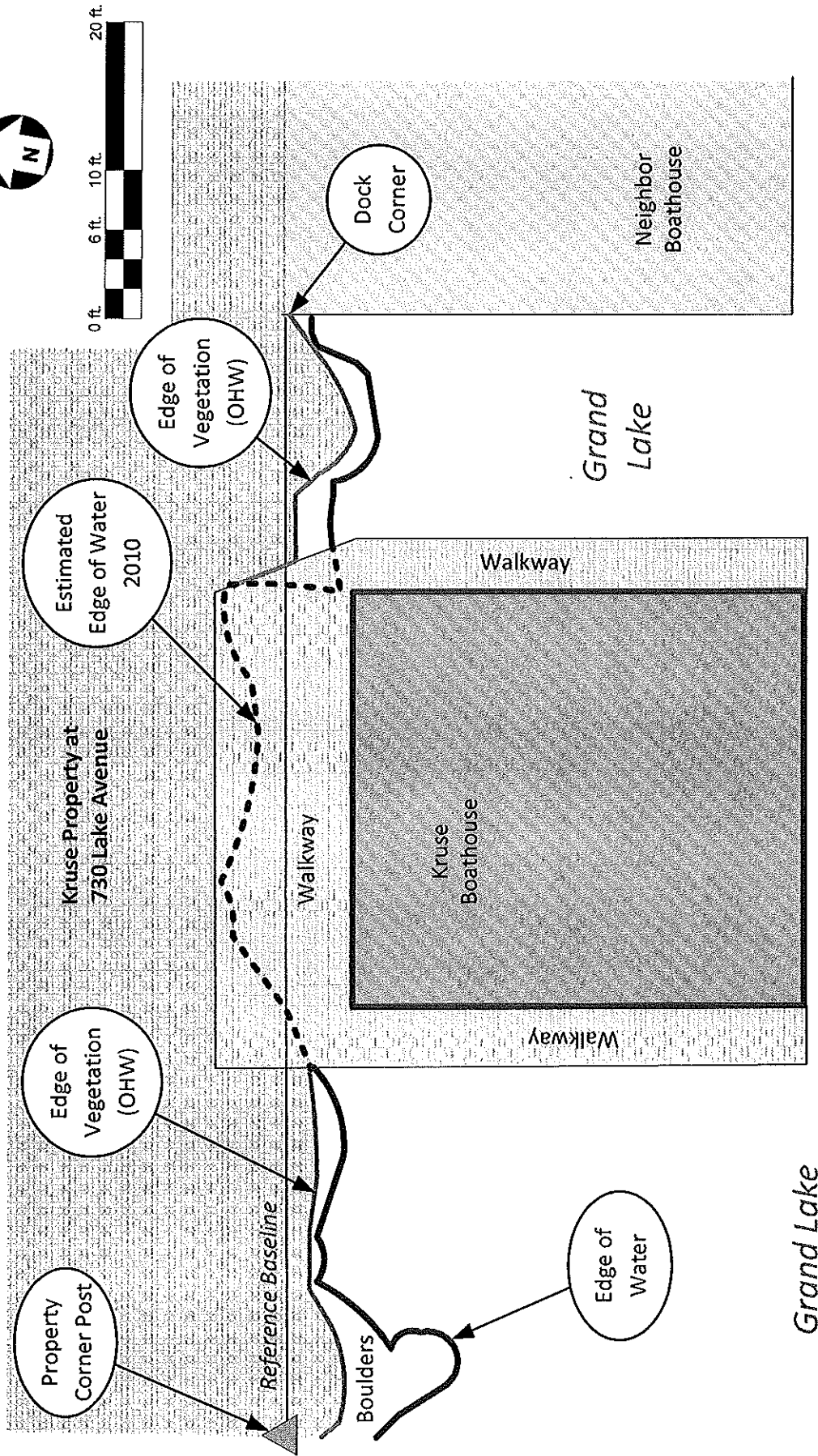


Figure 1: Site Plan from Field Measurements taken 23Nov11 combined with Estimated 2010 Shoreline from Photos taken 10July10. Ordinary High Water Mark (OHW) is identified here as first shoreline vegetation above water and rock. Edge of water presented for reference. "Reference Baseline" is line drawn between property corner post on West and neighboring dock on East.

Shoreline Investigation for Kruse Boathouse on Grand Lake
Harrington Landscapes

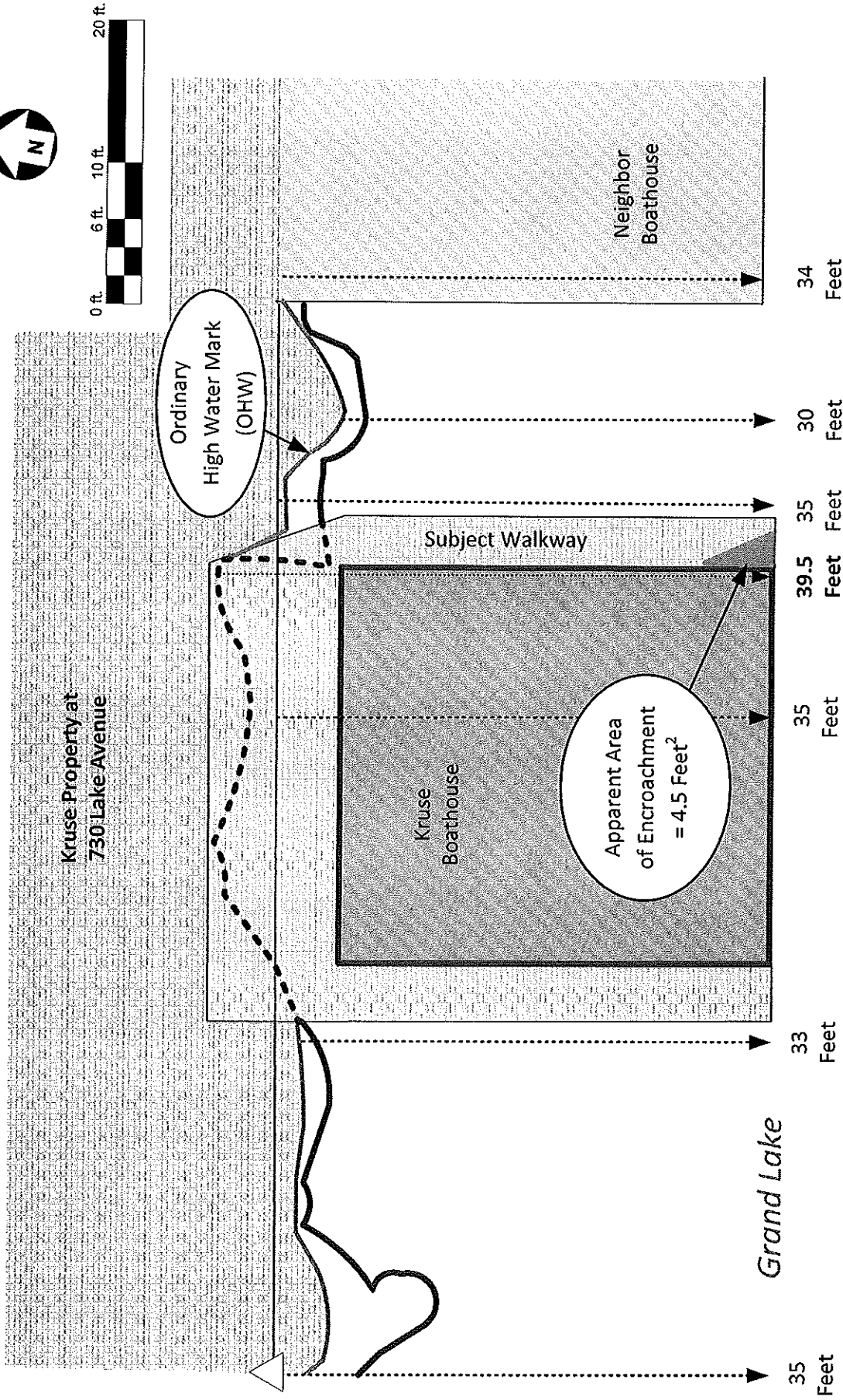


Figure 2: Site Plan with Distances from Lake-Side Edge of Structures to Line of Vegetation. Part of the new walkway apparently encroaches 4.5 feet beyond 35 feet from shoreline OHW which calculates to an area of approximately 4.5 square feet. Map created from survey conducted on 23Nov11 with distances confirmed on 5Dec11.

*Shoreline Investigation for Kruse Boathouse on Grand Lake
Harrington Landscapes*

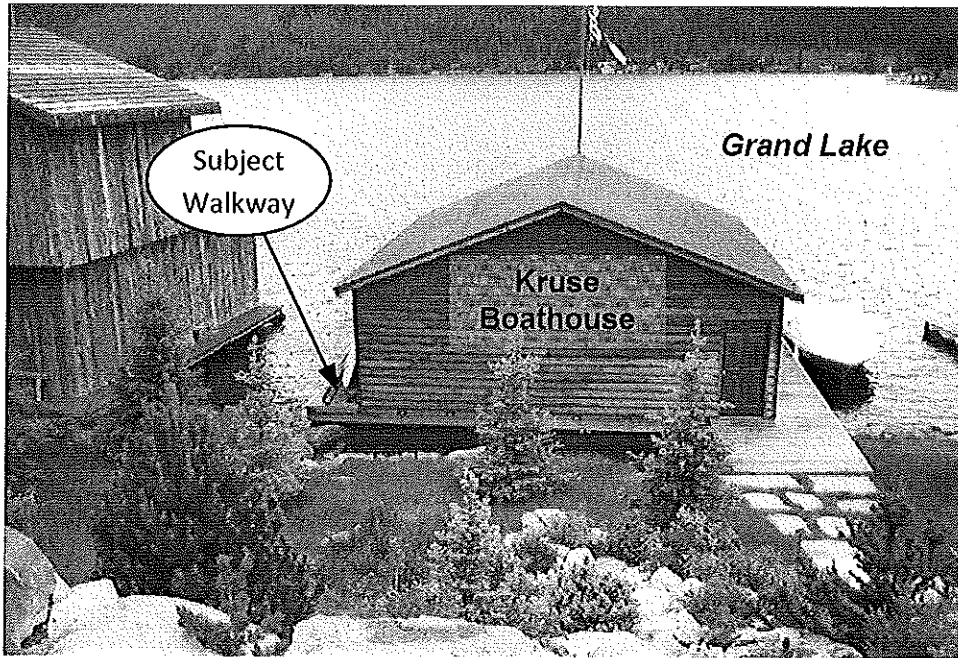


Figure 3: Photo of Kruse Boathouse Project Area looking South on 10July10. Grand Environmental visited the site with USACE Nick Mezei in June 2010 to discuss boathouse improvements and water quality protection. Apparent violation area is along east-side walkway (photo-left side of boathouse).

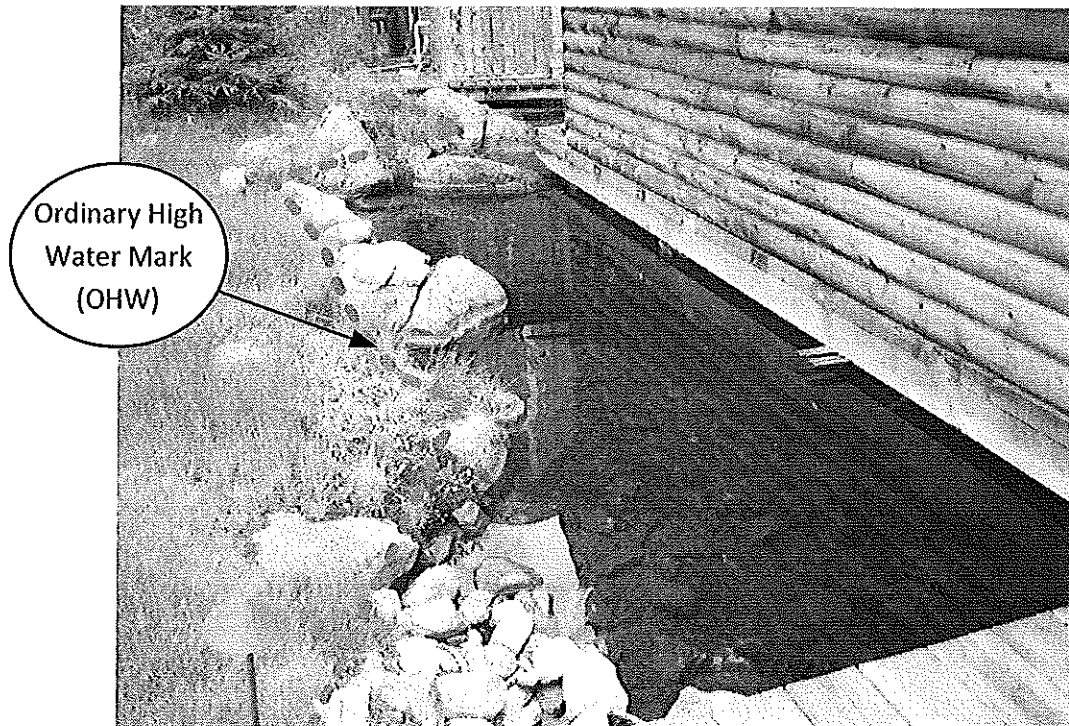


Figure 4: Photo of Walkway Project Area on 10July10, looking ~ East. Note rocky shoreline with irregular edge of vegetation defining OHW per surveying best practice (personal communication with Tim Shenk Land Surveys 2Dec11).

Shoreline Investigation for Kruse Boathouse on Grand Lake
Harrington Landscapes

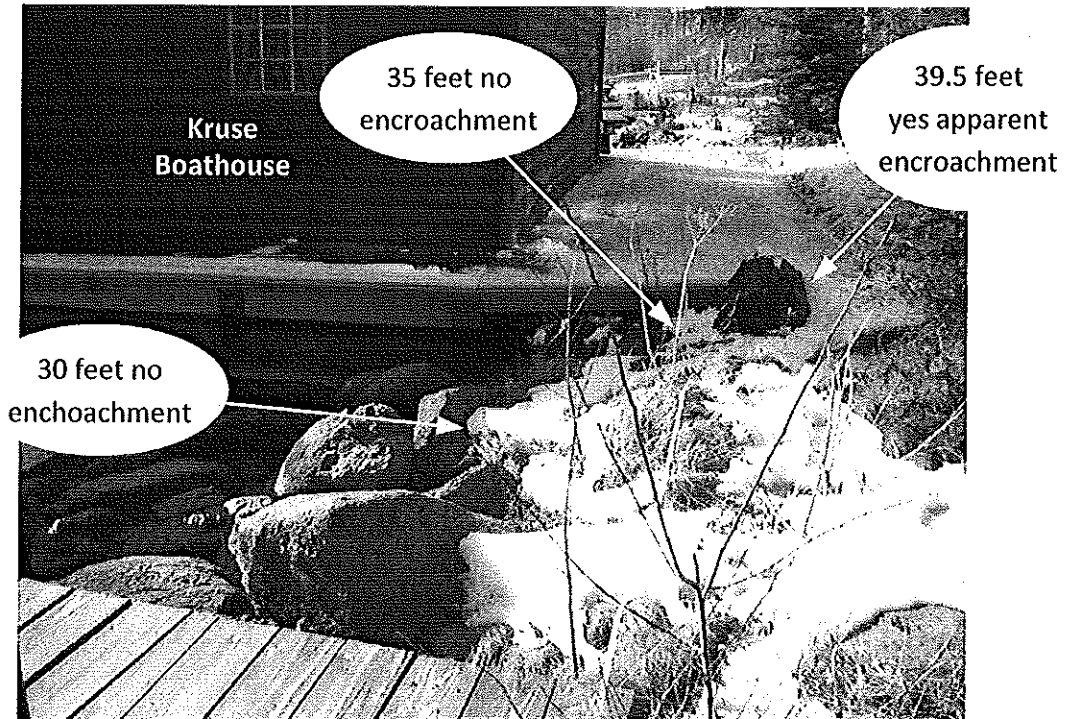


Figure 5: Photo of Area with Different Measures from Ordinary High Water Mark (OHW). The irregular shoreline makes definitive measures difficult and differences understandable.

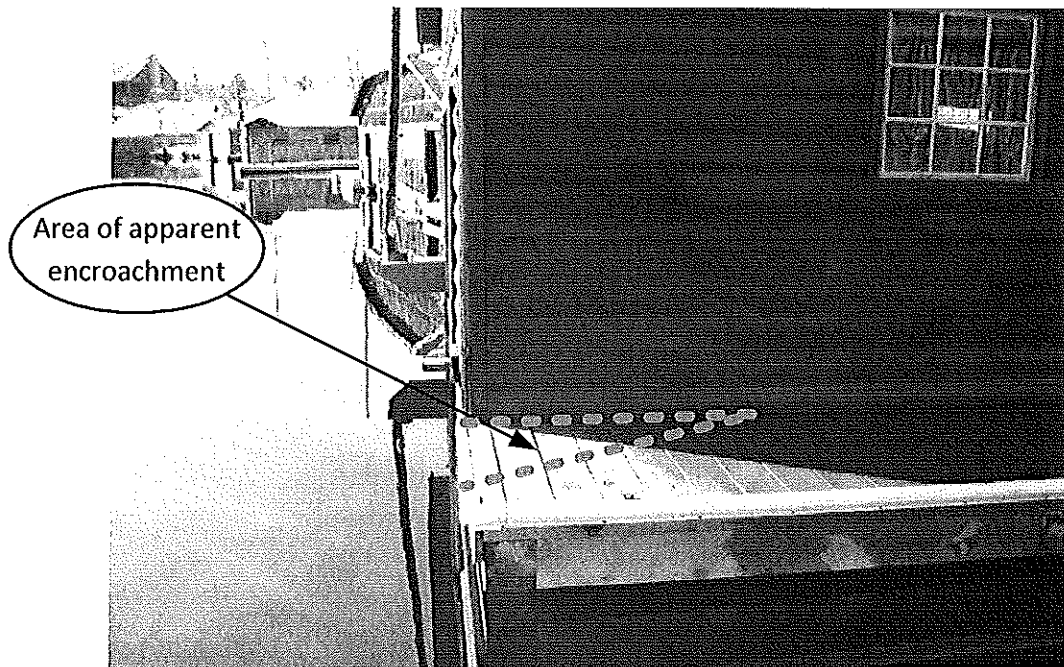


Figure 6: Photo of South (Lakeside) End of Dock, looking West on 23Nov11, with Apparent Encroachment. Detailed measures from shoreline reveal a triangular area of new walkway greater than 35 feet from OHW. This triangular area measures 4.5 feet north-south and 2 feet east-west calculating to ~4.5 square feet of apparent enchroachment into Grand Lake beyond 35-foot limit. Note structural timbers extending under walkway and boathouse walls. Compare with Figure 2.

**INSPECTION WILL NOT BE MADE UNLESS
THIS CARD IS POSTED ON THE JOB**

BUILDING PERMIT

GRAND COUNTY COLORADO

Date Issue 3-3-10 Zoned Area _____ Permit No B 10-0035GL

In consideration of the issuance of this permit, the undersigned hereby agrees to comply with all such laws and regulations related to the zoning, location, construction and erection of the proposed structure for which this permit is granted, and further agrees that if the above said regulations are not fully complied with in the zoning, location, erection, and construction of the above described structure, the permit may then be revoked by notice from the County Building Inspector and THEN AND THERE IT SHALL BECOME NULL AND VOID.

Use: Boat House / Cribbing & Deck Repair & Replace

Address: 730 Lake Ave., Grand Lake Legal Description: Lot 24-26, Cairns Add

Owner: Bob Kruse

Set Backs: Front: 25' Side: 10' Side: 10' Rear: Water-30'

This Card Must Be Posted So It Is Plainly Visible From the Street Until Final Inspection

All Checked Boxes Must Be Inspected And Approved Before Covering-Whether Interior or Exterior, Underground or Above Ground.

INSPECTION RECORD

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1. Zoning Set Backs <u>TOWN</u>
<input type="checkbox"/> 2. Open Hole _____
<input type="checkbox"/> 3. Footing _____
<input type="checkbox"/> 4. Piers _____
<input checked="" type="checkbox"/> 5. Foundation _____
<input type="checkbox"/> 6. Plumbing-Underground _____
<input type="checkbox"/> 7. Ice & Water Shield _____
<input checked="" type="checkbox"/> 8. Electric Rough <u>5-20-10</u>
<input type="checkbox"/> 9. Plumbing-Rough _____
<input type="checkbox"/> 10. Gas Piping _____
<input checked="" type="checkbox"/> 11. Frame <u>015-26-10-11</u> | <input type="checkbox"/> 12. Insulation _____
<input type="checkbox"/> 13. Drywall _____
<input type="checkbox"/> 14. Heating Ventilation _____
<input type="checkbox"/> 15. Roof Covering _____
<input checked="" type="checkbox"/> 16. Electric Final <u>5-24-10</u>
<input checked="" type="checkbox"/> 17. Zoning Final <u>TOWN N/A</u>
<input checked="" type="checkbox"/> 18. Building Final <u>015-26-10-11</u>
<input type="checkbox"/> 19. Septic _____
<input type="checkbox"/> 20. 3 Lakes Design Review _____
<input type="checkbox"/> 21. Water & Sewer District _____ |
|---|--|

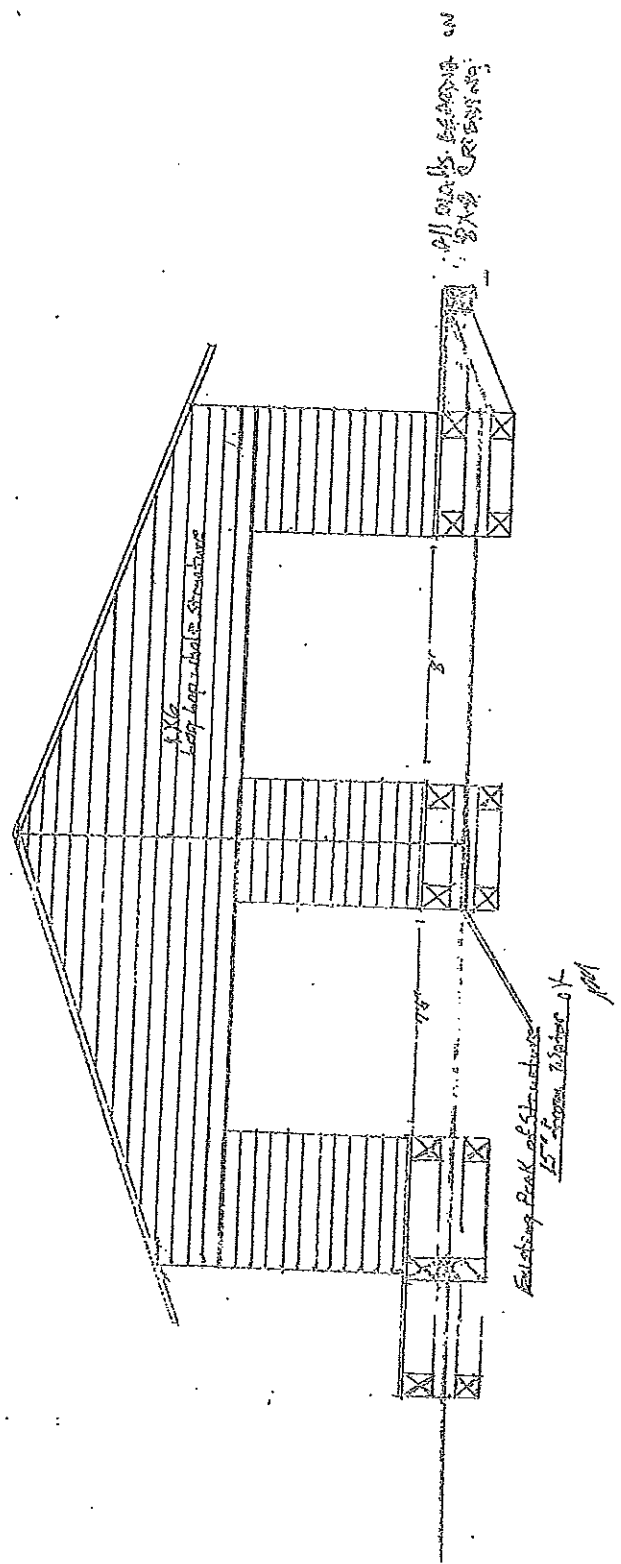
2000 International Building Code as Amended:

Section 105.5 - Expiration

Expiration. Every permit issued by the building official under the provisions of this code the building or work authorized by such permit is not commenced within 180 days authorized by such permit is suspended or abandoned at any time after the work can be commenced, a new permit shall be obtained. The fee for a re-issued new permit for such work, provided no changes have been made or will be made in the further provided that such suspension or abandonment has not exceeded one year. Changes in plans and specifications shall require an additional permit fee and plan review fee as described in Section 108. Any nullified permit where the suspension or abandonment has exceeded one year will require the permittee to pay a new permit fee plus plan review fee.

TAKEN 12/31/10
 USE TAX \$ 172.32 + 10%
 AHF \$ 63.00

Proposed Reribbing of Boat House for Capt. Ann Kruse 738 Lakeport
Grand Lake, Colo.



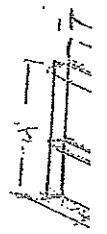
Remove top 2 inches of Cribbing
And replace with new timber
Replacement material will be approved
before install

All Cribbing Reinstall with 12x spikes
And on 12" top screw

On Shore Line to Property Line
25' H/L

1/4" = 1'
Scale

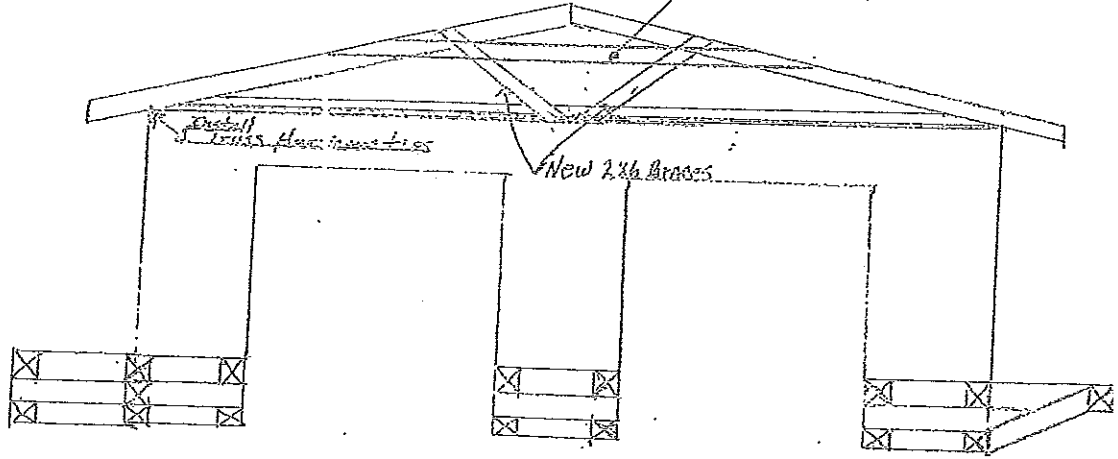
From Deck 2x6 Edge of
Structure
15' Storm Protection



Is BEARING ON
EXISTING

Remove Roof Trusses to remove
AS MUCH SAG AS POSSIBLE
Nail & Glue all joints

New 2x6 Collar ties



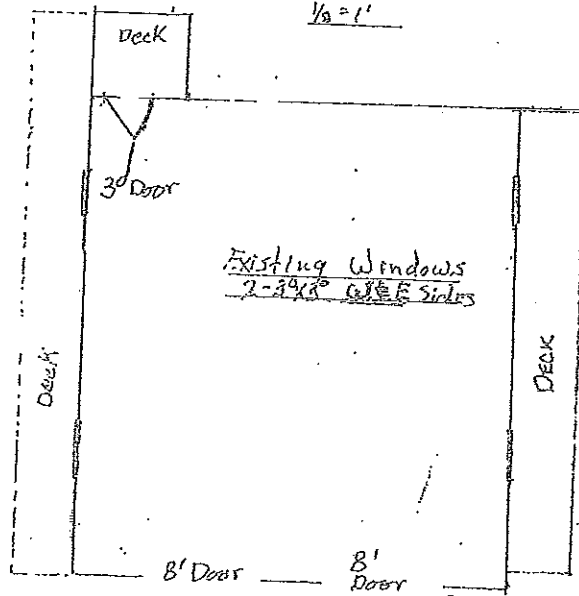
Shore

REPLACEMENT TO
EXISTING IIR

12
sing

Existing Doors

1/2 = 1'



KRWAK, DUW

Street Address: 730 LAKE AVE.			
Lot: 24-26	Block: /	Subdivision: CAPRINS ADD.	
Setback (Zone: SFR-ND) Front 25 Side 10 Rear 10 Water 30			

PRE-SITE

Date: 2-20-2010	Time: 12:50 PM	Inspectors: SH/AW
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STAKED: LOT CORNERS, DRIVEWAY, STRUCTURE, ORIGINAL GRADE YES NO - ~~NA~~
 WETLANDS LOCATED ONSITE YES NO
 SEDIMENT CONTROL, DRAINAGE REQUIREMENTS DISCUSSED YES NO

ADDITIONAL COMMENTS:

NO CONTRACTOR ONSITE. Staff notation of debris warning.

Pre-Site Signature: <i>[Signature]</i>	Date: 2-20-2010
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SETBACK

Date:	Time:	Inspectors:
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STAKED: LOT CORNERS YES NO
 INSTALLED: FORMS and REBAR, STRING LINE, SEDIMENT CONTROL YES NO
 DRAINAGE and SEDIMENT CONTROL REQUIREMENTS MET YES NO
 MATERIALS REMOVED FROM R-O-W YES NO
 PRELIMINARY ACCEPTANCE FORM SIGNED YES NO

ADDITIONAL COMMENTS:

Setback Signature:	Date:
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FINAL

Date:	Time:	Inspectors:
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RECEIVED: IMPROVEMENT SURVEY PLAT and CERTIFIED HEIGHT YES NO
 STAKED: LOT CORNERS and SNOW STORAGE YES NO
 INSTALLED: SEDIMENT CONTROL, DRAINAGE REQUIREMENTS, WATER METER YES NO
 PARKING CREATED / MINIMUM GRAVELED YES NO
 LANDSCAPING / RESEEDING COMPLETED YES NO
 MATERIALS REMOVED FROM R-O-W YES NO

ADDITIONAL COMMENTS:

PreSite Signature:	Date:
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**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 14-2010**

**A RESOLUTION AUTHORIZING THE RELEASE OF A BUILDING PERMIT PLAN CHANGE
REQUEST IN CONJUNCTION WITH THE KRUSE BOATHOUSE RECONSTRUCTION
PROJECT**

WHEREAS, On February 26, 2010, the Town of Grand Lake issued a building permit to for Robert L. Kruse Trust the reconstruction of an existing boathouse on the property located at Lots 24-26, Cairns Addition to the Town of Grand Lake; and,

WHEREAS, On August 30, 2010, the Town of Grand Lake received a Plan Change Request for the approved building permit for the addition of dock/decking on the north side of the boathouse between the rear of the boathouse and the shoreline; and

WHEREAS, the Town of Grand Lake Planning Commission heard this matter at their regularly-scheduled meeting on September 15, 2010; and,

WHEREAS, at that meeting, the Planning Commission was favorable to the applicant's request on the basis that the Commission determined the request was not in violation of the Municipal Code and that the request, if approved, would not increase the non-conformities of the preexisting structure.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF
GRAND LAKE, COLORADO,**

THAT,

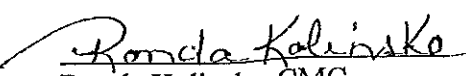
The Planning Commission authorizes the release of a building permit plan change request in conjunction with the Kruse boathouse reconstruction project located at Lots 24-26, Cairns Addition to the Town of Grand Lake.

**DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF
GRAND LAKE, COLORADO THIS 6TH DAY OF OCTOBER, 2010.**

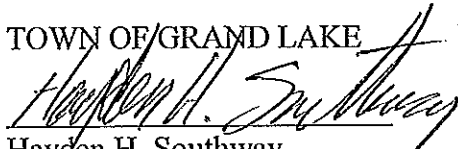
(SEAL)

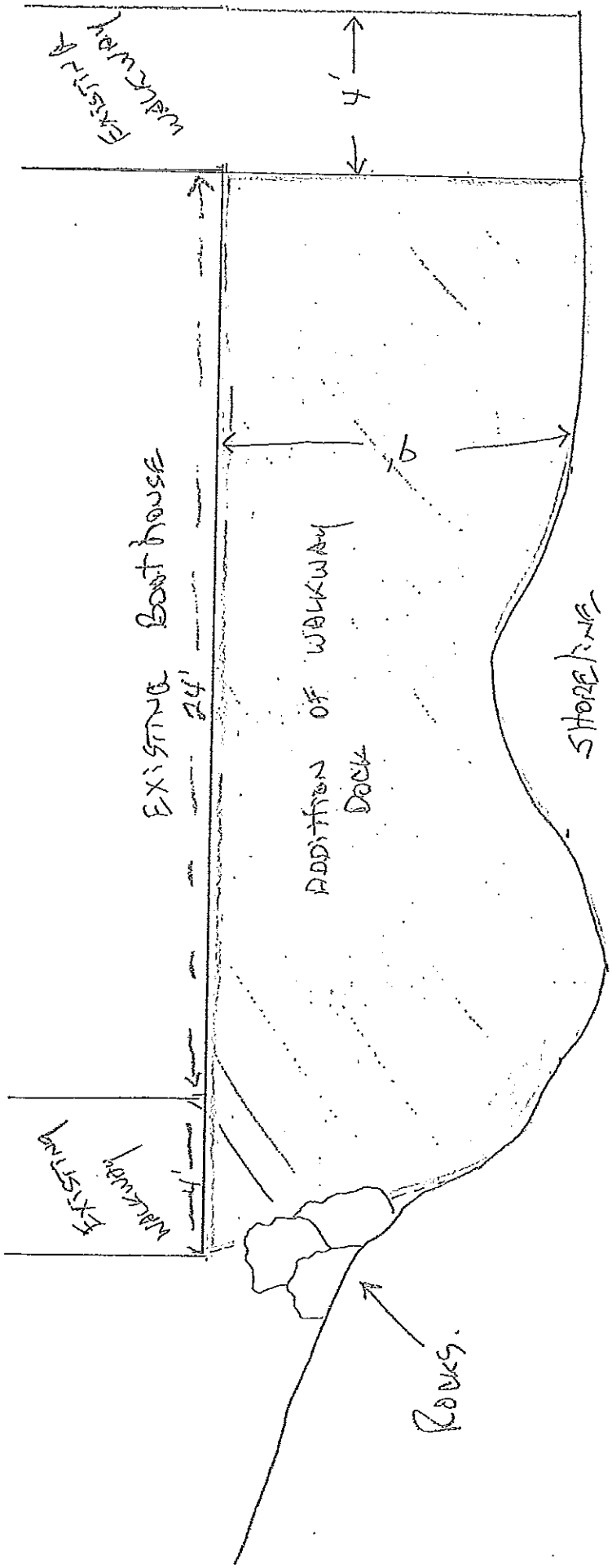
Votes Approving:	6
Votes Opposed:	0
Absent:	1
Abstained:	0

ATTEST:


Ronda Kolinske, CMC
Town Clerk

TOWN OF GRAND LAKE


Hayden H. Southway
Planning Commission Chairman



$$\frac{1}{4} = 1'$$

HOME ↓

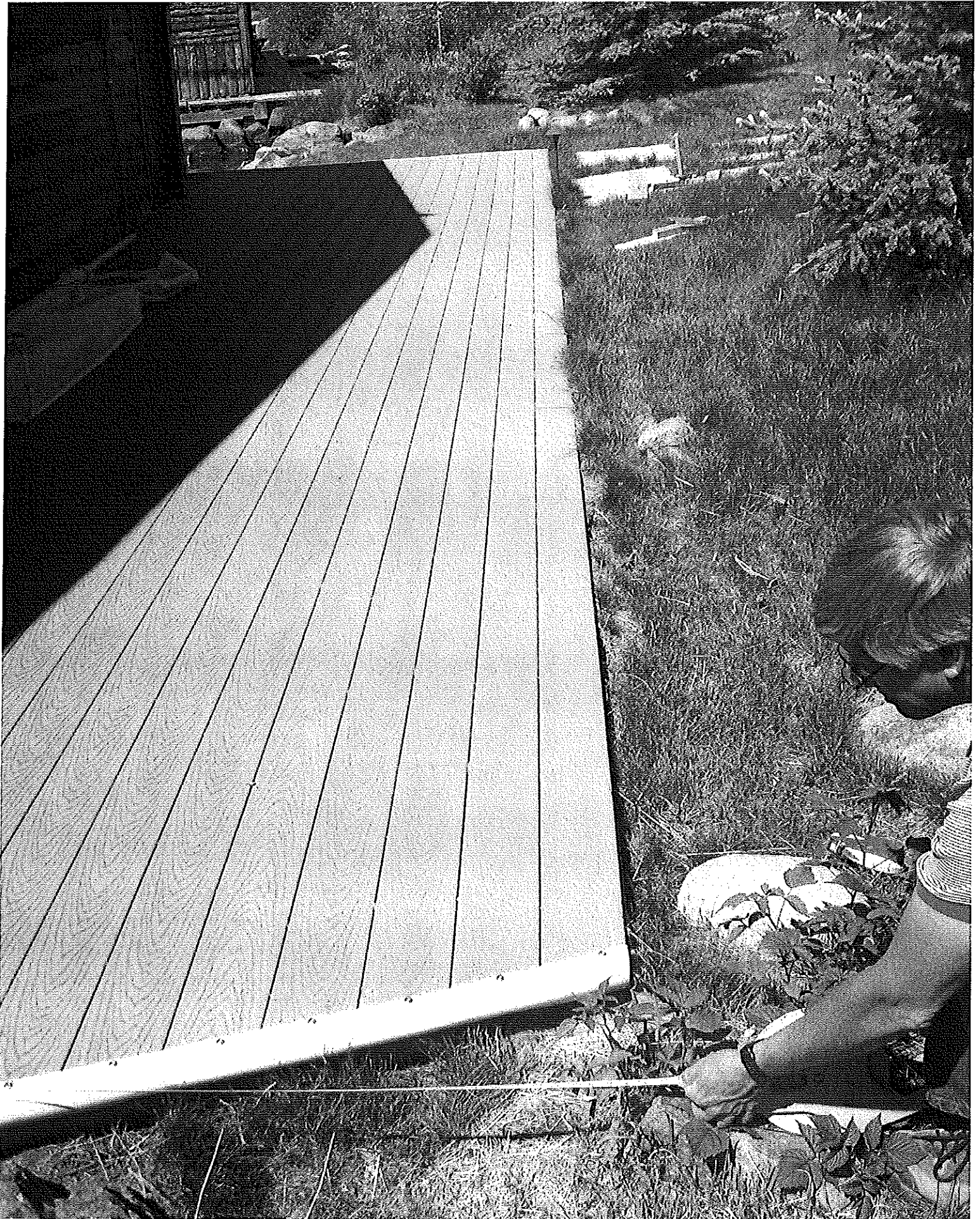
TOWN OF GRAND LAKE

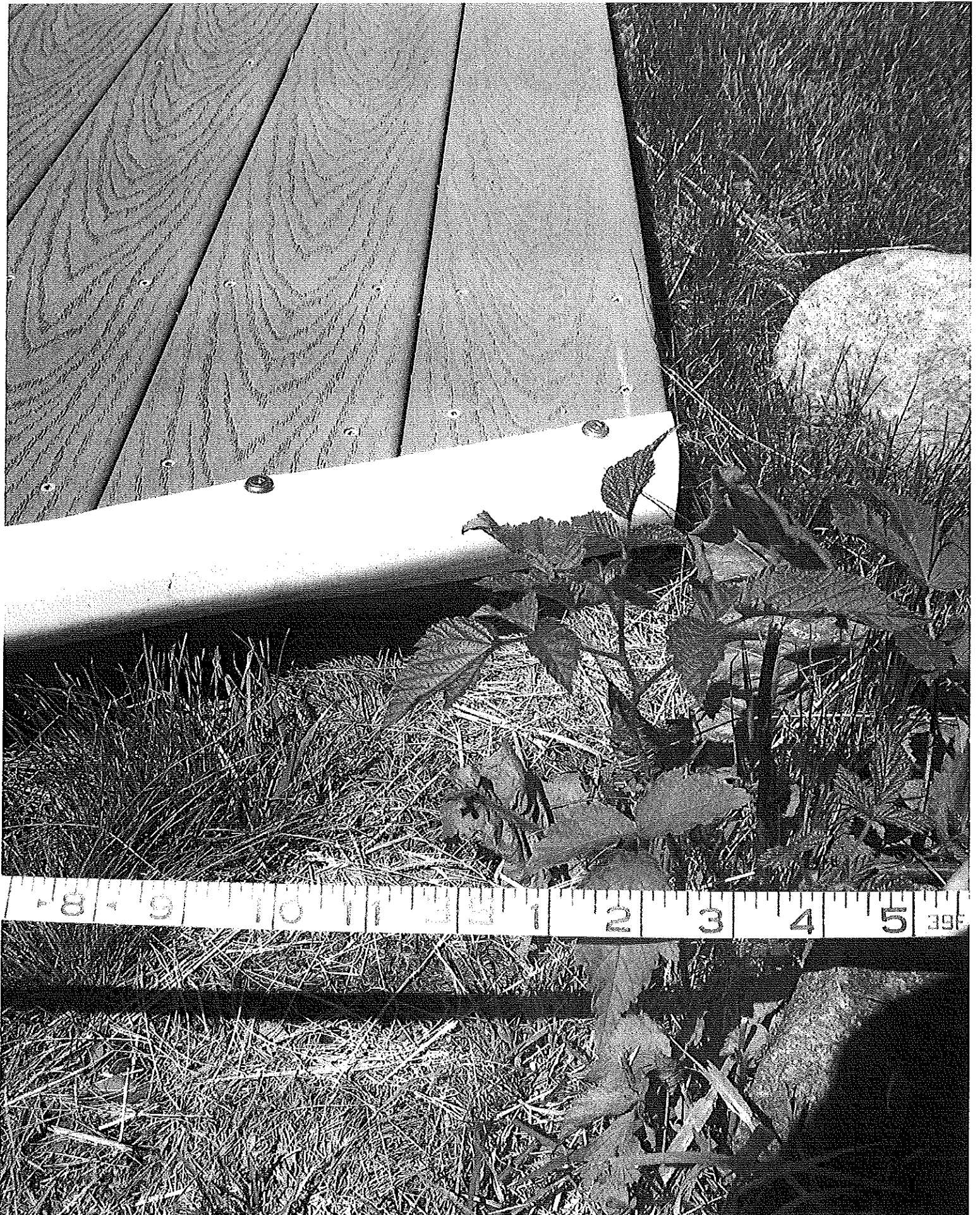
by _____

Walkway Addition Plan

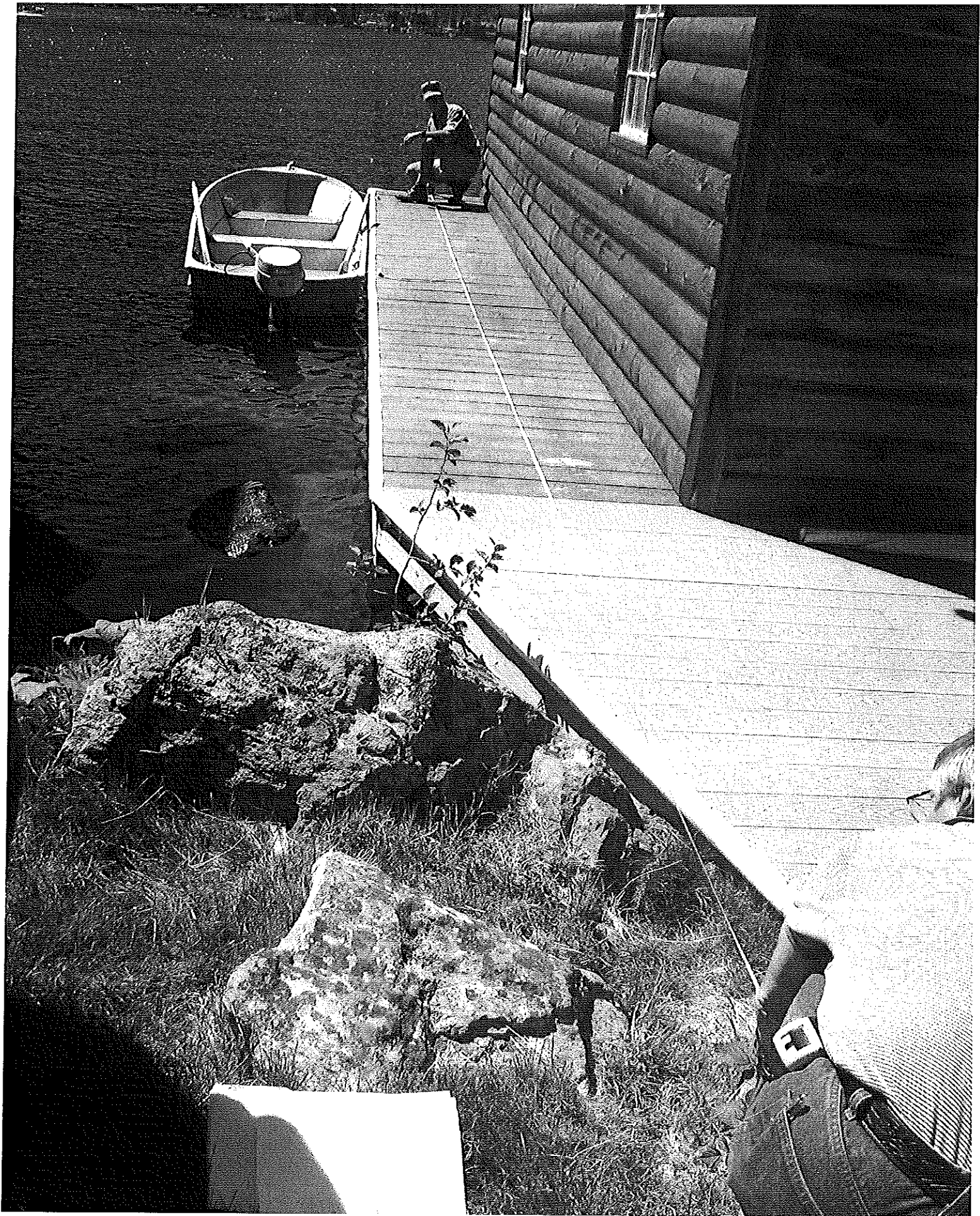
Walking
Addition
Construction
Photo













TOWN OF
GRAND LAKE

January 4, 2012

Robert L. Kruse Trust
22 Covington Drive
Englewood, CO 80113

Sent Certified
Mail 1.5.2012
receipt @ Town Hall

RE: Zoning Code Violation

To Whom It May Concern:

You obtained building permit #B10-0035GL for a repair of your existing boathouse and dock located at 730 Lake Avenue on 03-03-10. This permit was closed without Town final approval, which had been requested, but had been marked as N/A on the building permit card by some unknown person.

During the annual boathouse inspection on 06-29-11, Town Staff saw that the east side dock which is attached to your boathouse was extended longer than what was authorized by the building permit. In fact, that dock was specifically called out on the drawings to not be increased in size due to the fact the length of the east side of the attached dock is greater than the maximum allowable projection into the lake for this improvement.

The Town has Municipal Code 12-2-29-2B which reads:

"Extension Beyond Shoreline: No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure. There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area."

Your extending the length of the east side dock exceeded the authorization of building permit #B10-0035GL and is in violation of the Zoning Code. You must come into compliance with the Municipal Code or seek a variance from the Zoning Board of Adjustment.

If you have any questions, please feel free to contact me.

Sincerely,

Abbi Jo Wittman,
Town Planner
glplanning@townofgrandlake.com

P.O. BOX 99, GRAND LAKE, COLORADO 80447-0099
PH. 970/627-3435
FAX 970/627-9290
E-MAIL town@townofgrandlake.com

RECEIVED JAN 24 2012

January 21,2012

Dear Mayor Judy Burke and to whom it may concern,

We are responding to the letter received from the town of Grand Lake regarding the request for an extension to the boat house on Lot 24-26. We have viewed this from both the lake and shore and we can't see anything that is worth all the time, money and energy being spent on this situation. This home is a beautiful addition to Grand Lake and an encouragement to others to improve their property. We would like to see the variance approved by the Town of Grand Lake Zoning Board of Adjustment.

Sincerely,

**Lynda and Larry Lindsey
717 Lake Ave
Grand Lake, Colo**

Abbi Jo Wittman

From: Lagerborg Mary Beth [marybethlagerborg@gmail.com]
Sent: Thursday, January 26, 2012 9:04 AM
To: glplanning@townofgrandlake.com
Subject: Request for extension to attached boat dock at Lot 24-26

Dear Abbi Jo,

Thank you for sending the information on this request to neighbors along the shoreline. Our family has discussed this, and we have no issue with the town approving this request. It would be helpful to see a drawing of the proposed change. We're left to imagine it. However, we do approve this request, trusting that this family would treat their dock addition with the same care with which they have designed their home and landscaping. We trust nothing outrageous is in the planning.

Sincerely,

Mary Beth Lagerborg
518 Cairns Ave.

ADDITIONAL GUIDANCE

The Town of Grand Lake had its ability to adopt and enforce zoning regulations tested in 1981 in the case of Tollefson v. Grand Lake Board of Adjustment. The facts of the case are as follows:

Mr. Tollefson was the owner of property in the Town and began construction on an addition to his residence without securing a building permit. The addition also encroached into the ten-foot side set back by four feet. Presuming the matter of the building permit could be rectified; the Town was still faced with the question of approving an "after the fact" variance. Because the applicant could prove no hardship in complying with the zoning regulations, the Board of Adjustment voted to deny the variance request. The matter was appealed to municipal court, and the municipal judge held for the Town. The matter was then appealed to District Court on a technicality.

In rendering his decision on Tollefson, Judge Richard Doucette set forth a two-fold test in considering the granting of variances. The applicant has the burden of proof in demonstrating that: 1) some peculiar aspect of the property precludes the applicant from building a structure listed as a use by right within the zoning district; and 2) the granting of the variance will alleviate a hardship, not merely satisfy a desire. In the case cited the applicant failed to present any evidence showing that the Town had in any way denied a use of the property commonly enjoyed by others. Further, the applicant did not demonstrate in any way what hardship would be imposed by the denial of the variance. Judge Doucette stated with great detail the considerations to be made by the Board of Adjustment in considering any variance request:

"The reasons for a variance are to be substantial, serious and compelling reasons. There must be unique or special circumstances or conditions, or exceptional situations that justify deviation from the plan or scheme of the ordinance. Variances should not be granted unless it is shown that the situation is such that a reasonable use of the property cannot be made within the parameters of the ordinance. The test is not what the owner desires or would be more desirable but whether the property can be reasonably used within the limitations of the ordinance."

"Likewise, a variance is not to be granted simply because it will do no great harm. Presumably many, many property owners conform to the regulations without protest or requests for variance, even though they may prefer to have done otherwise. To grant variances simply because no one objects would soon totally destroy the plan or scheme of the regulation. An applicant who merely shows that the requested variance would do no harm and would benefit the owner fails to meet the burden under statute..."

"To show unnecessary hardships, the applicant must show a hardship peculiar to the situation of the applicant's property which amounts to substantial injustice to him and that the imposition of the hardship is unnecessary to carry out the intent of the ordinance. The hardship must be a real, serious, compelling hardship as distinguished from reasons of convenience, profit or caprice..."

At your convenience, it may be advisable to examine the site to better understand the conditions surrounding this request.

Please do not hesitate to contact Town Hall if you have any questions or require additional information. Thank you for your cooperation and dedicated efforts.