



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, December 10, 2019 8:00 AM**

A G E N D A

- I. Meeting Call to Order
- II. Roll Call of BOA Members
- III. No minutes available for review.
- IV. Conflicts of Interest
- V. NEW BUSINESS:
 - A. 202 Forest Trail - Front Setback.

MEMO

TO Board of Adjustment
FROM Hugh Bell, Planner
THRU James Shockey, Community Development Director
DATE December 10, 2019
RE Setback Variance Request – 202 Forest Trail

Applicant: Mimi and Russell Casement

Description of Variance Request:

Request for 10' setback in front yard for construction of a garage.

Owner's Reasons Why the Variance Should Be Granted:

The original home was built before Zoning and did not include a garage. Therefore and forced by new zoning regulations, we need a variance to get a garage which yields a reasonable return in use....meaning most single family residences have garages and for home owners in the mountains, garages are an important part of quality of life.

The topography of the site prohibits us from designing a garage which fits within the front setback per zoning. Furthermore, the original home was built before zoning and did not include a garage.

The character of a majority of Forrest Trail is residences (single/multi family) with attached garages. The homes were built before zoning was applied and were pushed up towards the front property lines. By keeping the new garage close to the front of the existing residence, we are keeping with the character of the neighborhood. We are also creating a relationship to the existing residence which enhances the architectural consistency between the two structures.

See variance application form for more photos.

Applicable Town Code:

7-4B-3: LOT AREA REQUIREMENTS:

D. Minimum Yard Requirements: Except as provided for in section [7-3-7](#) of this title, minimum yard requirements in an R-2 zone shall be:

1. **There shall be a front yard setback of at least twenty five feet (25') for any principal use and accessory structure.**
2. There shall be a rear yard setback of at least twenty feet (20') for any principal use and accessory structure.

3. There shall be a side yard setback of at least ten feet (10') for any principal use and accessory structure.
4. The side yard on the street side of each corner lot shall not be less than fifteen feet (15'). (Ord. 317, Series of 2002)

8-3-2: SPECIAL SITE CONSIDERATIONS:

- A. Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche or rock slides, and geological hazards, shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for residential occupancy.

6-2-9: VARIANCES:

- A. Intent Of Variance Provision: Variance from the terms of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter deprives such property privileges enjoyed by other property in the vicinity, and under identical zoning classification and other restrictions.

Criteria to Grant Variance (Town Code § 7-8):

7-8-1B: No variance shall be granted unless the board of adjustment finds, based on evidence, that ALL of the following criteria exist:

1. The property in question cannot yield a reasonable return in use or service if permitted to be used only under the conditions allowed by the regulations for the municipality.
2. The plight of the owner is due to unusual circumstances.
3. The variation, if granted, will not alter the essential character of the locality.

7-8-1C: For the purpose of implementing the above rules, the Board shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to the other property within the same zoning classification.
3. The purpose of the variation is not based primarily upon a desire to make more money out of the property.
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

5. The granting of the variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

Public Notification:

This variance request has had proper public notification pursuant to Section 7-8-3 of the Town Code. A Public Notice was published in the Middle Park Times on November 21, 2019 providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property and the property posted on November 26, 2019.

Three comments have been received as of 12/5/19.

Staff Comments:

The applicant is proposing to reduce the front setback of 25' to 10'. As described above, the applicant is applying for this variance request in order to construct a garage outside of steep topography on the site. Up to the proposed 10' setback, the grade is 10%; at the 25' setback, the grade is 30%. A slope of 30% is typically not recommended for the site of a structure. See attached site plan for grade details.

Staff Recommendation:

Staff does not provide a recommendation for variance requests. The Board of Adjustment must prove that a hardship is applicable and must establish findings of fact as related to the particular difficulties of the site. The hardship must be determined using ALL of the following criteria:

1. The property in question cannot yield a reasonable return in use or service if permitted to be used only under the conditions allowed by the regulations for the municipality.
2. The plight of the owner is due to unusual circumstances.
3. The variation, if granted, will not alter the essential character of the locality.



VARIANCE APPLICATION FORM

Date: 08 / 15 / 2019

Applicant Name: Mimi Casement

Mailing Address: 1355 S. Colorado BLVD. STE 320, Denver, CO. 80222

Phone Number: _____ E-mail Address: casemunch@me.com

Applicant is the: **Property Owner** **Other:** _____

Street address of property for which variance is requested: 202 FOREST TRL

Legal description of property: Subd: WHITING TRACTS Lot: 7 .80AC APPROX W2 TRACT 7 LESS ROW

Detailed description of the variance requested and an explanation of why the applicant believes the variance should be granted (please attach additional sheets if necessary):

We are requesting front yard setback in order to construct a garage for the existing single family residence on the property.

Instead of the 25'-0" setback as required in the R-2 zoning we are requesting a 10'-0" front yard setback.

Re: attached site plan(s) _____

Indicate which conditions listed below relate to the property for which variance is requested.

Please note, the Board of Adjustment cannot grant a variance unless it finds, based on evidence, that ALL the following conditions exist.

- The property in question cannot yield a reasonable return in use or service if permitted to be used only under the conditions allowed by the regulations for the municipality*
- The plight of the owner is due to unusual circumstances*
- The variation, if granted, will not alter the essential character of the locality*

**For each condition checked above, applicant must provide adequate supporting evidence with this application.*

Please indicate which of the following facts favorable to your application apply to this request:

- The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out*
- The conditions upon which the petition for a variance is based would not be applicable, generally, to the other property within the same zoning classification*
- The purpose of the variation is not based primarily upon a desire to make more money out of the property*
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property*
- The granting of the variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located*
- The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood*

**For each condition checked above, applicant must provide adequate supporting evidence with this application.*

Applicant Signature: J. Scott Munn-AIA - (For Mimi Casement)

Please submit all materials electronically to permits@wpgov.com

Date Received: _____ \$250 Fee Received: _____ Received By: _____



Munn Architecture-AIA

315 East Agate Ave.
PO Box 21
Granby Co.80446

Phone: 970-887-9366
Fax: 970-557-3184
E-mail:
scott@munnarch.com

TOWN OF WINTER PARK VARNCE APPLICATION SUPPLIMENTARY INFORMATION

SAW WHISKERS RETREAT REMODEL
RESIDENCE FOR TATE & EILIEEN MCCOY
202 FOREST TRAIL, WINTER PARK, CO 80482
WHITING TRACTS
LOT 7

Regarding the variance Application form

The original home was built before Zoning and did not include a garage. Therefore and forced by new zoning regulations, we need a variance to get a garage which yields a reasonable return in use....meaning most single family residences have garages and for home owners in the mountains, garages are an important part of quality of life.

The topography of the site prohibits us from designing a garage which fits within the front setback per zoning. Furthermore, the original home was built before zoning and did not include a garage.





Munn Architecture-AIA

315 East Agate Ave.
PO Box 21
Granby Co.80446

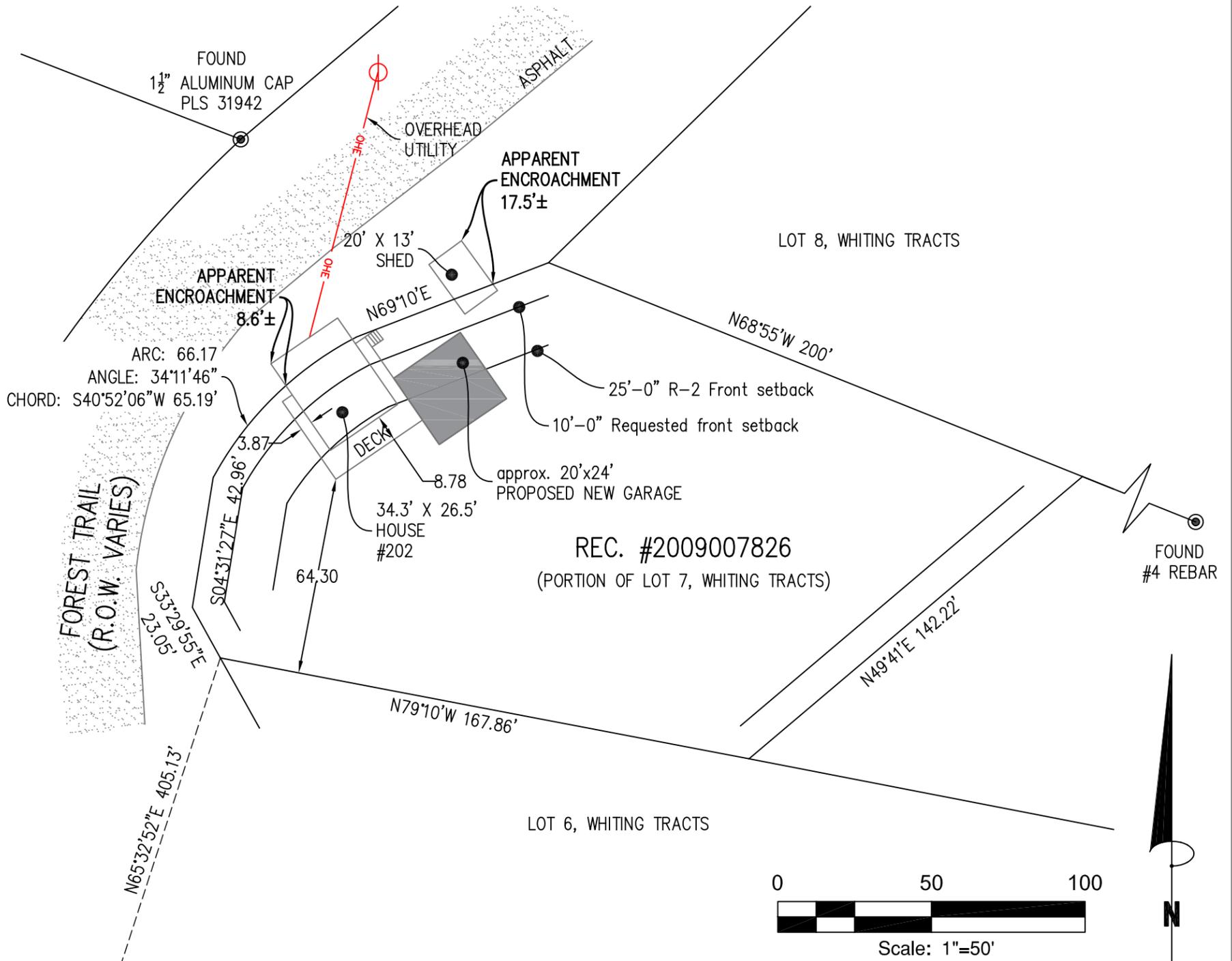
Phone: 970-887-9366
Fax: 970-557-3184
E-mail:
scott@munnarch.com

TOWN OF WINTER PARK VARANCE APPLICATION SUPPLIMENTARY INFORMATION

SAW WHISKERS RETREAT REMODEL
RESIDENCE FOR TATE & EILIEEN MCCOY
202 FOREST TRAIL, WINTER PARK, CO 80482
WHITING TRACTS
LOT 7

The character of a majority of Forrest Trail is residences (single/multi family) with attached garages. The homes were built before zoning was applied and were pushed up towards the front property lines. By keeping the new garage close to the front of the existing residence, we are keeping with the character of the neighborhood. We are also creating a relationship to the existing residence which enhances the architectural consistency between the two structures





DESCRIPTION:

SITUATED IN THE COUNTY OF GRAND AND STATE OF COLORADO: PART OF LOT 7, AMENDED MAP OF WHITING TRACTS NUMBERS 6 TO 11 ACCORDING TO THE OFFICIAL PLAT RECORDED OCTOBER 7, 1955, AS RECEPTION NUMBER 81147, DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRIME (SIC) MERIDIAN, BEGINNING AT CORNER NUMBER 1 OF WHITING TRACTS NUMBER 7 WHENCE THE WEST ONE-QUARTER CORNER OF SECTION 33 BEARS SOUTH 45 DEGREES 00 MINUTES WEST, A DISTANCE OF 282.84 FEET; THENCE SOUTH 79 DEGREES 10 MINUTES EAST A DISTANCE OF 120.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 79 DEGREES 10 MINUTES EAST A DISTANCE OF 227.0 FEET TO CORNER NUMBER 2; THENCE NORTH 49 DEGREES 41 MINUTES EAST 142.22 FEET TO CORNER NUMBER 3; THENCE NORTH 68 DEGREES 55 MINUTES WEST 220 FEET TO CENTER LINE OF ROAD AND CORNER NUMBER 4; THENCE SOUTH 69 DEGREES 10 MINUTES WEST 78.0 FEET TO CORNER NUMBER 5; THENCE SOUTH 44 DEGREES 20 MINUTES WEST 100 FEET TO CORNER NUMBER 6; THENCE SOUTH 19 DEGREES 20 MINUTES EAST 28.5 FEET TO CORNER NUMBER 1 AND THE TRUE POINT OF BEGINNING. EXCEPT A ROAD RIGHT-OF-WAY DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NUMBER 1 OF THE TRACT 20 FEET ON THE SOUTH SIDE OF LINE DESCRIBED AS FOLLOWS: NORTH 19 DEGREES 40 MINUTES WEST 28.5 FEET; THENCE NORTH 44 DEGREES 20 MINUTES EAST 100 FEET; THENCE NORTH 69 DEGREES 10 MINUTES EAST 78.0 FEET TO CORNER NUMBER 4; TOTAL LENGTH OF RIGHT-OF-WAY BEING 206.5 FEET, AND EXCEPT A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRIME (SIC) MERIDIAN, PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 71 AND THE LOT LINE BETWEEN LOTS 6 AND 7, WHITING TRACTS FILING NUMBER 1 FROM WHICH THE WEST ONE-QUARTER CORNER OF SAID SECTION 33 BEARS SOUTH 64 DEGREES 37 MINUTES 15 SECONDS WEST, FOR A DISTANCE OF 410.72 FEET; THENCE NORTH 80 DEGREES 39 MINUTES 18 SECONDS WEST ALONG LOT LINE BETWEEN LOTS 6 AND 7 FOR A DISTANCE OF 39.14 FEET; THENCE NORTH 22 DEGREES 37 MINUTES 36 SECONDS WEST ALONG EXISTING RIGHT-OF-WAY FOR 26.76 FEET, THENCE NORTH 38 DEGREES 13 MINUTES 58 SECONDS EAST ALONG EXISTING RIGHT-OF-WAY FOR 84.72 FEET; THENCE NORTH 65 DEGREES 15 MINUTES 45 SECONDS EAST ALONG EXISTING RIGHT-OF-WAY FOR 32.83 FEET; THENCE ALONG PROPOSED RIGHT-OF-WAY ON THE ARC OF A CURVE TO THE LEFT FOR 66.17 FEET WITH A DELTA OF 34 DEGREES 11 MINUTES 46 SECONDS WHOSE LONG CHORD BEARS SOUTH 40 DEGREES 52 MINUTES 06 SECONDS WEST, A DISTANCE OF 65.19 FEET, THENCE SOUTH 04 DEGREES 31 MINUTES 27 SECONDS WEST ALONG PROPOSED RIGHT OF WAY FOR 42.96 FEET; THENCE SOUTH 33 DEGREES 29 MINUTES 55 SECONDS EAST ALONG PROPOSED RIGHT-OF-WAY FOR 23.05 FEET TO THE POINT OF BEGINNING, COUNTY OF GRAND, STATE OF COLORADO. STATE OF COLORADO. (SIC) AND EXCEPT ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN THE FOREST TRAIL RIGHT-OF-WAY, COUNTY OF GRAND, STATE OF COLORADO.

SOURCE: QUIT CLAIM DEED AT RECEPTION NO. 2009007826, GRAND COUNTY RECORDS, RECORDED 08/07/2009

I, KEVIN J. KUCHARCZYK, A LICENSED SURVEYOR ON THE STATE OF COLORADO, CERTIFY FOR AND BEHALF OF BOWMAN CONSULTING, THAT THE OBSERVATIONS SHOWN HEREON WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF JULY 2015. THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AND IS ACCURATE AND COMPLETE, TO THE BEST OF MY KNOWLEDGE.

KEVIN J. KUCHARCZYK, PLS 34591
FOR AND ON-BEHALF OF
BOWMAN CONSULTING

DATE

ADJUSTED BY MUNN ARCHITECTURE

Bowman
CONSULTING

603 Park Point Drive Phone: (303) 674-7355
Suite 100 Fax: (303) 674-3263
Golden, CO 80401 www.bowmanconsulting.com

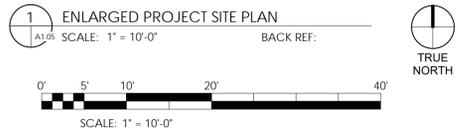
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Improvement
Location
Certificate

202 Forest Trail
Winter Park, Colorado
August 15, 2019

ALL DRAWINGS AND WRITTEN DOCUMENTS HEREIN CONSTITUTE THE ORIGINAL INTELLECTUAL PROPERTY OF THE ARCHITECT AND MAY NOT BE REUSED, REPRODUCED OR DISCLOSED WITHOUT THE EXPRESSED WRITTEN CONSENT OF MUNN ARCHITECTURE, LLC.

12/3/2019 7:33:57 AM
I:\Projects\new\1939 - Casement (WP)\MA_1939_Casement-WP_A20.rvt



ARCHITECT :

 Munn Architecture, LLC
 315 EAST AGATE AVENUE
 P.O. BOX 21
 GRANBY, CO 80446
 970-887-9366
 WWW.MUNNARCH.COM

STAMP :


CASEMENT GARAGE ADDITION
 MIMI & RUSSELL CASEMENT
 202 FOREST TRAIL, WITNER PARK, COLORADO 80482
 PROJECT #: 1939

ISSUANCE : DATE :

SHEET TITLE :
 ENLARGED SITE PLANS
 SHEET NUMBER :
A1.05

From: [Barrett W Foster](#)
To: [Hugh Bell](#)
Subject: Variance for 202 Forest Trail
Date: Monday, December 02, 2019 6:42:44 PM

We own the property at 135 Forest Trail. We do not like this variance. We think that it could set a precedent that would not be favorable for the town. Also we think it might hinder the sight lines when you are heading north and turning left into the Timber Run driveway, which is how we access our property. Please take this into consideration at the hearing. Thank you
Barrett and Elyse Foster
135 Forest Trail
Winter Park, CO

Sent from my iPad

From: [Gene Fusco](#)
To: [Hugh Bell](#)
Subject: RE: Garage at 202 Forest Trail
Date: Wednesday, December 04, 2019 7:50:16 AM

Hello Hugh,

OK, I have no objection to this.

Thanks,
Gene

On December 3, 2019 at 4:40 PM Hugh Bell <hbell@wpgov.com> wrote:

Hi Gene,

Munn Architects, the applicant, is proposing to build the garage to the east of the house at the 10' setback. I've attached a casement site plan indicating the location.

Sincerely,
Hugh Bell
Planner | Community Development

-----Original Message-----

From: Gene Fusco <nh370@comcast.net>
Sent: Tuesday, December 03, 2019 9:43 AM
To: Hugh Bell <hbell@wpgov.com>
Subject: Garage at 202 Forest Trail

Hello Mr Bell,

Is the proposed garage at 202 Forest Trail going to be built on the east side of the existing house? I see an orange stake there that I assume is the setback being requested.

Please let me know.

Thank you,
Gene Fusco
145 Forest Trail

Sent from my iPhone

From: [Jeff Amundson](#)
To: [Hugh Bell](#)
Subject: 202 Forest Trail variance request
Date: Thursday, December 05, 2019 10:42:54 AM

Hello!

I appreciate the opportunity to comment on the variance request on this property. Thank you for sending the information. As background, we own a condo in Timber Run, we are often at our condo on weekends, and we frequently use the bus stop right on the corner where this property sits. I do not know how the process for hearings works and would not be able to attend the hearing, but would like to make comments.

This property has parking spots on the road, right on the corner. Their parking area is right where the bus stops. It appears from the map provided that the parking area currently used includes land outside their property lines; I cannot tell from the drawings provided, but it appears that this is the case.

It makes perfect sense to me to move the parking for this house to the garage as proposed, with only a 10' setback, assuming that the driveway for the new garage would be to the east of the house, as it would appear from the drawings. (although the driveway is not shown) It would be much better for the sake of those using the bus stop to not have to be concerned about vehicles moving while they are standing right there, so this is an important safety issue. It would not make sense to allow the variance on the garage to the east of the house and still allow parking on the west side of the house, since a house this size should not need so many parking spaces. This will also make it safer for those at the bus stop. Those waiting at the bus stop often include families with small children.

So I am wholly in favor of the variance request, provided the parking area on the west of the house is removed or otherwise rendered unusable for parking. If the parking area on the west of the house remains in use, I would be opposed to the variance request.

Thank you again for the ability to comment.

Jeff Amundson
303-257-4873