



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, April 28, 2020 8:00AM
following the Planning Commission
Online Meeting (instructions on second page)**

A G E N D A

- I. Meeting Call to Order
- II. Roll Call of BOA Members
- III. No Minutes for Review
- IV. Conflicts of Interest
- V. NEW BUSINESS:
 - A. 76 Idlewild Lane - Rear and Side Setback / Building Coverage

Computer Log-In Instructions

You are invited to a Zoom webinar.

When: Apr 28, 2020 08:00 AM Mountain Time (US and Canada)

Topic: April 28, 2020 Winter Park Planning Commission

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_DCFhFCsdS7WdG3b46pJ06g

After registering, you will receive a confirmation email containing information about joining the webinar.

Public Hearing Process

If you would like to participate in the public hearing, please follow these instructions so we can make sure everyone that wants to speak has the opportunity. When you log into Zoom you will be automatically muted to limit background noise. When the public hearing is opened for public comment, please use the “raise your hand” feature and staff will unmute citizens in the order they were received. To enable “raise your hand” feature, click on the “Participates” button the bottom of the screen.

If you are signed in to the Zoom meeting through the computer, there is an option to type comments directly through the “Chat” feature. You can indicate using that feature that you intend to make a comment and if you wish to make that comment by typing, Town Staff can read the comment for you. If you have technical difficulties making a public comment, you can always e-mail our Planning Tech Irene Kilburn at Ikilburn@wpgov.com

TOWN OF WINTER PARK BOARD OF ADJUSTMENT
RESOLUTION NO. 3
SERIES OF 2020

A RESOLUTION APPROVING WITH CONDITIONS A VARIANCE TO REDUCE THE SIDE AND REAR YARD SETBACK AND TO INCREASE THE MAXIMUM ALLOWED BUILDING COVERAGE LIMIT FOR PART OF LOT 9, IDLEWILD MEADOWS, RECEPTION NO. 93161, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST, 6TH P.M., TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO.

WHEREAS, pursuant to Winter Park Town Code § 7-8-1, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the Winter Park Town Code (the "Code");

WHEREAS, pursuant to Code § 7-4A-3-D, a 20' setback is required from the rear property line for any principal use and accessory structure in the R-1 District;

WHEREAS, pursuant to Code § 7-4A-3-D, a 10' setback is required from the side property line for any principal use and accessory structure in the R-1 District;

WHEREAS; pursuant to Code § 7-4A-4-B, the maximum area of a lot which may be covered by buildings (including roof overhangs), decks, patios, balconies, paths or walkways, parking areas, and access drives shall not exceed 40% of the "lot area";

WHEREAS, on February 22, 2020, Kelly Haverhals and Shanna Lalley (the "Applicant"), as the owner of the real property described as Lot 9, Idlewild Meadows, Reception No. 93161 (the "Property"), filed an application for a variance to allow a new structure to encroach 10' into the rear yard setback, 5' into the side yard setback, and to allow the maximum building coverage to be 45% (the "Application");

WHEREAS, on April 14, 2020, the Board of Adjustment held a properly-noticed public hearing on the Application; and

WHEREAS, after considering the Application, the recommendation from Town staff and any public comment, the Board of Adjustment finds and determines as provided below.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application meets all of the applicable criteria set forth in Title 7 of the Code, in that:
 - a. The variance, if granted, will not alter the essential character of the Town or the neighborhood in which the Property is located.
 - b. The difficulty or hardship alleged in the Application has not been created by any person presently having an interest in the Property.
 - c. The granting of the variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Property is located.

2. Decision. Based on the foregoing findings, the Board of Adjustment hereby approves the variance, as set forth in the Application, subject to the following conditions:

a. The variance granted herein shall run with the land, but shall apply only to the structure described in the Application. If that structure is destroyed or removed, any new or replacement structure shall be subject to the then applicable setback requirements set forth in the Code.

b. A building permit for construction of the structure described in the Application shall commence on or before April 14, 2022. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action of the Board of Adjustment.

c. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.

d. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.

PASSED, ADOPTED, AND APPROVED this 14th day of April, 2020.

BOARD OF ADJUSTMENT

Brad Holtzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk