



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, April 13, 2021 8:00AM
following the Planning Commission
Online Meeting (instructions below)**

A G E N D A

- I. Meeting Call to Order.
- II. Roll Call of BOA Members.
- III. Minutes for Review: March 23, 2021
- IV. Conflicts of Interest.
- V. Action Items:
 - A. Resolution 2, Series 2021
 - B. Lot 34, Hideaway Village South – Front Yard Setback
 - C. Lot 3, Silverado Condominiums II and a Metes and Bounds Parcel – Building Height

Online Meeting Log-In Instructions – See next page

Computer Log-In Instructions

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85723122052?pwd=WXd6Z2tlRnpwb1haTDU4SDJxOVhqZz09>

Passcode: 742862

Phone Log-In Instructions

Dial In Numbers

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 857 2312 2052

Passcode: 742862

You can log into the Zoom meeting through the link above to view what is projected on the screen. You can use either your computer audio or the number above. Everyone will be muted upon entry into the meeting to ensure that we have manageable background noise and limited interruptions.

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 “Participants” button the bottom of the screen.



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, March 23, 2021 8:00AM
following the Planning Commission**

MINUTE

- I. The meeting was called to order at 8:50 am.
- II. Roll Call indicated present BOA Vice Chairman Roger Kish, BOA Members George Stevens, Jonathan Larson, Angela Sandstrom and Dave Barker. Community Development Director James Shockey and Town Planner Hugh Bell are also present. BOA Chairman Brad Holzwarth and BOA Member Doug Robbins are absent today.
- III. Minutes for Review: January 26, 2021. BOA Member Barker makes a motion to approve the minutes with the update. BOA Member Stevens seconds. The BOA minute is approved 5, 0.
- IV. Conflicts of interest. None comes forward.
- V. Action Items:
 - A. Lot 1B, Jane Creek Subdivision – Building Height

Director Shockey explains all people attending the BOA how the presentation of the Building Height Variance will take place. Town Planner Hugh Bell will make a presentation of the height variance request also known as Staff report. Afterwards, The BOA Members will have the opportunity to ask questions to the Staff, the applicant will make his presentation and the BOA can ask questions to the applicant. Then, the public comments session will be open. Each member of the public will have three (3) minutes to make a comment. Finally, the BOA will discuss the height variance request and reach a decision.

Then, Planner Bell reads the main points if the height variance request submitted by the applicant, Unicum Colorado (Mark Unicum). The applicant is requesting a height variance of 69-6” on three proposed multifamily residential structures. Mr. Unicum argues that considering the topography and other physical constraints of this property, the approval of this height variance request would allow the majority of the parking area to be constructed under the Building thus reducing the non-permeable surfaces surrounding the Building and minimizing the impact on the site and the neighborhood.

Then, Planner Bell reads the reasons to be considered in order to analyze the possibility of granting the height variance which were sent by the applicant:

1. Steep site (topography), existing wetlands, site hydrology and geology.
2. The purpose of the variance is not based the desire to generate a higher yield or make more money from the subject property. The proposed project is designed to be consistent with the density and site coverage allowed under the zoning code.
3. The hardships are a result of the natural conditions affecting the site and were not created by the applicant.
4. Granting the variance will not be affect the public welfare nor other property in the neighborhood in a negative way since the proposed building height will be similar to the surrounding properties.

Several existing buildings in the neighborhood exceed 55' in height so the proposed buildings will be consistent with the character of the adjacent properties.

5. The proposed variance will not impair the supply of light and air to adjacent properties nor will it increase congestion on public streets, increase the fire danger, endanger public health or diminish property values.
6. Another argument the applicant presents is that material shortages, higher costs of lumber and steel stemming from COVID-19 market conditions have had a negative impact on the project.

Planner Bell says that the Staff has received four public comments so far.

BOA Member Stevens asks if there are there any slopes restrictions for this zone. Planner Bell replies that he believes that the standards have some provisions that limit the amount of slope percentage.

The applicant, Mr. Mark Unicume comes forward to make his presentation. He talks about similar projects they have done on the same corridor. He says they have acquired more experience and knowledge throughout the years. He mentions the difficulties of building between 2007 and 2009. About reasonable return, Mr. Unicume feels that this topic is quite subjective. He says that they have proven what a successful project can return in the short and long term which he considers are important. For Mr. Unicume, reasonable return also covers the backs, the market and the underwriting come into play in reasonable return.

Then, Mr. Unicume talks about unusual circumstances such as the location of the site. He says that they are aware of the conditions but being aware does not make the unusual conditions to go away and they have to deal with them.

Mr. Unicume does not believe that this height variance will alter the special character of the locality. Mr. Unicume adds that the other projects he has been in charge of actually helped to raise the price of properties in the area. He believes that this new project will have a similar effect in the surrounding properties. Finally, Mr. Unicume says that he can answer questions and handle complaints from the public.

BOA Vice Chairman asks Mr. Unicume about the previous variance that was granted a few years ago. BOA Vice Chairman Kish recalls that the parking was more underground. He remembers that they were dealing with 10 ft. back then due to the lack of access to the garage. Today, the height variance request that is being presented to the BOA for this new project, the project has a much wider area than it was presented back then. Vice Chairman Kish would like to know how the applicant made the design approach.

Mr. Unicume replies that the building has two levels of underground parking. Building 1 is almost the same model as Chill. The difference is that the new building assembly construction requires almost a foot more per story to achieve the same amount of volume and have good quality for the units. That is why this new building would be taller than the ones that exist already.

Talking about the parking, Mr. Unicume says that, although he has not done the percentage, he thinks the underground parking would be even bigger than the other two existing projects.

There is a short discussion about the extending the parking looking at the NE elevation but how the shape of the building and its location would not allow it. There is also a discussion about the elevations and the roof lines and how these might add height to the building. There is mention of the roof that would cover the stairs outside of the building. The additional height creates the variance in the roofs heights. Mr. Unicume says that this is made in an effort to have some elevation change, accommodate elevators equipment and add architectural character .

BOA Member Stevens thinks that the top of the elevators roof has the same height as the top of the tallest roof. Mr. Unicume says that they all can be the same height but people might argue that it can be attractive or not.

BOA Member Larson asks the applicant if he has any details from the engineer on the feasibility to take the underground garage even lower. Mr. Unicume replies that in order for the first units to get enough light, that is as low as the garage can go. Besides, Mr. Unicume mentions the first units being pushed against the slope of the mountain.

BOA Member Larson also asks about the type of retaining wall. Mr. Unicume replies that cast and place wall which was also used in previous projects.

The public comments session is open.

Mr. Jim Andriole who lives in C2083 Iron Horse comes forward. Mr. Andriole voices his objection and argues that this height variance request does not fulfill the requirements established by the Town of Winter Park. The official notice sent out to adjacent property owners talked about a height variance of 69' 6" yet there was a supplemental application of 75' height variance. Also, according to Mr. Andriole, the applicant has not demonstrated that he will not yield reasonable return by following the height restrictions. For Mr. Andriole, the applicant wants to build more units and to do so, he needs the height variance to be granted. Mr. Andriole says that the applicant can build with various materials and designs. Mr. Andriole points out that most of the population has been affected by the pandemic in one way or another but, blaming COVID-19 for every little thing in society these days is sort of nerve-racking to Mr. Andriole. He argues that the applicant does not need to use concrete nor he needs to build three buildings that will exceed the height regulations in such a small lot. Mr. Andriole claims that parking is critical. Mr. Andriole believes that, if granted, the height variance will alter the character of the locality and he will need to cut multiple trees that are over 75 years old. Mr. Andriole states that the locality should have a buffer and a green space. Mr. Andriole asks if the Town of Winter Park really desires to look like all other ski resort towns. The builders states that there is a vacant adjacent lot but Building C in Iron Horse would be greatly impacted. This small lot has wetlands in it. This lot also has a historical barn in it. Mr. Andriole has concerns about where the construction materials will be placed during the building process. Mr. Andriole wants to bring to the attention of the BOA Members that the Iron Horse Association Board in 2004 and 2005 worked closed with Mr. Unicume in regard to the use of the private road. Mr. Andriole does not believe there has been any discussion about this.

Mr. Robert Moore comes forward. He and his wife own a unit in Iron Horse (D5054). He and his wife are opposed to the height variance. Mr. Moore believes that the applicant is being contradictory about his argument about not seeking profit since the applicant is trying to avoid the increase cost of lumber and steel. For Mr. Moore, avoiding to increase the cost of materials is a way to make more money. Mr. Moore agrees with Mr. Andriole about using COVID-19 as an excuse seems to be forced.

Ms. Elizabeth Daly comes forward. She is a condominium owner at Iron Horse in Building C. Ms. Daly states that she is absolutely opposed to grant any extra height variance in the location. Ms. Daly argues that regulations are in place for a reason. She believes that this area is unique and it should be treated as such. Ms. Daly says that she is a geologist and has knowledge as why this area would be negatively affected by the height variance if granted. She adds that hardship and COVID-19 are absolutely insulting reasons for this variance.

Ms. Gale Shallow comes forward. She is the president of the Iron Horse Condominium Association representing 126 unit owners. Ms. Shallow echoes what the three previous people have said. The 126 owners

are entitled to strict enforcement of the zoning ordinance and Mr. Unicume has not demonstrated the reasons why he should be granted the variance when he has been explicitly aware of the limitations and site conditions beforehand. In addition, Ms. Shallow states that they Association has not been approached by Unicume Colorado LLC to discuss these matters. Ms. Shallow is asking the BOA to not approve anything until an easement for the use of a private road has been discussed first. Ms. Shallow says that, on behalf of the 126 unit owners, that she is adamantly opposed to the grant of this height variance since it would negatively affect the value of the properties. Ms. Shallow also mentions a letter from their attorney.

Mr. Joseph Crews, who owns a unit in Iron Horse (C5103), comes forward. Mr. Crews is strongly opposed to the height variance due to personal impact on his view. More importantly than that is that Mr. Crews claims that the zoning ordinances are established by the community to protect the safety of an area. Mr. Crews does not believe that Unicume Colorado LLC has met the requirements to get this height variance granted.

Ms. Gayle Perron-Kravitz comes forward. She lives in Iron Horse Building D. She states that she agrees with what the other member of the public have said already. She adds that she bought this unit with the understanding that these height limits were in place and the character of the area to stay within the boundaries and limitations that were already established. She adds that she does not believe that Mr. Unicume has met the criteria to get this variance granted. Ms. Perron-Kravitz says that with COVID-19, as terrible as it has been, should not be a motivating factor here. Finally, she mentions that she has some concerns about traffic impact.

Ms. Kristen Rongaus comes forward. She and her husband are new owners (Building C) and they oppose this variance to be granted due to the reasons that have been presented already.

Mr. Travis Lloyd and Ms. Lisa McVicker also oppose this variance request.

Vice Chairman Kish asks the Staff if they have received any comments from the adjacent landowner for lot 1A or other surrounding areas (Winter Park Recreation Ownership). Planner Bell replies that they have not received any comment from any of them.

The BOA closes the public comments session.

Mr. Unicume would like to state what he considers facts. He wants to clarify that he is not blaming the COVID-19 pandemic; what he meant to say is that concrete right now is the most stable form of material that can be used in construction in relation to pricing. He says that they do not want to propose a project and not being able to do it. Concrete is not cheap but it is more affordable than timber and steel.

Mr. Unicume says that, respecting to the letter from the attorney, they are only asking for 14 and a half feet height variance which corresponds to 26% and not 36%. Regarding Iron Horse Buildings C and D, Mr. Unicume mentions the variances in height for those buildings. He considers that this project is still under the neighborhood regulations. He adds that this is not about the agreement that needs to take place since lot 1B was not included in the original 2005 agreement. Mr. Unicume says that it is not the responsibility of the Town or the BOA to require that an agreement be generated among private property owners.

Mr. Unicume also mentions that the historical barn is not in his property.

Finally, Mr. Unicume affirms that they are well under existing precedents.

At this point the BOA discusses this height variance request among its Members.

BOA Member Larson feels that the height variance request meets the requirements. He acknowledges that every time the BOA is discussing a height variance request, it is often that these types of requests are emotionally charged.

BOA Vice Chairman Kish asks if any other projects have been approved beyond the 65 ft. in height. Director Shockey replies that the BOA has approved 65 ft. as the highest elevation that has approved before. Director Shockey mentions the different height variances that have been approved for different areas of the Town: resort, Roam and downtown.

BOA Vice Chairman Kish asks the Staff knows how historically Buildings C and D got approved for the heights they have now. Director Shockey replies that he will do some research about this but he believes that they were approved in the Town and not the County around 1980s. BOA Member Sandstrom has the same questions as Vice Chairman Kish.

BOA Member Sandstrom adds that, although she is aware of the current costs of lumber and steel, she is looking at numbers and she believes that it is like a foot figure so the impact on the 14 ft. increase is pretty significant. Also, real estate prices have increased dramatically in terms of getting yield and return.

BOA Member Larson interjects and he says that he is comfortable with a 69 ft. height.

BOA Member Barker says that a height of 65 ft. has been approved in the past for this neighborhood so 69 ft. does not seem too much. He adds that this area is characterized by tall buildings so the character of the neighborhood will not be affected. He is not sure if it would be appropriate to go over the area and make a height study.

Vice Chairman Kish wonders if the source of the information for the heights for Buildings C and D was presented when the Chill project was reviewed. The Staff replies that they sent certifications of surveyors. Vice Chairman Kish ask for those numbers to be on the records.

Director Shockey says that Iron Horse was developed in the Town 1982. He adds that, by the best of his knowledge, the heights that were approved are 55 ft. limit in the general zoning requirements.

BOA Member Stevens says that he has an issue with meeting the criteria number 2. For him, the building seems overly tall. He considers that the construction methods Mr. Unicume was talking about like concrete could be replaced by different ones that might be more appropriate. BOA Member Stevens says that he is not comfortable with granting criteria number 2 for approval.

BOA Member Barker says that after looking at the elevations, that the building does not seem higher than five stories. He asks if each story has 10 ft. for a total of 50 ft. approximately, how the building got a height of 69 ft. Mr. Unicume replies that 10 ft. for the ceiling height inside if the unit is the goal. For the overall assembly, it is 13 ft. in average for the structural floor to floor cut plus the elevator and the roof line. Typically the last story requires a little ore because of the snow load.

BOA Member Barker says that one of those elevations does say 71' 6". Mr. Unicume replies that this is referencing the lowest adjacent grade on the one side. The building itself does not exceed the 69 and a half feet. BOA Member Barker asks the Staff if that is considered the actual height. Planner Bell replies that that is correct. Director Shockey clarifies that it should be noted that the variance request is for 69 ft. and a half and that the developer is not able to meet that, he would have to come back and request an additional variance.

Director Shockey says that the maximum height allowed for the D-C district back in 1980 was of 55 ft.

Vice Chairman Kish says that one of the distinctions that Mr. Unicum makes is that the agreements for road access are a separate issued and not part of this request at this time. This is something that the two private owners need to work on their own.

The BOA goes over the three criteria to grant the variance. There is a discussion about the increase cost of materials and return to the developer as it was mentioned by BOA Member Sandstrom. The BOA goes over the unusual circumstances as well. BOA Member Stevens says that a 13 ft. per story is a little excessive in his mind and that the developer does not meet this second criterion. Vice Chairman Kish says that the roof lines would be analyzed during the Design Review step so, there might be some conflicting requirements there.

BOA Member Barker says that he is looking at pictures of the Iron Horse buildings and notes that they are five-story buildings with underground parking and large structures coming off the roofs so, he would like someone to explain to him how a four-story building with underground parking is different. Vice Chairman Kish replies that Planner Bell mentioned the engineering for those two buildings in Iron Horse and he reads the differences for those two buildings.

BOA Member Barker agrees with BOA Member Stevens. He thinks there are other ways to address the construction. Mr. Unicum agrees as well and mentions how the Chill building was constructed. He says that he can take a foot out per floor but he does not want to since he believes this building would be better as it is proposed now. About unusual circumstances, Mr. Unicum thinks that it is not totally related to the cost of materials but with the topography of the area and easements.

Director Shockey goes back and says that development for Iron Horse was approved as part of a large west portal development under the County back in 1980 and was later annexed to the Town in the same year. There is a discussion about how this process took place. It is determined that it is still in effect. Director Shockey will do more research about this. The BOA discusses the convenience to take a look at this agreement before making a decision. It is necessary to determine if this parcel is part of that agreement and if it is, the developer does not need to come back for a BOA meeting.

Vice Chairman Kish asks if this request can be brought back for a future BOA meeting (continuance). The BOA agrees to put this height variance request in continuance. Director Shockey replies yes but no later than April 6, 2021. BOA Member Larson asks if the BOA Members that are present today must be present in that future meeting since he is an alternate. Director Shockey says that it will be more beneficial if the BOA Members that are present today, are present in that future meeting but it is not mandatory as long there are at least five BOA Members.

The BOA asks if there is a drafted resolution. The Staff says that there is none. There is also a discussion about how the heights are measured.

BOA Member Larson makes amotion to approve the height variance. BOA Member Barker says that the first criterion is not met since he considers that the floor height is excessive. He is torn about this compared to the other buildings. BOA Member Larson says he understands why BOA Member Barker is conflicted but he thinks the applicant has met these requirements. BOA Member Sandstrom says she is comfortable with criterion number three but not with numbers 1 and 2 unless some changes are made.

There is a motion but not a second. Vice Chairman Kish says that the motion is withdrawn due to a lack of a second. The Staff says that, as long as there is more a conservative number, the BOA can approve a

variance height that has a lower height according to the interpretation of the legal counsel advice.

BOA Member Larson makes a motion to approve the request of a height variance of 65 feet. BOA Member Barker seconds. BOA Member Stevens is still on the fence since he considers the difference is not significant and the criteria 1 and 2 have been met. The height variance request of 65 feet has 4 votes in favor and 1 against. The motion carries. The resolution will be reviewed on April 13, 2021.

Upon a previously adopted motion, the BOA Meeting is adjourned at 10:13 am.

TOWN OF WINTER PARK BOARD OF ADJUSTMENT
RESOLUTION NO. 2
SERIES OF 2021

A RESOLUTION APPROVING A VARIANCE TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR LOT 1B, JANE CREEK SUBDIVISION,

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 Winter Park Town Code §7-5B-4, no building or other structure permitted in the D-C district shall exceed fifty-five feet (55') in "height", as defined in chapter 2 of this title;

WHEREAS, on February 25, 2021, Unicume Colorado, LLC (the "Applicant"), as the owner of the real property described as Lot 1B, Jane Creek Subdivision (the "Property"), filed an application for the variance to allow a new structure to exceed the 55' maximum height limit by 14'-6" (the "Application");

WHEREAS, on March 23, 2021, 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 a variance to allow new structures to exceed the 55' maximum height limit by 10'-0", subject to the following conditions:

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

b. A building permit for construction of the structures described in the Application shall commence on or before March 23, 2024. 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 13th day of April 2021.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk



MEMO

TO Board of Adjustment
FROM Hugh Bell, Planner
THROUGH James Shockey, Community Development Director
DATE April 13, 2021
RE Setback Variance Request – 104 Timber Drive - Lot 34, Hideaway Village
South, Filing No. 2

Applicant: Michal and Kate Tybus

Description of Variance Request:

Request for front yard setback variance of 15'-5" for existing single-family residence.

Owner's Reasons Why the Variance Should Be Granted:

"We are requesting 18" variance on our property for our house caused by previous misjudged variance. We are full-time residents of Grand County. Our son goes to Fraser Valley Elementary and this house is our primary residence."

Applicable Town Code:

7-4A-3: LOT AREA REQUIREMENTS:

D. Minimum Yard Requirements: There shall be a front yard setback of at least twenty-five feet (25') for any principal use and accessory structure.

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 March 25, 2021, providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property on March 29, 2021 and the property was posted on March 29, 2021.

Three comments have been received as of April 7, 2021 and are attached.

Staff Comments:

The applicant is requesting a variance for a site containing an existing single-family home to reduce the front yard setback from 25' to 15'-5". Applicant submitted a variance application for the same setback on July 18, 2019 requesting reduction to 17'. The Board of Adjustment approved the application on August 13, 2019.

Applicant cites the 2019 variance as misjudged. In 2019, applicant received an erroneous survey that encroached the foundation 8' into the 25' front yard setback. Applicant discovered the encroachment after the excavation for the foundation was completed. The house has been constructed and the owners have been issued a Temporary Certificate of Occupancy (TCO) that expires on June 11, 2021.

The property most affected by the encroachment is 78 Timber Drive.

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 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.



**PUBLIC NOTICE
TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
ZONING VARIANCE REQUEST**

Applicant / Owner: Michal Tybus
Mailing Address: PO Box 372, Winter Park, CO 80482

Street Address of Properties for Which the Variance Is Requested: 104 Timber Drive

Legal Description of Properties for Which the Variance Is Requested: LOT 34, HIDEAWAY VILLAGE SOUTH, FILING NO. 2
A PART OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER
PARK, COUNTY OF GRAND, STATE OF COLORADO.

Owner's Detailed Description of Request: "We are requesting 18" variance on our property for our house caused by previous misjudged variance. We are full-time residents of Grand County. Our son goes to Fraser Valley Elementary and this house is our primary residence."

Applicable Provisions of the Town Code:

§7-4A-3. LOT AREA REQUIREMENTS:

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

Due to this front yard setback requirement, a front yard setback of 15'-5" is not permitted in the Town Code as seen in §7-4A-3 and consequently requires a zoning variance. A separate zoning variance was granted for this property on August 13, 2019 to encroach into the front yard setback by 8' due to surveyor error. This new zoning variance requests to encroach an additional 1'-6" into the front yard setback.

The Board of Adjustment will review this case and render a decision under Section 7-8-1 of the Town Code.

Property Posted On: March 29, 2021

Additional information is available at this link: <https://wpgov.com/current-development-projects/>

A Public Meeting at Winter Park Town Hall, 50 Vasquez Road or online via Zoom is scheduled for:

Tuesday, April 13, 2021 at 8:00 A.M. immediately following the Planning Commission meeting. Please see agenda for decision on meeting's location. This will be posted at wpgov.com under "Agendas and Minutes" by Friday, April 9 at 5 P.M.

Members of the public wishing to make comment regarding the variance request may do so at the scheduled meeting, or write to Hugh Bell, Planner, Town of Winter Park, P.O. Box 3327, Winter Park, CO 80482, or hbelle@wpgov.com.



VARIANCE APPLICATION FORM

Date: 03/07/2021

Applicant Name: MICHAL TYBUS

Mailing Address: P.O. BOX 372, WP, CO, 80482

Phone Number: 970-281-2020

E-mail Address: EMTECKO@GMAIL.COM

Applicant is the: Property Owner Other:

Street address of property for which variance is requested: 104 TIMBER DR, WP, CO, 80482

Legal description of property: LOT 34 HIDEWAY VILLAGE SOUTH

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 18" VARIANCE ON OUR PROPERTY FOR OUR HOUSE CAUSED BY PREVIOUS MISJUDGED VARIANCE.

WE ARE FULL TIME RESIDENTS OF GRAND COUNTY, OUR SON GOES TO FRASER VALLEY ELEMENTARY AND THIS HOUSE IS OUR PRIMARY RESIDENCE.

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: Michal Tybus

Please submit all materials electronically to permits@wpgov.com

Date Received: 3-8-2021 \$250 Fee Received: CHECK Received By: HUGH BELL

From: [Kate Tybus](#)
To: [Hugh Bell](#)
Cc: [James Shockey](#); [m t](#)
Subject: Re: Variance
Date: Tuesday, March 16, 2021 8:17:31 AM

Hello Hugh,
Thank you for your recommendation.
Honestly at this point we have no idea where the mistakes or misunderstanding happened because we already had one variance granted based on wrong survey from one of the grand county surveyor.
We though it was fixed with the variance.
We really don't know what happened that's why we can't submit a more detailed variance description.
I guess we have to wait for the BOA.

Thank you for your understanding and your help.
Sincerely
Katerina Tybus

On Fri, Mar 12, 2021 at 12:08 PM Hugh Bell <hbell@wpgov.com> wrote:

Michal and Kate,

I do want to let you know that we recommend BOA applicants submit a more detailed variance description, usually a page or two, in addition to the short description provided on the application form. A good example can be found [here](#).

Best,

Hugh Bell

Planner | Community Development



From: Hugh Bell
Sent: Thursday, March 11, 2021 2:58 PM

To: 'm t' <emtecko@gmail.com>; Kate Tybus <katerinatybus@gmail.com>
Cc: James Shockey <jshockey@wpgov.com>; Tom Hawkinson <thawkinson@wpgov.com>; Rick Dennison <rdennison@wpgov.com>; Irene Kilburn <ikilburn@wpgov.com>
Subject: RE: Variance

Michal and Kate,

Your BOA application is complete. James spoke with our Town Manager, who decided we are able to grant you a Temporary Certificate of Occupancy (TCO) that will be valid for three (3) months. Tom Hawkinson (CC'd) will be issuing that soon.

I've scheduled your BOA hearing for Tuesday, April 13. Please reach out with any questions!

Best,

Hugh Bell

Planner | Community Development



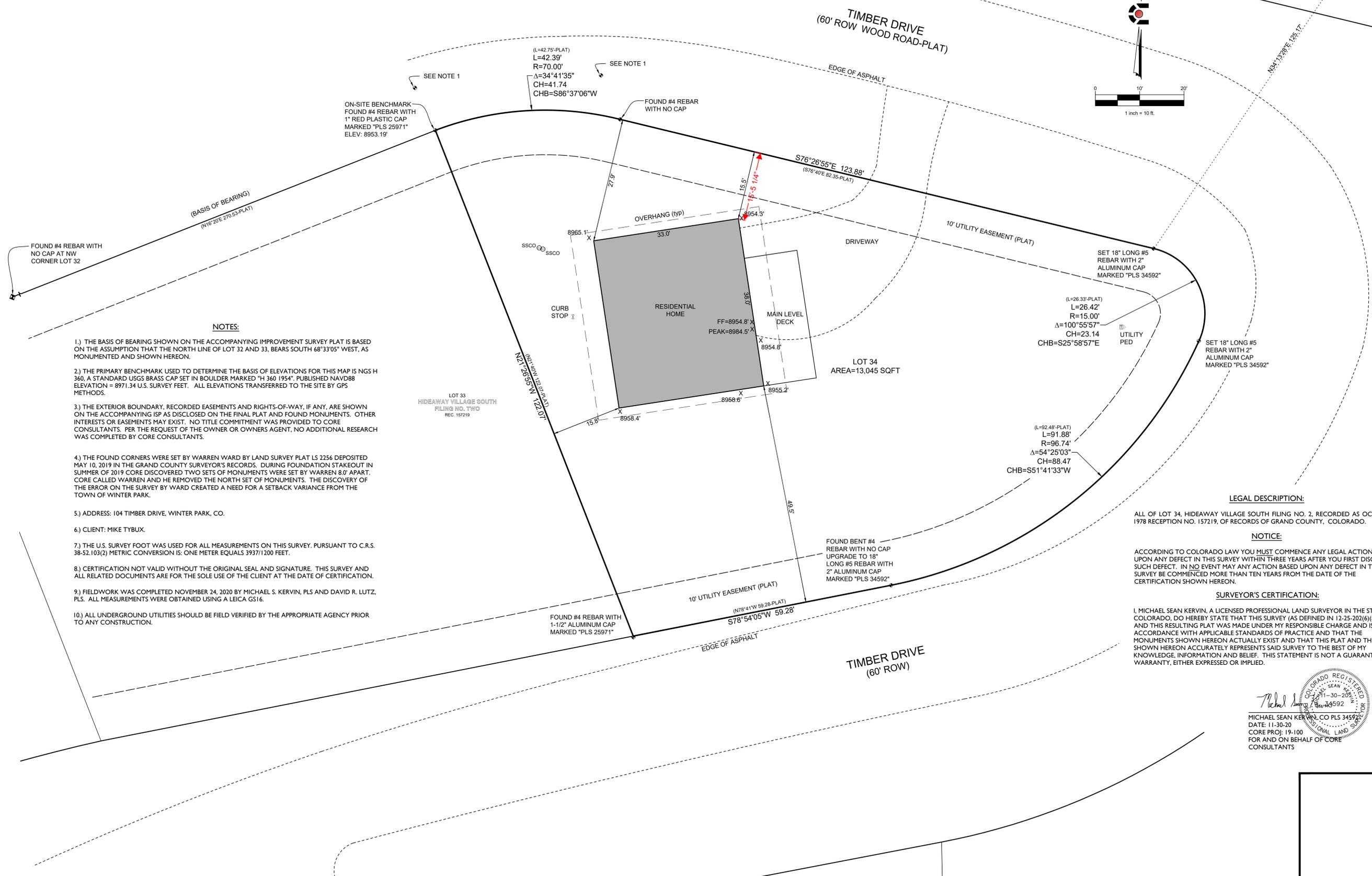
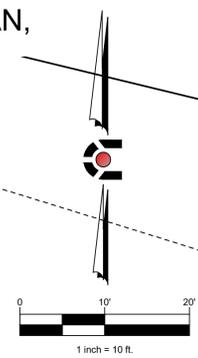
From: m t <emtecko@gmail.com>
Sent: Thursday, March 11, 2021 10:56 AM
To: Hugh Bell <hbelle@wpgov.com>; Kate Tybus <katerinatybus@gmail.com>
Subject: Variance

Hugh,
Please find the attached variance application form and updated ISP
Please let me know if you need more informations.
Thank you

Michal

IMPROVEMENT SURVEY PLAT
LOT 34, HIDEAWAY VILLAGE SOUTH, FILING NO. 2
A PART OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO.

SW 1/16TH
 CORNER SEC. 33,
 T.1S, R.75W, 6TH P.M.
 FOUND #6 REBAR WITH
 3-1/4" ALUMINUM CAP
 MARKED "PLS 25971"



NOTES:

- 1.) THE BASIS OF BEARING SHOWN ON THE ACCOMPANYING IMPROVEMENT SURVEY PLAT IS BASED ON THE ASSUMPTION THAT THE NORTH LINE OF LOT 32 AND 33, BEARS SOUTH 68°33'05" WEST, AS MONUMENTED AND SHOWN HEREON.
- 2.) THE PRIMARY BENCHMARK USED TO DETERMINE THE BASIS OF ELEVATIONS FOR THIS MAP IS NGS H 360, A STANDARD USGS BRASS CAP SET IN BOULDER MARKED "H 360 1954". PUBLISHED NAVD88 ELEVATION = 8971.34 U.S. SURVEY FEET. ALL ELEVATIONS TRANSFERRED TO THE SITE BY GPS METHODS.
- 3.) THE EXTERIOR BOUNDARY, RECORDED EASEMENTS AND RIGHTS-OF-WAY, IF ANY, ARE SHOWN ON THE ACCOMPANYING ISP AS DISCLOSED ON THE FINAL PLAT AND FOUND MONUMENTS. OTHER INTERESTS OR EASEMENTS MAY EXIST. NO TITLE COMMITMENT WAS PROVIDED TO CORE CONSULTANTS. PER THE REQUEST OF THE OWNER OR OWNERS AGENT, NO ADDITIONAL RESEARCH WAS COMPLETED BY CORE CONSULTANTS.
- 4.) THE FOUND CORNERS WERE SET BY WARREN WARD BY LAND SURVEY PLAT LS 2256 DEPOSITED MAY 10, 2019 IN THE GRAND COUNTY SURVEYOR'S RECORDS. DURING FOUNDATION STAKEOUT IN SUMMER OF 2019 CORE DISCOVERED TWO SETS OF MONUMENTS WERE SET BY WARREN 8.0' APART. CORE CALLED WARREN AND HE REMOVED THE NORTH SET OF MONUMENTS. THE DISCOVERY OF THE ERROR ON THE SURVEY BY WARD CREATED A NEED FOR A SETBACK VARIANCE FROM THE TOWN OF WINTER PARK.
- 5.) ADDRESS: 104 TIMBER DRIVE, WINTER PARK, CO.
- 6.) CLIENT: MIKE TYBUX.
- 7.) THE U.S. SURVEY FOOT WAS USED FOR ALL MEASUREMENTS ON THIS SURVEY. PURSUANT TO C.R.S. 38-52.103(2) METRIC CONVERSION IS: ONE METER EQUALS 3937/1200 FEET.
- 8.) CERTIFICATION NOT VALID WITHOUT THE ORIGINAL SEAL AND SIGNATURE. THIS SURVEY AND ALL RELATED DOCUMENTS ARE FOR THE SOLE USE OF THE CLIENT AT THE DATE OF CERTIFICATION.
- 9.) FIELDWORK WAS COMPLETED NOVEMBER 24, 2020 BY MICHAEL S. KERVIN, PLS AND DAVID R. LUTZ, PLS. ALL MEASUREMENTS WERE OBTAINED USING A LEICA GS16.
- 10.) ALL UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION.

LEGAL DESCRIPTION:

ALL OF LOT 34, HIDEAWAY VILLAGE SOUTH FILING NO. 2, RECORDED AS OCTOBER 2, 1978 RECEPTION NO. 157219, OF RECORDS OF GRAND COUNTY, COLORADO.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATION:

I, MICHAEL SEAN KERVIN, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS SURVEY (AS DEFINED IN 12-25-202(6)(a), C.R.S.) AND THIS RESULTING PLAT WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THAT THIS PLAT AND THE NOTES SHOWN HEREON ACCURATELY REPRESENTS SAID SURVEY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS STATEMENT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

MICHAEL SEAN KERVIN, CO PLS 34592
 DATE: 11-30-20
 CORE PROJ: 19-100
 FOR AND ON BEHALF OF CORE CONSULTANTS

CIVIL ENGINEERING
 DEVELOPMENT CONSULTING
 LAND SURVEYING
 NATURAL RESOURCES
 303.703.4444
 1950 W. Littleton Blvd., Ste. 109
 Littleton, CO 80120

NO.	DESCRIPTION	DATE	BY

IMPROVEMENT SURVEY PLAT
SEC. 33, T1S, R76W, 6TH P.M.
GRAND COUNTY, COLORADO

RELEASE: 11-24-20

DESIGNED: MSK

CAD: MSK

QA/QC: MSK

JOB NO. 19-100

SHEET 1 of 1

From: [Todd McFadden](#)
To: [Hugh Bell](#)
Cc: [Gelhorn, Heather](#)
Subject: zoning variance for 104 Timber Drive
Date: Tuesday, April 06, 2021 10:26:01 AM

Hi Hugh,

In response to the letter we received in the mail; my wife and I do not have an objection to Michal Tybus' zoning variance request at 104 Timber Drive.

Thanks,

Todd & Heather McFadden
Owners of 53 Timber Drive

From: [Sara and Kevin Koster](#)
To: [Hugh Bell](#)
Subject: Re: Zoning Variance, 104 Timber Drive
Date: Sunday, April 04, 2021 9:18:08 PM

Dear Mr. Bell,

We are writing in support of allowing the requested variance for our neighbor, Michal Tybus, at 104 Timber Drive.

Regards,
Kevin & Sara Koster
491 Timber Drive

From: [Pete Selleck](#)
To: [Hugh Bell](#)
Cc: [Nancy Selleck](#)
Subject: Request for Zoning Variance, 104 Timber Drive
Date: Wednesday, March 31, 2021 10:42:19 AM

Mr Bell

We have seen the request posted on March 29, 2021 for this variance.

We support the request and ask that this variance will be granted.

Nancy and Clyde Selleck
479 Timber Drive
Winter Park, CO 80482

MEMO

TO Board of Adjustment
FROM James Shockey, Community Development Director
DATE April 13, 2021
RE Height Variance Request – Fireside Creek Apartments - Lot 3, Silverado
Condominiums II and a Metes and Bounds Parcel

Applicant: Town of Winter Park

Description of Property:

The property is zoned "[R2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS](#)" with the following entitlements –

Zoning – R2
Density – 20 units per acre
Setbacks – 25' Front / 20' Rear / 5'-11' Side
Building Coverage – 40% maximum
Building Height – 35' midpoint / 42' overall

Variance Request:

Request for building height variance to the midpoint building height of ~45'-6½" for Pods A, B, C, and D and a midpoint building height of ~36'-0" for Pod E.

Owner's Reasons Why the Variance Should Be Granted:

Fireside Creek is a proposed workforce housing apartment development comprised of two buildings. The development site drops forty feet (40') from the northwest corner to the southeast corner. A utility easement also runs through the middle of the site. Due to the site's limitations, a variance is requested to effectively develop the site. This variance request is similar to a variance previously granted for the site for a previous development proposal that did not progress.

The proposed workforce housing apartment units are planned to be built into the slope. The buildings will step down as the development runs from the west to the east. Each building is divided into pods where the building steps down. The proposed total height of Pods A, B, C, and D is each ~51'-10", and proposed midpoint height for Pods A, B, C, and D is each ~45'-6½"; proposed midpoint height for Pod E is ~36'-0". Stepping the buildings with the topography allows the development to proceed without unduly blocking view corridors and effectively achieving a similar height appearance to the surrounding developments.

As viewed from Kings Crossing Road, two retaining walls will be constructed between the road and Building 1 and will step down ten feet (10') from the road to the base of Building 1. The bottom of the floor truss on Building 1 will be ten feet (10') below Kings Crossing Road, obscuring the first floor of Building 1 from view. As viewed from Kings Crossing Road, Building 1 will appear similar to the surrounding developments.

See applicant's full application for further details.

Applicable Town Code:

7-4B-4: BUILDING REQUIREMENTS:

B. Maximum Height of Structures:

1. No dwelling or other structure permitted in the R-2 district shall exceed thirty five feet (35') in "height", as defined in chapter 2 of this title and further described in chapter 3 of this title.

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, Title 8, Chapter 7):

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 March 25, 2021, providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property on March 29, 2021 and the property was posted on March 29, 2021.

Eight comments and one petition have been received as of April 9, 2021 and are attached. Note that the petition was received on March 26, 2021, prior to dissemination of public notice concerning the height variance request. The petition focuses on density, parking spaces counts, and the overall loss of open space if the project is developed. These matters have already been heard and settled as part of a public open house held on March 3, 2021. The property is now being developed according to existing approvals, and the only question is whether to allow additional height, as requested by the variance.

Staff Comments:

The applicant is requesting a height variance to allow for a building midpoint height of ~45'-6½" for Pods A, B, C, and D and a midpoint building height of ~36'-0" for Pod E. The applicant cites steep slopes and utility easements as reasoning for the requested variance. The site topography drops nearly 40' from Kings Crossing Road to the railroad tracks, and is encumbered by a large utility easement running through the middle of the site, thus limiting the buildable land area.

The applicant seeks to minimize the overall site impact by proposing two buildings that are built into the slope and which step down from Kings Crossing Road. Pods A, B, C and D are proposed as a four-story structure on the south side and a three-story structure on the north and west sides. Pod E will be a three-story structure on the south side and a two-story structure on the north side to protect view corridors from Wolf Park Townhomes. The height variance is mostly applicable for the south side of the structures; the buildings nearly conform to height regulations on the north side (36' midpoint/ 41' overall).

The site's topographic constraints and large utility easement limit the buildable area, making it difficult to yield a reasonable return in use for the density permitted by the zone district and anticipated in the Imagine Winter Park Master Plan for attainable housing units. The constraints that require a height variance when measured using the Town's definition of building height also creates an unusual circumstance requiring the variance, as it requires measurement from the lowest point of exposed foundation to the structure's midpoint and highest point. The applicant has stated the variance request, if granted, will not alter the essential character of the neighborhood as care has been taken to minimize impact to surrounding properties. The buildings are constructed into the hillside along Wolf Park Townhomes to maintain view corridors from the townhomes and to provide the perception of a two- and three-story structure. The buildings are also constructed 10' lower than Kings Crossing Road, creating the perception of a three-story structure from that vantage point. The buildings are located approximately 150' from Silverado II therefore limiting the impact on those residents.

In 2008, the Board of Adjustment approved a similar variance request on this site for a townhome and condominium project that did not progress.

Staff Recommendation:

Staff does not provide a recommendation for variance requests. To approve the request, the Board of Adjustment must determine that a hardship exists and must establish findings of fact as related to the particular difficulties of the site. The hardship must include ALL 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.

Upon completion of the hearing and consideration of the evidence, the Board should discuss and deliberate in public. When the Board determines its deliberation is complete, by motion and a majority vote, the Board will instruct staff to prepare draft findings of fact either APPROVING or DENYING the variance request. Based on this direction, Staff will prepare draft findings of fact for the Board's consideration, and possible adoption, at the May 11, 2021, meeting.



VARIANCE REQUEST GUIDE AND APPLICATION

Background: A variance is a deviation from the set of rules a municipality applies to land use and land development. In the Town of Winter Park, this set of rules is Title 7 (Zoning) of the Winter Park Town Code. The body that hears and decides any application for a variance is the Board of Adjustment as detailed in Title 7, Chapter 8 of the Winter Park Town Code.

Purpose: The Board of Adjustment has the ability to authorize variance from Title 7 of the Winter Park Town Code so as to relieve undue hardships that are caused by reason of unusual narrowness, shallowness or shape of a specific piece of property, or by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties.

VARIANCE REQUIREMENTS:

In order to apply for a variance, the applicant must show that, owing to unusual and extraordinary circumstances, strict enforcement of the provisions of the Town Code will result in undue hardship.

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

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 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.



VARIANCE PROCEDURE:

1. Staff will post notice at the affected property in not less than two (2) places at least 15 days before the date set for the hearing. Posting shall be located within 300 feet (300') of the exterior boundaries of the affected land in conspicuous places at distances of not less than 200 feet (200') apart.
2. Staff will publish notice at least one time in the official newspaper of the Town- the last publication of the notice shall be at least 15 days before the date set for the hearing.
3. The notice of hearing, which is posted and published, should contain:
 - a. The time and place of hearing.
 - b. A brief description of the land which is the subject of the matter to be heard.
 - c. The purpose of the hearing and the variance request.
 - d. Any other information which the board of adjustment considers necessary or desirable in the public interest.
4. Notification via the U.S. mail to property owners within three hundred feet (300') of the property a minimum of 15 days prior to the hearing.
5. The decision of the Board of Adjustment shall be reported to the applicant after the hearing.

*Board of Adjustment Meetings are scheduled as needed at the Winter Park Town Hall. Hearing dates will be determined at time of application based on the time needed to complete proper notification.

REQUIRED APPLICATION MATERIALS:

(electronically submitted to permits@wpgov.com unless otherwise indicated)

- Completed Town of Winter Park Variance Application Form** (see next page).
- Variance Application Fee - \$250 check mailed or hand delivered**
(cost of mailing and legal publication required after publication).
- Certified list of the names and addresses of the surrounding property owners within 300 feet (300') of the extreme limits of the subject property to be printed on mailing labels. Please physically mail or hand deliver one (1) set of mailing labels.**
Contact the Grand County Assessor's Office to obtain certified list and labels co.grand.co.us
- Electronic copy of a site plan of the subject property, from a registered surveyor. The site plan should include any existing or proposed building footprints.**
- Additional information to support the applicant's variance request. This may include drawings or photographs, letters of support, or other information which may be of benefit.**
- Additional information as required by the Town to clarify the variance request.**



VARIANCE APPLICATION FORM

Date: ____ / ____ / ____

Applicant Name: _____

Mailing Address: _____

Phone Number: _____ E-mail Address: _____

Applicant is the: Property Owner Other: _____

Street address of property for which variance is requested: _____

Legal description of property: _____

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):

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: Aliska Jones

Please submit all materials electronically to permits@wpgov.com

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

March 4, 2021



Fireside Creek Apartments
Variance Application Attachment

Legal Description:

PARCEL A: THAT PORTION OF THE SOUTH ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO; and

PARCEL B: LOT 3, SILVERADO CONDOMINIUMS II, ACCORDING TO THE MAP THEREOF FILED MARCH 2, 1981 AT RECEPTION NO. 191577, AS AMENDED BY RESOLUTION RECORDED OCTOBER 30, 1995 AT RECEPTION NO. 95009470.

Detailed Description of Variance Requested:

Fireside Creek is a proposed workforce housing apartment development comprised of two buildings. The development site drops forty feet (40') from the northwest corner to the southeast corner. A utility easement also runs through the middle of the site. Due to the site's limitations, a variance is requested to effectively develop the site. This variance request is similar to a variance previously granted for the site for a previous development proposal.

The proposed workforce housing apartment units are planned to be built into the slope. The buildings will step down as the development runs from the west to the east. Each building is divided into pods where the building steps down. The proposed total height of Pods A, B, C, and D is each ~51'-10", and proposed midpoint height for Pods A, B, C, and D is each ~45'-6½"; proposed midpoint height for Pod E is ~36'-0". Stepping the buildings with the topography allows the development to proceed without unduly blocking view corridors and effectively achieving a similar height appearance to the surrounding developments.

As viewed from Kings Crossing Road, two retaining walls will be constructed between the road and Building 1 and will step down ten feet (10') from the road to the base of Building 1. The bottom of the floor truss on Building 1 will be ten feet (10') below Kings Crossing Road, obscuring the first floor of Building 1 from view. As viewed from Kings Crossing Road, Building 1 will appear similar to the surrounding developments.

Alisha Janes

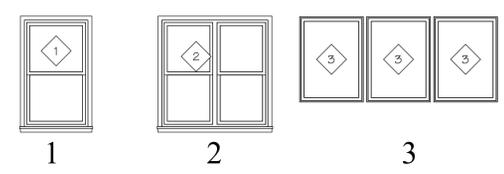
Alisha Janes
Assistant Town Manager, Town of Winter Park

WINDOW SCHEDULE TYPE MARK				
TYPE MARK	SIZE	HARDWARE	GLAZING	COMMENTS
1	3'-0" x 5'-0"	STANDARD	LOW "E"	MUNTINS W SCREEN
2	PK. 2'-6" x 5'-0"	STANDARD	LOW "E"	MUNTINS W SCREEN
3				

GENERAL ATTIC VENTILATION NOTES

- TOTAL FREE AREA SHALL EQUAL 1/50 OF ATTIC AREA & 1/50 OF VENT AREA AT ROOF AND 50% AT SOFFITS.
- SPECIFIED RIDGE VENT LENGTHS BASED ON 18 SQ. IN. FREE AREA PER LINEAL FOOT. ADJUST VENT LENGTH AS REQUIRED BASED ON FREE AREA OF SPECIFIC VENTILATOR USED.
- SPECIFIED VENTILATION POD QUANTITY BASED ON 50 SQ. IN. FREE AREA PER POD. ADJUST QUANTITY AS REQUIRED BASED ON FREE AREA OF SPECIFIC VENTILATION POD USED.

WINDOW ELEVATIONS



REQUEST FOR HGT. VARIANCE

(POD A, B, C, D) @ MIDPOINT = 10'-6 1/2"

(POD E) @ MIDPOINT = 1'-0"



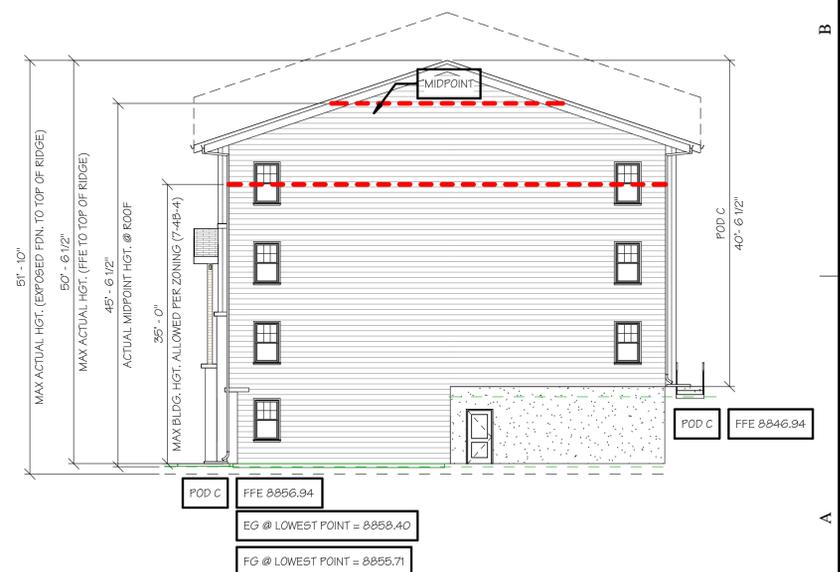
1 BUILDING ONE FRONT ELEVATION
SCALE: 3/32" = 1'-0"



3 BUILDING ONE WEST ELEVATION
SCALE: 3/32" = 1'-0"



2 BUILDING ONE REAR ELEVATION
SCALE: 3/32" = 1'-0"



4 BUILDING ONE EAST ELEVATION
SCALE: 3/32" = 1'-0"



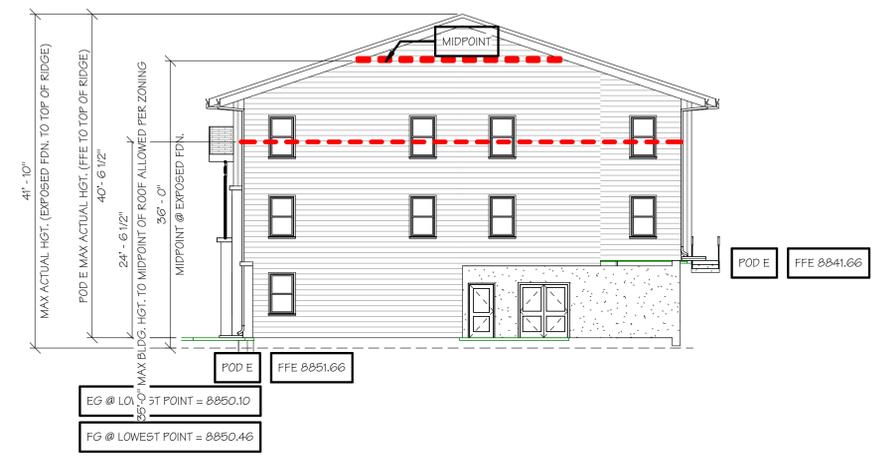
1 BUILDING TWO FRONT ELEVATION
A3.1 SCALE: 3/32" = 1'-0"



4 BUILDING TWO WEST ELEVATION
A3.1 SCALE: 3/32" = 1'-0"



2 BUILDING TWO REAR ELEVATION
A3.1 SCALE: 3/32" = 1'-0"



3 BUILDING TWO EAST ELEVATION
A3.1 SCALE: 3/32" = 1'-0"

BUILDING TWO EXTERIOR ELEVATIONS
REVIEW SET

FIRESIDE CREEK
WINTER PARK, GRAND COUNTY, CO

Wallace
ARCHITECTS, L.L.C.
Columbia, MO
P 573-256-7200

COPYRIGHT © 2021
1ST ISSUE
DD MMM YYYY

ISSUE/REVISIONS	REVIEW SET
02/26/2021	

SHEET NO. A3.1
JOB NO. 4197
4/9/2021 2:25:33 PM

TOPOGRAPHIC MAP



GENERAL NOTES

- 1.) THE BASIS OF ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NGS STATION N 137, A STANDARD NGS BRASS CAP MARKED "N 137 1954", PUBLISHED ELEVATION = 8438.43 U.S. SURVEY FEET. ON-SITE ELEVATIONS TRANSFERRED BY RTK METHODS.
- 2.) FIELDWORK WAS COMPLETED 9-28-20. ALL MEASUREMENTS WERE OBTAINED USING A LEICA TS15 ROBOTIC TOTAL STATION AND A LEICA GPS GS14.
- 3.) ALL UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION.

CIVIL ENGINEERING
DEVELOPMENT CONSULTING
LAND SURVEYING
NATURAL RESOURCES
303.703.4444
1950 W. Littleton Blvd., Ste. 109
Littleton, CO 80120



NO.	DESCRIPTION	DATE	BY

TOPOGRAPHIC MAP
SEC. 33, T1S, R75W, 6TH P.M.
GRAND COUNTY, COLORADO

RELEASE: 10-1-20
DESIGNED: MSK
CAD: KDS
QA/QC: MSK

JOB NO. 20-185

SHEET 1 of 1

From: [brett sisco](#)
To: [Hugh Bell](#)
Cc: [Kim Campbell-Sisco](#); dbriggs@allegiantmgmt.com
Subject: Fireside Creek Apartments
Date: Sunday, April 04, 2021 11:25:47 AM

Attn: Hugh Bell, Planner, Town of Winter Park

This email is in reference to the proposed height variance for the construction of the Fireside Creek Apartments parcel reference below:

Fireside Creek Apartments
Variance Application Attachment

Legal Description:

PARCEL A: THAT PORTION OF THE SOUTH ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO; and

PARCEL B: LOT 3, SILVERADO CONDOMINIUMS II, ACCORDING TO THE MAP THEREOF FILED MARCH 2, 1981 AT RECEPTION NO. 191577, AS AMENDED BY RESOLUTION RECORDED OCTOBER 30, 1995 AT RECEPTION NO. 95009470.

We are the homeowners of Wolf Park Townhomes Unit #A-1 (211 Wolf Park Lane) directly across Wolf Park Lane from the proposed Fireside Creek Apartments. We purchased our townhome because of its proximity to Wolf Park and the character and quiet nature of the surrounding area. We always knew it was possible that development could occur on the property that is being proposed for the Fireside Creek Apartments. However, we never expected a development of this size and scale to be proposed directly adjacent to the Wolf Park Townhome complex. We also never expected that the Town of Winter Park would be the entity proposing such a height variance of this magnitude in such close proximity to our townhome.

We respectfully ask that this variance request be rejected in that it is not in keeping with the original intent of the requirements for development on this parcel. There is no question that this development will negatively affect the surrounding and adjacent property. This development will definitely alter the essential character of the locality in 2 significant ways.

First, the existing Wolf Park homeowner property values will be significantly reduced due to the adjacent development. There will be an increase in traffic, reduced views from the adjacent townhomes and light reduction will be significant due to the excessive height of the Fireside Creek apartments, which will in effect be a giant wall blocking all southern exposure sunlight in the winter months. This will also likely create shade on Wolf Park Lane which in winter months will cause the road to be iced over and create a significant hazard for vehicles and pedestrians using the road to access Kings Crossing Road and the Silverado II bus stop.

Second, the natural character of the adjacent Wolf Park open space will be significantly impacted. Numerous local residents use the trails in Wolf Park and enter and exit the park at the entrance located on Wolf Park Lane. To have a tall apartment building structure located right as you exit the park will block all views to the resort and continental divide to the south

which is truly one of the joys of using this wonderful city park.

As a homeowner in Winter Park we truly understand the need and importance of affordable workforce housing. We also understand that development on this property is allowed and if done properly and in keeping with current zoning requirements, can be a tasteful addition to the community. But this is not the right location for this size and scale of development. A building of this height should not be allowed to be placed in this location. It is not in keeping with the currently adopted height restrictions and does not belong in this neighborhood. This size, scale and height would be better suited to a more downtown location that already allows for this size building.

I truly hope that the town of Winter Park will not just automatically approve this height variance because the applicant is also the Town of Winter Park. This would be especially disturbing. We trust our public officials to enforce the current zoning and building code requirements and not bend the rules out of disrespect for adjacent property owners and surrounding residents who rely on the stability of existing zoning requirements when deciding to purchase property and enjoy the wonderful amenities that we all love about the Town of Winter Park.

Please reject this request for variance to increase the allowable height for the Fireside Creek Development. This is not in keeping with the character of the locality and will negatively impact adjacent property owners.

Thank you,
Brett and Kimberly Sisco
211 Wolf Park Ln.
Winter Park, CO 80482

From: [Darlene Harmon](#)
To: [Hugh Bell](#)
Subject: Fireside Creek variance request
Date: Thursday, April 08, 2021 11:09:29 AM

WP Gov,

I VERY much oppose granting a variance to the Fireside Creek development! Granting this request just opens the door for more variances and taller buildings throughout this valley. In addition to the height issues, this development is poorly thought out in many ways...traffic congestion at the RR crossings, the increased neighborhood density, not enough parking, unit design not adequate for the population they propose to serve, lot too small and swampy, on and on.

Denying their request for height variance would eliminate many concerning issues.

This proposed building would be better suited for a neighborhood with similar design and purpose. Not appropriate for this site!!!!

Thank you for your careful consideration of these issues.

Darlene Harmon

Wolf Park # 321

303-518-3101

From: [Dennis Kyle](#)
To: [Hugh Bell](#)
Cc: [Lisa Kyle](#)
Subject: Fireside Creek Apartments; Wolf Park Resident
Date: Thursday, April 08, 2021 9:31:14 PM
Attachments: [IMG_9302.png](#)

Attention: Hugh Bell, Town of Winter Park Planner

This email is in response to the proposed height variance of the Fireside Creek Apartments reference below:

Legal Description:

PARCEL A: THAT PORTION OF THE SOUTH ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO; and

PARCEL B: LOT 3, SILVERADO CONDOMINIUMS II, ACCORDING TO THE MAP THEREOF FILED MARCH 2, 1981 AT RECEPTION NO. 191577, AS AMENDED BY RESOLUTION RECORDED OCTOBER 30, 1995 AT RECEPTION NO. 95009470.

We are owners and residents of 213 Wolf Park, the property adjacent to the proposed Fireside Creek Apartments. We request that the requested height variance be rejected given the magnitude of the project as we don't believe this was the original intent for that parcel. Without a doubt it will have a negative impact on the adjacent property and the surrounding area. We were able to dig around and found the below on the web which depicts a VERY large property that isn't in keeping with the locale and the adjacent park.



We oppose the use of that parcel for this purpose and certainly are opposed to any height variance as project of this magnitude will severely disrupt the nature of the Wolf Park and negatively impact the value of the adjacent townhomes. We are not opposed to any and all development of this parcel as that clearly the original intent but we do not think a project of this magnitude is appropriate in its own right much less with a height variance.

I also hope that the town of Winter Park listens to the nearby resides and doesn't automatically approve this height variance given the fact that the the applicant is also the Town of Winter Park.

This would certainly be problematic and a potential conflict of interest. We ask you as our public officials to guide development in keeping with the current zoning and building code requirements. Please be respectful of the adjacent property owners and do not bend the rules when the surrounding residents rely on the stability of existing zoning requirements when deciding to purchase property.

There will be an increase in foot traffic and noise as well as reduced views from the adjacent townhomes and light reduction will be even more significant given the proposed height of the Fireside Creek apartments. In effect there will be a giant wall blocking all southern exposure sunlight in the winter months. This will also likely cause Wolf Park lane to ice over and create shade significant hazard for vehicles and pedestrians using the road to access Kings Crossing Road and the Silverado II bus stop.

The complex will further adversely affect the natural environment and character of the Wolf Park open space. Many current Winter Park residents use the park and its trails via the entrance located on Wolf Park Lane. The apartment will block all resort views and continental divide to the south which is part of the nature of the area.

As Winter Park homeowners and avid skiers in Winter Park we certainly appreciate the need for affordable housing. We also understand that development on this property is allowed and if done properly and in keeping with current zoning requirements, can be a tasteful addition to the community. This however, is not the right location for a project of this size and scale. A building of this height should not be allowed to be placed in this location. It is not in keeping with the currently adopted height restrictions and does not belong in this neighborhood. This size, scale and height would be better suited to a more downtown location that already allows for this size building.

We ask that the city reject the request for the height variance associated with the Fireside Creek Development.

Best

Dennis and Lisa Kyle
303.888.6630

April 7, 2021

From: Janet Rogers & Ned Wallace
Post Office Box 3074
Winter Park, CO 80482-3074

To: Hugh Bell, Planner, Town of Winter Park
P.O. Box 3327
Winter Park, CO 80482

Subject: Fireside Creek workforce housing apartment development

The Fireside Creek workforce housing apartment development is proposed for two contiguous parcels zoned R2 and totaling 1.9 acres, as indicated in the legal description of the parcels and as noted in the Disposition and Development Agreement of Ordinance No. 544 Series of 2020. The Agreement specifies that the developer shall construct improvements on the property comprised of, at minimum, 70 rental units and the Public Improvements set forth in the Agreement in accordance with the construction standards set forth in the Agreement, the Town Code and other applicable laws.

While we commend the city's efforts to provide affordable housing for its workforce, the current proposal does not appear to meet the applicable R2 zoning codes in at least three important respects.

The first is the subject of the public meeting on Tuesday, April 13, 2021, which will address a height variance request. The proposed total height of each of four of the five "pods" of the apartment development is ~51'-10" with proposed midpoint height of ~45'-6½". The proposed midpoint height of the fifth "pod" is ~36'-0". This requires a zoning variance to the following Town Code:

§7-4B-4: BUILDING REQUIREMENTS:

B. Maximum Height Of Structures:

1. No dwelling or other structure permitted in the R-2 district shall exceed thirty five feet (35') in "height", as defined in chapter 2 of this title and further described in chapter 3 of this title.
(Ord. 324, Series of 2002)

With regard to this height variance request, we note that if the request is granted, the development will not be compatible with draft **Unified Development Code (UDC) §5-A-2: View Protection**, which requires that there shall be no significant structure in the view corridor from Wolf Park to the continental divide. While the variance proposal contends that "[s]tepping the buildings with the topography allows the development to proceed without unduly blocking view corridors," if the building height variance is accepted, Building 1 will rise more than 40' above the grade of Wolf Park even with the planned 10' step-down from Kings Crossing Road to the base of the first building. This would clearly obstruct the view to the continental divide from the Alpine Trail at the south edge of Wolf Park. Ignoring the Wolf Park View Protection provision because

the **UDC** is still only in draft form, or asking for a variance from this restriction, would greatly inhibit Winter Park's ability to enforce **UDC §5-A-2** in the future.

Two additional zoning variance requests also seem to be required for the Fireside Creek workforce housing apartment development:

- The submitted architectural site plan clearly shows more than 40% coverage of the lot area, requiring a zoning variance to the following Town Code:

§7-4B-4: BUILDING REQUIREMENTS:

A. Maximum Building Coverage: 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 forty percent (40%) of the "lot area" as defined in section 7-2-3 of this title. (Ord. 423, Series of 2009).

The submitted architectural site plan has minimal areas that can be considered open space, and has no areas designated for recreation and leisure activities. This is problematic for an apartment complex that will likely house 150 or more people in 66 dwelling units, especially since none of the units have private outdoor space. In addition, the plan does not show how it will conform to naturalized stormwater best management practices, given the extent of the coverage. (The 3D renderings do not show the areas around the buildings conforming to the site plan, and thus cannot be used to determine actual open space.)

- Also, as noted above, the submitted building elevations show there will be 66 dwelling units on the 1.9 acre site: 24 units on the front of Building 1, 14 units on the front of Building 2, 18 units on the back of Building 1, and 10 units on the back of Building 2. This exceeds the 38 dwelling units allowed on 1.9 acres as per the following Town Code and thus will require a variance.

§7-4B-3: LOT AREA REQUIREMENTS:

B. Minimum Lot Area: Minimum lot area in the R-2 district shall be as follows:

2. For multiple-family dwellings, the minimum lot area shall be six thousand (6,000) square feet, plus two thousand (2,000) square feet for each dwelling unit in excess of one unit.

In our opinion, this variance request will be the least problematic except that more dwelling units require more parking spaces and thus affect maximum building coverage as discussed above.

Draft **UDC Table 3-A-3: Residential Lot and Building Standards** will reduce the lot size requirement to 1,500 square feet per dwelling unit. However, this still allows only 55 dwelling units on 1.9 acres, and thus, even if Ordinance No. 544 Series of 2020 is adopted under the specifications of the draft **UDC**, a variance will be required for both minimum lot area and maximum building coverage.

In conclusion, we support the city's efforts to provide affordable housing for its workforce and believe that the site selected for the Fireside Creek Development should be considered for such housing. However, the proposal codified in Ordinance No. 544 Series of 2020 is a poor fit for the characteristics of the property.

From: [John Knight](#)
To: [Hugh Bell](#)
Subject: Zoning Variance request for Fireside Creek
Date: Tuesday, March 30, 2021 7:43:40 PM

I went over the letter sent about the zoning variance request and looked at the plans on the website.

This proposal exceeds the permitted height by a considerable amount, more than ten feet (45 feet 6.5 inches, zoning allows 35 feet).

The request finds the proposal "achieving a similar height appearance to the surrounding developments." I disagree. The Wolf Park Townhomes are three stories, not four as in the proposal. Because of this, Building 1 will NOT "appear similar to the surrounding developments," as claimed in the proposal.

I am not in favor of granting this variance request.

Respectfully,

John Knight

From: [Mirna Knight](#)
To: [Hugh Bell](#)
Subject: Zoning variance request letter for Fireside creek
Date: Wednesday, March 31, 2021 9:17:36 AM

To the Town of Winter Park

As a Winter Park resident I have received a public notice regarding request for zoning variance for Fireside Creek Development.

I do understand the need for affordable housing but I strongly oppose granting this variance request on two counts.

1. The proposed buildings Pods A, B, C and D are proposed to be of midpoint building height of 45 ' 6" . This height exceeded by more than 10' the maximum permissible height according to Town Code Building requirement of 35'.

In addition these buildings are placed right at the edge of the 10' easement of the lot line, next to existing buildings of Wolf park townhomes which are built in accordance to the town building requirements.

Difference of over 10' in height results in placing a planned 4 story building to the closest allowable vicinity and at the same level of an existing 3 story buildings and claiming to "not undue block view corridors and effectively achieving a similar height appearance". This intent is not being achieved here.

The reason for Zoning codes is to prevent this exact problem of turning the town into an eyesore of newer buildings outcompeting for vertical space and dwarfing existing buildings.

Which bring me to my second issue.

2. The proposed number of units exceeded the number of planned available parking spaces even under the assumption that each unit is occupied by one person with one car. I think it is realistic to assume that units may be occupied by more than one occupant and that these occupants may have more than one car per unit.

The number of parking spaces is completely inadequate for the needs of the future residents. Where do you expect that the Fireside residents will park? Main road? Silverado II ? Other neighboring developments? Private driveways? Public parking lot for the Wolf park? Downtown Winter park along Lionsgate and then walk over the railroad? I think this is a serious safety issue and is not being addressed in the proposed plans.

Would it be reasonable to decrease the height of the buildings to the existing Towns code (three story building) with result of bringing down the number of units to be more in line with allotted parking spaces and overall look of the neighborhood. And yes, this would decrease the number of available units of affordable housing, but would prevent this project into turning into Towns esthetic and logistical nightmare.

I do not think that this project meets the intent of appearing "similar to the surrounding developments" primarily by not adhering to the Town zoning requirement and I strongly oppose to granting this variance request.

Thank you for your consideration,

Mirna Knight

From: [Pamela Hoehne](#)
To: [Hugh Bell](#)
Subject: proposed variance
Date: Thursday, April 01, 2021 10:03:47 AM

I am vehemently opposed to the proposition of building 80 units of employee housing by Silverado II. I am a homeowner along KingsCrossing at TimberRidge and feel the proposal is a future problem w congestion and needless devastation of Greenspace that WP seems to be doing more and more.

I work part time at the resort and have seen how the apartments used by employees at Fox Run are maintained both inside and out, and I work part time with many of the millennials that live in them, little caring in their involvement w/ their living quarters.

Sadly I have seen the WP area "prosper".at the expense of the natural habitat that so many of us enjoy. We do not want WP to become another Silverthorne....Will Walmart be next?

Please send me a zoom request at your public hearing

From: [Ellen Steinbrunner](#)
To: [Hugh Bell](#)
Cc: [James Shockey](#); [Alisha Janes](#)
Subject: Re: Fireside Creek - Variance request
Date: Friday, April 09, 2021 12:03:46 PM

Thanks - I appreciate it. We never would have gone through with the purchase of this unit had we known this apartment complex was going up behind it. We asked about the development of that land and sellers and agents did not disclose anything. I wish I had looked at the WP Master Plan. I just happened to see the variance request posted when I went for a walk yesterday. Anyway - I know this is too much information. I was looking closely at the plans this morning and I see that they are trying to keep the height of the second building lower to keep views but it's also so close to the property line that there is no way that there won't be an impact.

Do you have an idea of when the construction is supposed to start? I saw there was a community meeting at the end of February, but we were in the process of buying then so we missed it. If there is a place we can get details on timing that would be great as we are thinking of selling.

Thanks,
Ellen

> On Apr 9, 2021, at 11:06 AM, Hugh Bell <hbell@wpgov.com> wrote:

>

> Ms. Steinbrunner,

>

> Thank you for your comment, I've added it to our records and will include it with the staff packet for Tuesday, April 13.

>

> Hugh Bell

> Planner | Community Development

>

>

> -----Original Message-----

> From: Ellen Steinbrunner <esteinbrunner@gmail.com>

> Sent: Friday, April 09, 2021 7:28 AM

> To: Hugh Bell <hbell@wpgov.com>

> Subject: Fireside Creek - Variance request

>

> Good Morning Mr. Bell,

>

> I am writing in regards to the Fireside Creek variance request which appears to allow the height of the proposed buildings to exceed the maximum of 35' up to 50'. I am a brand new owner (closed March 17th) in Wolf Park Townhomes, Unit E-2 - and while I haven't been here long enough to know how this proposed build will affect traffic/access to shuttles/etc, it does appear that this new build may severely obstruct the views from our unit, and while I know we cannot stop progress and builds, I would like to say that we are absolutely against allowing any variance for height restrictions on this newly planned build. If they can't keep their design within the height restrictions, I propose they lose the top floor.

>

> Please let me know if there is any further course of action that residents can take to oppose the approval of this variance.

>

> Thank you,

> Ellen Steinbrunner

>

March 26, 2021

Dear Town of Winter Park,

Attached is a petition which has been signed by Winter Park residents and property owners – taxpayers - who **oppose the planned Fireside Community development as currently designed**. This petition was selectively distributed to the property owners which live in the immediate vicinity of the planned development.

We ask that you please read the petition and the comments provided. You will see that there is significant opposition to this project – mostly centered on the density of the development. We suggest the following next steps:

1. The **Fireside Creek development be immediately put on hold until the Town and the community opposed this development as currently designed arrive at a mutually agreeable solution**. We want to work with the Town to arrive at a mutually beneficial design – not a design based on the density necessary for the developer to make a profit.
2. **A meeting be set up in which a small group of delegates which represent the concerned residents meet directly with the Town**. These delegates will brief the group that has come together and represent our interests.
3. Please **confirm that the proposed density of this project is consistent with the R2 zoning**

We look forward to hearing from you,

John Reddan and the Winter Park Residents Opposed the Fireside Creek Development as Currently Designed

Dear Town of Winter Park,

This petition is signed by Winter Park residents and property owners – taxpayers - who **oppose the planned Fireside Community development as currently designed.**

While we support workforce housing, the neighbors and community immediate to this project should not bear a disproportionate cost to address Winter Park's workforce housing issue, and we want the density of the project significantly reduced to preserve our quality of life and allow for the open space that drew us to Winter Park.

The proposed plan will create traffic congestion and result in parking problems. In addition, the development will destroy a nature corridor used by bear, moose, deer, fox, hummingbirds, and other animals which rely on this land; the site is a wetland for months during the Spring.

The density of the proposed development will negatively impact us as residents and property owners - and diminish our quality of life by blocking our views and sunlight. We want to work with the Town to arrive at a mutually beneficial design – not a design based on the density necessary for the developer to make a profit. In summary:

1. We want the density of the proposed development significantly reduced
2. The number of parking spaces needs to align with the reality that nearly every adult in the development will own a car. The Kings Crossing "orange" bus route operates once per hour except on winter and holiday weekends. This is not frequent enough to encourage a large number of people to use the bus for commuting. Some people who work in downtown Winter Park may want to walk to work, but no provisions are being made to provide a safe legal crossing of the railroad tracks to avoid a long walk to the existing crossings at Vasquez Road and Kings Crossing Road.
3. We want open space, views and sunlight preserved
4. Building height, set back, and overall building design should not create an excessive hardship on the neighbors immediate to this development.

Signed,



Winter Park residents and property owners – taxpayers - who oppose the planned Fireside Community development

<https://www.thepetitionsite.com/takeaction/682/199/209/>

Author: John Reddan

Recipient:

Petition:

Dear Town of Winter Park,

This petition is signed by Winter Park residents and property owners – taxpayers - who **oppose the planned Fireside Community development as currently designed.**

While we support workforce housing, the neighbors and community immediate to this project should not bear a disproportionate cost to address Winter Park's workforce housing issue, and we want the density of the project significantly reduced to preserve our quality of life and allow for the open space that drew us to Winter Park.

The proposed plan will create traffic congestion and result in parking problems. In addition, the development will destroy a nature corridor used by bear, moose, deer, fox, hummingbirds, and other animals which rely on this land; the site is a wetland for months during the Spring.

The density of the proposed development will negatively impact us as residents and property owners - and diminish our quality of life by blocking our views and sunlight. We want to work with the Town to arrive at a mutually beneficial design – not a design based on the density necessary for the developer to make a profit. In summary:

1. We want the density of the proposed development significantly reduced
2. The number of parking spaces needs to align with the reality that nearly every adult in the development will own a car. The Kings Crossing "orange" bus route operates once per hour except on winter and holiday weekends. This is not frequent enough to encourage a large number of people to use the bus for commuting. Some people who work in downtown Winter Park may want to walk to work, but no provisions are being made to provide a safe legal crossing of the railroad tracks to avoid a long walk to the existing crossings at Vasquez Road and Kings Crossing Road.

3. We want open space, views and sunlight preserved

	Name	From	Comments
1.	John Reddan	Winter Park, CO	
2.	Rissa Reddan	Winter Park, CO	I love Winter Park for its natural beauty, peaceful living, and wildlife that I can watch out my window. This development would diminish my experience.
3.	Heidi Halus	Winter Park, CO	The open space is a corridor for people and wildlife. The proposed development will block sunlight, views, create noise pollution and create a dangerous traffic situation as the road is steep with a sharp bend. Dozens of people walk the street daily with dogs and strollers.
4.	Maryann Staron	EVERGREEN PARK, IL	
5.	Miller Schuck	Winter Park, CO	The density of the project does not match the properties surrounding it.
6.	Timothy Kovac	Winter Park, CO	Stop the building that is a huge, square peg in a L-shaped wildlife wetland. Preserve this spot for our grandchildren. Don't use it to recruit people from Florida, Texas, and California.
7.	Stacy Grenier	Boynton beach, FL	
8.	steve koon	Littleton, CO	
9.	Nicole Boye	Winter Park, CO	The proposed development is far too large for the lot size. This needs to be reconsidered. Things that have not been considered is the parking for each unit not to mention the amount of traffic that this development will create.
10.	Kelly Parcell	Winter Park, CO	I live in this neighborhood and a lot this size is too small for 70 units. I am concerned about increasing this particular area with more people and cars to this level will greatly impact safety measures in this neighborhood.
11.	Sarah Vincent	Niwot, CO	
12.	Brooke Craig	Winter Park, CO	
13.	Erik Boye	Winter Park, CO	Too much density in the allocated space/lot with inadequate parking and excessive traffic
14.	Cynthia Pileggi	Guffey, CO	
15.	Will Lemaire	Winter Park, CO	I have watched WP grow over the years but recently the development is out of control and the town can't take it anymore
16.	Sara Wilhelm	Denver, CO	I have a second home nearby and want to ensure Winter Park maintains it's small town character and beauty, even with planned growth.
17.	julie bindas	basalt, CO	lover of the area. already too much growth your charm is that you are not breckenridge, vail etch. you groomed the jane and now this

	Name	From	Comments
18.	Tom Gulden	Winter Park, CO	Workforce housing is important to the area, however it shouldn't be put in the place that drives the economy of the area.
19.	Elizabeth Tingley	Golden, CO	I own a townhouse in Wolf Creek and very concerned about so many units in such a small space. We bought our townhome in WinterPark so that we could enjoy the open space. This would not be good for our property value our lifestyle.
20.	Lee Tingley	Winter Park, CO	We live in Wolf Park Townhomes, and this would be a tremendous impact on our quaint little community.
21.	Ellen Borchers	Franklin, TN	The complex does not match the density of other housing developments in the neighborhood.
22.	Forrest Oldham	Winter Park, CO	I am all about preserving Colorados beauty, open spaces, and wildlife. I'm afraid with the influx of people into our state, we have lost our way in preserving the things we all live here for.
23.	Julie Pierce	Winter Park, CO	This is too dense for this area. Parking, snow removal, etc. all present major issues.
24.	Lauren Fox	Winter park, CO	
25.	Caitlin Hardy	Boulder, CO	We have a property in Fraser and believe the density of this development is not in keeping with the beauty of the area.
26.	Laura Robbins	Fraser, CO	
27.	D Ward	Sidney, OH	
28.	Stanley Staron	EVERGREEN PARK, IL	
29.	Jen Oldham	Winter Park, CO	The growth in Winter Park needs to be controlled so that it stays a small town. Winter Park has many unique qualities and should keep wildlife and growth in the forefront of all building decisions as development will destroy the small town.
30.	Jennifer Peterson	Berthoud, CO	
31.	JUDITH HARDARDT	WINTER PARK, CO	Density, unit size tiny--livable for more than 1? Parking, plowing problem, traffic
32.	CRYSTAL [?]? MARSHALL [?]?	Howland, OH	
33.	Niki Wollan	Winter park, CO	
34.	César Pérez Cerviño	Madrid, es	
35.	Steve Craig	Winter Park, CO	Why do all developers feel the need to pack people in? This small town is already overrun with new housing. The proposed development is in a small beautiful area where our kids play and we are able to watch wildlife roam freely. The greed of developers like this is shameful.

	Name	From	Comments
36.	Kendall Boyd	Winter Park, CO	Please reconsider the density. Specifically, traffic and parking, and how the neighborhood will be affected.
37.	Roger Hankey	Winter Park, CO	We have owned property in Silverado II since 2012 and now live full time in one of our units. The current design will adversely effect Silverado II and our neighbors including Wolf Park Townhomes and Kings Crossing Place Townhomes. The current design is much to dense for such a small parcel. It also lacks a suitable safe crossing of the RR tracks for pedestrians. This project is not acceptable in its current design.
38.	ken lang	Toronto, ca	
39.	Gregory Byrd	Longmont, CO	I've owned in Silverado II for nearly 20 years. I have great concerns regarding the proposed high density affordable housing proposed for the small area between Silverado II and Wolf Park townhomes. Don't get me wrong...I'm all for affordable housing, but my understanding is the current plan calls for over 70 units in this small space. If implemented as stated, this will create huge traffic and parking issues, creating a huge problem for owners in surrounding properties, as well as residents of the proposed development. I hope you will consider downscaling the number of units in the development to one-third to one-half of what is currently proposed. If the current plan proceeds as proposed, I will seriously consider selling and find someplace with less traffic/density issues. I love Silveradoll, and it would sadden me to have to leave this wonderful place.
40.	mauricio carvajal	santiago, cl	
41.	John Thompson	Winter Park, CO	The proposed development is far too dense for the space, and the parking as currently planned is woefully inadequate. The high density, lack of parking, and subsequent excessive traffic will constitute major problems for the neighborhood, decreasing the quality of life for all in the area (including the future residents of the development), and very likely negatively impacting adjacent property values. We very much recognize the need for local workforce housing in the area, but the Town and developer disrespects that same workforce by not providing a well planned, appropriately sized development that will actually prove to be a desirable place to live.
42.	Finn Haug	Winter Park, CO	
43.	nick robley	manchester, gb	
44.	Darlene Harmon	Denver, CO	I live at Wolf Park ITownhomes. I strongly oppose this project! This project does not meet its intention. The proposed 500 sq ft units will not meet the needs of full time workers in the area. This high density project does not fit into the established neighborhood, parking is very inadequate <i>(continues on next page)</i>

	Name	From	Comments
44.	Darlene Harmon	Denver, CO	<i>(continued from previous page)</i> and traffic congestion with railroad tracks on both entry points is frightening. There is a need for housing for full time employees in the area, but this lot is not an appropriate or adequate site. Thank you for your consideration of these factors.
45.	Charles Essig	Winter Park, CO	
46.	Russell Bryant	Winter Park, CO	We bought our condo adjacent to there for the reason of the location to nature. There is no parking as it is. These buildings would be right out our window.
47.	Patrick Pierce	Winter Park, CO	The plans are inappropriate for many reasons. The overall density of units for the space, limited access to parking, questionable environmental impacts, undefined setbacks and impact to property values of existing property owners.
48.	Jill Sparks	Denver, CO	Home owner in Silverado 2. Eye sore, not enough room for parking, block views, ect.
49.	Donna Dalton	Winter Park, CO	
50.	Dana Doerer	Winter Park, CO	The location of the proposed development does not make sense for the area. It would be a tight squeeze and reduce the minimal openness that exists in the area.
51.	Rachel Smith	Winter Park, CO	We are owners of a property in Silverado II, right next to the proposed build. This is a ridiculous spot for a new building! There is not enough space , and this will destroy the wildlife in this tiny spot. There are other places to build that are not crowded right into this space. There is even an open lot across the street on Kings Crossing Road! This will impact so much more than our pocketbooks, it will impact the quality of life in this area. I do believe we need more local housing, but this a terrible place to put it.
52.	Mike Dalton	Winter park, CO	Property. Density is too much for surrounding Properties
53.	Frank and Diana Catanzarite	Winter Park, CO	I am concerned that the animals in the area will be further displaced. We have walked through this area to downtown for 30 years and now it will just be one more development. Even if this were not the case the number of units proportionate to the space is not realistic. Parking will be an issue, snow removal will be an issue, and traffic will be an issue. Diana and Frank C.
54.	Lisa Weber	Littleton, CO	
55.	Brian Koon	Denver, CO	The environmental impact.
56.	claude diamond	Winter Park, CO	
57.	Erik Knudsen	Winter Park, CO	
58.	Claudia Diamond	Winter Park, CO	Too many units in too small a space.

	Name	From	Comments
59.	Bill Keithler	Winter Park, CO	As a part time resident I am very concerned about the density of the project and the impact that will have on many levels of our experience
60.	Kate Knudsen	Winter Park, CO	Environmental impacts, transportation planning (including parking and pedestrian safety/thoroughfares), project scale and design -- all issues that are not appropriately addressed at this point.
61.	Erin Cherry	Winter Park, CO	
62.	Daniel Cherry	Winter park, CO	I own a condo at 490 kings crossing. This project will overcrowd our neighborhood with a limited supply of available parking and overcrowding the neighborhood
63.	Darryl Thompson	Westminster, CO	2nd home owner in Alpine Timber's. The Density is inconsistent with the surroundings and safe walking trails to the town of WP must be part of this development.
64.	Dawn Fitzmartin	Winter Park, CO	Densities, property values and views.
65.	Paula Ungs	Winter Park, CO	First and foremost, the process for how this project has unfolded reveals a complete lack of respect, and open/transparent communication by the town with residents; especially in neighboring communities that will be most impacted by this development. A project of this size and impact should be discussed openly with neighboring communities and input should be considered. It almost seems like the town was trying to "sneak this one by unnoticed". It represents a complete breach of trust. It is also disappointing that the town is willing to agree to this unprecedented density because the developer says he needs to build that many units in order to "make a profit". Is this going to be the precedent for the town on other similar developments? This seems like a lazy, thoughtless and incompetent way to solve the housing issues in Winter Park. This tactic will not build good will in the community. The number of units planned for this small plot of land is ridiculously high. It is understood that the town wants more housing for local workers, but this density is problematic in many ways (security, traffic, parking, snow removal, noise and light pollution, drainage, proper management, security, etc.). It is also highly likely that there will be a radical increase in the number of pedestrians that will cross the railroad tracks to short cut to downtown Winter Park. This seems like a high risk for the residents, the town and for the railroad. I believe there were other plans considered for this site that were much more density appropriate and a better aesthetic fit for this small triangle of land. There has to be a more creative way to make something like this "doable" for a builder. Put on your thinking caps! And finally, the worst of it all will be what it does to the Wolf Park condos that back up to the new buildings. These homeowners will now have all <i>(continues on next page)</i>

	Name	From	Comments
65.	Paula Ungs	Winter Park, CO	<i>(continued from previous page)</i> light blocked from their units and will look straight into a building 30 feet away from virtually every floor of their condos. You should think about how you would feel about this if you were in this situation before finalizing on this decision.
66.	Debbie Levine	Winter Park, CO	City needs to be sensitive to taxpaying homeowners. The land now being discussed is not sufficient for the number of units and parking proposed.
67.	Garth TeBockhorst	Winter Park, CO	
68.	Mary Keithler	Winter Park, CO	The plan is unrealistic for the site, not nearly enough parking. It should be scaled down.
69.	Cindy Crary	Winter Park, CO	Way too much congestion! Area is not large enough for intended project!
70.	Ryan Hill	Winter Park, CO	This property is not large enough to support a high density development . Parking issues, drainage issues, traffic, pedestrian traffic over the railroad tracks, are just a few of the problems this development would cause.
71.	Natalya Itu	winter park, CO	we need to preserve the space for wild life and not just make profits in the booming real estate market.
72.	Jim Bausano	Winter Park, CO	
73.	Don Fitzmartin	Centennial, CO	dddd
74.	Michelle Anderson	Winter Park, CO	
75.	Megan Bausano	Winter Park, CO	
76.	John Torres	Wheatridge, CO	Creating high density affordable housing de- values all property in winter park
77.	Marcia Beake	Winter Park, CO	30 yr resident- concerned about continued density- With not much thought for existing property owners whether full or 2nd home owners. Little inclusion from the beginning of these projects for neighbor involvement. This is private not federal money. I don't see any definitive detailed plan for residents coming from the Town which is extremely important.
78.	M Kincer	Shelby two., MI	
79.	Kathleen Mallow	Winter Park, CO	This property is not large enough to support a high density development . Parking issues, drainage issues, traffic, pedestrian traffic over the railroad tracks, are just a few of the problems this development would cause. Owned since 1996. Too large of a development for the space
80.	Melody McCreight	Winter Park, CO	This seems like a ridiculous idea in such a small area. This will effect traffic, drainage issues, parking and many other issues. Why is this area being considered? It seems there <i>(continues on next page)</i>

	Name	From	Comments
80.	Melody McCreight	Winter Park, CO	<i>(continued from previous page)</i> are several other areas that would be more appropriate. What about the structure that is half torn down along Route 40 going north on the west side of the street. This is an eyesore going through town.
81.	Thomas McCreight	Winter Park, CO	This area is crowded enough now. If this plan is approved the additional traffic and parking will be too much. Not to mention the visual appeal of this sight will be ruined. Thank you.
82.	John Beake	Winter Park, CO	A lot more thought and due diligence needs to take place on this issue
83.	Matthew Payne	Winter Park, CO	
84.	Cody Porter	Winter Park, CO	There are many factors regarding parking that have not been thought out. This development s being pushed without any real thought. It's disappointing.
85.	Kristen Torres	Winter Park, CO	Ridiculous! Why would anyone want to devalue their property?
86.	Marie Payne	Winter Park, CO	
87.	Gregory Smith	Winter Park, CO	
88.	Corrine Holck	Morrison, CO	
89.	Betty Pennington	Bennett, CO	
90.	Brian Kellogg	Winter Park, CO	
91.	Jennifer Kellogg	Winter Park, CO	
92.	John Vito	Winter Park, CO	We spent a lot to live in Alpine Timbers. We chose it because it did not have the type of high density housing you propose.
93.	D Mick	Winter Park, CO	While I understand the need for affordable housing in Grand County, this project needs further consideration. Specifically, the density for this small area, along with the not enough parking, will create significant challenges for years to come. For example, the sight line around that curve on Kings Crossing for traffic is already quite dangerous and adding a large number of cars and pedestrians is irresponsible without the corresponding modifications to the road and walkways. There already has been a development (albeit a small one) that was approved without sufficient parking, and Silverado II is negatively impacted due to their guests parking in our limited parking spaces in our lots. It is clear that a development of this size and scope will exacerbate and repeat such problems. In addition, I'm concerned about the long-term planning for this development (e.g., are there provisions in place if the developer declares bankruptcy? are there mechanisms to ensure that the property will be properly maintained over time - a challenge that we have seen in other communities?). More consideration and <i>(continues on next page)</i>

	Name	From	Comments
93.	D Mick	Winter Park, CO	<i>(continued from previous page)</i> deliberation is needed to ensure that such a development is something we can all be proud of. Thank you for your time.
94.	Chuck Olney	Denver, CO	
95.	Utah Gannon	Winter park, CO	Will increase congestion.
96.	Sheila Gannon	Winter Park, CO	This area is not big enough to accommodate the density of the proposed project. This will create problems with traffic, parking & losing open space.
97.	Adam Block	Winter Park, CO	I live next door.
98.	Abby Wollan	Winter Park, CO	
99.	Darby Hartmann	Winter Park, CO	The small size of our quaint little town is not the place for these types of things. Stop trying to ruin our town!
100.	Alice Hartmann	Granby, CO	There has been too much building without infrastructure in place to handle the volume and it affordable housing to support the community workforce
101.	Joel Doerer	Denver, CO	
102.	Nancy Doerer	Delta, CO	Need open spaces in mountain towns. Preserve area for wildlife.
103.	William Becker	Winter Park, CO	we appreciate the open space wetlands and fox habitat. Transportation is also key as the makeshift trail to town is not a solution and the resulting traffic will increase our carbon footprint substantially.
104.	Mark Vannette	Winter Park, CO	
105.	Anders Wollan	Winter park, CO	New plan is too big. Better to stick to original plan. Distribute the load.
106.	Megan Hendy	Castle rock, CO	
107.	Jeff K	Winter Park, CO	
108.	Cody Wilkinson	Fraser, CO	My girlfriend told me it was important to me
109.	Tracy Dunning	Tabernash, CO	
110.	Hollis Koon	Winter Park, CO	I have owned my residence for over 20 years and the plans for the fireside creek apartments is sure to greatly reduce my investment at a time in my life i can ill afford the loss.
111.	Athena Keithler	Centennial, CO	
112.	Rian T.	Winter Park, CO	The de facto walking trail to town is the most important issue to me.
113.	Michael Barrett	Winter Park, CO	While there is a need for worker housing, I am sure there are much more practical locations in Winter Park or Frasier considering the access and infrastruture needed. Other than this petition I don't know of any opportunity for surrounding property owners to voice their opinion. If this project is mandated or endorsed by the town of Winter Park I feel that the surrounding residents should be allowed to have input.
114.	Jacob Doerer	Clinton, IA	

	Name	From	Comments
115.	Nilza Kallos	Winter Park, CO	Because Winter Park is where serenity and nature beauty is the best attraction if we let constrictors greedy prevail then there will be no longer Winter Park
116.	Janet Rogers	Winter Park, CO	Current zoning for the site of the proposed property is R2 and limited to 20 units per acre. The 70 unit minimum proposed for this property significantly exceeds this zoning.
117.	Ned Wallace	Winter Park, CO	The site has an R-2 zoning which carries a maximum density of 20 units/acre. This proposal greatly exceeds that limit.
118.	Joseph Crary	Fargo, ND	
119.	Beth Sedacca	Winter Park, CO	The proposal is too dense for the area.
120.	Lynn Vannette	Winter Park, CO	
121.	Caroline Crary	Winter Park, CO	
122.	Dennis Doerer	Delta, CO	
123.	Cindy Vito	Winter Park, CO	This type of housing density does not belong in this neighborhood.
124.	Kelsey Anderson	Centennial, CO	
125.	Stephen Bond	Winter Park, CO	
126.	Michelle Krajewski	Winter Park, CO	A project of this size and scale is not appropriate for the area. I am worried about the density, traffic and the parking proposal. This plan needs to be reevaluated or moved. The wetlands also need to be put in consideration, as I purchased my condo to be close to open space and away from the busier downtown Main Street. I can also not bear the additional costs as a neighbor/taxpayer to fund as this is currently proposed!
127.	Todd Osborne	Arvada, CO	Fully support workforce housing, but workers in the valley are very transient and seasonal, and concerned that non-permanent residents will be impact the care and cleanliness of the neighborhood, and potentially a safety issue for the young children often playing in and around the nearby condos.
128.	Yoni Kolel	Tabernash, CO	
129.	Amy Bausano	Winter Park, CO	our neighborhood is not equipped to handle the large number of people this development will bring.
130.	Jared Rillings	Conifer, CO	This housing should be put somewhere with adequate room instead of cramming it into a beautiful location for no good reason. Also the town should use some of the less suitable land for a housing development of this type. Put it next to the main street instead of unaffordable vastly too expensive housing!
131.	John Watts	BIRMINGHAM, gb	

	Name	From	Comments
132.	Nicole KAISER	Winter Park, CO	This destroys some of the remaining forest/ natural beauty in area and creates congestion on a blind/ dangerous busy corner of kings crossing. From the town of winter park it will urbanize the appearance up the mountain. Poor planning if this occurs.
133.	Michaela Rillings	Arvada, CO	
134.	Gary Russell	Lone Tree, CO	This project will cause congestion in the area.
135.	Karolyn Beebe	Madison, WI	