



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 Town Code.

Purpose: The Board of Adjustment has the ability to authorize variances from Title 7 of the 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 hearings 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 Variance Application Form** (see next page).
- Variance Application Fee - \$250 via check or credit card** (fee of mailing and legal publication will be invoiced after mailing and publication).
- Electronic 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.** ***Contact the Grand County Assessor's Office to obtain certified list and labels co.grand.co.us***
- Electronic site survey of the subject property from a registered surveyor.** ***Refer to [ILC/ISP Survey and Certification Standards](#) for required survey elements.***
- Electronic site plan of the subject property. The site plan should include any proposed structure footprints.**
- Additional information to support 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: 04 / 26 / 2021

Applicant Name: Town of Winter Park

Mailing Address: 50 Vasquez Road PO Box 3327

Phone Number: 970-726-8081 x 209 Email: ajanes@wpgov.com

Applicant is the: Property Owner Other: representative / Town of Winter Park

Street address of property for which variance is requested: N/A not yet addressed - see legal notice

Legal description of property: see attached

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

See attached

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

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.*

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: Alisha Janes

Submit all materials electronically to permits@wpgov.com

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



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:

The current development site plan reflects a total site coverage of 56%. The requested 16% building coverage variance is sought to provide additional parking for the project. As a workforce housing development, Fireside Creek will be the primary home for critical members of the local workforce. The current site design includes 82 off-street parking spaces, and while this number could be reduced to the minimum number of spaces required by the Town's standards and specification to further limit overall site coverage, there is a desire to ensure that as much parking as possible is provided on-site. This is reflected in the overall site coverage proposed, which includes approximately 19% structure coverage and 37% driveway and parking coverage. Even though the primary goal of the development is to provide attainable workforce housing and over parking the development does add both upfront and long-term expense, the requested variance allows the parking to be provided at a reasonable cost. Adding parking that is covered or underground would be prohibitively expensive. The slope of the site also adds to the hypothetical cost of providing covered or underground parking.

Part of the challenge of developing affordable housing is achieving enough density to achieve affordable development costs. This plight is unique to this development within the neighborhood. The slope of the development site and the central location of utility easement limits the possible site designs including, building, parking, and access locations. Additionally, the drainage on the site and positive drainage required around the building adds to the overall development costs and challenge of developing this site as an attainable workforce housing development. The site itself would provide a challenge to a private developer building for-profit housing to park the site with the required number of spaces for the allowed density for R-2 zoning.

Should the variance request be denied, the site will still be pursued as an affordable housing development, but parking will be reduced to the minimum number of spaces required under the Town's standards and specifications.

Alisha Janes

Alisha Janes
Assistant Town Manager, Town of Winter Park



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

Applicant / Owner: Town of Winter Park
Mailing Address: PO Box 3327, Winter Park, CO 80482

Street Address of Properties for Which the Variance Is Requested: N/A; not yet addressed

Legal Description of Properties for Which the Variance Is Requested: 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.

Owner's Detailed Description of Request: "The current development site plan reflects a total site coverage of 56%. The requested 16% building coverage variance is sought to provide additional parking for the project. As a workforce housing development, Fireside Creek will be the primary home for critical members of the local workforce. The current site design includes 82 off-street parking spaces, and while this number could be reduced to the minimum number of spaces required by the Town's standards and specification to further limit overall site coverage, there is a desire to ensure that as much parking as possible is provided on-site. This is reflected in the overall site coverage proposed, which includes approximately 19% structure coverage and 37% driveway and parking coverage. Even though the primary goal of the development is to provide attainable workforce housing and over parking the development does add both upfront and long-term expense, the requested variance allows the parking to be provided at a reasonable cost. Adding parking that is covered or underground would be prohibitively expensive. The slope of the site also adds to the hypothetical cost of providing covered or underground parking. Part of the challenge of developing affordable housing is achieving enough density to achieve affordable development costs. This plight is unique to this development within the neighborhood. The slope of the development site and the central location of utility easement limits the possible site designs including, building, parking, and access locations. Additionally, the drainage on the site and positive drainage required around the building adds to the overall development costs and challenge of developing this site as an attainable workforce housing development. The site itself would provide a challenge to a private developer building for-profit housing to park the site with the required number of spaces for the allowed density for R-2 zoning. Should the variance request be denied, the site will still be pursued as an affordable housing development, but parking will be reduced to the minimum number of spaces required under the Town's standards and specifications."

Applicable Provisions of the 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.

Due to this building coverage requirement, a building coverage of 56% is not permitted in the Town Code as seen in §7-4B-4 and consequently requires a zoning variance.

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

Property Posted On: April 26, 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, May 11, 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, May 7th 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 James Shockey, Director, Town of Winter Park, P.O. Box 3327, Winter Park, CO 80482, or jshockey@wpgov.com.

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 GSI4.
- 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



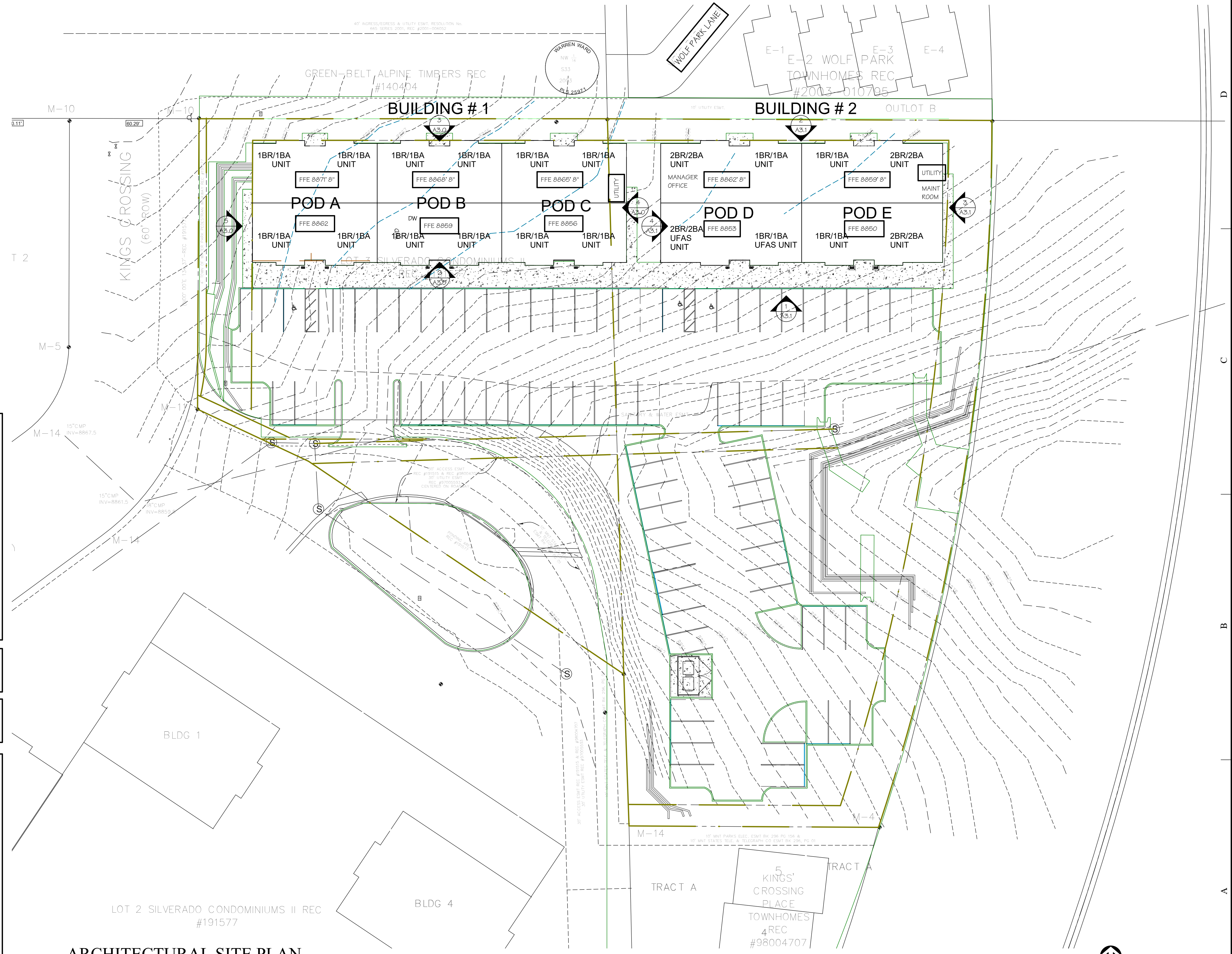
NO.	DESCRIPTION	DATE	BY

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



LEGEND

- ACCESSIBLE ROUTE (36" MIN. WIDTH, 2% CROSS SLOPE MAX, 5% RUNNING SLOPE MAX, REPLACE AS REQUIRED.)
- UFAS ACCESSIBLE
- FENCE
- AREAS OF CONCRETE SIDEWALK/SURFACE
- ACC. PARKING SIGN

NOTE: INSTALL HANDRAILS @ ACCESSIBLE ROUTES AND WHERE OTHERWISE NOTED EXCEEDING 5% BUT LESS THAN 8.33% 5'-0" LANDING REQUIRED AT TOP AND BOTTOM OF RAMP.

NOTE: APARTMENT NUMBERS ARE TO BE FIELD VERIFIED BY GENERAL CONTRACTOR. ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCY PRIOR TO FINAL PRODUCTION/INSTALLATION.

- ACCESSIBILITY NOTES**
- SIDEWALK ON THE ACCESSIBLE ROUTE SHALL NOT EXCEED 5% (1'-0" IN 20'-0") RUNNING SLOPE WITH A 2% (1'-0" IN 50'-0") CROSS-SLOPE AND SHALL BE 4' WIDE MIN. EXCEPT AS NOTED ON SITE PLAN. PROVIDE STAIRS, RAMPS, CURBS, ETC., AS NOTED AND DETAILED.
 - PARKING AREAS AND ACCESSIBLE SPACES AND ACCESS AISLES SHALL NOT EXCEED A 2% (1'-0" IN 50'-0") SLOPE IN EACH DIRECTION. OTHER PORTIONS OF THE ACCESSIBLE ROUTE SHALL NOT EXCEED A 5% (1'-0" IN 20'-0") LONGITUDINAL SLOPE NOR A 2% (1'-0" IN 50'-0") CROSS-SLOPE.
 - POSITION RECREATIONAL EQUIPMENT FOR WHEELCHAIR ACCESSIBILITY PER UFAS AND ADAAG. 25% OF EQUIPMENT AND AT LEAST ONE OF EACH TYPE OF EQUIPMENT MUST BE ACCESSIBLE.

ARCHITECTURAL SITE PLAN

SCALE: 3/8" = 1'-0"

ARCHITECTURAL SITE PLAN

REVIEW SET