



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, June 8, 2021 8:00AM
Online and In-Person Meeting**

A G E N D A

- I. **Meeting Call to Order.**
- II. **Roll Call of BOA Members**
- III. **Minutes** – June 1, 2021
- IV. **Conflicts of Interest**
- V. **Action Items:**
 - A. Resolution 6, Series 2021

Online Meeting Log-In Instructions – See next page

Computer Log-In Instructions

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Public Hearing Process

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**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, June 1, 2021, 8:00AM**

MINUTE

- I. **Roll Call of Commission Members at 8:00 am.** Roll Call indicated present Chairman Brad Holzwarth, BOA Members George Stevens, Johnathan Larson, Dave Barker and Angela Sandstrom. Community Development Director James Shockey and Town Planner Hugh Bell are also present. BOA Member Roger Kish is absent today. The Town Attorney Hilary Graham is present as well.
- II. **Minutes for Review** – May 11, 2021. BOA Member Sandstrom makes a motion to approve the minute. BOA Member Stevens seconds. The BOA minute is approved 5, 0.
- III. **Conflicts of Interest.** No one comes forward.
- IV. **Action Items:**
 - A. **Resolution 5, Series 2021**

Planner Hugh Bell begins his presentation. He explains the background regarding this Resolution. Planner Bell indicates that there was language on the Resolution 2 that was erroneous but it has been corrected since then. The Staff recommends the BOA approve Resolution 5.

BOA Member Stevens makes a motion to approve Resolution 5. BOA Member Larson seconds. The Resolution is approved 5, 0.

- B. **Public Hearing** – Continuance – Lot 3, Silverado Condominiums II and a Metes and Bounds Parcel – Building Coverage

The Town Attorney Hilary Graham asks who is voting today. BOA Member Barker was informed with the audio and the minutes about what happened on May 11, 2021, BOA meeting. Director Shockey states that BOA Member Barker has confirmed he has read the minutes and listened to the audio so he is comfortable voting today since he is familiar with the contents of the previous BOA meeting.

Director Shockey begins his presentation which consist of a continuance for this variance. Director Shockey shows the updated comments in red and gives a short summary of the process for this variance and the comments and petitions the Staff has received.

The Town of Winter Park Manager, Mr. Keith Riesberg, comes forward. Mr. Riesberg presents his case to the BOA citing the background and the particular characteristics for this project. He also mentions the reasons why they consider this variance should be granted in relation to the three criteria the BOA has to analyze to weigh on this. Mr. Riesberg also mentions the comparison between this particular project and a for-profit one as well how they have complied with the setbacks and other requirements. There is also mention of similar already existing projects nearby such as Silverado I and II which have a very similar density and parking to the one presented today. Finally, Mr. Riesberg notes that the TOWP will remain as a partner and can be actively involved in this development after the construction has been finished as opposed to a regular developer and how this development means a critical step forward in solving the lack of affordable housing in the valley.

Mr. Jim Potter from Winter Park Partners also comes forward. Mr. Potter mentions some conversations they have had with the neighbors about the Fireside Creek Apartments regarding this variance, utility easement, egress, layout and general design among other topics.

BOA Chairman Holzwarth asks the applicant about the sewer line easement that runs south and if it is possible to relocate it. Mr. Potter replies that the cost would be too high for this type of project and this would impact the building location and the properties on the west side of the railroad tracks.

Chairman Holzwarth asks about the 37ft. drop by Building 1. Mr. Mike Kleffner comes forward and says that this drop would be about one level.

Chairman Holzwarth opens the public comment period.

Mr. Tim Delphia, resident in Fraser but employed in Winter Park comes forward. Mr. Delphia states that he is in favor and support of the variance request. He tells the BOA that he is a restaurant manager in Winter Park and that it has been difficult to find and retain employees.

Ms. Kacy Fitzpatrick comes forward. As she stated at the last BOA meeting, her business has not been able to open in full capacity due to the lack of staff. They have had good candidates but they have been unable to find a place to live. Ms. Fitzpatrick also mentions how this has created a negative experience for her customers. She asks the BOA to make a proper and ethical decision for the common good of the people in Winter Park since both parties met halfway by reducing the height of the project and taking 16 units away.

Mr. Cody Aberdeen comes forward. He lives at 370 forest Trail. Mr. Aberdeen says that he can see the area from his place. He has been a resident of Winter Park for 6 years. He adds that the affordable housing development can help keep the area clean since this is an empty lot that is rarely used during the year. Finally, as a restaurant owner in town, he supports this variance.

Mr. Law Thyne comes forward. He is the owner of the Carvers Restaurant in Winter Park. He argues that, usually, the best lots are not available for affordable housing so the approval for this variance is necessary.

Ms. Rebecca Kauffman comes forward. Ms. Kauffman is a town resident and business owner. She makes reference to the previous meetings. She also talks about how additional parking would improve the project. Ms. Kauffman believes this variance request meets all three criteria and reads her arguments about this. She also talks about high density already in the area and how there was not opposition back then for the Silverado developments.

Mr. Jeff..., who lives at 267 Forest Trail, comes forward. He talks about how the lack of staff who cannot afford to live here has reached critical levels. He also believes that the three criteria have been met. He mentions other projects as Ms. Kauffman did. He is in full support of the variance.

Ms. Catherine Ross, the Executive Director of the Winter Park and Fraser Chamber of Commerce, comes forward. Ms. Ross talks about the need of workforce and how this issue has been present for at least the 17 years she has been working at the Chamber. This has now reached a crisis level. She ask the BOA to vote in favor of the variance.

Ms. Shannon Henn comes forward. She is a full-time resident and the owner of Uptripping. Ms. Henn would like to get back to the emotional implicit in this development and how the morale of the community is low. She believes that the general feeling among the workforce is Winter Park does not want them around.

Ms. Henn says that we do need to value and respect their time and it is not fair to make them live one hour away from work. Ms. Henn hopes the BOA will vote yes so, the community can move in the right direction by respecting the employees and business owners.

Mr. Roger Hankey a Silverado II resident comes forward. Mr. Hankey says that he is a primary resident in town. He would like the variance to be denied due to concerns about snow removal, traffic and density. Finally, Mr. Hankey says that this project needs to be safe and attractive.

Mr. Ryan Barwick comes forward. He retakes some of the comments he made during the last BOA meeting. He mentions how the applicant already reduced the height and how any further reductions would change the essence of the project. Mr. Barwick also mentions that the lack of affordable housing has reached a critical point. He also argues that the term “essential character” is subjective; nothing is more essential than affordable housing to Mr. Barwick. He finally says that the workforce is a valuable part of the community.

Mr. John Thompson from 214 Wolf Park Lane comes forward. Mr. Thompson opposes this variance. He argues that Fireside is not going to solve the problem. He also mentions the Town Code and he thinks that there is inconsistency with the percentage.

Mr. Timothy Kovac comes forward. He mentions how he and his family have lived in town for generations. Mr. Kovac believes that there are no other similar projects in the neighborhood and this one would change the character of the locality. He adds that pedestrians would be affected. Mr. Kovac also mentions some hills and blind spots on Kings Crossing Road. He would like to see numbers from the developer that support their case. Finally, he says that putting business against owners is a losing stand for the business owners.

Ms. Nikki Boye, who lives at 212 Wolf Park Lane, comes forward. Ms. Boye is against the variance. She is concerned about the increased number of cars and the allowed number of cars per unit. She wonders if the applicant can build a two-level parking area.

Mr. John Reddan comes forward. He mentions some aspects about the negative impact on the environment.

Ms. Amy Jardee, who lives at 200 Baker Drive, comes forward. Ms. Jardee adheres to what others have said in support of the variance and that additional parking is needed.

Ms. Heidi Halus, who lives at 104 Wolf Park Lane, comes forward. She would like the BOA to deny the variance. She disagrees with the people who spoke before and said that they reached a half-way agreement. She insists that the Town should follow its own Code. She agrees with Mr. Reddan and adds concerns for joggers and pedestrians. Ms. Halus is worried this variance, if granted, would set a precedent.

Mr. Steve Bromberg comes forward. He believes this variance request meets all the criteria and agrees with the people in support of the variance.

Mr. Erik Boyle comes forward. He mentions the parking requirements, the lot coverage and the possible alteration of the locality and believes the project is not in compliance. He opposes the variance.

Ms. Darlene Harmon, who lives at 321 Wolf Park Lane, opposes the variance.

Mr. Steve Koon, from 476 Kings Crossing Road, comes forward. He agrees with the people who oppose this variance.

BOA Member Sandstrom asks about the coverage percentage in Silverado I and II. Director Shockey will

take a look at the plat and will get that information for her. The Silverado II density is 55%. BOA Member Sandstrom also wants to know the cost difference between surface parking and other alternatives. The applicant comes forward and answers that, if they were to build a parking structure like the one the neighbors want, the cost would increase up to 8 or 10 times from what it is being presented today. There is also a discussion about the topography and egress.

The Boa and the applicant also discuss the reasonable return and funding.

BOA Member Sandstrom opens the discussion about the number of parking spaces. The Assistant Town Manager, Alisha Janes, comes forward. She mentions how the parking is being handled at Hideaway Place by towing abandoned cars and giving tickets to violators. She also mentions how this is pretty standard for AH for other mountain communities.

There is a discussion about a pond in the area, a hammerhead for the cars to access the trash enclosure and turn around (not for parking), encroachment, tree preservation and revegetation plans.

The Town Engineer, Mr. Cooper Karsh, comes forward. Mr. Karsh says that they have looked at other layouts for the parking and how this is the most efficient. He also mentions the snow storage and trash enclosures.

Mr. Riesberg says that they anticipate provisions in place for snow removal and confirms that the proposed coverage percentage is 56%.

There is a short discussion among the BOA members about the variance requirements, density, setbacks and the possible alteration of the character of the neighborhood.

BOA Member Sandstrom wants to clarify that the approval off the design is a separate topic. By hearing the cost difference and return between surface parking and other parking alternatives, she considers this difference significant. There is mention of the topography and utility easement challenges as well as the already high density in Silverado I and II. Finally, BOA Member Sandstrom doubles check with the Staff that approving this variance does not impact future developments nor sets a precedent. Finally, BOA Member Sandstrom is in favor of granting the variance request.

BOA Member Barker agrees by looking at the three criteria. He thinks this is a good project and that they are already existing nearby developments with high density.

BOA Member Stevens says that is it better to have some more parking spaces than lack of them. Finally, he considers that all the criteria are met; he would like to ask the design team to look into the trash pickup.

BOA Member Larson. Variance really important part of the Code. The applicant has made their case. He is in favor of granting the variance.

BOA Member Barker points out that the Code does not require traffic plans. He also adds that we have more cars today than a few years ago due to the increasing number in new developments so traffic will be higher no matter what not only in this particular neighborhood but everywhere in general.

BOA Member Larson makes a motion to approve the variance request as presented and directs staff to bring the resolution of approval to the BOA on June 8th, 2021. BOA Member Barker seconds.

The variance request for building coverage is approved 5, 0.

Upon a previous approved motion, the BOA meeting is adjourned at 9:30 am

TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
RESOLUTION NO. 6
SERIES OF 2021

A RESOLUTION APPROVING A VARIANCE TO INCREASE THE MAXIMUM BUILDING COVERAGE FOR FIRESIDE CREEK APARTMENTS, LOT 3, SILVERADO CONDOMINIUMS II, RECORDED AT RECEPTION NO. 191577 AND A METES AND BOUNDS PARCEL

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 the Code §7-4B-4, there shall be a maximum building coverage of 40%;

WHEREAS, on April 26, 2021, the Town of Winter Park (the "Applicant"), as the owner of the real property described as Lot 3, Silverado Condominiums II, recorded at Reception No. 191577 and a metes and bounds parcel (the "Property"), filed an application for the variance to allow a new development to exceed the 40% building coverage maximum by 16% (the "Application");

WHEREAS, the Property is proposed to be developed by Winter Park Partners as a Town affordable housing project known as Fireside Creek;

WHEREAS, on May 11, 2021, the Board of Adjustment held a properly noticed public hearing on the Application, which hearing was continued to June 1, 2021;

WHEREAS, on June 1, 2021, the Board of Adjustment resumed the public hearing on the Application following additional notice; and

WHEREAS, after considering the Application, presentations by Town staff and Winter Park Partners, and after hearing 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 because there are projects of similar density and building coverage adjacent to this Property.
 - b. The difficulty or hardship alleged in the Application has not been created by any person presently having an interest in the Property because the topography and existing utility easements are creating the hardship. In addition, the Property is being developed as an affordable housing project and the cost difference between surfacing parking and underground parking would render the project financially unfeasible.

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 because there are projects of similar density and building coverage adjacent to this Property.

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

a. A building permit for construction of the structures described in the Application shall be issued on or before June 1, 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.

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

c. 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 8th day of June 2021.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk