



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

Applicant / Owner: Millworks Construction Services

Mailing Address: PO Box 951, Fraser, CO 80442

Street Address of Properties for Which the Variance Is Requested: 12 Maple Road

Legal Description of Properties for Which the Variance Is Requested: LOT 6, BLOCK 6, WINTER PARK VILLAGE, PART OF H.E.S. NO.117, TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

Description of Request: Request to encroach 5' into the rear yard setback.

Applicable Provisions of the Town Code:

§7-4C-3. LOT AREA REQUIREMENTS:

2. There shall be a rear yard setback of at least ten feet (10') for both principal and accessory structures.

Due to this rear yard setback requirement, a rear yard setback of 5' is not permitted in the Town Code as seen in §7-4C-3 and consequently requires a zoning variance.

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

Property Posted On: June 21, 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 and online via Zoom is scheduled for:

Tuesday, July 6, 2021 at 2:00 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.



June 8, 2021

Town of Winter Park – Board of Adjustment
50 Vasquez Road
P.O. Box 3327
Winter Park, CO 80482

To whom it may concern;

On behalf of Michael and Erica Catausan (the “property owner”), Millworks Construction Services (the “applicant”) is requesting that the Board of Adjustment review and grant a 5’ rear setback variance for the residential properties located in Winter Park Village.

Addresses with variance:

Lot 6 Block 6 – 12 Maple Road, Winter Park CO

Hardship:

The plight for the property owner is due to the restrictive size and shape of the lot. Reducing the rear setback requirement from 10’ to 5’ would allow us to build a very modest home on the site without the potential of encroaching on the front/street. The variation of the setback will not alter the essential character of the locality. The conditions upon which the petition for a variance is based would not be applicable to other properties within the same zoning classification. The purpose of the variation is not based upon a desire to make more money out of the property. The hardship has not been created by any person having interest in the properties. If granted, the variation would not be detrimental to the public welfare or injurious to other property or improvements in the area. The proposed variations will not impair an adequate supply of light and air to adjacent properties or substantially increase the congestion in the public streets. It will not increase the danger of fire, endangered the public safety or substantially diminish or impair property values within the neighborhood.

Sincerely,

William Smith

William K Smith
Millworks Construction Services, LLC

PO Box 951, Fraser, CO 80442
Phone: (970)726-9225
tiffany@mwbswp.com



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: 06 / 08 / 2021

Applicant Name: Millworks Constuction Services

Mailing Address: PO Box 951, Fraser CO 80442

Phone Number: 970-726-9225 E-mail: tiffany@mwbsp.com

Applicant is the: Property Owner Other: Hired GC

Street address of property for which variance is requested: 12 Maple Road, Winter Park CO

Legal description of property: WINTER PARK VILLAGE Lot: 6 Block: 6

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

Millworks and the property owners, Mike and Erica Catausan request a 5' variance to the rear setbacks of the to allow the construction of a modest home on the lot. Due to the restrictive shape and size of the lot, we request a variance on the rear setback in order to not encroach on the front set backs, which could negatively impact the road.

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:

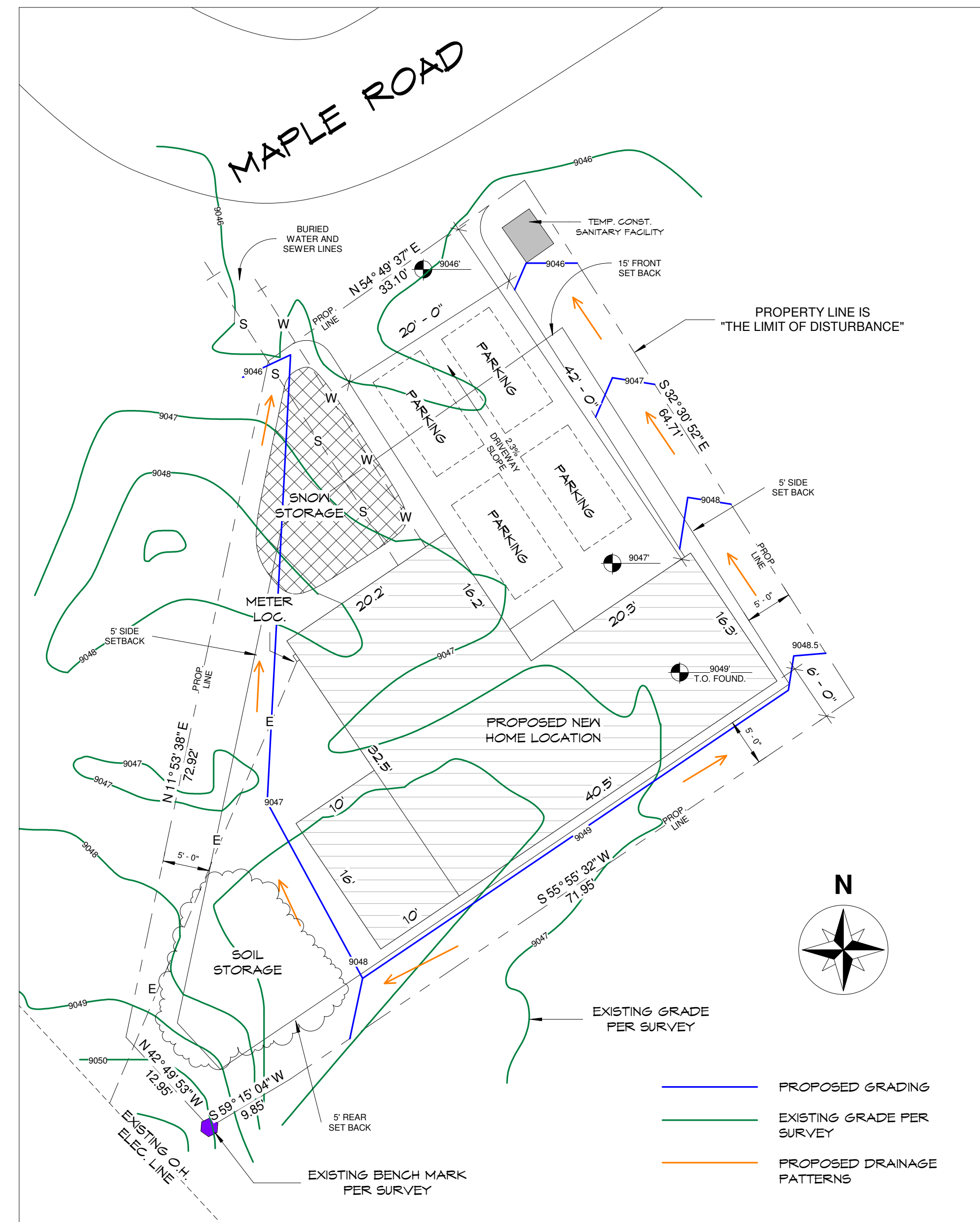
- The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out*
- The conditions upon which the petition 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: William Smith

Submit all materials electronically to permits@wpgov.com

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



① Site Plan
1" = 10'-0"
NOT A CERTIFIED PLAT, SEE SURVEY

PROTECTION NOTES:
1. NO DISTURBANCE, GRADING, OR REMOVAL OF SIGNIFICANT NATURAL FEATURES AND VEGETATION WILL OCCUR BEYOND THE "LIMIT OF DISTURBANCE" LINE AS SHOWN ON THIS PLAN.
2. THE "LIMIT OF DISTURBANCE" LINE SHALL BE DELINEATED PRIOR TO CONSTRUCTION WITH FLAGS, ROPING, 4' TALL ORANGE CONST. FENCING, OR OTHER ACCEPTABLE MEANS.

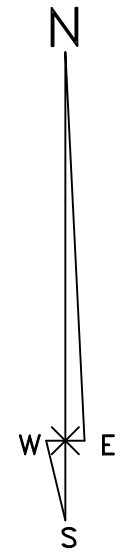
NOTES:
TOP OF FOUNDATION ELEVATION AT EACH CORNER; 9049'
LIMIT OF DISTURBANCE IS THE PROPERTY LINE.
REVEGETATION OF DISTURBED AREAS UPON PROJECT COMPLETION WITH NATIVE VEGETATION PER TOWN SPEC. SEE TABLE.
EROSION CONTROL WAFFLES TO BE PLACED AT PROPERTY LINE PERIMETER.
TRACTION CONTROL TO BE PLACED AT DRIVEWAY ENTRANCE.
CONCRETE CLEAN OUT PRIOR TO CONSTRUCTION START PER CONTRACTOR.
CONSTRUCTION STAGING; EQUIPMENT, DUMPSTER, AND MATERIALS TO BE STORED ON DRIVEWAY DURING CONSTRUCTION.
POSITIVE DRAINAGE AWAY FROM STRUCTURE PER FINISHED GRADING.

COVERAGE:
HOUSE ~ 987 SF
PORCH ~ 35 SF
DECK ~ 180 SF
DRIVE ~ 840 SF
LOT ~ 3920 SF .09 ACRE
COVERAGE RATIO = 51.58%
4 PARKING SPACES SHOWN

REVEGETATION OF DISTURBED AREAS UPON PROJECT COMPLETION WITH NATIVE VEGETATION PER TOWN SPEC.

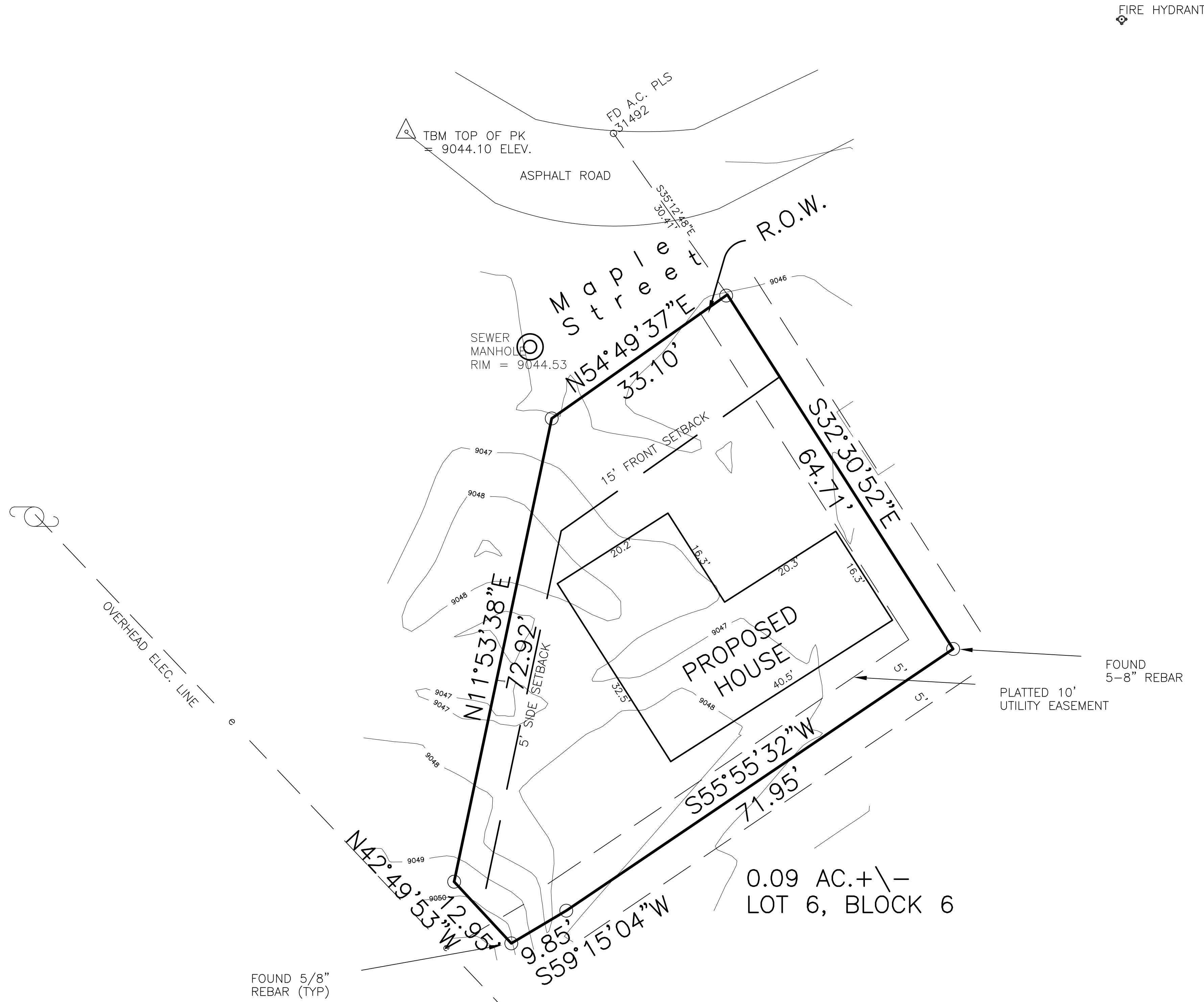
Native Grass Seed	% of mix	PLS
Mountain Brome grass, Bromar	20%	10.0
Canada Bluegrass, Talon	5%	2.5
Big Bluegrass, Sherman	5%	5.0
Sheep Fescue, Covar	10%	5.0
Slender Wheatgrass	25%	10.0
Pubescent Wheatgrass, Luna	25%	12.5
Cicer Milkvetch	5%	1.0
Annual Ryegrass, Gulf	5%	2.5
	100%	55pls

* The clover is optional and can be eliminated from the see mix.
Seed disturbed areas with specified seed mix at a rate of 3lbs/1000s.F. Rake materials into the soil.



CONTOUR INTERVAL: 1'

DATUM: NAVD88

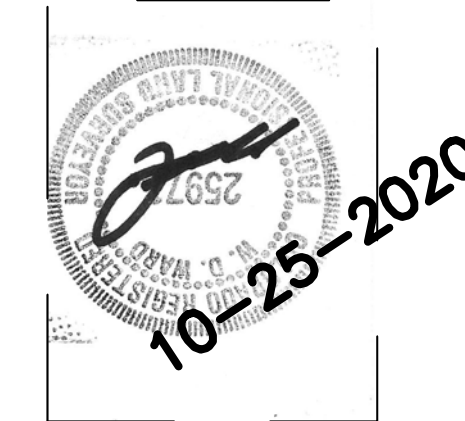


NOTICE:

1. For title, reference to a title insurance policy is recommended.
2. Wetlands are not addressed.
3. Buried utilities are not located or shown.
4. This document is certified as one, single document. Any change, alteration, edit or addition to this document in any manner, by any person, invalidates and supercedes all previous information and certifications.

This site plan shows the result of a field survey done by me and under my responsible charge based on facts known to me, complies with applicable statutes, and is not a warranty or guarantee, either expressed or implied.

w ward
surveyor



Azimuth Survey Company
 P.O.Box 653 Fraser, Colorado 80442
 f800-725-2734 p970-531-1120

PRELIMINARY SITE PLAN
 12 Maple Street - Lot 6, Block 6
 Winter Park Village
 Part of H.E.S. NO.117, Township 2
 South, Range 75 West of the 6TH P.M.
 Town of Winter Park, Grand County, CO

Date: 04-11-19, 05-05-19
 SCALE: 1 in = 10 usft BY: ww JOB: A37-29