



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, March 22, 2022 8:00 AM**

A G E N D A

- I. **Meeting Call to Order**
- II. **Roll Call of BOA Members**
- III. **Minutes:** March 8, 2022
- IV. **Conflicts of Interest**
- V. **Action Items:**
 - A. **TABLED:** PUBLIC HEARING continued from February 8, 2022: Metes and bounds parcel, 78581 US Highway 40 – Accommodation Unit Density – Request to Table to April 26, 2022
 - B. **TABLED:** PUBLIC HEARING continued from February 8, 2022: Metes and bounds parcel, 78581 US Highway 40 – Building Height – Request to Table to April 26, 2022
 - C. Adoption of Resolution 2, Series 2022, a Resolution Approving a Variance to Encroach Into The Front Yard Setback, Rear Yard Setback, And Side Yard Setback And To Increase The Maximum Building Coverage For Lot 14, Idlewild Meadows, Grand County Colorado, Section 33, Township 1 South, Range 75 West, 6th P.M. (Reception No. 93161)

If members of the public wish to attend the meeting digitally the link is below. The meeting will continue in person regardless of technical difficulties with Zoom.

Computer Log-In Instructions

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81725744995?pwd=RnVOb2hpVmN1SXBydzFBZEc3NGhGZz09>

Passcode: 113389

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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
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Webinar ID: 817 2574 4995

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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 8, 2022 8:00 AM**

MINUTES

- I. **Meeting Call to Order.** The Board of Adjustment meeting starts at 9:33 am
- I. **Roll Call of BOA Members.** Roll Call indicated present Commissioners Dave Barker, George Stevens, Roger Kish, Angela Sandstrom and Doug Robbins. Community Development Director James Shockey and Town Planner Hugh Bell are also present. Chairman Brad Holzwarth is absent today.
- III. **Minutes:** February 8, 2022. BOA Member Sandstrom makes a motion to approve the minutes. BOA Member Barker seconds. The minutes are approved 5, 0.
- IV. **Conflicts of Interest.** No one comes forward.
- V. **Action Items:**
 - A. PUBLIC HEARING continued from February 8, 2022: Meets and bounds parcel, 78581 US Highway 40 – Accommodation Unit Density – Request to Table to March 22, 2022

BOA Member Kish makes a motion to table and continue on March 22, 2022. BOA Member Barker seconds. The motion to table and continue on March 22, 2022 is approved 5, 0.

- B. PUBLIC HEARING continued from February 8, 2022: Meets and bounds parcel, 78581 US Highway 40 – Building Height – Request to Table to March 22, 2022

BOA Member Kish makes a motion to table and continue on March 22, 2022. BOA Member Barker seconds. The motion to table and continue on March 22, 2022 is approved 5, 0.

- C. PUBLIC HEARING: Lot 14, Idlewild Meadows, 184 Idlewild Lane – Front Setback, Rear Setback, Side Setback, Building Coverage

Town Planner Bell begins his presentation. Town Planner Bell reads the main points regarding this Variance Request making emphasis on the setbacks and the history of this application. Planner Bell uses the screen to show the BOA and the public these items. Planner Bell reads the three criteria that must be met in order to grant approval. Then, Planner Bell goes over the public notification process. Planner Bell gives an outline of the Staff Comments and Staff Recommendations. All this information has been sent to the BOA members in the electronic packet.

BOA Member Kish asks about the letter from a property owner who lives nearby. The BOA wants to know if any adjacent property owner has submitted a comment. The property owner from the south has not sent any communications (190 Idlewild Lane).

The applicant Mr. Jonathan Larson comes forward. Mr. Larson is willing to provide more details if the BOA considers it necessary. Mr. Larson starts by saying that he has been in contact with his neighbors. Mr. Larson uses the map on the screen to explain the reasons behind his variance request. The BOA asks about the entrances proposed. Mr. Larson has 3D model in SketchUp that illustrates better his proposal. Mr. Larson gives a short background of his property. Mr. Larson shows two images that compare what

exists to what he is proposing. Mr. Larson mentions the costs and practicability of his proposed changes. He also mentions the drainage and landscaping.

Then, Mr. Larson goes over his arguments about why the variance request should be granted. Additionally, Mr. Larson gives details about the remodel, building coverage and snow removal.

BOA Member Kish considers that his proposal makes sense. There is a discussion about the roof design. There is also a short discussion about properties of the driveway and snow melting systems.

There are no comments from the public at the hearing.

The BOA discusses the criteria in order to grant the variance. There is mention about how the applicant is trying to comply with the setbacks as much as he can. There is also a brief conversation about the platting for this neighborhood and how none of the lots conform to current Code requirements regarding lot size.

BOA Member Kish makes a motion to approve the variance request based on the compliance of the three criteria. BOA Member Barker seconds. The motion to approve the variance is approved 5, 0.

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

TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
RESOLUTION NO. 2
SERIES OF 2022

A RESOLUTION APPROVING A VARIANCE TO ENCROACH INTO THE FRONT YARD SETBACK, REAR YARD SETBACK, AND SIDE YARD SETBACK AND TO INCREASE THE MAXIMUM BUILDING COVERAGE FOR LOT 14, IDLEWILD MEADOWS, GRAND COUNTY COLORADO, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST, 6TH P.M. (RECEPTION NO. 93161)

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 § 7-4A-3, there shall be a minimum front yard setback of at least 25', a minimum rear yard setback of 20', and a minimum side yard setback of 10';

WHEREAS, pursuant to the Code § 7-4A-4, there shall be a maximum building coverage of 40%;

WHEREAS, on February 2, 2022, Jonathan and Susanne Larson (the "Applicant"), as the owner of the real property described as Lot 14, Idlewild Meadows, Grand County Colorado, Section 33, Township 1 South, Range 75 West, 6th P.M., recorded at Reception No. 93161 (the "Property"), filed an application for the variance to allow a renovation to an existing single-family dwelling unit to encroach into the front yard setback by 9'-7", into the rear yard setback by 9'-4", and into the side yard setback by 5'-0", and to exceed the 40% building coverage maximum by 5% (the "Application");

WHEREAS, on March 8, 2022, the Board of Adjustment held a properly noticed public hearing on the Application;

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, 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 which have similar setback encroachments and building coverage increases 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 lot is creating the hardship as the subdivision was platted prior to annexation into the Town and therefore the lot nor existing home meet Code requirements.

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 other projects which have similar setback encroachments and building coverage increases 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 structure described in the Application shall be issued on or before March 8, 2023. 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 22nd day of March 2022.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk