



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, June 14, 2022 8:00 AM
Immediately Following Planning Commission**

A G E N D A

- I. **Meeting Call to Order**
- II. **Roll Call of BOA Members**
- III. **Minutes:** May 10, 2022
- IV. **Conflicts of Interest**
- V. **Action Items:**
 - A. PUBLIC HEARING: Lot 7 and Lot 8, Block 10, Winter Park Village – 148 Fir Drive – Front Setback (PLN22-050)
 - B. PUBLIC HEARING: Lot 99-S, The Reserve at Lakota – 213 and 215 Lakota Park Drive – Building Height (PLN22-048)
 - C. PUBLIC HEARING: Lot 99-Q, The Reserve at Lakota – 217 and 219 Lakota Park Drive – Building Height (PLN22-047)

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

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: 817 2574 4995

Passcode: 113389

International numbers available: <https://us02web.zoom.us/u/kdbXDkFiYy>

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, May 10, 2022 8:00 AM
Immediately Following Planning Commission**

MINUTE

I. **Meeting Call to Order.** Roll Call indicated present Chairman Brad Holzwarth, BOA Members Doug Robbins, Mike Davlin and Dave Barker. Community Development Director James Shockey, Town Planner Hugh Bell are also present. Members Jonathan Larson, Angela Sandstrom and Roger Kish are absent today.

II. **Minutes:** April 26, 2022

III. **Conflicts of Interest.** No one comes forward.

IV. **Action Items:**

A. Adoption of Resolution 3, Series 2022, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK ADOPTING FINDINGS OF FACT RELATED TO THE APPROVAL OF A VARIANCE TO INCREASE THE MAXIMUM STRUCTURE HEIGHT FOR LOT 2 AND LOT 3, BLOCK 11, OF WINTER PARK VILLAGE

BOA Member Baker makes amotion to approve the Adoption of Resolution 3, Series 2022. BOA Member Davlin seconds. The Adoption of Resolution 3, Series 2022 is approved 4, 0.

B. Adoption of Resolution 4, Series 2022, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK ADOPTING FINDINGS OF FACT RELATED TO THE DENIAL OF A VARIANCE TO INCREASE THE DWELLING UNIT DENSITY FOR 78581 HIGHWAY 40

BOA Member Davlin makes amotion to approve the Adoption of Resolution 4, Series 2022. BOA Member Barker seconds. The Adoption of Resolution 4, Series 2022 is approved 4, 0.

C. Adoption of Resolution 5, Series 2022, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK ADOPTING FINDINGS OF FACT RELATED TO THE DENIAL OF A VARIANCE TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR 78581 HIGHWAY 40

BOA Member Barker makes amotion to approve the Adoption of Resolution 5, Series 2022. BOA Member Robbins seconds. The Adoption of Resolution 5, Series 2022 is approved 4, 0.

Upon a previously approved motion, the BOA meeting is adjourned at 10:24 am.



MEMO

TO Board of Adjustment

FROM Hugh Bell, Planner

THRU James Shockey, Community Development Director

DATE June 14, 2022

RE Setback Variance Request – 148 Fir Drive – Lots 7 and 8, Block 10, Winter Park Village
Subdivision (PLN22-050)

Applicant: Rebecca Alexis

Description of Property:

The property is zoned R-2-O, Multiple-Family Residential District Within Old Town, with the following entitlements:

Density – 20 dwelling units/acre

Setbacks – 15' front / 10' rear / 5' side plus 3' for each additional story above the first

Building Coverage – 70% maximum

Building Height – 35' midpoint / 42' overall

Variance Request:

Request to encroach into the 15'-0" front yard setback by 5'-4" for an addition to an existing single-family detached structure.

Owner's Reasons Why the Variance Should Be Granted:

See application for details.

Applicable Town Code:

§ 7-4C-3, LOT AREA REQUIREMENTS:

1. There shall be a front yard setback of at least fifteen feet (15') from any street right of way for both principal and accessory structures.

§ 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):

§ 7-8-1(B): 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.

§ 7-8-1(C): 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 § 7-8-3 of the Town Code. A Public Notice was published in the Middle Park Times on May 26, 2022, providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property on May 23, 2022 and the property was posted on May 23, 2022.

One (1) comment has been received as of June 10, 2022 opposing the request and is attached.

Staff Comments:

Applicant proposes constructing an addition to an existing single-family detached dwelling unit and requests to encroach into the 15' front yard setback by 5'-4", which would result in a front yard setback of 9'-8".

Per the County Assessor the structure was originally built in 1968. The property received three (3) variances at the February 24, 1994 BOA hearing: 1) reduction of front yard setback from 25' to 20' for the garage addition (west lot line); 2) reduction of front yard setback from 25' to 15' for airlock structure addition (west lot line); and 3) reduction of side yard setback (north lot line) from 11' to 8' for garage and two (2) floors above the garage. The property was governed by the R-2 district until 2002, when the R-2-O district was established to



accommodate the constraints imposed by the district's small lots (Ordinance 317, Series 2002). The R-2-O district reduced front yard setbacks from 20' to 15'; side from 11' to 5'; and rear from 20' to 10'. The house encroached into the front yard setback further than was permitted by the 1994 variance; it is unclear to staff when this further encroachment occurred or if this encroachment was part of the original structure constructed in 1968 as staff cannot find the building permit depicting this.

Nevertheless, the existing building footprint already encroaches into the front yard setback by 5'-4", though living space is only on the ground floor. This variance request proposes a new roof above the existing footprint that encroaches, and because it is an expansion of an existing nonconformity, it requires submittal of a variance application. No additional living space is proposed within the encroachment, the only modification proposed within the encroaching area is replacement of the existing flat roof with a pitched roof.

The lot does meet current R-2-O requirements for building coverage (35.2%), minimum lot size (8,712 sq. ft.), and building height.

Applicant cites the hardship as the frequent maintenance required to keep the existing flat vinyl roof in good condition; they state the owner has needed to replace the roof every 5-6 years. Applicant states a sloped roof requires replacement only once every 20-30 years. The addition of the pitched roof is part of a larger addition to the third story and renovation throughout the house. Per the applicant the addition totals ~800 sq. ft.

On May 17, 2022, the applicant submitted a Design Review Application, which was denied by staff on the grounds that a variance must be granted to proceed with the plans as proposed.

The applicant did not submit any alternative elevation drawings. However, only a roof would encroach into the front yard setback; no additional living space would encroach. Pitched roofs are encouraged in Guideline 3.3.1 from the 2021 Update to Design Guidelines, which states, "*Use a pitched roof form to reduce the perceived scale of a building and complement the topography of the site.*"

Although the BOA reviews requests on a case-by-case basis, staff finds it worthwhile to note recent variances granted on this street:

- Lots 5a, 5b, 6a, and 6c (122, 126, 130, 134 Fir Drive) – minimum lot size and minimum lot width
- Lot 3, Block 10 (98 Fir Drive) – reduction of front yard setback

Staff Recommendation:

Staff finds a proven hardship with the property and supports approval of this variance request for the following reasons. The existing home does not meet Zoning requirements; the subdivision was platted prior to annexation into the Town; and other lots have requested and been granted similar variances due to existing nonconformity with the Town Code. There are unusual circumstances with this lot as well as other lots in the subdivision as they are unusually small and the setbacks limit the amount of buildable space enjoyed by owners in more modern subdivisions.

However, this is a decision for the Board to make, and the Board may choose to approve or deny based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Board can rely on or the decision the Board makes.

Sample Motion for Approval:



I move to approve the request for the reasons discussed today, finding the applicant meets all three criteria required by Code, § 7-8-1(B) in that:

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 because *[insert explanation supported by the evidence here]*; and
2. The plight of the owner is due to unusual circumstances because *[insert explanation supported by the evidence here]*; and
3. The variation, if granted, will not alter the essential character of the locality because *[insert explanation supported by the evidence here]*.

Sample Motion for Denial:

I move to deny the request for the reasons discussed today and as set forth in the staff report, finding the applicant has failed to meet all three criteria required by Code, § 7-8-1(B) in that:

1. The property in question can yield a reasonable return in use or service if permitted to be used only under the conditions allowed by the regulations for the municipality because *[insert explanation supported by the evidence here]*; and
2. The plight of the owner is not due to unusual circumstances because *[insert explanation supported by the evidence here]*; and
3. The variation, if granted, will alter the essential character of the locality because *[insert explanation supported by the evidence here]*.



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

Applicant / Owner: Winter Park Colorado Ski Haus, LTD
Mailing Address: 281 White Ash Drive, Golden, CO 80403

Street Address of Properties for Which the Variance Is Requested: 148 Fir Drive

Legal Description of Properties for Which the Variance Is Requested: Lot 7 and Lot 8, Block 10, Winter Park Village, Reception No. 90263, Section 10, Township 2 South, Range 75 West of the 6th Principal Meridian, Town of Winter Park, Grand County, Colorado

Description of Request: Request to encroach into the 15'-0" front yard setback by 5'-4" for an addition to an existing single-family detached structure.

Applicable Provisions of the Town Code:

§ 7-4C-3, LOT AREA REQUIREMENTS:

1. There shall be a front yard setback of at least fifteen feet (15') from any street right of way for both principal and accessory structures.

Due to this setback requirement, a front yard setback of 9'-8" 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: May 27, 2022

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, June 14, 2022, at 8:00 A.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 hbell@wpgov.com.

The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person.



VARIANCE APPLICATION FORM

Date: 5 / 12 / 2022

Applicant Name: Rebecca (Becky) Alexis

Mailing Address: 1982 S. Pennsylvania St., Denver, CO 80210

Phone Number: 720 935 9574

E-mail: [REDACTED]

Applicant is the: Property Owner Other: Architect

Street address of property for which variance is requested: 148 Fir Drive, WINTER PARK, 80482

Legal description of property: _____

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

Please reference attached sheet.

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: Rebecca J. Alexis

Submit all materials electronically to permits@wpgov.com

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

Town of Winter Park Variance Request Narrative

Re.: 148 Fir Dr Winter Park, CO 80482
5.12.22

We are requesting a variance to modify the roof over an area of the existing house that violates the front setback. We believe that the variance should be granted because the existing roof construction is failing and impractical, and a revised roof design will have overall positive impact on the street front.

Conditions that relate to the property for which a variance is requested:

- 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.

True: A portion of the existing residence violates the front setback. This portion of the house has a flat roof that we would like to improve to be a sloped roof. Since this structure is in the front setback, a variance is required to alter it. A flat roof does not provide a reasonable return in service compared to a sloped roof at these elevations. If the roof form must be kept per the conditions allowed, it will need to be constantly monitored and repaired, like the owners have already done since 2015. From the owner's experience, their flat roof at 9,038 feet needs replacement every 5-6 years while a sloped roof will last 20-30 years or more. While the flat roof could continue to be replaced every 5 years, it requires constant monitoring, and annual filling of cracks. This whole project stemmed from the owners wanting to eliminate the unsustainable flat roof on their home because it is difficult to maintain and a constant concern.

- The plight of the owner is due to unusual circumstances.

True: This home was one of the first houses constructed on the street in the 1950s and a majority of the home has a flat roof. The circumstance of having a flat roof and a portion of the home in the front setback is unique to this home and is unusual along this street.

- The variation, if granted, will not alter the essential character of the locality

True: The variance will not alter the essential character of the locality. Our intention is to play off of the existing character of the neighborhood with their sloped roofs, and complement the style of the home with a low scale sloping roof over the one-story area in the front setback to match the other roof slopes. This would also allow us to eliminate the unusual wood framed 50" tall diamond shaped parapet in the front setback, and maintain a more appropriate mountain home appearance.

The following facts are favorable to the application and 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*

True: The original house was built prior to current zoning, which put a portion of our house out of compliance and into a front setback. The current flat roof creates a hardship for the owner in terms of increased maintenance, additional cost, constant stress about interior leaks, and construction waste going to the landfill resulting from continuous replacement of the vinyl roofing.

- 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

True: This request would not be applicable to other properties with in the same zoning classification because other homes do not have the same existing conditions, of a flat roof in a front setback. This is an unusual situation.

- The purpose of the variation is not based primarily upon a desire to make more money out of the property

True: It will not generate more money since we are not adding additional square footage to the home in the front setback.

- The alleged difficulty or hardship has not been created by any person presently having an interest in the property

True: The hardship was not created by any person presently having an interest in the property. The hardship came with the property, when the owners bought it in 2015.

- 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

True: This variance, as we have it drawn would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. It is simply an improved construction method, to a narrow section of existing roof on a 224 s.f. footprint.

- 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

True: The proposed variance will not impair an adequate supply of light and air to adjacent properties 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. With the other additions and remodeling that we would like to make, this project will increase the surrounding property values with improvements to insulation, siding, water-proofing, fire-rated assemblies, roofing, and fenestration.

148 Fir Drive

Photos of Existing Home

Front of House



View coming up the hill to the house



North end of front elevation



Middle & south section of the front elevation



South end of the house at the front entry

Flat roof looking south towards the entry structure.



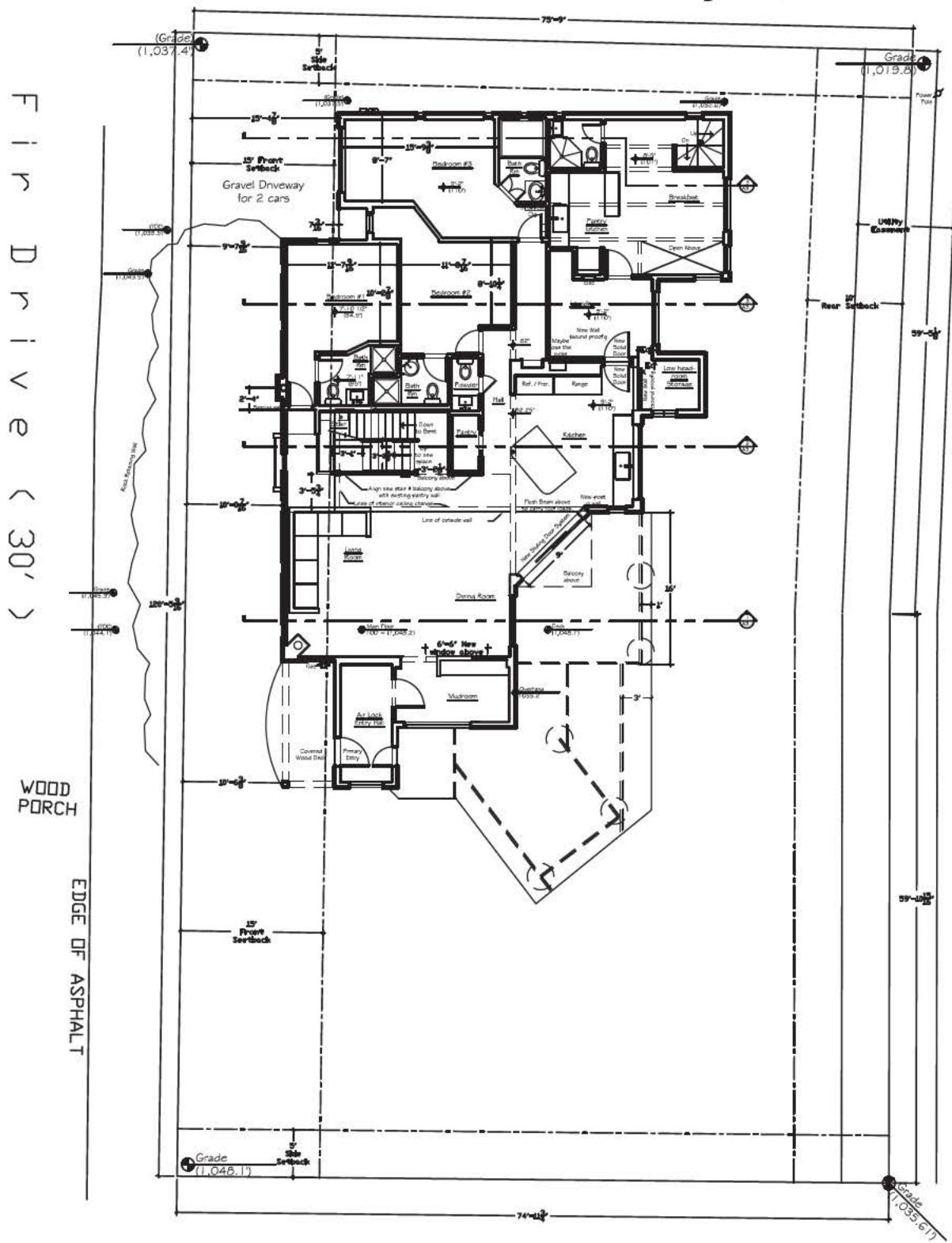
An expanse of flat roof looking towards the north rear structure



The diamond in a triangle parapet detail



**148 Fir Drive
Winter Park, CO 80482
May 12, 2022**



Site Plan

1
A0.0

1/16" = 1'-0"

NORTH

IMPROVEMENT SURVEY PLAT

148 Fir Drive

Lots 7 & 8, Block 3

Winter Park Village

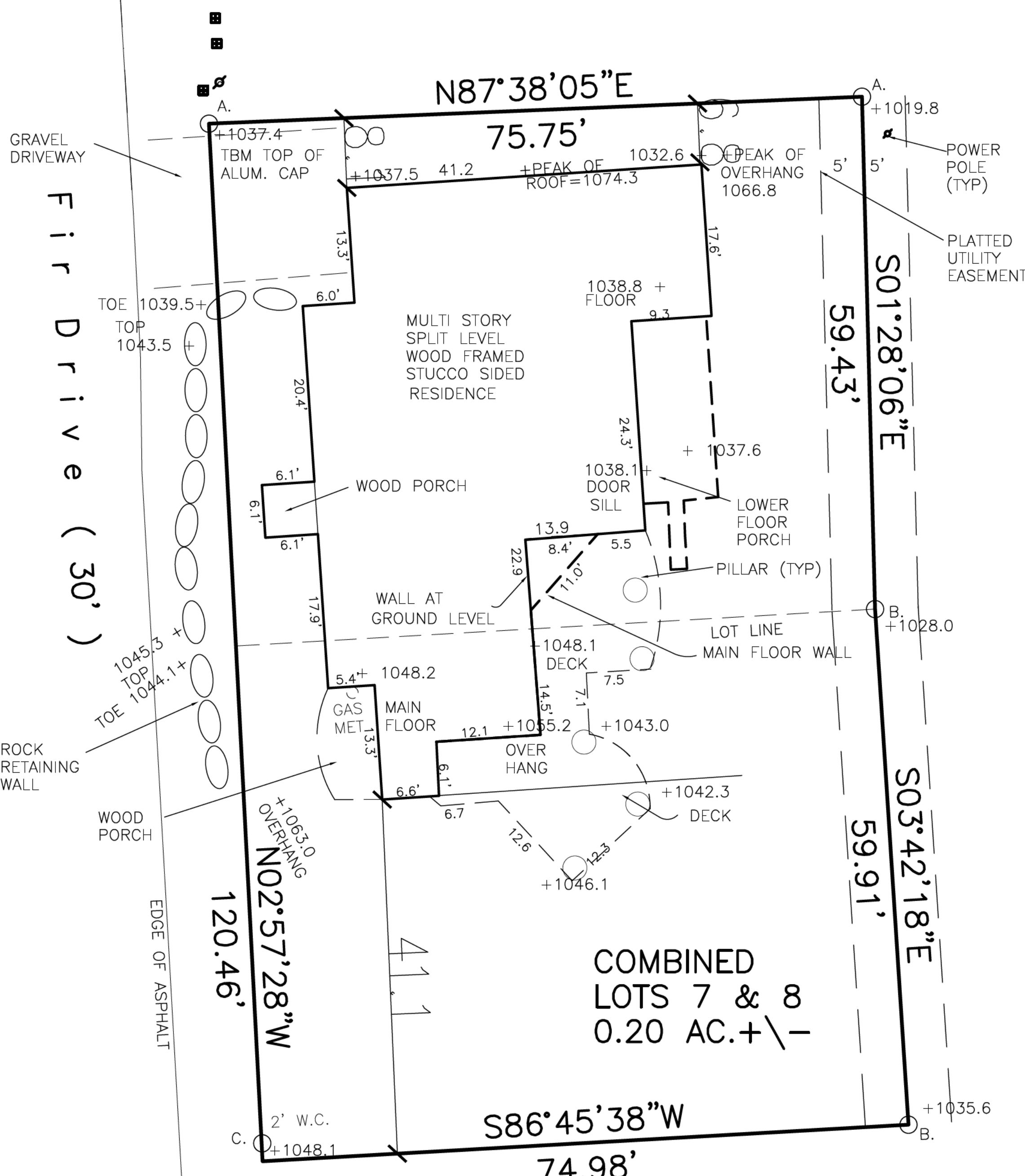
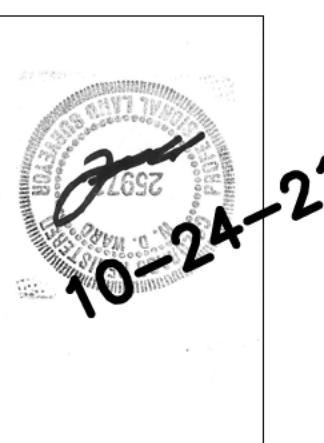
Part of Homestead Entry Survey No.117
Township 2 South, Range 75 West, 6th P.M.
Town of Winter Park, Grand County, CO

NOTICE:

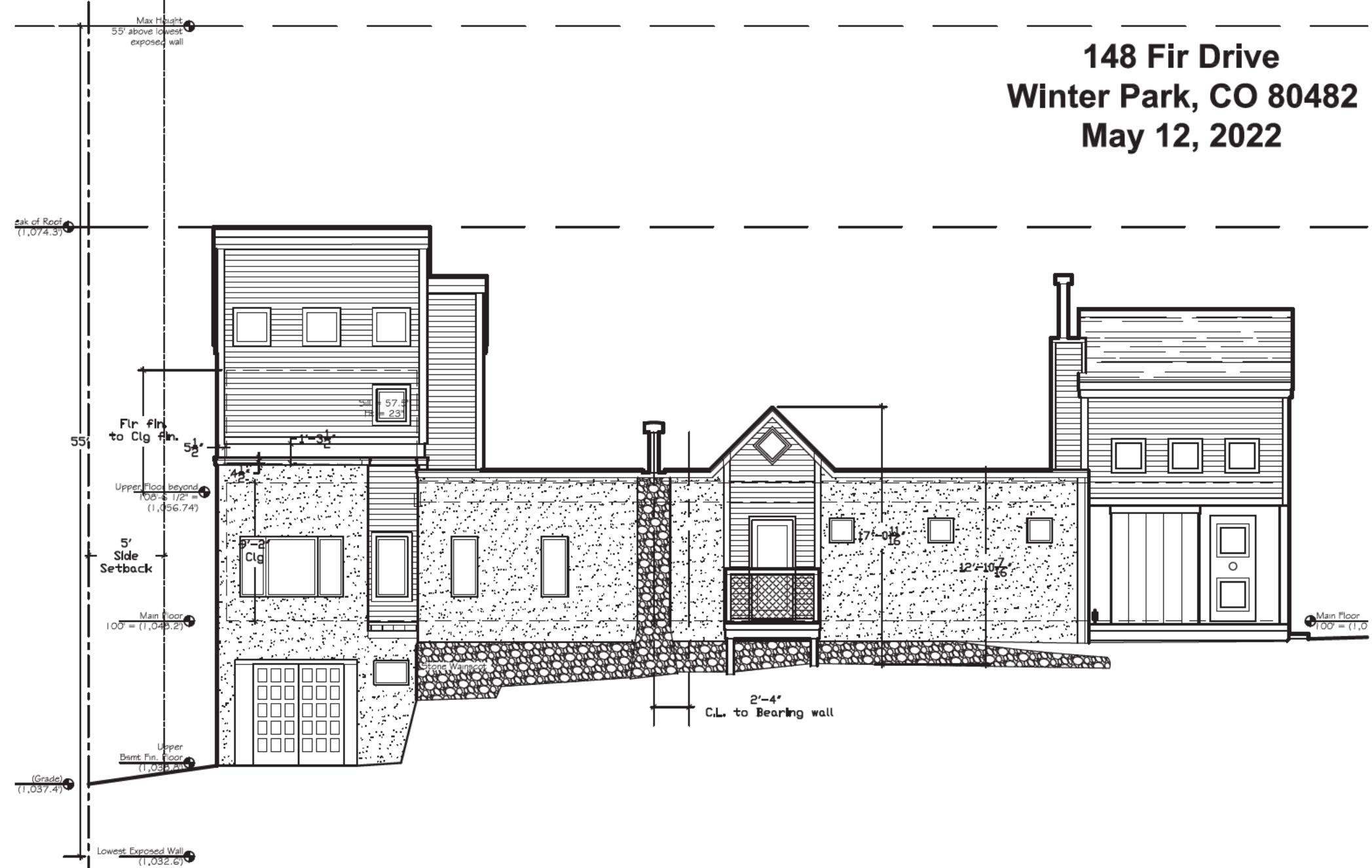
1. Buried utilities are not located or shown hereon.
2. Wetlands are not addressed.
3. For title, reference to a title insurance policy is recommended.
4. This document is certified as one, complete document. Any alteration, addition, change, or edit of any part of this document, as-is or after being transferred to other parties, supersedes and invalidates all previous information and certifications.
5. A monument established by the first surveyor acting in good faith is a property corner. A boundary is the line where property rights change. Once established, property corners and boundaries do not move, but can possibly be vacated. Surveyors do not have jurisdiction to unilaterally vacate boundaries or make legal rulings over conflicting boundary evidence.
6. This document is not correlated to GIS (Geographic Information System).
7. A bearing is a mathematical expression, with identical value reciprocals. A bearing does not "go" in any direction.

This Improvement Survey Plat shows the result of a field survey done by me or under my responsible charge, based on facts known to me. It complies with applicable statutes set forth by Title 38, Articles 50 and 51, CRS, and is not a warranty or guarantee, either expressed or implied.

w ward - surveyor



**148 Fir Drive
Winter Park, CO 80482
May 12, 2022**



1

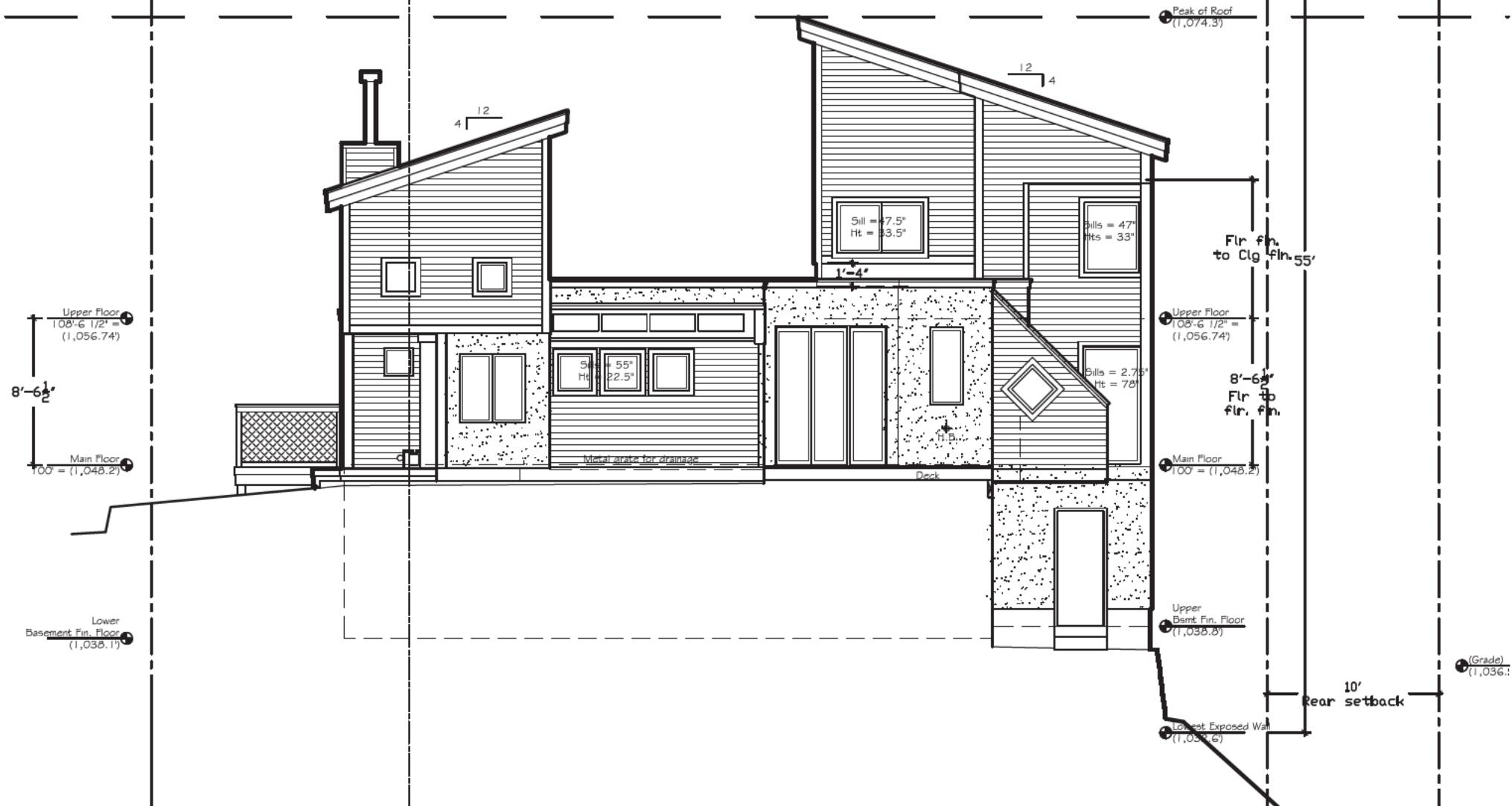
West Elevation As-Built

1/8" = 1'-0"

AB.2

HIVE ARCHITECTURE

Max Height
55' above lowest exposed wall
148 Fir Drive
Winter Park, CO 80482
May 12, 2022



2

South Elevation As-Built

AB.2

1/8 " = 1'-0"

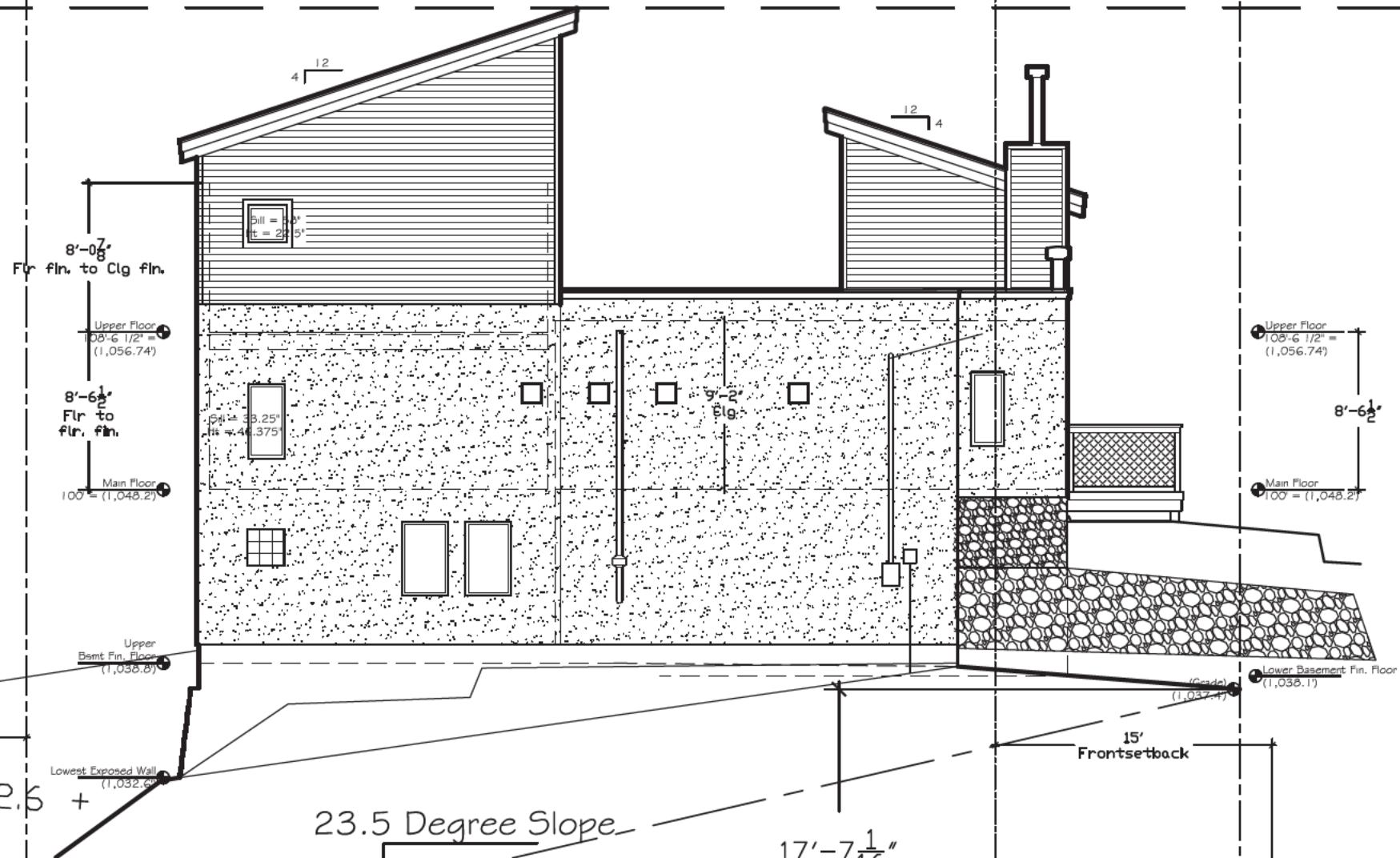
HIVE ARCHITECTURE

Max Height
55' above lowest
exposed wall

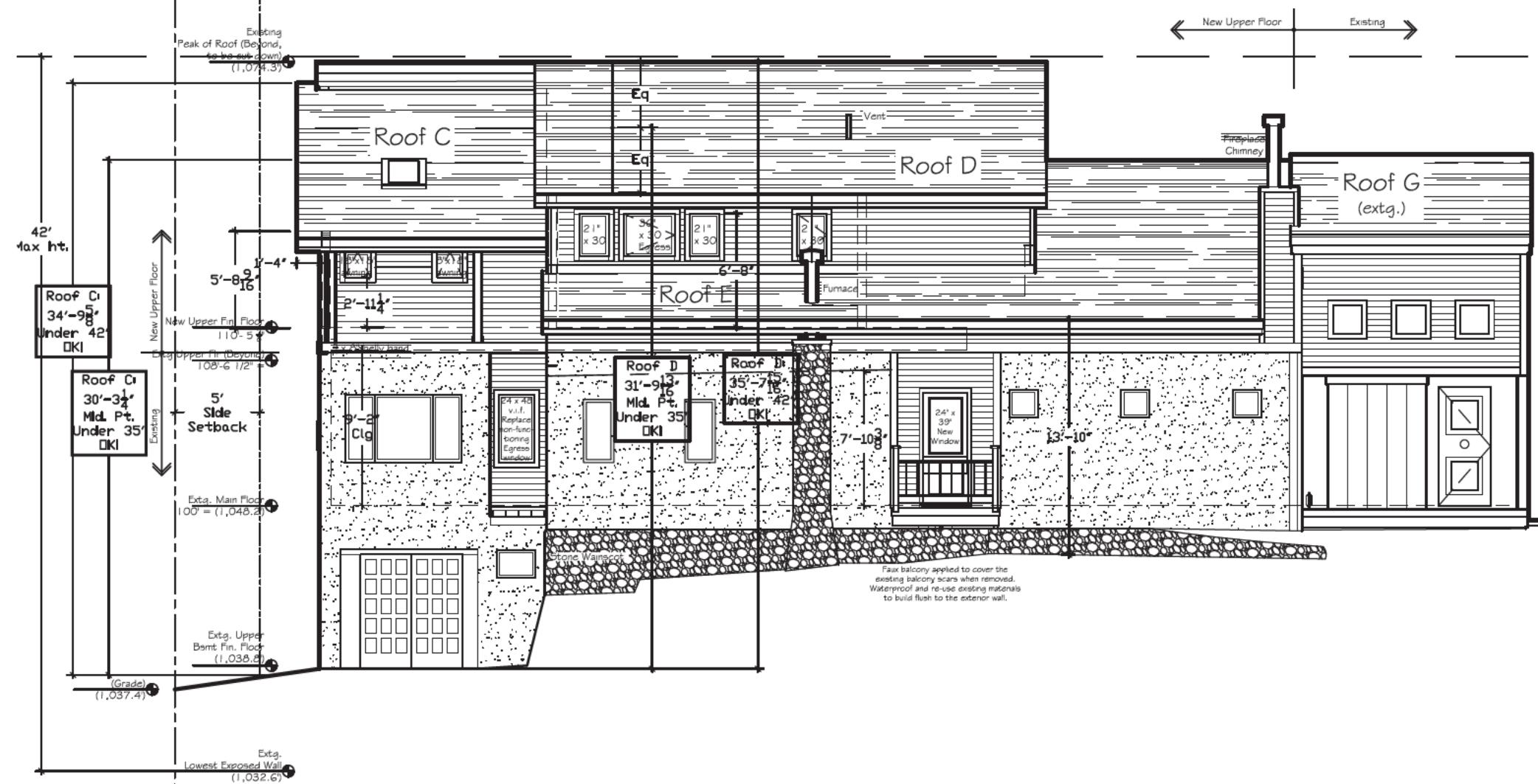
148 Fir Drive
Winter Park, CO 80482
May 12, 2022



148 Fir Drive
Winter Park, CO 80482
May 12, 2022



148 Fir Drive
Winter Park, CO 80482
May 12, 2022



1

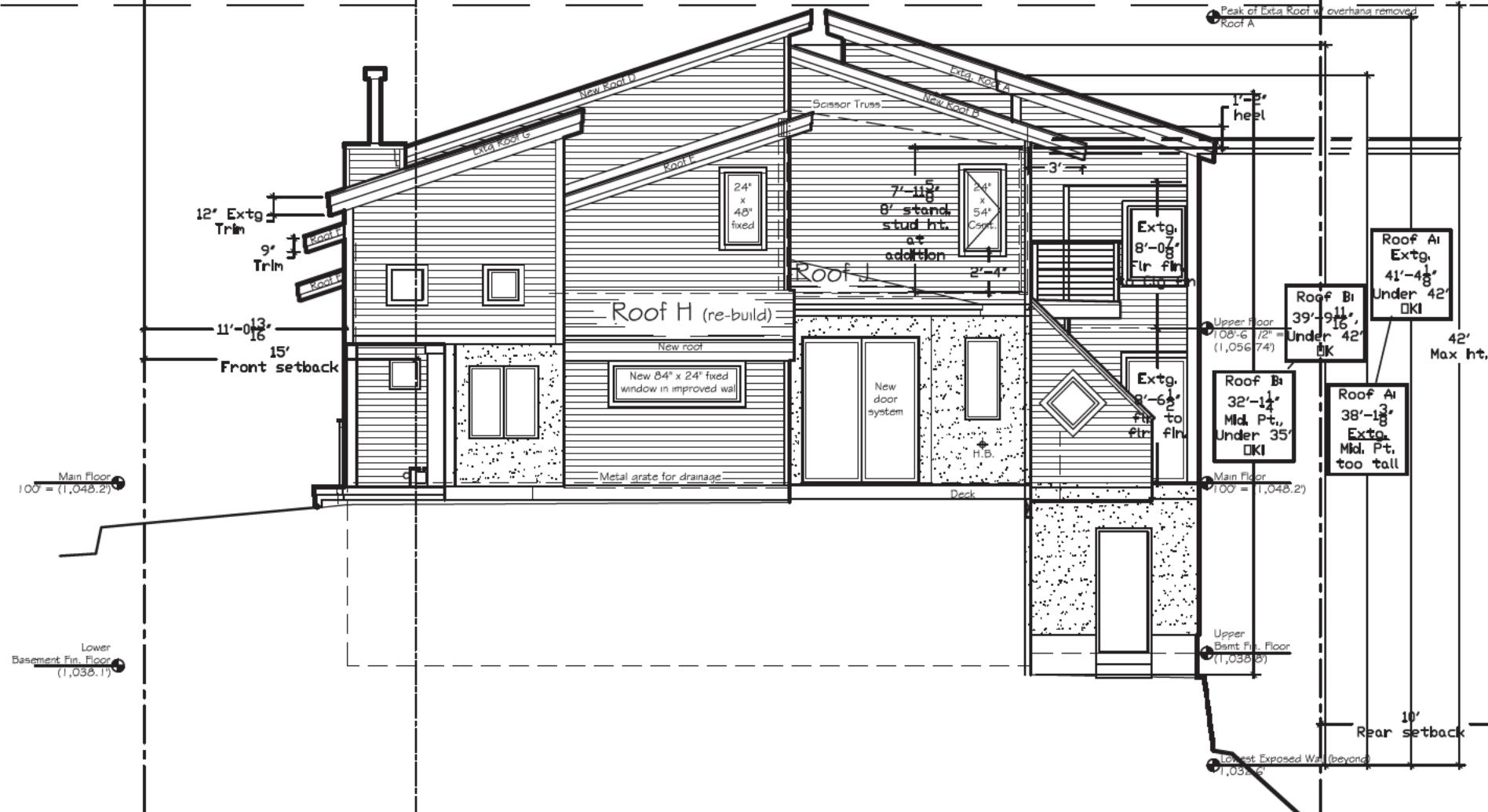
Schematic West Elevation

1/8 " = 1'-0"

A2.0

HIVE ARCHITECTURE

148 Fir Drive
 Winter Park, CO 80482
 May 12, 2022



Schematic South Elevation

1/8" = 1'-0"

2
A2.0

HIVE ARCHITECTURE

148 Fir Drive
Winter Park, CO 80482
May 12, 2022

Existing New Upper Floor

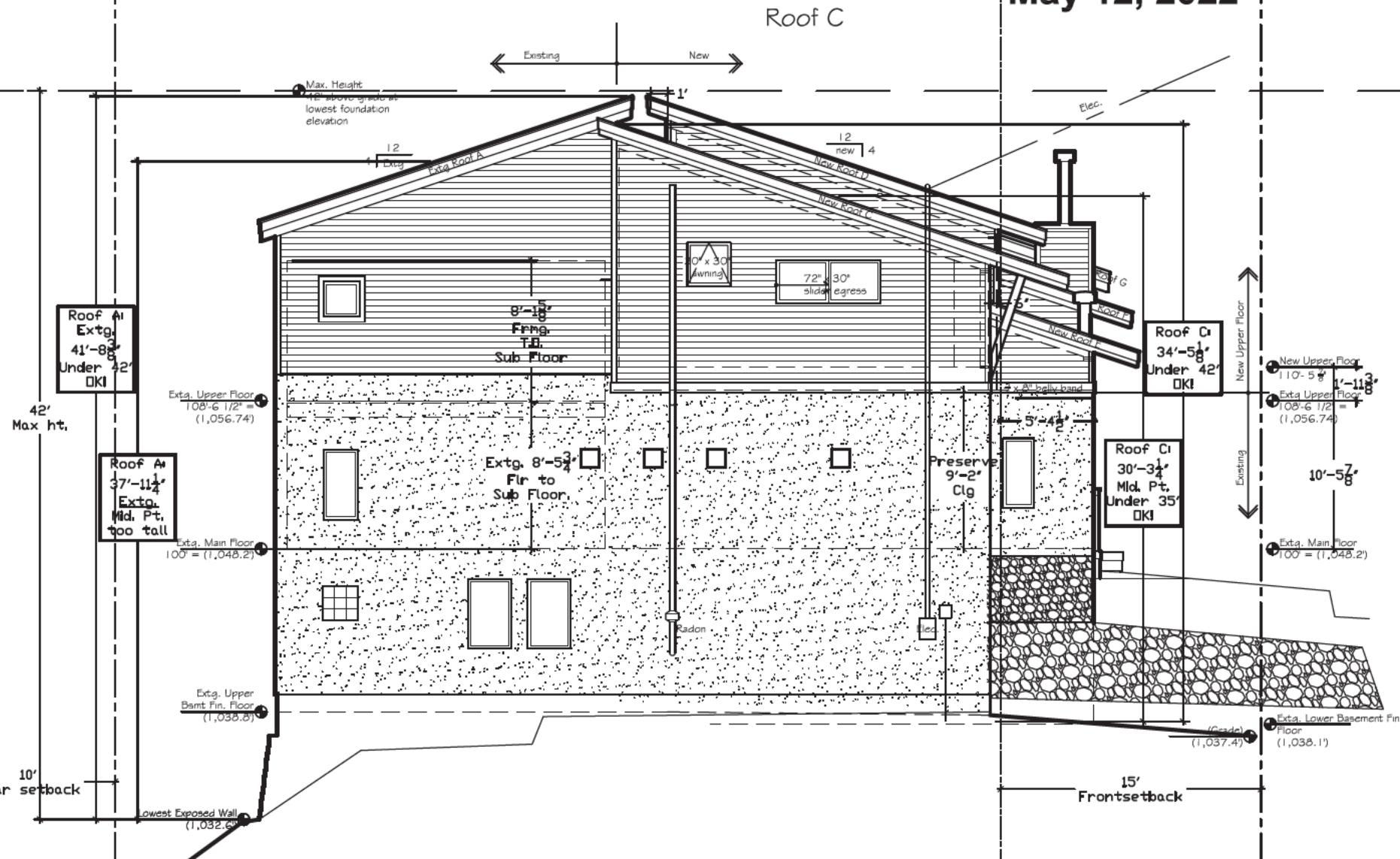
New Upper Floor Existing & New Upper Floor

Max Height
42' above lowest exposed wall

Peak of Existing Roof
(1,074.3')



**148 Fir Drive
Winter Park, CO 80482**



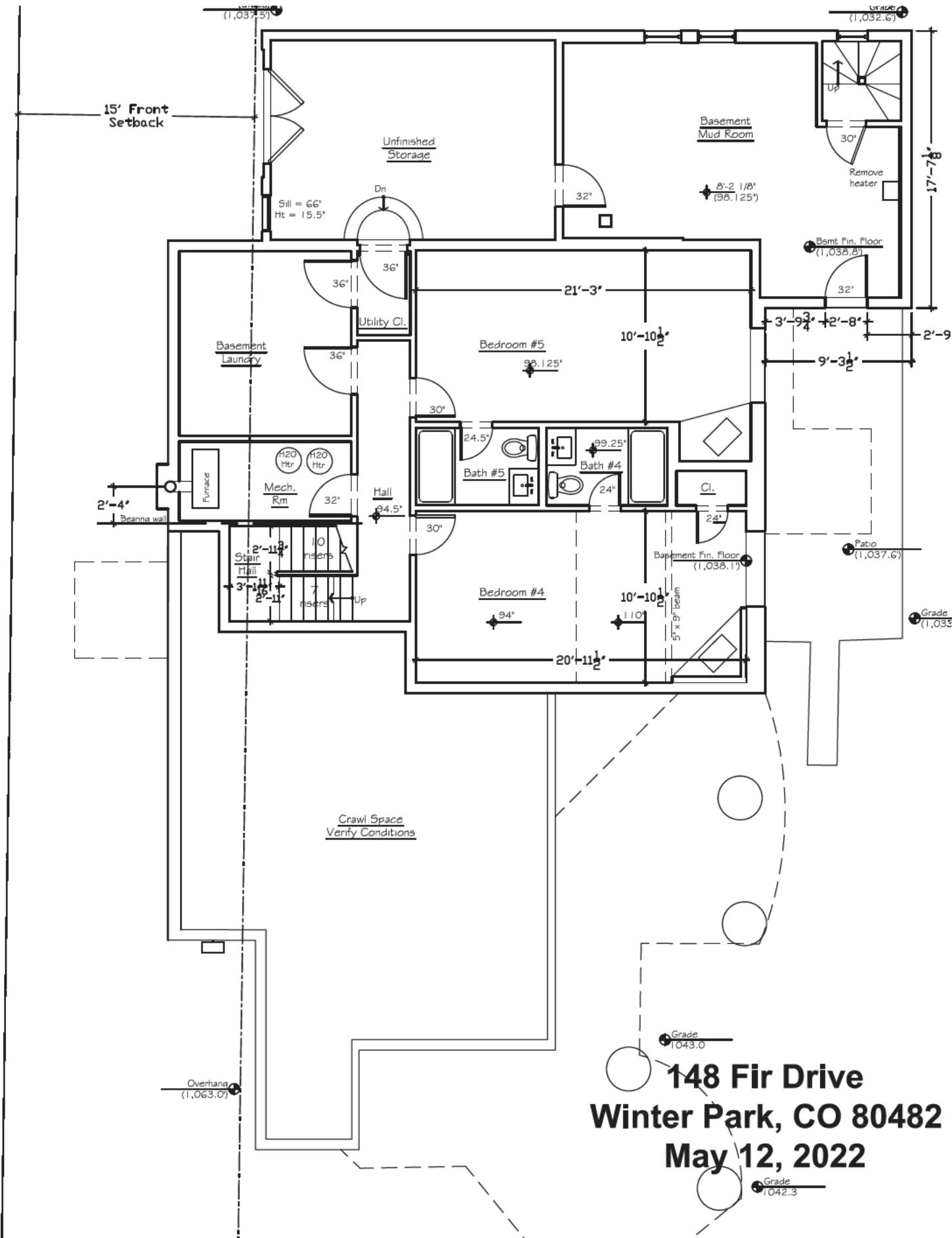
~~Schematic North Elevation~~

4

A2.0

~~1/8 "~~ = 1'-0"

HIVE ARCHITECTURE

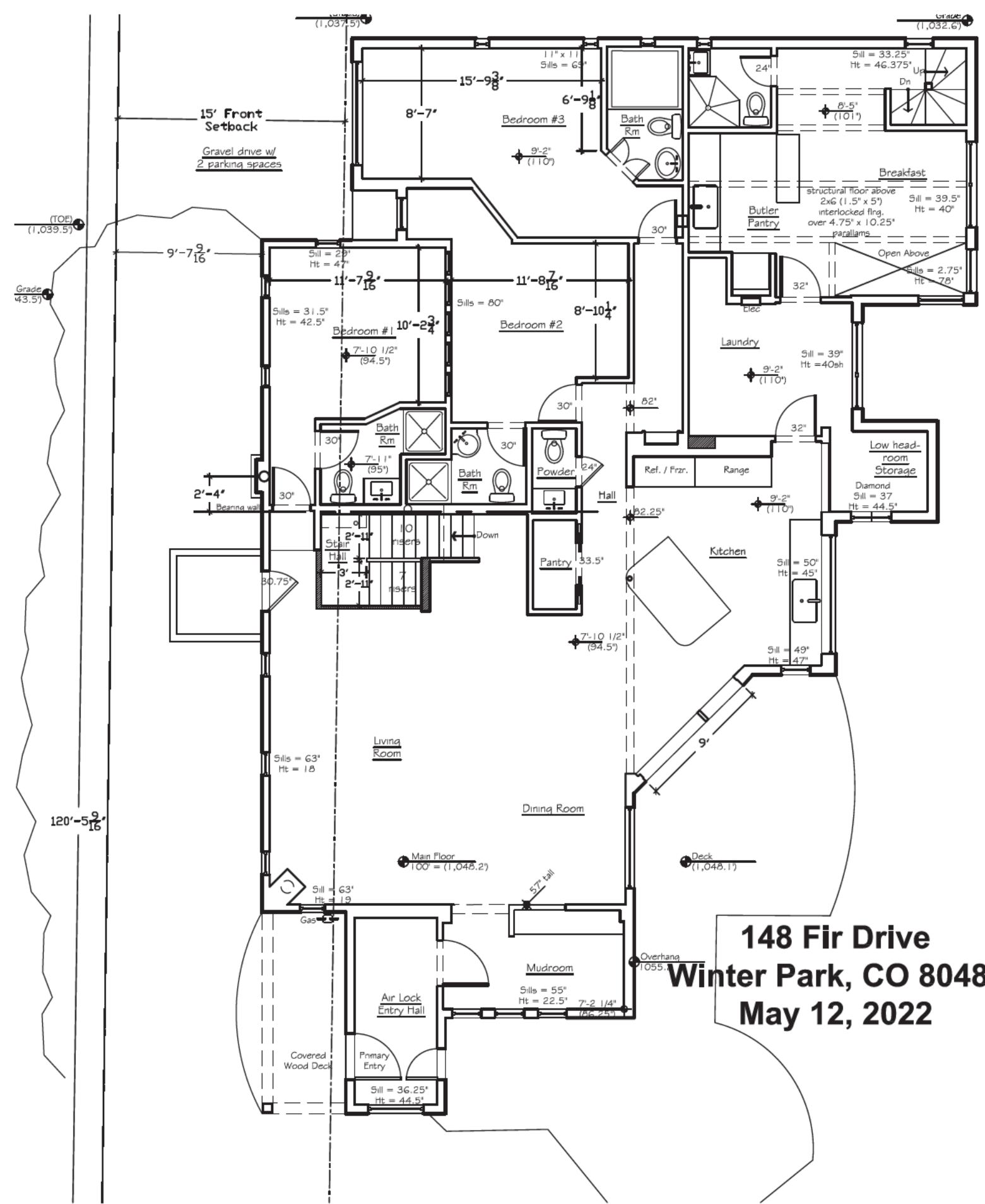


0
AB.0

Basement As-Built Plan (no changes)

1/8 " = 1'-0"

HIVE ARCHITECTURE



**148 Fir Drive
Winter Park, CO 80482**

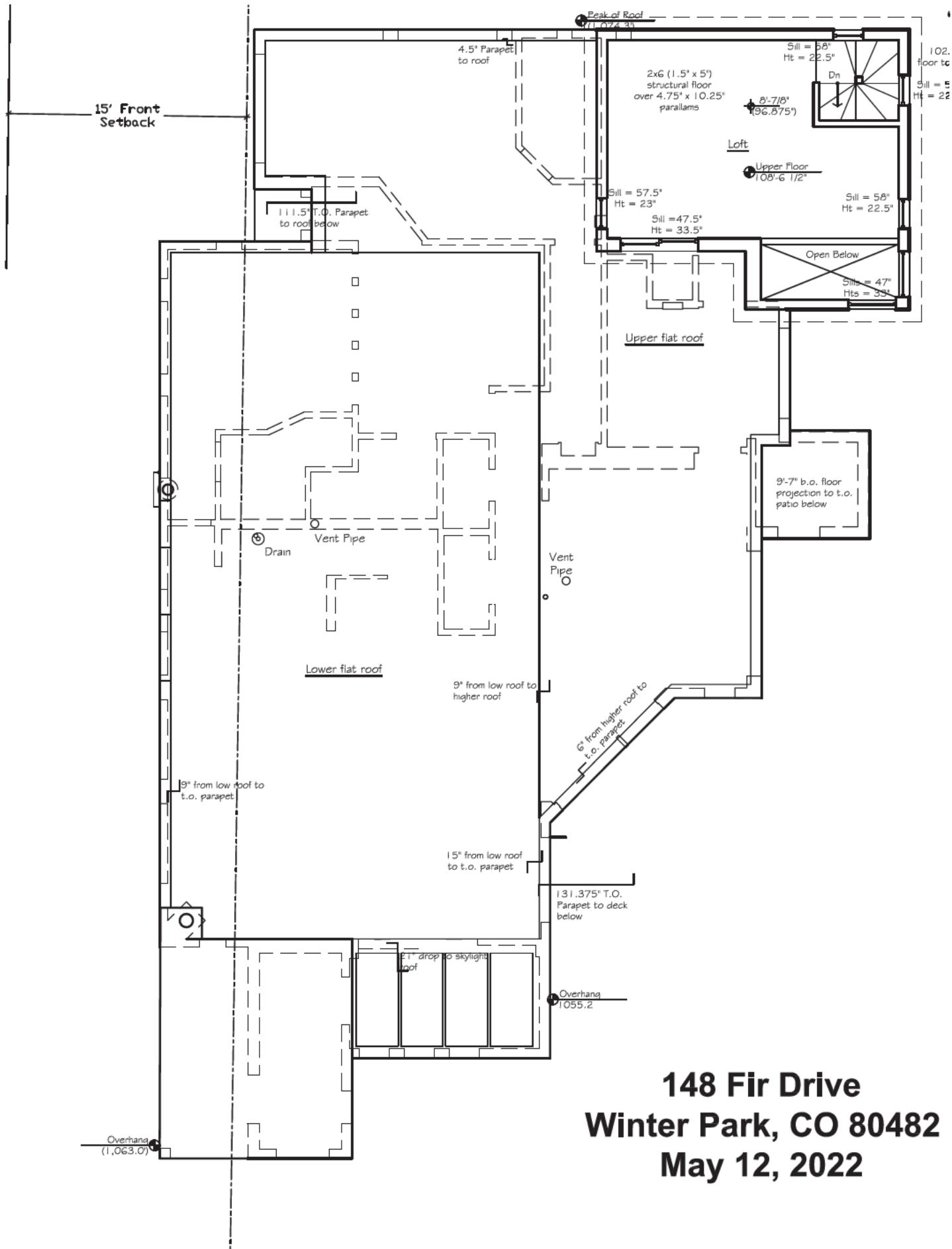
Main Floor As-Built Plan

AB.0

1/8 " = 1'-0"

HIVE ARCHITECTURE





2

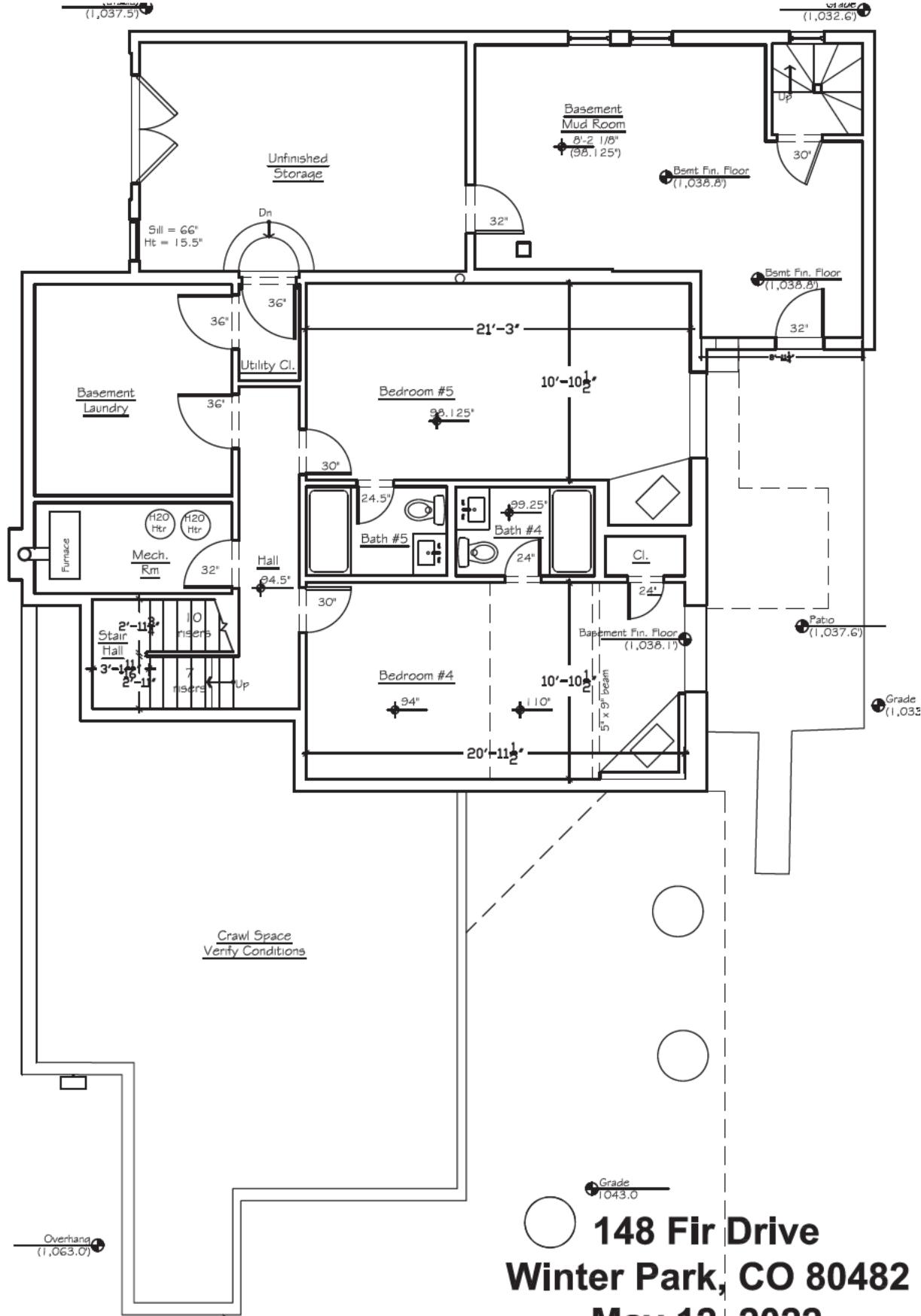
AB.0

Upper Floor & Flat Roof As-Built Plan

1/8 " = 1'-0"

HIVE ARCHITECTURE





**148 Fir Drive
Winter Park, CO 80482
May 12, 2022**

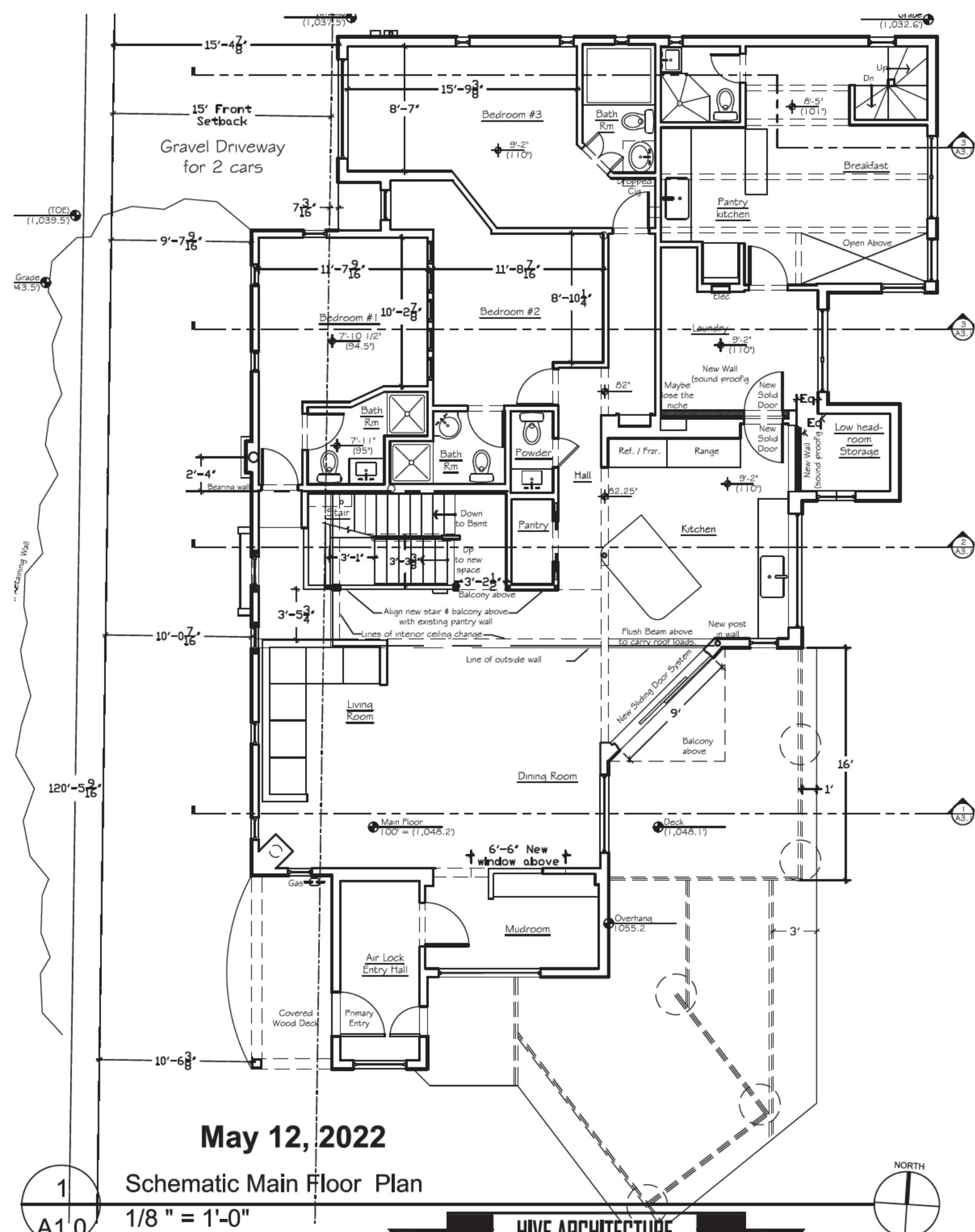
Basement Plan (no changes)

1/8 " = 1'-0"

0
A1.0

HIVE ARCHITECTURE



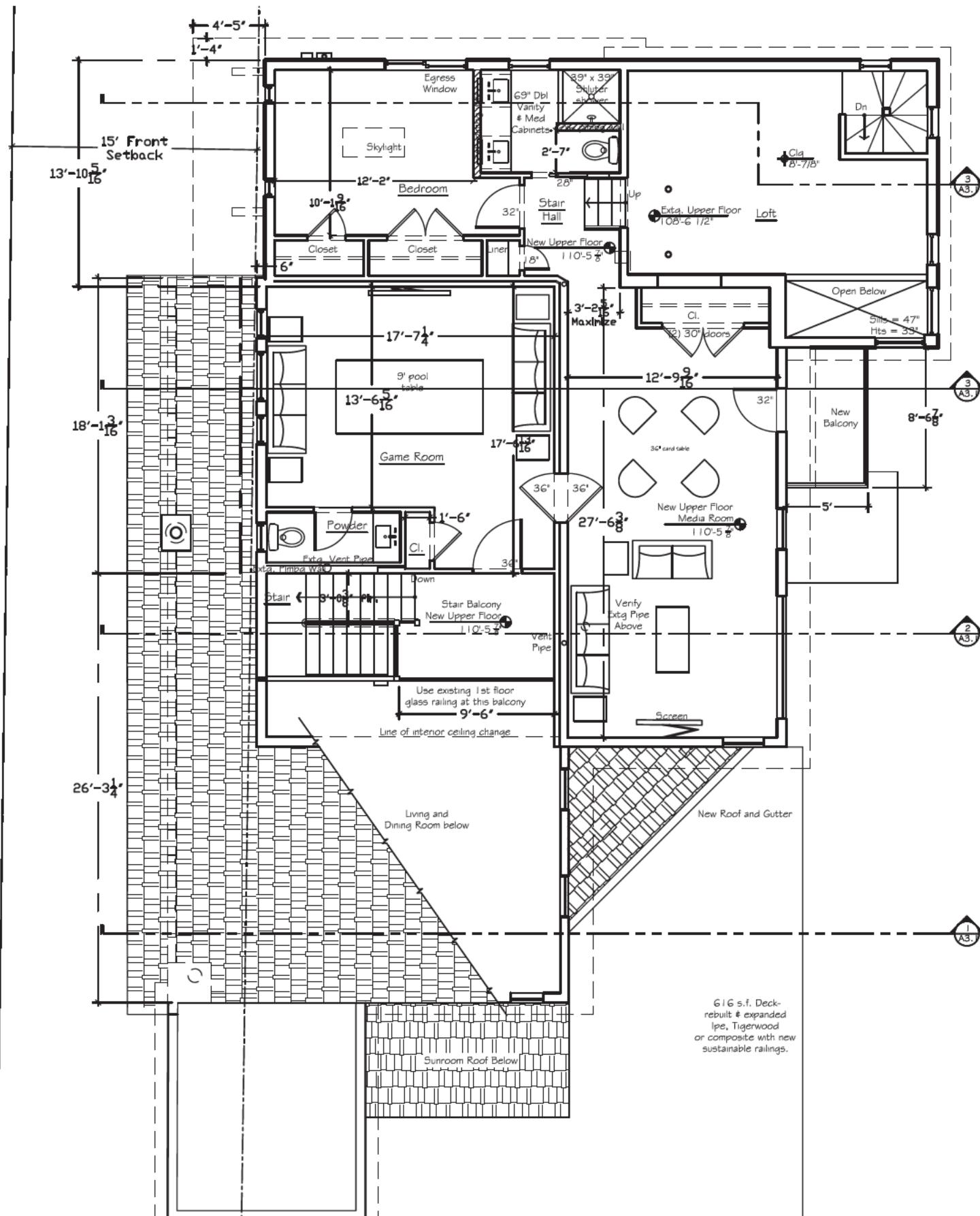


May 12, 2022

Schematic Main Floor Plan

1/8 " = 1'-0"

HIVE ARCHITECTURE

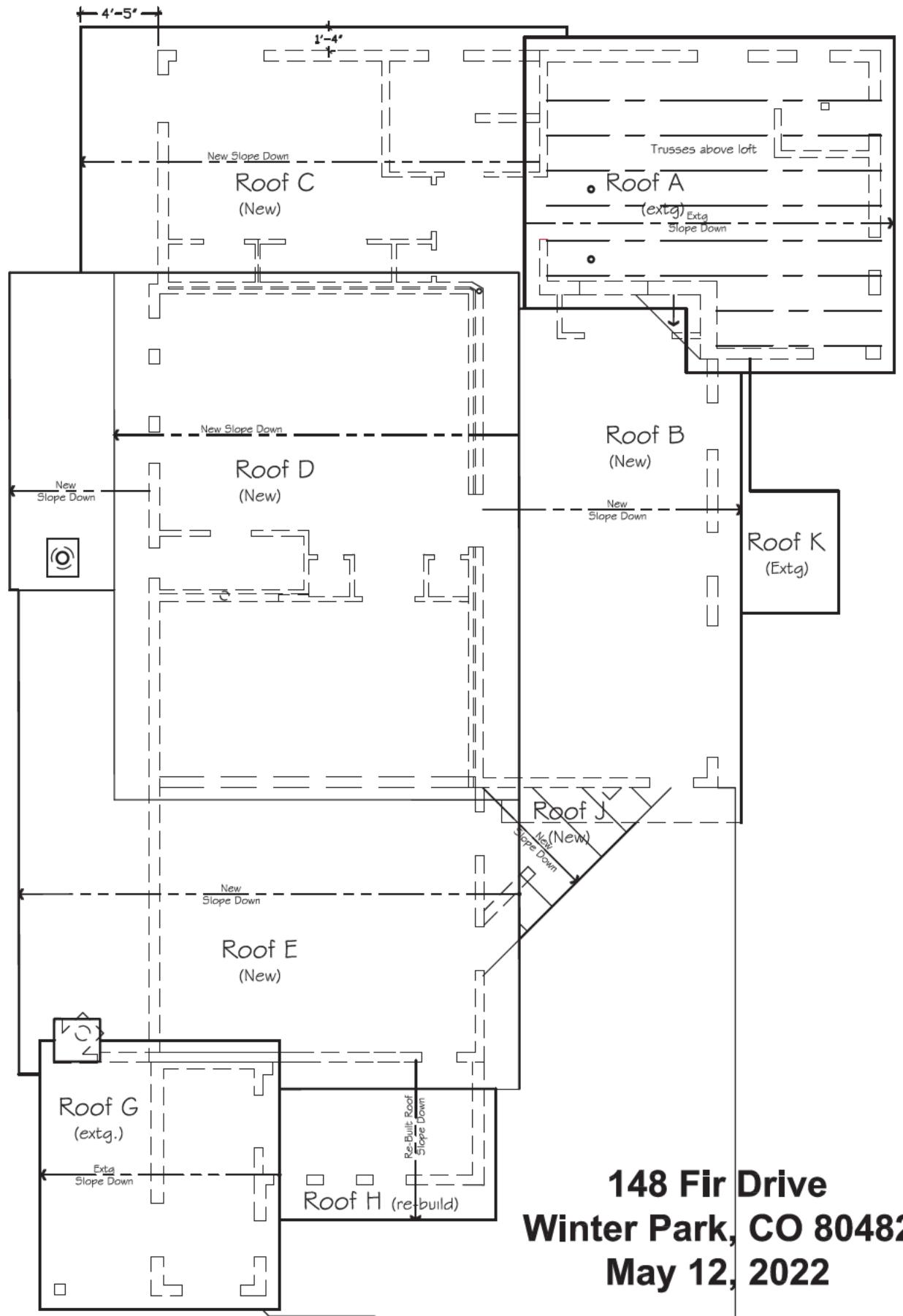


May 12, 2022

Schematic Upper Floor Plan

1/8 " = 1'-0"

HIVE ARCHITECTURE



3
A1.0

Schematic Roof Plan

1/8 " = 1'-0"

HIVE ARCHITECTURE

From: [REDACTED]
To: [Hugh Bell](#)
Subject: Variance in Old Town
Date: Friday, June 10, 2022 12:26:05 PM

Good Afternoon Hugh,

We are against any encroachment into the existing front set back of 15 feet in Old Town Winter Park. As it stands now, there is no room to park a vehicle because most vehicles are over 15 feet in length and no room for snow storage.

Our road width in Old Town does not meet todays standards. According to the Fire Department, it is mandatory that parking not be allowed on our streets because there is not enough room for emergency vehicles to pass through. Therefore, we are against any new variances that would compromise the safety of our community.

Sincerely,

Marty Roberts and Lee Eckhoff

Sent from my iPhone



MEMO

TO Board of Adjustment

FROM Hugh Bell, Planner

THRU James Shockey, Community Development Director

DATE June 14, 2022

RE Building Height Variance Request – 213 and 215 Lakota Park Drive – Lot 99-S, Reserve at Lakota Park Subdivision (PLN22-048)

Applicant: PMWP Development Company

Description of Property:

The property is zoned R-2, Multiple-Family Residential District, with a P-D (Planned Development) overlay, with the following entitlements:

Setbacks – 20' front / 15' rear / 5' side plus 3' for each additional story above the first

Building Coverage – 40% maximum

Building Height – 35' midpoint / 42' overall

Variance Request:

Request to increase maximum midpoint building height from 35'-0" to 39'-10" and to increase maximum overall building height from 42'-0" to 43'-8" for a single-family attached structure.

Owner's Reasons Why the Variance Should Be Granted:

See application for details.

Applicable Town Code:

§ 7-4B-4, BUILDING REQUIREMENTS:

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)

§ 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):

§ 7-8-1(B): 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.

§ 7-8-1(C): 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 § 7-8-3 of the Town Code. A Public Notice was published in the Middle Park Times on May 26, 2022, providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property on May 23, 2022 and the property was posted on May 23, 2022.

Seven (7) comments have been received as of June 8, 2022 and are attached. Five (5) comments support the request and two (2) comments oppose the request.

Staff Comments:

Applicant proposes constructing a new single-family attached dwelling unit and requests to exceed maximum permitted midpoint building height of 35' by 4'-10" and to exceed maximum overall building height of 42' by 1'-8".

The lot does meet current R-2 and P-D requirements.



Applicant cites the hardship as the soil fill that was added to the lot by a prior development company, Community Concepts. The soil fill was added due to soil cuts made to create Lakota Park Drive and to allow for trenched subterranean utilities. This grade manipulation occurred prior to 2012. The Town calculates building height by measuring from the existing or proposed grade, whichever is more restrictive. Applicant argues that the building height should not be measured from the manipulated grade, i.e., the existing grade, but instead be measured from the proposed grade, which Applicant states resembles the grade prior to its manipulation.

Applicant states they have considered other designs to avoid petitioning for a variance but that these are unfeasible. These include using a flat roof, which is unfeasible as the HOA (Lakota East HOA) prohibits flat roofs; lowering the structure into the property, which is unfeasible because the driveway grade will exceed that allowed; moving the structure further up the slope, which is unfeasible because the structure would be encroaching into the 20' front yard setback by the time the height complied with building height requirements; and shifting the building to the west or east, which is unfeasible because the manipulated grade condition exists across the lot.

In May 2022, the applicant submitted a Design Review Application, which was denied by staff on the grounds that a variance must be granted to proceed with the plans as proposed. The applicant did not submit any alternative elevation drawings. Per staff's measurements on section cuts (attached) submitted, ceiling heights for Building 10 are 8'-11" (first and second floors); 8'-1" and 13'-11" (third floor, hallway and living room, respectively); and 12'-4" and 13'-5" (fourth floor, mudroom and garage, respectively). The garage door is only 8' tall.

Staff believes a 12'-4" mudroom ceiling and 13'-5" garage ceiling for the fourth floor is gratuitous, especially given the top of the garage door is roughly 5' lower than the garage ceiling. Staff believes the fourth-floor ceiling heights could be reduced as needed to bring the affected elevation into compliance with Code.

Staff Recommendation:

Staff does not find a proven hardship with the property or support approval of this variance request for the following reasons. The applicant has not provided evidence showing the property cannot yield a reasonable return in use or service if required to adhere to the maximum building height requirement. Code, § 7-8-1(B)(1). The applicant has described their unusual circumstance preventing conforming building height as the existing grade being too restrictive because of the prior developer's grading activity. However, Applicant should have done their due diligence before purchasing the property and designed a structure that would comply with the building height requirements. Overlot grading occurred throughout this subdivision and included this lot. For large subdivisions, the Town considers the grade produced by the overlot grading to be the new "existing" grade; the Town has used this method for other properties the applicant has developed within this and other nearby subdivisions (i.e., North Woods at Lakota Park). Additionally, the alleged difficulty or hardship seems to come about due to the proposed design, which includes a 12'-4" mudroom ceiling and 13'-5" garage ceiling on the fourth floor, which per Code § 7-8-1(C)(4) does not favor approval of this variance. This could be reduced to still allow for a comfortable ceiling height while bringing the design into conformance.

The particular physical surroundings, shape, and topographical condition of the property do not preclude a conforming design. Rather, the alleged difficulty or hardship seems to come about due to the proposed design, which appears to have a relatively high ceiling on the third floor, which per Code § 7-8-1(C)(4) does



not favor approval of this variance. This could be reduced to still allow for a comfortable ceiling height while bringing the design into conformance.

However, this is a decision for the Board to make, and the Board may choose to approve or deny based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Board can rely on or the decision the Board makes.

Sample Motion for Denial:

I move to deny the request for the reasons discussed today and as set forth in the staff report, finding the applicant has failed to meet all three criteria required by Code, § 7-8-1(B) in that:

1. The applicant has not provided evidence showing the property cannot yield a reasonable return in use or service using alternate building designs that adhere to the building height requirement; and
2. The applicant has not described unusual circumstances that prevent a new design from being produced while conforming with the building height requirement.

Sample Motion for Approval:

I move to approve the request for the reasons discussed today, finding the applicant meets all three criteria required by Code, § 7-8-1(B) in that:

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 because *[insert explanation supported by the evidence here]*; and
2. The plight of the owner is due to unusual circumstances because *[insert explanation supported by the evidence here]*; and
3. The variation, if granted, will not alter the essential character of the locality because *[insert explanation supported by the evidence here]*.



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

Applicant / Owner: PMWP Development Company
Mailing Address: 5490 Nuthatch Road, Parker, CO 80134

Street Address of Properties for Which the Variance Is Requested: 213 and 215 Lakota Park Drive

Legal Description of Properties for Which the Variance Is Requested: Lot 99-S, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado.

Description of Request: Request to increase maximum midpoint building height from 35'-0" to 39'-10" and to increase maximum overall building height from 42'-0" to 43'-8" for a single-family attached structure.

Applicable Provisions of the Town Code:

§ 7-4B-4, BUILDING REQUIREMENTS:

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)

Due to this building height requirement, a maximum midpoint building height of 39'-10" and a maximum overall building height of 43'-8" 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 § 7-8-1 of the Town Code.

Property Posted On: May 27, 2022

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, June 14, 2022, at 8:00 A.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 hbell@wpgov.com.

The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person.



VARIANCE APPLICATION FORM

Date: 05/10/2022

Applicant Name: PMWP Development Company

Mailing Address: 5490 Nuthatch Road, Parker, Colorado 80134-5455

Phone Number: 303-931-0708

E-mail: [REDACTED]

Applicant is the: Property Owner Other: _____

Street address of property for which variance is requested: 213 & 215 Lakota Park Drive, Winter Park, Colorado 80482

Legal description of property: Lot 99-S, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado

Detailed description of the variance requested and an explanation of why the applicant believes the variance should be granted (attach additional sheets if necessary): The applicant requests a variance to allow for portions of the side yard rooflines of Reserve Building 10 planned for construction on the referenced property to be measured from finished grade, rather than existing grade, due to the heavily manipulated natural grade of the property undertaken by Rick Hermes and Community Concepts prior to his 2012 bank foreclosure. Hermes dumped quantities of fill from the Lakota Park Drive road cut across portions of the property and the adjoining Lot 99-Q (planned for Reserve Building 9), but never regraded the slope of either the property or Lot 99-Q to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive and Reserve Way. As a result, the current grade of Lot 99-S is unnaturally steep along Lakota Park Drive and Reserve Way leaving a shallow bench in between. Therefore, the manipulated grades should not be considered as the "existing" (i.e., natural) grade of the property. For compliance purposes, the applicant requests the height of Reserve Building 10 to be measured from the planned finished grade along the two side elevations of the property. See attached narrative for additional details of the applicant's variance request.

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.*

PMWP Development Company

Applicant Signature: _____ By: _____

Matthew Schlaepfer, President

Submit all materials electronically to permits@wpgov.com

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

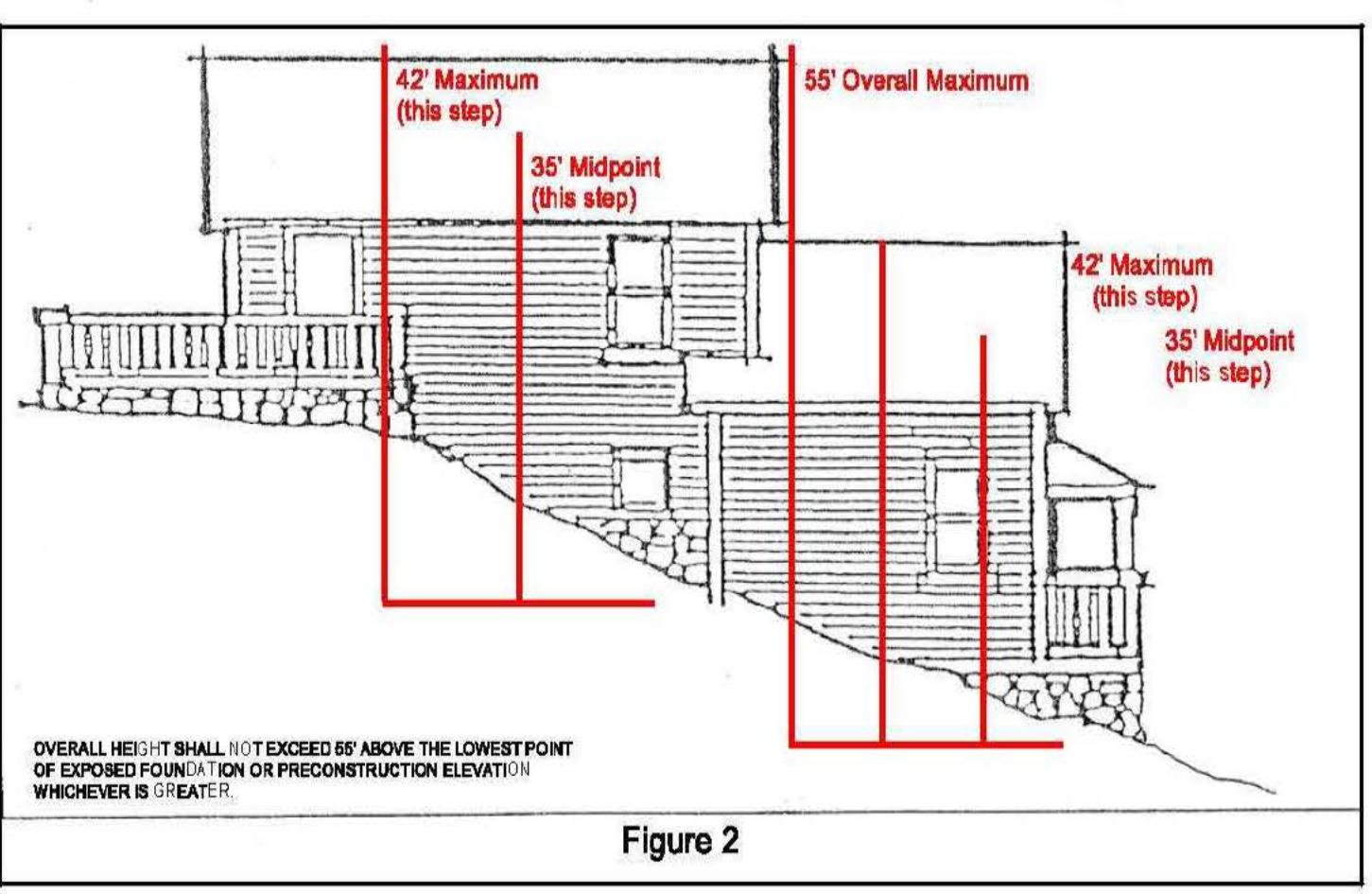
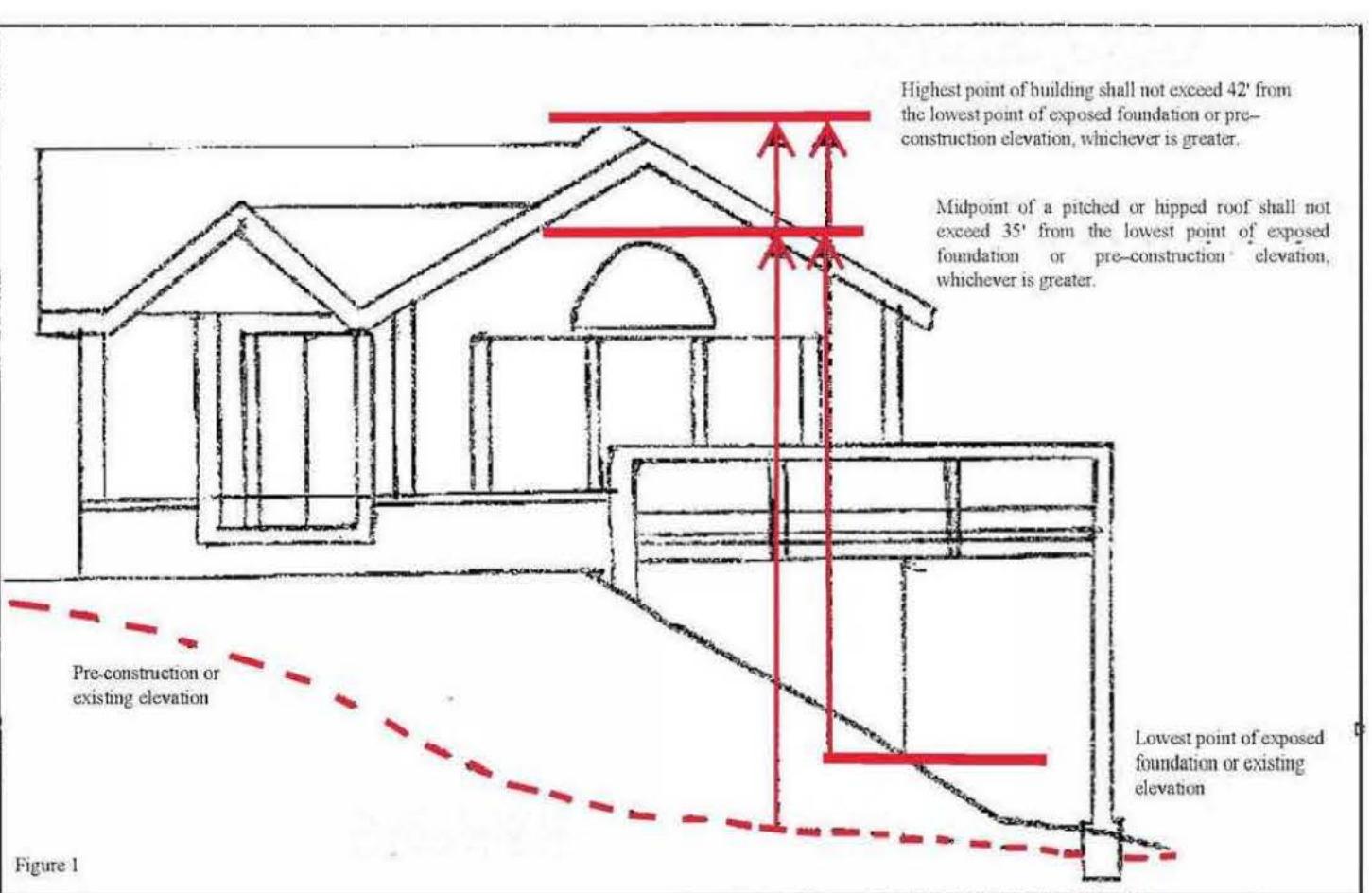


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JOB NO: 51901.10
DATE: 5/12/22
DRAWN BY: j pawak
CHECKED BY: m hogan
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TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 5/12/22

bhh Partners
P.O. BOX 931
160 EAST ADAMS
BRECKENRIDGE, CO 80424 (970) 453-9880
LAKOTA RESERVE - BUILDING 10
213 & 215 LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO 80492

BUILDING 10
A2.2
BUILDING ELEVATIONS



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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION:
 5/12/22

LAKOTA RESERVE - BUILDING 10

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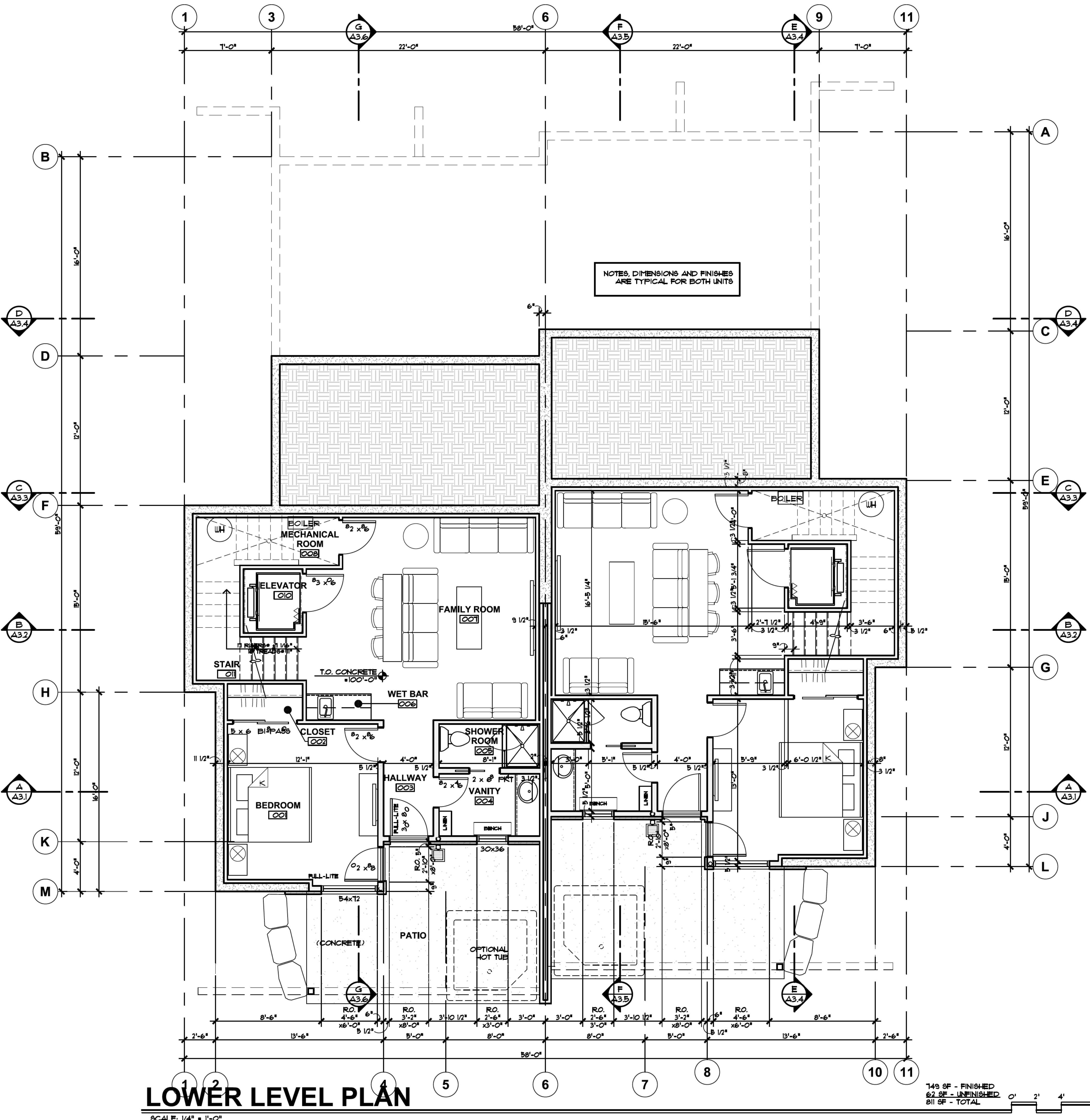
bhh partners

BUILDING 10
A2.3
BUILDING ELEVATIONS



LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"



**149 SF - FINISHED
62 SF - UNFINISHED
811 SF - TOTAL**

NORTH

A vertical banner for Akota Reserve. The top half features a black and white photograph of a mountainous landscape with a river flowing through it, and a bridge visible in the background. The bottom half contains text: "AKOTA RESERVE • BILL DING '10" on the right, and "Partners" on the left, with contact information: P.O BOX 931, 160 EAST ADAMS, BRECKENRIDGE, CO 80424, and the phone number (970) 453-6880.

AKOTA RESERVE • BI

111 Partners
P.O BOX 931 160 EAST ADAMS
BRECKENRIDGE, CO 80424 (970) 453-6880

2022

HEET NUMBER:

BUILDING 10

A1.0

LOWER LEVEL PLAN

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TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 06/9/22

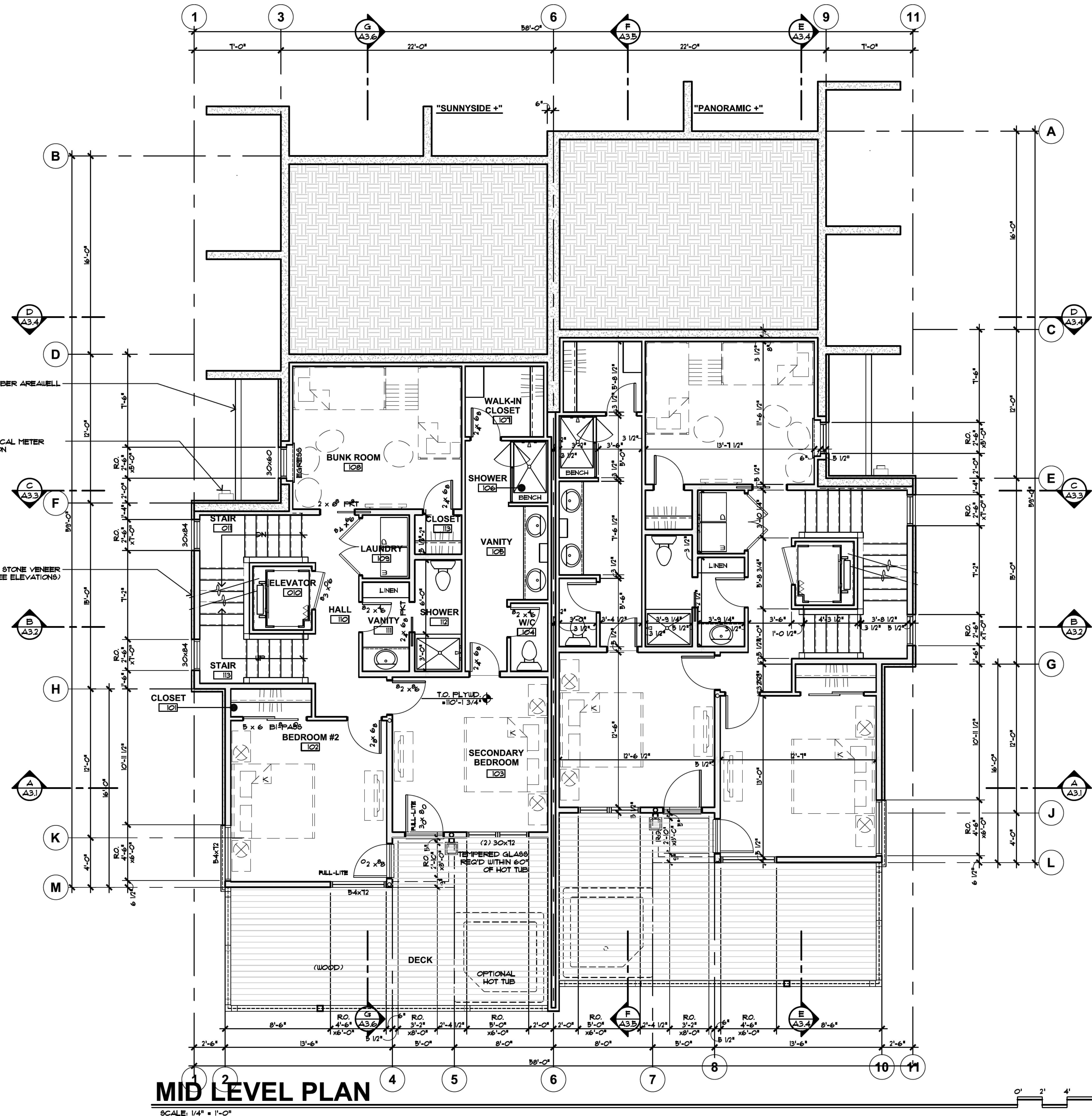
bh Partners P.O. BOX 931 BRECKENRIDGE, CO 80424 (970) 455-6880
213 AND 215, LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO

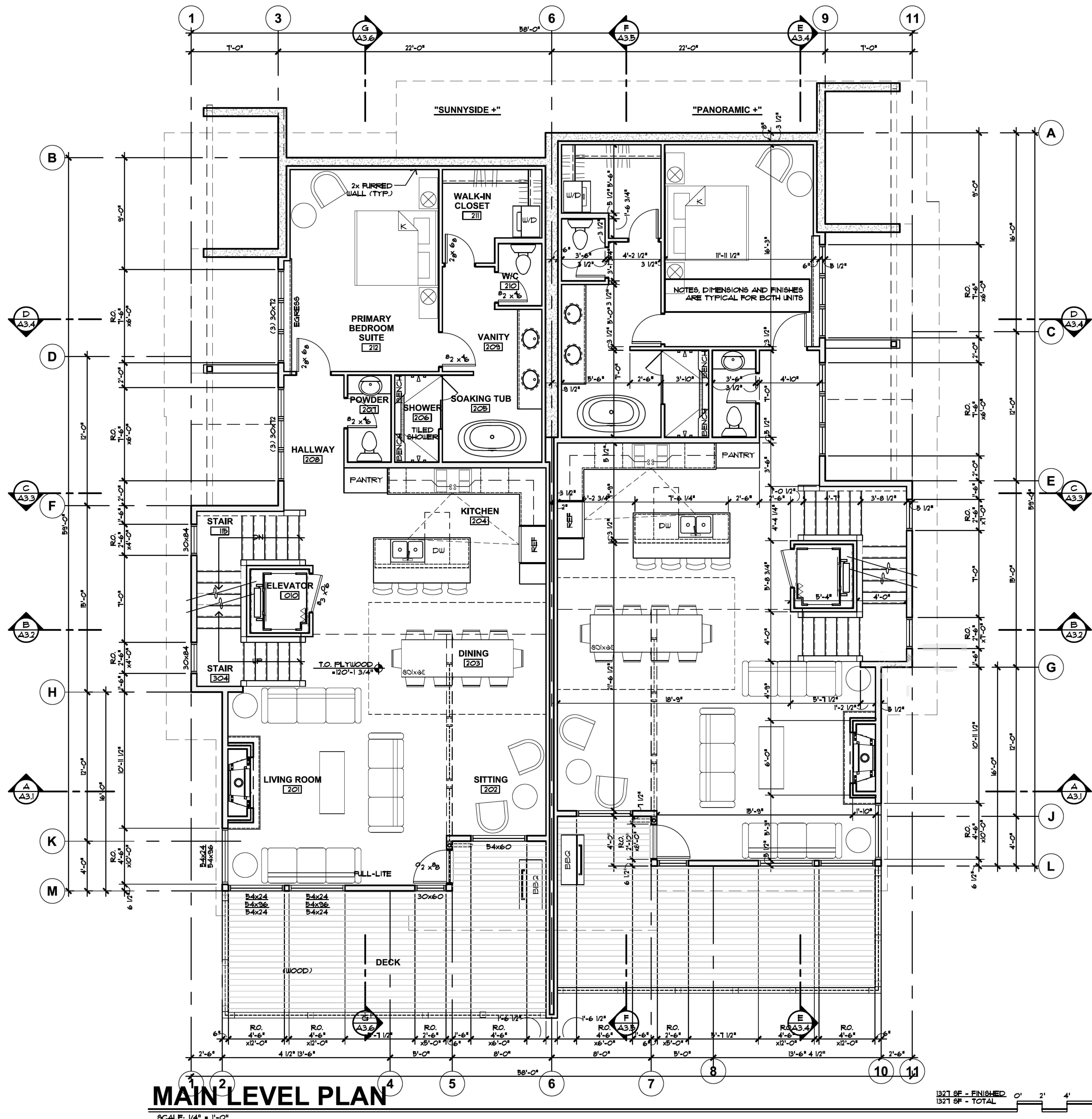
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BUILDING 10
A1.1
MID LEVEL PLAN

MID LEVEL PLAN

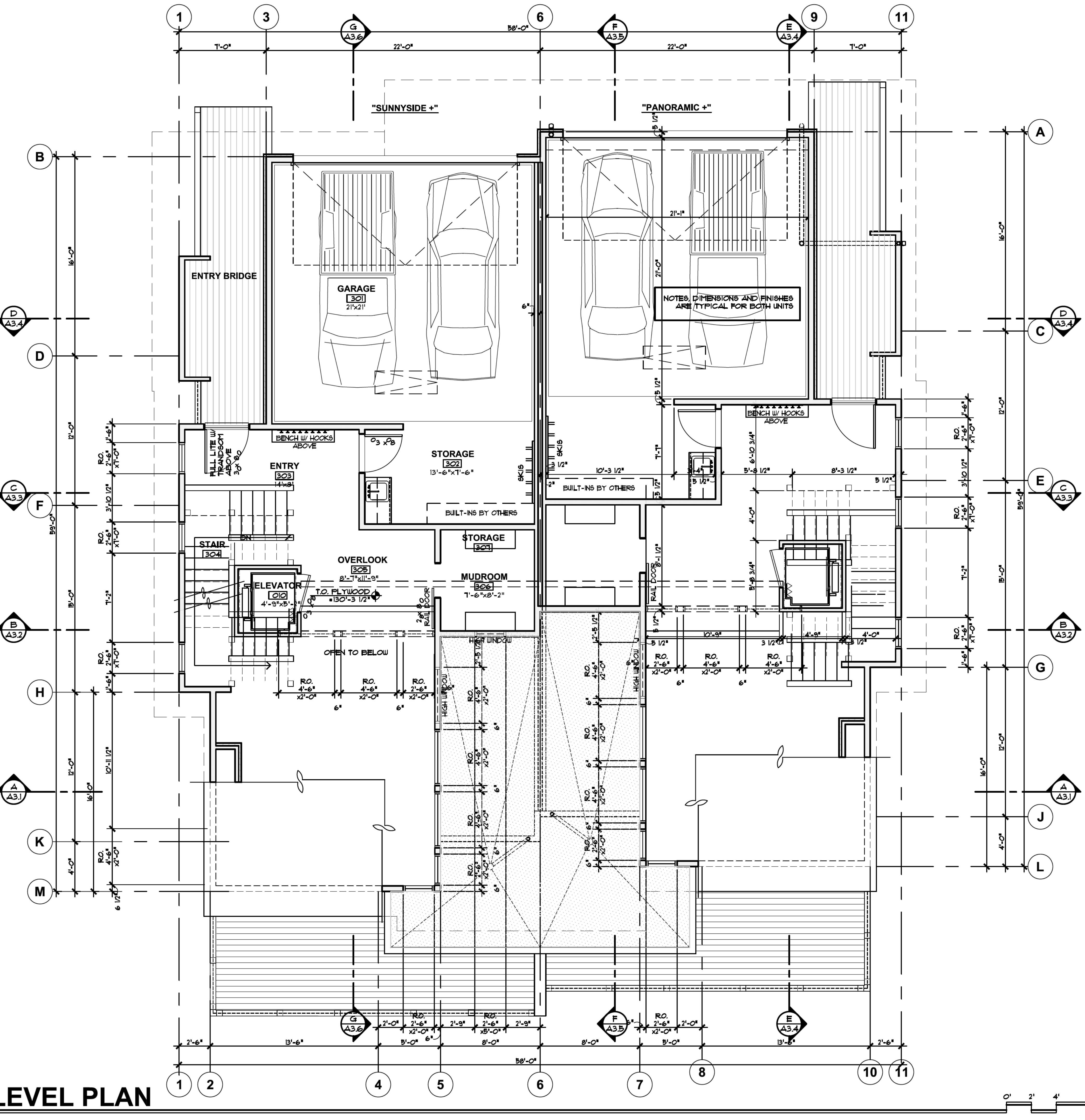
SCALE: 1/4" = 1'-0"





ENTRY LEVEL PLAN

SCALE: 1/4" = 1'-0"



MAINTENANCE NOTE:

Maintenance Note:
The owner has been advised that all roof and deck surfaces must be maintained relatively free of snow & ice.

ROOFING NOTE:

REFER TO SPECIFICATIONS. PROVIDE ROOF PRIMER, ROOF MEMBRANE AND ALL ROOFING PER SPECIFICATION REQUIREMENTS. PROVIDE "WR GRACE" MANUFACTURER CERTIFICATION LETTER STATING THAT ALL MEMBRANES HAVE BEEN INSTALLED IN COMPLETE COMPLIANCE WITH ALL MANUFACTURER'S REQUIREMENTS.

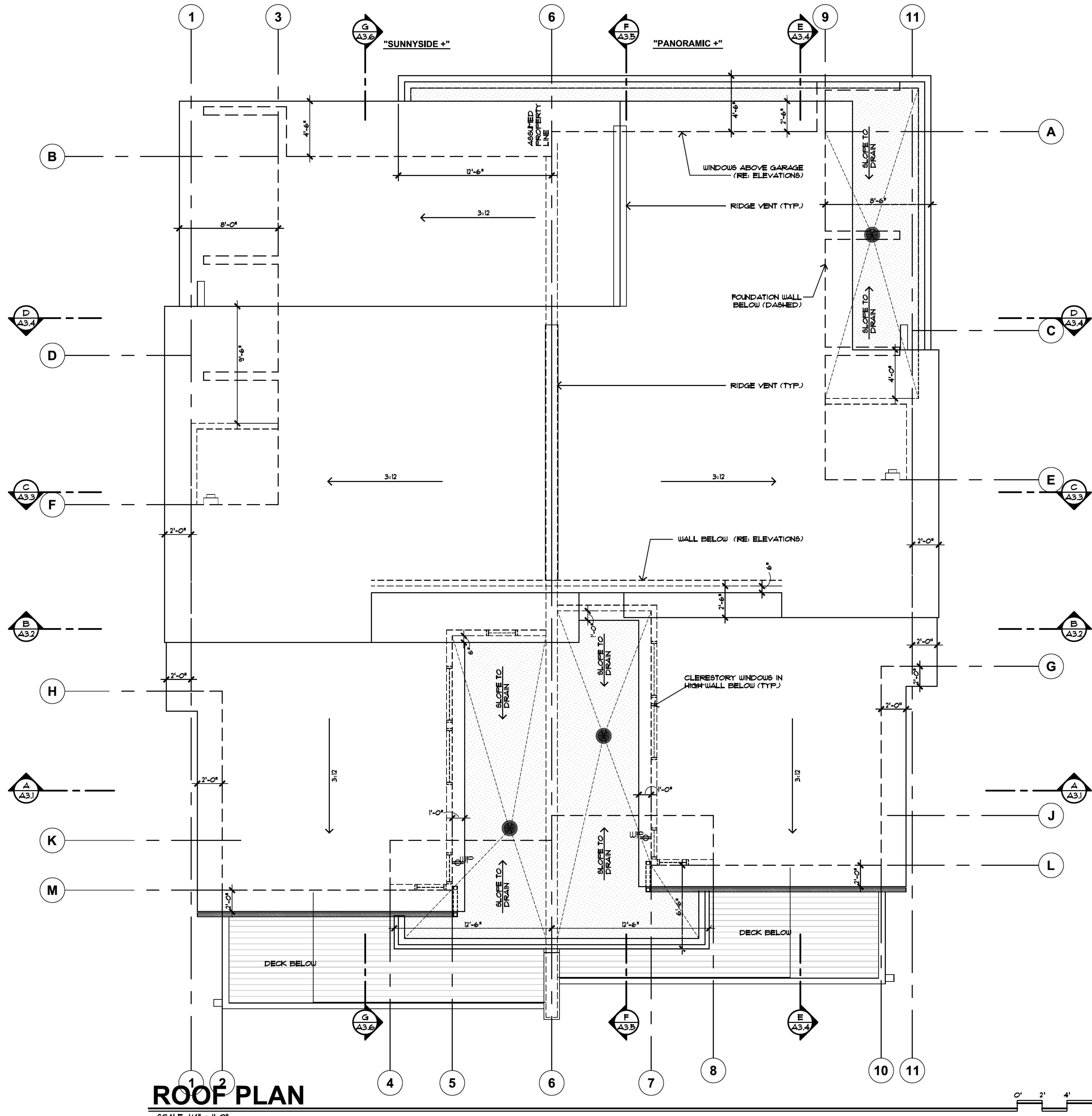
ROOF DRAINAGE:
ALL ROOFS AND DOWNSPOUTS TO DISCHARGE WATER TO RIP RAP AREAS AND NOT TO PAVED WALKS OR PATIO AREAS. COORDINATE WITH CIVIL AND SOILS ENGINEER FOR DETAILED SITE DRAINAGE. SLOPE ALL GRADES AWAY FROM BUILDING PER Specs AND GENERAL NOTES.

COLD ROOF NOTE:

THIS PROJECT INCLUDES A "COLD ROOF" DESIGN. PROVIDE INSULATION BAFFLES AT ALL RAFTER SPACES AND HOLD DOWN VALLEY FRAMING TO ENSURE AIRFLOW ABOVE ALL VALLEYS. THIS INCLUDES FLUSH VALLEYS (SEE DETAIL). IF NECESSARY DRILL HOLES FOR VENTILATION AS ADVISED BY THE STRUCTURE ENGINEER. THIS INCLUDES BEAMS AND AREAS WHERE RESTRICTED AIR FLOW FROM GABLE VENTS OR RIDGE VENTS. PROVIDE 1" DIAMETER HOLES @ 8" O.C. IN THESE AREAS. RETAIN 1 1/2" OF BEAM ABOVE VENTILATION HOLES. VERIFY WITH ENGINEER.

ROOF NOTES:

1. SEE SHEET SP1 FOR BUILDING HEIGHT CALCULATIONS.
2. PROVIDE HEAT TAPE @ HEATED GUTTERS & DOWNSPOUTS.
3. PAINT ALL EXPOSED PIPING EXTENDING THROUGH ROOF TO MATCH ROOF.
4. PROVIDE VALLEY FLASHING AT ALL VALLEYS
5. OVERHANG DIMENSIONS ARE TO END OF RAFTER/TRUSSES - SEE DETAILS
6. REFER TO PLAN FOR ALL ROOF OVERHANGS
7. PROVIDE KICK-OUT FLASHING AT ALL EAVE/WALL JUNCTURES.
8. PROVIDE ADDITIONAL SOFFIT OUTLETS FOR HEAT TAPE AT HEATED GUTTERS & SEASONAL LIGHTING - LOCATE PER OWNER INPUT.



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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION: 06/9/22

bph Partners
 P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 455-6880
 213 AND 215, LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO

LAKOTA RESERVE - BUILDING 10



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BUILDING 10
A3.1
 SECTIONS

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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION: 06/9/22

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 160 EAST ADAMS
 LAKOTA RESERVE - BUILDING 10
 213 AND 215, LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO



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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION: 06/9/22

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 160 EAST ADAMS
 LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO
 213 AND 215,

LAKOTA RESERVE - BUILDING 10

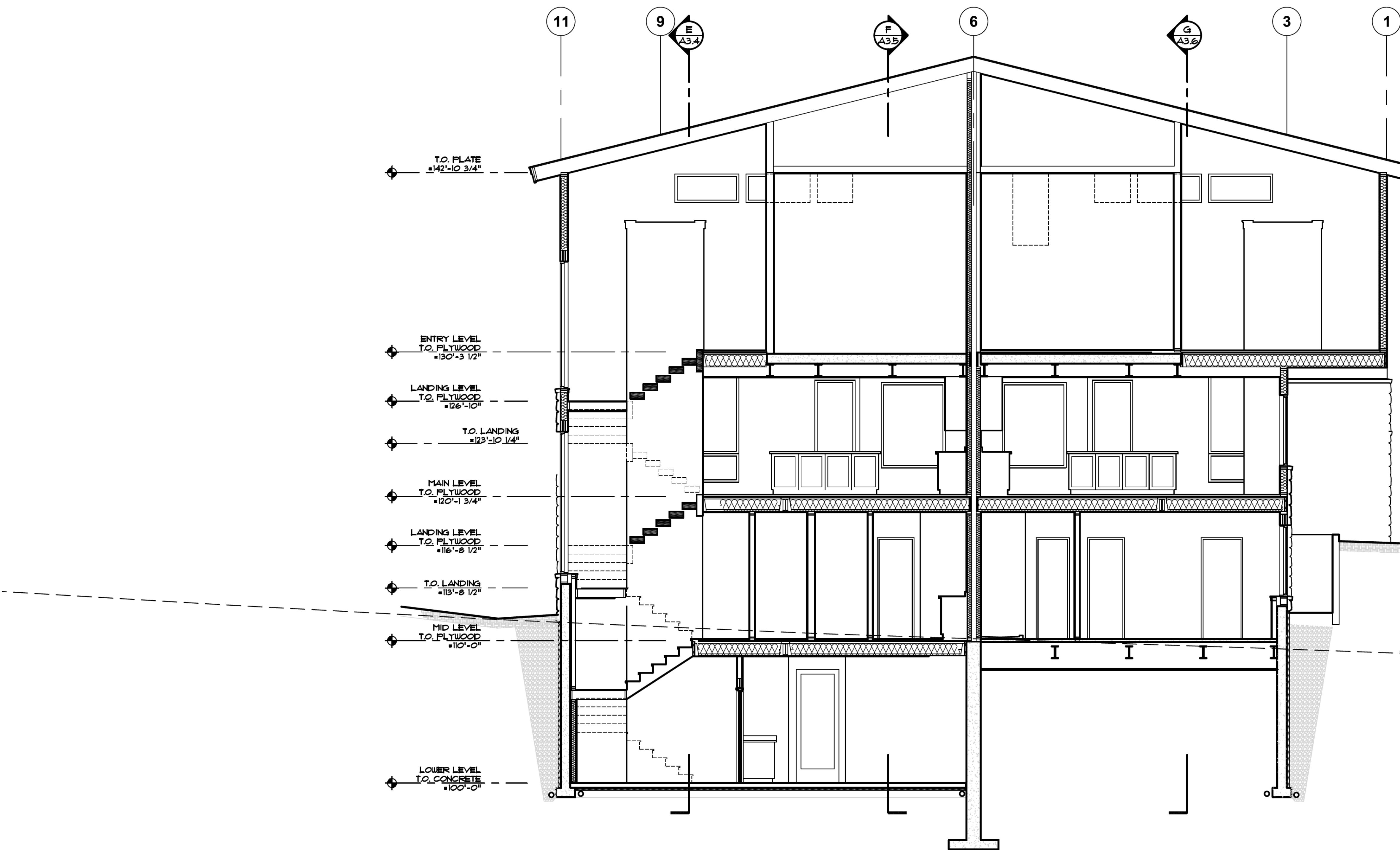
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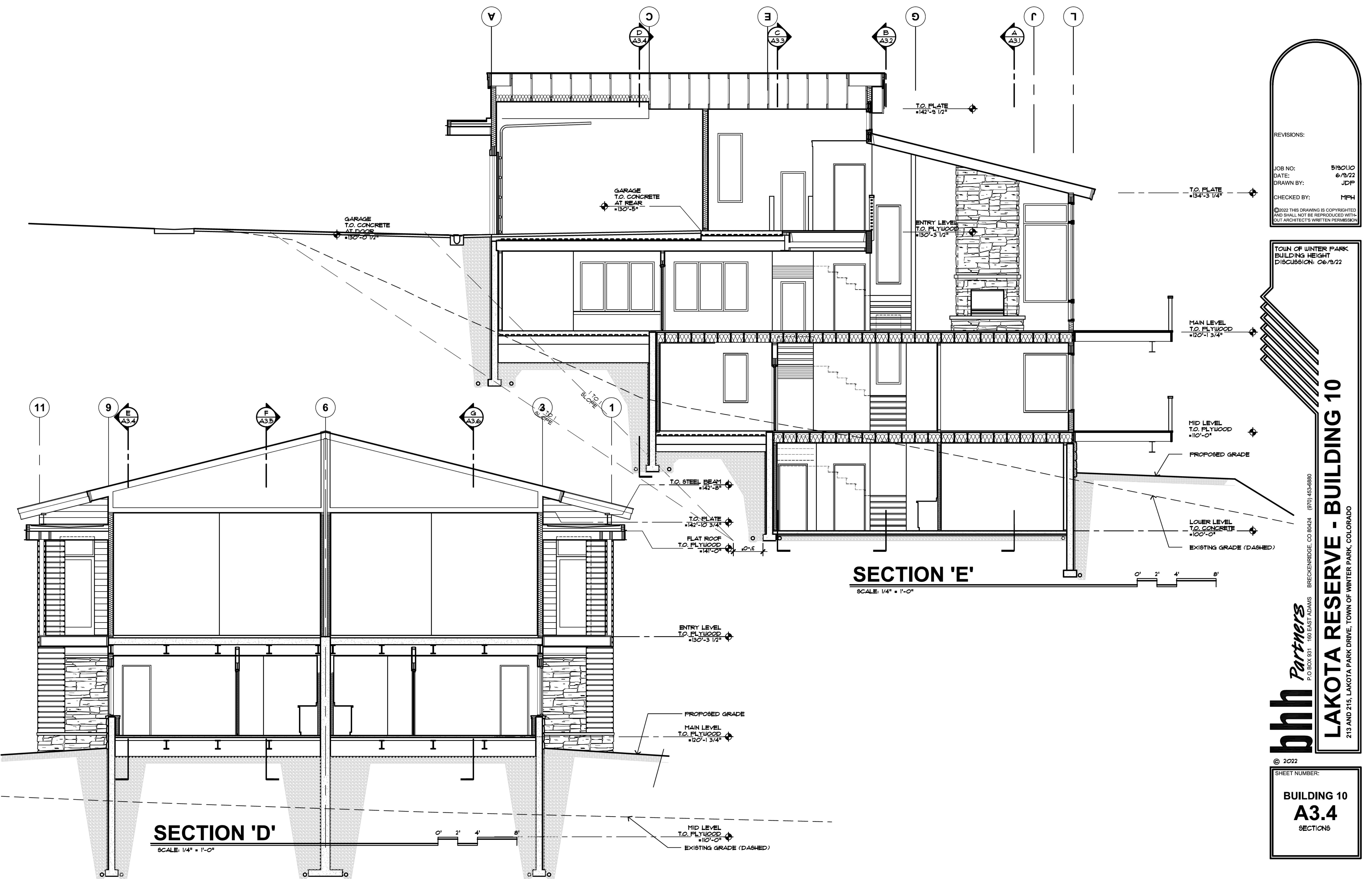
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BUILDING 10
A3.3
 SECTIONS

SECTION 'C'

SCALE: 1/4" = 1'-0"



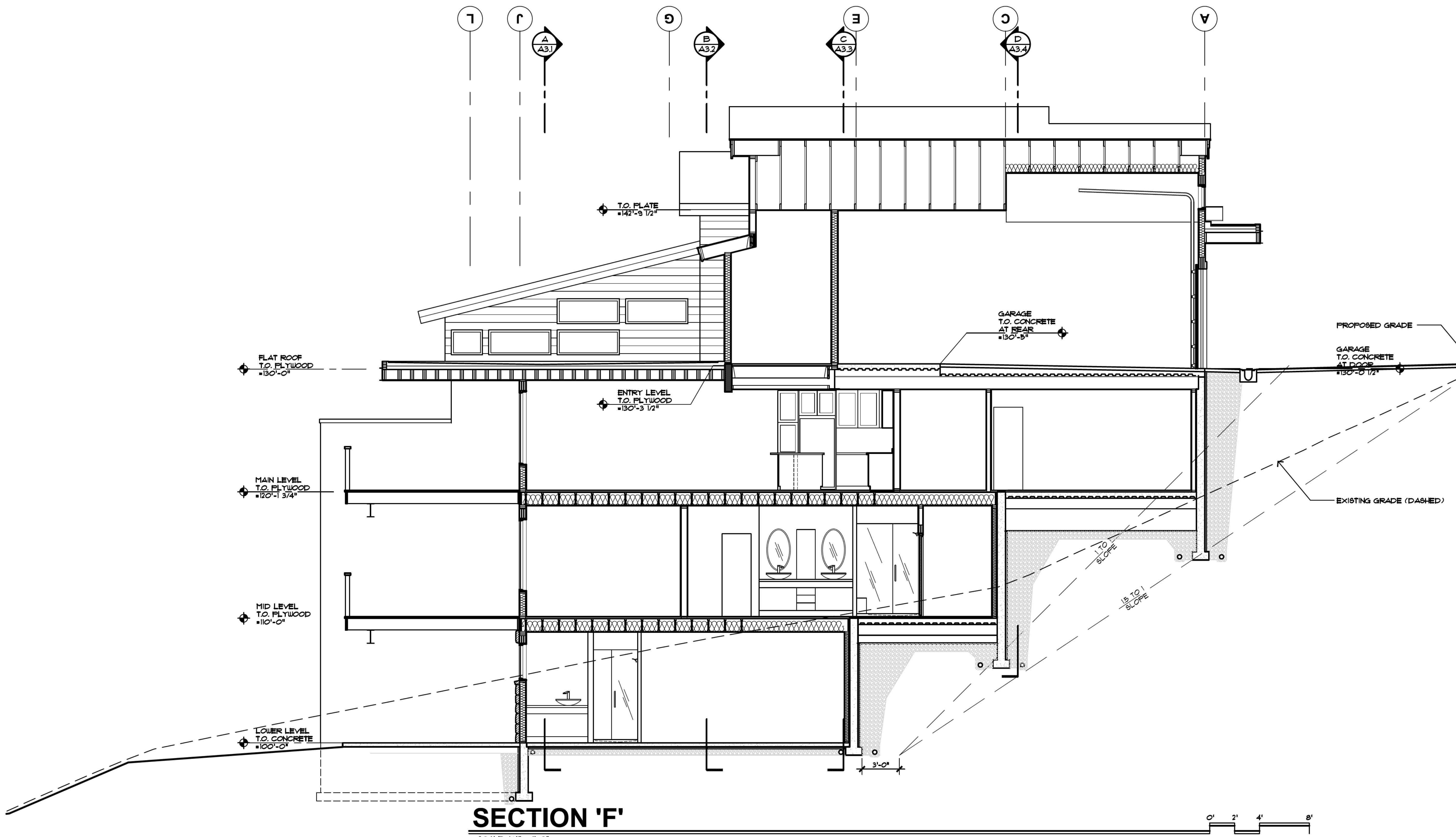


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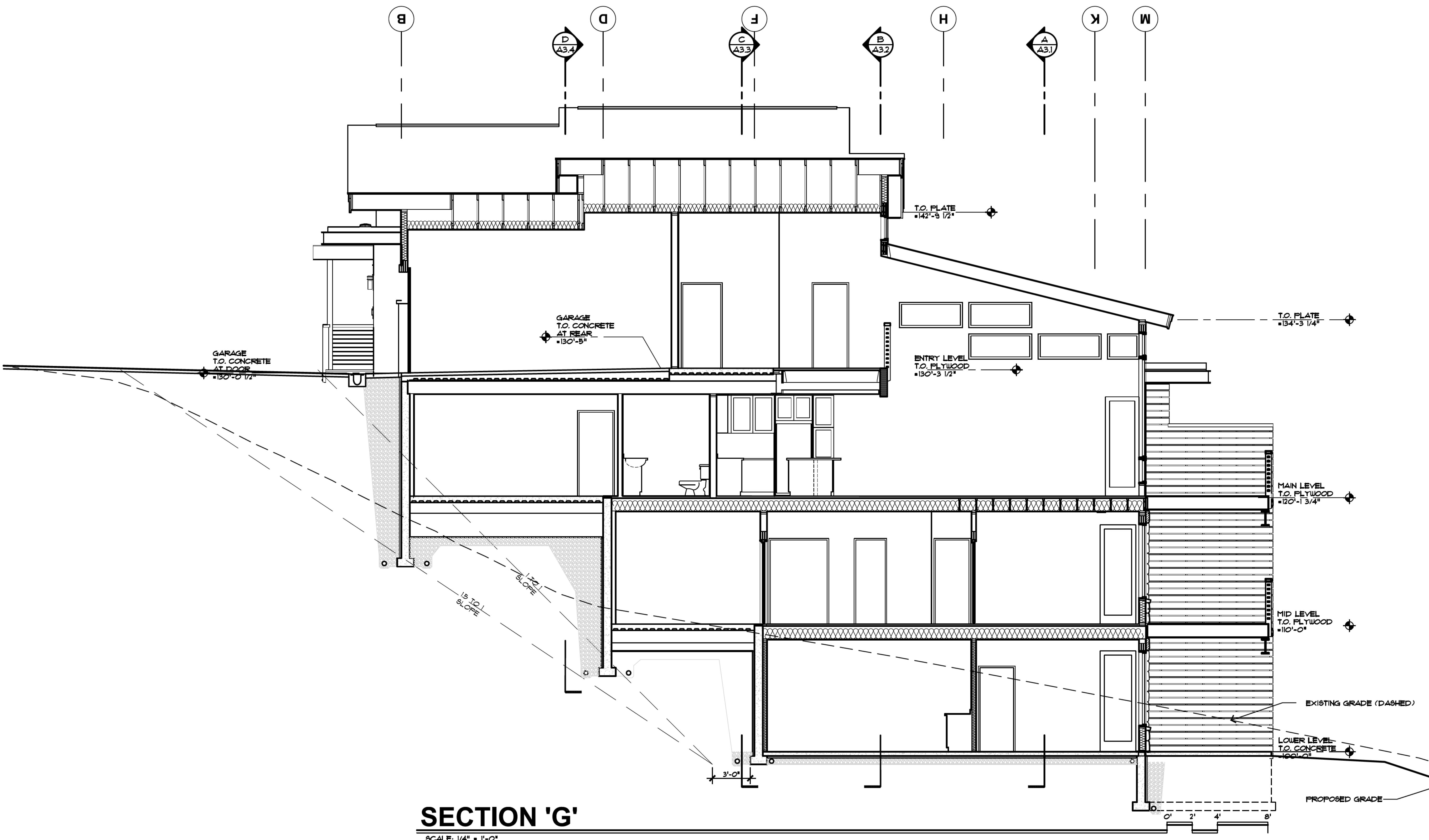
TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 06/9/22

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213 AND 215, LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO

LAKOTA RESERVE - BUILDING 10



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SHEET NUMBER:
BUILDING 10
A3.5
SECTIONS





May 9, 2022

Town of Winter Park
50 Vasquez Road
PO Box 3327
Winter Park, CO 80482

RE: Variance Approval

To the Town of Winter Park,

Representatives of PMWP Development Company ("PMWP") have recently approached the Lakota East Owner's Association to discuss their development and construction plans for completing the Northwoods and Reserve neighborhoods, within the Lakota Park Subdivision. PMWP presented the timelines for completing construction of work in progress, as well as the designs and schedules for the remaining duplexes planned for construction. As part of these discussions, it was brought to the Board's attention that PMWP is seeking a variance, relating to measurements of building heights for Lakota Reserve Buildings 9 and 10.

The Lakota East Owner's Association ("the Association") acknowledges the Town of Winter Park generally measures building heights from the more restrictive of the existing or proposed finish grade. The Association also understands that the building heights of the two side elevations for Reserve Buildings 9 and 10 exceed the Town's prescribed limits, if measured from existing grade. However, if measured from finished grade, the building's elevations will appear much lower in height, because the buildings are designed to step up the hillside between Reserve Way and Lakota Park Drive. Parts of what would otherwise be exposed building walls would be covered by a nominal amount of fill. In addition to the lower building heights, the proposed finish grade will improve grading and drainage in the Reserve neighborhood. We also understand that the front and rear elevations are well within prescribed height limits, whether measured from existing or the proposed finished grade.

The Lakota East Owner's Association Board believes that a strict interpretation of the Town's code, using existing grade to measure building heights, is detrimental to the Reserve neighborhood and all neighborhoods within Lakota East.

If the requested variance is not granted, PMWP will be forced to use a flat roof design, to strictly comply with the Town's code. We note that there are at least two problems with the potential use of a flat roof design. First and foremost, flat roof systems are not allowed in any neighborhood within Lakota East as stated in the Lakota East Design Guidelines. However, to the extent the Association were to grant a variance for use of a flat roof, a second problem would occur. The finished homes (Reserve Building 9 and 10) would be non-conforming and would be aesthetically inconsistent with the twenty other homes built and sold within the Reserve at Lakota. The Association submits, it is imperative to preserve the prominent architectural features and design elements throughout all 12 buildings (24 homes) in the entire Reserve neighborhood – including Reserve Building 9 and 10. Keeping the current building design, without large-scale adjustments to roof designs (i.e., introducing flat roofing systems) enhances curb appeal whether viewing from Reserve Way or Lakota Park Drive. The small areas of proposed fill for height variance purposes will be largely imperceptible versus the introduction of non-conforming flat roofs.

In conclusion, the Lakota East Owner's Association contends that PMWP's planned design for Reserve Buildings 9 and 10 is more of an improvement than a detriment. We strongly encourage the Town of Winter Park to grant the variances requested by PMWP to measure building heights from proposed finished grades.

Thank you,



Stuart Huster
President

Legal Description/Street Address of the Property

Address: 213 and 215 Lakota Park Drive, Winter Park, Colorado 80462

Legal Descriptions: Lot 99-S, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado

Applicant: PMWP Development Company, a Colorado corporation.

Description of Variance Requested

The applicant requests a variance to allow for portions of the side yard rooflines of Reserve Building 10 planned for construction as a duplex home on the referenced property to be measured from finished grade, rather than existing grade, due to the heavily manipulated natural grade of the property undertaken by Rick Hermes and his company, Community Concepts, prior to his 2012 financial failure.

During installation of Lakota Park Drive and subterranean utilities infrastructure, Hermes deeply cut the hillside to the north and east of the subject property and dumped extreme fill quantities from the road cut down hill across portions of the property and the adjoining Lot 99-Q (planned for Reserve Building 9). Hermes never regraded the slope of either the property or Lot 99-Q to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive. As a result, the current grade of Lot 99-S is unnaturally steep along Lakota Park Drive and Reserve Way leaving a shallow bench in between. Therefore, the manipulated grades should not be considered to be the "existing" (i.e., natural) grade of the property. The applicant requests that the height of Reserve Building 10 be measured from the planned finished grade of the property, which is designed to restore small side areas of the property to a condition that is compatible with their pre-Hermes natural slope condition.

If the height of Building 10 is measured from the planned finished grade, no variance from the Town's residential design guidelines is required.

Conversely, if the Building 10 height is to be measured from the currently unnatural existing property grade, the applicant requests an overall height not to exceed 42'-0" for the intermediate roof step along the easterly side elevation. This represents no variance from the 42'-0" dimension when measured from the point of existing grade (Reference Point A) and accordingly, requests a midpoint height not to exceed 37'-7" for the intermediate roof step representing a 2'-7" variance from the 35'-0" dimension when measured from the point of existing grade (Reference Point B). As for Building 10's westerly side elevation, the applicant requests an overall height not to exceed 43'-8" for the intermediate roof step and a midpoint height not to exceed 39'-10". This represents an overall variance of 1'-8" (Reference Point A) and a midpoint variance of 4'-10" (Reference Point B) when measured from the points of existing grade.

The applicant submits that no variance is required for the front (northerly) elevation and rear (southerly) elevation as the relevant roof heights fall within Town of Winter Park design guidelines. Only the two side elevations (easterly and westerly) are subject to this variance request.

A list of property owners located within 300' of the property is attached as Exhibit A. The current and proposed conditions of the property are depicted respectively on the Site Plan attached as Exhibit B and the Building Elevations attached as Exhibit C. A land survey is attached as Exhibit D. Letters of support for this application are attached as Exhibit E.

Allowing the requested variance so that the Building 10 height is measured from proposed finished grade rather than existing grade will allow Building 10's architecture and roofline to match the other Reserve at Lakota homes located along Lakota Park Drive and Reserve Way, and will allow Building 10 to yield a reasonable economic return on investment upon its eventual sale.

The Variance is Consistent with the Intent and Purpose of the Master Plan

The Reserve at Lakota is designed by the applicant to have a consistent architectural style and theme among all the homes located in that neighborhood. Allowing the requested variance will permit Building 10's architecture and roofline to match the existing and remaining planned homes in The Reserve.

The applicant has researched multiple options to design and orient the building on the property in order to meet the Town's requirement for measuring building height from the more restrictive of finished or existing grade, no matter how unnatural that grade may be. For example, Building 10 could be designed with flat roof sections in the requested variance areas, but then the Building 10 roofline would not match The Reserve's architectural style or theme. Not only would this be inconsistent in its look but further, flat roofs are prohibited in Lakota East by the Subdivision's Architectural Design Guidelines. The applicant also assessed lowering the Building 10 duplex structure further into the property, but then the driveway providing access to Building 10 would exceed the Town's maximum grade requirements. Another option reviewed considered moving the Building 10 duplex structure further up the slope, but by the time the height measurement point of reference became compliant, the Building 10 structure would be located within the 20' front yard setback area. Moreover this condition would create excavation cut slopes for foundations which both exceed geotechnical design parameters and involve shoring systems which could impair maintenance/upkeep of the subterranean utilities along Lakota Park Drive. There is no option to move Building 10 further to the west or to the east because the slope condition is consistent across the property.

In summary, the requested variance is consistent with the intent and purpose of the Lakota master plan for The Reserve neighborhood and no other viable options exist to address the manipulated condition of the current property grade.

The Board Has the Power to Grant the Requested Variance

Winter Park Ordinance Section 7-8-1(A)(4) gives the Board of Adjustment the authority to grant the requested variance where by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties to, or unusual and undue hardship upon, the owner of the property, so long as the granting of the variance does not substantially impair the purpose of the zoning plan.¹ The conditions are met here. As detailed above and further below, nothing about the variance requested impairs the purpose of the zoning plan. The need for the variance results from the unusual steep topography of the property that was caused many years ago by a failed developer.

The variance will improve the neighborhood's character as it will provide for an architecturally consistent design and building structure that is in line with the quality and value of the surrounding homes.

The Variance Satisfies the Three Necessary Conditions

The conditions that must exist for the Board of Adjustment to grant the variance apply here.

- 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.**

The unusual and unnatural topography of the property make an economically acceptable building design challenging. It should be noted that the applicant had nothing to do with the extreme fill and awkward grading of the property performed by the prior failed developer. All possible design alternatives have been explored, but none of them would result in an architecturally consistent building design that also satisfies all other Town and Lakota Park requirements.

¹ "Whereby reason of unusual narrowness, shallowness or shape of a specific piece of property at the time of the enactment hereof, or by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties to, or unusual and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict an application so as to relieve such difficulties or hardship; provided, such relief may be granted without substantially impairing the intent and purpose of the zoning plan as embodied in this title and the master plan."

As illustrated in Exhibit B and Exhibit C, the current proposed design meets the goal of allowing for an economically feasible duplex structure to be built on the property consistent with the master plan. Any viable alternative would involve a substantial reduction in the size of the Building 10 duplex structure, rendering it financially unappealing to build (i.e. construction costs would either exceed sales prices or positive returns would be below market averages).

Therefore, this variance would allow the applicant to yield a reasonable return on the property, allowing it to build a viable residential duplex in line with the quality of the other properties in The Reserve neighborhood without undue expense.

2. The plight of the owner is due to unusual circumstances.

As detailed above, the steepness of the property is due to the unusually extreme fill and awkward grading of the property performed by Rick Hermes prior to his financial failure. Allowing a variance would accommodate construction of an architecturally appealing duplex structure that is consistent with the intent and purpose of the master plan.

3. The variance, if granted, will not alter the essential character of the locality.

The variance, if granted, will not alter the essential character of the locality as a residential neighborhood consisting of architecturally consistent duplex homes. By measuring the height of Building 10 from proposed finished grade, the applicant can achieve a consistent neighborhood aesthetic and an appropriate design which is compatible with the other Reserve duplex homes already constructed. Strict adherence to the Town's residential design guidelines which measures building height from the most restrictive of either finished or existing grade (no matter how unnaturally existing grade has been manipulated) compels a building design which incorporates a flat roof over nearly 70% of the total roof area of the Building 10 structure in order to comply with the Town's height limitations based on current site conditions. The applicant submits that the requested variance is not only consistent with the essential character of the locality (because it allows for a continued homogeneous design), but a failure to grant the variance would negatively alter the essential character of the locality (due to the incorporation of a flat roof design which is not permitted under the Lakota East design guidelines).

Applicable Factors Favorable to Variance Application Request

Below in bold are applicable factors for the Board of Adjustment to consider in determining the variance application request. The factors that are applicable to this request favor the granting the requested variance as follows:

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.

The requested variance meets this criterion, as detailed above. In this case the applicant is requesting the Board of Adjustment to permit height measurement from small area of proposed finished grade. The height of proposed Building 10 when measured from finished grade is compliant with Town design requirements. The applicant's proposed finished grade is neither contrived nor manipulated by the applicant, but rather restores the grade slope of the side areas of the property to a condition that is compatible with their pre-Hermes natural condition. Moreover, the absence of a variance actually prevents the applicant from constructing a sufficiently sized duplex structure that would allow it to earn a reasonable investment return.

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.

The requested variance results from the unusual topography of the property. The property and the adjoining Lot 99-Q planned for Reserve Building 9 contain some of the steepest residential building site grades in

Grand County. Granting a building height measurement variance would not be more broadly applicable to other property within the R-2 zoning classification.

3. The purpose of the variation is not based primarily upon a desire to make more money out of the property.

The applicant is not developing the property with anything other than a residential duplex structure. The variance is not motivated by a desire to make more money out of the property. The variance is requested to allow the applicant to build a sufficiently sized duplex structure that is economically viable with a reasonable return on investment while preserving the neighborhood's architectural design theme.

4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The hardship results from Rick Hermes deeply cutting the hillside to the north and east of the subject property and dumping extreme fill quantities from the road cut down hill across portions of the property and the adjoining Lot 99-Q (planned for Reserve Building 9). Hermes never regraded the slope of either the property or Lot 99-Q to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive. As a result, the current grade of the property is unnaturally steep. This condition was not caused by any conduct of the applicant.

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.

As detailed above, the variation requested would actually allow Reserve Building 10 to be architecturally consistent with the other Reserve duplex homes constructed and being constructed along Lakota Park Drive and Reserve Way. Consequently, and as evidenced by the letters of support attached as Exhibit E, granting the requested 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.

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.

The proposed variance will not impair the supply of light or views of adjacent properties nor increase the congestion in the public streets. It is noted that the north and south elevation building heights are compliant with the Town's height parameters and the USGS elevation of the proposed roof ridgeline remain unchanged whether the variance is granted or not; it is only measurement of the side elevations which are subject to the requested variance. The applicant is neither seeking to increase the property's permitted density nor alter the arrangement of the community in a manner which would endanger public safety. The applicant's duplex design is consistent with the neighborhood's architectural features and sizing and as such the finished product will not impair property values, but rather likely will increase those values.

7. To permit a temporary building which is used for a permitted use or a temporary use of land which is not allowed in the town; such permit is to be issued for no longer than one year per application.

This factor is not applicable.

8. To permit the temporary use of vacant land for sand, gravel or clay pits or rock quarries, subject to such restrictions as may be deemed necessary by the board to protect the residential property in the neighborhood.

This factor is not applicable.

9. To permit public utility or public service uses when found to be necessary for the public health, safety, convenience or welfare.

This factor is not applicable.

For all of the foregoing reasons, the applicant respectfully requests that this application be granted without delay.

**FINAL PLAT,
THE RESERVE AT LAKOTA PARK SUBDIVISION**

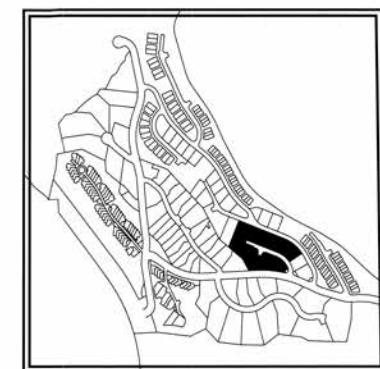
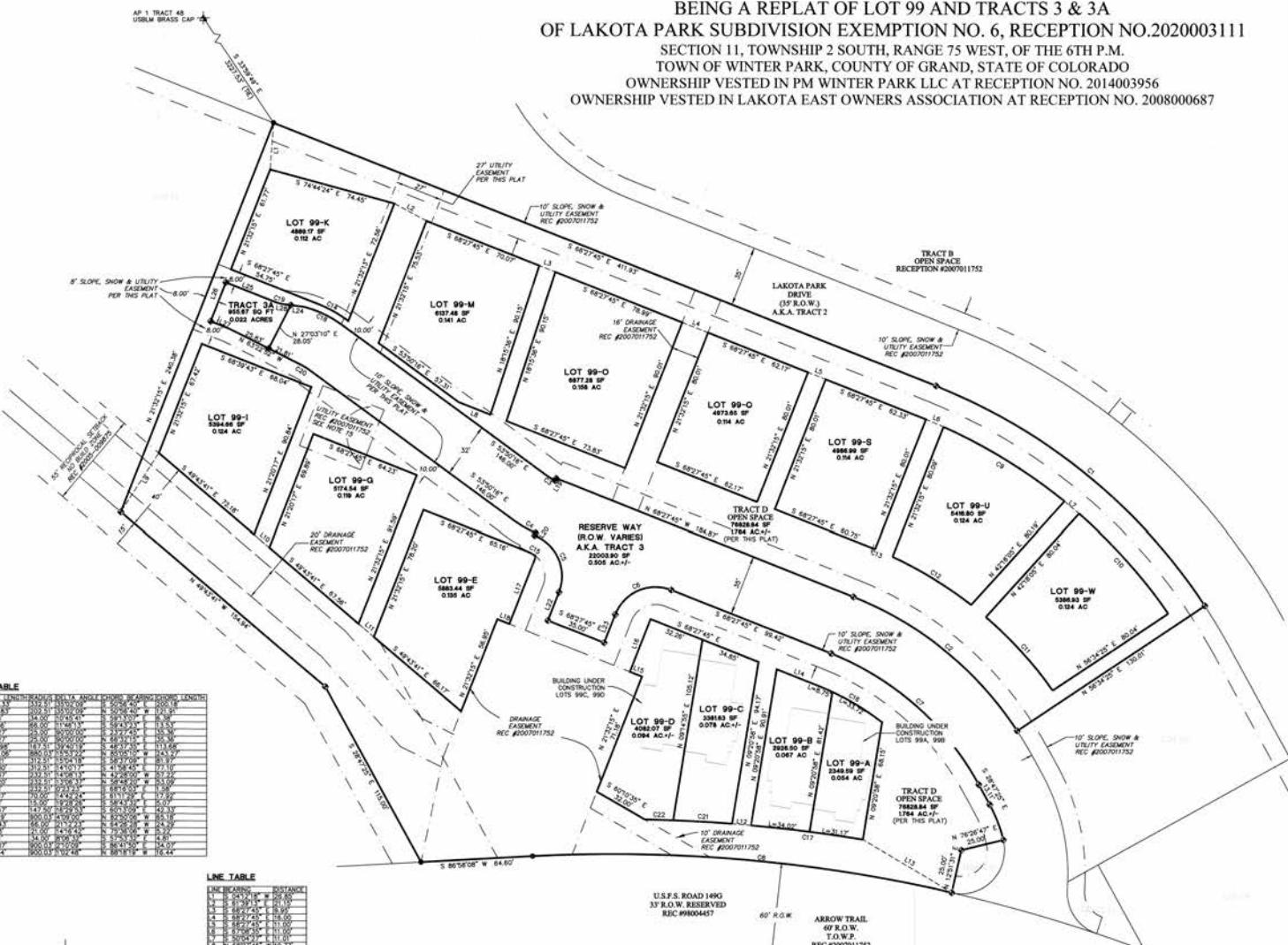
BEING A REPLAT OF LOT 99 AND TRACTS 3 & 3A
OF LAKOTA PARK SUBDIVISION EXEMPTION NO. 6, RECEPTION NO. 2020003111

SECTION 11, TOWNSHIP 2 SOUTH, RANGE 75 WEST, OF THE 6TH P.M.

TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

OWNERSHIP VESTED IN PM WINTER PARK LLC AT RECESSION NO. 2014003956

OWNERSHIP VESTED IN LAKOTA EAST OWNERS ASSOCIATION AT RECESSION NO. 2008000687



LEGEND

- SET 18" LONG #5 REBAR WITH ALUMINUM CAP, PLS #31942
- ♦ FOUND BRASS CAP
- FOUND #5 REBAR
- FOUND #5 REBAR W/ PLASTIC CAP, PLS #22097

LAND USE TABLE:

TOTAL: ACRES %

(14) MULTI-FAMILY RESIDENTIAL LOTS: .383 100.00%

LOT 99-A	.054	1.42%
LOT 99-B	.057	1.56%
LOT 99-C	.078	2.05%
LOT 99-D	.094	2.44%
LOT 99-E	.135	3.54%
LOT 99-F	.119	3.12%
LOT 99-G	.124	3.23%
LOT 99-H	.141	3.70%
LOT 99-I	.156	4.14%
LOT 99-J	.114	2.99%
LOT 99-K	.112	2.94%
LOT 99-L	.141	3.70%
LOT 99-M	.156	4.14%
LOT 99-N	.114	2.99%
LOT 99-O	.124	3.23%
LOT 99-P	.124	3.23%

TOTAL MULTI-FAMILY RESIDENTIAL LOTS: 1.558 40.85%

OPEN SPACE: 1.728 45.32%

TRACT D: 1.728 45.32%

ROADWAY TRACTS: RESERVE WAY-TRACT 3 .505 13.24%

TRACT 3-A .022 0.58%

SNOW STORAGE: TOTAL OF ROADWAY TRACTS .527 100.00%

SNOW STORAGE EASEMENT .408 77.42%

PARKING: OFF STREET PARKING STALLS PROVIDED 48

TIM SHENK
LAND SURVEYING INC.
P.O. BOX 1670
GRAND JUNCTION, CO 81504
(970) 242-1046

STATE OF COLORADO
County of GRAND 1998
Filed for record this 13th day of November 2020
at 9:48 a.m.
Recorded in Book 1
Page 10, folio 100
Fees \$10.00
Deputy

FINAL PLAT,
THE RESERVE AT LAKOTA PARK SUBDIVISION
S-11, T-2-S, R-75-W, 6TH P.M.
TOWN OF WINTER PARK, COUNTY OF GRAND,
STATE OF COLORADO
SHEET 2 OF 2



JOB: 18007 DWG: 18007.RESERVE FINAL PLAT18 SHT2 DATE: 11/13/2020 DRAWN BY: CT
CRD: 18007.36

2020011191

Hugh Bell

From: Graham & Kathy Tew [REDACTED]
Sent: Wednesday, June 01, 2022 11:31 PM
To: Hugh Bell
Subject: Zoning Variance Requests

Dear Mr Bell,

We write to you today to whole-heartedly object to the requests for zoning variations made by PMWP Development Company in respect to property owned by it at 213, 215, 217, 219 Lakota Park Dr Winter Park.

The documentation pertaining to these requests states that ALL three conditions must be met in order for the Board of Adjustment to agree to their request for a variation. They do not meet either of the first two.

The first condition states that "*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*".

What is considered to be "a reasonable return"? Why should it be expected that there is any return? This is residential land where people can build homes and live their lives. When the Town of Winter Park permitted the development of the Lakota sub-division, was it done solely for the exclusive use of property developers to hold the land and then reap a windfall further down the track? I doubt it. Just because a developer, out to maximise profits, wants to build as much living space as they can possibly squeeze on a almost impossible site, why should they be granted any relaxation of the rules? My understanding is that the applicant purchased a large number of lots in the Lakota sub-division as a result of a bank foreclosure. The Town of Winter Park does not owe the developer whatever they may think is a reasonable return. To suggest that they do is laughable.

The second condition states "*the plight of the owners is due to unusual circumstances*".

What is their plight? They bought land at a low cost. They had every opportunity to do their due diligence before closing, and now that they find that they cannot build EXACTLY what they would like to build to MAXIMISE their profit, they want to have the rules bent.

To now claim after all these years that Hermes did a slap-happy job and dumped unwanted excess dirt on the site and that that action is now "rendering them financially unappealing to build" on, is again just farcical. As no changes to the gradient of the property has been made by any third party since PMWP Development Company purchased it, they have also failed to meet this condition; THERE IS NO PLIGHT!

Furthermore, to support their case, they have stated that this is NOT about making money It is ONLY about making money!

They further state that the difficulties with the site have arisen because of the actions of someone that has no interest in the site. Yes, this may have been the case, but the issues were very evident before they bought the property!

As the applicant has clearly failed to meet either of the first two conditions, we respectfully request that the Board of Adjustment DENY their request for any variation.

Graham & Kathy Tew
212 Lakota Park Dr Winter Park

From: [Sessa, John](#)
To: [Hugh Bell](#)
Cc: [Sessa, Amanda](#)
Subject: Variance request for lots 99-Q and 99-S, The Reserve at Lakota Park Subdivision
Date: Thursday, May 26, 2022 8:51:55 AM

Dear Mr. Bell,

I am the owner of 210 Lakota Park Drive. I purchased my lot and built my home over 10 years ago with the expectation that my view of the ski mountain would not be significantly blocked by future development. In part, this expectation relied on the town's building height requirements.

I am strongly opposed to the town granting the requested variances because the higher structures will significantly block my view of the mountain. This will diminish the enjoyment of my property, and it will decrease its value.

The developer has options to re-design the plan or location of the structure in order to comply with the Town Code. It is obvious that the developer is wanting to make the homes as high as possible in order to maximize their mountain view. Their request isn't due to a hardship created by someone else as they claim, but it is about maximizing the mountain view and value of their investment.

I hope that The Board of Adjustment considers the negative impact of the requested variance to myself and my property when making a determination.

Please confirm that you received this email, and please let me know if you have any questions.

Respectfully,

John Sessa
SWBC Mortgage Corporation
Branch Manager | Sr. Loan Officer | NMLS #257361



1023 Walnut Street #100 Office 213 | Boulder, CO 80302

O: 303.545.9600 | **M:** 303.638.8585

F: 877.906.6346 | [REDACTED]
sessaloans.com

[APPLY TODAY!](#)



From: [Todd Mohr](#)
To: [James Shockey](#); [Hugh Bell](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:34:07 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: Ashley Cunningham [REDACTED]
Date: Wednesday, May 11, 2022 at 10:28 AM
To: Todd Mohr <[REDACTED]>
Subject: Re: PMWP Development Variance Application and Request for Support

To Whom It May Concern:

We at 401 Reserve Way are in full support of this request!

Ashley Cunningham
214-957-0540

On Tuesday, May 10, 2022, 08:53:10 AM CDT, Todd Mohr <[REDACTED]> wrote:

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter

Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

All other duplex building height measurements within the Northwoods and Reserve neighborhoods are fine as is, and no additional variances are anticipated for completing design and construction.

As shown by the hatched/ shaded areas in the attached site plans and architectural drawings, PMWP is planning to add fill dirt along the sides of Reserve Buildings 9 and 10 such that the measured building heights remain within the Towns guidelines.

PMWP respectfully requests your support for its variance application with the Town of Winter Park. We would like to show the Town that our Northwoods and Reserve neighbors endorse the change. Please indicate your approval and support via a simple response to this email. If you have any questions, please feel free to contact me.

Thank you and best regards,

Todd Mohr

Principal
Windham Project Services Ltd.


+1 303.681.7527



From: [Todd Mohr](#)
To: [Hugh Bell](#); [James Shockey](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:35:20 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Northwoods homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd |

+1 303.681.7527



From: "Johnson, Dean" <[REDACTED]
Date: Tuesday, May 17, 2022 at 8:57 AM
To: Todd Mohr [REDACTED]
Subject: RE: PMWP Development Variance Application and Request for Support

Understood, Tom. I am in support. Thanks for the heads up.

Dean Johnson, Chief Commercial Officer
☎ (303)378-4519 cell | ☎ (770) 951-6122 Office [✉ dean.johnson@gentiva.com](mailto:dean.johnson@gentiva.com)



From: Todd Mohr <[REDACTED]
Sent: Tuesday, May 10, 2022 9:53 AM
Cc: Todd Mohr [REDACTED]
Subject: [EXTERNAL] FW: PMWP Development Variance Application and Request for Support

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

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PMWP respectfully requests your support for its variance application with the Town of Winter Park. We would like to show the Town that our Northwoods and Reserve neighbors endorse the change. Please indicate your approval and support via a simple response to this email. If you have any questions, please feel free to contact me.

Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



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From: [Todd Mohr](#)
To: [Hugh Bell](#); [James Shockey](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:30:57 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services [REDACTED]
[REDACTED]
+1 303.681.7527



From: Greg Vartanyan <[REDACTED]>
Date: Tuesday, May 10, 2022 at 3:39 PM
To: Todd Mohr [REDACTED]
Cc: "Adam S. Vartanyan" [REDACTED]
Subject: Re: PMWP Development Variance Application and Request for Support

Hi Todd,

I thought we had responded to this before, but if not, please consider this our support for the variance application you seek on the units in our neighborhood.

Greg Vartanyan
403 Reserve Way
Winter Park, CO 80482

On May 10, 2022, at 7:53 AM, Todd Mohr <[REDACTED]> wrote:

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

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PMWP respectfully requests your support for its variance application with the Town of Winter Park. We would like to show the Town that our Northwoods and Reserve neighbors endorse the change. Please indicate your approval and support via a simple response to this email. If you have any questions, please feel free to contact me.

Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527

<image001.jpg>

<51901.10_SP1-site.pdf><51901.9_A2.1 & A2.2[2].pdf><51901.10_A2.1 & A2.2[1].pdf>

<Lakota Reserve Building 11 - 209 & 211 Lakota Park Drive - Site Plan_220427.pdf>

Hugh Bell

From: Todd Mohr <tmohr@windhamltd.com>
Sent: Friday, May 27, 2022 12:34 PM
To: Hugh Bell; James Shockey
Subject: FW: PMWP Development Variance Application and Request for Support

Good Afternoon Hugh and James,

Please see additional correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]
+1 303.681.7527



From: Reed Heitmann <[REDACTED]>
Date: Friday, May 27, 2022 at 12:13 PM
To: Todd Mohr [REDACTED]
Subject: Re: PMWP Development Variance Application and Request for Support

To whom it may concern,

As owners of the property at 303 Reserve Way in the Lakota Subdivision, Molly Miller and Reed Heitmann both approve the requested height variance.

-Reed and Molly

From: Todd Mohr [REDACTED]
Sent: Tuesday, May 10, 2022 7:53 AM
Cc: Todd Mohr [REDACTED]
Subject: FW: PMWP Development Variance Application and Request for Support

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

All other duplex building height measurements within the Northwoods and Reserve neighborhoods are fine as is, and no additional variances are anticipated for completing design and construction.

As shown by the hatched/ shaded areas in the attached site plans and architectural drawings, PMWP is planning to add fill dirt along the sides of Reserve Buildings 9 and 10 such that the measured building heights remain within the Towns guidelines.

PMWP respectfully requests your support for its variance application with the Town of Winter Park. We would like to show the Town that our Northwoods and Reserve neighbors endorse the change. Please indicate your approval and support via a simple response to this email. If you have any questions, please feel free to contact me.

Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: [Todd Mohr](#)
To: [James Shockey](#); [Hugh Bell](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:32:42 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: Travis Martin [REDACTED]
Date: Friday, May 13, 2022 at 4:01 PM
To: Todd Mohr [REDACTED]
Subject: Re: FW: PMWP Development Variance Application and Request for Support

Todd, I support this variance request to preserve the aesthetic appeal of the neighborhood.

Thank you,

Travis Martin
203 Reserve Way
Winter Park, CO

On Tue, May 10, 2022 at 7:53 AM Todd Mohr <[REDACTED]> wrote:

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code

variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

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Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.


+1 303.681.7527



Travis Martin
President
Utility Trailer Interstate
www.utilitytrailer.net
Office: 303-295-1197
Cell: 720-323-3762



MEMO

TO Board of Adjustment

FROM Hugh Bell, Planner

THRU James Shockey, Community Development Director

DATE June 14, 2022

RE Building Height Variance Request – 217 and 219 Lakota Park Drive – Lot 99-Q, Reserve at Lakota Park Subdivision (PLN22-047)

Applicant: PMWP Development Company

Description of Property:

The property is zoned R-2, Multiple-Family Residential District, with a P-D (Planned Development) overlay, with the following entitlements:

Setbacks – 20' front / 15' rear / 5' side plus 3' for each additional story above the first

Building Coverage – 40% maximum

Building Height – 35' midpoint / 42' overall

Variance Request:

Request to increase maximum midpoint building height from 35'-0" to 40'-9" and to increase maximum overall building height from 42'-0" to 44'-7" for a single-family attached structure.

Owner's Reasons Why the Variance Should Be Granted:

See application for details.

Applicable Town Code:

§ 7-4B-4, BUILDING REQUIREMENTS:

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)

§ 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):

§ 7-8-1(B): 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.

§ 7-8-1(C): 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 § 7-8-3 of the Town Code. A Public Notice was published in the Middle Park Times on May 26, 2022, providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property on May 23, 2022 and the property was posted on May 23, 2022.

Seven (7) comments have been received as of June 8, 2022 and are attached. Five (5) comments support the request and two (2) comments oppose the request.

Staff Comments:

Applicant proposes constructing a new single-family attached dwelling unit and requests to exceed maximum permitted midpoint building height of 35' by 5'-9" and to exceed maximum overall building height of 42' by 2'-7".

The lot does meet current R-2 and P-D requirements.



Applicant cites the hardship as the soil fill that was added to the lot by a prior development company, Community Concepts. The soil fill was added due to soil cuts made to create Lakota Park Drive and to allow for trenched subterranean utilities. This grade manipulation occurred prior to 2012. The Town calculates building height by measuring from the existing or proposed grade, whichever is more restrictive. Applicant argues that the building height should not be measured from the manipulated grade, i.e., the existing grade, but instead be measured from the proposed grade, which Applicant states resembles the grade prior to its manipulation.

Applicant states they have considered other designs to avoid petitioning for a variance but that these are unfeasible. These include using a flat roof, which is unfeasible as the HOA (Lakota East HOA) prohibits flat roofs; lowering the structure into the property, which is unfeasible because the driveway grade will exceed that allowed; moving the structure further up the slope, which is unfeasible because the structure would be encroaching into the 20' front yard setback by the time the height complied with building height requirements; and shifting the building to the west or east, which is unfeasible because the manipulated grade condition exists across the lot.

In May 2022, the applicant submitted a Design Review Application, which was denied by staff on the grounds that a variance must be granted to proceed with the plans as proposed. The applicant did not submit any alternative elevation drawings. Per staff's measurements on section cuts (attached) submitted, ceiling heights for Building 9 are 8'-11" (first and second floor); 8'-1" and 13'-11" (third floor, hallway and living room, respectively); and 12'-4" and 15'-8" (fourth floor, mudroom and garage, respectively). The garage door is only 8' tall.

Staff believes a 12'-4" mudroom ceiling and 15'-8" garage ceiling for the fourth floor is gratuitous, especially given the top of the garage door is roughly 7' lower than the garage ceiling. Staff believes the fourth-floor ceiling heights could be reduced as needed to bring the affected elevation into compliance with Code.

Staff Recommendation:

Staff does not find a proven hardship with the property or support approval of this variance request for the following reasons. The applicant has not provided evidence showing the property cannot yield a reasonable return in use or service if required to adhere to the maximum building height requirement. Code, § 7-8-1(B)(1). The applicant has described their unusual circumstance preventing conforming building height as the existing grade being too restrictive because of the prior developer's grading activity. However, Applicant should have done their due diligence before purchasing the property and designed a structure that would comply with the building height requirements. Overlot grading occurred throughout this subdivision and included this lot. For large subdivisions, the Town considers the grade produced by the overlot grading to be the new "existing" grade; the Town has used this method for other properties the applicant has developed within this and other nearby subdivisions (i.e., North Woods at Lakota Park). Additionally, the alleged difficulty or hardship seems to come about due to the proposed design, which includes a 12'-4" mudroom ceiling and 15'-8" garage ceiling on the fourth floor, which per Code § 7-8-1(C)(4) does not favor approval of this variance. This could be reduced to still allow for a comfortable ceiling height while bringing the design into conformance.

The particular physical surroundings, shape, and topographical condition of the property do not preclude a conforming design. Rather, the alleged difficulty or hardship seems to come about due to the proposed design, which appears to have a relatively high ceiling on the third floor, which per Code § 7-8-1(C)(4) does



not favor approval of this variance. This could be reduced to still allow for a comfortable ceiling height while bringing the design into conformance.

However, this is a decision for the Board to make, and the Board may choose to approve or deny based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Board can rely on or the decision the Board makes.

Sample Motion for Denial:

I move to deny the request for the reasons discussed today and as set forth in the staff report, finding the applicant has failed to meet all three criteria required by Code, § 7-8-1(B) in that:

1. The applicant has not provided evidence showing the property cannot yield a reasonable return in use or service using alternate building designs that adhere to the building height requirement; and
2. The applicant has not described unusual circumstances that prevent a new design from being produced while conforming with the building height requirement.

Sample Motion for Approval:

I move to approve the request for the reasons discussed today, finding the applicant meets all three criteria required by Code, § 7-8-1(B) in that:

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 because ***[insert explanation supported by the evidence here]***; and
2. The plight of the owner is due to unusual circumstances because ***[insert explanation supported by the evidence here]***; and
3. The variation, if granted, will not alter the essential character of the locality because ***[insert explanation supported by the evidence here]***.



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

Applicant / Owner: PMWP Development Company
Mailing Address: 5490 Nuthatch Road, Parker, CO 80134

Street Address of Properties for Which the Variance Is Requested: 217 and 219 Lakota Park Drive

Legal Description of Properties for Which the Variance Is Requested: Lot 99-Q, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado.

Description of Request: Request to increase maximum midpoint building height from 35'-0" to 40'-9" and to increase maximum overall building height from 42'-0" to 44'-7" for a single-family attached structure.

Applicable Provisions of the Town Code:

§ 7-4B-4, BUILDING REQUIREMENTS:

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)

Due to this building height requirement, a maximum midpoint building height of 40'-9" and a maximum overall building height of 44'-7" 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 § 7-8-1 of the Town Code.

Property Posted On: May 27, 2022

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, June 14, 2022, at 8:00 A.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 hbell@wpgov.com.

The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person.



VARIANCE APPLICATION FORM

Date: 05/10/2022

Applicant Name: PMWP Development Company

Mailing Address: 5490 Nuthatch Road, Parker, Colorado 80134-5455

Phone Number: 303-931-0708 E-mail: matt.schlaepfer@gcgfinancial.com

Applicant is the: Property Owner Other: _____

Street address of property for which variance is requested: 217 & 219 Lakota Park Drive, Winter Park, Colorado 80482

Legal description of property: Lot 99-Q, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado

Detailed description of the variance requested and an explanation of why the applicant believes the variance should be granted (attach additional sheets if necessary): The applicant requests a variance to allow for portions of the side yard rooflines of Reserve Building 9 planned for construction on the referenced property to be measured from finished grade, rather than existing grade, due to the heavily manipulated natural grade of the property undertaken by Rick Hermes and Community Concepts prior to his 2012 bank foreclosure. Hermes dumped quantities of fill from the Lakota Park Drive road cut across portions of the property and the adjoining Lot 99-S (planned for Reserve Building 10), but never regraded the slope of either the property or Lot 99-S to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive and Reserve Way. As a result, the current grade of Lot 99-Q is unnaturally steep along Lakota Park Drive and Reserve Way leaving a shallow bench in between. Therefore, the manipulated grades should not be considered as the "existing" (i.e., natural) grade of the property. For compliance purposes, the applicant requests the height of Reserve Building 9 to be measured from the planned finished grade along the two side elevations of the property. See attached narrative for additional details of the applicant's variance request.

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.*

PMWP Development Company

Applicant Signature: _____ By: _____

Matthew Schlaepfer, President

Submit all materials electronically to permits@wpgov.com

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

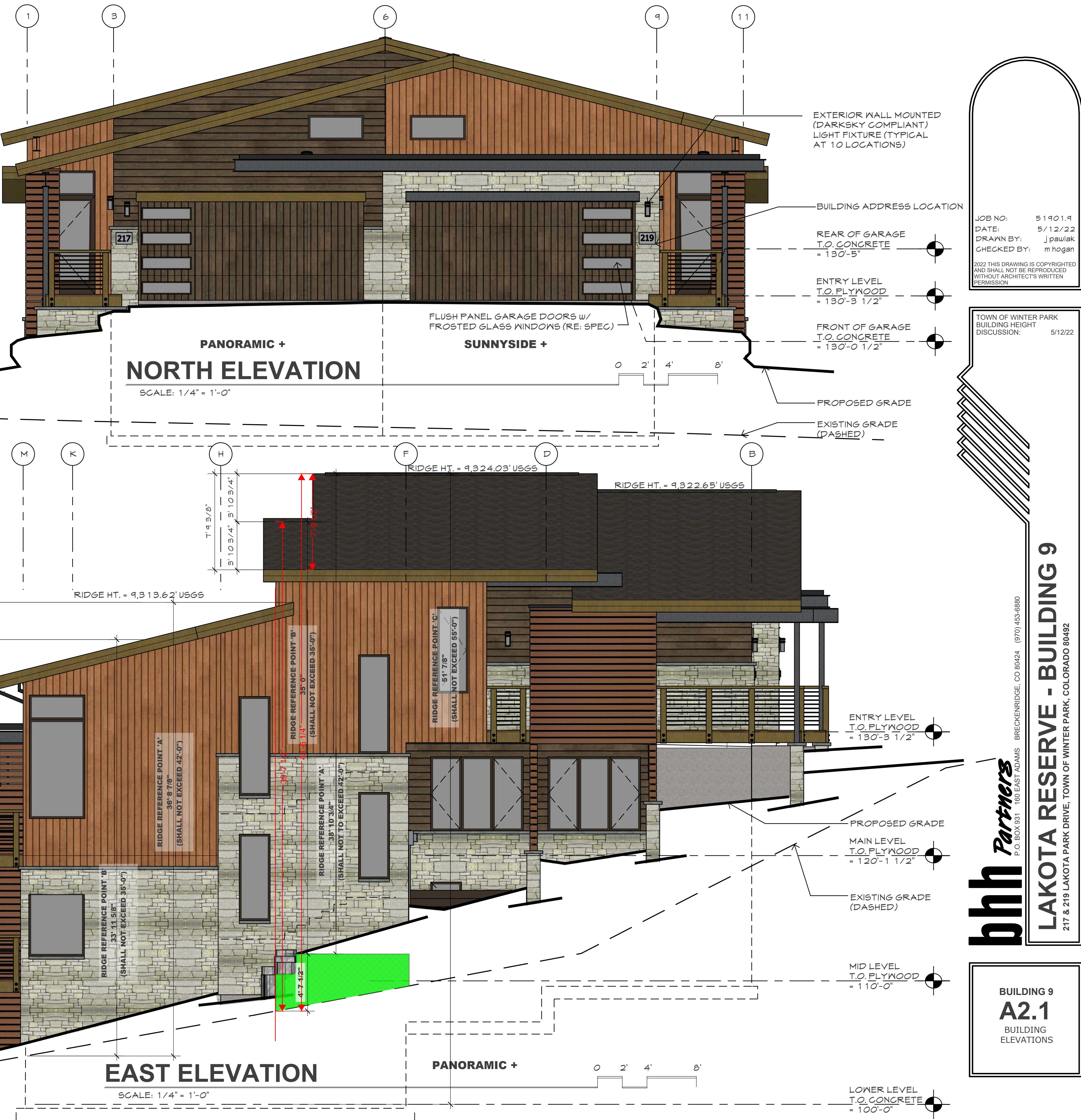
ELEVATION NOTE

THESE ELEVATIONS ARE GRAPHIC IN NATURE. THE ELEVATIONS ILLUSTRATE EXTERIOR IMAGE AND COLORS. DO NOT SCALE OFF ELEVATIONS FOR THIS PROJECT.

MATERIAL COLORS ARE TYPICAL FOR ALL ELEVATIONS REFER TO COLOR LEGEND, VERIFY ALL COLORS WITH OWNER

SEE BUILDING SECTIONS FOR ADDITIONAL INFORMATION.

MATERIAL LEGEND - SCHEME A	
1 COMPOSITION SHINGLE ROOFING	-OWENS CORNING (DRIFTWOOD)
2 SOFFIT RIM, RAILINGS, FASICA, LAMS	-SHERWIN WILLIAMS SEMI TRANSPARENT (SW3541, HILL COUNTRY)
3 SLAT WALL HORZ. SIDING	-MOISTURE SHIELD VANTAGE 4 DECKING (WALNUT)
4 WINDOW CLADDING	-PELLA PROLINE (BROWN)
5 VERTICAL SIDING	-SHERWIN WILLIAMS SUPER DECK & FASCIA (SW3504, WOOD RIDGE)
6 HORIZONTAL SIDING	-SHERWIN WILLIAMS SUPER DECK (SW3542, CHARWOOD)
7 STONE CAPS	-TELLURIDE STONE (OK BLUE)
8 STEEL BEAMS, COLUMNS	-EXPOSED STEEL; NOT SHINY OR REFLECTIVE (WAX CLEAR COAT)
9 STONE VENEER BASE	-TELLURIDE STONE (MOUNTAIN ASH)
NOTE: MATERIALS ARE TYPICAL FOR ALL ELEVATIONS, REFER TO ASSOCIATED COLOR BOARD FOR ADDITIONAL INFORMATION	
BUILDING HEIGHTS ARE PROVIDED PER TOWN OF WINTERPARK HEIGHT GUIDELINES (REFER TO EXAMPLES BELOW)	



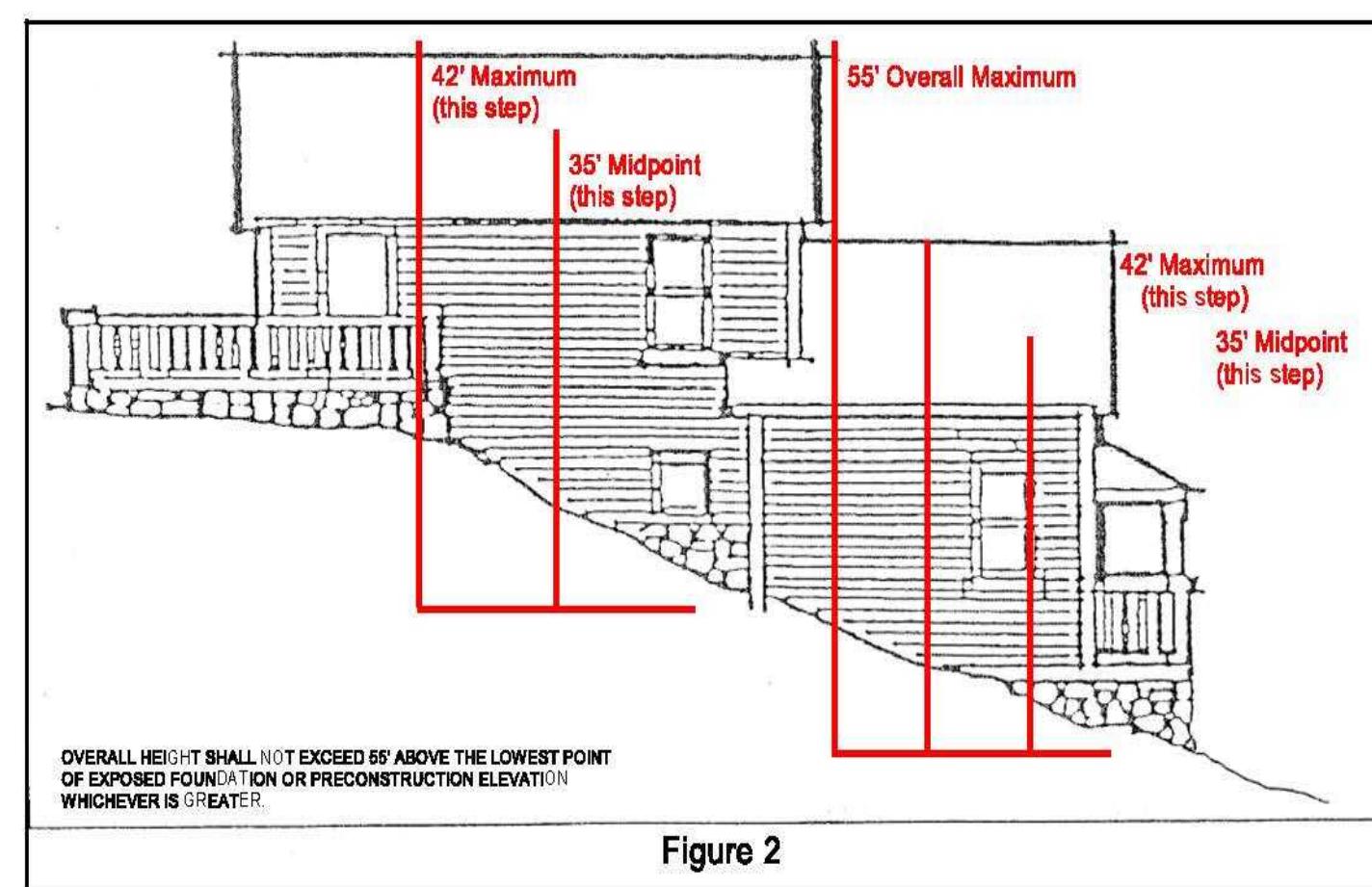
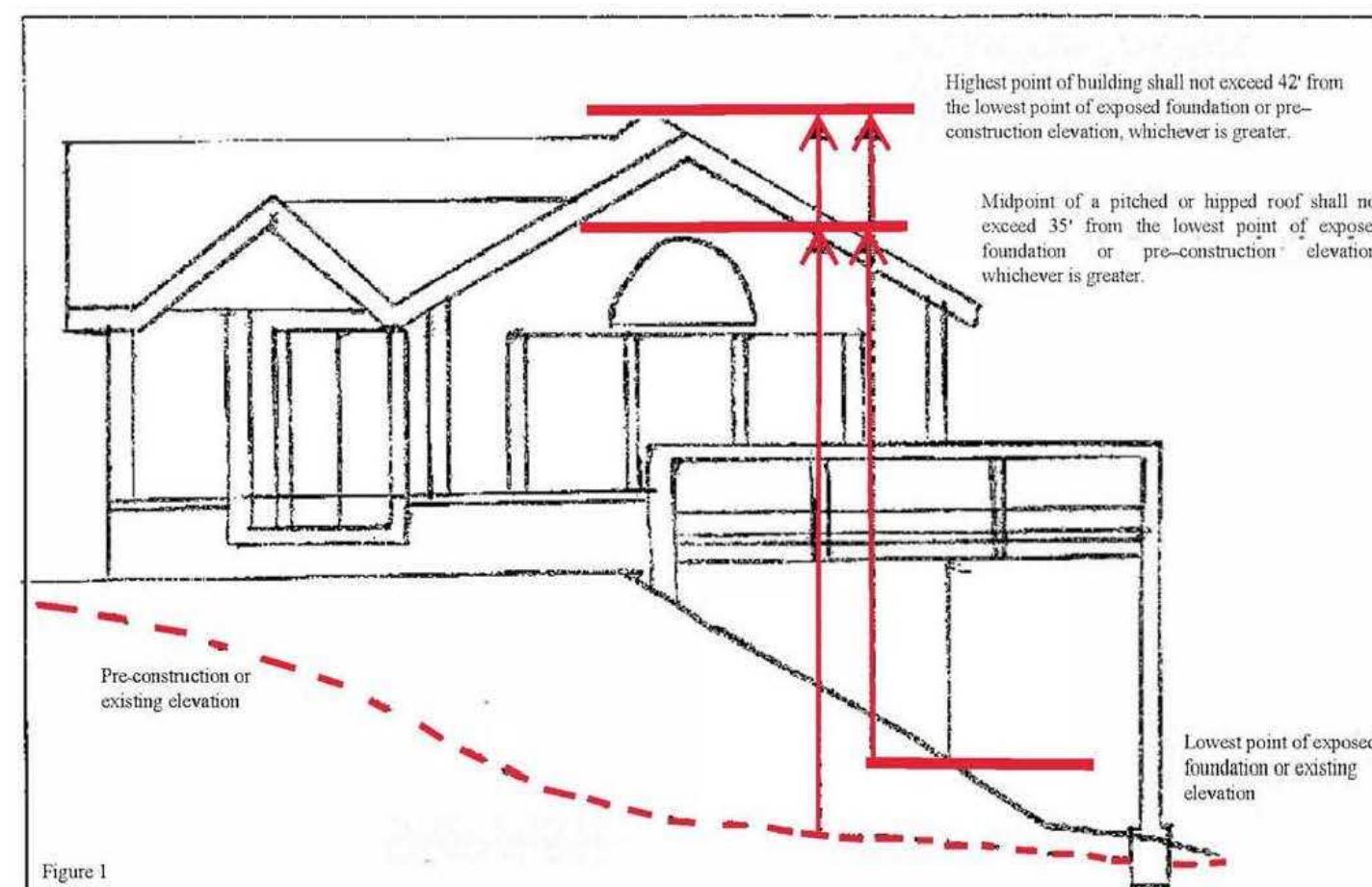
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LAKOTA RESERVE - BUILDING 9
bh Partners
P.O. BOX 931 160 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 453-6880
217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTER PARK, COLORADO 80492

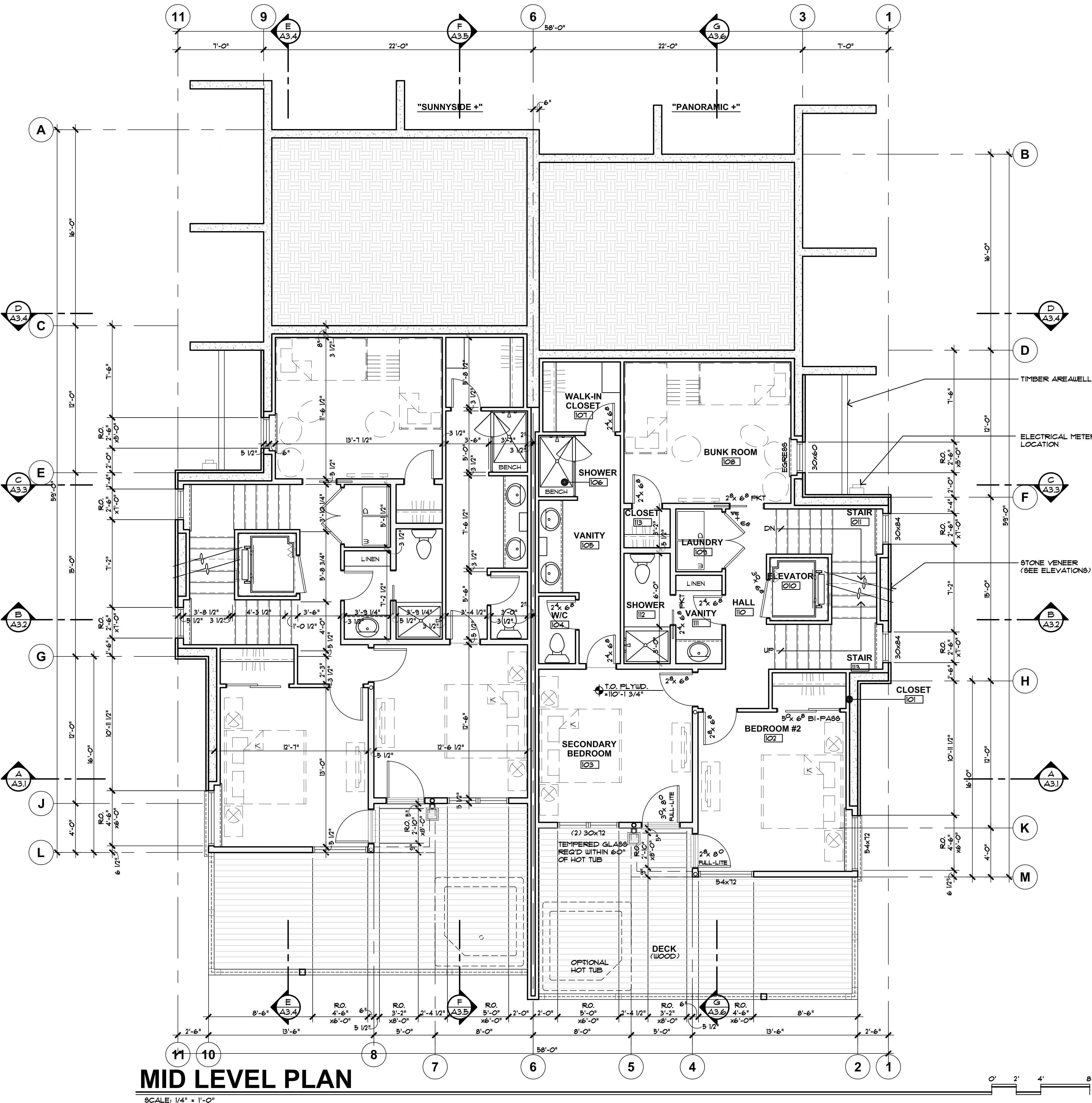
BUILDING 9
A2.3
BUILDING ELEVATIONS

JOB NO: 51901.9
DATE: 5/12/22
DRAWN BY: j pawak
CHECKED BY: m hogan
2022 THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION

TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 5/12/22

MID LEVEL PLAN

SCALE: 1/4" = 1'-0"



REVISIONS:

JOB NO:
DATE:
DRAWN BY:

CHECKED BY:

51901.
6/9/2021
JDI

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THE AUTHOR'S WRITTEN PERMISSION

**TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 06/9/22**

LAKOTA RESERVE - BUILDING 9

hh *Partners*
P.O BOX 931 160 EAST ADAMS
BRECKENRIDGE, CO 80424 (970) 453-6880

LAKOTA RESERVE - BUILT BY JOHN PARTNERS

John Partners
P.O BOX 931 160 EAST ADAMS
BRECKENRIDGE, CO 80424 (970) 453-6880

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SHEET NUMBER:

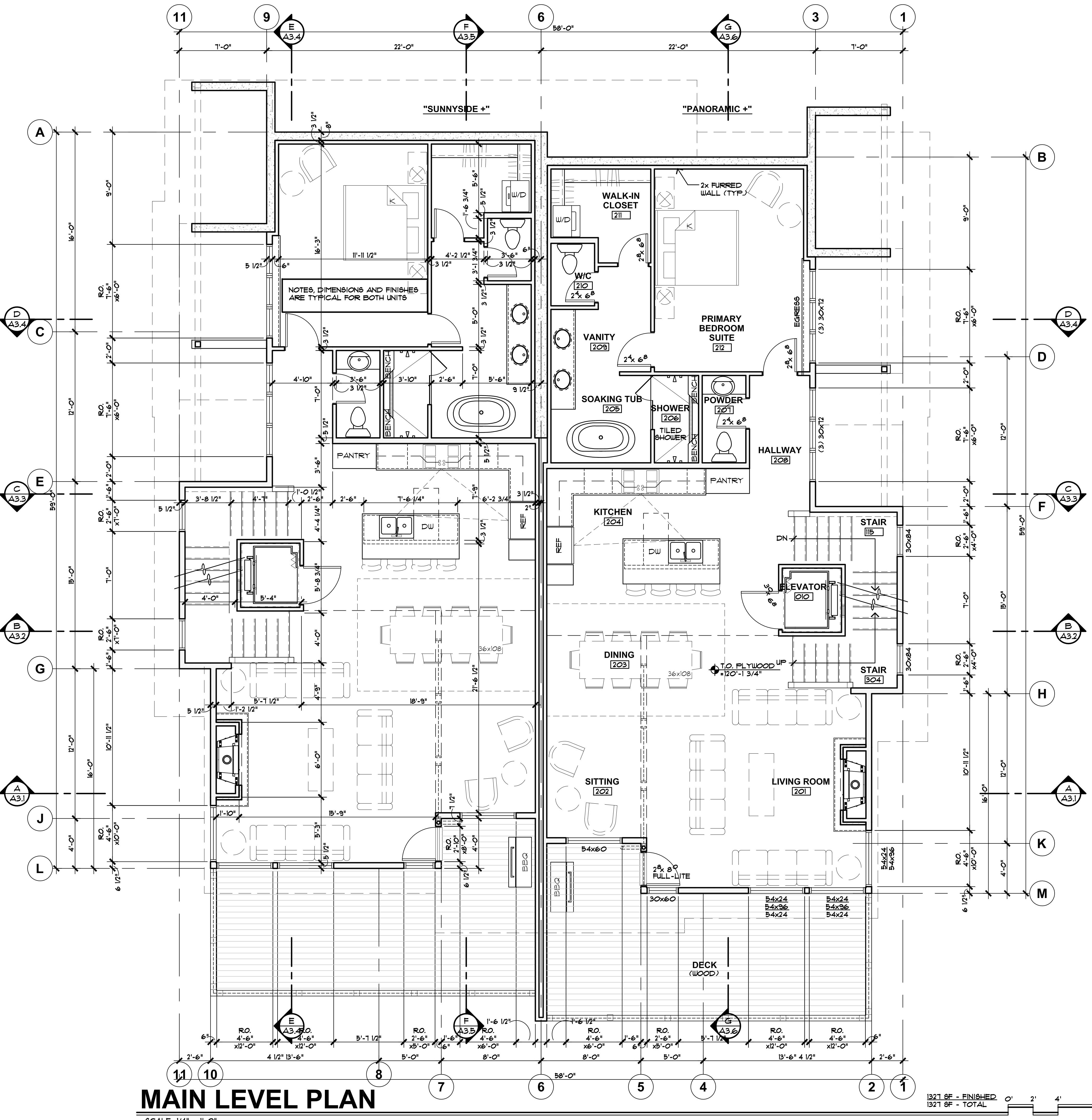
BUILDING A1.1 MID LEVEL PLAT

LAKOTA RESERVE - BUILDING 9

P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 455-6880
217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTERPARK, COLORADO

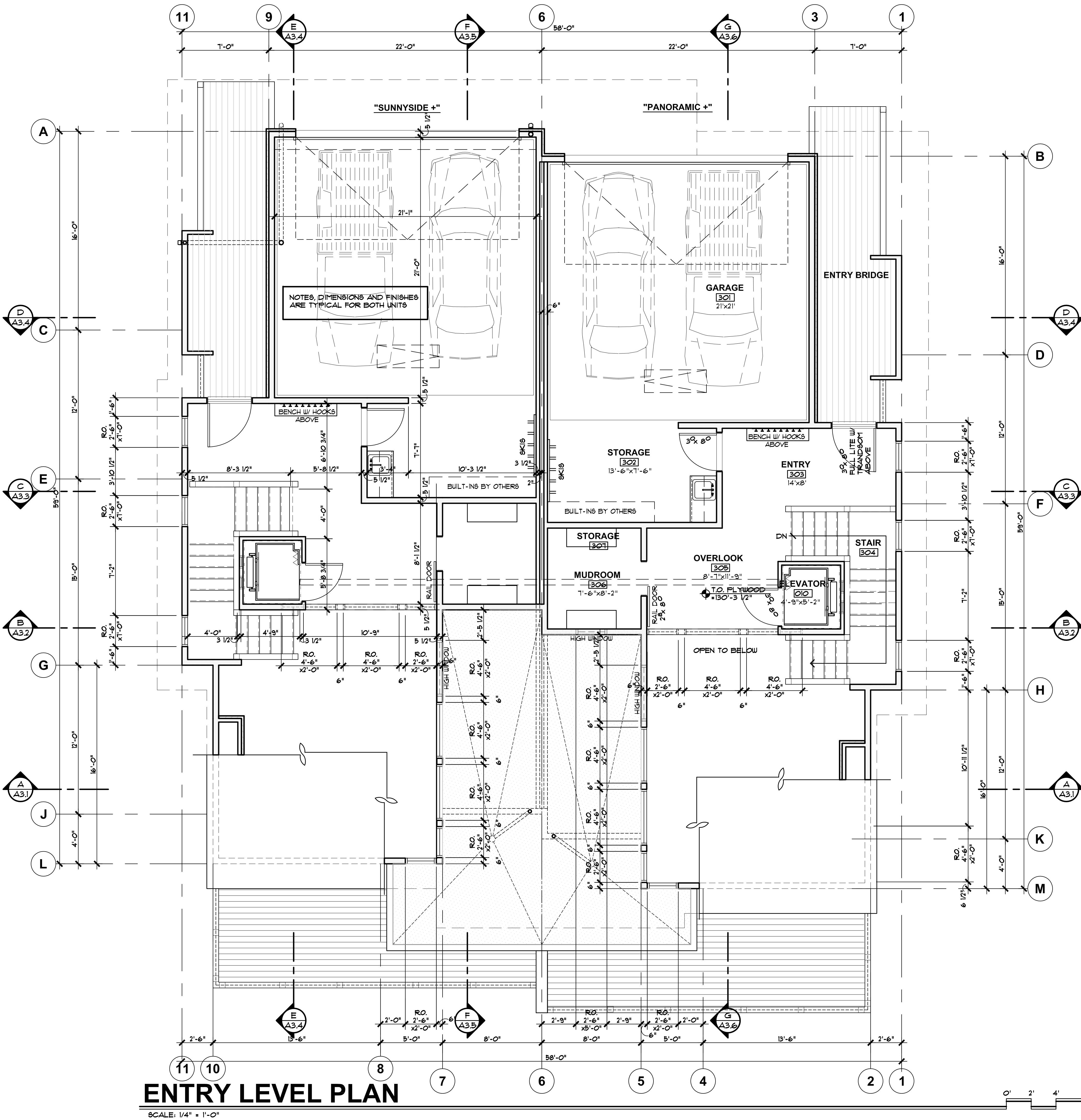


© 2022
SHEET NUMBER:
BUILDING 9
A1.2
MAIN LEVEL PLAN



ENTRY LEVEL PLAN

SCALE: 1/4" = 1'-0"



© 2022

SHEET NUMBER:

THE INFLUENCE OF CULTURE ON PARENTING

BUILDING 9

A1 3

A1.3

TRY LEVEL PLAN

10 of 10 pages

MAINTENANCE NOTE:

Maintenance Note:
The owner has been advised that all roof and deck surfaces must be maintained relatively free of snow & ice.

ROOFING NOTE:

REFER TO SPECIFICATIONS. PROVIDE ROOF PRIMER, ROOF MEMBRANE AND ALL ROOFING PER SPECIFICATION REQUIREMENTS. PROVIDE "WR GRACE" MANUFACTURER CERTIFICATION LETTER STATING THAT ALL MEMBRANES HAVE BEEN INSTALLED IN COMPLETE COMPLIANCE WITH ALL MANUFACTURER'S REQUIREMENTS.

ROOF DRAINAGE:
ALL ROOFS AND DOWNSPOUTS TO DISCHARGE WATER TO RIP RAP AREAS AND NOT TO PAVED WALKS OR PATIO AREAS. COORDINATE WITH CIVIL AND SOILS ENGINEER FOR DETAILED SITE DRAINAGE. SLOPE ALL GRADES AWAY FROM BUILDING PER Specs AND GENERAL NOTES.

COLD ROOF NOTE:

THIS PROJECT INCLUDES A "COLD ROOF" DESIGN. PROVIDE INSULATION BAFFLES AT ALL RAFTER SPACES AND HOLD DOWN VALLEY FRAMING TO ENSURE AIRFLOW ABOVE ALL VALLEYS. THIS INCLUDES FLUSH VALLEYS (SEE DETAIL). IF NECESSARY DRILL HOLES FOR VENTILATION AS AND OVER THE VENTURE BEAMS AND ALL AREAS THAT RESTRICT AIR FLOW FROM SOFFIT VENTS UP TO RIDGE VENTS. PROVIDE 1" DIAMETER HOLES @ 6" OC. IN THESE AREAS, RETAIN 1 1/2" OF BEAM ABOVE VENTILATION HOLES. VERIFY WITH ENGINEER.

ROOF NOTES:

1. SEE SHEET 8P1 FOR BUILDING HEIGHT CALCULATIONS.
2. PROVIDE HEAT TAPE @ HEATED GUTTERS & DOWNSPOUTS.
3. PAINT ALL EXPOSED PIPING EXTENDING THROUGH ROOF TO MATCH ROOF.
4. PROVIDE VALLEY FLASHING AT ALL VALLEYS
5. OVERHANG DIMENSIONS ARE TO END OF RAFTER/TRUSSES - SEE DETAILS
6. REFER TO PLAN FOR ALL ROOF OVERHANGS
7. PROVIDE KICK-OUT FLASHING AT ALL EAVE/WALL JUNCTURES.
8. PROVIDE ADDITIONAL SOFFIT OUTLETS FOR HEAT TAPE AT HEATED GUTTERS & SEASONAL LIGHTING - LOCATE PER OWNER INPUT.

ROOF PLAN

SCALE: 1/4" = 1'-0"

© 2022

SHEET NUMBER:

**BUILDING 9
A1.4**
ENTRY LEVEL PLAN



bh Partners
P.O. BOX 931 160 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 455-6880
217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTERPARK, COLORADO

REVISIONS:

JOB NO: 519019
DATE: 6/9/2022
DRAWN BY: JDP
CHECKED BY: MPH

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TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 06/9/22

REVISIONS:
 519019
 6/9/2022
 JDP
 CHECKED BY:
 MPH
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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION: 06/9/22

LAKOTA RESERVE - BUILDING 9

bhh Partners P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 453-6380
 160 EAST ADAMS

217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTERPARK, COLORADO

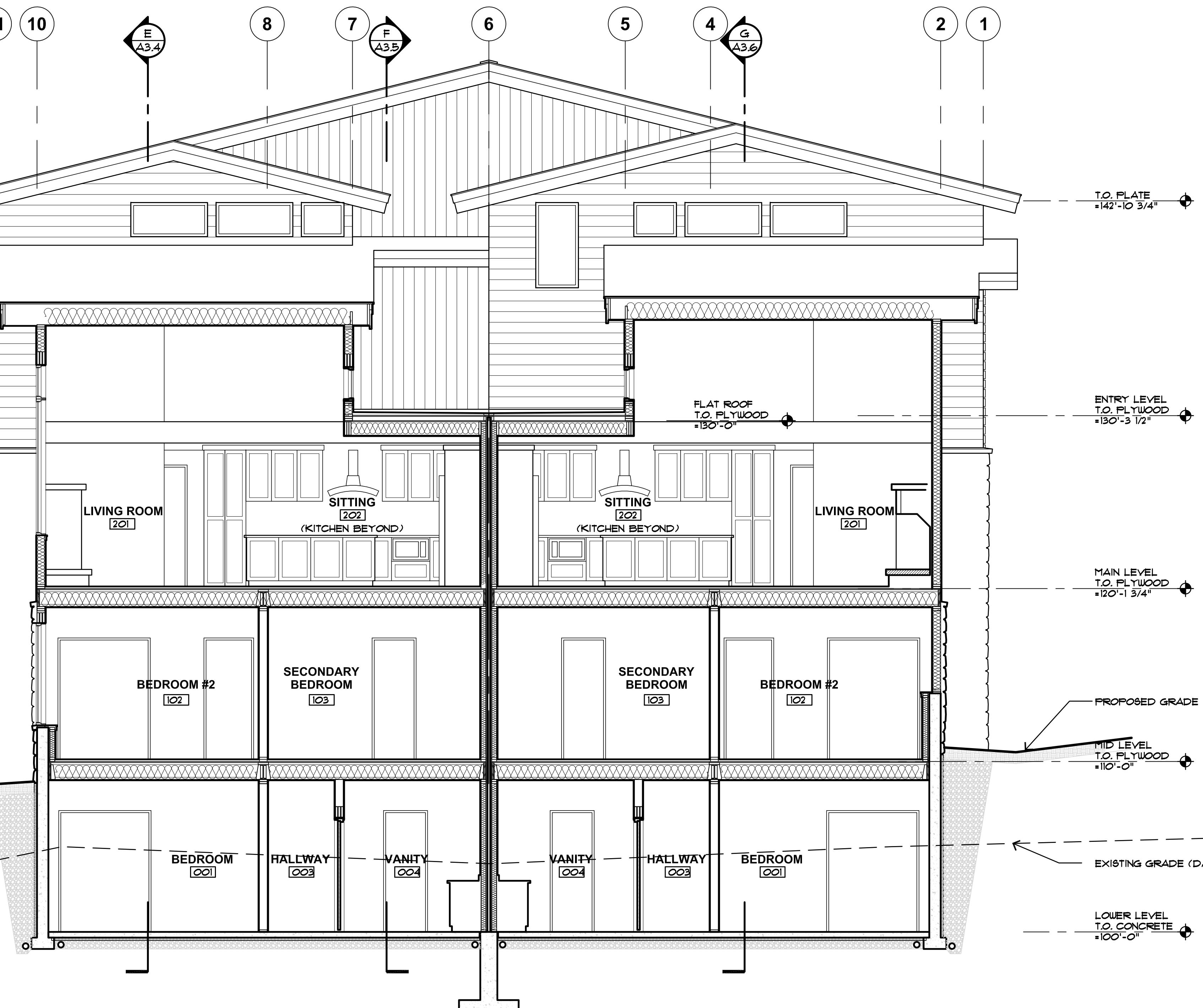
SECTION 'A'

SCALE: 1/4" = 1'-0"

0' 2' 4' 8'

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SHEET NUMBER:
**BUILDING 9
A3.1**
 SECTIONS



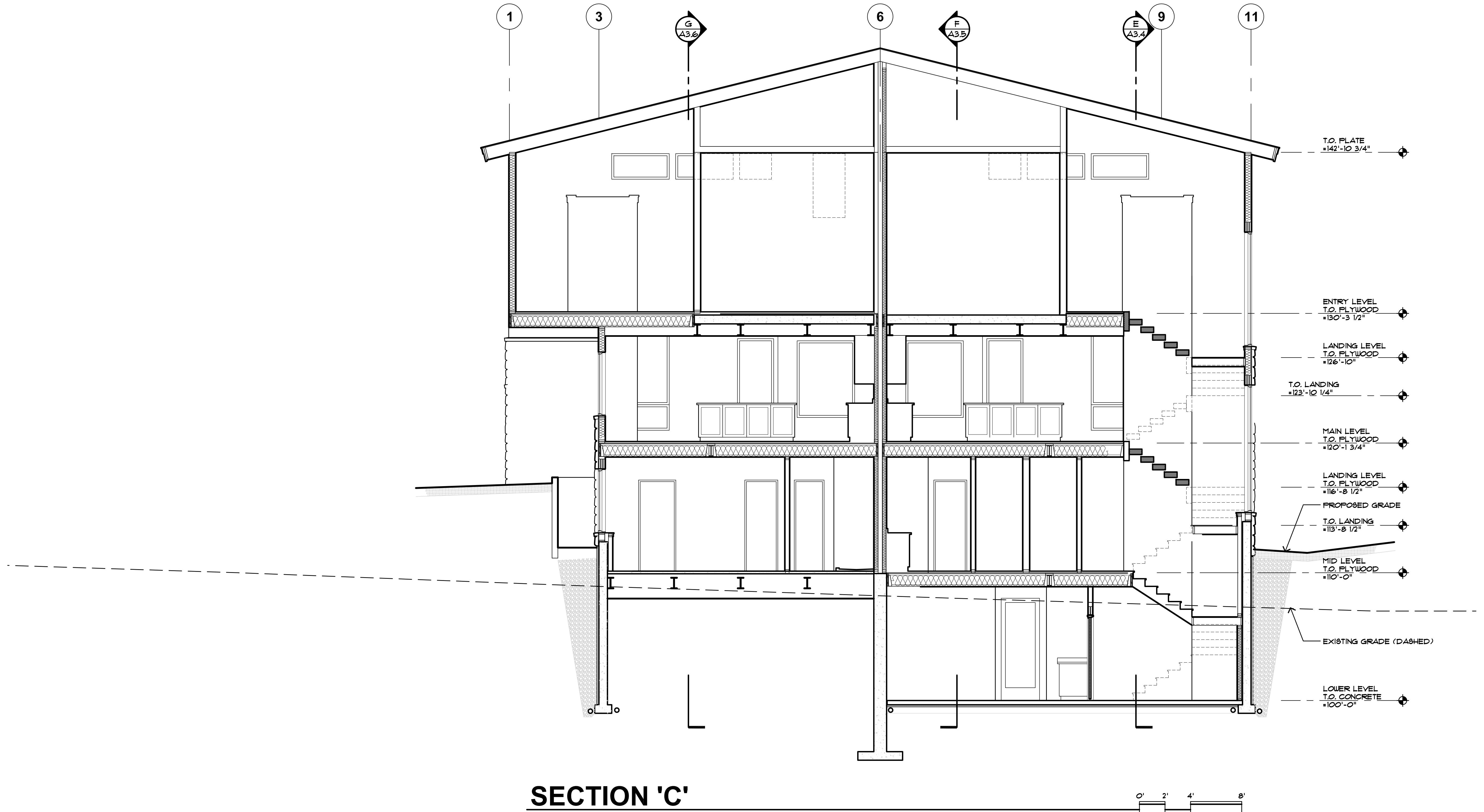
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TOWN OF WINTER PARK
 BUILDING HEIGHT
 DISCUSSION: 06/9/22

SECTION 'B'
 SCALE: 1/4" = 1'-0"
 0' 2' 4' 8'
 ENTRY LEVEL
 T.O. PLYWOOD = 130'-3 1/2"
 LANDING LEVEL
 T.O. PLYWOOD = 126'-10"
 T.O. LANDING = 123'-10 1/4"
 MAIN LEVEL
 T.O. PLYWOOD = 120'-1 3/4"
 LANDING LEVEL
 T.O. PLYWOOD = 116'-8 1/2"
 PROPOSED GRADE
 T.O. LANDING = 113'-8 1/2"
 MID LEVEL
 T.O. PLYWOOD = 110'-0"
 EXISTING GRADE (DASHED)
 LOWER LEVEL
 T.O. CONCRETE = 100'-0"

LAKOTA RESERVE - BUILDING 9
 Partners P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 453-6880
 217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTERPARK, COLORADO

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 SHEET NUMBER:
BUILDING 9
A3.2
 SECTIONS



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P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 453-6880

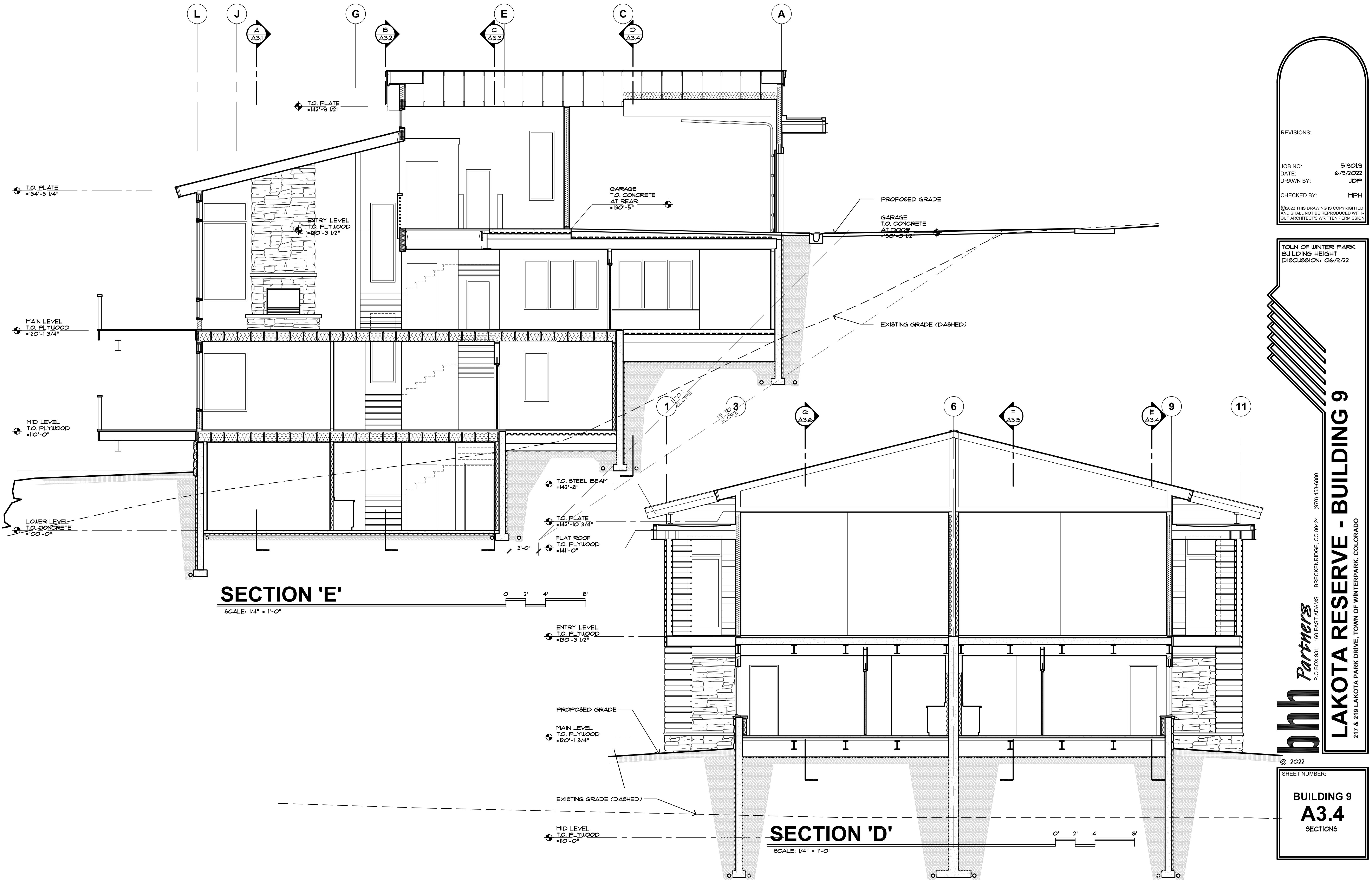
LAKOTA RESERVE - BUILDING 9

217 & 219 LAKOTA PARK DRIVE, TOWN OF WINTERPARK, COLORADO

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SHEET NUMBER:

BUILDING 9
A3.3
SECTIONS

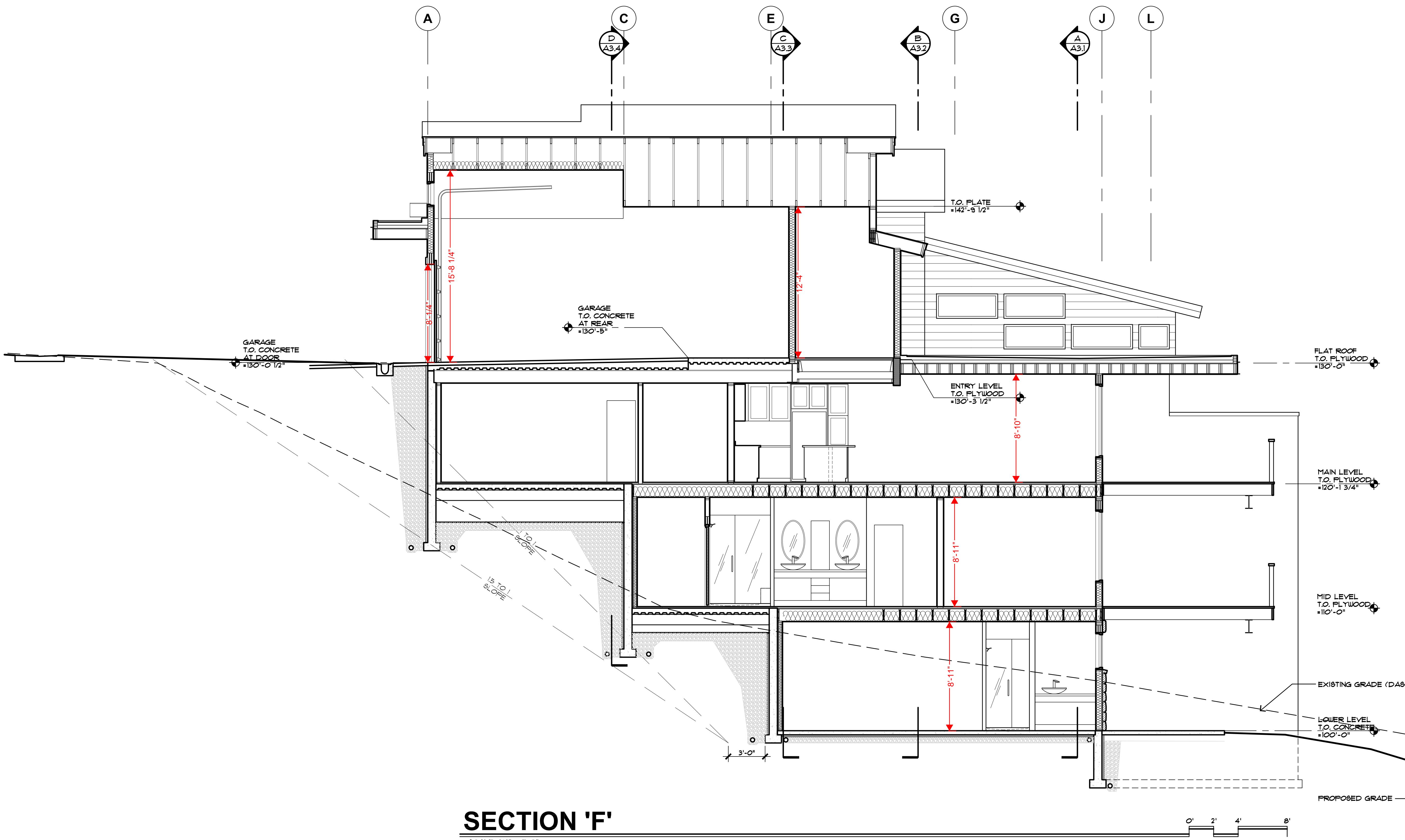


REVISIONS:
519019
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DATE: DRAWN BY: JDP
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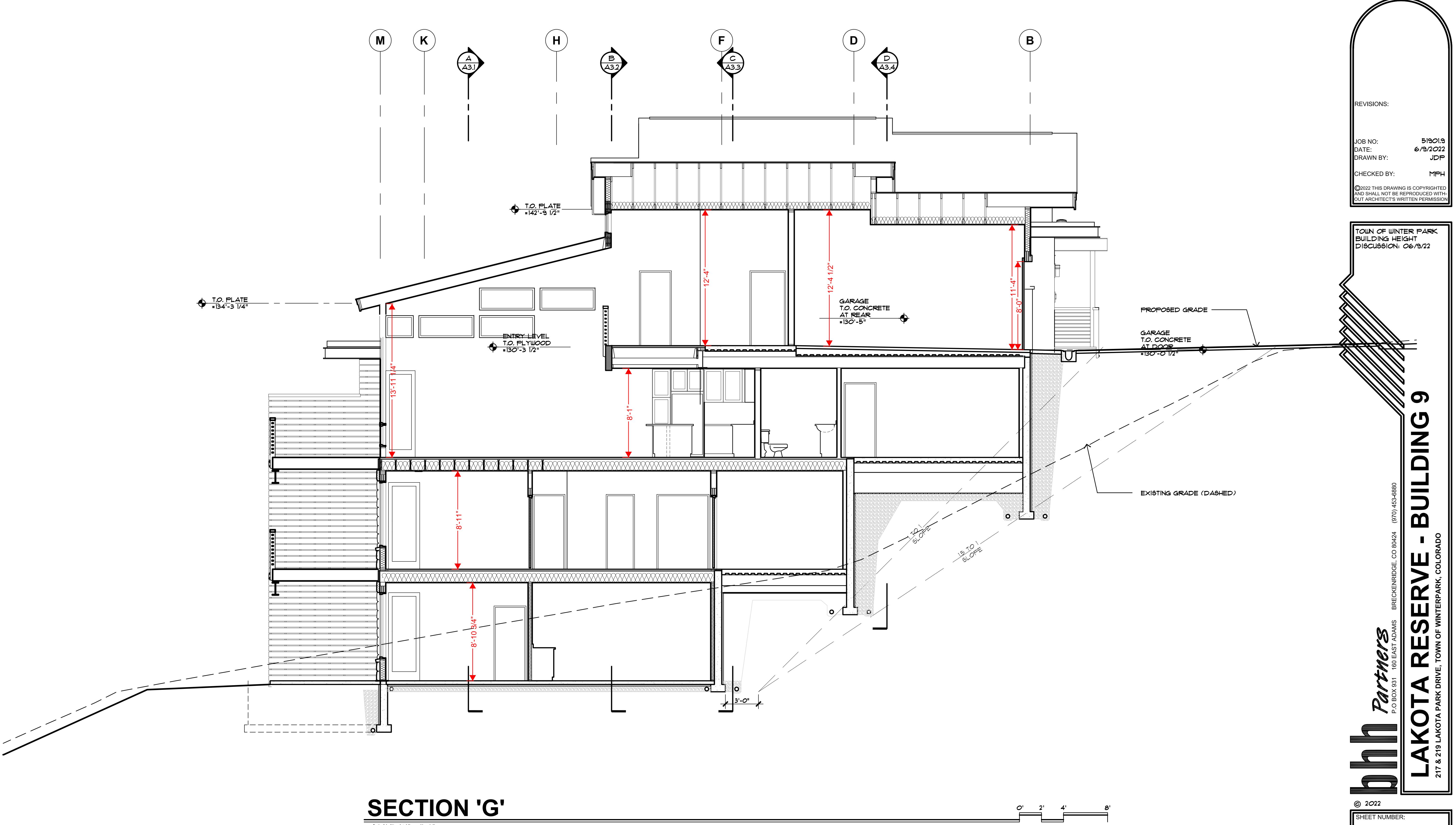
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TOWN OF WINTER PARK
BUILDING HEIGHT
DISCUSSION: 06/9/22

LAKOTA RESERVE - BUILDING 9
bh Partners P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 453-6380
160 EAST ADAMS P.O. BOX 331 BRECKENRIDGE, CO 80424 (970) 453-6380
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**BUILDING 9
A3.5**
SECTIONS



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SHEET NUMBER:
BUILDING 9
A3.6
SECTIONS



May 9, 2022

Town of Winter Park
50 Vasquez Road
PO Box 3327
Winter Park, CO 80482

RE: Variance Approval

To the Town of Winter Park,

Representatives of PMWP Development Company ("PMWP") have recently approached the Lakota East Owner's Association to discuss their development and construction plans for completing the Northwoods and Reserve neighborhoods, within the Lakota Park Subdivision. PMWP presented the timelines for completing construction of work in progress, as well as the designs and schedules for the remaining duplexes planned for construction. As part of these discussions, it was brought to the Board's attention that PMWP is seeking a variance, relating to measurements of building heights for Lakota Reserve Buildings 9 and 10.

The Lakota East Owner's Association ("the Association") acknowledges the Town of Winter Park generally measures building heights from the more restrictive of the existing or proposed finish grade. The Association also understands that the building heights of the two side elevations for Reserve Buildings 9 and 10 exceed the Town's prescribed limits, if measured from existing grade. However, if measured from finished grade, the building's elevations will appear much lower in height, because the buildings are designed to step up the hillside between Reserve Way and Lakota Park Drive. Parts of what would otherwise be exposed building walls would be covered by a nominal amount of fill. In addition to the lower building heights, the proposed finish grade will improve grading and drainage in the Reserve neighborhood. We also understand that the front and rear elevations are well within prescribed height limits, whether measured from existing or the proposed finished grade.

The Lakota East Owner's Association Board believes that a strict interpretation of the Town's code, using existing grade to measure building heights, is detrimental to the Reserve neighborhood and all neighborhoods within Lakota East.

If the requested variance is not granted, PMWP will be forced to use a flat roof design, to strictly comply with the Town's code. We note that there are at least two problems with the potential use of a flat roof design. First and foremost, flat roof systems are not allowed in any neighborhood within Lakota East as stated in the Lakota East Design Guidelines. However, to the extent the Association were to grant a variance for use of a flat roof, a second problem would occur. The finished homes (Reserve Building 9 and 10) would be non-conforming and would be aesthetically inconsistent with the twenty other homes built and sold within the Reserve at Lakota. The Association submits, it is imperative to preserve the prominent architectural features and design elements throughout all 12 buildings (24 homes) in the entire Reserve neighborhood – including Reserve Building 9 and 10. Keeping the current building design, without large-scale adjustments to roof designs (i.e., introducing flat roofing systems) enhances curb appeal whether viewing from Reserve Way or Lakota Park Drive. The small areas of proposed fill for height variance purposes will be largely imperceptible versus the introduction of non-conforming flat roofs.

In conclusion, the Lakota East Owner's Association contends that PMWP's planned design for Reserve Buildings 9 and 10 is more of an improvement than a detriment. We strongly encourage the Town of Winter Park to grant the variances requested by PMWP to measure building heights from proposed finished grades.

Thank you,



Stuart Huster
President

Legal Description/Street Address of the Property

Address: 217 and 219 Lakota Park Drive, Winter Park, Colorado 80462

Legal Descriptions: Lot 99-Q, The Reserve at Lakota Park Subdivision, according to the final plat thereof recorded November 18, 2020 at Reception No. 2020011191, Town of Winter Park, Grand County, Colorado

Applicant: PMWP Development Company, a Colorado corporation.

Description of Variance Requested

The applicant requests a variance to allow for portions of the side yard rooflines of Reserve Building 9 planned for construction as a duplex home on the referenced property to be measured from finished grade, rather than existing grade, due to the heavily manipulated natural grade of the property undertaken by Rick Hermes and his company, Community Concepts, prior to his 2012 financial failure.

During installation of Lakota Park Drive and subterranean utilities infrastructure, Hermes deeply cut the hillside to the north and east of the subject property and dumped extreme fill quantities from the road cut down hill across portions of the property and the adjoining Lot 99-S (planned for Reserve Building 10). Hermes never regraded the slope of either the property or Lot 99-S to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive. As a result, the current grade of Lot 99-Q is unnaturally steep along Lakota Park Drive and Reserve Way leaving a shallow bench in between. Therefore, the manipulated grades should not be considered as the "existing" (i.e., natural) grade of the property. The applicant requests that for compliance purposes the height of Reserve Building 9 be measured from the planned finished grade of the property, which is designed to restore small side areas of the property to a condition that is compatible with their pre-Hermes natural slope condition.

If the height of Building 9 is measured from the planned finished grade, no variance from the Town's residential design guidelines is required.

Conversely, if the Building 9 height is to be measured from the currently unnatural existing property grade, the applicant requests an overall height not to exceed 43'-7" for the intermediate roof step along the easterly side elevation. This represents a 1'-7" variance from the 42'-0" dimension when measured from the point of existing grade (Reference Point A) and accordingly, requests a midpoint height not to exceed 39'-8" for the intermediate roof step representing a 4'-8" variance from the 35'-0" dimension when measured from the point of existing grade (Reference Point B). As for Building 9's westerly side elevation, the applicant requests an overall height not to exceed 44'-7" for the intermediate roof step and a midpoint height not to exceed 40'-9". This represents an overall variance of 2'-7" (Reference Point A) and a midpoint variance of 5'-9" (Reference Point B) when measured from the points of existing grade.

The applicant submits that no variance is required for the front (northerly) elevation and rear (southerly) elevation as the relevant roof heights fall within Town of Winter Park design guidelines. Only the two side elevations (easterly and westerly) are subject to this variance request.

A list of property owners located within 300' of the property is attached as Exhibit A. The current and proposed conditions of the property are depicted respectively on the Site Plan attached as Exhibit B and the Building Elevations attached as Exhibit C. A land survey is attached as Exhibit D. Letters of support for this application are attached as Exhibit E.

Allowing the requested variance so that the Building 9 height is measured from proposed finished grade rather than existing grade will allow Building 9's architecture and roofline to match the other Reserve at Lakota homes located along Lakota Park Drive and Reserve Way, and will allow Building 9 to yield a reasonable economic return on investment upon its eventual sale.

The Variance is Consistent with the Intent and Purpose of the Master Plan

The Reserve at Lakota is designed by the applicant to have a consistent architectural style and theme among all the homes located in that neighborhood. Allowing the requested variance will permit Building 9's architecture and roofline to match the existing and remaining planned homes in The Reserve.

The applicant has researched multiple options to design and orient the building on the property in order to meet the Town's requirement for measuring building height from the more restrictive of finished or existing grade, no matter how unnatural that grade may be. For example, Building 9 could be designed with flat roof sections in the requested variance areas, but then the Building 9 roofline would not match The Reserve's architectural style or theme. Not only would this be inconsistent in its look but further, flat roofs are prohibited in Lakota East by the Subdivision's Architectural Design Guidelines. The applicant also assessed lowering the Building 9 duplex structure further into the property, but then the driveway providing access to Building 9 would exceed the Town's maximum grade requirements. Another option reviewed considered moving the Building 9 duplex structure further up the slope, but by the time the height measurement point of reference became compliant, the Building 9 structure would be located within the 20' front yard setback area. Moreover this condition would create excavation cut slopes for foundations which both exceed geotechnical design parameters and involve shoring systems which could impair maintenance/upkeep of the subterranean utilities along Lakota Park Drive. There is no option to move Building 9 further to the west because there is a permanent 16' drainage easement with underground piping running the length of the property's westerly boundary. There is also no option to move Building 9 further to the east, since the same manipulated slope condition exists on the adjoining Lot 99-S property.

In summary, the requested variance is consistent with the intent and purpose of the Lakota master plan for The Reserve neighborhood and no other viable options exist to address the manipulated condition of the current property grade.

The Board Has the Power to Grant the Requested Variance

Winter Park Ordinance Section 7-8-1(A)(4) gives the Board of Adjustment the authority to grant the requested variance where by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties to, or unusual and undue hardship upon, the owner of the property, so long as the granting of the variance does not substantially impair the purpose of the zoning plan.¹ The conditions are met here. As detailed above and further below, nothing about the variance requested impairs the purpose of the zoning plan. The need for the variance results from the unusual steep topography of the property that was caused many years ago by a failed developer.

The variance will improve the neighborhood's character as it will provide for an architecturally consistent design and building structure that is in line with the quality and value of the surrounding homes.

The Variance Satisfies the Three Necessary Conditions

The conditions that must exist for the Board of Adjustment to grant the variance apply here.

- 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.**

The unusual and unnatural topography of the property make an economically acceptable building design challenging. It should be noted that the applicant had nothing to do with the extreme fill and awkward grading of the property performed by the prior failed developer. All possible design alternatives have been

¹ "Whereby reason of unusual narrowness, shallowness or shape of a specific piece of property at the time of the enactment hereof, or by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties to, or unusual and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict an application so as to relieve such difficulties or hardship; provided, such relief may be granted without substantially impairing the intent and purpose of the zoning plan as embodied in this title and the master plan."

explored, but none of them would result in an architecturally consistent building design that also satisfies all other Town and Lakota Park requirements.

As illustrated in Exhibit B and Exhibit C, the current proposed design meets the goal of allowing for an economically feasible duplex structure to be built on the property consistent with the master plan. Any viable alternative would involve a substantial reduction in the size of the Building 9 duplex structure, rendering it financially unappealing to build (i.e. construction costs would either exceed sales prices or positive returns would be below market averages).

Therefore, this variance would allow the applicant to yield a reasonable return on the property, allowing it to build a viable residential duplex in line with the quality of the other properties in The Reserve neighborhood without undue expense.

2. The plight of the owner is due to unusual circumstances.

As detailed above, the steepness of the property is due to the unusually extreme fill and awkward grading of the property performed by Rick Hermes prior to his financial failure. Allowing a variance would accommodate construction of an architecturally appealing duplex structure that is consistent with the intent and purpose of the master plan.

3. The variance, if granted, will not alter the essential character of the locality.

The variance, if granted, will not alter the essential character of the locality as a residential neighborhood consisting of architecturally consistent duplex homes. By measuring the height of Building 9 from proposed finished grade, the applicant can achieve a consistent neighborhood aesthetic and an appropriate design which is compatible with the other Reserve duplex homes already constructed. Strict adherence to the Town's residential design guidelines which measures building height from the most restrictive of either finished or existing grade (no matter how unnaturally existing grade has been manipulated) compels a building design which incorporates a flat roof over nearly 70% of the total roof area of the Building 9 structure in order to comply with the Town's height limitations based on current site conditions. The applicant submits that the requested variance is not only consistent with the essential character of the locality (because it allows for a continued homogeneous design), but a failure to grant the variance would negatively alter the essential character of the locality (due to the incorporation of a flat roof design which is not permitted under the Lakota East design guidelines).

Applicable Factors Favorable to Variance Application Request

Below in bold are applicable factors for the Board of Adjustment to consider in determining the variance application request. The factors that are applicable to this request favor the granting the requested variance as follows:

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.

The requested variance meets this criterion, as detailed above. In this case the applicant is requesting the Board of Adjustment to permit height measurement from small area of proposed finished grade. The height of proposed Building 9 when measured from finished grade is compliant with Town design requirements. The applicant's proposed finished grade is neither contrived nor manipulated by the applicant, but rather restores the grade slope of the side areas of the property to a condition that is compatible with their pre-Hermes natural condition. Moreover, the absence of a variance actually prevents the applicant from constructing a sufficiently sized duplex structure that would allow it to earn a reasonable investment return.

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.

The requested variance results from the unusual topography of the property. The property and the adjoining Lot 99-S planned for Reserve Building 10 contain some of the steepest residential building site grades in Grand County. Granting a building height measurement variance would not be more broadly applicable to other property within the R-2 zoning classification.

3. The purpose of the variation is not based primarily upon a desire to make more money out of the property.

The applicant is not developing the property with anything other than a residential duplex structure. The variance is not motivated by a desire to make more money out of the property. The variance is requested to allow the applicant to build a sufficiently sized duplex structure that is economically viable with a reasonable return on investment while preserving the neighborhood's architectural design theme.

4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The hardship results from Rick Hermes deeply cutting the hillside to the north and east of the subject property and dumping extreme fill quantities from the road cut down hill across portions of the property and the adjoining Lot 99-S (planned for Reserve Building 10). Hermes never regraded the slope of either the property or Lot 99-S to match pre-disturbance contours and grades of the adjoining areas along Lakota Park Drive. As a result, the current grade of the property is unnaturally steep. This condition was not caused by any conduct of the applicant.

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.

As detailed above, the variation requested would actually allow Reserve Building 9 to be architecturally consistent with the other Reserve duplex homes constructed and being constructed along Lakota Park Drive and Reserve Way. Consequently, and as evidenced by the letters of support attached as Exhibit E, granting the requested 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.

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.

The proposed variance will not impair the supply of light or views of adjacent properties nor increase the congestion in the public streets. It is noted that the north and south elevation building heights are compliant with the Town's height parameters and the USGS elevation of the proposed roof ridgeline remain unchanged whether the variance is granted or not; it is only measurement of the side elevations which are subject to the requested variance. The applicant is neither seeking to increase the property's permitted density nor alter the arrangement of the community in a manner which would endanger public safety. The applicant's duplex design is consistent with the neighborhood's architectural features and sizing and as such the finished product will not impair property values, but rather likely will increase those values.

7. To permit a temporary building which is used for a permitted use or a temporary use of land which is not allowed in the town; such permit is to be issued for no longer than one year per application.

This factor is not applicable.

8. To permit the temporary use of vacant land for sand, gravel or clay pits or rock quarries, subject to such restrictions as may be deemed necessary by the board to protect the residential property in the neighborhood.

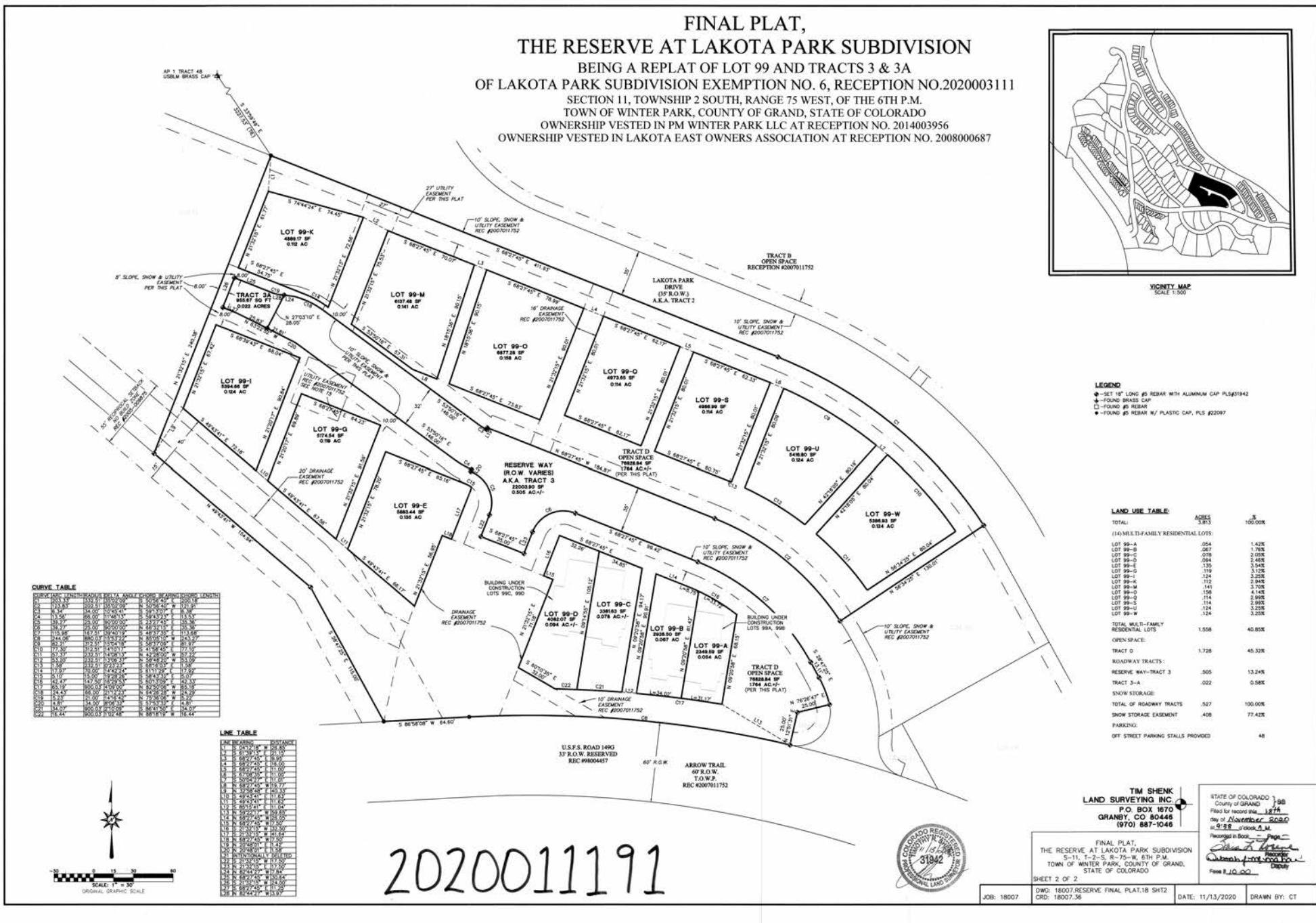
This factor is not applicable.

9. To permit public utility or public service uses when found to be necessary for the public health, safety, convenience or welfare.

This factor is not applicable.

For all of the foregoing reasons, the applicant respectfully requests that this application be granted without delay.

**FINAL PLAT,
THE RESERVE AT LAKOTA PARK SUBDIVISION
BEING A REPLAT OF LOT 99 AND TRACTS 3 & 3A
OF LAKOTA PARK SUBDIVISION EXEMPTION NO. 6, RECEPTION NO.202000311
SECTION 11, TOWNSHIP 2 SOUTH, RANGE 75 WEST, OF THE 6TH P.M.
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO
OWNERSHIP VESTED IN PM WINTER PARK LLC AT RECEPTION NO. 2014003956
OWNERSHIP VESTED IN LAKOTA EAST OWNERS ASSOCIATION AT RECEPTION NO. 2008000687**



Hugh Bell

From: Graham & Kathy Tew [REDACTED]
Sent: Wednesday, June 01, 2022 11:31 PM
To: Hugh Bell
Subject: Zoning Variance Requests

Dear Mr Bell,

We write to you today to whole-heartedly object to the requests for zoning variations made by PMWP Development Company in respect to property owned by it at 213, 215, 217, 219 Lakota Park Dr Winter Park.

The documentation pertaining to these requests states that ALL three conditions must be met in order for the Board of Adjustment to agree to their request for a variation. They do not meet either of the first two.

The first condition states that "*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*".

What is considered to be "a reasonable return"? Why should it be expected that there is any return? This is residential land where people can build homes and live their lives. When the Town of Winter Park permitted the development of the Lakota sub-division, was it done solely for the exclusive use of property developers to hold the land and then reap a windfall further down the track? I doubt it. Just because a developer, out to maximise profits, wants to build as much living space as they can possibly squeeze on a almost impossible site, why should they be granted any relaxation of the rules? My understanding is that the applicant purchased a large number of lots in the Lakota sub-division as a result of a bank foreclosure. The Town of Winter Park does not owe the developer whatever they may think is a reasonable return. To suggest that they do is laughable.

The second condition states "*the plight of the owners is due to unusual circumstances*".

What is their plight? They bought land at a low cost. They had every opportunity to do their due diligence before closing, and now that they find that they cannot build EXACTLY what they would like to build to MAXIMISE their profit, they want to have the rules bent.

To now claim after all these years that Hermes did a slap-happy job and dumped unwanted excess dirt on the site and that that action is now "rendering them financially unappealing to build" on, is again just farcical. As no changes to the gradient of the property has been made by any third party since PMWP Development Company purchased it, they have also failed to meet this condition; THERE IS NO PLIGHT!

Furthermore, to support their case, they have stated that this is NOT about making money It is ONLY about making money!

They further state that the difficulties with the site have arisen because of the actions of someone that has no interest in the site. Yes, this may have been the case, but the issues were very evident before they bought the property!

As the applicant has clearly failed to meet either of the first two conditions, we respectfully request that the Board of Adjustment DENY their request for any variation.

Graham & Kathy Tew
212 Lakota Park Dr Winter Park

From: [Sessa, John](#)
To: [Hugh Bell](#)
Cc: [Sessa, Amanda](#)
Subject: Variance request for lots 99-Q and 99-S, The Reserve at Lakota Park Subdivision
Date: Thursday, May 26, 2022 8:51:55 AM

Dear Mr. Bell,

I am the owner of 210 Lakota Park Drive. I purchased my lot and built my home over 10 years ago with the expectation that my view of the ski mountain would not be significantly blocked by future development. In part, this expectation relied on the town's building height requirements.

I am strongly opposed to the town granting the requested variances because the higher structures will significantly block my view of the mountain. This will diminish the enjoyment of my property, and it will decrease its value.

The developer has options to re-design the plan or location of the structure in order to comply with the Town Code. It is obvious that the developer is wanting to make the homes as high as possible in order to maximize their mountain view. Their request isn't due to a hardship created by someone else as they claim, but it is about maximizing the mountain view and value of their investment.

I hope that The Board of Adjustment considers the negative impact of the requested variance to myself and my property when making a determination.

Please confirm that you received this email, and please let me know if you have any questions.

Respectfully,

John Sessa
SWBC Mortgage Corporation
Branch Manager | Sr. Loan Officer | NMLS #257361



1023 Walnut Street #100 Office 213 | Boulder, CO 80302

O: 303.545.9600 | **M:** 303.638.8585

F: 877.906.6346 | [REDACTED]
sessaloans.com

[APPLY TODAY!](#)



From: [Todd Mohr](#)
To: [James Shockey](#); [Hugh Bell](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:34:07 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: Ashley Cunningham [REDACTED]
Date: Wednesday, May 11, 2022 at 10:28 AM
To: Todd Mohr <[REDACTED]>
Subject: Re: PMWP Development Variance Application and Request for Support

To Whom It May Concern:

We at 401 Reserve Way are in full support of this request!

Ashley Cunningham
214-957-0540

On Tuesday, May 10, 2022, 08:53:10 AM CDT, Todd Mohr <[REDACTED]> wrote:

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

As we discussed, PMWP is currently completing the design review process with the Town of Winter

Park for Reserve Buildings 9 and 10. As part of the process PMWP is applying for a code variance to allow for the measurement of building height from the proposed finish grade in lieu of the existing grade. Town of Winter Park design guidelines indicate that the Town is to measure building heights from the more restrictive of either existing grade or finished grade. As it relates to Reserve Buildings 9 and 10, PMWP has designed Reserve Buildings 9 and 10 to step up the hillside (also as required by the Town design guidelines) to reduce the vertical visual impacts associated with maintaining a consistent design throughout our neighborhood. It just so happens that the change in the roof height which is necessary for both architectural and engineering purposes occurs across part of the lots where the prior developer artificially flattened the sites in comparison to the historic/ native contours of the hillside. The prior developer's grade manipulation and lot contouring along Lakota Park Drive and Reserve Way has created an over-height situation along a small segment on each side of both buildings when measured from the artificially manipulated grades. The requested height variance only involves the two side elevation measurements and not the front or rear. The front and rear height measurements are compliant as-is. PMWP is seeking a variance from the Town to measure Reserve Buildings 9 and 10 heights from finished grade to allow home designs to remain consistent with the overall design theme and aesthetic appeal throughout the Reserve neighborhood.

All other duplex building height measurements within the Northwoods and Reserve neighborhoods are fine as is, and no additional variances are anticipated for completing design and construction.

As shown by the hatched/ shaded areas in the attached site plans and architectural drawings, PMWP is planning to add fill dirt along the sides of Reserve Buildings 9 and 10 such that the measured building heights remain within the Towns guidelines.

PMWP respectfully requests your support for its variance application with the Town of Winter Park. We would like to show the Town that our Northwoods and Reserve neighbors endorse the change. Please indicate your approval and support via a simple response to this email. If you have any questions, please feel free to contact me.

Thank you and best regards,

Todd Mohr

Principal
Windham Project Services Ltd.


+1 303.681.7527



From: [Todd Mohr](#)
To: [Hugh Bell](#); [James Shockey](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:35:20 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Northwoods homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd |

+1 303.681.7527



From: "Johnson, Dean" <[REDACTED]>
Date: Tuesday, May 17, 2022 at 8:57 AM
To: Todd Mohr [REDACTED]
Subject: RE: PMWP Development Variance Application and Request for Support

Understood, Tom. I am in support. Thanks for the heads up.

Dean Johnson, Chief Commercial Officer
☎ (303)378-4519 cell | ☎ (770) 951-6122 Office [✉ dean.johnson@gentiva.com](mailto:dean.johnson@gentiva.com)



From: Todd Mohr <[REDACTED]>
Sent: Tuesday, May 10, 2022 9:53 AM
Cc: Todd Mohr [REDACTED]
Subject: [EXTERNAL] FW: PMWP Development Variance Application and Request for Support

Dear Homeowner,

Thank you for taking the time this past couple weeks to discuss PMWP's development and construction plans this summer. We appreciate having the opportunity to share the vision and schedule for completing the Northwoods and Reserve neighborhoods.

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Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



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From: [Todd Mohr](#)
To: [Hugh Bell](#); [James Shockey](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:30:57 PM

Good Afternoon Hugh and James,

Please see correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services [REDACTED]
[REDACTED]
+1 303.681.7527



From: Greg Vartanyan <[REDACTED]>
Date: Tuesday, May 10, 2022 at 3:39 PM
To: Todd Mohr [REDACTED]
Cc: "Adam S. Vartanyan" [REDACTED]
Subject: Re: PMWP Development Variance Application and Request for Support

Hi Todd,

I thought we had responded to this before, but if not, please consider this our support for the variance application you seek on the units in our neighborhood.

Greg Vartanyan
403 Reserve Way
Winter Park, CO 80482

On May 10, 2022, at 7:53 AM, Todd Mohr <[REDACTED]> wrote:

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<image001.jpg>

<51901.10_SP1-site.pdf><51901.9_A2.1 & A2.2[2].pdf><51901.10_A2.1 & A2.2[1].pdf>

<Lakota Reserve Building 11 - 209 & 211 Lakota Park Drive - Site Plan_220427.pdf>

Hugh Bell

From: Todd Mohr <tmohr@windhamltd.com>
Sent: Friday, May 27, 2022 12:34 PM
To: Hugh Bell; James Shockey
Subject: FW: PMWP Development Variance Application and Request for Support

Good Afternoon Hugh and James,

Please see additional correspondence below from Lakota Reserve homeowner in support of PMWP's variance application for Reserve Buildings 9 & 10.

Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]
+1 303.681.7527



From: Reed Heitmann <[REDACTED]>
Date: Friday, May 27, 2022 at 12:13 PM
To: Todd Mohr [REDACTED]
Subject: Re: PMWP Development Variance Application and Request for Support

To whom it may concern,

As owners of the property at 303 Reserve Way in the Lakota Subdivision, Molly Miller and Reed Heitmann both approve the requested height variance.

-Reed and Molly

From: Todd Mohr [REDACTED]
Sent: Tuesday, May 10, 2022 7:53 AM
Cc: Todd Mohr [REDACTED]
Subject: FW: PMWP Development Variance Application and Request for Support

Dear Homeowner,

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Thank you and best regards,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: [Todd Mohr](#)
To: [James Shockey](#); [Hugh Bell](#)
Subject: FW: PMWP Development Variance Application and Request for Support
Date: Thursday, May 26, 2022 12:32:42 PM

Good Afternoon Hugh and James,

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Thank you,

Todd Mohr
Principal
Windham Project Services Ltd.
[REDACTED]

+1 303.681.7527



From: Travis Martin [REDACTED]
Date: Friday, May 13, 2022 at 4:01 PM
To: Todd Mohr [REDACTED]
Subject: Re: FW: PMWP Development Variance Application and Request for Support

Todd, I support this variance request to preserve the aesthetic appeal of the neighborhood.

Thank you,

Travis Martin
203 Reserve Way
Winter Park, CO

On Tue, May 10, 2022 at 7:53 AM Todd Mohr <[REDACTED]> wrote:

Dear Homeowner,

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Thank you and best regards,

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Travis Martin
President
Utility Trailer Interstate
www.utilitytrailer.net
Office: 303-295-1197
Cell: 720-323-3762