



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, July 12, 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:** None for review
- IV. **Conflicts of Interest**
- V. **Action Items:**
 - A. Adoption of Resolution 6, 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 REDUCE THE FRONT YARD SETBACK FOR LOTS 7 AND 8, BLOCK 10, OF WINTER PARK VILLAGE
 - B. Adoption of Resolution 7, 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 99-S OF RESERVE AT LAKOTA PARK SUBDIVISION
 - C. Adoption of Resolution 8, 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 99-Q OF RESERVE AT LAKOTA PARK SUBDIVISION

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/j/81725744995?pwd=RnVOb2hpVmN1SXBydzFBZEc3NGhGZz09>

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
RESOLUTION NO. 6
SERIES OF 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 REDUCE THE FRONT YARD SETBACK FOR
LOTS 7 AND 8, BLOCK 10, OF WINTER PARK VILLAGE**

WHEREAS, pursuant to the Winter Park Town Code (the "Code") § 7-8-1, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the Code;

WHEREAS, § 7-4C-3 of the Code states that there shall be a front yard setback of at least 15 feet from any street right of way for both principal and accessory structures;

WHEREAS, on May 12, 2022, Rebecca Alexis (the "Applicant"), as the representative of the owner of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to encroach into the 15-foot front yard setback in the R-2-O zone district by approximately five feet and four inches (the "Application");

WHEREAS, on June 14, 2022, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment approved the Application and hereby adopts the following findings of fact in support of such approval.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application meets the applicable criteria set forth in §§ 7-8-1(B) and (C) of the Code, more particularly:
 - a. The variance will not alter the essential character of the Town or the neighborhood in which the Property is located because there are projects which have similar setback encroachments adjacent to this Property.
 - b. The difficulty or hardship alleged in the Application has not been created by any person presently having an interest in the Property because the hardship arose from the existing flat roof requiring more frequent replacement than the proposed sloped roof.
 - c. The granting of the variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Property is located because the proposed encroachment contains no living space.

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

- a. A building permit for construction of the structure described in the Application shall be issued on or before June 14, 2023. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action of the Board of Adjustment.
- b. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
- c. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.

PASSED, ADOPTED, AND APPROVED this 14th day of June, 2022.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk

Exhibit A

Legal Description of Property

Lot 7 and Lot 8, Block 10, Winter Park Village Subdivision, Section 10, Township 2 South, Range
75 West of the 6th Principal Meridian (Reception No. 90263)

**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
RESOLUTION NO. 7
SERIES OF 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 99-S OF RESERVE AT LAKOTA PARK SUBDIVISION**

WHEREAS, pursuant to the Winter Park Town Code (the "Code") § 7-8-1, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the Code;

WHEREAS, § 7-4B-4 of the Code states that no dwelling or structure in the R-2 zone district shall exceed 35 feet in height;

WHEREAS, on May 10, 2022, PMWP Development Company (the "Applicant"), as the owner of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to exceed the maximum permitted midpoint and overall structure height in the R-2 zone district by approximately four feet and ten inches for a total midpoint height of 39 feet and 10 inches and by approximately one foot and eight inches for a total overall height of 43 feet and eight inches (the "Application");

WHEREAS, on June 14, 2022, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment approved the Application and hereby adopts the following findings of fact in support of such approval.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application meets the applicable criteria set forth in §§ 7-8-1(B) and (C) of the Code, more particularly:
 - a. The variance will not alter the essential character of the Town or the neighborhood in which the Property is located because there are projects which have similar height adjacent to this Property.
 - b. The difficulty or hardship alleged in the Application has not been created by any person presently having an interest in the Property because the hardship arose from the fact that the existing grade was heavily manipulated by the previous developer so the grade is unnaturally steep along Lakota Park Drive and Reserve Way, leaving a shallow bench in between.
 - c. The granting of the variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the

Property is located because the design conforms with the appearance of other nearby units within the subdivision.

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

- a. A building permit for construction of the structure described in the Application shall be issued on or before June 14, 2023. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action of the Board of Adjustment.
- b. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
- c. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.

PASSED, ADOPTED, AND APPROVED this 14th day of June, 2022.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk

Exhibit A

Legal Description of Property

Lot 99-S, Reserve at Lakota Park Subdivision, Section 11, Township 2 South, Range 75 West of the
6th Principal Meridian (Reception No. 2020011191)

**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
RESOLUTION NO. 8
SERIES OF 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 99-Q OF RESERVE AT LAKOTA PARK SUBDIVISION**

WHEREAS, pursuant to the Winter Park Town Code (the "Code") § 7-8-1, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the Code;

WHEREAS, § 7-4B-4 of the Code states that no dwelling or structure in the R-2 zone district shall exceed 35 feet in height;

WHEREAS, on May 10, 2022, PMWP Development Company (the "Applicant"), as the owner of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to exceed the maximum permitted midpoint and overall structure height in the R-2 zone district by approximately five feet and nine inches for a total midpoint height of 40 feet and nine inches and by approximately two feet and seven inches for a total overall height of 44 feet and seven inches (the "Application");

WHEREAS, on June 14, 2022, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment approved the Application and hereby adopts the following findings of fact in support of such approval.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application meets the applicable criteria set forth in §§ 7-8-1(B) and (C) of the Code, more particularly:
 - a. The variance will not alter the essential character of the Town or the neighborhood in which the Property is located because there are projects which have similar height adjacent to this Property.
 - b. The difficulty or hardship alleged in the Application has not been created by any person presently having an interest in the Property because the hardship arose from the fact that the existing grade was heavily manipulated by the previous developer so the grade is unnaturally steep along Lakota Park Drive and Reserve Way, leaving a shallow bench in between.
 - c. The granting of the variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the

Property is located because the design conforms with the appearance of other nearby units within the subdivision.

2. Decision. Based on the foregoing findings, the Board of Adjustment hereby **approves** the variance, as requested in the Application, subject to the following conditions:
- a. A building permit for construction of the structure described in the Application shall be issued on or before June 14, 2023. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action of the Board of Adjustment.
 - b. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
 - c. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.

PASSED, ADOPTED, AND APPROVED this 14th day of June, 2022.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk

Exhibit A

Legal Description of Property

Lot 99-Q, Reserve at Lakota Park Subdivision, Section 11, Township 2 South, Range 75 West of the
6th Principal Meridian (Reception No. 2020011191)