

# VARIANCE REQUEST 3/3



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

**Applicant:** William MacDonald  
**Owner:** William MacDonald

**Case Number:** PLN23-012

**Physical Address of Property for Which the Zoning Variance Approval is Requested:** 365 Lions Gate Drive

**Legal Description of Property for Which the Zoning Variance Approval is Requested:** See "Exhibit A" for legal description and location map.

**Description of Request:** Request to construct five (5) sets of tandem parking spaces for a total of ten (10) parking spaces.

**Applicable Provision(s) of the Unified Development Code (UDC):**

§ 3-H-5, PARKING DESIGN STANDARDS

Tandem parking spaces are not listed as a type of permitted parking configuration.

Due to this requirement, tandem parking configurations are prohibited as seen in § 3-H-5 and consequently require a variance.

The Board of Adjustment will review this case and render a decision under § 5-F-3, *Variance*, of the UDC.

Additional information is available at this link: <https://wpgov.com/current-development-projects/>

**A Public Hearing at Winter Park Town Hall, 50 Vasquez Road and online via Zoom is scheduled for:**

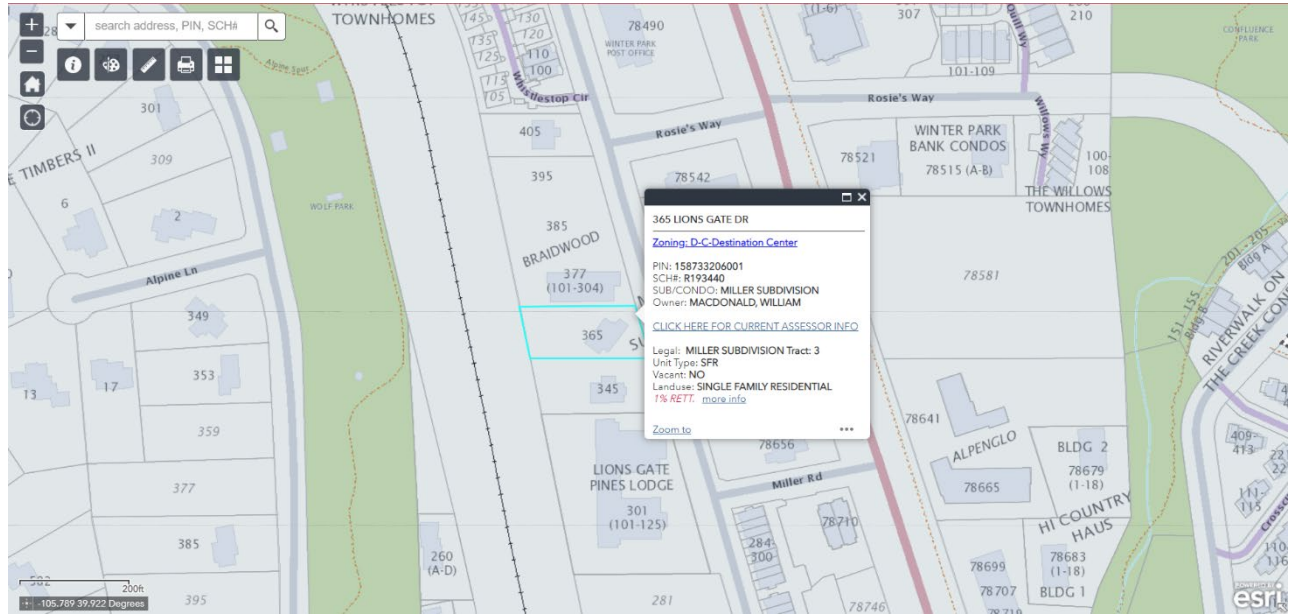
**Board of Adjustment, Tuesday, March 14, 2023 at 8:00 A.M.  
immediately following the Planning Commission hearing.**

Members of the public wishing to make comment regarding the zoning variance request may do so at the scheduled meeting, or write to Hugh Bell, Planner, Town of Winter Park, P.O. Box 3327, Winter Park, CO 80482, or [hbelle@wpgov.com](mailto:hbelle@wpgov.com). For comments to be included within the digital packet, they must be submitted by 5:00 P.M. on the Wednesday before the hearing.

The Zoom link will be made available in the Board of Adjustment full agenda, which will be published by end of day the Friday before the hearing at <https://wpgov.com/our-government/agendas-minutes/>

**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.**

Exhibit A – Legal Description and Location Map



Tract 3, Miller Subdivision, Reception No. 76470

Date: 01 / 30 / 2023

Applicant Name: William MacDonald

Mailing Address: 359 Lion's Gate Drive Winter Park, CO 80482

Phone: (303)506-4914

Email: will.c.macdonald@gmail.co

Applicant is the:  Property Owner  Other: Owner/ Developer

Street address of property: 365 Lion's Gate Drive Winter Park, CO 80482

Legal description of property: Tract 3, Miller Subdivision, County of Grand, State of Colorado

Brief description of the variance requested:

The applicant for the project at 359 Lion's Gate Way is requesting a variance from the parking regulations by using "tandem" parking to meet the parking count on the site. the project will meet the full number of stalls required by the code.

Tandem stalls will be assigned to a single unit so there wil not be overlap between usage in units. the proposed tandem stalls will be 40' x 10' .

Indicate which conditions listed below relate to the property for which variance is requested. The variance request shall meet all four (4) following criteria for approval:

- Hardship.** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship that would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone district;
- Health, Safety, and Welfare.** That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
- Unusual Circumstances.** The plight of the owner is due to unusual circumstances at the property of the variance that do not generally apply to other properties in the same zone district; and
- Character.** That the granting of the variance will not alter the essential character of the locality.

*For each condition checked above, Applicant must provide adequate supporting evidence with this application.*

Applicant Signature: \_\_\_\_\_

January 30, 2023

Hugh Bell – Town Planner  
James Shockey – Community Development Director  
TOWP BOA  
50 Vasquez Road  
P.O. Box 3327  
Winter Park CO. 80482

Re: Variance Request

365 Lions gate Drive  
Winter Park CO  
Tract 3, Miller Subdivision  
William MacDonald

Dear Hugh, James, and Town of Winter Park Board of Adjustment,

The applicant for the project at 359/365 Lion's Gate Way is requesting a variance/alternative (under Chap. 3. 3-H-4) in allowing tandem parking on the project site. In order to meet the full number of parking stalls required by the code (per Chap 3. Table 3-H-3-1), the project proposes 5 sets of tandem stalls (40' x 10') per the attached site plan. The tandem stalls will be assigned to specific units so that the front cars will not be blocked in by a neighbor, one set would serve the existing residence.

Tandem stalls are becoming an increasingly common way to provide the required vehicle spaces while maximizing residential density on the site. The project team believes that this layout fulfills the intent of the parking requirements by providing the required vehicle spaces, while meeting the higher goal of providing more housing near the center of Winter Park.

It is our hope that the Town and the BOA will review the attached exhibits and understand that our request for variance meets the intent of the code, and provides a simple workable solution that still provides the full amount or required spaces and allowing the maximum housing possible on the site, honoring the intent of the DC Zone.

Thank you,

A handwritten signature in black ink that reads "William Mac Donald". The signature is written in a cursive, flowing style.

William Mac Donald,  
Owner, Winter Park Resident

**1.Hardship. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship that would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone district;**

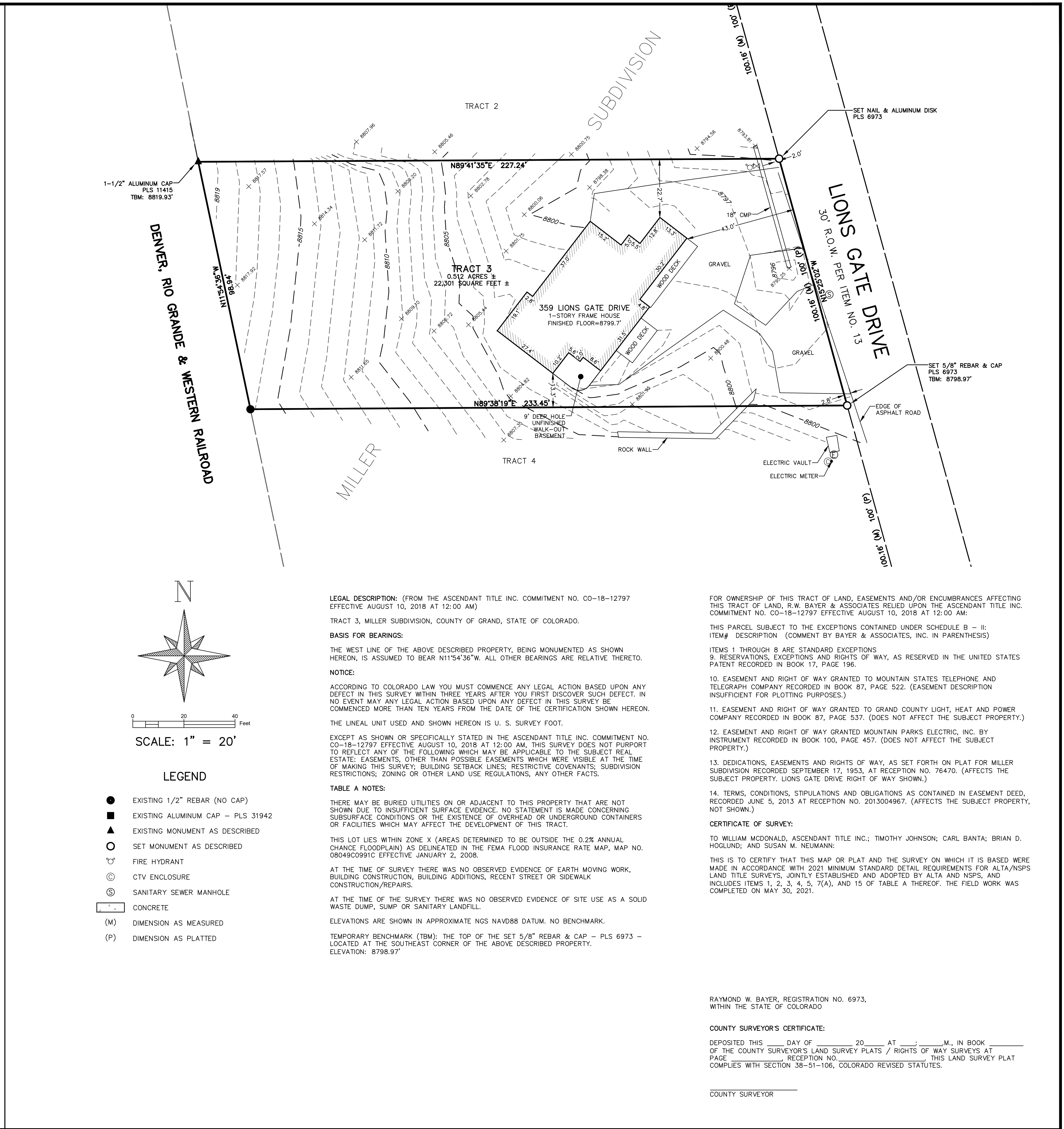
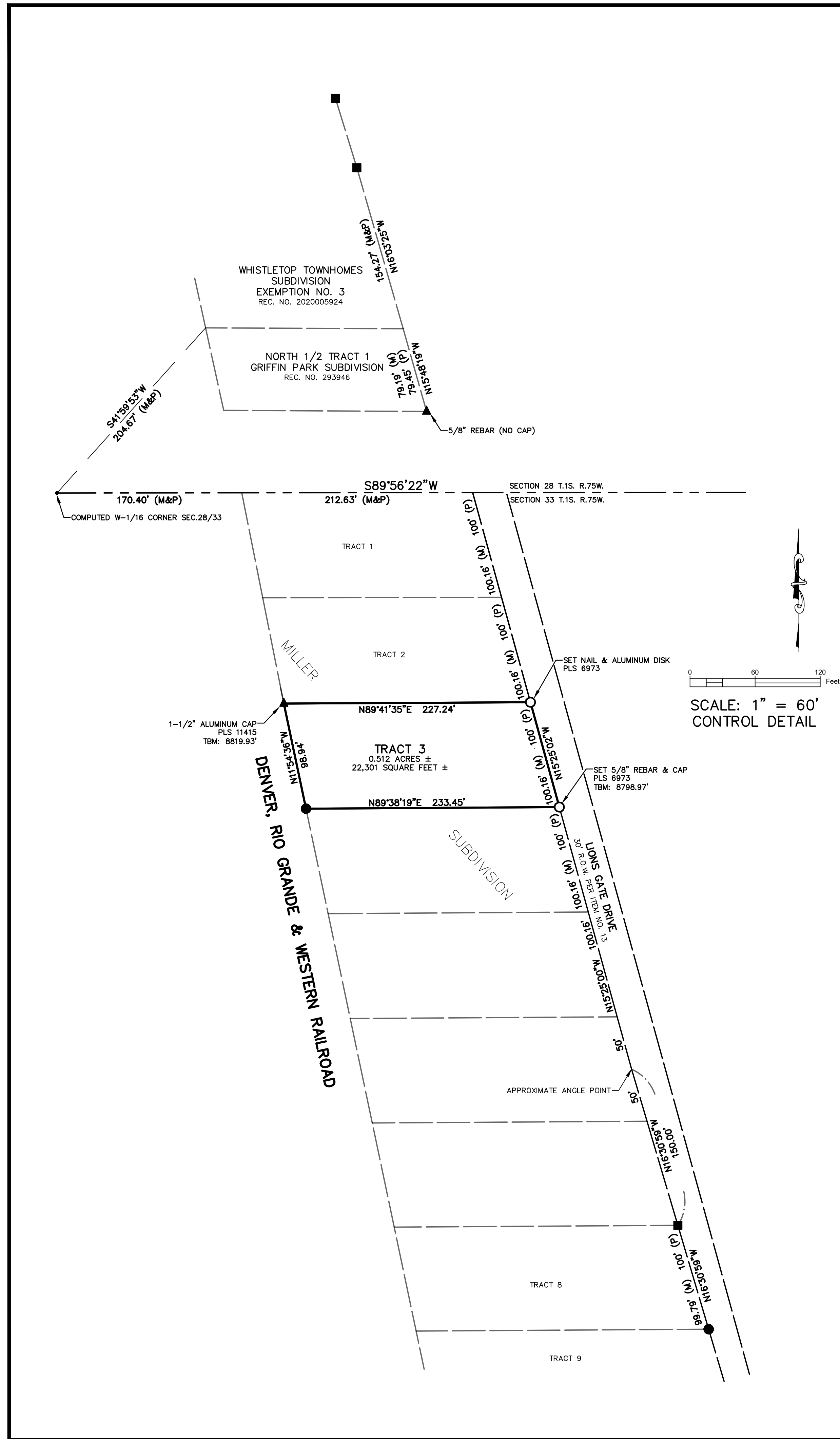
If the Town and the BOA deem that the tandem spaces are not meet the intent of the parking regulations, it will likely require a reduction in dwelling units, depriving the owner their rights to develop the property to its highest and best use, as well as continuing prioritizing vehicular uses over residential, to the detriment of the community. The desire of the DC Zone to create density in the town center and the reality of the relatively small lots in the area, requires creativity in design and application code requirements. Tandem parking is a widely accepted solution to balancing the competing factor of residential and vehicular requirements.

**2.Health, Safety, and Welfare. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;**

Approval of the parking layout will have no effect on health, safety, and welfare of the public or on other properties in the vicinity. The layout will slightly deviate from the norm, but this will only minimally affect residents, and is similar to the very familiar situation of having a parked driveway in front of a garage. Prospective tenants will be made aware of the parking situation prior to making any commitments and the layout should have no effect on the quality of life.

**3. Unusual Circumstances. The plight of the owner is due to unusual circumstances at the property of the variance that do not generally apply to other properties in the same zone district; and character. That the granting of the variance will not alter the essential character of the locality.**

As noted above the layout is necessary to maximize housing in the DC Zone which is the intent of the Town. The layout will not affect the character or quality of the zone as it moves toward higher density and looks to minimize the amount of space devoted to vehicles. The request is in line with the code language for parking alternatives in that “ *The end product shall be a more efficient use of surface [area](#) with less land area devoted to parking* (Chap.3-3-A-1) ” Based on discussions with the Town tandem parking is being looked at as an addition to the town code in order to meet the exact situation on our site.



**LEGAL DESCRIPTION:** (FROM THE ASCENDANT TITLE INC. COMMITMENT NO. CO-18-12797 EFFECTIVE AUGUST 10, 2018 AT 12:00 AM)  
 TRACT 3, MILLER SUBDIVISION, COUNTY OF GRAND, STATE OF COLORADO.

**BASIS FOR BEARINGS:**  
 THE WEST LINE OF THE ABOVE DESCRIBED PROPERTY, BEING MONUMENTED AS SHOWN HEREON, IS ASSUMED TO BEAR N11°54'36\"/>

**NOTICE:**  
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

THE LINEAL UNIT USED AND SHOWN HEREON IS U. S. SURVEY FOOT.

EXCEPT AS SHOWN OR SPECIFICALLY STATED IN THE ASCENDANT TITLE INC. COMMITMENT NO. CO-18-12797 EFFECTIVE AUGUST 10, 2018 AT 12:00 AM, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, ANY OTHER FACTS.

**TABLE A NOTES:**  
 THERE MAY BE BURIED UTILITIES ON OR ADJACENT TO THIS PROPERTY THAT ARE NOT SHOWN DUE TO INSUFFICIENT SURFACE EVIDENCE. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES WHICH MAY AFFECT THE DEVELOPMENT OF THIS TRACT.

THIS LOT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED IN THE FEMA FLOOD INSURANCE RATE MAP, MAP NO. 08049C0991C EFFECTIVE JANUARY 2, 2008.

AT THE TIME OF SURVEY THERE WAS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS, RECENT STREET OR SIDEWALK CONSTRUCTION/REPAIRS.

AT THE TIME OF THE SURVEY THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

ELEVATIONS ARE SHOWN IN APPROXIMATE NGS NAVD88 DATUM. NO BENCHMARK.

TEMPORARY BENCHMARK (TBM): THE TOP OF THE SET 5/8\"/>

FOR OWNERSHIP OF THIS TRACT OF LAND, EASEMENTS AND/OR ENCUMBRANCES AFFECTING THIS TRACT OF LAND, R.W. BAYER & ASSOCIATES RELIED UPON THE ASCENDANT TITLE INC. COMMITMENT NO. CO-18-12797 EFFECTIVE AUGUST 10, 2018 AT 12:00 AM:

THIS PARCEL SUBJECT TO THE EXCEPTIONS CONTAINED UNDER SCHEDULE B - II: ITEM# DESCRIPTION (COMMENT BY BAYER & ASSOCIATES, INC. IN PARENTHESIS)

ITEMS 1 THROUGH 8 ARE STANDARD EXCEPTIONS  
 9. RESERVATIONS, EXCEPTIONS AND RIGHTS OF WAY, AS RESERVED IN THE UNITED STATES PATENT RECORDED IN BOOK 17, PAGE 196.  
 10. EASEMENT AND RIGHT OF WAY GRANTED TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 87, PAGE 522. (EASEMENT DESCRIPTION INSUFFICIENT FOR PLOTTING PURPOSES.)  
 11. EASEMENT AND RIGHT OF WAY GRANTED TO GRAND COUNTY LIGHT, HEAT AND POWER COMPANY RECORDED IN BOOK 87, PAGE 537. (DOES NOT AFFECT THE SUBJECT PROPERTY.)  
 12. EASEMENT AND RIGHT OF WAY GRANTED MOUNTAIN PARKS ELECTRIC, INC. BY INSTRUMENT RECORDED IN BOOK 100, PAGE 457. (DOES NOT AFFECT THE SUBJECT PROPERTY.)  
 13. DEDICATIONS, EASEMENTS AND RIGHTS OF WAY, AS SET FORTH ON PLAT FOR MILLER SUBDIVISION RECORDED SEPTEMBER 17, 1953, AT RECEPTION NO. 76470. (AFFECTS THE SUBJECT PROPERTY. LIONS GATE DRIVE RIGHT OF WAY SHOWN.)  
 14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN EASEMENT DEED, RECORDED JUNE 5, 2013 AT RECEPTION NO. 2013004967. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN.)

**CERTIFICATE OF SURVEY:**  
 TO WILLIAM McDONALD, ASCENDANT TITLE INC.; TIMOTHY JOHNSON; CARL BANTA; BRIAN D. HUGLUND; AND SUSAN M. NEUMANN:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(A), AND 15 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MAY 30, 2021.

RAYMOND W. BAYER, REGISTRATION NO. 6973, WITHIN THE STATE OF COLORADO

COUNTY SURVEYOR'S CERTIFICATE:  
 DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS / RIGHTS OF WAY SURVEYS AT PAGE \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_ THIS LAND SURVEY PLAT COMPLIES WITH SECTION 38-51-106, COLORADO REVISED STATUTES.

COUNTY SURVEYOR \_\_\_\_\_



PROJECT TITLE

**LION'S GATE  
 CONDOMINIUMS**  
 365 LION'S GATE DRIVE  
 WINTER PARK CO, 80482

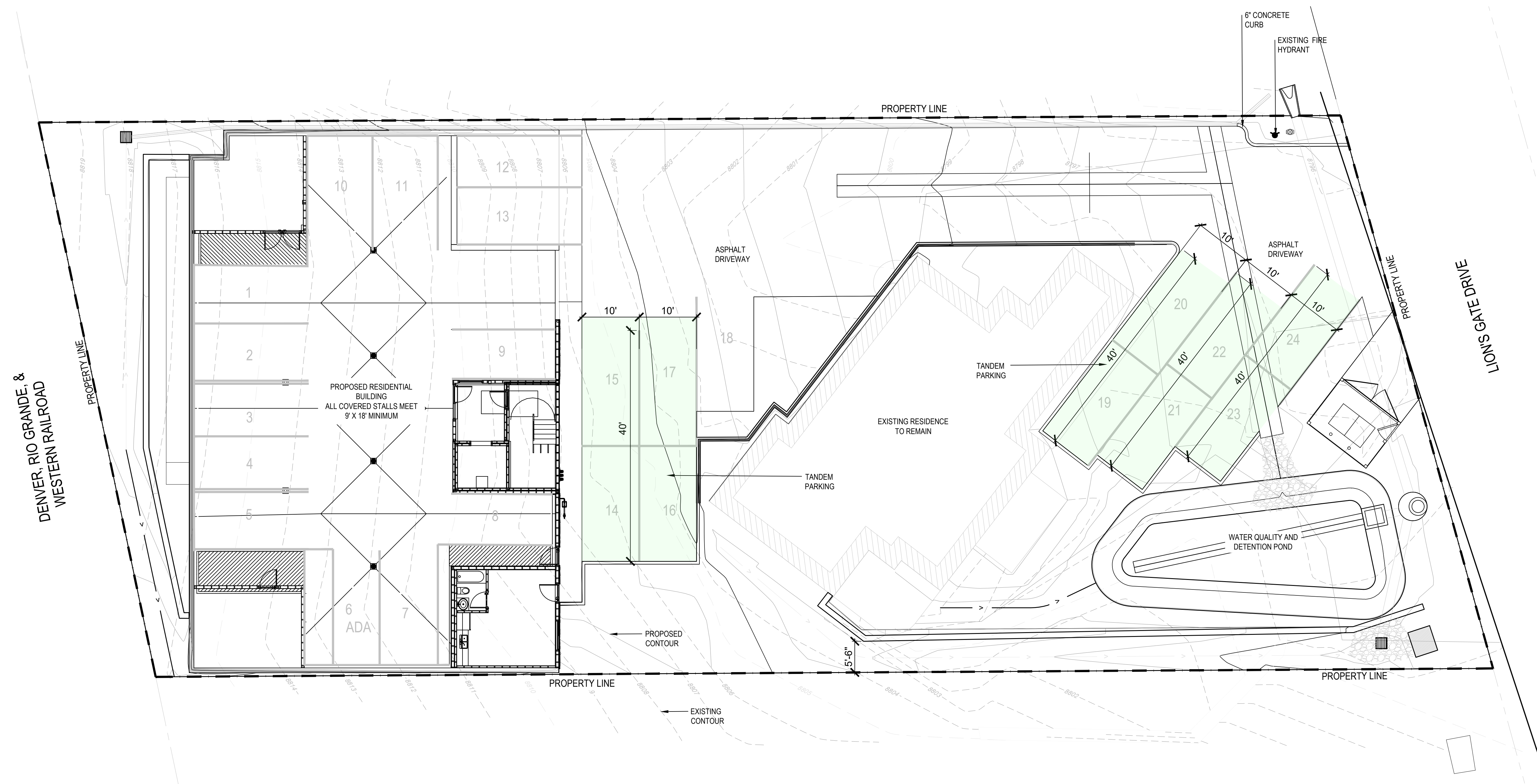
NO.	REVISION DESCRIPTION	DATE
1	BOA REVIEW	01/30/2023

STAMP



DATE 01.30.2023

SHEET NO.



NOTE:  
 1. TANDEM STALLS WILL BE ASSIGNED TO MULTI-BEDROOM UNITS PER OCCUPANCY AGREEMENTS AND HOA RULES  
 2. STALLS # 19 AND # 20 WILL BE FOR THE USE OF THE EXISTING RESIDENCE TO REMAIN.

**359 LION'S GATE DRIVE - PARKING DIAGRAM**

1/30/2023

