



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, July 25, 2023 8:00 AM
Immediately Following Planning Commission**

A G E N D A

- I. **Call to Order**
- II. **Roll Call of BOA Members**
- III. **Minutes:** June 13, 2023
- IV. **General Business:**
 - A. PUBLIC HEARING: Setback Variance Request – 198 Beaver Lodge Road – Lot 6, Block 10, Roam Filing No. 1 Subdivision (PLN23-063)

Online Meeting Login Instructions – See next page

Computer Login Instructions

Please click the link below to join the webinar:

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

Passcode: 113389

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Dial In Numbers (for higher quality, dial a number based on your current location):

+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 564 217 2000 US
+1 646 931 3860 US
+1 689 278 1000 US
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
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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.



MINUTES

DATE: Tuesday, June 13, 2023.

MEETING: Winter Park Board of Adjustment

PLACE: Town Hall Council Chambers and Zoom Meeting Call

PRESENT: Vice Chair Brad Holzwarth, Members Chris Tagseth, Doug Robbins, Thomas McDonald (on Zoom), and Roger Kish are present. Community Development Director James Shockey and Town Planner Hugh Bell are also present.

OTHERS

PRESENT: Irene Kilburn, Planning and Building Technician II

I. **Call to Order.**

Vice Chair Brad Holzwarth called the meeting to order at 8:13 a.m.

II. **Roll Call of BOA Members.**

Chair Dave Barker and Member Angela Sandstrom are absent today.

III. **Minutes:**

Member Kish makes a motion to approve the minutes from May 9, 2023. Member Tagseth seconds. The minutes are approved 5, 0.

IV. **General Business:**

- A. **Consideration of Resolution 5, Series 2023, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK APPROVING A VARIANCE TO REDUCE THE BUFFERYARD REQUIREMENTS FOR THE ENTIRETY OF THE SOUTH AND EAST BUFFERYARD FOR LOT 1, NORTH BENCH MINOR SUBDIVISION AND ADOPTING FINDINGS OF FACT THERETO**

Town Planner Hugh Bell begins his presentation by summarizing the scope of this item in the agenda. The BOA Members do not have any questions for Staff.

Member Kish makes a motion for approval of Resolution 5, Series 2023, a Resolution of the Board of Adjustment of the Town of Winter Park approving the resolution. Member McDonald seconds. The motion carries and is approved 5, 0.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 8:15 a.m.

The next scheduled meeting of the Board of Adjustment will be Tuesday, July 11, 2023, after the Planning Commission meeting.

Irene Kilburn, Planning and Building Technician II



MEMO

TO Board of Adjustment
FROM Hugh Bell, Planner
THRU James Shockey, Community Development Director
DATE July 25, 2023
RE PUBLIC HEARING: Setback Variance Request – 198 Beaver Lodge Road – Lot 6, Block 10,
Roam Filing No. 1 Subdivision (PLN23-063)

Property Owner: Jeff and Kerry Hutcheson

Applicant: Mocha Vaughan, Brad Smith, and David Lutz

Location: 198 Beaver Lodge Road (the “Property”)

Zoning:

P-D (Planned Development) with D-C (Destination Center) underlay; Planning Area 6. Governed by Roam Final Development Plan (FDP), Reception No. 2018004495; 1st Amendment at Reception No. 2019007767 and 2nd Amendment at Reception No. 2019010345. The Property has the following entitlements:

Setbacks – 20’ front yard setback (given front-loaded garage) to edge of garage door; 3’ side yard setback; and 10’ rear setback.

Building Coverage – None for PA-6

Variance Request:

Request to encroach a patio into the 10’ rear yard setback on the east lot line by approximately 2’-9”.

Owner’s Reasons Why the Variance Should Be Granted:

See application for details.

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

N/A as the FDP governs setbacks.

Applicable Provision(s) of the Roam Final Development Plan (FDP) (Reception No. 2019010345):

DEVELOPMENT STANDARDS (pg. 63)

Rear setback for single-family detached and attached dwellings in Planning Area 6 (PA-6): 10’

§ 5-F-3, VARIANCE

- A. Generally. Variances are authorizations to depart from the strict application of the standards of this UDC. In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this UDC as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. A practical difficulty or unnecessary

physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from other physical limitations, street locations or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance. It is not the intent of this Section to allow variances in the classification of uses of property. They are granted by the Board of Adjustment (BOA) by C.R.S., § 31-23-307 et seq., as amended.

Criteria to Grant Variance:

§ 5-F-3(F), Approval Criteria The variance request shall meet all four (4) of the following criteria for approval:

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;
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;
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
4. Character. That the granting of the variance will not alter the essential character of the locality.

§ 5-B-8 Public Notice Requirements:

This variance request has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published in the Middle Park Times on July 13, 2023, providing notification of the meeting and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300' of the property on July 10, 2023. A Property Posting (PO) was posted on July 10, 2023.

As of July 19, no comments have been received.

Staff Comments:

Applicant seeks a variance for an already constructed patio that encroaches approximately 2'-9" into the required 10' rear yard setback. The site plan submitted with the Design Review Application (PLN21-084) that the Planning Commission approved on July 13, 2021 did not show any setback encroachments, nor did the site plan submitted with the Building Permit Application (BLD21-235) that Planning and Building Division staff approved on August 25, 2021. A site and grading plan dated August 30, 2022 and created by "WildForm Design, LLC" showed a different site plan layout with the patio encroachment, and this site plan dictated where the patio's forms were set; that said, this site plan was never submitted to Planning or Building staff until after the violating encroachment was discovered.

Planning Division staff received an Improvement Location Certificate (ILC) via email on February 22, 2023, and it was inadvertently ignored. The ILC showed the encroachment, but when it was approved on June 16, 2023, staff believed this encroachment was permissible, as staff misinterpreted Footnote 5 from the Roam FDP Development Standards (pg. 63 of FDP, attached in packet). Footnote 5 reads as follows:

5. Roof overhangs, bay or box windows, fireplaces, cantilevers and other architectural features may be located within the rear setback. Provided that the encroachment does not exceed 24 inches. Decks, patios and covered porches may extend within 10' from the rear property line unless minimum setback is less.

Staff believed that the patio was a permitted encroachment, which is why the ILC was approved, even though it was a different layout than that approved with PLN21-084 and BLD21-235. On June 19, 2023, the

patio was poured – *after* the ILC was approved. On June 20, 2023, the Building Division issued a Temporary Certificate of Occupancy (TCO); the reason a TCO instead of a CO was issued was due to the rear patio not yet being poured and its surrounding grading not being finished.

On June 21, 2023, staff realized the mistaken approval and left a voicemail with the applicants that the encroaching portion must be removed or a BOA variance sought, and on June 22 sent an email with further details. On June 30, 2023, staff confirmed with the Town's legal counsel that even with Footnote 5, the 10' rear yard setback applies to decks, patios, and porches on the lot. Although the site plan exhibit submitted by WildForms Design altered the patio's design and was not submitted to Building and Planning staff until this violation was discovered, because staff missed reviewing the initial ILC sent in February, well before a Certificate of Occupancy was requested, and because staff misinterpreted Footnote 6 and initially approved the ILC before rescinding its approval, staff finds that a hardship exists and supports approval of this variance request.

Applicant cites several hardships: that the ILC was submitted months in advance of a CO being requested; that the patio cannot be easily removed given accessing the patio's east edge requires intruding with heavy machinery upon the south jurisdictional wetland, which is prohibited, or intruding upon the existing landscaping to the north that was installed by that neighbor; that Footnote 5 is ambiguous; that the ILC was approved prior to staff realizing it misinterpreted Footnote 5; and that Footnote 5's interpretation changed during construction of the patio.

Staff Recommendation:

Staff finds several proven hardships with the property and supports approval of this variance request for the following reasons. The applicant has provided evidence showing the property cannot yield a reasonable return in use or service if required to adhere to the minimum setback requirement. Code, § 5-F-3(F)(1). If adhering to the setback requirement, the applicant must remove the encroaching portion of the patio, which would now involve either destroying jurisdictional wetlands or destroying the northern neighbor's installed landscaping. This would be an unreasonable burden upon the applicant, especially given the applicant submitted the ILC months in advance of requesting Certificate of Occupancy and also waited to pour the patio until staff approved the ILC. Staff acknowledges that our correction of Footnote 5's interpretation occurred at an inconvenient time for the applicant and would be costly if required to be fixed.

The public health, safety, and welfare will not be negatively impacted as the patio's encroaching portion is in an area not frequented by the public, and it is only a patio, not a structure with living space, so any impacts to the environment will be minimal. The plight of the owner is due to unusual circumstances given that staff missed reviewing the ILC for several months and that staff initially approved the ILC before rescinding its approval. Lastly, granting the variance will not alter the essential character of the neighborhood as the encroachment is within only the rear setback, not extending past the rear lot line, and the related rear lot line does not and will not directly face any future development given the Fraser River riparian corridor buffers that rear lot line.

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.

Sample Motion for Approval:

I move to approve the request for the reasons discussed today, finding the applicant meets all four criteria required by the UDC, § 5-F-3(F) in that:

1. 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 because ***[insert explanation supported by evidence here];***
2. 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 because ***[insert explanation supported by evidence here];***
3. 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 because ***[insert explanation supported by evidence here]; and***
4. That the granting of the variance will not alter the essential character of the locality because ***[insert explanation supported by evidence here].***

Sample Motion for Denial:

I move to deny the request for the reasons discussed today, finding the applicant fails to meet all four criteria required by the UDC, § 5-F-3(F) in that:

1. The strict or literal interpretation and enforcement of the specified regulation would not 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 because ***[insert explanation supported by evidence here];***
2. That the granting of the variance will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity because ***[insert explanation supported by evidence here];***
3. The plight of the owner is not due to unusual circumstances at the property of the variance that do not generally apply to other properties in the same zone district because ***[insert explanation supported by evidence here]; and***
4. That the granting of the variance will alter the essential character of the locality because ***[insert explanation supported by evidence here].***

Date: 07 / 03 / 2023

Applicant Name (i.e., the Representative, i.e., the point of contact):

Mocha Vaughan

Street address of property: 198 Beaver lodge Rd., Winter Park, CO 80482

Legal description of property: Subd: ROAM FILING NO. 1 Lot: 6 Block: 10

Brief description of the variance requested:

We are seeking a variance for the easterly edge of the patio and
patio footer. The proposed variance would use 60.9 sq.ft. of the
783 sq.ft. total setback area or 7.8%.

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: Mocha Vaughan

VARIANCE REQUEST NARRATIVE

This narrative will explain in detail why the variance request for the rear patio at 198 Beavers Lodge Rd. conforms to the four points of approval criteria outlined in the Winter Park Variance Application Form. We also state the history of how the patio came to be over the 10' rear setback.

We were issued building permit BLD21-235 on 8/25/21. In September 2021 we were informed by the Town that our project would have to conform to a 20' front setback as opposed to the 14' setback initially approved. Construction halted and new drawings were issued that conformed to the 20' front setback and our permit was reissued in mid-September 2021. This change resulted in drawings that showed the rear patio encroaching into the 10' rear setback. These drawings were provided to our Surveyor David Lutz when he staked the points for our patio. We acknowledge he was not given the correct set that showed a reduced patio size conforming to the 10' rear setback.

Below we address the (4) points of approval criteria that demonstrate how the chain of events that transpired supports our request for variance.

Hardships

1) Timeline

-February 22, 2023 - Winter Park Building Department received the ILC showing the easterly edge of the patio encroaching slightly into the rear 10' rear setback.

-June 15, 2023 - Hugh Bell acknowledged he had missed the ILC we sent in February and requested a few additional points be added before approval.

-June 16, 2023 - Updated ILC with additional requested information was provided to and approved by the Town.

- June 19th, 2023- Patio concrete was poured with ILC approved

-June 21st, 2023 - Patio stairs were poured with ILC approved

June 21st, 2023 – At 4:56pm Hugh Bell called Terra Firma and left a voicemail stating he had misinterpreted the rear setback rules of the ROAM FDP Development Plan and that “hopefully we hadn’t poured the patio yet”, but that either way it would have to be removed.

2) Now that the patio has been poured, there are no good options to remove the portion that is in the setback area. Removal would require heavy machinery be driven to the easterly edge of the patio and there is no way to get the machinery to that location. To the South of the house is wetland which we cannot drive heavy machinery into. The area to the North of the house would require driving onto the neighbors’ property which is landscaped. We feel this is an undue hardship given that we had an approved ILC when the patio was poured.

3) The language in the ROAM FDP Development Plan regarding patios and rear setbacks is ambiguous and can be interpreted to mean different things. Footnote 5 in the ROAM Development Plan reads:

“Decks, patios and covered porches may extend within 10’ from the rear property line unless the minimum setback is less.” This can be interpreted to mean that patios are allowed inside 10’ of the rear property line and was, in fact, interpreted this way by the Winter Park Town Planner until just recently.

4) In his email revoking his previous approval of our ILC, Town Planner Hugh Bell disclosed he has been misinterpreting the meaning of Footnote 5: “I thought that Footnote 5 in the FDP’s Development Standards permitted the rear patio to encroach (see Development Standards attached). However, my interpretation was wrong and it prohibits any patio from encroaching into the rear setback.”

5) Changing the interpretation of this code during the construction of our project is creating a unique hardship, a hardship that has not been imposed on the other owners and Builders in the ROAM Development up to this point.

Health, Safety, Welfare

The granting of this Variance request will not impact the health, safety and welfare of the surrounding Community because the rear setback is not in an area that has any amount of significant human activity. The rear property line is not shared by a buildable lot and will not be materially injurious to properties or improvements in the area. Anyone living or visiting that area of ROAM without previous knowledge of this variance request will have no idea our patio is 8’ from the rear property line.

Unusual Circumstances

The Town changing their interpretation of the ROAM FDP Development Plan, giving us ILC approval before we poured the patio and the fact that removal would mean driving machinery into the wetland or onto the existing patio which would cause it to be permanently damaged have created unusual circumstances that have not generally been applied to other properties in the same zone district.

Unfortunately, the Town did not respond to the encroachment shown on the required Foundation ILC that was provided in February, at which time the encroaching patio perimeter footer could have been removed prior to the installation of heat mats, gas, and electric lines. Notification of violation by the Town after June 21st has created an unusual and very expensive circumstance.

Character

This variance request, if approved, will not alter the essential character of the area. Mainly because it pertains to the rear setback and the rear property line is not shared by a buildable lot. The patio only encroaches into roughly 7.8% of the total rear setback area and therefore the perceived visual impact will be negligible and will not result in a change in the essential character of the neighborhood.

We acknowledge our portion of responsibility for the patio being in the rear setback. However, the sequence of events that transpired did not give us fair and ample opportunity to correct the mistake before we finished constructing the patio.

GENERAL NOTES

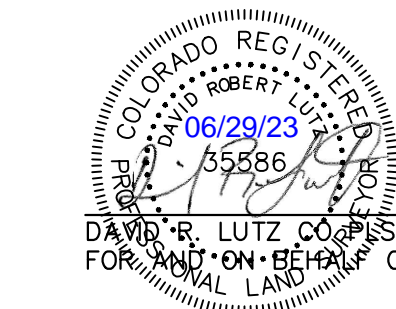
- ### LEGAL DESCRIPTION

PROVIDED ADDRESS


NOTICE

SURVEYOR'S CERTIFICATE

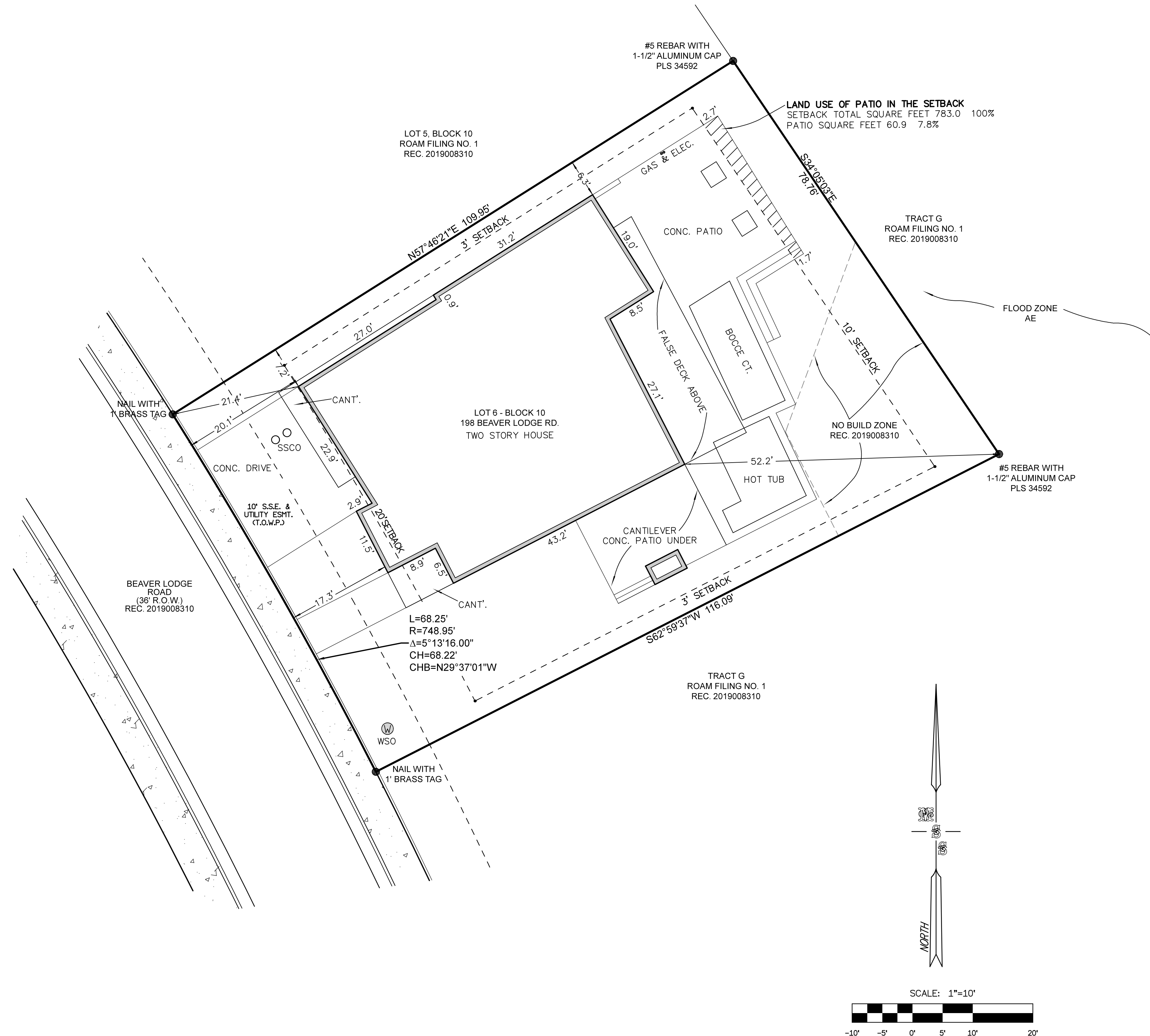
THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR THE CURRENT CLIENT'S CURRENTLY OWNED STATE-REGISTERED LLC AND DESCRIBES THE PARCELS APPEARANCES ON JUNE 29, 2023. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL, ON THIS DATE, EXCEPT TITLE, ARE NOT AFFECTED BY ANY OTHER EASEMENTS OR INTERESTS OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS SHOWN, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF EASEMENT, ENCROACHMENT OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.



DAVID R. LUTZ COMPLETES 35586
FOR AND ON BEHALF OF MOUNTAIN STATES SURVEYING, LLC



JOB NO. 22-104	SHEET 1 OF 1
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Approved by the Town of Winter Park
Planning Division

Hugh Bell

06/16/2023
5:47:45 PM

Hugh Bell
Planner

IMPROVEMENT LOCATION CERTIFICATE—FOUNDATION ONLY
LOT 6, BLOCK 10—ROAM FILING NO. 1
BEING A PART OF SECTION 33, TOWNSHIP 1 SOUTH,
RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

GENERAL NOTES

- 1.) BEARINGS SHOWN ON THE IMPROVEMENT LOCATION CERTIFICATE ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE SE1/4 OF SECTION 33, T1S, R75W OF THE 6TH P.M., BEARS N89°33'13"W, AS MONUMENTED AND SHOWN HEREON.
- 2.) BASIS OF ELEVATIONS SHOWN HEREON ARE BASED UPON THE NGS H360, A STANDARD BRASS CAP SET IN A BOULDER, PUBLISHED NAVD 88 DATUM = 8971.34 U.S. SURVEY FEET, ALL ELEVATIONS ARE TRANSFERRED BY GPS RTK METHODS.
- 3.) THIS IMPROVEMENT LOCATION CERTIFICATE IS NOT A LAND SURVEY PLAT AS SET FORTH IN CRS 38-51-102(12) OR AN IMPROVEMENT SURVEY PLAT AS SET FORTH IN CRS 38-51-102(9), NOR DOES IT ESTABLISH PROPERTY BOUNDARIES OR THE TRUE RELATIONSHIP OF IMPROVEMENTS TO THEM. IMPROVEMENTS ARE GENERALLY SITUATED AS SHOWN AND ONLY APPARENT IMPROVEMENTS AND ENCROACHMENTS ARE NOTED. IT IS PREPARED FOR THE SOLE PURPOSE OF THE PARTIES STATED HEREON. MOUNTAIN STATES SURVEYING LLC AND I DAVID R. LUTZ, WILL NOT BE LIABLE FOR MORE THAN THE COST OF THIS IMPROVEMENT LOCATION CERTIFICATE AND THEN ONLY TO THE CLIENT SPECIFICALLY SHOWN HEREON. THE CERTIFICATION OF THIS SURVEY SHALL NOT AND DOES NOT EXTEND TO THIRD PARTIES. ACCEPTANCE AND/OR USE OF THIS INSTRUMENT FOR ANY PURPOSE CONSTITUTES AGREEMENT BY ALL PARTIES TO ALL TERMS STATED HEREON.
- 4.) THE EXTERIOR BOUNDARY, RECORDED EASEMENTS AND RIGHTS-OF-WAY, IF ANY, ARE SHOWN ON THE ACCOMPANYING ILC AS DISCLOSED ON THE FINAL PLAT AND FOUND MONUMENTS. OTHER INTERESTS OR EASEMENTS MAY EXIST. A TITLE COMMITMENT WAS NOT SUPPLIED AND IS ALWAYS RECOMMENDED BY MOUNTAIN STATES SURVEYING, LLC. PER THE REQUEST OF THE OWNER OR OWNERS AGENT, NO ADDITIONAL RESEARCH WAS COMPLETED BY MOUNTAIN STATES SURVEYING, LLC.
- 5.) THE U.S. SURVEY FOOT WAS USED FOR ALL MEASUREMENTS ON THIS SURVEY. PURSUANT TO C.R.S. 38-52.103(2) METRIC CONVERSION IS: ONE METER EQUALS 39.37/1200 FEET.
- 6.) DATE OF LAST FIELD INSPECTION: 12-01-22 BY DAVID R. LUTZ, PLS. ALL FIELD MEASUREMENTS WERE OBTAINED WITH A LEICA GPS ICG 70.
- 7.) ALL UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION.
- 8.) THE SUBJECT PROPERTY LIES WITHIN ZONE X (AREA IS DETERMINED TO BE INSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), PER FEMA FIRM PANEL 992 OF 1200, MAP NO. 08049C0992C WITH AN EFFECTIVE DATE OF JANUARY 2, 2008.

LEGAL DESCRIPTION

LOT 6, BLOCK 10, ROAM FILING NO. 1, ACCORDING TO THE THE RECORDED OCTOBER 11, 2019 AT RECEPTION 20190008310 IN THE RECORDS OF GRAND COUNTY, COLORADO.

PROVIDED ADDRESS

198 BEAVERS LODGE RD WINTER PARK, CO

NOTICE

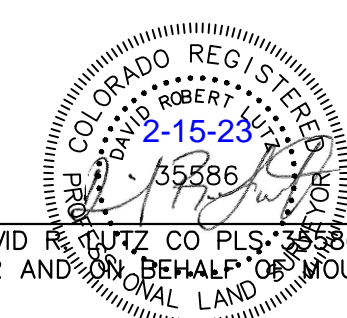
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATE

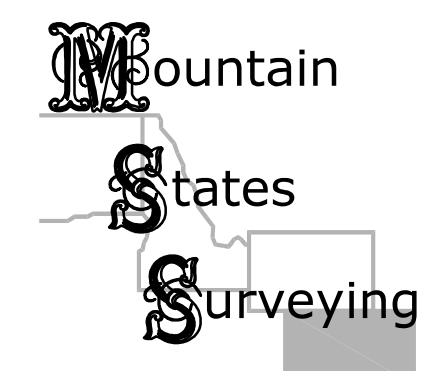
I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR

JEFF & KERRY HUTCHESON

THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR THE USE OF THE CLIENT AND MOUNTAIN STATES SURVEYING, LLC AND DESCRIBES THE PARCELS APPEARANCES ON DECEMBER 01, 2022. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL, ON THIS DATE, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

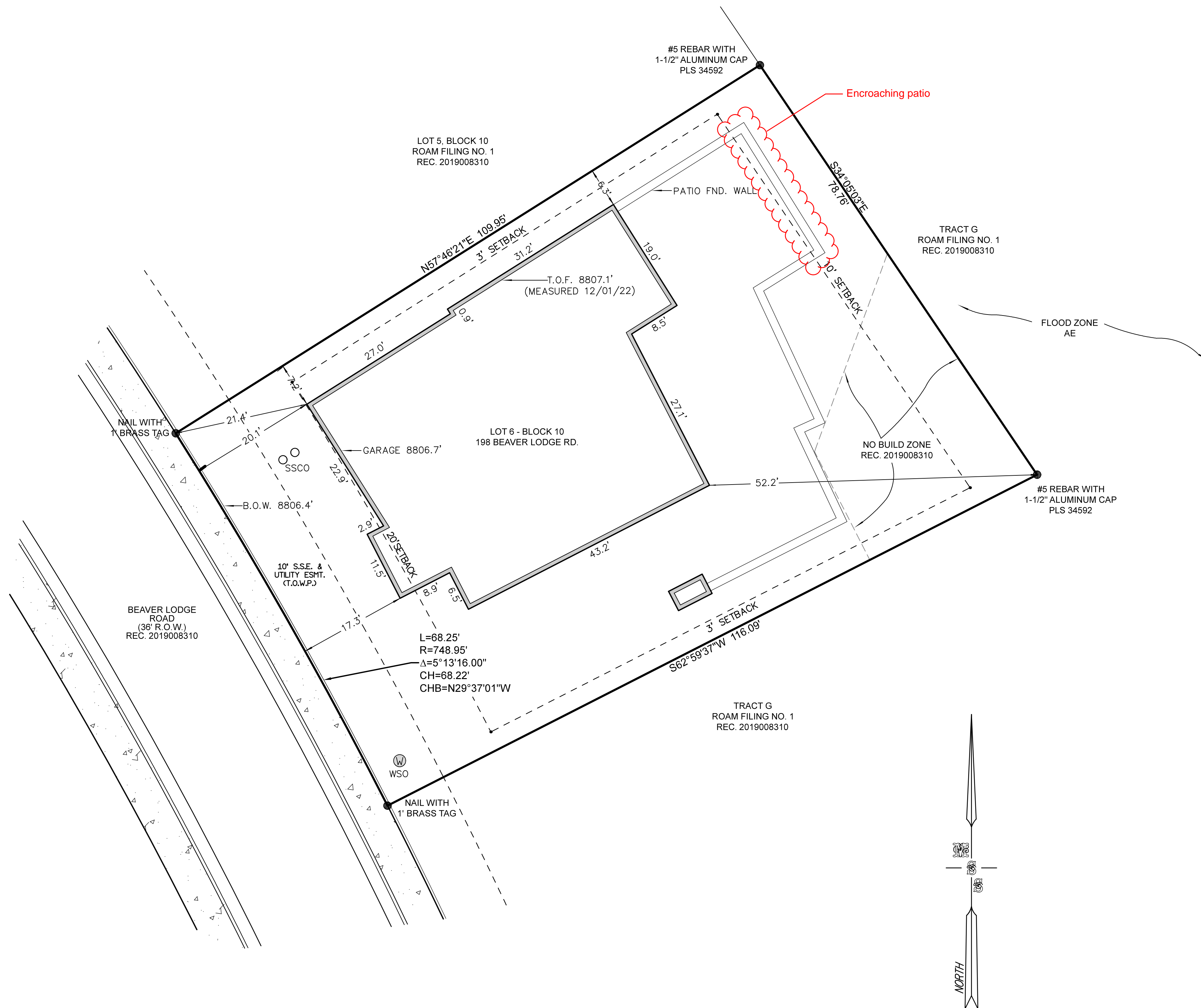


DAVID R. LUTZ, CO PLS 35586
FOR AND BEHALF OF MOUNTAIN STATES SURVEYING, LLC



P.O. Box 1381 Fraser, CO 80442
Phone: (970) 531-4490

JOB NO. 22-104 SHEET 1 OF 1



SCALE: 1"=10'
-10' -5' 0' 5' 10' 20'

GENERAL NOTES

= 114,5 SF

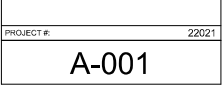
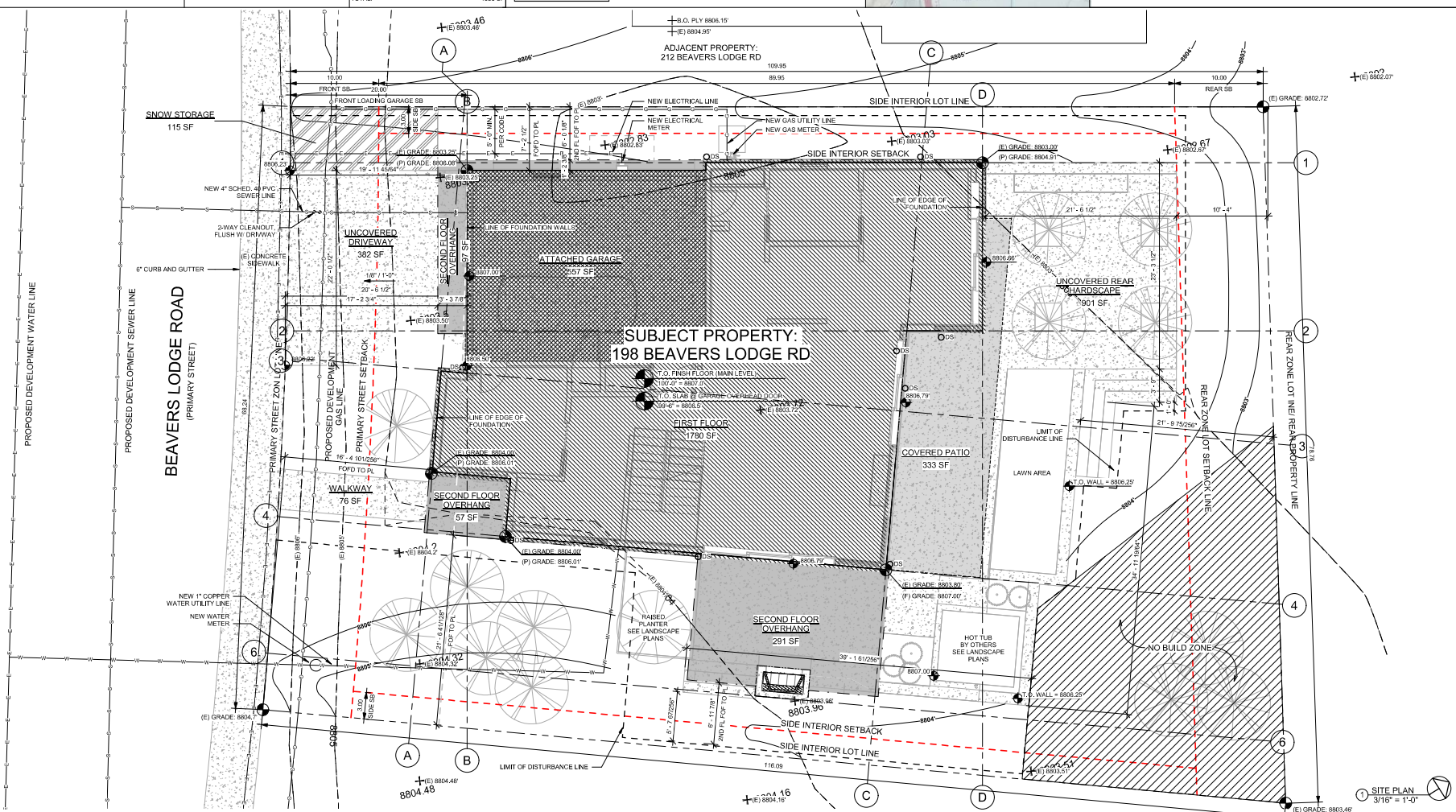
UNCOVERED REAR HARDSCAPE	901 SF
UNCOVERED DRIVEWAY	382 SF
WALKWAY	76 SF
TOTAL:	1359 SF

	PRIMARY OR ZONE LOT LINE
	PROPERTY STRUCTURE ZONE LOT SETBACK
	FRONT LOADING GARAGE ZONE LOT SETBACK
	FOUNDATION WALL FOOTPRINT BELOW
	FIRST FLOOR FOOTPRINT, MEASURED TO FURTHEST EXTERIOR PROJECTION OF WALL
	SECOND FLOOR FOOTPRINT ABOVE
	ROOF OVERHANG ABOVE
	ADJACENT STRUCTURE FOOTPRINT
	FENCE
	SCHED 40 PVC SEWER LINE
	LIMIT OF DISTURBANCE LINE
	PROPOSED FIRST FLOOR FOOTPRINT
	PROPOSED GARAGE FOOTPRINT
	PROPOSED SECOND FLOOR OVERHANG FOOTPRINT
	PROPOSED ROOF OVERHANG FOOTPRINT



1. NO DISTURBANCE, GRADING OR REMOVAL OF SIGNIFICANT NATURAL FEATURES AND VEGETATION WILL OCCUR BEYOND THE "LIMIT OF DISTURBANCE" LINE, AS SHOWN ON THIS PLAN.
2. THE "LIMIT OF DISTURBANCE" LINE SHALL BE DELINEATED PRIOR TO CONSTRUCTION WITH FLAG, ROPING, FOUR FOOT (4') TALL ORANGE CONSTRUCTION FENCING, OR OTHER ACCEPTABLE MEANS.
3. NO SITE CLEARING SHALL BE PERMITTED UNTIL THE BUILDING DIVISION HAS VERIFIED THE PRE-EXISTENCE OF ALL NATURAL FEATURES AND VEGETATION TO BE PROTECTED.
4. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED PRIOR TO GROUND DISTURBANCE.
5. ANY DISTURBED AREAS ON THE SITE SHALL BE REVEGETATED WITH AN APPROPRIATE SEED MIX PER THE SINGLE FAMILY FOUR-EX-DEPOSIT AGREEMENT.

2. APPROVED DRAINAGE AND EROSION CONTROL SHALL BE IN PLACE PRIOR TO AND THROUGHOUT SITE PREPARATION AND CONSTRUCTION AND THROUGH SUCCESSFUL REVEGETATION.











Mocha Vaughan

From: Hugh Bell <hbell@wpgov.com>
Sent: Friday, June 16, 2023 3:24 PM
To: Tiffany Beezley; Mocha Vaughan
Cc: Brad Smith; Permits; Tom Hawkinson; Rick Dennison; James Shockey
Subject: RE: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.
Attachments: Lighting_1_20230616.pdf; Lighting_2_20230616.pdf; Lighting_3_20230616.pdf; Lighting_4_20230616.pdf

Hi Mocha,

Attached are the spec sheets you dropped off this afternoon for the four (4) outdoor lighting fixtures and all look good to me, so the only outstanding item is the ILC before I can sign off on the Planning Final Inspection for TCO issuance. I've saved these to our files, only attaching them here for a paper trail.

Thank you!

Hugh Bell
Planner | Community Development Department



From: Hugh Bell <hbell@wpgov.com>
Sent: Thursday, June 15, 2023 1:26 PM
To: Amber Slaybaugh <amber@terrafirmacustomhomes.com>; Irene Kilburn <ikilburn@wpgov.com>
Cc: Brad Smith <brad@terrafirmacustomhomes.com>; Mocha Vaughan <Mocha@terrafirmacustomhomes.com>; Permits <permits@wpgov.com>; Tom Hawkinson <thawkinson@wpgov.com>; Rick Dennison <rdennison@wpgov.com>; James Shockey <jshockey@wpgov.com>
Subject: RE: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.

Hi Amber,

I've been asked to do a Planning Final Inspection for this home and I noticed I completely missed this ILC (attached) in my inbox back from February – my apologies! I just reviewed it and it looks good overall but it's missing two things required on the ILC and ISP Requirements and Foundation Setback and Elevation Certificate Form ([here](#) under "Resources"), so please have the surveyor add:

1. Measurements from two property corners to the foundation for location accuracy
2. Location of water curb stop and sewer clean out(s)

I'm coming by later today for the Planning Final Inspection and after talking with our Building Inspector, Rick (cc'd), he's only planning to issue a TCO for now. A compliant ILC will be necessary for me to sign off fully on my inspection and for us to issue a full CO.

Thank you,



From: Amber Slaybaugh <amber@terrafirmacustomhomes.com>
Sent: Wednesday, February 22, 2023 9:59 AM
To: Irene Kilburn <ikilburn@wpgov.com>
Cc: Hugh Bell <hbell@wpgov.com>; Brad Smith <brad@terrafirmacustomhomes.com>; Mocha Vaughan <Mocha@terrafirmacustomhomes.com>
Subject: RE: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.

Caution! This message was sent from outside your organization.

Hello Irene,

We have received the stamped ILC. Please see the attached documents and let me know if you need anything else!

Have a great day,

Amber Slaybaugh
Office Manager

O: 970-726-1133
C: 970-531-5508
M: P.O. Box 1619
Winter Park, CO 80482
S: 78469 Hwy 40, Unit 2
Winter Park, CO 80482



From: Irene Kilburn <ikilburn@wpgov.com>
Sent: Monday, November 28, 2022 10:35 AM
To: Brad Smith <brad@terrafirmacustomhomes.com>; Amber Slaybaugh <amber@terrafirmacustomhomes.com>
Cc: Hugh Bell <hbell@wpgov.com>
Subject: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.

Good morning,

After reviewing our records, we realized that the stamped ILC letter and its supporting material are missing.

Please see the attached blank form as well as the screenshots below for your reference and email us a stamped ILC letter and the supporting document at your earliest convenience so the Certificate of Occupancy can be issued when the time comes.

Thank you!



Town of Winter Park, Fraser & Granby
Building Department

FOUNDATION SETBACK AND ELEVATION CERTIFI

DATE: 11-19-2019

Town of Winter Park, Fraser & Granby
50 Vasquez Road
Winter Park, Colorado 80482



RE: Foundation Setback and Elevation Certification for:
LOCATION: Lot 15, Alpine Timbers
SUBDIVISION ADDRESS: # [REDACTED]
PERMIT #: [REDACTED]

To Whom It May Concern:

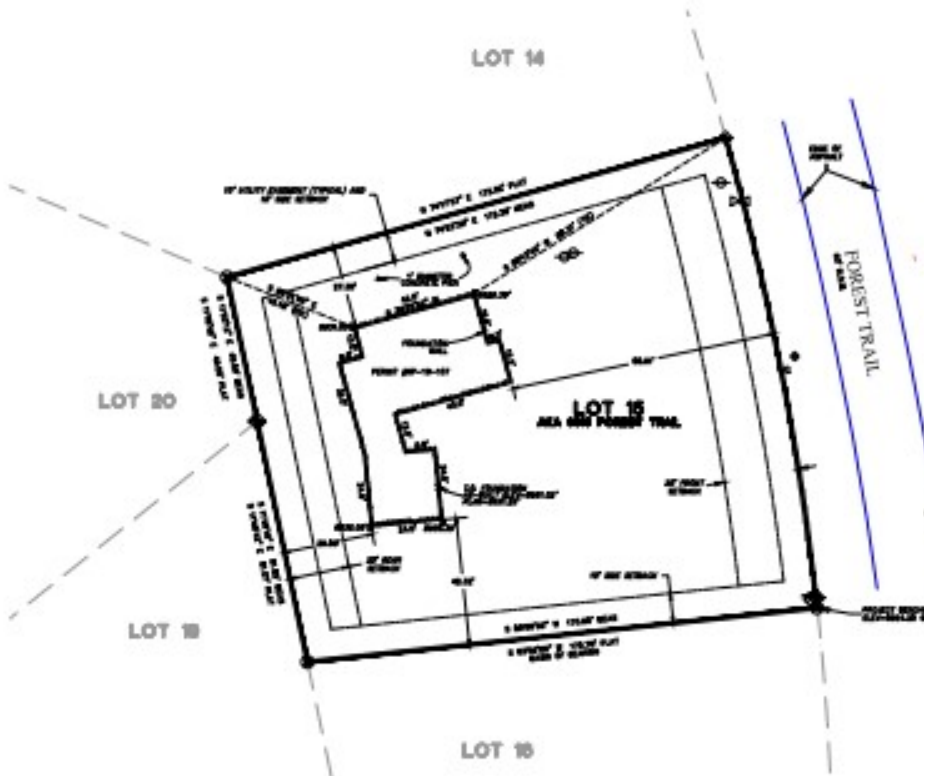
On, 10-30-2019 a field crew from this office measured the foundation setbacks and elevations for the above and found them to be in compliance with the Drainage, Final Grading and Development Plan approved by the Town of Winter Park, Fraser & Granby. This determination was based on the field verified location of the foundation.

Approval of the elevation is required by the Planning Department prior to framing the structure.



IMPROVEMENT LOCATION CERTIFICATE

LOT 15, ALPINE TIMBERS
SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINTER PARK, GRAND COUNTY, COLORADO
#515 FOREST TRAIL



FOR ALL LAND USE APPLICATIONS WE ARE NOW USING THE [UNIFIED DEVELOPMENT CODE](#) INSTEAD OF TITLES 7 (ZONING) AND 8 (SUBDIVISION)!

Irene Kilburn

Planning and Building Technician II | Town of Winter Park

P.O. Box 3327

50 Vasquez Rd. Suite B

Winter Park, CO 80482

970.726.8081 x 203

permits@wpgov.com

www.wpgov.com

WE ARE ON THE 2015 CODES!





From: Irene Kilburn

Sent: Monday, November 28, 2022 10:32 AM

To: Fred Cooke <fred@bonanzahomesllc.com>; Lisa Miller <lisa@bonanzahomesllc.com>

Cc: Hugh Bell <hbell@wpgov.com>

Subject: Building Permit No. BLD20-455: 104 Ramble Lane, Winter Park CO 80482.

Good morning,

After reviewing our records, we realized that the stamped ILC letter and its supporting material are missing.

Please see the attached blank form as well as the screenshots below for your reference and email us a stamped ILC letter and the supporting document at your earliest convenience so the documents in your permit file are complete and in compliance with the Building and Planning Guidelines.

Thank you!



Town of Winter Park, Fraser & Granby
Building Department

FOUNDATION SETBACK AND ELEVATION CERTIFI

DATE: 11-19-2019

Town of Winter Park, Fraser & Granby
50 Vasquez Road
Winter Park, Colorado 80482



RE: Foundation Setback and Elevation Certification for:
LOCATION: Lot 15, Alpine Timbers
SUBDIVISION ADDRESS: # [REDACTED]
PERMIT #: [REDACTED]

To Whom It May Concern:

On, 10-30-2019 a field crew from this office measured the foundation setbacks and elevations for the above and found them to be in compliance with the Drainage, Final Grading and Development Plan approved by the Town of Winter Park, Fraser & Granby. This determination was based on the field verified location of the foundation.

Approval of the elevation is required by the Planning Department prior to framing the structure.



IMPROVEMENT LOCATION CERTIFICATE

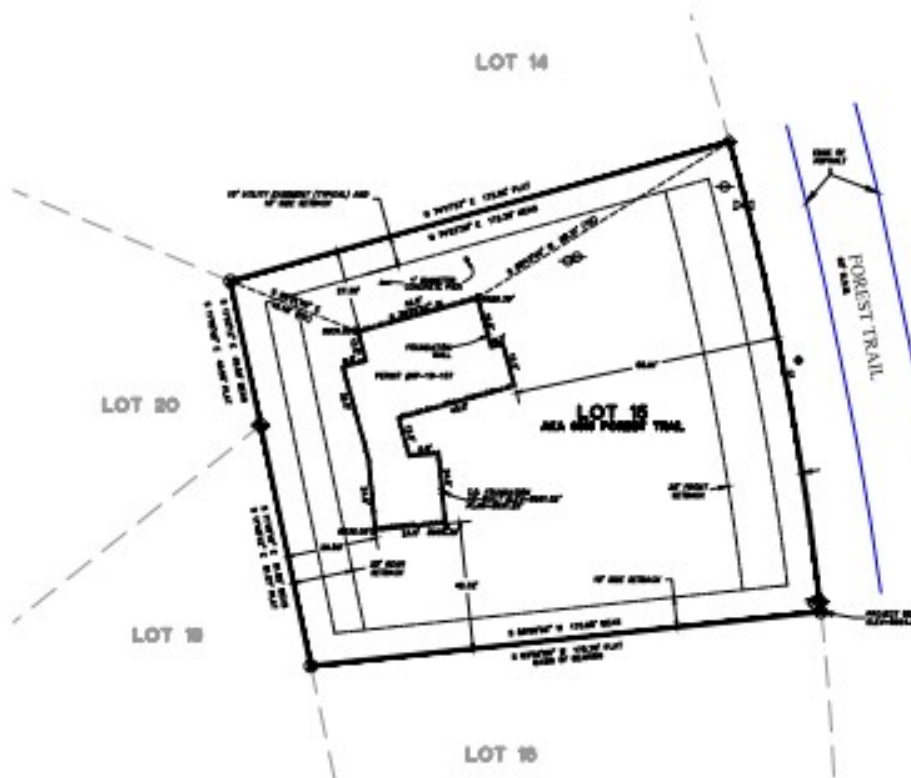
LOT 15, ALPINE TIMBERS

SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINTER PARK, GRAND COUNTY, COLORADO

#515 FOREST TRAIL

OWNER NAME

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Mocha Vaughan

From: Mocha Vaughan
Sent: Friday, June 23, 2023 11:24 AM
To: mtstatesllc@gmail.com
Subject: Fwd: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.
Attachments: image001.jpg; Roam FDP Maps.pdf; Roam FDP Dev. Standards.pdf; BLD21-235 198 Beaver Lodge Road ILC_20230616_stamped_20230616.pdf

Sent from my iPhone

Begin forwarded message:

From: Hugh Bell <hbell@wpgov.com>
Date: June 22, 2023 at 12:56:10 PM MDT
To: Mocha Vaughan <Mocha@terrafirmacustomhomes.com>
Cc: Brad Smith <brad@terrafirmacustomhomes.com>, Bethany Lashley <bethany@terrafirmacustomhomes.com>, Permits <permits@wpgov.com>, Rick Dennison <rdennison@wpgov.com>, Tom Hawkinson <thawkinson@wpgov.com>, James Shockey <jshockey@wpgov.com>, Tiffany Beezley <tiffany@terrafirmacustomhomes.com>
Subject: RE: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.

Hi Mocha,

Yesterday afternoon upon reading Roam's Final Development Plan (FDP) for another project, I realized that I misinterpreted a development standard in there that applies to 198 Beaver Lodge Road. Per the FDP the home is within Planning Area 6 (see pg. 2 of the maps attached). The ILC (attached) had shown the rear patio expanded from what was approved with the Design Review Application (PLN21-084) and the Building Permit Application so that it encroached into the 10' rear setback. I thought that Footnote 5 in the FDP's Development Standards permitted the rear patio to encroach (see Development Standards attached).

However, my interpretation was wrong and it prohibits any patio from encroaching into the rear setback, given that it is a 10' rear setback, so the encroaching portion of the patio must be removed and a revised ILC must be submitted for my review. The other option is to seek a Board of Adjustment variance, but this is a public process requiring a separate application and you would need to be able to prove a hardship, which I don't believe exists. I'm sorry to tell you this after approving the ILC! Please reach out with any questions, I'm glad to help.

Sincerely,

Hugh Bell
Planner | Community Development Department

From: Hugh Bell <hbell@wpgov.com>
Sent: Friday, June 16, 2023 6:02 PM
To: Mocha Vaughan <Mocha@terrafirmacustomhomes.com>

Cc: Brad Smith <brad@terrafirmacustomhomes.com>; Bethany Lashley <bethany@terrafirmacustomhomes.com>; Permits <permits@wpgov.com>; Rick Dennison <rdennison@wpgov.com>; Tom Hawkinson <thawkinson@wpgov.com>; James Shockey <jshockey@wpgov.com>
Subject: Building Permit No. BLD21-235: 198 Beavers Lodge Road, Winter Park CO 80482.

Mocha,

Thank you, the ILC looks perfect and I've approved it (attached, two files). I've conditionally approved the Planning Final Inspection and Planning is ok with TCO issuance. Once the east patio and the grading around it are done, request another Planning Final Inspection in the Accela portal and I'll come by again.

Enjoy your weekend!

Hugh Bell
Planner | Community Development Department

<image001.jpg>

From: Mocha Vaughan <Mocha@terrafirmacustomhomes.com>
Sent: Friday, June 16, 2023 5:11 PM
To: Hugh Bell <hbell@wpgov.com>
Cc: Brad Smith <brad@terrafirmacustomhomes.com>; Bethany Lashley <bethany@terrafirmacustomhomes.com>
Subject: 198 Beavers Lodge updated ILC

Caution! This message was sent from outside your organization.

Hugh,

Here is the ILC with the updated information you requested. Let me know if you need anything else.

Have a great weekend!

Mocha Vaughan

Sent from my iPhone