



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, August 8, 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:** July 25, 2023
- IV. **General Business:**
  - A. Consideration of Resolution 6, Series 2023, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK APPROVING A VARIANCE AND ADOPTING FINDINGS OF FACT RELATED TO APPROVAL OF A VARIANCE TO ALLOW A PATIO TO ENCROACH INTO THE REAR YARD SETBACK FOR 198 BEAVER LODGE ROAD
  - B. PUBLIC HEARING: Sign Area Variance Request – 78911 Highway 40 – Deno’s Mountain Bistro (PLN23-067)

**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

### **Phone Login Instructions**

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

- +1 719 359 4580 US
- +1 253 205 0468 US
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- +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
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You can log into the Zoom meeting through the link above to view what is projected on the screen. You can use either your computer audio or the number above. Everyone will be muted upon entry into the meeting to ensure that we have manageable background noise and limited interruptions.

### **Public Hearing Process**

If you would like to participate in the public hearing, please follow these instructions so we can make sure everyone that wants to speak has the opportunity. When you log into Zoom you will be automatically muted to limit background noise. When the public hearing is opened for public comment, please use the “raise your hand” feature and staff will unmute citizens in the order they were received. To enable “raise your hand” feature, click on the “Participants” button the bottom of the screen.



## MINUTES

**DATE:** Tuesday, July 25, 2023.

**MEETING:** Winter Park Board of Adjustment

**PLACE:** Town Hall Council Chambers and Zoom Meeting Call

**PRESENT:** Chair Dave Barker, Vice Chair Brad Holzwarth, Members Doug Robbins, Roger Kish and Angela Sandstrom are present. Community Development Director James Shockey and Town Planner Hugh Bell are present as well.

**OTHERS**

**PRESENT:** Irene Kilburn, Planning and Building Technician II

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I. **Call to Order.**

Chair Dave Barker called the meeting to order at 9:02 a.m.

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

All Members are present.

III. **Minutes:**

Member Robbins makes a motion to approve the minutes from June 13, 2023. Member Kish seconds. The minutes are approved 5, 0.

IV. **General Business:**

A. **PUBLIC HEARING: Setback Variance Request – 198 Beaver Lodge Road – Lot 6, Block 10, Roam Filing No. 1 Subdivision (PLN23-063)**

Town Planner Hugh Bell begins his presentation by outlining the background and the main points that best describe the scope of this variance request. The complete information has been sent to the BOA Members in the Staff Report for their review. Planner Bell goes over the staff comments.

Staff recommends the BOA approval Setback Variance Request. The reasons behind this are clearly outlined on the Staff Report. Planner Bell includes the details of the patio encroachment and how the ILC was handled back then when it was approved.

The BOA Members and the Staff have a brief conversation about the survey which is projected on the screen. The BOA and the Staff also discuss the original design. This was not included in the Staff Report. The Staff and the BOA have further conversation about the details of how the ILC got approved. Director Shockey mentions an upcoming amendment related to this topic.

The applicant, Mr. David Lutz, comes forward. Mr. Lutz states that this is the first time this situation has arisen for him. Mr. Lutz tells the BOA how the process took place from his point of view. Some pictures are shown on the screen. The BOA asks some questions to Mr. Lutz about this process. There was a question about the cost of removing the slab. Mr. Lutz does not know the cost. Mr. Lutz clarifies that it is not a slab on grade.

Chair Barker opens the public hearing. There are no comments from the public. Chair Barker closes the public hearing.

The BOA Members and the Staff have further discussion about the approval. Planner Bell informs the BOA about his interpretation for approval back then when the ILC was reviewed. The BOA Members and the Staff go over the measurements and the landscaping details.

Then, the BOA Members discuss the four criteria for approval. The BOA Members and the Staff have a brief conversation about the property to the north. Mr. Vaughan comes forward and clarifies some elements related to the adjacent property at 212 Beaver Lodge Road, which also was granted a variance by the BOA. The BOA Members go back to analyze the criteria. The BOA is asking the Town to be more vigilant when it comes to ILC review in the future so these types of situations do not happen again.

Member Robbins moves to approve the request for the reasons discussed today, finding the applicant meets all four criteria required by the UDC. Member Sandstrom seconds. The motion carries and is approved 4,1 with Member Kish voting “nay”.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 9:39 a.m.

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The next scheduled meeting of the Board of Adjustment will be Tuesday, August 8, 2023, after the Planning Commission meeting.

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Irene Kilburn, Planning and Building Technician II

**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
RESOLUTION NO. 6  
SERIES OF 2023**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK APPROVING A VARIANCE AND ADOPTING FINDINGS OF FACT RELATED TO APPROVAL OF A VARIANCE TO ALLOW A PATIO TO ENCROACH INTO THE REAR YARD SETBACK FOR 198 BEAVER LODGE ROAD**

WHEREAS, pursuant to the Unified Development Code (the "UDC") § 5-A-4, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the UDC;

WHEREAS, pursuant to Footnote 5 from the Development Standards in the Roam Final Development Plan, Ordinance 509, Series of 2017 at Reception No. 2018004495 (the "Development Standards"), decks, patios, and covered porches may extend within 10' from the rear property line unless the minimum setback is less;

WHEREAS, the Development Standards state that rear yard setbacks for single-family detached dwelling units in Planning Area 6 shall be at least 10';

WHEREAS, on July 3, 2023, Jeff and Kerry Hutcheson (the "Applicants"), as the owners of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to allow an existing patio to encroach into the rear yard setback by two feet and nine inches (the "Application");

WHEREAS, on July 25, 2023, 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 Applicants, 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 § 5-F-3(F) of the UDC, more particularly:

- a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship that would deprive the Applicants of privileges enjoyed by the owners of other properties in the same zone district because removing the encroaching portion of the patio would involve either destroying jurisdictional wetlands or destroying the northern neighbor's installed landscaping, which would be an unreasonable burden upon the Applicants, especially given the Applicants submitted an Improvement Location Certificate months in advance of requesting Certificate of Occupancy and also waited to pour the patio until the Town approved (but later revoked) the Improvement Location Certificate;

- b. 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 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 environmental impacts will be minimal;
  - c. 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 review of the Improvement Location Certificate was delayed for several months and the Town initially approved the Improvement Location Certificate before revoking it; and
  - d. That the granting of the variance will not alter the essential character of the locality because 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.
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. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
  - b. 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 8<sup>th</sup> day of August, 2023.

BOARD OF ADJUSTMENT

\_\_\_\_\_  
Brad Holzwarth, Vice Chair

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk

**Exhibit A**

Legal Description of Property

Lot 6, Block 10, Roam Filing No. 1 Subdivision, County of Grand, State of Colorado (Reception No. 2019008310)



## MEMO

**WTO** Board of Adjustment  
**FROM** Hugh Bell, Planner  
**THRU** James Shockey, Community Development Director  
**DATE** August 8, 2023  
**RE** PUBLIC HEARING: Sign Area Variance Request – 78911 Highway 40 – Deno's Mountain Bistro (PLN23-067)

**Property Owner:** Swiss House of Fondue, LLC

**Applicant:** Swiss House of Fondue LLC d/b/a Deno's Mountain Bistro

**Location:** 78911 Highway 40 (the "Property")

**Zoning:** D-C (Destination Center) zone district with D-B-O (Downtown Business Overlay)

**Variance Request:**

Request to exceed the maximum sign area permitted for a business, 30 sq. ft., by 8 sq. ft., for a total sign area of 38 sq. ft.

**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 Title 6 of the Town Code of Ordinances governs signs.

**Applicable Provision(s) of the Town Code of Ordinances:**

§ 6-2-7-7: COMMERCIAL SIGNS:

A. Maximum Sign Area: Each business location (see definition of "business") shall be allowed sign area of thirty (30) square feet for all signs combined (i.e., commercial signs, freestanding signs, individual business signs, hanging panels, permanent window signs, illuminated, neon, awning signs, marquee signs).

§ 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 [sic] in the vicinity, and under identical zoning classification and other restrictions.

B. Authority Of Board Of Adjustment: The board of adjustment shall have the authority to grant variances from the strict application of the rules, regulations, and provisions of this chapter as follows:

a. Jurisdiction: Before the board of adjustment shall have jurisdiction to grant a variance, the applicant must show that due to the peculiar shape, size, location or topography of the property, there are unusual conditions involved which would make the literal enforcement of the regulations



- of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter and which would deprive the subject property of privileges enjoyed by other properties in the vicinity in the same zoning district classification and under the same sign ordinance restriction.
- b. Limitations: Any variances which if granted, shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the provisions herein, and with the limitations on other properties in the vicinity in the same zoning district and under the same ordinance restrictions in which the subject property is located.
  - c. Minimum Adjustment: In granting the variance under the provisions of this section, the amount of adjustment granted shall be the minimum necessary to equalize the property rights. Conditions and safeguards shall be prescribed in this chapter therewith as are necessary to protect the purpose and intent of this chapter, the master plan of the town, and the general welfare of the community.
  - d. Public Welfare: The granting of any variance shall not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity. The board of adjustment shall ensure that the granting of a variance will be compatible with the purpose and intent of this chapter, and the master plan of the town, and will not be injurious to the public health, safety and general welfare. (Ord. 440, Series of 2010)

**Criteria to Grant Variance:**

§ 6-2-9(B)(1), *Jurisdiction*: 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.

**§ 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 27, 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 24, 2023. A Property Posting (PO) was posted on July 24, 2023.

As of August 4, no comments have been received.

**Staff Comments:**

Applicant seeks a variance to increase their signage area from 30 sq. ft. to 38 sq. ft., as they seek to replicate Deno's Mountain Bistro's existing nonconforming sign, which is roughly 38 sq. ft. Applicant seeks to replicate this sign using modern materials to ensure the sign's longevity, and should this variance be granted, the sign will appear identical to its existing design. Nonconforming signs are permitted as seen in § 6-2-8, Nonconforming Signs, but may only be maintained with the Planning Commission's approval. As seen in § 6-2-8(B)(1), a nonconforming sign may not be:

- A. Changed to another nonconforming sign;
- B. Structurally altered so as to extend its useful life;
- C. Expanded;
- D. Reestablished after discontinuance for ninety (90) days or more; or
- E. Reestablished after damage or destruction of more than fifty percent (50%) of its present replacement value.

Therefore, staff believes the only type of permitted maintenance is a repainting; should the sign be merely repainted, the existing old and weathered materials would remain, unless the Applicant chooses to replace the sign with a conforming sign, in which case the materials will be modernized.

**Staff Recommendation:**

Staff finds there is a special circumstance justifying a variance, which is that the Deno's sign was constructed prior to the Town's incorporation, and thus, Sign Code. It has become a landmark of sorts given it has existed for over four decades in its current design. The sign was constructed in 1976 when Deno's was established, and the Town was incorporated two years later in 1978. It is one of the last remaining vintage signs in Town; staff appreciates the charm added by this sign. By allowing a replica, the legacy of a longstanding establishment can continue. That said, while the sign has existed for four decades in its current size, staff is unsure granting the variance deprives the Property of privileges enjoyed by surrounding properties.

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 the one (1) criterion required by the Town Code of Ordinances, § 6-2-9 in that:

1. There are unusual conditions involved which would make the literal enforcement of the regulations of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter and which would deprive the subject property of privileges enjoyed by other properties in the vicinity in the same zoning district classification and under the same sign ordinance restriction 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 the one (1) criterion required by the Town Code of Ordinances, § 6-2-9 in that:

1. There are not unusual conditions involved which would make the literal enforcement of the regulations of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter and which would deprive the subject property of privileges enjoyed by other properties in the vicinity in the same zoning district classification and under the same sign ordinance restriction because ***[insert explanation supported by evidence here]***.



# BOARD OF ADJUSTMENT (BOA) VARIANCE APPLICATION FORM

The Planning Division is here to assist you with your Board of Adjustment (BOA) Application (“Application”) pursuant to Appeal, Variance, and Interpretative Decisions (Article 5.F) in the Unified Development Code (UDC). Applications are administratively and legislatively reviewed and approval is required. The Application will be reviewed in accordance with the procedures and requirements outlined in Article 5.F in the UDC.

This publication outlines the BOA Variance Application process and submittal requirements.

**Background:** A variance is a deviation from the set of rules a municipality applies to land use and land development. The body that hears and decides any application for a variance is the BOA.

**Purpose:** The BOA can authorize variances from the UDC to relieve undue hardships that are caused by reason of unusual narrowness, shallowness, or shape of a specific piece of property, or by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties.

All submittal items shall be submitted in PDF format in accordance with the Variance File Naming Conventions to [permits@wpgov.com](mailto:permits@wpgov.com).

## APPROVAL CRITERIA:

To apply for a variance, the Applicant must show that, owing to unusual and extraordinary circumstances, strict enforcement of the provisions of the UDC will result in undue hardship. The variance request shall meet all four (4) 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.

## APPROVAL PROCESS:

1. See Sec. 5-F-3, *Variance*.
2. Prior to filing an application, Applicants shall schedule a pre-application conference, as set out in Sec. 5-B-4, *Pre-Application Conference*.
3. See Sec. 5-B-6, *Application Fees*. An invoice will be sent once the planning file has been created. \$250.00 per application plus fees for public notification.

BOA hearings are scheduled on the second Tuesday of each month at Winter Park Town Hall, 50 Vasquez Road, and online via Zoom, at 8:00 A.M. immediately following the Planning Commission hearing. 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. Hearing dates will be determined at time of application based on the time needed to complete proper notification.

## REQUIRED ITEMS:

1. **Land Use Review Application Form.** Completed and executed.
2. **BOA Variance Application Form.** Completed and executed.
3. **Narrative.** Explaining in detail how application meets the four (4) criteria outlined above.
4. **Electronic site plan of the subject property.** The site plan should include any proposed structure footprints.
5. **Electronic site survey of the subject property bearing the seal of a state-licensed land surveyor.**
6. **Surrounding Property Owner Mailing for Public Notice Affidavit Form.** See Sec. 5-B-8, *Public Notice Requirements*. Shall be submitted to the Community Development Director no later than eight (8) days prior to the required public hearing or final decision confirming such notification has been provided.
7. **Additional information to support variance request.** This may include drawings, photographs, letters of support, or other information which may be of benefit.
8. **Additional information as required by the Town to clarify the variance request.**
9. **File Naming Conventions.** All BOA Variance Applications shall be submitted pursuant to the Variance File Naming Conventions.

Date: 07 / 17 / 2023

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

Nick Kutrumbos

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Street address of property: 78911 US HWY 40 Winter Park, CO 80482

Legal description of property: HIDEAWAY PARK Lot: 4 Block: 1 PART OF LOT 4

Brief description of the variance requested:

To replace existing "Deno's Mountain Bistro" sign with a replica composit sign

The original sign is roughly 38 sqft. We'd like to relicate the sign to its original size.

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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: Nick Kutrumbos

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Nick Kutrumbos  
78911 US Hwy 40  
Winter Park, CO 80482  
7/17/2023

Community Development Director, James Shockey  
50 Vasquez Rd.  
Winter Park, CO 80482

Subject: Request for Variance for Sign Replication at Deno's Mountain Bistro

Dear Planning Commission,

I am writing to formally request a variance from the regulations outlined in 6-2-9 of the town code pertaining to signage. The purpose of this variance is to allow us to replicate our 50-year-old sign which needs repair, with a new composite sign. The size and shape of the Deno's sign holds significant historical value and importance to our community. The sign is roughly 38 sqft and is out of conformance. We'd like to replicate the sign to its original size.

In accordance with the requirements set forth, I would like to address the four hardships outlined for the commission's consideration:

1. Jurisdiction: We firmly assert that due to the historical significance of our property and business, there exists unusual conditions that would result in practical difficulties if the regulations were to be literally enforced. The historical sign in question has been an integral part of our community for five decades and replicating it with a new composite sign would ensure the preservation of its iconic relevance. Denying the variance could alter our long-standing reputation in Winter Park. A change in the sign's size or shape may negatively impact the business's identity and reputation in the community and beyond. Furthermore, a change in the signs size or shape will negatively impact the business financially by confusing our customer base and established brand identity.
2. Limitations: We understand that any variances granted should be subject to reasonable conditions to ensure that the adjustment does not constitute a negative impact on the surrounding area. We are committed to working closely with the commission to identify and implement such conditions, if necessary. Our intention is to maintain the character of the sign while utilizing modern materials to ensure its longevity and structural integrity. By replicating the sign with a new composite material, we can honor its historical value while adhering to appropriate safety standards.
3. Adverse Effects: Replicating our historical sign as is with a new composite material would not result in any adverse effects on the surrounding properties or the community at large. On the contrary, it would contribute to the preservation of our community's heritage and serve as a

point of interest for locals and visitors alike. The sign holds sentimental value to our residents and acts as a landmark that reflects our community's identity.

4. Public Interest: Granting a variance for the replication of our historical sign would be in the best interest of the public. Preserving the historical character and cultural significance of our community contributes to its unique identity and fosters a sense of pride among our residents. By allowing us to replicate the sign, the commission would demonstrate its commitment to preserving local history and promoting community cohesion.

In conclusion, we respectfully request the Board of Adjustments to grant us a variance to replicate our 50-year-old sign with a new composite sign. The historical value of the sign, coupled with the unique history of our property, justifies the need for this variance. We are ready and willing to collaborate with the commission to establish reasonable conditions if any to ensure both the preservation of our community's heritage and compliance with applicable regulations.

Thank you for considering our request. We look forward to your favorable response and the opportunity to further discuss this matter with the commission.

Sincerely,

Nick Kutrumbos



Deno's  
MOUNTAIN BISTRO  
EST 1976

The sign is a dark, ornate, scroll-shaped plaque with a white border and red inner lining. It is suspended from a wooden beam by a chain. The building behind it is made of brick and wood, with a red awning on the left and a wooden balcony railing in the foreground.



OPEN

A small, rectangular sign with the word "OPEN" in a stylized font, mounted above the entrance door.



OPEN

A small, rectangular sign with the word "OPEN" in a stylized font, mounted above the entrance door.



OPEN

A small, rectangular sign with the word "OPEN" in a stylized font, mounted above the entrance door.





*Deno's*  
MOUNTAIN BISTRO  
EST. 1979

SITE PLAN  
**BOOK 210, PAGE 254**  
 BEING A PART OF SECTION 33, TOWNSHIP 1 SOUTH,  
 RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 COUNTY OF GRAND, STATE OF COLORADO

**NOTES:**

- 1.) Bearings shown on the accompanying plat are based on the assumption that the North Line of Book 194, Page 329 Reception Number 126295, bears N80°46'58"E, as monumented and shown hereon, (GRID NORTH).
- 3.) All property line information shown hereon was obtained from the recorded Book 210 at page 254. At the request of the owner **NO** additional research was performed by Mountain States Surveying, Inc.
- 4.) This Site Plan is **NOT** A "LAND SURVEY PLAT" or "IMPROVEMENT SURVEY PLAT." Its is for the proposed site improvements of this lot. A title commitment and a boundary survey is always recommended to determine the recorded position of easements, setbacks, rights-of-ways and boundary lines.
- 5.) Certification not valid without the original seal and signature. This survey and all related documents are for the sole use of the client at the date of certification.
- 6.) Fieldwork was completed April 2, 2012 by David R. Lutz, PLS. All measurements were obtained using a Leica 1205 Robotic Total Station.

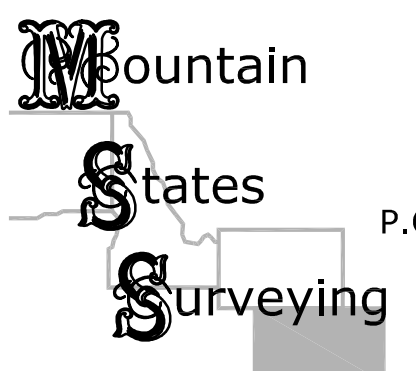
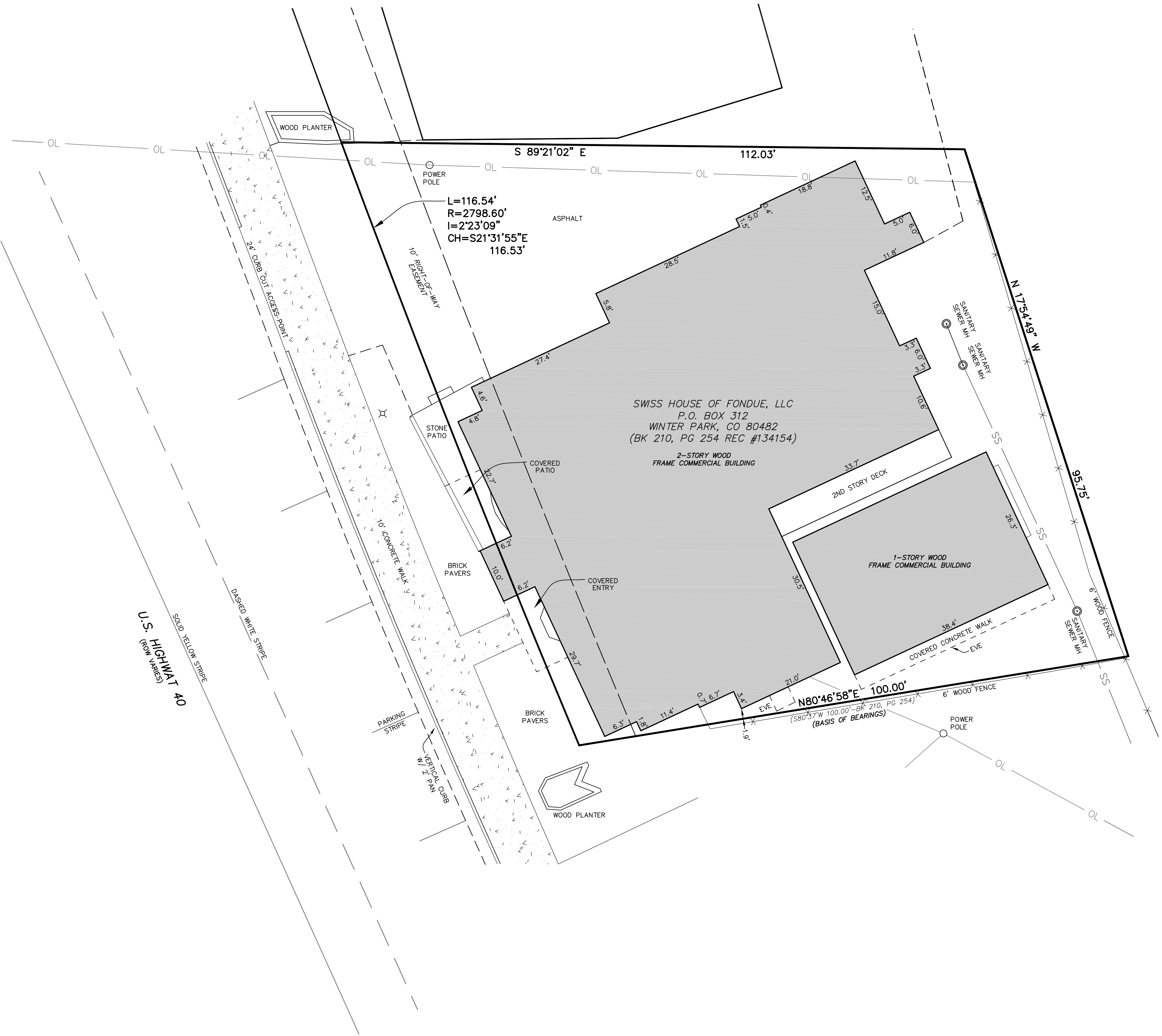
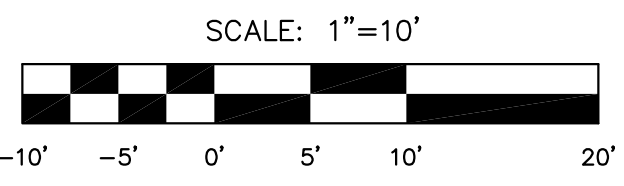
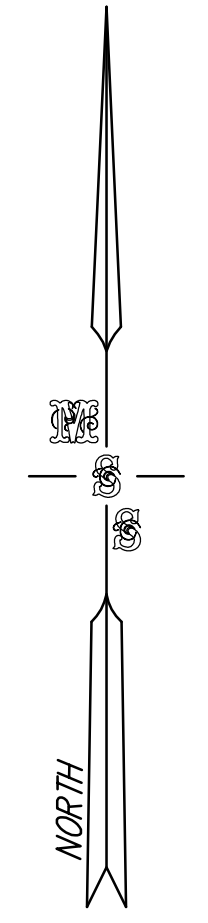
**NOTICE:**

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, David R. Lutz, a duly licensed land surveyor in the State of Colorado, do hereby certify that this Site Plan, reflects the results of a survey made by me or under my direct supervision, and is true and correct to the best of my knowledge and belief.

DAVID R. LUTZ  
 COLORADO P.L.S. #35586  
 MOUNTAIN STATES SURVEYING, INC.



P.O. Box 1583 Winter Park, CO 80482  
 Phone: (970) 726-9585

JOB NO. 12-006	SHEET 1 OF 1
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