



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, September 12, 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:** August 8, 2023
- IV. **General Business:**
  - A. Consideration of Resolution 7, Series 2023, A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF WINTER PARK APPROVING A VARIANCE TO EXCEED THE MAXIMUM SIGN AREA PERMITTED FOR A BUSINESS FOR 78911 HIGHWAY 40 AND ADOPTING FINDINGS OF FACT THERETO

**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
- +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)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Webinar ID: 817 2574 4995

Passcode: 113389

International numbers available: <https://us02web.zoom.us/j/kdr9la1HH0>

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

### **Public Hearing Process**

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



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, August 8, 2023 8:00 AM**

**MINUTES**

**DATE:** Tuesday, August 8, 2023.

**MEETING:** Winter Park Board of Adjustment

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

**PRESENT:** Vice Chair Brad Holzwarth, Members Doug Robbins and Roger Kish, and Alternate Member Chris Tagseth and Thomas McDonald are present. Community Development Director James Shockey, Town Planner Hugh Bell, and Assistant Town Attorney Austin Flanagan (on Zoom) are present as well.

**OTHERS  
PRESENT:** None

---

**I. Call to Order**

Vice Chair Holzwarth called the meeting to order at 10:10 a.m.

**II. Roll Call of BOA Members**

Chair Dave Barker and Member Angela Sandstrom are absent today.

**III. Minutes**

Member Kish moves and Member Robbins seconds the motion approving the minutes from July 25, 2023. Motion carries 5, 0.

**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

Town Planner Hugh Bell presents this resolution. Member Robbins moves and Alternate Member Tagseth seconds the motion approving Resolution 6 for 198 Beaver Lodge Road. Motion carries 5,0.

- B. PUBLIC HEARING: Sign Area Variance Request – 78911 Highway 40 – Deno’s Mountain Bistro (PLN23-067)

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.

Staff does not have a recommendation for the BOA.

The BOA members and staff discuss the existing sign and the possibilities of the new sign's appearance.

The applicant, Mr. Nick Kutrumbos, comes forward. Mr. Brian Kightlinger, manager of Deno's Mountain Bistro, also comes forward. Both men answer several questions from the BOA.

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

The BOA members and staff discuss the limitations of what the BOA can dictate in approving the variance. Attorney Flanagan answers their questions.

Member Kish moves and Alternate Member Tagseth seconds the motion approving the Variance Request for 78911 Highway 40, finding the applicant meets all four criteria required by the UDC, which are that a hardship exists given this is a historic sign that should be maintained to retain the restaurant's identity; that public health, safety, and welfare safety will be improved given the sign will be made of new modern materials; that unusual circumstances exist in that this sign is one of the Town's few remaining vintage signs; and that the locality's character will be maintained by replicating the sign. Motion carries 5,0.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 11:08 a.m.

---

The next scheduled meeting of the Board of Adjustment will be Tuesday, September 12, 2023, after the Planning Commission meeting.

---

Hugh Bell, Planner

**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
RESOLUTION NO. 7  
SERIES OF 2023**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF  
WINTER PARK APPROVING A VARIANCE TO EXCEED THE MAXIMUM  
SIGN AREA PERMITTED FOR A BUSINESS FOR 78911 HIGHWAY 40 AND  
ADOPTING FINDINGS OF FACT THERETO**

WHEREAS, pursuant to the Town Code of Ordinances (the "Code") § 6-2-9, the Board of Adjustment is authorized to grant variances from the requirements of Title 6 of the Code;

WHEREAS, § 6-2-7-7 of the Code states that each business location is limited to thirty (30) square feet for all signs combined;

WHEREAS, on July 17, 2023, Nick Kutrumbos (the "Applicant"), as the owner of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to allow for the maximum sign area permitted for a business, 30 sq. ft., to be increased by 8 sq. ft., for a total sign area of 38 sq. ft. (the "Application");

WHEREAS, on August 8, 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 Applicant, and public comment, the Board of Adjustment partially approved the Application, as further described in the Decision section below, and hereby adopts the following findings of fact in relation to the decision.

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 § 6-2-9(B)(1) of the Code, more particularly:
  - a. The Applicant has demonstrated that special circumstances exist at the Property, including that this sign is one of the Town's few remaining vintage signs and that it should be maintained to retain the restaurant's identity, and that by replicating the sign, the locality's character will be maintained. These special circumstances cause the strict application of this chapter to deprive the Property privileges enjoyed by other properties in the vicinity, under identical zoning classification, and under other restrictions.
2. Decision. Based on the foregoing findings, the Board of Adjustment hereby approves the variance for the sign area to increase from 30 sq. ft. to 38 sq. ft., subject to the following conditions:
  - a. The new sign shall be the same shape as the existing sign.

- b. A building permit for construction of the structure described in the Application shall be issued on or before September 12, 2024. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action by the Town.
- c. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
- d. 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 12<sup>th</sup> day of September, 2023.

BOARD OF ADJUSTMENT

---

David Barker, Chair

ATTEST:

---

Danielle Jardee, Town Clerk

**Exhibit A**

Legal Description of Property

Tract B of Lot 4 in Block 1 in Hideaway Park, Section 33, Township 1 South, Range 75 West of the 6th P.M., more particularly described as follows: Beginning at the Northwest corner of Lot 4 and the Easterly right of way line of U.S. Highway 40; thence S-89°20'-E, a distance of 112.00 feet; thence S-18°11'-E distance of 96.11 feet; thence S-80°37'-W, a distance of 100.00 feet to the Easterly right-of-way line of U.S. Highway 40; thence N-21 °45'-W, a distance of 116.94 feet to the point of beginning.